

Table of representations on Planning Obligations Supplementary Planning Document (SPD)

Section/ paragraph/ Page/ heading	Objector/ comment Ref. no	Summary of representation	Officer response	Officer recommendation
Introduction				
Paragraph 2 bullet 4	2/1 Oxfordshire County Council	Comment: Clarify why the setting of standard legal agreements leads to awareness of infrastructure proposals. Should these be two separate points?	Rephrase the bullet point to clarify that producing standard agreements increases the awareness of standard clauses developers will be asked to sign up to. All of the SPD clarifies infrastructure proposals and is covered by paragraph 3.	Amend paragraph 2 bullet 4 to read: <ul style="list-style-type: none"> set out standard legal agreements so all interested parties are aware from the outset of the likely form of deed and clauses.
Paragraph 2	7/1 University of Oxford	Comment: An additional purpose of the SPD should be to provide developers with a description of how the City Council will report to developers on the progress of projects towards which a contribution has been secured. Add a new section to incorporate this.	Information on how schemes funded by developer contributions are implemented and monitored is set out in the Negotiating and Implementing Planning Obligations Code of Practice.	No change to the SPD.
National Policy Framework				
Paragraphs 10-11	16/1 Gosford and Water Eaton Parish Council	Comment: Concerned that the planning system could be manipulated through planning obligations securing financial contributions, particularly where a planning authority may be a landowner or have an interest either directly or indirectly, contrary to the Local Government Code of Conduct & Standards.	Planning applications are determined on their merits taking account of the Local Plan and all material considerations irrespective of land ownership. Any obligations required to mitigate the impact of development and that meet the tests of Circular 5/2005 are applied uniformly. The City Council Constitution sets out a Code of Practice for councillors and officers on planning applications.	No change to the SPD.
Paragraph 12	16/2 Gosford	Comment:	The City Council submitted its	No change to the SPD.

	and Water Eaton Parish Council	The proposed planning-gain supplement could be seen as another stealth tax and a contradiction to paragraphs 10 and 11. In Oxfordshire, it would probably mean subsidising other areas of the South East Region.	concerns on the proposals to introduce a planning-gain supplement in February 2006. The Government issued a further consultation document in December 2006 on specific aspects of the proposals and the City Council submitted further comments in February 2007.	
Paragraphs 6-17	14/9 Government Office for the South East	Comment: City Council needs to be confident of compliance with national and other guidance and regulations and are sound in all other respects.	How national and other guidance and regulations apply are set out in paragraphs 6-17.	No change to the SPD
Local Policy				
Paragraph 17	2/2 Oxfordshire County Council	Comment: Clarify that the County Council would be responsible for advising on appropriate infrastructure requirements.	Change text to clarify this issue although the County Council Background Papers should enable developers to determine likely infrastructure needs.	Amend paragraph 17, second sentence to read: If infrastructure requirements relate to County Council functions, the County Council will be responsible for advising on the appropriate requirements and the County Council will be party to the negotiations and obligations.
Table 1	2/48 Oxfordshire County Council	Comment: Should not major (say 200 dwellings and above) not also have Travel Plans as part of their Transport Assessments and therefore in an obligation.	The Local Plan states Travel Plans must be submitted for proposals that are likely to have significant transport implications, including those for all major development comprising employment, retail, leisure and other developments that will generate significant amounts of travel. Therefore this could apply to large residential schemes.	Amend Table 1 to add Travel Plan monitoring to residential development column against TR.2
Pooled Contributions				
Paragraph 21	1/5 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes,	Objection: Add 'to meet that need' at end of first sentence – otherwise money could be spent on totally unrelated projects.	Pooled contributions would only be used for projects related to the development. Agree to add additional wording for further clarification.	Amend paragraph 21 to read: Where the combined impact of several developments creates the need for infrastructure, the City and County Councils may pool contributions to meet that need. Infrastructure requirements may be identified and costed based on the cumulative impact of developments. The cost of the infrastructure

	Thomas Homes			will then be split in proportion to the needs arising from the proposed developments to ensure that infrastructure is provided in a fair, equitable and timely way. The infrastructure would then be progressed after funding to start an appropriate scheme had been secured.
Paragraph 21	2/3 Oxfordshire County Council	Comment: Re-word final sentence to say that the infrastructure would be progressed once/after the necessary funds to carry out the appropriate scheme/works were held. The County Council would also seek to use pooled contributions to deliver the infrastructure in an efficient and effective manner.	Change the first sentence to refer to both the City and County Councils and change text of last sentence to reflect comment about final sentence.	See Change to paragraph 21 above.
Paragraph 21	8/2 Linden Homes (Chiltern) Ltd	Comment: Pooled contributions must be directly related to the proposed development and relevant to planning.	All contributions sought should meet the tests of Circular 5/2005 as set out in paragraph 10 of the SPD including pooled contributions.	No change to the SPD.
Paragraph 21	4/1 Arlington Business Park	Support wording.		
Paragraph 21	15/2 Network Rail	Support: Support the pooling of contributions to fund improvements/mitigation to transport infrastructure.		
Planning Obligations Process				
Paragraph 25	2/5 Oxfordshire County Council	Comment: Major applications with an Environmental Statement may have a 16 week determination, should this be referred to in this paragraph?	Whilst it is correct that major applications involving an Environmental Statement have a 16 week determination, 13 weeks are allowed to meet the Governments performance targets. Amend text to clarify that meaning 13 weeks in the context of the performance targets.	Amend the 3 rd sentence of paragraph 25 to read: The City Council expect that major applications involving a planning obligation will be decided within 13 weeks of submission to meet the targets set by the Government.
Paragraph 25	1/6 Berkeley	Objection:	The paragraph states that applicants	No change to the SPD.

	Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Until application has been registered, subject to consultation and technical assessment, precise infrastructure and/or mitigation cannot be identified. It is inappropriate to require agreement on heads of terms prior to this. Please confirm applications will be registered in the absence of them.	are encouraged to discuss and agree draft heads of terms at pre-application stage wherever possible in order to speed up the application process. Further discussion may be needed on the heads of terms as the application is processed. The planning application form states that the City Council may not register an application without heads of terms – that decision would depend on the circumstances of the case.	
Priority for Infrastructure				
Paragraph 27	5/1 Home Builders Federation	Objection: It is not the place of the planning authority to dictate the profitability of development to the house building industry. Concerned that if a scheme were to make a higher profit, this would be used as a means of negotiation to disprove their claim that the planning obligations imposed are excessive. The wording should be deleted.	This sentence was included to give guidance on viability but on reflection agree to delete it, as profitability on developments will vary.	Delete the last sentence of paragraph 27:
Paragraph 28	15/4 Network Rail	Objection: Developing sites for housing may involve exceptional costs such as decontamination or access constraints and this may reduce the level of affordable housing to remain viable.	The SPD acknowledges that exceptional costs may affect viability in paragraph 28.	No change to the SPD.
Paragraph 27	14/4 Government Office for the South East	Comment: In the event that an applicant demonstrates that viability could be adversely affected if whole costs are applied, how will the City Council	Agree to add an additional paragraph indicating priority for infrastructure.	Add an additional paragraph: 28A. In cases where the nature and size of planning obligations sought may adversely affect the economic viability of a development, a balance will be made between the needs for affordable housing and the other infrastructure

		determine how some or all sums might be subject to a sliding scale.		measures needed to mitigate the impact of development, depending on the circumstances of the case.
Paragraphs 27-28	4/10 Arlington Business Park	Comment: SPD should include a general acknowledgement that all contributions will be considered on the merits of individual cases having regard to local viability factors as supported by Circular 05/2005.	See comment above	See change above.
Paragraph 27	15/3 Network Rail	Comment: Contributing to other infrastructure services will reduce resources available for affordable housing.	The City Council will seek affordable housing provision in accordance with the Affordable Housing SPD. Other contributions will be sought as appropriate in accordance with the SPD and any issues of viability will be dealt with as set out in paragraphs 27-28. See additional paragraph added for further clarity on priority for infrastructure.	See change above.
Paragraphs 27-28	1/7 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingierlee Ltd, Rectory Homes, Thomas Homes	Objection: Most house builders are not prepared to put viability statements into the public domain. Instead they would choose not to make applications in Oxford, thus reducing the housing supply. Delete these paragraphs.	Viability Study undertaken by the Valuation Office demonstrates that the proposed obligations can be applied to the majority of sites and the schemes should remain viable (with adjustments to the contributions sought). Making the level of contributions transparent and predictable in the SPD should help to manage the expectations of landowners.	No change to the SPD.
Paragraphs 27-28	1/1 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingierlee Ltd, Rectory Homes,	Objection: Affordable Housing SPD will have a major negative impact on viability and deliverability of housing. Considerable reluctance amongst the major house builders to invest in Oxford. Additional financial	See viability comments above.	No change to the SPD.

	Thomas Homes	burdens imposed by this SPD will make situation worse.		
Paragraphs 27-28	14/3 Government Office for the South East	Comment: Has research been conducted into the practical application in terms of whole costs sought from a range of sites, in order to have confidence that the implementation will result in sustainable, viable, deliverable development, and will not unduly fetter the delivery of development needed by local communities or required by higher level plans.	See viability comments above.	No change to the SPD.
Paragraph 27-28	8/11 Linden Homes (Chiltern) Ltd	Objection: Concerned that likely to result in many sites not coming forward for development as not viable, particularly brownfield residential development. Ultimately result in less housing including affordable housing on brownfield land leading to pressure on greenfield alternatives.	See viability comments above.	No change to the SPD.
Paragraphs 27-28	4/9 Arlington Business Park	Objection: The extensive schedule of requirements is bound to have a detrimental impact on the viability of development and a strong disincentive against landowners in bringing land forward for development. Would strongly advise the City Council to undertake an economic impact assessment.	See viability comments above.	No change to the SPD.
Paragraph 27-28	15/5 Network	Objection:	See viability comments above. Local	No change to the SPD.

	Rail	If landowners are not confident they can achieve a certain value for a site, they may not develop at all in the hope that conditions change or develop a non-residential scheme instead thus reducing the potential to provide much needed housing.	Plan policies will be applied to the development of alternative non-residential schemes and they would be determined on their merits.	
Paragraph 27	15/7 Network Rail	Comment: Flexibility on the tenure of affordable housing can overcome potential viability issues to delivery.	This issue is addressed on the Affordable Housing SPD.	No change to the SPD.
Maintenance Contributions				
Paragraph 29	1/8 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Requirement to pay maintenance contribution contrary to Circular 05/2005. Maintenance contribution should only apply to private open space/services solely for the benefit of its residents. Otherwise if providing a public service, maintenance costs should be met from public finance.	Maintenance contributions will only apply to new facilities that are directly related to the development but are available for public use. The Circular provides for pump priming maintenance payments and the time period of 10 years reflects the time lag between the provision of the new facility and additional establishment costs and its inclusion in the public sector funding stream. Revise the text to clarify this	Amend paragraph 29, second sentence to read: The maintenance contribution to cover the physical upkeep of the facility will usually be equivalent to 10 years' maintenance cost and reflects the time lag between the provision of the new facility and additional establishment costs (such as replacing dead shrubs and trees) and its inclusion in the public sector funding stream.
Legal Agreements				
Paragraph 30	2/6 Oxfordshire County Council	Comment: The standard unilateral undertakings and agreement/clauses are there for helping advise the applicant/developer about likely form of deed – not necessarily the form of the final deed.	The first page of the standard agreement states it is in indicative model form for routine obligations and is not intended to be definitive. Agree to repeat this wording on the first page of the standard unilateral undertaking.	Add to Appendix 4 - title page of the standard unilateral undertaking the following: This 'skeleton' agreement is in indicative model form for routine planning obligations. It is not intended to be definitive. Variations may be necessary to address site specific issues or to take account of further developments in law or practice.
Paragraph 31	2/7 Oxfordshire County Council	Comment: Amend wording to reflect that developers will be encouraged to use the	Agree that developers can offer other unilateral undertakings but only those that follow the model shown in the SPD and that meet certain criteria will	Amend paragraph 31 to read as follows: Developers will be encouraged to use unilateral undertakings in the standard form in Appendix 4 when the contributions required

		<p>standard unilateral undertaking in the form shown in the SPD. Any other unilateral undertaking offered by a developer would need to be assessed by the appropriate legal teams and would not benefit from the streamlined process of the standard unilateral undertakings. Non-standard unilateral undertakings may need to also provide evidence of title and confirmation of other legal elements.</p>	<p>benefit from the streamlined process. Amend wording to reflect that developers can offer other unilateral undertakings.</p>	<p>towards infrastructure for solely City Council or solely County Council functions are currently under £10k. Such payments are made in full on completion of the unilateral undertaking. They do not require the local authority to establish title to land and should require less time to complete. Any other unilateral undertaking offered by an applicant would need to be assessed by the appropriate legal teams and may not benefit from the streamlined process of the standard unilateral undertaking. Non-standard unilateral undertakings may need to also provide evidence of title and confirmation of other legal elements. Unilateral undertakings may also be offered under the planning appeal process.</p>
Paragraph 31	<p>1/9 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes</p>	<p>Objection: The applicant may use unilateral undertakings whenever they choose. It is not for the Council to decide when they should apply, the sums involved or timing of payment. Payment should not be made on completion of the undertaking. Circular advice states a developer is under no obligation to comply with the obligation until he implements the permission. Department of Communities and Local Government Practice Guide makes no reference to payment on completion or a maximum sum.</p>	<p>The paragraph refers to the preferred procedure for the use of standard unilateral undertakings but the above change reflects that developers may offer non-standard unilateral undertakings.</p>	<p>See change to paragraph 31 above.</p>
Paragraph 33	<p>2/8 Oxfordshire County Council</p>	<p>Comment: Need to show examples of the indices eg where from etc</p>	<p>Further details of the indices are set out in the standard clauses – include a cross reference to the standard agreement.</p>	<p>Add the following to the end of paragraph 33: (See Appendix 4, clauses 2.6.1-2.6.3 and clause 6).</p>

