

Section 106 Agreement – Land at Tappers Farm, Oxford Road, Bodicote, Banbury OX15 4BN – Up to 46 dwellings
Regulation 122, Community Infrastructure Levy Regulations 2011
Compliance Statement

Obligation	Need	Relevance	Fair & Reasonable in scale and kind	Policy
Affordable Housing				
35 % affordable housing provision on site 70/30 rented/shared ownership	<p>Cherwell has a high level of need for affordable housing which is defined in the National Planning Policy Framework (NPPF) as comprising housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers).</p> <p>The provision of affordable housing contributes to the social dimension of sustainability because it provides for a variety of housing needs now and for future generations.</p>	<p>On-site provision. Para 62 of the NPPF expects provision to be met on site unless an alternative can be robustly justified.</p> <p>The tenure split meets identified local needs.</p>	<p>The Affordable Housing provision accords with the adopted policy expectations.</p> <p>An Affordable Housing Viability Study produced to assess levels of Affordable Housing that could reasonably be required from new housing developments supports the level of provision required under policy.</p>	<p>Adopted Cherwell Local Plan 2011-2031 Policy BSC 3 requires that at least 35% of new housing in the rural areas will comprise affordable homes. Bodicote falls within the definition of a 'rural area'.</p> <p>Adopted Developer Contributions SPD Feb 2018.</p>
Open Space and Landscaping (Provision and Commuted Maintenance)				
Provision of one Equipped Local Area of Play (LAP) on site and	The provision of on-site green infrastructure and areas of open space helps create a high quality and vibrant built environment which supports	The illustrative site layout plan shows provision of a LAP on site and there is an adopted policy requirement for an on-site LAP for	The play areas and open space sought are commensurate to the need generated by the	Policies BSC 10 and BSC 11 of the adopted Cherwell Local

<p>payment of commuted maintenance sum of £27,501.52.</p>	<p>communities' health and social well-being in accordance with the social dimension of sustainable development set out at paragraph 8 of the NPPF.</p> <p>Para 92 of the NPPF requires planning decisions to plan positively for the provision of open space in order to provide the social and recreational facilities the community needs.</p> <p>The long term maintenance of open space, sport, recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. It is the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in conjunction with the relevant town or parish council, along with a commuted sum. The commuted maintenance rates are taken from the annually updated competitive rates of the Council's landscape maintenance contract. Each provision is multiplied by the current multiplier to commute the payment over a 15 year period.</p>	<p>developments of more than 10 homes.</p>	<p>development and comply with the Local Standards of Provision set out in the adopted Local Plan.</p>	<p>Plan 2011-2031.</p> <p>Adopted Developer Contributions SPD Feb 2018.</p>
<p>Public open space commuted sum (£9.32/ sqm)</p>	<p>The provision of on-site green infrastructure and areas of open space helps create a high quality and vibrant built environment which supports communities' health and social well-being in accordance with the social</p>	<p>It is necessary for public open space to be provided on site as set out in the first column and these areas are shown in the application submission (parameter plan) and it is essential that these areas are</p>	<p>The commuted maintenance rates are taken from the annually updated competitive rates of the Council's landscape maintenance</p>	<p>Policy BSC 11 of the adopted Cherwell Local Plan 2011-2031.</p> <p>Adopted</p>

	<p>dimension of sustainable development set out at paragraph 8 of the NPPF.</p> <p>Para 92 of the NPPF requires planning decisions to plan positively for the provision of open space in order to provide the social and recreational facilities the community needs.</p> <p>The illustrative layout plan and parameter plan both show the need to provide areas of public open space within the proposed development. This is both around protected and retained trees, along hedges and towards to the site boundary with White Post Road to secure an open 'gap' between the proposed homes and the road and retain a degree of separation between Bodicote and Banbury.</p> <p>It is the Council's strong preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in conjunction with the relevant town or parish council, along with a commuted sum.</p>	<p>maintained which will include the requirement for a commuted maintenance sum if transferred to the District Council (which is the Council's preference)</p>	<p>contract.</p>	<p>Developer Contributions SPD Feb 2018.</p>
<p>Balancing Ponds commuted sum (£11.63/sqm)</p>	<p>A balancing pond will be required to be provided on the development as detailed in the application submission and it will need to be maintained. It will likely form part of the public open space within the site.</p> <p>The commuted sum figure is based on</p>	<p>The figure relates to the need to maintain the balancing pond that will need to be provided within the site. In the, likely, event that this lies within the public open space which is transferred to the District Council a commuted maintenance sum is required.</p>	<p>The figure is based on contract rates that are regularly tendered to ensure they are competitive.</p>	<p>Adopted Developer Contributions SPD Feb 2018</p>

	contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period.			
Hedges commuted sum (£14.35/ linear m)	<p>There are existing hedges around the site perimeters which will need to be retained, enhanced and maintained going forwards. These may fall within areas of public open space.</p> <p>The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period.</p>	The hedgerows to be retained and enhanced on the development site will need to be maintained. In the event that these are within the public open space and transferred to the District Council a commuted maintenance sum is required.	The figure is based on contract rates that are regularly tendered to ensure they are competitive.	Adopted Developer Contributions SPD Feb 2018
Mature trees commuted sum (£334.82 per tree)	<p>There are a number of protected and mature trees within the site which will need to be incorporated within the development (shown to be retained within areas of open space rather than private gardens). These trees will need to be properly maintained and managed to ensure their continued health.</p> <p>The commuted sum figure is based on contract rates that are regularly tendered to ensure they are competitive and commuted over a 15 year period.</p>	There are mature trees to be retained on the development site which will need to be maintained if transferred to the Council as part of the public open space.	The figure is based on contract rates that are regularly tendered to ensure they are competitive.	Adopted Developer Contributions SPD Feb 2018
Off-Site Sport and Community Facilities				
Off-Site Outdoor Sports Facilities Contribution	Access to high quality open spaces and opportunities for sport and recreation makes an important contribution to the	In this case a contribution is requested towards the erection of a 3G all-weather pitch at North	The amount of the contribution has been calculated in accordance	Proposals for new development will be expected

(£2017.03 per dwelling)	<p>health and well-being of communities.</p> <p>Obligations will be sought in cases where the proposed development will result in a net increase in demand for recreational facilities.</p> <p>If the proposed development results in an increase in demand for recreational facilities, and it is not practical to provide open space as part of the development, and there are identified shortfalls in the area, the LPA will seek a financial contribution towards off-site provision.</p> <p>The 2018 Cherwell Open Space, Sport and Recreation Strategies forecast the future needs for sport and recreation up to 2031.</p> <p>Part 3 is the Playing Pitch Strategy. The primary sports considered in the Strategy are football, cricket, rugby and hockey. The strategy considers the demand and supply for the pitch sports at a sub area level up to 2031. This identifies a shortfall in 3G pitches in the Banbury Town/Banbury Rural Area and one of the Strategy's priorities is to provide additional 3G pitch space in Banbury.</p>	Oxfordshire Academy in Banbury. There is a shortfall here as 3 are required in Banbury and there are currently only 2.	with the methodology in the Council's Draft Planning Obligations SPD which is based on the increased population which is likely to make use of sport provision.	<p>to contribute to open space, sport and recreation provision in accordance with Policies BSC10 and BSC11 of the adopted Cherwell Local Plan Part 1.</p> <p>Adopted Developer Contributions SPD Feb 2018</p>
Off-Site Indoor sports facilities contribution	Access to opportunities for sport and recreation makes an important contribution to the health and well-being	The contribution will be put towards the extension and enhancement of Spiceball Leisure Centre in	The appropriate contribution is calculated by reference to the	Policy BSC12 of the adopted Cherwell Local

