

Oxford City Council CIL Examination: Osney Mead

We previously made known our client's intention to participate in the CIL Examination hearing. However, we would like to withdraw our request to participate.

Our representations to the Council submitted on 5th January 2024 outlined our client's concerns about the Council's proposed c. 400% uplift in CIL rates for Class E, B2 and B8 uses.

Osney Mead is a major strategic development site identified by the Council as playing a crucial role in realising the vision and objectives set out within the Local Plan. However, there are significant and exceptional constraints that need to be overcome to realise development at this site (particularly relating to flooding, utilities, access, transport and other strategic infrastructure interventions).

Our representations raised concerns about the evidence base underpinning the Council's draft CIL Charging Schedule (namely the "Viability Assessment" prepared by BNP Paribas) which did not consider the implications of the proposed uplift on the deliverability of Osney Mead.

We note that the Council has published a Statement of Modifications since our representations were submitted, which sets out modifications which have been made to the Council's proposed CIL rates since the consultation on the draft Charging Schedule. This highlights that the Council will be maintaining the current CIL rates for B2 and B8 uses, which is welcomed.

The Statement of Modifications points to further evidence that has been produced by BNP Paribas (the "Oxford CIL Offices and R&D Viability Addendum Note"). This document contains site-specific testing of the Council's proposed office and R&D (i.e. Class E) CIL rates, including testing of Osney Mead.

However, the Viability Addendum Note is very high-level and broad-brush in its assessment of the impacts for the Osney Mead site. Importantly, it does not factor in the significant abnormal costs associated with the flooding, utilities, access, transport and other infrastructure interventions required to deliver this site, and so is flawed in drawing conclusions that there is a "CIL surplus" available to absorb the increased CIL rates.

Our client remains dissatisfied with evidence underpinning the proposed CIL uplift and remains concerned that the proposed uplift will have an adverse impact on the deliverability of the Osney Mead site, directly impacting the deliverability of the Local Plan. Our client is also concerned procedurally that the Council's proposed new CIL Charging Schedule is progressing irrespective of the fact that the previous Draft Local Plan has been withdrawn from examination and is needing to be started afresh. The original intention of the Council was to run the proposed new CIL Charging Schedule and Draft Local Plan processes in parallel, where the implications of the two could be considered holistically. The situation now is far from ideal and means the viability

considerations of the cumulative burden of requirements and costs on development stemming from the current Local Plan and the new CIL Charging Schedule have not been comprehensively addressed. The approach feels out of sync and disparate.

Notwithstanding the above concerns, we appreciate that the viability considerations related to Osney Mead are difficult to fully and thoroughly address at this moment. We note that the Council has an exceptional circumstances relief policy that was introduced in 2019 that can be drawn upon to mitigate risk of delivery of sites on a case-by-case basis. If the Inspector is minded to support the Council's proposed new Charging Schedule, we would invite the Inspector to consider highlighting the possible need for the Council to use exceptional circumstances at the Osney Mead site, given the abnormal costs associated with its delivery.

Please let us know if you require further clarification.

Kind regards,
Natalie Render (she/her)
Associate Director

DP9 Ltd