

Section 106 Agreement – OS Parcel 9100 Adjoining and East of Last House Adjoining and North of Berry Hill Road, Adderbury
Regulation 122, Community Infrastructure Levy Regulations 2011
Compliance Statement for Cherwell District Council infrastructure matters

Policy PSD1 of the adopted Cherwell Local Plan Part 1 2011-2031 relates to the achievement of sustainable development. Policy INF1 of the same Plan confirms that development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. This is an important part of the achievement of sustainable development. The Council have applied the tests as set out at CIL Regulation 122 in seeking contributions from this development. These are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

This statement will provide the detail and policy justification to demonstrate how each S106 obligation sought meets these tests.

Affordable Housing

Policy BSC3 of the adopted Cherwell Local Plan Part 1 2011-2031 requires that on sites that are located at Kidlington or elsewhere within the Cherwell District (outside of Banbury and Bicester), that on sites that include 11 or more dwellings, that at least 35% affordable housing provision is required to be provided on site. The policy identifies that the expectation is that this will be split between 70% as affordable/ social rented dwellings and 30% as other forms of intermediate affordable homes. The Council's Developer Contributions SPD 2018 identifies that the Cherwell District has a high level of need for affordable housing and it sets out the expected standards for affordable housing and guidance around clustering requirements. It is important that the S106 includes arrangements to ensure the provision and retention of the affordable housing, requirements to ensure affordability and to ensure the Council can nominate to the units to meet its housing need.

The Council's Housing Strategy 2019-2024 includes three strategic priorities including to:

- Increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places,
- Improve the quality and sustainability of our homes and build thriving, healthy communities,
- Enhance opportunities for people to access suitable homes and have housing choices.

The Strategy identifies in respect of priority 1 that Social Rent is the only truly affordable housing option for many people and that there is a lack of supply in the area.

More recently, the Council adopted on the 1 March 2021 its Homelessness and Rough Sleeping Strategy 2021-2026 which at Priority 6 identifies that partnership working is needed to increase the supply of affordable housing including more social rent tenure.

It would be necessary to make the development acceptable in Planning terms and to comply with Policy BSC3 for 35% of the housing proposed on the site to be provided as affordable housing. The amount of affordable housing being sought is directly related to the quantum of residential development proposed and it is therefore fairly and reasonably related in scale and kind to development. The type of affordable housing for rent is required to be specified

as social rent as this is the tenure that is most needed to provide for a truly affordable housing option as identified by the Council's Housing Strategies.

Landscape and play space

Policy BSC11 of the Cherwell Local Plan Part 1 2011-2031 sets out the minimum standards of provision for open space, play space and other outdoor features. As the application site proposes 40 dwellings, Policy BSC11 identifies the need for

- The provision of an on-site Local Area of Play (LAP); a 100sqm activity zone – a total size of 400sqm including a buffer, which should be within a 5-minute walk of each dwelling.
- The provision of at least 0.3ha of general green space.

The application site provides for a LAP and for an area of open space to the north of the site which significantly exceeds the requirements.

The S106 requirement will be to lay out and provide the open space and play space in a timely way and to transfer it to the Local Authority with a commuted sum to cover maintenance for a 15-year period. The Commuted sums are based upon the Council's latest contractual rates which are competitively tendered, and which ensure that the maintenance is carried out to accord with the Council's Landscape Technical Standards. The arrangements for this would need to be set out including the requirement for a certification process and a 1-year maintenance period prior to transfer.

It is an important policy requirement to ensure the provision of open space and play space on a site and to ensure the achievement of sustainable development. The required financial contributions in respect of commuted sums are necessary to ensure the continued maintenance of the spaces to a high quality and to ensure the development remains acceptable in planning terms. As this is based upon the site-specific requirements, the contribution is considered to be fairly and reasonably related in scale and kind to the development.

Outdoor Sport

The development proposal is not of a scale to justify the provision of on-site outdoor sport facilities; however, it is of a size that would result in a net demand for recreational facilities, so a contribution is sought in accordance with the Council's Developer Contributions SPD (2018). Policy BSC10 of the Cherwell Local Plan Part 1 2011-2031 sets out that the Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision is secured through a number of measures including ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.

The Council's most recent Playing Pitch Strategy (October 2018) identifies that there is a project to provide new pitches plus pavilion at Milton Road, Adderbury and that this, with existing provision would not result in a need for additional playing fields in the Banbury Rural Area (for which Adderbury is included).

A contribution towards this local offsite project which includes sports pitches and changing facilities at Milton Road, Adderbury to be delivered by Adderbury Parish Council has been sought based upon a formula approach: No. of dwellings in qualifying application x £2017.03 (index linked from 2Q17).

The contribution of £2017.03 is a per dwelling contribution based upon current contractual rates for capital projects and based upon an average occupancy of 2.49 per dwelling. The provision of outdoor sport facilities is important to ensure that local residents have access to

good quality local sports facilities and to contribute towards health and wellbeing. Where new developments increase demand for such facilities, it is reasonable and necessary for a development to contribute proportionately to new facilities to meet this need. The contribution is proportionate as it is based upon a per dwelling contribution.