Paragraph 34	1/10 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: If an outline permission states a specific number of dwellings, it can't be increased at reserved matters stage. If the scenario is an outline consent that does not specify the number of dwellings, this should be made clearer – although this is increasingly rare. Re-draft paragraph	The example is to address the scenario where outline permission is granted and an accompanying indicative layout is for a set number of units and this is used for calculating the level of contributions. Amend wording to clarify this. The number of units could still be a matter for subsequent approval following the grant of outline consent.	Amend paragraph 34 2 nd sentence to read: For example, where outline permission is granted (and the indicative layout on which the contributions are based is for 20 units of housing), if the reserved matters application increases this to 25 units, the obligation will include formulae requiring a proportionate increase in the contributions payable.
Paragraph 35	1/11 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: As drafted, this could require payment for case officer's time in negotiating the agreement which should be part of their normal function. Delete paragraph as contrary to all tests in Circular.	Circular 05/2005 allows for charges for preparing and completing legal agreements. Revise wording to reflect Circular.	Amend paragraph 35 to reflect wording of Circular – see below.
Paragraph 35	2/9 Oxfordshire County Council	Comment: Rates could be misleading if legal work outsourced so remove reference to hourly rates. Developers will be aware of their own solicitor's rates. Second sentence should be adjusted to specify that applicants will be asked to provide security for payment of legal costs as a precursor to persons undertaking significant work on the agreement.	Agree that hourly rates charged may vary and it may be misleading to quote the current hourly rates. Agree to amend sentence to clarify that applicants will be asked to agree a solicitors undertaking on costs or to provide part payment of legal fees in advance.	Amend paragraph 35 to read: Applicants must meet the costs of preparing and producing the obligation and this will be charged at an hourly rate, Applicants will be asked to agree a solicitor's undertaking on costs or to provide part payment of legal fees in advance when submitting the legal questionnaire.
Paragraph 36	2/10 Oxfordshire County Council	Comment: Line 12 substitute 'may' for 'will'.	Phased payments will incur additional admin costs in extra site visits to check on phased stages of development and additional letters requesting payments so additional	No change to the SPD.

			charges will apply.	
Paragraph 36 Table 2	2/11 Oxfordshire County Council	Comment: County will not charge a fee for on-site measures.	Amend wording to clarify fee will apply to City Council functions.	Amend Table 2 10 th line to read: City Council on-site measures or off-site measures within the applicant's control per clause
Paragraph 36 Table 2	2/12 Oxfordshire County Council	Comment: The £75 (City monitor County) sum should not be charged at the expense of the administration fee payable to the County.	This fee is to cover the administrative cost of discharging the County obligation clauses on the register of planning applications (as required by the Town and Country Planning (General Development) (Amendment) Order 2002 and the Register of Local Land Charges (see standard clause 7 in model agreement). These are administrative tasks specifically generated by the obligation and it is appropriate to apply the cost to the development. Amend Table 2 and paragraph 37 to clarify this.	Amend paragraph 36, Table 2 last column to read: City Council discharging of County Council clauses – per clause Amend paragraph 37, last sentence to read: For example, for an obligation involving on-site affordable housing, a £55k transport contribution and a £15k contribution towards a play area, the implementation contribution payable to the County Council would be £1,500 (for the transport contribution) and £1,025 to the City Council (£700 for on-site measures plus £250 for play area plus £75 for discharging of County clause.
Paragraph 36-37	3/2 Oxford Brookes University	Objection: Applicant should not have to pay for time spent by City and County monitoring each other. Contrary to Circular.	See comments above	See comments above
Paragraph 36	1/12 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: There is no need for a developer to pay towards monitoring. There should be no payments to the two local authorities monitoring each other.	See Comments above. The obligations are required only as the result of planning applications. It is considered reasonable to recover part of the costs of monitoring the planning obligations from the development triggering the need for that work. The Audit Commission's "Route Map to improved planning obligations - Improving Performance on Section 106 agreements" identifies the need to manage the risks of not delivering the infrastructure required to mitigate the impact of development. The advice proposes developing monitoring systems for planning obligations. The	See above change to the SPD.

			contribution will be used to ensure the effective monitoring of agreements as set out in detail in the Background Paper. This is in the best interest of developers to ensure transparency on the part of the Council.	
Paragraph 36	3/1 Oxford Brookes University	Objection: Monitoring of obligations is a function of Local Government so no need for the applicant to pay towards monitoring. The charge being related to the value of the contribution is a tax on development.	See comments above.	No change to the SPD.
2.1 Affordable Housing				
Paragraphs 42-47	4/2 Arlington Business Park	Objection: Payment of contribution for affordable housing from commercial development is onerous and likely to reduce the supply of business accommodation. The assumed % of employees requiring affordable housing is extremely arbitrary and the range of 1-5% introduces uncertainty in undertaking development appraisals. It is unrealistic to reflect this calculation in outline applications for speculative business development. The wording of paragraph 46 is not consistent with Policy HS.7 of the adopted Plan.	The current wording of paragraph 46 is consistent with Policy HS.7 of the Local Plan but revise wording for further clarification. This issue is dealt with in the Affordable Housing SPD (paragraph 56).	Amend paragraph 46 to read: Where a need for affordable housing is directly related to a commercial development, the City Council will seek a financial or other contribution appropriate to the scale and kind of development. This will not be applied to retail developments or to non-profit making public sector projects such as those in the education and health sectors.
Paragraphs 42-47	9/1 McCarthy and Stone	Objection: Only one standard formulae to be adopted by all residential developers, no matter what type of development. The	This issue is dealt with in the Affordable Housing SPD (paragraph 38).	No change to the SPD.

		sustainable benefits of sheltered housing should be taken into account in calculating the obligation.		
Paragraph 42-47	15/6 Network Rail	Objection: The level of social housing grant or similar subsidies needs to be taken into account in the amount of affordable housing required.	This issue is dealt with in the Affordable Housing SPD (paragraphs 81-83). The Viability Study undertaken has assumed no social housing grant will be available.	No change to the SPD.
2.2 Community Facilities				
Paragraphs 48-52	1/13 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Considers the provision of average facilities to be acceptable. If facilities are sub-standard, City Council should improve them from its funds. No link is made between 'need and new development'. The Council is seeking to address an existing deficiency contrary to Circular advice.	If existing facilities are independently judged to be average or below that standard, additional population generated by new development are likely to place additional demands resulting in inadequate provision to serve the new development. The contributions sought are not sought to address existing shortfalls. Suggest revised wording to paragraph 50 to emphasise the link between increase in population from new development and securing adequate community centre provision.	Paragraphs 50 amended to read: 50. Dedicated community centre provision is not available in seven wards. Of the existing City Council facilities, the quality of 13 out of the 24 were assessed as being average or below. Of the 28 private sector facilities, 16 were rated as average or below. Additional population generated by new development are likely to place additional demands on community facilities resulting in inadequate provision to serve the new development. Therefore there is a clear need to improve the quality of provision with improvements that will allow greater use to be made of the community centres.
Paragraphs 48-52	8/2 Linden Homes (Chiltern) Ltd	Objection: Concerned that contributions will be utilised to fill existing shortfalls contrary to Circular advice. Need to clarify that contributions will be used to mitigate impact and demonstrate the geographical link between the development and the infrastructure service.	See comments above.	See changes to paragraph 50 above.
2.3 Day Care Provision for Adults				
Paragraphs 53-57	1/14 Berkeley Homes Ltd, Banner Homes Plc, JA Pye	Objection: This is a social services function for which the County Council no doubt has	The principal objective of the planning system is to deliver sustainable development, through which key Government social, environmental and	No change to the SPD.

	(Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Government funding for. There is no clear link between this aspiration and any need test in Circular. Delete section.	economic objectives are achieved. The provision of infrastructure to meet the needs of the elderly is considered a key element of community provision within sustainable developments. Contribution requirements towards adult care provision will be based upon the individual developments impact and likely need to increase infrastructure in order that the day care needs could be satisfactorily delivered. The funding of the service, as distinct from the infrastructure needed to be able to deliver it, is not being required. Requirements for contributions towards infrastructure will be supported by reference to the tests in Circular 05/05.	
Paragraphs 53-57	5/2 House Builders Federation	Objection: The provision of day care is a matter for social service providers. Funding to support the social needs of the elderly should be raised by alternative means. Delete the obligation.	See comments above. Contributions towards the actual delivery of the day care service is not being required.	No change to the SPD.
Paragraphs 53-57	8/3 Linden Homes (Chiltern) Ltd	Objection: Concerned that contributions will be utilised to fill existing shortfalls contrary to Circular advice. Need to clarify that contributions will be used to mitigate impact and demonstrate the geographical link between the development and the infrastructure service. Concerned that there is not sufficient need to warrant this contribution.	See comments above. The needs and their linkages to proposed development will be provided in any requirements. The contributions required are not sought to address existing shortfalls. They will be required and used to mitigate the impacts of new development in line with Government guidance.	No change to the SPD.
2.4 Education				

<p>Paragraphs 58-63</p>	<p>1/15 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes</p>	<p>Objection: These are the largest contributions yet no explanation is given on the detailed methodology for the contributions. Where is the funding from central Government towards school provision taken into account. Greater explanation for the figures is required which need to be lowered to take account of other funding mechanisms and more explanation on how a third party can work out the figures for themselves is needed.</p>	<p>The likely contribution requirements have been re-appraised and better tailored to improve transparency to allow for assessment by third parties. There are no guarantees of Government funding to provide infrastructure to meet the needs arising from new development. The likely impact on development of needs has been reduced as a result of the re-appraisal.</p>	<p>Paragraph 62, new paragraph 62A, 63A and contributions box amended to read:</p> <p>62. Calculations of contributions for schools will be based upon multiplying the number of children (of the appropriate age) moving into the new housing by the cost per pupil of providing extensions to schools. The costs per pupil are based upon the DfES cost multipliers for Oxfordshire using, where available, the extensions elements of the cost multipliers. The calculation will be based upon the likely increase in pupils generated by the new development. The table below indicates the costs per dwelling likely to be required if a development added to the need for pupil places in areas where the local schools had insufficient spare capacity.</p>
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				<p></p> <p>62A Because of the current capacity in secondary and sixth form provision most areas of Oxford would receive a reduction in the required contribution. In those parts of the city where the appropriate (partnership) secondary school includes Cheney School or The Cherwell School, the costs per dwelling (for secondary and sixth-form) can be reduced by 2/3rds. In areas where both of those schools are the partnership schools, the reduction could be 50%.</p> <p>63A Any needs, arising from a development proposal, to expand or improve Early Years and Special Education Needs provision would be assessed and negotiated individually.</p>
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Paragraphs 58-63	1/16 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: For relatively small developments, we are not satisfied that the impact on schools will be such that a contribution is necessary. This derives from a lack of clarity on what precisely the money is being spent on.	The threshold for contributions is 10 or more dwellings and these are not 'relatively small sites' in Oxford terms. The scale of any requirements will reflect the scale and nature of proposed development. It is considered appropriate in Circular 05/05 and in Local Plan policy CP.2 to address the cumulative impact of development to enable infrastructure to be secured in a fair and equitable way.	No change to the SPD.
Paragraphs 58-63	1/18 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: It would be unreasonable to request a contribution on a site within 3 miles of a school that has closed during the Local Plan period or that has been allocated for another use by the Plan – eg school sites in Headington, Temple Cowley and Iffley. Capital receipts from the sale of these sites are available to the County Council to meet the need from new developments.	The County Council in 1998 commissioned a study on the structure of schooling in Oxford. The extant Local Plan at the time was the 1991-2001 Oxford Local Plan which had been adopted a year earlier in 1997. The objective of the reorganisation was to raise pupil achievements across the city. The reorganisation considered the pupil forecasts to 2005 and was carried out in 2002 for primary schools and 2003 for the secondary schools. The new (2001-2016) Local Plan was not adopted until November 2005. Across the city there are more school places than pupils, but there are areas of the city where the demand for pupil places exceeds the provision. All capital receipts secured from the reorganisation including the closure of some schools have been spent and, where those receipts have yet to be realised, will be put to offset the costs of the actual reorganisation, for instance, major build at the retained secondary schools. There are no capital receipts available to meet the	No change to the SPD.

			needs of new development. It is not considered reasonable to have retained surplus spaces (the release of which was required to fund the reorganisation) to be held for potential future development within a more than 17 year horizon of the initial commissioning.	
Paragraphs 58-63	1/19 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: The occupiers of affordable housing will already be resident in Oxford and will not require school places.	The occupiers of affordable housing may not necessarily be resident in Oxford. For those who are, the relocation of one household from a property to another could mean that the demand for school places is within a different school catchment. Also, the property vacated would be expected to be re-occupied leading to a net increase in impact. The movement to a new property may lead to an increase in the number of children, thereby leading to a net increase in demand for pupil places. The Affordable Housing SPD acknowledges that people may move to Oxford as a response to local employment opportunities.	No change to the SPD.
Paragraphs 58-63	1/20 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: A proportion of the children will go to non-state schools. A reduction in the contributions is required to take account of the reduced impact on state schools.	The County Council has re-calculated the contributions and has now included an allowance of 13% to take account of pupils using the independent sector.	See table above setting out the revised calculations for education contributions.
Paragraph 59	1/17 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd,	Objection: This links need to a local school but there is no follow through to require the money being spent on that school or	Contributions received to mitigate the impact of a development upon the local education infrastructure will not be used for purposes other than to extend/improve the education	See changes to paragraphs 62-63A of the SPD set out above providing for reductions in contributions where school capacity is available.

