

**OXFORDSHIRE COUNTY COUNCIL'S
REGULATION 122 COMPLIANCE STATEMENT**

Location: Land North Of Railway House, Station Road, Hook Norton
Planning Ref: 21/00500/OUT
Appeal Ref: APP/C3105/W/21/3278536
Proposal: Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond.
Date: 11th January 2022

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of up to 72 dwellings, is unacceptable without an agreement under Section 106 of the Town and County Planning Act 1990 (S106) which is required to mitigate the demands which will be placed on infrastructure and services as a result of the development. This statement by OCC provides the justification for its requirements for contributions towards primary education, public transport and also justification for an administration & monitoring fee.
- 1.2. This statement supplements the formal response by OCC dated July 2017 to the consultation by Cherwell District Council (CDC).
- 1.3. R122(2) of the Community Infrastructure Levy (CIL) regulations 2010 (as amended) introduced three tests for S106 agreements which must apply if a planning obligation is to constitute a reason for granting planning permission. It should be, 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. The purpose of this statement is to show that the requested contributions comply with the requirements of the three tests.

2. INFRASTRUCTURE CONTRIBUTIONS:

- 2.1. OCC considers that the development would have a detrimental impact on the local services it provides unless the contributions sought are provided as set out below:

	Contribution	Indexed-linked
Public Transport	£45,193	RPIX December 2020

Table 1: Infrastructure Contributions

- 2.2. **Administration and Monitoring Fee £600**

- 2.3. The above contributions save for the Administration and Monitoring Fee are to be indexed-linked to maintain the real values of the contributions so that they can in future years deliver the same level of infrastructure provision as currently required.

- 2.4. The County Council has, in identifying the various contributions associated with this proposed agreement sought to avoid exceeding the limit of five obligations to a type of infrastructure or infrastructure project to comply with the requirements of the CIL Regulations 2010 - Reg 123 (3). A further, up-to-date, statement on compliance with Regulation 123(3) will be provided at the Inquiry/Hearing.

3. Population Assessment

- 3.1. Contributions are assessed in accordance with the population likely to be generated by the proposed development, and the likely demands that this additional population would place on local infrastructure and services. Such assessment is made using the county's population forecasting tool, which uses the results of the 2008 Oxfordshire Survey of New Housing to generate a population profile of new development, taking into account:
- a) The locations of the development (by district)
 - b) The scale and dwelling mix of development
 - c) An allowance for attendance of children at non-state funded schools
- 3.2. The contributions below are based on Oxfordshire's Strategic Housing Market Assessment (SHMA) :
- 9 x one bed dwellings
 - 19 x two bed dwellings
 - 31 x three bed dwellings
 - 13 x four bed dwellings
- 3.3. It is estimated that the proposed development would generate a net increase of 187 additional residents including:
- 21.95 primary school pupils
 - 15.42 secondary school students (including 2.03 sixth formers), and
 - 5.54 Nursery Pupils

4. TRANSPORT CONTRIBUTION

4.1. Relevant Policies:

Public Transport

National Planning Policy Framework – 20th July 2021

i. Paragraph 104

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified

and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

ii. Paragraph 105

The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

iii. Paragraph 110

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

iv. Paragraph 112

Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Connecting Oxfordshire: Oxfordshire County Council's Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015]

i. Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be

made on foot, by bicycle, and/or by public transport.

ii. Policy 17

Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

iii. Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.....

Also paragraphs 89, 92, 133, 136, 218, 238

LTP4 Bus Strategy – Figure 2; paras 25 and 28

Also paragraphs 138, 150, 158, 232

Policy INF 1 (Infrastructure) of the adopted Cherwell Local Plan 2011-31 states 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.”*

4.2. Public Transport - £45,193 index-linked from December 2020 using RPIX towards improved frequency and hours of operation of bus services serving Hook Norton.

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

The proposed site is approximately 135 metres from the nearest bus stops on Station Road which currently serve the number 488 bus service operated by Stagecoach. This service connects Hook Norton to Chipping Norton at one end of the service and Banbury at the other. Both have significantly more amenities than Hook Norton itself with Banbury also having a large number of employment opportunities, a hospital and a train station.

