


Oxford Core Strategy Examination Statement of Oxford City Council		www.oxford.gov.uk  OXFORD CITY COUNCIL
C/M6/2	Matter 6 – Infrastructure Issue 2 – Infrastructure and developer contributions	

i) Does the policy properly reflect the guidance in Circular 5/05?

Circular 05/2005 – Planning Obligations (CD11/30) sets out guidance on the use of Section 106 of the Town and Country Planning Act 1990 (As Amended). The Government’s policy is set out in Annex B to the circular. This makes clear that the role of planning obligations is to make development proposals acceptable which would otherwise not be acceptable in planning terms. Five policy tests are set out, namely that a planning obligation must be i) relevant to planning, ii) necessary, iii) directly related to the development, iv) fairly and reasonably related in scale and kind, and v) reasonable in all other respects.

Paragraph B9 of the circular states that *“developers may reasonably be expected to pay for or contribute to the cost of all, or that part of, additional infrastructure provision which would not have been necessary but for their development.”* This requirement is expanded upon in paragraphs B22 and B23, which make clear that pooled contributions can be sought towards the cost of providing future infrastructure, and that the cumulative impact of a series of developments can be taken account of in seeking a proportional contribution towards front-loaded infrastructure schemes. Paragraph B23 states that *“this practice can still meet the requirements of the Secretary of State’s policy tests if the need for infrastructure and the proportionate contributions to be sought is set out in advance.”*

It is therefore considered that Policy CS18 is entirely compliant with the advice set out in the circular. It is not considered necessary to repeat the tests set out in the circular, as this would duplicate national policy. Nevertheless, Policy CS18 makes clear that contributions will be sought where needs arise as a result of new development, and that contributions will be used to mitigate the adverse impacts of development. It should be noted that the role of the Planning Obligations SPD (and future reviews of this document) is referred to in the supporting text of Policy CS18. The SPD, together with accompanying background papers, sets out the detailed framework for seeking developer contributions in a transparent and robust manner.

ii) Does the approach accommodate changing economic circumstances?

Policy CS18 is worded in a way that allows flexibility in its implementation, and is therefore durable irrespective of economic circumstances. This is borne out by the

City Council's implementation, at the current time, of equivalent Local Plan Policy CP.2 – Planning Obligations (CD7/6). Whilst the Planning Obligations SPD (CD7/12) is used as the basis for agreeing payments, the Council is currently receptive to an open book approach whereby if developers can demonstrate non-viability of a lump sum payment, the legal agreement may instead allow phased payment (which itself may, exceptionally, be subject to further negotiation). This is to help ensure that delivery of development is not being held back at the current time due to the constraints on credit, and demonstrates the Council's commitment to facilitate appropriate development that supports its strategic objectives.

iii) What are the priorities between the various infrastructure requirements and how will these be prioritised?

In the Council's view, the Core Strategy Vision and Objectives and Spatial Strategy set out clear priorities for the Core Strategy deliverables. It follows that the priority infrastructure improvements will relate to these objectives, namely delivering the strategic sites, supporting housing growth and regeneration areas, mitigating and adapting to climate change, and generally maintaining and strengthening Oxford's role in the region and as a world class city. The infrastructure projects recognised as underpinning the strategy are shown in the table in the Council's statement C/M6/1, these being Northern Gateway transport mitigation measures, access and community infrastructure at Barton, infrastructure to support the West End mixed-use development, and strategic transport measures proposed as the Access to Oxford package (although this relates to sustainable growth throughout the Central Oxfordshire sub-region). Other priorities are listed in Policy CS18; these are considered vital to ensure the sustainability of growth in Oxford, and to meet the Core Strategy Spatial Objectives.

It is not considered that there would be any conflict in these priorities. Mechanisms for funding projects that underpin the spatial strategy are already identified (see Council statement C/M6/1). Key strategic and service level infrastructure identified in Policy CS18 would be sought in association with development. Even if it were not possible to secure all specified infrastructure improvements relating to a particular development, the Council does not consider this would impact on the deliverability, as the policy can, where viability considerations necessitate, be applied flexibly. The provision of affordable housing, as set out in Policy CS25, is the City Council's top priority. In general, this will be prioritised over other forms of non-essential infrastructure if viability considerations indicate that a development cannot provide all the infrastructure requirements identified in Policy CS18. However, circumstances may of course vary on particular sites, and the AAPs, together with the Site Allocations DPD, will set out the priorities for specific developments in the light of further consultation and sustainability appraisal. Regard would be had to the Core Strategy objectives, the Sustainable Community Strategy (CD7/1), AAP policy where

relevant, the Planning Obligations SPD, the Affordable Housing SPD (CD7/9), and the outcome of stakeholder involvement in line with the SCI (CD7/24).