	Kingerlee Ltd, Rectory Homes, Thomas Homes	indication of what would happen if there were no space to extend that school. With falling school rolls, there is rarely a need to extend a school especially where admissions arrangements 'smooth' pressure by re-allocating to schools with capacity.	provision to address the needs of the development. The Background Paper identifies that neighbouring schools to the local (appropriate) school may be considered as part of assessments, this may be necessary when there is no space to satisfactorily extend a local school. The current pupil forecasts to 2013 do not show an overall falling of school rolls.	
Paragraphs 58-63	6/9 Fairview New Homes Limited	Objection: Contributions towards education should only be sought where it can be clearly justified that new development would increase demand – and this is unlikely for 2 bed developments. The developer should not have to make a contribution or a full contribution. The justification for the contribution needs to be clarified.	The scale of potential needs for contributions reflects the differing impacts expected from different sizes of development. Two-bed properties will generate increased demands for pupil places, albeit at a lower level than larger properties.	See changes to paragraphs 62-63A of the SPD set out above including the revised table of contributions.
Paragraphs 58-63	5/3 Home Builders Federation	Objection: The SPD should demonstrate more clearly the reasoning and justification to support the contributions. The contributions appear excessive.	See suggested changes to clarify the need for education infrastructure. The likely contribution requirements have been re-appraised.	See changes to paragraphs 62-63A of the SPD set out above including the revised table of contributions.
Paragraphs 58-63	8/4 Linden Homes (Chiltern) Ltd	Objection: Concerned that contributions will be utilised to fill existing shortfalls contrary to Circular advice. Need to clarify that contributions will be used to mitigate impact and demonstrate the geographical link between the development	The contributions required are not sought to address existing shortfalls. They will be required and used to mitigate the impacts of new development in line with Government guidance.	See amendment to paragraphs 62-63A and contributions box listed above

		and the infrastructure service. Contributions appear to be high and disproportionate.		
2.5 Environmental Improvements				
Paragraphs 64-67 and Background Paper	1/27 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	Objection: Unreasonable to refer to need for environmental improvements with reference to de-cluttering and improved street furniture when it is the City and County Council who have provided it in the first place.	Background Paper refers to de-cluttering. Amend wording to clarify that environmental improvements will seek to include the overall enhancement of the visual appearance of the street scene. This may include the provision of new street furniture where appropriate.	No change to the SPD. Background Paper paragraphs 5.5, 5.9 and 5.11 amend bullet point to read <ul style="list-style-type: none"> • overall enhancement and rationalisation of street scene
Paragraph 65	3/3 Oxford Brookes University	Objection: Should clarify that improvements are sought in city, district and neighbourhood centre locations. Oxford Brookes will be improving the public realm around its campuses when it implements its master plan and does not want to make payments to improving the public realm elsewhere.	The locations where environmental improvements are sought are set out in paragraph 64. Oxford Brookes are proposing improvements to the public realm in the immediate vicinity as part of the redevelopment of the main campus site and it would not be appropriate to seek additional contributions towards the district centre.	No change to the SPD.
Paragraph 67	4/3 Arlington Business Park	Objection: Clarify what is meant by 'circumstances' in contribution box. Will the City Council take account of a commercial development's on-site security provision and whether the development is located in an area of high crime?	'Circumstances' depends on the location and whether there is a need for CCTV provision. Contributions will be sought in city, district and neighbourhood centres where justified to mitigate the impact of the development. Where there is a need for new or additional CCTV provision, a contribution will be sought based on a costed improvement. Amend text to clarify position.	Amend paragraph 67 by adding an additional sentence to read: Where there is a need for new or additional CCTV provision, this will be sought where justified based on a costed improvement. Amend contributions box to read under contribution: £15k per CCTV camera but will depend on location
Paragraphs 64-67	8/8 Linden Homes (Chiltern) Ltd	Objection: CCTV contribution will not be required in most instances. Where it is required, a	See comment above	See change to paragraph 67 and to wording in the contribution box.

		demonstrable need should be provided.		
2.6 Fire Hydrants				
Paragraphs 68- 70	2/13 Oxfordshire County Council	Comment: Add that depending on future needs and scale and nature of future development, may be necessary to require contributions for new/improved fire station provision. Where necessary, in order to meet nationally prescribed standards of fire cover, contributions would be sought on the basis of costed improvement.	This issue was discussed with the County Council in preparing the draft of this document. It was agreed that fire station improvement/new provision would only be required in fairly rare/bespoke circumstances. The main sections of the SPD aim to cover the most common infrastructure needs and provisions (paragraph 5). Should an application be submitted for very large scale development, this would be covered by Appendix 1 (CP.2) as unusual circumstances if it could be justified.	No change to the SPD.
Paragraphs 68- 70	2/14 Oxfordshire County Council	Comment: Remove fire hydrants contribution and replace by a standard condition.	Agreed	Delete all of Section 2.6 Fire Hydrants
Paragraphs 68- 70	5/4 Home Builders Federation	Objection: It is not necessary to have a planning obligation on this issue – it should be deleted.	Agreed	Delete all of Section 2.6 Fire Hydrants
2.7 Indoor Sport Facilities				
Paragraphs 71-75	6/1 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	The Valuation Office has undertaken viability study. The study demonstrates that the majority of schemes are viable with the application of the proposed obligations. The Background Paper provides additional information setting out the geographical locations where there are deficiencies in provision (in terms of requiring new provision or addressing capacity or quality problems) additional demand generated by new development would exacerbate.	No change to the SPD. Background Paper has been revised to provide further information to clarify the locations and type of infrastructure need.

Paragraphs 71-75	8/6 Linden Homes (Chiltern) Ltd	Objection: Concerned that contributions will be utilised to fill existing shortfalls contrary to Circular advice. Need to clarify that contributions will be used to mitigate impact and demonstrate the geographical link between the development and the infrastructure service.	Contributions will not be used to address existing shortfalls but to mitigate the impact of development. Revise the text of paragraph 71 to clarify link between new development and impact.	Amend paragraph 71 to read: 71. The City Council considers it important to provide new facilities where there are gaps in existing provision, and to improve existing facilities where opportunity allows. Where additional demand for facilities is generated by new development, improvements to facilities will be sought to mitigate the impact of development. The City Council will also seek public access to private and institutional facilities through sharing schemes and joint user agreements.
Paragraphs 71- 75	5/5 Home Builders Federation	Objection: Paragraph 74 refers to need to refurbish. Contributions should only be used to increase provision where directly related to the development, not to make good that which has fallen into disrepair as this would be contrary to the Circular.	Comment above and proposed change to paragraph 71 also applies to this objection. Revise the text of paragraph 74 to clarify that contributions will not be used for maintenance issues.	Amend the 3 rd sentence in paragraph 74 to read: However, on the basis of the studies undertaken so far, they are likely to identify the need to seek improvements to indoor leisure facilities.
Paragraphs 71-75	10/2 Sport England	Objection: Threshold should be reduced to 1 dwelling otherwise there will be greater pressure on existing provision.	The SPD sets a threshold of 20 or more dwellings or smaller sites where appropriate, which is consistent with the threshold for other leisure and sporting activities with thresholds in the Local Plan. There is a danger that loading too many infrastructure requirements on smaller developments will make them unviable. The minimum threshold for seeking contributions is 10 or more dwellings or sites of 0.25ha or above. There needs to be a balance between the need to address infrastructure requirements and meeting the government targets for determining applications.	No change to the SPD.

Paragraphs 71-75 and Background Paper	1/21 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: The methodology for the contribution relates to provision per head of existing population. There are no inputs into the formulae for additional population from new dwellings. Section should be deleted as it only meets existing infrastructure shortfall.	The methodology does not seek to make developers remedy existing infrastructure shortfall, but to ensure that new developments maintain current standards of provision. The standard of provision per head of population has been calculated so that the required level of provision from future increases in population can be calculated.	No change to the SPD.
Paragraph 75	10/2 Sport England	Comment: Like further information on the methodology for formulating the contribution as sports facility calculator prepared by Sport England calculates different figures for swimming pool and sports hall provision.	The methodology for calculating contributions has been revised by Sport England since the study by Strategic Leisure was prepared. The Sport England Facility calculator has been applied to calculating the contributions in accordance with further advice from Strategic Leisure.	Contributions box after paragraph 75 amended to read: 1-bed £ 125 2-bed £ 168 3-bed £ 240 4-bed £ 393 This equates to £ 90 per person and will also be applied to student accommodation.
2.8 Libraries				
Paragraph 81	3/4 Oxford Brookes University	Objection: Object to contribution per student place. Acts as disincentive to provide student accommodation to meet the Local Plan requirement. Student halls often accommodate students transferring from private rented stock. There is no link between student halls and increased use of libraries as the students would have been in Oxford anyway. No reference to any evidence base for the requirement. Delete contribution – contrary to Circular.	Students resident in halls do use the public library facilities. An increase in students resident in the city will lead to increased demands upon the library service. The number of students within the city is expected to increase throughout the Local Plan period. Where new student accommodation is planned to meet the needs of existing students, the property vacated would be expected to be re-occupied, leading to a net increase in impact in the city. Surveys of the number of registered library users resident at student halls within Oxford have taken place and been used in successfully justifying contributions to library infrastructure improvements. The improvements would be used by the students.	No change to the SPD.
Paragraphs 76-81	6/2 Fairview	Objection:	All contribution requirements in the	Amend paragraph 80 to read:

	New Homes Limited	Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	SPD are there to help with transparency and speed and indicate the likely need for contributions. The scale of contributions to library provision is considered unlikely to stifle small developments. Amend text to clarify that currently all libraries in Oxford are deficient in provision of library space so contributions will be sought from all developments that meet the threshold.	80. The formula for developer contributions from residential development is based on the County Council's adopted standard of providing 23 m ² of publicly available library space for each 1,000 population, i.e. 0.023 m ² per person and there is currently a deficiency in provision in all libraries in Oxford so contributions will be sought from all residential developments that meet the threshold. An average of two items of stock (books, audiovisual material etc) per head of population should be provided in any new extension/facility. This contribution equates to £84 per person.
Paragraphs 76- 81	5/6 Home Builders Federation	Objection: Library provision should be funded independently of development using general taxation, which in any case will increase as a result of any increase in residential housing stock. The obligation is not relevant to planning and does not comply with the Circular. Consider it is not additional housing that increases pressure on library facilities but growth in higher education – there is no substantive evidence for the contribution. Consider the formula is arbitrary and unsound. How can the fulfilment of the requirement for 2 items of library stock per head of population measure the success of the library facilities in Oxford. Delete the obligation.	Contributions towards library infrastructure are identified in the adopted Oxford Local Plan 2001-2016 as examples of appropriate planning obligations. The Inspector at the Local Plan Inquiry considered contributions to library provision to be both proper and reasonable in a planning context and worthy of being identified explicitly in the Local Plan. Library contributions also form part of the Planning Obligations Practice Guidance published by the Department for Communities and Local Government. The provision of library infrastructure is considered valid and well related to planning. The contribution formula is based upon County Council adopted standards.	No change to the SPD.
Paragraph 80	19/1 Museums Libraries and	Support: Would like the adoption of the	Acknowledge support. The proposed use of the tariff is not considered	No change to the SPD.

	Archives, South East	South East Public Library tariff developed by Museums, Libraries and Archives, South East of £96 per person and a standard of 30 sqm per 1000 population.	appropriate to Oxford as the standard space requirement currently exceeds the library authority's adopted standard for the county.	
Paragraph 81	19/2 Museums Libraries and Archives, South East	Support: Support standard charge for student accommodation – should consider adopting 100% rate given the high number of students.	Acknowledge support. However the requirement for contributions will be assessed against local capacity. The reduced rate per head for student impacts within Oxford is currently considered reasonable.	No change to the SPD.
2.9 Museum Resource Centre				
Paragraphs 82-85	6/3 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	Viability Study undertaken by the Valuation Office demonstrates that the proposed obligations can be applied to the majority of sites and the schemes should remain viable. It is unlikely that the contribution levels related to the Museum Resource Centre would tip the balance between viability or otherwise. If it is the case there is provision under paragraph 27 to submit evidence to try to substantiate a case of non-viability.	No change to the SPD.
Paragraphs 82- 85	5/7 Home Builders Federation	Objection: Question assumption that new development will lead to increased demands on the Museum Resource Service. Obligations should not be used to fund this overstretched service – this fails to meet the tests of the Circular in the same way as the library contributions.	The increased demands will arise across the county from the people occupying the new dwellings and also the new schools etc. wishing to access the Museum Resource Centre facilities. In order to meet those increased demands without detriment to existing users, the proposed improvements are required. The contributions required are towards physical improvements and not revenue costs. Neither the Museum Resource Centre nor library contributions are considered contrary to the Circular. Contributions towards library provision	No change to the SPD.

			are referred to in the Local Plan as an example of appropriate contributions.	
Paragraph 82-85	19/3 Museums Libraries and Archives, South East	Support: Consider introducing standard charge of £18 per person in new developments for improved archive facilities.	Acknowledge support. With the current available information, it would be premature to consider increasing the potential costs to development.	No change to the SPD.
Paragraph 82-85	19/4 Museums Libraries and Archives, South East	Support: Consider investigating standard contributions for other major publicly accessible museum and archive projects.	While such further investigative work may be carried out, there are insufficient resources to substantiate a case for inclusion within the SPD at the moment.	No change to the SPD.
2.10 Outdoor Sports Facilities, Public Open Space/Children's Play Areas, Allotments, Biodiversity				
Paragraphs 86-100	1/22 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Methodology relates to the existing population. No link is made to the proposed development. Section should be deleted as contrary to Circular.	The Scott Wilson study on outdoor space advises that the level of provision reflected the need of the existing population. The methodology does not seek to make developers remedy existing infrastructure shortfall, but to ensure that new developments maintain current standards of provision. The standard of provision per head of population has been calculated so that the required level of provision from future increases in population can be calculated. The Background Paper provides additional information setting out the geographical locations where there are deficiencies in provision (in terms of requiring new provision or addressing capacity or quality problems) additional demand generated by new development would exacerbate.	No change to the SPD. Background Paper has been revised to provide further information to clarify the locations and type of infrastructure need.
Paragraphs 86-100	6/3 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level	The Valuation Office has undertaken viability study. The study demonstrates that the majority of schemes are viable with the	No change to the SPD. Background Paper has been revised to provide further information to clarify the locations and type of infrastructure need.

