Divisions Affected – All Divisions

CABINET MEMBER FOR ENVIRONMENT - 25 MARCH 2021

THE OXFORDSHIRE COUNTY COUNCIL DEVELOPER GUIDE TO INFRASTRUCTURE DELIVERY AND CONTRIBUTIONS

Report by Interim Corporate Director Communities

RECOMMENDATION

1.   The Cabinet Member for Environment is RECOMMENDED:

   a)   to approve for publication the Oxfordshire County Council Developer Guide to Infrastructure Delivery and Contributions as attached at Annex 1, subject to any minor amendments following a final review and formatting;

   b)   that the Oxfordshire County Council Developer Guide to Infrastructure Delivery and Contributions be updated as necessary, to take account of, but not restricted to, technical changes in legislation, Government guidance and County Council policy.

Executive Summary

2.   The aim of the Oxfordshire County Council Developer Guide to Infrastructure Delivery and Contributions (Developer Guide) is to provide the District Councils, developers, planning consultants and other interested parties with a clear view as to the County Council's expectations for the provision of infrastructure and services in association with new development.

3.   County Council service areas, District Councils, developers and planning consultants have been consulted on a draft of the Developer Guide. Following consultation, the draft Developer Guide has been updated and refined ready for publication.

Key Issues

4.   The new development planned across Oxfordshire will impact on infrastructure and services falling within the County Council's responsibility. Where new development adversely impacts upon the capacity of the services or infrastructure, we request that developers mitigate the impact by providing contributions and/or works secured under S106 of the Town and Country Planning Act 1990.

5. The Developer Guide will provide transparency and consistency in what is sought by the County Council to mitigate the impact of new development on its services and infrastructure. It will allow developers to factor in relevant costs at an early stage of the planning process and will contribute to a reduction in delay associated with the planning process.

6. County Council service areas, District Councils, developers and planning consultants have been consulted on a draft of the Developer Guide. Following consultation, the draft Developer Guide has been updated and refined.

7. The Developer Guide sets out:

   - by OCC service area, the infrastructure / services that may be impacted by new development and mitigation that may be sought to make development acceptable in planning terms;
   - the mechanisms by which the provision of infrastructure / services will be sought;
   - other overarching, supporting information such as that relating to population yields, fees, bonds and enforcement and
   - signposts to other supporting information to be available on the website.

8. The Developer Guide includes information relating to the following service areas:

   - Archaeology
   - Community Services including adult day care, libraries and museums
   - Education, including Special Educational Needs
   - Energy efficiency and use of natural resources
   - Extra care and specialist housing
   - Fire and Rescue Infrastructure
   - Flood and Water Management and Sustainable Drainage Systems
   - Natural Environment
   - Transportation including highways, travel planning, active and healthy travel, public transport and infrastructure and public rights of way
   - Waste Management

9. The Developer Guide will also be accompanied by several S106 template agreements with notes. This will allow developers and their lawyers' early sight of legal provisions required and an explanation of why certain provisions are necessary. This will lead to a reduction in discussions on drafting, consistency in S106 agreements and support the expedition of the issuing of planning permission, thereby reducing both resources and risk to both applicants and the County Council.

10. The final version of the Developer Guide save for the S106 template agreements with notes is attached to this report at Annex 1. S106 template agreements are being reviewed and will be available by the end of March. The Guide is in two parts: Part 1 covering general matters and Part 2 covering infrastructure / service requirements by County Council service areas. The Developer Guide will supplement guidance on developer obligations published by the local planning authorities across Oxfordshire.

Corporate Policies and Priorities

11.   The Developer Guide will underpin the County Council's vision of thriving people, thriving communities and thriving economy by providing a framework of understanding for the delivery of infrastructure and services necessary to support housing and commercial growth in a timely manner. Importantly, it also aligns with the emerging Oxfordshire Strategic Vision.

Financial Implications

12.   There are no budgetary implications in relation to the publication of the Developer Guide.

13.   The cost of preparing the Developer Guide has been funded through a Homes England (formerly Homes and Communities Agency) grant.

