**From:** KENWORTHY, Gareth (NHS OXFORDSHIRE CCG)
**Sent:** 11 June 2019 12:36
**To:** David Rogers
**Cc:** WATKINS, Melanie (DEDDINGTON HEALTH CENTRE); Councillor Bryn Williams; Campbell Fergus (5QE) Clinical Commissioning Oxfordshire; James Kirkham
**Subject:** RE: Application No.: 18/02147/OUT

Dear Mr Rogers,

Thank you for your query about how Oxfordshire Clinical Commissioning Group (OCCG) responds to consultation on planning applications from Cherwell District Council (DC).  My apologies for taking a while to respond, here is what I understand our position to be, however, there remains scope for flexibility and pragmatism within this.

The CCG would obviously want to maximise any opportunities that bring value to the public and public sector of Oxfordshire.  However, there are probably three factors we need to consider in cases such as this:

* Local need to match against the opportunity.  This needs to comply with the criteria of s106 being healthcare infrastructure in a particular locality.
* The amount of funding available and whether if meets those needs in full or part.
* Our internal capacity at the CCG to pursue opportunities as they arise.

You correctly note that our working policy is to seek developer contributions on the following formula: number of houses x average occupancy (2.4) x £360.  As you say, the Hempton Road development of 21 houses can trigger a request for £18,144.  Our initial view (which I’ve asked for a further review of; see below) is that this sum would not allow us to make any significant improvements to the immediately local healthcare facilities.  The CCG has previously supported Deddington Health Centre to access £242k of NHS capital funding in 2017/18 to the enable reconfiguration of their building.  This created additional clinical space to help the practice accommodate local population increases.  While I can understand that a development of 21 houses (c50 people) may be significant in scale in a village setting, the expected demand on primary care from this development is similar to one month’s current average increase in the patient list size for Deddington HC.

If we build on this point about scale, s106 contributions are also subject to a pooling restriction under national regulations (Community Infrastructure Levy Regulations 2010).  No more than 5 separate contributions can be used to fund a single project.  It is therefore not usually productive to pursue contributions on small developments, as more than 5 might be required to achieve a meaningful increase in infrastructure due to building costs.

Our current practice is to pursue developer contributions on developments of 50 units or more, as well as for any care home or extra-care developments.  In addition to pooling restrictions, the work involved in reaching a s106 agreement requires a significant time input from OCCG and any affected health providers such as the GP practices.  We therefore tend to target resources on pursuing contributions from the larger developments.  These developments in turn have a much more substantial impact on primary care.

Finally we have the inherent risk that, at the end of the process, developer contributions will not be agreed for health infrastructure as part of planning permission.  To date there are few housing developments in the Cherwell DC for which developers have agreed s106 allocations to health.  There are a number of promising discussions under way for larger sites, but it can be a slow process.  We continue to work closely with Cherwell DC to ensure suitable contributions in respect of the Heyford Park development which has led to considerable patient list growth for Deddington Health Centre and some Bicester practices.

However, having said all that I will ask the CCG team to check again with the practice on the local potential to utilise any funding.  In addition, I would like to explore with Cherwell DC what potential there is for flexibility in the term ‘infrastructure’.  For example, can this include investment in IT or equipment that would enable the practice to work more efficiently and therefore enable them to manage more growth? As a CCG we have considered investment in digitising patient records often stored in paper form in practices, this can allow practices to free up significant space and can result in additional consultation space.  We need to check if this fits with the 106 criteria and the practice needs.

Peter Redman who is copied in is the CCG’s lead for primary care estates and will engage with Cherwell on this and Fergus Campbell is our Locality Co-ordinator for the North who can support the practice in this.

I would hope that the scope to do something still remains but recognise we are up against some deadlines.

If you have any further questions then please don’t hesitate to get back to me.

Regards

Gareth

**From:** David Rogers [mailto:david@karmilla.co.uk]
**Sent:** 10 June 2019 14:30
**To:** 'James Kirkham'; Planning (NHS OXFORDSHIRE CCG); Fergus.Campbell@oxfordshireccg.nhs.uk

**Subject:** RE: Application No.: 18/02147/OUT

Hello there,

Has there been any progress on an application for developer contributions relating to this application.

I believe the extended deadline expires this week.

Best regards,

David Rogers

Chair - Deddington Parish Council

Karmilla

Hempton Road

Deddington

Oxon

OX15 0QG

**From:** James Kirkham <James.Kirkham@Cherwell-DC.gov.uk>
**Sent:** Friday, 31 May 2019 08:43
**To:** occg.planning@nhs.net; Fergus.Campbell@oxfordshireccg.nhs.uk

**Subject:** Application No.: 18/02147/OUT

Dear Sirs

**Application No.:               18/02147/OUT**

**Applicant’s Name:          Pembury Estates Ltd**

**Proposal:  Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)**

**Location:             Stone Pits Hempton Road Deddington Banbury OX15 0QH**

**Parish(es):          Deddington**

The above planning application was reported to planning committee last night.   The planning committee resolved to approve the application however they requested that further discussions be undertaken with the Clinical Commissioning Group regarding any S106 contributions which might be required to mitigate the impact of the development on local service provision.

Our records indicate that the CCG were sent a consultation on the application on the 19th December 2018.  To date no response has been received so we did not consider a contribution could be sought in line with the Councils Adopted Planning Contributions SPD (2018).  The purpose of this email is to request if any contribution would be sought be the CCG for this development.

It is vital that any contribution sought is to mitigate the impacts of the development.  It must meet the relevant legal tests which are:

a)            Necessary to make the development acceptable in planning terms;

b)            Directly related to the development;

c)            Fairly and reasonably related in scale and kind to the development.

Where planning obligations do not meet the above statutory tests, we cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission.  Therefore if the existing surgery has capacity for the new development we could not reasonably request contributions.

Could you please let me know if a contribution would be sought for this development and the relevant justification for this having regard to the above legal tests?   We would need to know where the money would be spend and on what project? You will also need to confirm that no more than 5 other planning contributions have been sought for this to ensure compliance with the pooling restrictions.

There have been some discussions between the parish council chairman and a representative of Deddington Health Centre which I have cc’d on in this email.

I could do with this information as soon as possible but no later than 14 days from the date of this email work will soon progress on the legal agreement.

Please let me know if you wish to discuss.

Kind regards

**James Kirkham BA (Hons) MSc MRTPI**

**Principal Planning Officer – General Developments Planning Team**

Development Management

Place and Growth Directorate

Cherwell District Council

Direct Line: 01295 221896

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