		<p>of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.</p>	<p>application of the proposed obligations. The Background Paper provides additional information setting out the geographical locations where there are deficiencies in provision (in terms of requiring new provision or capacity or quality problems) additional demand generated by new development would exacerbate.</p>	
Paragraphs 86-93	6/8 Fairview New Homes Limited	<p>Objection: Contributions towards children's play areas should only be sought where it can be clearly justified that new development would increase demand for such a facility – and this is unlikely for 1 and 2 bed developments. The justification for the contribution needs to be clarified.</p>	<p>The 2005 population model for Oxfordshire supplied by the County Council provides data on the average occupancy of children per type of property. These averages have been used to calculate contributions for play areas and apply to 1 and 2 bed dwellings. Details on the methodology for calculating the contributions are set out in the Background Paper including the locations where there is a deficiency in provision.</p>	<p>The Background Paper has been expanded to clarify the justification for the contribution. It includes information on the average occupancy of children per type of dwelling.</p>
Paragraphs 86-100	9/2 McCarthy and Stone	<p>Objection: The contribution sought should be linked to the needs of new residents. The elderly are likely to need additional seating and improved pathways and there is no indication that these facilities will be provided.</p>	<p>Where deficiencies in the capacity or quality of open space provision are identified, new provision/ improvements sought will include site furniture including seating and footpaths.</p>	<p>No change to the SPD</p>
Paragraphs 86-100	10/3 Sport England	<p>Objection: Threshold should be reduced to 1 dwelling otherwise there will be greater pressure on existing provision.</p>	<p>The Local Plan threshold is 20 or more dwellings or smaller sites where appropriate. This SPD can only provide further guidance on the implementation of policies in the adopted Local Plan. In addition, there is a danger that loading too many infrastructure requirements on smaller developments will make them unviable. The minimum threshold for</p>	<p>No change to the SPD.</p>

			seeking contributions is 10 or more dwellings or sites of 0.25ha or above. There needs to be a balance between the need to address infrastructure requirements and meeting the government targets for determining applications.	
Paragraph 97 and Background Paper	13/1 British Waterways	Objection: Consider this paragraph should refer to navigable waterways such as the Oxford Canal. There may be occasions where public access exists but it is inadequate so improvements are required – revised wording suggested. Submitted information on Government advice and examples of policies for the development and improvement of inland waterways.	Watercourses would include all the Oxford Canal so there is no need for an explicit reference to it in paragraph 97. However to clarify that improvements to watercourses will be sought where appropriate, add additional paragraph to transport Background Paper.	No change to the SPD. Amend transport Background Paper by adding the following after the table in paragraph 11.5: In addition, in accordance with Local Plan Policy SR.9, the City Council will seek improvements to the Public Rights of Way Network, particularly along the Oxford Canal and the Thames Path National Trail.
Paragraphs 86-100 and Background Paper	10/5 Sport England	Objection: Formula for changing room provision should reflect the size that would be required for each site. Amend to calculate a sum per person standard based on a proposed total sum of provision multiplied by an identified cost per sq.m.	It would be difficult to calculate the size of changing room provision for every site that requires these facilities. Instead the standard formula is based on the average size of changing room facility needed and proportioned between the sites where new and refurbished facilities are required. The overall sports facilities contribution also takes account of drainage works needed to improve the quality of facilities and multi sports facilities.	Change to box after paragraph 98 to revise standard contributions for sports grounds to reflect adjustments for changing room and other sports related facilities: 1-bed – £ 90 2-bed – £ 120 3-bed – £ 171 4-bed – £ 281 This equates to £ 64 per person Background Paper amended to explain sizes and costs of changing room facilities.
Paragraphs 86-100 and Background Paper	10/6 Sport England	Objection: Unclear how the contribution for sports grounds is calculated and would request that this is clarified.	The methodology for calculating the sports facilities contribution is set out in the Background Paper. It has been amended to make allowance for drainage works needed to improve the quality of pitches, clarify sizes of	See change above.

			changing room provision and provision of multi-sports facilities. This should further clarify how the various aspects of sports facilities provision are calculated.	
2.11 Public Art				
Paragraph 102	1/23 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Object to word 'must'. CP14 of adopted Local Plan and explanatory text indicates contribution will be sought 'where appropriate'. Standard charges are inappropriate. The phrasing also fails to take into account the circumstances when the development itself 'enlivens the environment and contributes to the cultural identity of its location'. Such a rigid charge is contrary to Circular	The word 'must' refers to the siting of the work of art in that it needs to be positioned either within the development site or close to it. This reflects the wording of the Local Plan policy. A work of art provided any significant distance away from the development site would fail the Circular test of relating to the development. However, amend wording of paragraph 102 in accordance with Local Plan. The Circular encourages the use of standard formulae and charges to speed up negotiations and ensure predictability so standard charges are appropriate to provide for the practical application of the 'Percent for Art' scheme. To comply with the design policies CP.8 and CP.9 of the Local Plan, buildings should enhance the environment within which they stand. In addition to high quality design, public art contributes to the public enjoyment of Oxford.	Change paragraph 102 to read: The City Council will seek the provision of public art in association with major developments. Public art must be incorporated within the development site, or be provided near to the development. Public art can be permanent or temporary work, inside or outside a building, as an integral part of a building or free standing in an open space. It can be large or small scale, reflecting or contrasting with its environment. Materials and processes used to develop the piece can involve woodwork, stone carving, metal work, painting, glasswork, lighting, photography and textiles.
Paragraph 108	3/5 Oxford Brookes University	Objection: Object to detail and value of public art imposed. The approach taken ignores the fact that high quality buildings are themselves a work of art.	See comment above and the revised calculations for work of art contributions set out below.	See comment above and the revised calculations for work of art contributions set out below.
Paragraph 106	4/4 Arlington Business Park	Objection: Objects to concept of 'percent for art' and application of a 1% capital cost is	The 'Percent for Art' is referred to in the Local Plan which states that the City Council will seek approximately 1% of the total development cost. The	Amend paragraphs 106 and 108 to read: 106. Oxford uses a principle called 'Percent for Art'. 'Percent for Art' is an internationally used funding mechanism for the

		unreasonable and unrealistic if applied to a large scale commercial development.	SPD is providing for the practical application of this policy. However revise wording and contribution to seek a minimum of 0.5% of total development costs. Revised calculations have been supplied by the Valuation Office for average construction costs applicable to Oxford.	commissioning of public art. The Arts Council of England endorsed 'Percent for Art' in 1988 as an important means to integrate the work of artists into planned development of public space. As a guideline, the City Council will seek approximately 1% of the total development cost to go towards public art. 108 For non-residential development, the Valuation Office say the average construction costs of a basic building (say for warehouse use) is £870 per m ² . A more substantial building with lifts, air conditioning for instance on office developments is £1,640 per m ² . The % for art policy has been applied to these development types and the City Council will seek a minimum of 0.5% of total development costs.
Paragraphs 101-108	6/5 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	The Valuation Office has undertaken viability study. The study demonstrates that the majority of schemes are viable with the application of the proposed obligations. Local Plan policy states that contributions will apply to all residential development of 20 or more dwellings.	No change to the SPD.
Paragraphs 82- 85	5/8 Home Builders Federation	Objection: The Arts Council Steering Group recommended form of policy wording was in appropriate cases to seek to encourage the provision of works of art – it is not a mandatory requirement. Obligation should be deleted or at least amended to make it clear that the City Council	The 'Percent for Art' endorsed by the Arts Council is referred to in the Local Plan (section 2.14). The SPD is providing for the practical application of this policy. However, see amendment to paragraph 102 above to clarify the Local Plan wording. Revise contributions for residential development so that the contribution is proportionate to the size of the dwelling and more accurately reflects	See change to paragraph 102 and 106 above. Amend paragraph 107 and box for level of contribution: The City Council is interpreting this % as a fixed figure from the average building cost per dwelling and will seek a minimum of 0.5%. The Valuation Office has advised that the average cost per dwelling for the South East is £1,000 per sq.m. and has provided guidance on the average floorspace per

		will seek to negotiate with developers for the provision of, or contributions towards public art, where appropriate, rather than requiring it. The cost calculated appears excessive.	the increase in population generated by the development (rather than a blanket contribution regardless of dwelling size). The contribution has also been adjusted to seek a minimum of 0.5%.	dwelling. 1 bed - £235 2-bed - £330 3-bed - £450 4-bed - £570
Paragraphs 101-108	8/9 Linden Homes (Chiltern) Ltd	Objection: These contributions appear high and should be reviewed.	See change to calculating residential contribution above	See change above.
Paragraphs 101-108	13/2 British Waterways	Support: Welcome provision and would consider public art in suitable locations on land in its ownership	Comment noted.	
2.12 Student Numbers				
Paragraph 110	3/6 Oxford Brookes University	Objection: Delete as out of date 'Oxford Brookes University forecasts a need for up to 50,000 sq.m of extra floorspace over the Plan period'. Work is progressing on master plan options that do not necessarily result in an increase of gross floorspace.	The paragraph wording reflects the Local Plan. Whilst Oxford Brookes are developing a master plan, the final outcome of the plan has not been finalised. Amend paragraph to reflect current position.	Amend paragraph 110 to read: 110. The Local Plan states that Oxford Brookes University forecasts a need for up to 50,000 m ² of extra floorspace over the Plan period. Oxford Brookes says it needs the increase to accommodate the projected growth in student numbers and research activities and particularly to improve the quality of its facilities. Currently Oxford Brookes are developing a master plan for future development.
Paragraph 111	3/7 Oxford Brookes University	Objection: It would not be reasonable to refuse permission or require an obligation for new academic development without more student accommodation if it could be shown that new development would not add to the numbers of students that would seek to complete in the local housing market. Amend paragraph to reflect this.	Paragraph 111 states that any increase in student numbers would need to be matched by an increase in purpose-built student accommodation. Therefore if a development will not increase the number of students, no increase in purpose-built accommodation will be needed. Paragraph amended and new paragraph added to reflect the current position.	Amend paragraph 111 and add a new paragraph 111a to read: 111. The City Council acknowledges the need for more floorspace at the two universities but needs to ensure that any increase does not reduce the amount of private-sector housing available. Planning permission will only be granted for additional teaching/administrative accommodation where the number of full-time students at each of the two universities living in Oxford in

				<p>accommodation not provided by their respective universities does not exceed 3,500 in the academic years up to 2008 and 3,000 after that date.</p> <p>111A. Planning permission will only be granted for the establishment of new educational establishments or the expansion of existing ones where the applicant agrees to a limit on the number of students and to accommodate the students in other educational premises, purpose built accommodation or family lodgings.</p>
2.13 Transport				
Paragraphs 113-121	1/26 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	<p>Objection: How will sites with an extant consent be dealt with? If there is an existing scheme capable of implementation with lower contributions, these need to be discounted should subsequent applications be made for more units or there would be a perverse incentive not to look to increase densities leading to inefficient use of land.</p>	Every application is considered taking account of the Local Plan and other material considerations. On transport, applications will be determined according to the additional peak hour trip generation levels from the proposed development and taking account of appropriate density levels for the scheme. If subsequent applications are submitted at higher density levels, the transport contribution will be adjusted accordingly.	No change to the SPD.
Paragraph 114	13/3 British Watterways	Support: paragraph		
Paragraph 117- 1 st sentence	2/14 Oxfordshire County Council	<p>Comment: Delete 'which minimise' and substitute 'in preference to improving'</p>	Agreed	Paragraph 117 1 st sentence amend to read: For all developments, contributions should focus on improvements to bus travel, walking and cycling in preference to improving access by private car (including the creation of new routes where appropriate).
Paragraph 118	2/15 Oxfordshire County Council	<p>Comment: Clarify that Travel Plans will be required for development</p>	The Local Plan states Travel Plans must be submitted for proposals that are likely to have significant transport	Amend paragraph 118: Travel Plans will be required for developments likely to have significant transport implications.

		<i>including residential developments</i> – refer to comment on the Background Paper transport Table 1	implications, including those for all major development comprising employment, retail, leisure and other developments that will generate significant amounts of travel. Therefore this could apply to large residential schemes. Include a cross reference to the detailed advice on the content of Travel Plans as set out in the Parking Standards, Transport Assessments and Travel Plans SPD.	The more complex Travel Plans may be secured by obligation. Further details on the content of Travel Plans are set out in the adopted Parking Standards, Transport Assessments and Travel Plans Supplementary Planning Document.
Paragraph 118	13/4 British Waterways	Objection: Travel Plans should include consideration of the canal towpath for walking and cycling where appropriate.	Detailed advice on the content of Travel Plans is set out in the Parking Standards, Transport Assessments and Travel Plans SPD.	See change above.
Paragraph 119	2/16 Oxfordshire County Council	Comment: There's a substantial future need for infrastructure, which isn't either seen to be explicitly met by either contributions or other capital spending programmes – this conflicts with the info in this paragraph.	It is accepted that not all transport infrastructure requirements will be met entirely by either developer contributions or through capital spending programmes. Wording revised to reflect this.	Amend paragraph 119: The approach to contributions helps to address the total travel demand created by a development, which cannot otherwise be met through capital spending programmes. A standard contribution will be required towards strategic transport improvements for all modes, which may be pooled and applied to schemes related to the proposed development. Additional contributions will be sought where necessary to ensure adequate local site access. Any significant benefits to the wider transport network from proposed developments will be taken into account.
Paragraphs 113-121	1/24 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: A link is not made between the requested contribution and the scale of the development. Contributions should only be sought if it relates to the proposed element of transport infrastructure. For example it is unreasonable to charge a development elsewhere in the	The contributions will be pooled where appropriate and applied to schemes that relate to the development to ensure compliance with the Circular. Amend wording of paragraph 119 to reflect this.	See change above

		City for a footpath in a location unrelated to the development.		
Paragraph 113-121	4/6 Arlington Business Park	Objection: The contribution makes no allowance for other transport benefits that may be provided by a development such as rationalisation of road layouts or bus lanes. Any contributions should have regard to the characteristics of the development proposed and the actual impact on transportation factors.	Any proposals for highway measures within the application site that has benefits to the wider transport network will be taken into account in determining contributions to mitigate impact.	See change above
Paragraphs 113-121	15/9 Network Rail	Comment: Where redevelopment proposals come forward that would fund transport infrastructure works, the scale of those works or improvements should be taken into account in the overall obligation package.	See comment above	See change above
Paragraphs 113-121	9/3 McCarthy and Stone	Objection: There is a clear difference between the transport needs of elderly residential accommodation with emphasis on bus travel and standard residential development. The contribution should be tailored towards specific development types to ensure it is fair and relevant – eg for a bus stop to be constructed close to the development. It is likely that new elderly residents would use bus services out of peak times, improving the	The standard formulae for non-residential development would apply to non self-contained residential accommodation for the elderly and the contribution sought would depend on the cost per additional peak hour trip. However, for self-contained accommodation for the elderly, the standard residential contribution would apply although account may be taken of the transport needs of future occupants. Amend the threshold in the box after paragraph 121 and Appendix 2 to reflect this.	Amend box below paragraph 121 to clarify threshold: Threshold (may be on-site/local access measures in addition). Account will be taken of the potential different needs of specialist housing types. Add to notes column against Transport in Appendix 2 to read: Account will be taken of the potential different needs of specialist housing types.