<p>(£335.32 per person @ 2.49 persons per dwelling)</p>	<p>of communities.</p> <p>New development that generates a need for sport and recreation facilities that cannot be met by existing provision will be expected to contribute towards the provision of new facilities or the improvement/expansion of existing facilities.</p> <p>The development falls below the threshold for on-site provision (a population that supports a 4 court facility or 683m² of floor space. i.e. 12648 people or 5080 dwellings if the average occupancy is 2.49 per dwelling) and therefore a financial contribution is sought for towards to upgrading of existing facilities; in this case the extension and enhancement of Spiceball Leisure Centre in Banbury.</p> <p>The 2018 Cherwell Open Space, Sport and Recreation Strategies forecast the future needs for sport and recreation up to 2031.</p> <p>Part 2 is the Sports Facilities Strategy. Sports halls are one of the prime sports facilities for community sport because they are able to provide a venue for many different activities. The nearest 'pay and play' sports hall to the application site is Spiceball Leisure Centre in Banbury. The Strategy identifies an aim retain and maintain the</p>	<p>Banbury; the nearest 'pay and play' sports hall to the application site.</p>	<p>expected population in the development and the facilities required to support the population, multiplied by a standardised cost for the provision of the facility.</p> <p>In accordance with the adopted Developer Contributions SPD the cost per person is based on the total cost per person of sports hall provision and swimming pool provision (see p 61).</p>	<p>Plan Part 1 sets out the Council's overall approach to provision and enhancement of indoor sport and recreation.</p> <p>Adopted Developer Contributions SPD Feb 2018</p>
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	provision at this site and to extend fitness provision at the centre.			
<p>Community Hall Facilities Contribution (£428 per person @ 2.49 persons per dwelling.</p> <p>Formula – no.dwellings x 2.49 x £428.00</p>	<p>Community Halls are an integral part of local community infrastructure and play an important role in facilitating social interaction and creating healthy inclusive communities. Planning decisions should plan positively for community facilities to enhance sustainability of communities and residential environments (Paragraphs 91 and 92 of the Framework).</p> <p>Improvements to the local community centre to meet the needs of the development are considered to accord with the social dimension of sustainable development advocated in the Framework.</p> <p>In 2016/2017 the Council commissioned a 'Cherwell Community Spaces and Development Study (CCSDS) to provide evidence and policy proposals to inform community development and community indoor space provision in relation to new housing developments. The CCSDS recommends a local minimum standard of provision for community hall facilities required to meet the needs of the residents generated by new development. This minimum standard is 0.185m² per person.</p>	<p>The contribution will be put towards improvements and/or enhancements to Bodicote Village Hall.</p> <p>Bodicote Village Hall is very closely related to the site and within reasonable walking distance.</p>	<p>The amount of the contribution has been calculated in accordance with the methodology in the Council's adopted Developer Contributions SPD by reference to the expected population of the development.</p> <p>Capital cost for extended facilities amount to £428 per person as explained in the adopted Developer Contributions SPD.</p>	<p>Policy BSC12 of the adopted Cherwell Local Plan 2011 – 2031</p> <p>Developer Contributions adopted SPD 2018.</p>

Primary Medical Care				
Contribution towards primary medical care within the Banbury area of £360 per person	The Clinical Commissioning Group (OCCG) note that primary medical care in North Oxfordshire, and particularly the Banbury area, is mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore objected to this application pending agreement of appropriate contributions to primary care infrastructure.	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. This may include financial contributions and/or the provision of land and buildings to enable the provision of doctor's surgeries and other health facilities to serve the local population, or the upgrading or extension of existing facilities in some locations.	<p>The LPA will seek a financial or in kind contribution from developments of more than 10 dwellings towards the improvement and/or extension of existing primary medical care infrastructure where appropriate schemes are identified on a site by site basis.</p> <p>The amount of contribution is based on the formula and approach adopted by Oxfordshire Clinical Commissioning Group in July 2017.</p> <p>Calculation of cost = occupancy x number of units in the development x £360.</p> <p>Where the unit sizes are not specified (ie in outline applications) an average occupancy of 2.4 persons will be used to indicate the initial costs required until such time as the size of units are</p>	<p>Policy BSC 8 of the adopted Cherwell Local Plan Part 1 sets out the Council's approach to securing health and well-being throughout the District.</p> <p>Developer Contributions adopted SPD 2018.</p>

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Public Transport Services				
Contribution towards increasing the frequency of bus services to Banbury of £1000 per dwelling	<p>OCC is the local highway authority and is responsible for the management and maintenance of the adopted highway network within the District. OCC also has further responsibilities in relation to public transport.</p> <p>The Council's strategy, as set out in the adopted Local Plan, for managing growth is to locate development in sustainable locations and identify appropriate and deliverable measures to meet the transport needs of the District. All new developments in the District will be required to provide financial and/or in kind contributions to mitigate the transport impacts of the development. This will support delivery of the infrastructure and services needed to facilitate travel by sustainable modes.</p> <p>The appeal site is closely related to existing bus services and infrastructure along the A4260 but there is still congestion along parts of the network at peak times. Enhanced bus services would offer a realistic and more attractive alternative to the car in this location.</p>	<p>This contribution will be pooled with contributions from other residential developments in the local area to enable the procurement of sufficient vehicles to increase the frequency of local bus services on Oxford Road where there is sufficient demand, or to operate services at times of the day that do not currently have a service (e.g. later in the evenings or on Sundays). The appeal site lies within walking distance of the bus service routes along Oxford Road.</p> <p>Further detail is provided in the County Council's Reg 122 compliance statement.</p>	<p>The contribution is calculated at a rate of £1,000 per dwelling, a rate which is applied to residential developments throughout Oxfordshire for which contributions to improve local bus services are sought.</p> <p>Further detail is provided in the County Council's Reg 122 compliance statement.</p>	<p>Policy SLE 4 of the adopted Cherwell Local Plan 2011-2031 recognises that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport etc.</p> <p>The Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018)</p>