14.   To ensure appropriate funding is available to deliver infrastructure / services to mitigate the impact of development it is essential that the County Council maximise funding from developers. The Guide in providing transparency and information at an early stage of the planning process will aid this.

15.   The Guide provides information on infrastructure and services that are required to mitigate the impact of development, but it does not provide information on how money secured is to be spent. The specific wording in S106 agreements will determine how contributions can be spent.

Comments checked by: Rob Finlayson, Finance BP (Communities and C, OD & CDAI) rob.finlayson.oxfordshire.gov.uk

Legal Implications

16.   Legal Services have explored the legal implications of the Developer Guide and concluded that there are no legal issues to note.   The Developer Guide is not a statutory document but is a guide that provides a clear view as to the County Council's expectations for the provision of infrastructure and services in association with new development based on County Council policy.   Legal Services have been consulted on each draft of the Developer Guide and any comments have been taken account of.

Comments checked by: Jennifer Crouch, Principal Solicitor Environmental jennifer.crouch@oxfordshire.gov.uk

Equality & Inclusion Implications

17.   A Service and Community Impact Assessment was undertaken in 2018 in relation to the Developer Guide. This did not identify any negative impacts in relation to any groups with protected characteristics. An Equality and Climate Impact Assessment has also been undertaken more recently which identifies

no negative impact and a positive impact in relation to energy use in buildings including maintained schools and reduction in carbon emissions.

Risk Management

18.   Without a Developer Guide there is a risk that there will be inconsistency in advice and in requests for planning obligations (S106). This could lead to confusion, lack of transparency, the undermining of planning obligation requests and delay in the issue of planning permissions.

19.   The Developer Guide will provide clarity to interested parties as to the County Council's position and where there are potential changes to the planning system can provide guidance / advice leading to a positive transition to any changes.

20.   To be effective the Developer Guide will need to be kept up to date. It should be reviewed annually and updated as necessary to reflect any changes identified.

21.   The Developer Guide supplements development contribution advice produced by partnering local planning authorities. These will be used as part of the evidence base for the review of the S106 process, currently underway in partnership with Cherwell District Council and to be reported to the Partnership Working Group in due course.

22.   Delayed as a result of work prioritisation/ resourcing pressure arising indirectly from COVID-19, the scope for the S106 review is now being brought up to date to reflect a requirement for an end-to-end review with the external peer review anticipated in Spring 2021. The outcome of the review may require a further Developer Guide update.

23.   A full review of the planning system is underway, with changes to the S106 process anticipated. The review is being monitored on an ongoing basis, any changes to the S106 process will be considered once announced. The Developer Guide will be amended accordingly.

Consultations

24.   Informal consultation was initially carried out with the District Councils across Oxfordshire in May/June 2018. Comments received from this process were incorporated into a draft Developer Guide which was then consulted on between August and September 2018 and included direct email to the District Councils and a range of developers and planning agents (50 in total). The consultation was also placed on the County Council's e-consult portal. Nine responses were received from external consultees raising several matters as summarised at Annex 2.

25.   Following the 2018 consultation the Developer Guide was updated as appropriate considering comments received. Progress then stalled due to a

lack of resource, but more recently relevant County Council service areas have been consulted regarding any updates required.

26.   The Developer Guide will be published on the County Council's website and District Councils will be informed of its publication by email to key officers and raised at officers' routine liaison meetings with the District Councils prior to publication, allowing them to review and refine their own guidance accordingly. A webinar will be offered to present the guide to District colleagues and developers. The Council's Single Responses to planning consultations will also direct applicants to the Developer Guide.

27.   Members will be made aware and advised of its content and given the opportunity to raise questions. A further member briefing on S106 matters generally has been requested. An overview of the Developer Guide will be provided as part of that wider briefing.

JASON RUSSELL,
INTERIM CORPORATE DIRECTOR COMMUNITIES

Annex: Oxfordshire County Council Developer Guide to Infrastructure Delivery and Contributions (excluding S106 template agreements & notes) including:
Part 1
Part 2
Part 2 Annexes

Background papers: Nil.

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