		sustainability of a bus route and the promotion of sustainable transport.		
Paragraph 120 and Background Paper	2/17 Oxfordshire County Council	Comment: It needs to be explained how the as yet unidentified works for 2011-2016 fit into the overall concept of the SPD. Add the following to the end 'The table below needs to note the final sentence in paragraph 119'.	The key priority schemes identified are based on the Local Transport Plan (LTP) 2006-2011. Change made to Background Paper to refer to possible changes to these priorities in future LTP. Amend box to refer to potential contributions to address local site access measures in addition to strategic transport contributions.	Add sentence to paragraph 11.11 of Background Paper: Given the possibility of strategic transport spending priorities changing in the period 2011-2016, this base figure may be reviewed in future years in a revision to the SPD. See change above to contributions box after paragraph 121
Transport contribution Background Paper	2/30 Oxfordshire County Council	Comment: The Local Transport Plan runs to 2011 – does that mean that the identified infrastructure is required for development through to 2011? If so what about provision beyond 2011 to 2016 as per the Local Plan? Both the City and County transport items would benefit from more explanation.	See change above, and clarification in paragraphs 11.6-11.8 of Background Paper.	See change immediately above.
Paragraph 120	13/5 British Waterways	Objection: Where new development will result in increased usage of the towpath, contributions should be made towards maintenance or improvement of the relevant section of towpath. British Waterways would also expect to be reimbursed for the staff time dealing with such improvements.	The standard contributions for strategic transport improvements includes improvements to the pedestrian and cycle route network. This includes improvements to towpaths where appropriate. Contributions towards maintenance of towpaths would be contrary to Circular 5/05 advice.	No change to the SPD. Amend Transport Background Paper by adding the following paragraph after the table in paragraph 11.4: 11.5 In addition, in accordance with Local Plan policy SR.9, the City Council will seek improvements to the Public Rights of Way Network, particularly along the Oxford Canal and the Thames Path National Trail.
Paragraph 121 and Background Paper	2/18 Oxfordshire County Council	Comment: The assessment of the non-residential should be based	Paragraph 121 refers to peak hour trips. Revise the Background Paper to consistently refer to peak hour trips.	No change to the SPD. Amend the text of the Background Paper to consistently refer to additional peak hour trips.

		on information. The reference to peak hour trips should be standardised throughout the document. Revise text of paragraph.		
Paragraph 121	3/8 Oxford Brookes University	Objection: If a proposal for redevelopment reduces the trips generated, no contribution should be payable. Revise text to clarify this. The way the contribution is calculated appears arbitrary and needs more justification.	Revise wording to clarify that it is additional peak hour trips generated by the development that will result in the need for additional developer contributions. Further information on the methodology for calculating the contribution is set out in the Background Paper	Amend paragraph 121 to read: For non-residential developments, the contribution payable will be based on traffic generation information (for the peak network hours) provided by the applicant in the Transport Assessment that is required to be submitted with any application. Based on the predicted infrastructure requirements, the County Highway Authority has estimated that the cost per additional peak hour trip is £3,325.
Paragraph 121 and Appendix 3	7/2 University of Oxford	Comment: Clarify that transport contributions refer to new 'additional' peak hour trips.	See above	See change above
Transport contribution Background Paper	2/28 Oxfordshire County Council	Comment: The SPD/Background Paper should define what an additional peak hour trip is, and what peak hour means in this case. Are developers expected to pay £3,325 for each trip in the morning and each trip in the evening?	Definition added as footnote to paragraph 11.3 of Background Paper.	Footnote added to paragraph 11.3 Background Paper: The 'peak hour' is defined as the hour during which a development is likely to have the most significant impact on the highway network, in terms of additional traffic generated. (If there is more than one 'peak hour', e.g. morning and afternoon, the average rate will apply). The additional peak hour trip rate is the number of journeys by car and van made to and from a development site during the peak hour, additional to trips associated with any previous site use.
Transport contribution Background Paper	2/31 Oxfordshire County Council	Comment: Are the residential trip rates referring to motor vehicular trips, mainly car or are they an amalgamation of car/van and also bus trips? Are the rates calculated on a like for like system for the car and buses? ie Do we include the	See above	See change above

		car occupancies to derive the person trips per peak hour?		
Paragraph 120 and Transport Background Paper	4/5 Arlington Business Park	<p>Objection: It is not equitable or practicable that new development should fund the identified schemes in the Local Transport Plan – existing developments also contribute to congestion. Improvements to public transport infrastructure are for the benefit of the City as a whole. The cost of these items should be substantially borne by income from all users of the services and general public funding. The cost of bus priority allocation of 50% of total projected expenditure to new development is excessive given that new development is only a small % of overall demand. The contributions are not directly related to the development, fair or proportionate – contrary to Circular advice. There is no guarantee that the contributions will be spent on schemes that will directly benefit the development or mitigate its impact.</p>	<p>The figures in the Background Paper refer to the funding shortfall for each County scheme – not total projected expenditure that would include capital spending allocations (as explained in footnote 2 of the Background Paper). The approach is considered fair and proportionate, based on an assessment of the impact of new development, and taking account of advice given in Circular 5/2005 regarding pooled contributions.</p> <p>Change nevertheless suggested to paragraph 11.8 of the Background Paper to clarify on approach.</p>	<p>Re-word paragraph 11.8 of Background Paper to read:</p> <p>“Due to the high cost of bus priority measures shown above, it is considered reasonable to expect only half of this shortfall (i.e. £5 million) to be secured through the planning process. Therefore, the total shortfall to be sought towards these strategic improvements through standard planning contributions is £13,950,000. This total is considered reasonable and proportionate, given the necessity to improve the local transport network to support Oxford’s growing population and economy.”</p>
Paragraphs 113-121	1/25 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd,	<p>Objection: Allocation of sums in Background Paper appears arbitrary and need to be made clearer. County Council seem aware of</p>	<p>Calculation of standard figure is based on reasoned estimate of how additional travel generated by new development translates into cost, in line with Best Practice Guide. Some discounts have been made to ensure</p>	<p>No change to the SPD.</p>

	Rectory Homes, Thomas Homes	irrational approach by allocating only a proportion of the overall costs to developer contributions.	development remains viable whilst contributing meaningfully to transport infrastructure needs.	
Paragraphs 113-121	6/6 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	The Valuation Office has undertaken viability study. The study demonstrates that the majority of schemes are viable with the application of the proposed obligations. A standard contribution will apply to all new residential development sites above 10 dwellings towards strategic transport implications and additional costs will be sought where necessary to ensure local site access.	No change to the SPD.
Paragraphs 113-121	8/10 Linden Homes (Chiltern) Ltd	Objection: These contributions appear high and should be re-examined.	Details of the reasoning for the contributions and methodology for the calculations are set out in the Background Paper.	No change to the SPD.
Paragraph 113-121	15/8 Network Rail	Comment: Pooled contributions could be used to include station and rail infrastructure from development that can be demonstrated to have an impact on its safe or efficient operation – refers to appeal decision on the threshold of development that apply.	Pooled contributions for station/rail infrastructure may potentially be sought where justified. However, given the demands for infrastructure improvements for other means of transport and the outcome of the viability study, the scope for seeking contributions for station infrastructure will only apply in bespoke circumstances. If this scenario applied, it would be addressed in Appendix 1.	No change to the SPD.
Transport contribution Background Paper	2/29 Oxfordshire County Council	Comment: It states that the £1m of the shortfall for cycle and footpath schemes listed would be needed to address the <u>City-wide cumulative impact</u> of new development. How is the £1m arrived at and what is the basis of the assumption?	Figure arrived at through County Council suggested prioritisation. However change made to clarify on rationale.	Re-word paragraph 11.6 of Background Paper to read: "The City Council recognises that there is significant scope to seek site specific contributions towards many of these proposed routes. Funding may also be secured from other sources, such as external grants, or County Council capital funding sources not currently allocated to specific schemes. It has, therefore, been determined that standard

				contributions towards strategic cycle and footpath network improvements should make up £1,000,000 of the overall shortfall, as a proportionate and reasonable contribution from development.”
Transport contribution Background Paper	2/32 Oxfordshire County Council	Comment: In the case of site specific contributions, are on-site infrastructure provisions expected to be fully available for public use? Add the following to the end of the paragraph ‘Further, the delivery of Section 278 works required to mitigate the impact of the development will also be a cost to the developer and therefore will not be discounted from the contribution requested’.	Additional text inserted in paragraph 11.16 of the Background Paper.	Insert additional text to paragraph 11.16 of Background Paper: Additional contributions to address site-specific or local accessibility issues may also be sought where justified, either under the provisions of Section 108 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991), or under the provisions of Section 278 of the Highways Act 1980, or in some cases both.
Transport contribution Background Paper	2/33 Oxfordshire County Council	Comment: Public Transport Service contributions will be assessed separately for each application and therefore any contribution will be on top of that generated by using the standard formulae.	See above changes	See above changes
Paragraphs 113-121 and Background Paper	12/1 Highways Agency	Comment: Highways Agency encourage use of development briefs, early discussion with developers and use of pooled contributions to fund measures on trunk roads or motorways and reimburse the Highways Agency through Section 278 of the Highways Act. Highways Agency would like their role reflected in the SPD.	Pooled contributions to fund measures on trunk roads/major road infrastructure may potentially be sought where justified. However, given the demands for infrastructure improvements for other means of transport and the outcome of the viability study, the scope for seeking contributions for major highway infrastructure will only apply in bespoke circumstances. If this scenario applied, it would be addressed in Appendix 1.	No change to the SPD.

2.14 Waste Recycling Centres				
Paragraphs 122-126	6/7 Fairview New Homes Limited	Objection: Contributions should be possible guide levels only otherwise imposing this level of standard contributions could stifle smaller developments coming forward. Clarify how contributions will be applied on a site by site basis.	Viability Study undertaken by the Valuation Office demonstrates that the proposed obligations can be applied to the majority of sites and the schemes should remain viable. Paragraph 27 of the SPD sets out the procedure to substantiate a case of non-viability. Redbridge recycling centre is the main recycling centre in Oxford and contributions will apply for all developments or 10 dwellings or more.	No change to the SPD.
Paragraphs 122-126	5/9 Home Builders Federation	Objection: Believe any service improvements should be funded through local taxation. The contributions, which are sought to improve facilities at the Redbridge recycling centre, would be of benefit to all existing residents. This obligation is a tax upon new development.	It is reasonable that the increased impact in terms of demands arising from new development are addressed by that development. As with most infrastructure provided, there is no guarantee that provision of enlarged/improved facilities will not be used by persons other than those in the new development.	No change to the SPD.
Youth Service				
Paragraph 131	2/19 Oxfordshire County Council	Comment: Reduce threshold to 10 dwellings	No justification has been supplied for reducing the threshold. The Local Plan states that the threshold for other youth related infrastructure is 20 dwellings. There is a danger that loading too many infrastructure requirements on smaller developments will make them unviable.	No change to the SPD
Paragraphs 127-131	8/7 Linden Homes (Chiltern) Ltd	Objection: Concerned that contributions will be utilised to fill existing shortfalls contrary to Circular advice. Need to clarify that contributions will be used to mitigate impact and	When contributions are required towards the improvement of Youth Service provision, the cases will be fully substantiated and in accordance with the requirements of Circular 05/05. Contribution requirements will relate to the demands arising from the	No change to the SPD.

		demonstrate the geographical link between the development and the infrastructure service.	proposed development and not to set to address existing shortfalls.	
Glossary				
	2/20 Oxfordshire County Council	Comment: Add definitions for: Major applications Development Team – what it does and how Developer Funding Officer	Agree to add definitions for major applications and Development Team. The Development Team is explained in paragraph 23. The Developer Funding Officer is not referred to in the main SPD. Paragraph 19 of the Negotiating and Implementing Planning Obligations Code of Practice and Background Papers section on implementing obligations explains the role of the officer.	Add to Glossary: <i>Development Team</i> The Development Team will include appropriate officers from the City Council. It may include if appropriate outside bodies such as the County Council. <i>Major planning application</i> Definition of major planning application in the General Development Procedure Order 1995: <ul style="list-style-type: none"> • a residential development of 10 or more dwellings; • residential development on a site of 0.5 hectares or more; • development involving a building(s) with a floorspace of 1000 m². or more; • any other development on a site of 1 hectare or more.
	11/2 South East England Regional Assembly	Comment: The definition of affordable housing requires clarification to reflect the definition in the draft South East Plan. Affordable housing should cater for both households in housing need due to overcrowding or absent or poor facilities in the home and households who cannot afford market prices or rents. The definition could also be interpreted as limiting the provision of affordable housing to homeless households. It should also clarify that such housing is subject to mechanisms that	The SPD is providing further guidance on the implementation of policies in the adopted Local Plan. A separate SPD has been produced on Affordable Housing. The definition of affordable housing in the Glossary is the same as the Local Plan definition.	No change to the SPD

		will ensure the housing remains affordable.		
References/ Background Documents				
	14/8 Government Office for the South East	Comment: Provide full details of where/how evidence base and other contributory/linked material can be viewed.	Amend references/ background documents to show where material can be viewed.	References/background documents list revised to show website/location of where document can be viewed.
	14/9 Government Office for the South East	Comment: Produce greater consistency between SPDs – eg Parking Standards SPD includes ‘Useful sources of Information’ and the policies it is intended to supplement. The Obligations SPD does not.	The SPD does contain sources of information in the references/background documents list. The policies the SPD is intended to supplement are set out in paragraph 16 and Table 1.	No change to the SPD other than to add to references/background documents the location where the information can be viewed.
Appendix 2				
Table 1	2/20 Oxfordshire County Council	Comment: Clarify specialist housing. Delete note against waste recycling centres. Delete fire hydrants – deal with by condition. Delete cost of legal fees. Show the 2 types of indices used.	Amend to clarify that specialist housing means sheltered housing or exclusive student flats/accommodation. Note against waste recycling centres is an error Delete specific charges for hourly rate fees against costs of preparing the legal agreement. The indices used are referred to in the footnote to the table.	Amend Table in Appendix 2 as follows: Education notes to read: Does not apply to specialist housing (such as sheltered housing or exclusive student flats/accommodation). Adjust to take account of capacity in some schools Waste recycling centres – delete note Costs of preparing legal agreement note to read: Will be based on hourly rate Delete reference to fire hydrants
Appendices 2 and 3	14/5 Government Office for the South East	Comment: Provide worked examples of contributions for sites either within the document or crossed referenced.	Add worked example to SPD.	Appendices 2 and 3 revised to include worked examples of the calculations of contributions.
Appendix 3				
	2/21 Oxfordshire County Council	Comment: Delete fire hydrants – deal with by condition.	Agreed	Amend table in Appendix 3 to delete reference to fire hydrants.
Appendix 4 – Standard Legal Agreement				
Clause 2.3	2/4 Oxfordshire	Comment:	Agree to amend clause to clarify this.	Amend clause 2.3 to read:

	County Council	County generally seek to make clear that exclusion of diversion and laying of services relates to such work for construction purposes only.		'Commencement of the Development' means the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Agreement and for no other purpose) operations consisting of site clearance demolition work archaeological investigations investigations for the purpose of assessing ground conditions remedial work in respect of any contamination or other adverse ground conditions diversion and laying of services in connection with works for construction purposes erection of any temporary means of enclosure the temporary display of site notices or advertisements and 'commence' and 'commencement' shall be construed accordingly
Clause 4	1/28 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: The following standard provisions in the Law Society draft have not been included: 1.The Agreement should not be binding on owner occupiers of open market dwellings. 2.The obligations should expire if the permission is not implemented. 3.There should be no restriction on the right to develop under another permission. 4.The Councils should covenant to act reasonably/give approvals etc expeditiously.	1.Amend standard agreement to include clause from model agreement to clarify that the agreement should not be binding on owner occupiers of open market dwellings. 2.Whilst the Agreement comes into force when planning permission granted, the clauses in the agreement are not implemented until the trigger dates so if the development isn't implemented, the obligations will not come into force. 3. Amend the agreement to include a clause from model agreement to clarify that the agreement does not restrict the right to develop under another permission. 4. Amend the agreement to include an additional clause that all parties should act reasonably/give approvals	Amend standard agreement to add the following additional clauses: 4.4 This Agreement shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them [insert as appropriate] [applies if payment of all contributions are made in full on or before commencement of development] 12. CONSENT Where any term of this Agreement requires the agreement approval consent or expression of satisfaction of any party hereto such agreement approval consent or expression of satisfaction shall not be unreasonably withheld or delayed 18. ALTERNATIVE DEVELOPMENT Nothing in this Agreement shall prohibit or limit the right to develop any part of the Development in accordance with a planning permission (other than the Planning Permission) granted after the date of this

				Agreement
Clause 4.3	2/22 Oxfordshire County Council	Comment: The model form produced by DCLG endorses the County approach that these provisions should not apply to all commitments under the Agreement but only to affordable housing. Where there is a mortgagee the County requires that the mortgagee(s) acknowledge that the 'Land' is bound in respect of the County obligations	Agree to amend clause 4.3 to clarify that the mortgagee in possession clauses may be considered by the City Council if appropriate and the intention would be to only apply the clause to affordable housing.	Amend the first line of Clause 4.3 to read: [Mortgagee in possession clauses may be considered by the City Council if appropriate] The remainder of clause 4.3 will be deleted.
Clause 10.1	2/23 Oxfordshire County Council	Comment: Repayment clause would not apply to any commuted maintenance payment. The County should only covenant to return monies (where they are unspent) after receipt of a request to do so from the payer of the contribution and if there is a contractual commitment to spend the money then it is expended.	Amend standard clause to reflect the changes suggested.	Clause 10.1 has now been included in a separate schedule for City and County covenants as advised by Counsel. Amend repayment of contributions clause in Schedule Four to read: Following written request from the Applicant the County Council will pay to the Applicant the balance (if any) of the 'x' Sum which at the date of the receipt of such written request has not been expended or contracted to be expended in accordance with the provisions of this Agreement together with interest which has accrued on the balance (after deduction of tax where required and any other sum required to be deducted by law) provided always that no such request shall be made prior to the expiration of 'x' years from the due date of payment Similar wording is applied to Schedule Three of City Council clauses.
Clause 10.1	1/29 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd,	Objection: Object to standard repayment period of 10 years. Considerably less than 5 years should be sufficient for most contributions.	The appropriate level of repayment period will vary according to the type of infrastructure and whether the contribution will be pooled towards a larger scheme awaiting additional funding. Amend clause so that the	See change above

	Rectory Homes, Thomas Homes		appropriate time period can be inserted.	
Clause 10.2	2/49 Oxfordshire County Council	Comment: Clarify that requests should be at specific intervals only and the evidence is simply reasonable evidence.	Clause already refers to providing such evidence as the applicant should reasonably require. Add additional wording on number of requests for information.	Clause 10.2 has now been included in a separate schedule for City and County covenants as advised by Counsel. Amend Schedule Four, clause 2.2 to read: The County Council shall provide to the Applicant such evidence as the Applicant shall reasonably require (not more than once in every period of 12 months) in order to confirm the expenditure of the sums paid by the Applicant under this Agreement.
Clause 12	2/50 Oxfordshire County Council	Comment: There are certain conditions that take effect prior to commencement of development – covenants for payment. This clause should provide for a single trigger point – the grant of planning permission.	The City Council has sought Counsels advice on this issue. Counsel's advice is to keep the conditionality clause as unambiguous as possible. Following further discussion with the County Council revised wording to clause agreed.	Amend wording of clause 11 to read: CONDITIONALITY This Agreement is conditional upon: (i) the grant of the Planning Permission save for the provisions of [legal costs clause jurisdiction and delivery clauses and any other relevant provisions] which shall come into effect immediately upon completion of this Agreement (ii) the obligations on the part of the Applicant set out in clauses [relevant clauses to be stated] of Schedule 1 and clauses [relevant clauses] of Schedule 2 shall also be conditional upon Commencement of Development
Schedule One, Clause 1.1	1/30 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingierlee Ltd, Rectory Homes, Thomas Homes	Objection: There is no justification for payment of planning costs as well as legal costs.	This relates to the objectors comments on paragraph 35 of the SPD. Circular 05/2005 allows for charges for preparing and completing legal agreements. Revise wording to reflect Circular.	Amend Schedule One Clause 1.1 to read: To pay to the City Council on completion of this Agreement the City Council's costs of preparing and completing this Agreement.
Schedule One,	1/31 Berkeley	Objection:	The fees are set to cover the	Amend Table 2 of the main SPD to read:

<p>Clause 1.2 and Schedule 2 Clause 1.2</p>	<p>Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes</p>	<p>The level and extent of monitoring costs sought is unreasonable and unjustified:</p> <ul style="list-style-type: none"> - no justification for charging to cover the City Council monitoring the County Council. - monitoring spending are not matters which developers should pay for - charges are too high - no justification for the scale of charges – no more expensive to check payment of £25,000 has been paid than £100,000. - £700 charge for onsite measures is excessive and could in case of fire hydrant double the cost. - Monitoring fees do not feature in the Law Society’s standard model. 	<p>administrative costs of monitoring the various obligations made necessary in order to permit planning permission. The administration fee covers both the monitoring of the individual planning obligations as well as reporting to members and appropriate committees to enable the proper provision of the various infrastructure in a co-ordinated and efficient manner. The fees have been based upon covering the annual costs to administer the planning obligations secured during 2004/05 and 2005/06. The fees are banded to reflect the likely degree and duration of work in monitoring contributions, for example amounting to £100,000 rather than £25,000. It is likely that the larger sum will be capable of being spent upon a wider variety of measures and therefore would be likely to involve more resources in terms of auditing and monitoring expenditure. If there were a fixed and standard charge across all planning obligations, the smaller total contributions, where the impact to be mitigated would generally be more limited, would end up facing a disproportionately large fee compared to the contribution. It is acknowledged that the “Over £1M” category is too open ended.</p>	<p>Contributions ‘£1M-£2M – £10,000 Over £2M - £10,000 plus 0.5% of any element of the contribution over £2M”.</p>
<p>Schedule One, Clause 3</p>	<p>1/32 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes,</p>	<p>Objection: Requirement to notify the City Council when contributions are paid to the County Council are unnecessarily burdensome. Surely the two Councils should talk to each other.</p>	<p>As local planning authority, the City Council needs to be informed when payments have been made and it is appropriate for the applicant to do this.</p>	<p>No change to the SPD.</p>

	Thomas Homes			
Schedule One, Clause 5 and Schedule Two, Clause 4	1/33 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: It is unreasonable in cash flow terms to expect a developer to pay any sizeable contribution completely upfront. Suggest standard provisions for payment by instalments should be included.	Paragraph 36 of the SPD allows for phased payments and if this applied to an application, these clauses would be varied accordingly. Do not consider it is necessary to draft separate standard clauses.	No change to the SPD.
Schedule Four	1/34 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Liaison between City Council and County Council should be dealt with by internal protocols rather than an obligations with third parties.	This is a covenant between the City and County Councils and does not involve a third party. It provides openness on the implementation of obligations.	No change to the SPD.
Schedule of City Council and County Council covenants insert clauses	2/24 Oxfordshire County Council	Comment: The covenants should be negatively worded. For example....The County Council covenants not to use the contribution for other than....	The wording of the model agreement has been applied to these clauses and this is in a positive form and helps to 'Plain English' the document. The applicant and the public would expect the contribution to be used for the purpose specified and not an obligation that could mean not using the contribution. Counsel's advice has been sought on this issue and supports the City Council's stance.	No change to the SPD.
Schedule of City Council and County Council covenants	1/35 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes,	Objection: Addition of the words '(or any other measures that achieve similar benefits)' at the end of descriptions that are already very wide is unacceptable. References to 'in the vicinity of the site' are too general. It	The wording required so as not to be prejudicial to any consultation processes involved in the delivery of the mitigating infrastructure. As most contributions are likely in themselves to be insufficient to deliver the infrastructure (especially if the contributions are phased), it is likely	Amend standard wording of clauses in City Council and County Council covenants insert to read: 'x' facilities in the vicinity of the Land and which relate to the Development (or for such other purpose for the benefit of the Development as the Applicant and the [City/County Council] shall agree)

	Thomas Homes	should be possible to specify what a contribution is to be spent on – if it is not then arguably the contribution is not ‘necessary’ and fails the Circular tests. Amend wording so that reference is made to specific items of infrastructure.	that contributions will be pooled to deliver the infrastructure. Revise wording to clarify that contributions will relate to the development and any alternative will be agreed with the Applicant. Where it is not possible to provide measures to mitigate the development on-site, such provisions will be applied as close to the development site as possible to meet the tests of the Circular. Where a specific location is identified at the time of drafting the agreement, this will be included. When it is not possible to do this the words ‘in the vicinity of the Land’ will be used but further wording added to ensure contributions relate to the development.	
Schedule of County Council covenants insert – Library facilities	2/25 Oxfordshire County Council	Comment: Within the County list the library reference should include book stock as part of the expenditure permissible.	Agree to add reference to book stock in the standard clause.	Amend County Council covenant of library facilities to read: To use the Library sum only for local library infrastructure (including book stock) which may include [insert a specific local library and/or the Westgate Central library and the mobile library service if appropriate] (or for such other purpose for the benefit of the Development as the Applicant and the County Council shall agree).
Schedule of City Council on-site measures – Affordable Housing definition	1/36 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingierlee Ltd, Rectory Homes, Thomas Homes	Objection: Delete ‘and would otherwise be accommodated by the City Council’ – may not apply to all purchasers of shared ownership dwellings.	The clause as drafted reflects the wording of the affordable housing definition in the Local Plan.	No change to the SPD.
Schedule of City Council on-site	1/37 Berkeley Homes Ltd,	Objection: This is long and complicated	Amending the clause in this way would not shorten it or add any clarity	No change to the SPD.

measures – Affordable Housing Units definition	Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	and in places duplicates later provisions. Suggest replaced with substantive clauses ‘All social rented Affordable Housing Units shall be let at.’ ‘No persons other than persons nominated in accordance with the Nominations Deed shall occupy...’	to its meaning.	
Schedule of City Council on-site measures – definitions for ‘Common Housing Register’ ‘Nominations Deed’ ‘Partnership Agreement’	1/38 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: All these definitions appear to mean the same thing/achieve the same end – only Nominations Deed required. Reference in ‘Common Housing Register’ to an ‘RSL who provides homes in Oxford’ restricts competition.	In December 2006 Housing Services implemented a Common Housing Register and Partnership Agreement with RSLs operating in Oxford City so references to Nomination Deeds are no longer required. Agree to amend wording of Common Housing Register definition.	Amend Schedule of City Council on-site measures definitions of Common Housing Register and Nominations Deed as follows: Common Housing Register ‘Common Housing Register’ means a partnership between Oxford City Council and a RSL and contains a list of people who want a dwelling in Oxford (The Nominations Agreements that were attached to the model agreement have been deleted as a consequence)
Schedule of City Council on-site measures – Partnership Agreement and building contract for affordable housing required before commencement of development	1/39 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: It is unacceptable to restrict development until a third party has entered into an Agreement with the City Council. A developer will have no control over either the RSL or the City Council and it is completely unacceptable for delays on the part of either to hold up commencement of development. Given that there is already a restriction on occupation of the Affordable Housing Units such that they can only be occupied by a person nominated under the terms of	It is accepted that a Partnership Agreement is made between the City Council and the RSL. The onus is on the applicant to ensure that the RSL he wishes to use has entered a Partnership Agreement and this can be done at an early stage in the process and should not cause delay in commencement of development. It is however important to ensure the selected RSL has entered a Partnership Agreement at commencement to ensure the same RSL complies with the other provisions in the clause.	No change to the SPD.