Indoor Sport

Policy BSC12 of the Cherwell Local Plan Part 1 2011-2031 relates to Indoor Sport, Recreation and Community Facilities and it sets out that the Council will encourage the provision of community facilities to enhance the sustainability of communities and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards of provision by a number of measures. This includes ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision.

The Council's Sports Facilities Strategy dated August 2018 identifies improvements including the need for extended fitness provision including gym and studio space to be provided at Spiceball Leisure Centre.

The development would result in a net demand for indoor sport facilities and so a contribution towards offsite indoor sport is sought towards the expansion of/ improvements to the Spiceball Leisure Centre in Banbury which is the closest publicly available centre providing facilities including swimming pools, sports hall and gym based on a formula approach as follows: No. of dwellings in Qualifying application x 2.49 x £335.32 (index linked from 2Q17).

The contribution of £335.32 is a per person contribution (hence the formula approach), which is made up of a contribution of £121.56 for sports hall provision (this is based upon the amount of sport hall space required per 1000 people and the cost of construction per m² divided to give a per person cost) and £213.76 for swimming pool provision (this is based upon the amount of swimming pool space per 1000 people and the cost of construction of a new build swimming pool to give a per person cost). The provision of indoor sport facilities is important to ensure that local residents have access to good quality local sports facilities and to contribute towards health and wellbeing. Where new developments increase demand for such facilities, it is reasonable and necessary for a development to contribute proportionately to new facilities to meet this need. The contribution is proportionate as it is based upon a per person contribution.

Community Hall

The policy relating to supporting the provision of community facilities is BSC12 of the Cherwell Local Plan Part 1 2011-2031. The wording for which is highlighted above.

Adderbury is currently in the process of planning a new community hall facility north of the Milton Road in Adderbury. As the development would result in an increased demand for community facilities and there is a nearby project within the village to provide a new facility, a contribution is sought from this development towards this project. The requested contribution is based upon a formula approach as follows: No. dwellings in Qualifying application x 2.49 x £520 (index linked from 2Q17)

The contribution of £520 is a per person contribution based upon the cost of a 1 storey facility including the costs of hard and soft landscaping (the total cost for the facility being based upon a required standard of 0.185m² per person with the costs for this divided to give a per person cost). The provision of Community Hall facilities is important to ensure the local community have sufficient spaces to meet to participate in community and cultural activities and to ensure the community is socially sustainable. The proposed contribution is fairly and

reasonably related in scale and kind to the development as it is based upon a per person contribution and this contribution is considered necessary to make the development acceptable in planning terms.

Health and wellbeing

Policy BSC8 of the Cherwell Local Plan Part 1 2011-2031 sets out that the Council will support the provision of health facilities in sustainable locations which contribute towards health and wellbeing. The Council's Developer Contributions SPD 2018 identifies that new residential development will be expected to contribute towards the provision of additional health care infrastructure generated by its population growth where there is insufficient existing capacity, well located to serve the development.

The Oxfordshire Clinical Commissioning Group have identified that enhancements are required to local primary medical care infrastructure within the Primary Care Networks serving the area which is required to meet the needs of the growing population. A contribution is sought based upon a formula as follows: No. dwellings in Qualifying application x 2.49 x £360 (index linked from 2Q17).

The contribution of £360 is a per person contribution which is based upon the formula and approach adopted by the CCG in July 2017. This figure has been included within the OCCG's Primary Estates Strategy 2020-2025 which also explains that this figure is calculated on a cost of GP development that includes land, build costs, professional fees and VAT. The proposed contribution is considered to be reasonable, necessary and directly related to the development as it will support the delivery of practices that will meet the healthcare needs of the occupiers of the development. The contribution is based upon a per person contribution, so it is fairly and reasonably related in scale and kind to the development.

Apprenticeship and Training

The Cherwell Local Plan includes a Strategic Objective (SO3) which seeks to support an increase in skills and innovation. The NPPF confirms that key strand in achieving sustainable development is an economic objective. The Council seeks an Employment and Skills Training Plan to secure a minimum of 2 construction apprenticeship starts to contribute towards increasing the number of new apprenticeships. Whilst the application site is below the threshold for the provision of apprenticeships in line with the Council's Developer Contributions SPD 2018, the Council would request 2 apprenticeship starts which it considers to be fairly and reasonably related in scale and kind to the development and which would make a valuable contribution to the achievement of economic development.

Waste and Recycling

The NPPF confirms that planning has an environmental role, and this includes the need to minimise waste. The Council is committed to a strategy of minimising domestic waste and increasing recycling rates and in order to do this, each new dwelling is provided with appropriate waste receptacles for each type of waste. New development is expected to meet the cost of the provision of the waste receptacles and collection vehicles and towards recycling banks. A contribution of £111 per dwelling is sought. This includes each residential dwelling being provided with 3 bins plus 1 food waste caddy and a contribution towards recycling banks. The required contribution is directly related to the quantum of residential development as it is a per dwelling contribution, and it is therefore fairly and reasonably related in scale and kind to the development.