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Planning Policy
Oxford City Council

By email: cilteam@oxford.gov.uk

4th January 2024

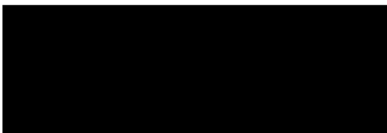
Dear CIL Team, Planning Policy

**Community Infrastructure Levy Partial Review, Draft Charging Schedule
Closing date for comments: 5th January 2024**

Please see our response on the Community Infrastructure Levy (CIL) Draft Charging Schedule attached. We understand that Oxford City Council intends to submit the Draft Charging Schedule for examination under Section 212 of the Planning Act 2008. These comments will therefore be forwarded to the Inspector who will examine the Draft Charging Schedule.

This consultation is being undertaken at the same time as Regulation 19 consultation on the Local Plan, for which we are sending separate comments. CIL funding helps to support delivery of the Local Plan by providing funding for infrastructure.

Yours sincerely



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OXFORDSHIRE COUNTY COUNCIL RESPONSE

OXFORD CITY COMMUNITY INFRASTRUCTURE LEVY PARTIAL REVIEW Closing 5th January 2024

Question 1

What is your name?

Head of Strategic Planning

Question 2

What is your email address?

[REDACTED]

Question 3

What is your organisation?

Oxfordshire County Council

Question 4

What is your address?

County Hall, New Road, Oxford, OX1 1ND

Question 5

Would you like to be kept informed of future stages of this document?

Yes

Question 6

Comments on the proposed rates of CIL charges.

We support the City Council reviewing the CIL charging schedule which has been in operation since 2013. This is the first time there has been a review, increased rates to date have been due to the indexing by reference to the BCIS Tender Price Index. We generally support the intention to seek an increase in CIL charges for some use classes as there is a need for more infrastructure and CIL can be used to help fund infrastructure. The County Council seeks that some CIL funding is used for infrastructure that the County Council provides, as explained further in response to Question 8 below.

There are only two rates in the proposed CIL charging schedule, a higher one of £168.74 per m² for some use classes, and a lower one of £33.74 per m² for the remainder. The only proposed changes to the CIL charging schedule are for 'E Business'; 'B2 General industrial'; and 'B8 Storage or distribution', where the proposed rate is to be increased to the higher rate of £168.74 per m².

The definitions of the E class uses are insufficiently clear. 'E Shops', 'E Financial and Professional Services' and 'E Restaurants and Cafes' all currently attract a rate of £168.74 per m², and it is proposed to increase the rate of 'E Business' to that same rate.

Use Class E is described in the legislation as:

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Paragraph 22 of the Draft Charging Schedule indicates that it is Class E (g) which is being referred to as 'E Business' for this purpose. We take it that E (a) is that referred to as 'shops'; E (b) is that referred to as 'restaurants and cafes'; and E (c) is that referred to as 'financial and professional services'. Class E (d) E (e) and E (f) would appear to fall within the other category benefitting from the lower rate. We ask that the charging schedule be made clearer. It would be clearer if the actual legal use classes were used in addition e.g. 'E (a) shops'; 'E (b) restaurants and cafes'; 'E (c) financial and professional services'; and 'E (g) business'.

Libraries are 'F1 Non-residential institutions' which benefit from the lower rate. The County Council owns and operates Oxfordshire libraries. Allowing part of a library to be used as an office, shop, café etc to make the library more viable, should not lead to a separate higher CIL liability.

Question 7

Comments on the background evidence supporting them.

The CIL Funding Gap Statement clearly indicates that there is a huge gap between the known infrastructure requirements and the funding available to provide the infrastructure.

The BNP Paribas viability assessment indicates that although there is limited scope to increase rates of CIL on most uses, the residual land values generated by industrial, logistics and research and development have increased significantly since the original CIL charging schedule and that has led to the proposed change for 'E Business'; 'B2 General industrial'; and 'B8 Storage or distribution' to the same charge that residential and retail developers already pay.

The County Council seeks that developers mitigate the direct effects of their developments and/or the cumulative effect of developments by providing S106 and S278 contributions and works as needed. In BNP Paribas' viability assessment, there is an assumed base level of S106 contributions of £4,000 plus £1,000 for S278 contributions per residential unit (paragraph 4.31 of the report). This amount is very low. If development is not viable with higher contributions, but nevertheless obtains consent, then the County Council will have to rely on the City Council providing sufficient CIL funding to enable the necessary infrastructure to be delivered in a timely manner.

Question 8

Any other comments relating to this consultation.

CIL funds in Oxford City brought forward to the 2022/23 year were some £11.5m. Some £5m was expected to be received in the year 2022/23, according to the [Infrastructure Funding Statement](#) presented to the City Council Cabinet in December 2023. That Infrastructure Funding Statement indicates that, while some £5m is anticipated to be carried forward to 2024/25, some £10m will be spent during the year 2023/24, the majority of that on the East Oxford Community Centre and Blackbird Leys regeneration. Some CIL has been spent on County Council projects, and joint County/City projects in recent years. Further CIL has been allocated to such projects. Table 3.1 of the Infrastructure Funding Statement in December 2023 recorded the following for example:

- 'City-Wide Cycling Improvements, including cycle lanes and parking' – CIL spent 2022/23 = £34,991; CIL programme 2023/24 = £85,009.
- 'Controlled Parking Zones' – CIL programme 2023/24 = £500,000.
- 'Development of Zero Emissions Zones' – CIL programme 2023/24 = £23,000.

The City Council's Cabinet on 14 December 2022 approved a £4.56m package to fund the detailed design and feasibility works required for the reopening of the Cowley Branch Line to passengers. As part of that package, up to £289,000 was a contribution from already-secured CIL funds and up to £3.5m is to be funded by local landowners and reimbursed from CIL paid for any future development by those landowners that gains planning consent after the date that contracts are entered into. There was County Council agreement to the proposals given the importance of reopening the Cowley Branch Line.

The County Council anticipates there will be a need to use future CIL for County Council and joint projects. In addition to infrastructure needed to directly mitigate developments, there will be other examples such as the creation of mobility hubs, in accordance with the County Council's recently published Mobility Hub Strategy. Another example would be delivery of the central Oxfordshire cycle network consistent with the Oxfordshire Strategic Active Travel Network (SATN), the Local Cycle and Walking Investment Plan (LCWIP), and the Central Oxfordshire Travel Plan (COTP). The joint work ongoing with the City Council to devise a Central Oxfordshire Movement and Place Framework (COMPF) will also identify projects. Aside from these examples being developed by our transport staff, there will also be other examples such as the need for projects to improve household waste recycling facilities.

To enable the County Council to plan ahead with a degree of certainty, the County Council would welcome discussions on a CIL spending strategy. The strategies that exist in South Oxfordshire and Vale of White Horse Districts allocate a defined percentage of CIL funding to the County Council for projects each year, and the County Council uses that information to make informed applications for those funds. A similar system could be devised with Oxford City so that there is an open and transparent process for allocating CIL funds to the County Council.

We note that the Local Government Association Peer Review of Oxford City in 2023 recommended closer working with Oxfordshire County Council, particularly in respect of infrastructure funding, and a formalised discussion on how best to use future CIL between the authorities could be part of the City Council's actions to address the need for working together on shared outcomes and how these are delivered and procured.

Question 9

Would you like to request your representation is heard by the examiner?

Yes, unless matters are resolved prior.

Question 10

Would you like to be notified when the charging schedule is submitted to the examiner?

Yes

Question 11

11. Would you like your personal details as mentioned above to be obscured?

Yes