		a Nominations Deed, there is no need for a restriction of this kind in the first place. Delete clause 1		
Schedule of City Council on-site measures – Partnership Agreement and Building Contract for Affordable Housing required before Commencement of Development	1/40 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Clause should be recast so that it is a covenant by the developer not to cause or permit commencement until the developer has entered into a contract and provided the City with a copy etc rather than that the developer procures that a third party does this.	Only the RSL can enter into the Partnership Agreement, not the applicant/developer. Revise the wording of the clause to reflect this.	Amend Schedule of City Council on-site measures – Partnership Agreement and Building Contract for Affordable Housing required before Commencement of Development sub-clauses1-3: Not to cause or permit Commencement of Development until the Applicant has 1. procured that the RSL has entered into the Partnership Agreement with the City Council 2 entered into a building contract with the RSL in respect of the Affordable Housing Units and 3 provided the City Council with a copy of the building contract referred to in paragraph {insert para number of the sub-clause above] such copy to be certified a true copy by a Solicitor
Schedule of City Council on-site measures – Partnership Agreement and Building Contract for Affordable Housing required before Commencement of Development	1/41 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Clause 4. should be deleted. Given that the timing of the provision of the affordable units is controlled by the restriction of sale of private units, a timetable is unnecessary. A number of the other matters are already covered by the requirement that the units are in accordance with the Affordable Housing SPD in terms of dwelling size and type and under the clause dealing with build standards. Other matters will be covered by conditions; and some	Agree that the timing of provision of the affordable housing units is controlled by the clause on the sales of Affordable Housing to and RSL and that the Affordable Housing Units Definition controls the location type cost and standard size so these elements of the clause can be deleted. However the parts of the clause on level of servicing and responsibility for the cost of such units should remain to cover the scenario where affordable housing units are provided in the same block as market dwellings.	Amend Schedule of City Council on-site measures – Partnership Agreement and Building Contract for Affordable Housing required before Commencement of Development clause 4: 4 obtained the approval of the City Council to the level of servicing of and allocation of responsibility for the cost of servicing such Units

		issues such as cost, level of servicing and 'allocation of responsibility for the cost' are both inappropriate for inclusion and unclear. It is unreasonable to restrict commencement until such a general shopping list has been complied with by a third party and approved by the City Council.		
Schedule of City Council on-site measures – Construction of Affordable Housing Units	1/42 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: It is unreasonable to suggest that build standards be those current at the commencement of development: surely all that can be asked is that they should be those current at the date of the application? A developer cannot be expected to see into the future, nor to build to a standard other than that which he has got permission for	An applicant should match the planning permission to meet the current build standards up to the date of commencement of development and text amended to clarify this. If those standards vary between the granting of permission and commencement of development, this could be addressed by a variation to the relevant condition/redesign.	Amend City Council on-site measures – Construction of Affordable Housing Units clause to read: To procure that the Affordable Housing Units are constructed to the standard required to at least meet the provisions of the: 1 Housing Corporation Scheme Development Standards current at Commencement of Development 2 Lifetime Homes Standards (Joseph Rowntree Foundation) 2000 or subsequent update current at Commencement of Development 3 Eco Homes Standard 'Excellent' (EcoHomes: The environmental rating for homes BRE April 2000 or subsequent update) current at Commencement of Development 4 Energy Efficiency Best Practice in Housing (Energy Efficiency Best Practice in Housing Energy Saving Trust July 2003 or subsequent update) current at Commencement of Development
Schedule of City Council on-site measures – Key Workers definition	1/43 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory	Objection: This needs to be more precise and identify which occupations are relevant.	The key worker definition in the clause follows the definition set out in the Local Plan. The current wording allows for flexibility and would accommodate any changes to the Government definition.	No change to the SPD.

	Homes, Thomas Homes			
Schedule of City Council on-site measures	2/26 Oxfordshire County Council	Comment: The clause refers to the City Council receiving and approving the Travel Plan. The report of the progress of the Travel Plan is also received by the City Council but Table 1 cites the local authority with responsibility to be the County Council. The agreement of the Travel Plan and subsequent monitoring should stay with one authority. There may be instances where a developer further covenants to insert clauses in licences and leases.	Amend Table 1 of the SPD to reflect that Travel Plans are received by the City Council. The legal agreement and its clauses are designed to cater for routine planning obligations and are not intended to be definitive. Any further covenants to insert clauses in licences and leases would be for separate negotiation with an appropriate modification to the standard clause if needed.	Amend Table 1 of SPD TR.2 Travel Plan Monitoring: Change local authority responsible from County to City Council
Schedule of City Council on-site measures – Travel Plans	1/44 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: The requirement for a full Travel Plan prior to commencement is unreasonable since at that stage the occupier may not be known (this is acknowledged elsewhere in the documentation) so much of the detail required will not be available.	Agree to modify the Clause so that in the case of speculative development the requirements of the Travel Plan need to be submitted prior to first occupation of the development.	Amend wording of City Council on-site measures – Travel Plans: (For outline applications): Commencement of Development shall not take place until a Full Travel Plan has been submitted to and approved in writing by the City Council, such Full Travel Plan to accord with any previously approved outline Travel Plan and to include the following together with a timetable for the implementation of each such element: (12 bullet points of action then follow in clause) [For applications involving speculative development]: First occupation of the development shall not take place until a Full Travel Plan has been submitted to and approved in writing by the City Council, such Full Travel Plan to accord with any previously approved outline Travel

				Plan and to include the following together with a timetable for the implementation of each such element: (12 bullet points of action then follow in clause)
Schedule of City or County Council on-site measures – Pedestrian and Cycle Routes (on-site)	2/51 Oxfordshire County Council	Comment: Clause allows the applicant considerable discretion as to when the path should be open.	The Clause allows for a reasonable balance between the interests of the landowner and the County/City Council. Amend wording to be consistent with consents for other on-site measures.	Amend Schedule of City or County Council on-site measures – Pedestrian and Cycle Routes (on-site) 4 th paragraph: On completion of the Development and thereafter to make the [cycle] [pedestrian] route shown as Route “x” on Plan “x” available for public use daily between the hours of “x” and not to prevent public access other than with the prior written agreement of the [County] [City] Council or in the case of an emergency adversely affecting members of the public and/or public safety the prevention of such access is to be limited to such period as is reasonably necessary at the discretion of the Applicant and/or the [County] [City] Council.
Schedule of City or County Council on-site measures – Pedestrian and Cycle Routes (on-site)	1/45 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	Objection: Where these are permissive, only the owner should be permitted to restrict access after consultation with the Council if there are instances of nuisance or anti-social behaviour. The Pedestrian Route Maintenance Programme is too onerous eg the requirement that it be kept free of debris at all times.	The clause allows for the prevention of public access with the prior written agreement of the City/County Council and this would cover instances of nuisance or anti-social behaviour provided sufficient evidence was submitted to substantiate such action. If the applicant chooses to retain control of the access rather than it being adopted, it should be kept in the same condition as would be applied to adopted highway and the clause as drafted would ensure this.	See change above.
Schedule of City Council on-site measures – Sports Facilities Indoor/Outdoor – Joint Use	1/46 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd,	Objection: It is unreasonable to restrict occupation until and Agreement has been entered with with a third party. The wording of this provision in	Agree to amend wording to clarify consent to a community access package.	Amend Schedule of City Council on-site measures - Sports Facilities Indoor/Outdoor – Joint Use agreement for public access: Not to occupy the Development until a Community Access Package submitted by the Applicant to the City Council [and the County

agreement for public access	Rectory Homes, Thomas Homes	any event needs revisiting: why is it necessary to obtain consent and approval to a package from a body that is a party to that package?		Council] has been approved by the City/[and County] Council approval to the Community Access Package such consent not to be unreasonably withheld or delayed. The Community Access Package shall provide for local residents'/groups [and schools] to have access to the Development for the use of the [insert details of the part of the building to be included in the Community Access Package]. Times and rates for the use shall also be contained in the Community Access Package. The approved Community Access Package shall be implemented at all times.
Standard Unilateral Undertaking	2/27 Oxfordshire County Council	Comment: The standard Unilateral Undertaking needs to include the covenant to pay the admin payment of £100.	Amend standard unilateral undertaking to refer to the admin payment.	Amend standard unilateral undertaking: Add to clause under Interpretation: 1.6 'the Administration Fee' means the sum of £100 towards the administration costs relating to this Undertaking Add to Clause under covenant: The Applicant covenants to pay 3.1 the Contribution to the Council on the date of this undertaking to be applied towards the cost of the infrastructure 3.2 the Administration Fee to the Council on the date of this Undertaking
General Comments				
	1/2 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingierlee Ltd, Rectory Homes, Thomas Homes	Objection: SPD is attempting to make up existing infrastructure shortfalls. Developer contributions sought are totally unrelated to the application site contrary to Circular 5/2005	The infrastructure sought is not to make up existing shortfalls. It is to provide the infrastructure necessary to mitigate the impact of the development caused by additional demand generated by new development.	No change to the SPD
	1/3 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd,	Objection: Area Committees have 'shopping list' of projects to be secured by developer contributions – many of a	Paragraph 17 of the Negotiating and Implementing Planning Obligations Code of Practice states that where the Action Plans prepared by Area Committees identifies new or	No change to the SPD.

	Kingerlee Ltd, Rectory Homes, Thomas Homes	general nature and would not arise when a development scheme is brought forward. This raises expectations that deficiencies will be overcome – contrary to Circular advice.	improved physical measures, these will be taken into account in considering infrastructure needs provided they meet the tests for requesting infrastructure in the Circular.	
	4/7 Arlington Business Park	Objection: The justification for many individual items is unclear.	The justification for service infrastructure needs are set out in the SPD with additional information provided in the Background Papers.	Various changes to the SPD are listed in the previous sections to add clarity to the justifications for the infrastructure requirements.
	4/8 Arlington Business Park	Objection: Leaving in many cases contributions left open to 'negotiation' does not give the desired level of certainty required by developers where Government guidance encourages standard charges.	Standard charges have been applied wherever possible. Those left to be determined 'by negotiation' are in general those where the locational circumstances where the contribution would apply vary to such an extent that it is impossible to standardise the infrastructure need eg environmental improvements could in the historic parts of Oxford involve improvements to signage or historic features but in the district centres it could involve landscaping/ extra cycle stands.	No change to the SPD.
	14/6 Government Office for the South East	Comment: Unclear what is any status you wish to attribute to those documents that 'supplement' the SPD.	The Background Papers that supplement the SPD are technical documents providing supporting information and do not form part of the SPD. Add a new paragraph to cross refer to them at the start of Part 2 – Types of Infrastructure. Circular 05/2005 specifically encourages local authorities to produce a Code of Practice for Negotiating and Implementing Planning Obligations and is referred to in paragraph 26. This document does not form part of the SPD but is seen as providing supporting information to complement the SPD. The Viability Study tests the viability of a series of sites in Oxford against the infrastructure requirements	The SPD sets out in a clear and succinct way the infrastructure requirements arising from development. The other documents provide detailed information to support the advice given in the SPD. Add an additional paragraph to the start of Part 2 – Types of Infrastructure: 41A. This section sets out the types of infrastructure for which developer contributions are sought including the thresholds that apply and the standard charges/formulae where appropriate. 41B. Further information on the locations of existing or proposed infrastructure, a more detailed justification explaining the deficiency of infrastructure and the methodology for formulating the contributions are set out in the Background Papers (available on the City

			in the SPD and concludes that the sites are viable in the majority of cases.	Council website).
	14/2 Government Office for the South East	Comment: Need to be confident that the documents truly supplement existing policy, rather than introducing, no matter how slightly or subtly, new matters that should have been but were not tested at Local Plan Inquiry – eg adopted Local Plan refers to National Playing Fields Association (NPFA) open space standards, whereas SPD is based on later Strategic Leisure survey/suggested higher standard.	The Local Plan only seeks to achieve the NPFA standards for children’s play space. This SPD seeks to ensure that new developments maintain existing standards and that a contribution or provision is made equivalent to the demand arising from the increased population as a consequence of new development. This is fully considered and does not go beyond Local Plan policies HS.22, HS.23 and SR.7. It does not increase the amount of open space that would be required above the 10% set out in the Local Plan. The findings of the Scott Wilson and Strategic Leisure studies are only used to highlight where the shortage in provision referred to in policy HS.22 are found.	No change to the SPD.
	15/1 Network Rail	Comment: SPD should support the redevelopment of operational land that has become surplus to requirements.	It is not a purpose of this SPD to support the redevelopment of operational land	No change to the SPD
	16/3 Gosford and Water Eaton Parish Council	Comment: Different interpretations on the application of developer contributions between planning authorities would cause an imbalance in house prices and uneven demands between sub-regions.	Infrastructure requirements will vary between regions such as demand for affordable housing. The main impact of infrastructure funding will be on land value although it is accepted that some of this may be passed on to house purchasers. However, on the whole, new house price is based on existing supply price, not costs and there is a upper limit above which houses do not sell. Other factors affect deficiencies in house prices across regions such as demand and land availability.	No change to the SPD.