	Further detail is provided in the County Council's Reg 122 compliance statement.			
Primary School Provision				
Financial contribution towards primary school provision south of Salt Way See Oxfordshire County Council's Reg 122 Compliance Statement	<p>The NPPF recognises the importance of choice and availability for school places to meet the needs of the community (see paras 92 and 94 in particular).</p> <p>The adopted Cherwell Local Plan Part 1 (Policy BSC 7) seeks the provision of educational facilities throughout the District to accommodate population growth.</p> <p>The current position and need for additional school places is set out in the County Council's Reg 122 statement.</p>	<p>The LPA will expect all residential developments to contribute towards the provision of education infrastructure where there is not enough spare capacity in existing appropriate schools to meet the needs generated by the development. This may include financial contributions and/or the provision of land and buildings to enable new schools to be provided or for existing schools to be extended.</p> <p>In this case the contribution will be put towards the planned provision of a new primary school within a strategic development just one mile from the appeal site as detailed in the County Council's Reg 122 compliance statement.</p>	<p>The contribution is based upon the likely primary school pupil generation from a SHMA compliant development taking into account cost per pupil from calculated build and land costs and so is fair and reasonable in scale and kind.</p> <p>This is explained in more detail in the County Council's Reg 122 compliance statement.</p>	<p>Adopted Cherwell Local Plan Part 1 (Policy BSC 7)</p> <p>Developer Contributions adopted SPD 2018.</p>
Refuse Disposal				
Contribution towards bin and collection vehicle provision and	The NPPF paragraph 8 notes that planning has an environmental objective, including the need to minimise waste and pollution	Each new dwelling will need to be provided with appropriate containers and the collected materials will be taken away to a	The contribution requested directly relates to the cost of provision of appropriate containers for	Developer Contributions adopted SPD 2018.

recycling banks of £106 and £5 per dwelling respectively	<p>and mitigate and adapt to climate change including moving to a low carbon economy.</p> <p>The Cherwell Low Carbon Environmental Strategy, published in December 2011, seeks to deliver the objectives of the Cherwell Community Plan through the protection and enhancement of the local environment in terms of Waste minimisation, reuse and recycling.</p> <p>The Council is committed to a strategy of minimising domestic waste sent for disposal through the development of recycling services and the reduction and reuse of materials. The Council will seek contributions for the provision of sorting facilities to deal with domestic waste at source.</p>	<p>recycling centre.</p> <p>Every residential dwelling requires (2017 prices):</p> <ul style="list-style-type: none"> • 1 X blue wheeled bin for the collection of dry recyclable material (£20) at the current size of 240 litre; • 1 X green wheeled bin for collection of residual waste (£20) at the current size of 180 litre; • 1 X brown wheeled bin for the collection of garden and food waste material (£20) at the current size of 240 litre; • 1 X brown kitchen caddy for the collection of food waste (£4) and transferral into the brown garden and food waste bin; • Capital investment in waste collection vehicles to service the new development (£42). Total - £106 <p>Recycling banks (bring sites) are required to serve approximately every 500 dwellings. For residential developments a financial contribution towards the capital cost of providing collection banks will be sought. Recycling banks (bring sites) currently require the provision of 5 containers at a cost of £500 each. This equates to a cost of £5.00 per dwelling.</p>	each new dwelling.	
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Transportation and Highways				
Payment of £2700 to cover OCC admin costs to issue a TRO to secure double yellow lines to the east of the site access	There are currently issues with cars (especially during school pick up and drop up) parking on White Post Road between the proposed new access and Oxford Road. This means that cars using the off slip come (sometimes at speed) around the corner and then veer towards the centre of the road. It would be desirable to install double yellow lines to the east of the proposed access to avoid this happening. This would also keep cars out of the vision splay in this direction. This would need to be done by a TRO and the applicant would need to cover the costs of the TRO.			
Requirement to enter into a S278 Agreement with the County Council to deliver the proposed access and ghost right turn lane with pedestrian refuge; pedestrian access onto Oxford Road; closure of the existing access onto White Post	To deliver the access works proposed as part of this application. Secured by S278 rather than planning conditions.			

Road; double yellow lines to the east of the new access; courtesy pedestrian crossing on Oxford Road.				
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