	16/4 Gosford and Water Eaton Parish Council	Comment: Schemes funded by contributions could have an adverse affect on neighbouring parishes eg more traffic driving through villages, increasing sizes of Park & Ride sites.	Accept schemes funded by contributions could have an adverse impact. However this issue can not be directly addressed through the SPD. This covers wider policy issues that should be taken into account in other policies/programmes such as the Local Transport Plan and the Core Strategy Development Plan Document.	No change to the SPD.
	16/5 Gosford and Water Eaton Parish Council	Comment: How will the SPD be applied to any large housing developments outside the City Council administrative boundary if the City Council's proposals to the SE Regional Assembly are successful?	This SPD gives guidance on the implementation of policies in the adopted Local Plan. Any required planning obligations in the event of an urban extension would be a matter for new policy development.	No change to the SPD.
	17/1 Theatres Trust	Objection: Consider there should be a separate section dealing with buildings that are for cultural use and the need for developer contributions for cultural activities and facilities.	The Local Plan seeks to enhance the cultural importance of Oxford and supports through policy TA.6 enhancements and extensions to existing attractions. However, given the demands for other infrastructure improvements and the outcome of the Viability study, the scope for seeking contributions for buildings for cultural use will only apply in bespoke circumstances. If this scenario applied, it would be addressed in Appendix 1.	No change to the SPD.
	18/1 Oxfordshire Green Party	Objection: Would like a new section added on obligations covering climate change.	This issue was raised at Committee prior to public consultation on the document and in a notice of motion at Council in November. The Local Plan includes policies to address climate change issues such as CP.18 on Natural Resource Impact Analysis and an obligation isn't required to implement these policies. If an application came forward that resulted	No change to the SPD.

			in a justified need for infrastructure to address climate change, such a scheme may be covered by the reference to policy CP.2 in Appendix 1.	
	21/1 Oxford Radcliffe Hospitals NHS Trust	Comment: Wish to secure contributions for additional local health care where the need is directly related to the development – such as provision of primary or acute care and/or special needs housing.	Meeting held with NHS Trust. Trust accepted that they provide a regional facility and predicted increase in population from new development is relatively small. Discussed potential for planning gain supplement to address regional impact of development.	No change to the SPD.
	20/1 Thames Valley Police Authority	Comment: Wish to secure contributions for policing infrastructure to address the policing and community safety needs from both residential growth and major retail and event venues.	Meeting held with Police Authority. St. Aldate's Police Station identified as development site in the Local Plan. Involve in future discussions on West End Area Action Plan and Core Strategy Development Plan Document where appropriate.	No change to the SPD.
	8/1 Linden Homes (Chiltern) Ltd	Support: Welcome provision of greater certainty and knowledge of likely levels of contributions and requirements. Support the use of standard agreements.		
	10/1 Sport England	Support: Support the SPD as it will provide an enhanced, robust and transparent planning obligation process.		
	11/1 South East England Regional Assembly	Support: Supports the production of guidance. Confirms SPD is in general conformity with adopted Regional Spatial Strategy and the draft South East Plan.		
	14/1	Support:		

	Government Office for the South East	Producing SPDs on obligations helps in process of understanding expectations in a clear, succinct way.		
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Table of Representations on Negotiating and Implementing Planning Obligations Code of Practice

Section/ paragraph/ Page/ heading	Objector/ Comment Ref. no	Summary of representation	Officer response	Officer recommendation
Main Text				
Paragraph 2	1/47 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Comment: Will resources be made available to enable meaningful discussion of development proposals at pre-application stage?	The Planning service will endeavour to provide pre-application discussions, particularly for major planning applications when requested to do so and will seek to manage resources accordingly. Information submitted in advance of pre-application meetings by applicants will assist in maximising the efficiency of the process.	Add an additional sentence to paragraph 2 after the 3 rd sentence to read: Information submitted in advance of pre-application meetings by applicants will assist in maximising the efficiency of the process.
Paragraph 3, line 8	2/37 Oxfordshire County Council	Comment: Define major applications	Amend wording to cross reference to definition in Glossary of SPD.	Amend paragraph 3 3 rd sentence by adding a footnote reference against 'For major applications' 1 – see definition in Glossary to main SPD.
Paragraph 4, line 9	2/38 Oxfordshire County Council	Comment: Clarify what the'other costs' referred to are and add the word 'reasonable'	Circular 05/2005 allows for charges for preparing and completing legal agreements. Revise wording to reflect Circular.	Amend paragraph 4 to read: Detailed legal matters such as obtaining proof of title or identification of mortgagees often delay the progress of obligations To address this potential delay, applicants will be asked to complete the legal questionnaire, Appendix 1, to enable work to start as early as possible on the creation of the agreement. Before significant legal work can take place, the City and County Councils' legal advisors need applicants to agree a solicitor's undertaking on costs or to provide payment on account to meet the costs of preparing and producing the

				obligation. The completed questionnaire should be submitted where possible with the planning application.
Paragraph 5 and Appendix 2	1/48 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Paragraph 5 states 'the size of the financial contribution may determine the parties involved' and Appendix 2 states that where County functions only are involved, if the composite sum exceeds £10k, a tri-partite agreement is required. This is unjustified and unreasonable and involves developers in additional expense in paying legal costs and adds to delay. Requirement should be deleted.	Reference to the type of obligation determining the parties involved is the City/County Councils preferred approach to obligations. Amend sentence to clarify this. However, it is accepted that obligations in the form of unilateral undertakings may be offered by developers.	Amend paragraph 5 second sentence to read: In accordance with the City and County Councils preferred approach to obligations, the size of the financial contribution may also determine the parties involved.
Paragraph 7, line 1	2/39 Oxfordshire County Council	Comment: Developers should be encouraged to use the unilateral undertaking devised under the joint authority standard pre-prepared unilateral undertaking route. It should only be used for contributions, not other types of covenants.	Agree to clarify wording to reflect this.	Amend paragraph 7 to read as follows: Developers will be encouraged to use unilateral undertakings in the standard form in Appendix 4 to the SPD when the contributions required towards infrastructure is solely City Council or solely County Council functions, and are currently under £10k. Under this City/County Council preferred approach, unilateral undertakings do not require the local authority to establish title to land and should require less time to complete. Any financial contribution payable would be on completion of the unilateral undertaking. Under the preferred approach, unilateral undertakings will only be used for contributions, not other types of covenants. Any other unilateral undertaking offered by an applicant would need to be assessed by the appropriate legal teams and would

				not benefit from the streamlined process of the standard unilateral undertaking. Non-standard unilateral undertakings may need to also provide evidence of title and confirmation of other legal elements. Unilateral undertakings may also be offered under the planning appeal process.
Paragraph 7, line 7	2/40 Oxfordshire County Council	Comment: It is only the City/County pre-prepared standard unilateral undertaking that deal with payments made at time of completion of deed. Other non-County/City pre-prepared unilateral undertakings may well need the title confirmed.	Agree that other unilateral undertakings can be offered by developers but only those that follow the model shown in the SPD and that meet certain criteria will benefit from the streamlined process. Amend wording to reflect that other unilateral undertakings can be offered by developers.	See change to paragraph 7 above.
Paragraph 7 and Appendix 2	1/50 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	Comment: Whilst the Council states a preferred approach, it is the developer's prerogative to submit a unilateral undertaking.	The paragraph refers to the preferred procedure for the use of standard unilateral undertakings but the above change reflects that non-standard unilateral undertakings may be offered by developers.	See change to paragraph 7 above.
Paragraph 8	2/41 Oxfordshire County Council	Comment: In the case of County/Developer bi-partite agreements, the drafts should be initiated by the County.	Paragraph re-drafted to clarify which authority should initiate agreements according to the infrastructure required.	Amend paragraph 8 to read: The draft obligation will be initiated by the City Council for City Council only infrastructure needs and those covering both City and County Council functions. It will be based on the standard S106 agreement or unilateral undertaking set out in Appendix 4 of the Planning Obligations SPD. The County Council will initiate obligations where only County Council infrastructure service needs are required.
Paragraph 9, line 3	2/42 Oxfordshire County Council	Comment: Developer should be asked to submit	Change text to clarify that heads of terms, not the planning	Amend 1 st sentence of paragraph 9 to read:

		proposed heads of terms not planning obligations when submitting planning application.	obligations should be submitted.	If the applicant has entered into pre-application discussions, the proposed heads of terms should then be submitted as part of the planning application.
Paragraph 9	1/51 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: The requirement to submit heads of terms before an assessment of the planning application has taken place implies the Council will apply contributions regardless of impact or the mitigation required. An obligation can only be offered and negotiated once specific needs have been identified.	Applicants are encouraged to discuss and agree draft heads of terms at pre-application stage wherever possible in order to speed up the application process and it should be possible at this stage to identify mitigation measures. Further discussion may be needed on the heads of terms as the application is processed	No change to the Code of Practice.
Paragraph 18	1/53 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Comment: If completion of the Agreement is due to delays at the Councils' end (eg delay in instructing the Councils' Solicitor after receipt of undertakings or delay in meeting comments deadlines) applications will not be refused.	Paragraph clearly refers to undue delay by the applicant to complete the agreement, officers will be granted delegated powers to refuse the application. This paragraph would not apply if the delay had been caused by the City or County Council	No change to the Code of Practice.
Appendix 1	1/49 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Objection: Questionnaire – question 6 seems repetitive. 6(b) is not necessary in the light of 6(a). 6(c), 6(d) and 6(e) all overlap: 6 (d) should suffice. On 6(e), no mortgagee will agree to seal without having seen the document.	Agree to delete questions 6b, 6c, and 6e	Appendix 1 – legal questionnaire – amend question 6. Mortgages as follows: 6a Is there a mortgage on the property? <i>(This is essential information as the mortgagee has to be a party to any agreement)</i> Please supply a copy of the mortgage document if the land is <u>not</u> registered. 6b Please confirm that the mortgagee knows that they must be party to the agreement and seal it to signify consent to the land being bound by further charge albeit a local

				land charge rather than a legal charge.
Appendix 2	2/43 Oxfordshire County Council	Comment: Under 'Type of Agreement' 2 nd cell only applies to transport contributions. 6 th cell – clarify meaning	Add reference to transport contributions. 6 th cell amend to clarify position when City (as landowner) is the applicant.	Amend table under Type of agreement, second cell to read: Bi-partite agreement under the City/County Council preferred approach or UU if selected by developer. (If transport contributions involved, the UU is covered by the terms of the Transport Infrastructure Protocol) Amend table 6 th cell to read: Bi-partite/tripartite (hybrid). S106 with City as landowner and may not be part of planning application – will depend on circumstances
Appendix 3	2/44 Oxfordshire County Council	Comment: Lower portion of chart '3 Weeks' element presumption heads of terms are agreed. Change to heads of terms (preferably agreed) included in committee report. If not agreed committee report to include the proposed heads of terms with reasons why they are not acceptable.	The committee report will include agreed heads of terms. If other issues have been raised during the process of the application they may be identified in the report such as proposed heads of terms that are not acceptable but the content of the report will depend on the particular circumstances of the application.	No change to the Code of Practice.
Appendices 3 and 7	1/52 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kingerlee Ltd, Rectory Homes, Thomas Homes	Comment: Legal questionnaire is required to be submitted with the application so instruction to City solicitor should happen at that stage and not after consideration by committee as shown on the flowcharts.	Box in flowchart in Appendix 3 does refer to draft legal agreement but revise text to clarify this issue. Flowchart in Appendix 7 states legal will be instructed after the resolution or earlier in process where possible but additional wording can be added to clarify.	Appendix 3 flowchart box after submission of planning application to be amended to read: Case processed and, if possible, case officer instructs City solicitor to draft legal agreement Penultimate box in flowchart amended to read: Using standard forms, case officer instructs City solicitor if this has not been possible at earlier stage. Appendix 7 1 st box amended to read: When in receipt of information on

				infrastructure requirements and legal questionnaire (after committee has resolved to approve subject to a S106 or earlier in process where possible)
Appendix 7	2/45 Oxfordshire County Council	Comment: £300 payments only needed when the applicant is not using a solicitor Central 3 rd cell – clarify how long solicitor has to compose the first draft then circulate it.	Change text to clarify when costs undertaking applies. City Council solicitor to compose draft within 5 working days of receiving full instructions	Amend the text of the top left cell of the flowchart Appendix 7 to read: Attach to standard instructions completed questionnaire plus 2 x £300 cheques (if not represented by a solicitor) or undertaking & draft conditions. Amend central 3 rd cell to read: City Council solicitor composes draft within 5 working days of receiving full instructions and circulates to relevant City/County officers with 7 day comments deadline
Appendix 7	1/54 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	Comment: The first reference to conditions is 6 steps into the flowchart at engrossment stage. It is suggested that draft conditions need to be produced considerably earlier to enable discussion with the applicant. This needs to be built into the flowchart.	Amend flowchart to clarify that draft conditions will be passed to solicitor with instructions using the standard instruction form.	Amend Appendix 7, second central box of flowchart to read: Case officer instructs City solicitor using standard instruction form with copy to County Developer Funding Team (DFt) including draft planning conditions
Appendix 7	2/46 Oxfordshire County Council	Comment: Suggest box below County seals is not necessary and could be replaced with side box saying County receive costs.	Amend flowchart as suggested by County	Amend flowchart Appendix 7 by deleting box below 'County seals' and add side box to 'County seals' stating 'County receive costs'
Appendix 8	2/47 Oxfordshire County Council	Comment: Extra provisions in the protocol are reflected in a revised Schedule Five in standard agreement and contain additional provisions from previous schedules. The extra different commitments could potentially be contrary to common law principles.	Following the receipt of Counsels advice, the model agreement and the wording of the protocol in Appendix 8 have been amended to reflect the procedure for discussions on transport infrastructure.	Change Appendix 8 Schedule Five of the Code of Practice and Schedule Five of the legal agreement to read: The County Council covenants with the City Council to discuss with the City Council the programming and expenditure of the Transport Sum and the timescale for the execution of

				the measures to be funded by the Transport Sum.
General	1/55 Berkeley Homes Ltd, Banner Homes Plc, JA Pye (Oxford) Ltd, Kinglerlee Ltd, Rectory Homes, Thomas Homes	Comment: As the decision process is presented, there is the danger that applicants will face a choice between signing a last minute 'take it or leave it' Section 106 Agreement and receiving a refusal. This is likely to result in an increased number of UUs being offered and the Council facing many more appeals if it refuses to grant permission based on those unilaterals.	This is not the case. The main objective of the Code of Practice is to support the SPD to make processes and procedures as clear as possible. By producing documents such as the legal questionnaire and standard agreements the aim is to process draft agreements much earlier to ensure applications are determined within Government targets and minimise the need to address issues at the last minute.	No change to the Code of Practice.

Table of Representations on Planning Obligations Supplementary Planning Document – Sustainability Appraisal

Section/ paragraph/ Page/ heading	Objector/ Comment Ref. no	Summary of representation	Officer response	Officer recommendation
Page 3, line 9	2/34 Oxfordshire County Council	Objection: Disagree that the SPD clarifies how much needed education capacity is likely to be generated – demonstrates that if extra capacity is needed to address the impact of a development, what the likely implications are in terms of contributions to mitigate such an impact.	Amend sentence to clarify that education contributions will address capacity issues identified to mitigate impact and this will help meet the economic objective to develop a skilled workforce.	Amend 4 th sentence to read: With regard to economic objectives, the SPD clarifies how contributions will be sought if additional education provision is needed to mitigate the impact of new development.
Page 7, paragraph 5	2/35 Oxfordshire County Council	Comment: The standard legal agreements are to be used as a base and not necessarily prescriptive and therefore needing to be followed in each case.	The front page of the standard legal agreement states it is an indicative model for routine obligations and is not intended to be definitive. Variations may be necessary to address site specific issues or to take account of further developments in law or practice.	No change to the Sustainability Appraisal.
Page 14, option 2	2/36 Oxfordshire County Council	Objection: Reduce community and youth facilities thresholds from 20 to 10 as all other thresholds start from 10.	No justification has been supplied for reducing the threshold. The Local Plan states that the threshold for other youth related infrastructure is 20 dwellings. There is a danger that loading too many infrastructure requirements on smaller developments will make them unviable.	No change to the Sustainability Appraisal.