The 488 bus service runs hourly Monday to Friday (08:00-18:00) and two-hourly on Saturdays (09:00-17:00). There is no current Sunday service and the service is reliant on financial support from the county council. The current COVID-19 pandemic

also increases the risk to this and other services across the county. It is therefore important that new developments on the corridor contribute to firstly ensure the service remains in place and then improve the times of the service where possible to make the route more frequent. A financial contribution of £1,051 (index-linked) per dwelling has therefore been requested which will be required through a Section 106 Agreement.

Enhanced bus services are required to offer a realistic alternative to the car. The new residents would benefit from increased frequency of journey, reduced waiting time, additional seats and an overall more attractive public transport option for travel to work, in line with the Council's strategy of promoting alternatives to car travel on the County's congested highway network.

The bus service contribution is essential to adhere to the principle of 'presumption in favour of sustainable development' at the heart of the National Planning Policy Framework. This principle is enhanced in paragraph 108 of the Framework in terms of promoting sustainable transport. The Council has a strategy of ensuring that residents of new residential developments have access to a credible level of public transport, to provide a choice of mode of travel. The LTP4 includes proposals to enhance bus services operating across the County with these improvements funded from developer contributions; policies: 3, 17 & 34 of the plan are most pertinent in relation to such matters.

The contribution is necessary to make the development acceptable in planning terms because it accords with Policy SLE 4: Improved Transport and Connections, which states that: 'New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.'

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).

(b) Directly related to the development

The site is located within walking distance of the bus service routes noted above. Increased frequencies and extended operating times on these important routes, are essential to increase the attractiveness of the bus service to residents wishing to travel to work in destinations such as Banbury Town Centre and Chipping Norton with off-peak enhancements providing for leisure and retail trips.

The current bus services that serve the site travel via Banbury town centre and Chipping Norton town centre. Therefore, this contribution, which could increase the frequency and/or the time coverage of local bus services, would improve access to amenities, employment, and national rail services and this would directly benefit

residents and visitors.

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

In order to extend frequency and operating times along the whole route a new bus will be required, some £400,000 is required to procure this. This would be procured with declining pump-priming revenue support, with an estimated £160,000 required in year one, £120,000 in year two, £80,000 in year three and £40,000 in year four with fully commercial operation in year five.

The contribution is fair and reasonably related in scale and kind to the development because it is calculated at a rate of £1,051 per dwelling, a rate which is applied to residential developments throughout Oxfordshire for which contributions to improve local bus services are sought.

Calculation: £1051 per dwelling x 43 = £45,193.

6. ADMINISTRATION AND MONITORING FEE

- £600

Regulation 122 (2A) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) now makes it clear that a monitoring fee can be charged to monitor planning obligations provided:

- (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development."

The fee meets these tests because:

In order to secure the delivery of the various infrastructure improvements, to meet the needs arising from development growth, OCC needs to monitor Section 106 planning obligations to ensure that these are fully complied with. To carry out this work, the County Council has set up a Planning Obligation Team and so charges an administration/monitoring fee towards funding this team of officers. The work carried out by the Planning Obligations Team arises solely as a result of OCC entering into Section 106 Agreements in order to mitigate the impact of development on the infrastructure for which OCC is responsible. OCC then has a resultant obligation to ensure that when money is spent, it is on those projects addressing the needs for which it was sought and secured. The officers of the Planning Obligation Team would not be employed to do this work were it not for the need for Section 106 Obligations associated with the development to mitigate the impact of developments.

OCC has developed a sophisticated recording and accounting system to ensure that each separate contribution (whether financial or otherwise), as set out in all S106 legal agreements, is logged using a unique reference number. Systematic cross-referencing enables the use and purpose of each contribution to be clearly identified and tracked throughout the lifetime of the agreement.

This role is carried out by the Planning Obligations Team which monitors each and every one of these Agreements and all of the Obligations within each Agreement from the completion of the Agreement, the start of the development through to the end of a development and often beyond, in order to ensure complete transparency and financial probity. It is the Planning Obligations Team which carries out all of the work recording Agreements and Obligations, calculating and collecting payments (including calculating indexation and any interest), raising invoices and corresponding with developers, and thereby enabling appropriate projects can be delivered. They also monitor the corresponding obligations to ensure that non-financial obligations, on both the developer and OCC are complied with.

To calculate fees OCC has looked at the number of Agreements signed in a year, the size and nature of the various Obligations in those Agreements, and how much work was expected in monitoring each Agreement. From this, OCC has calculated the structure/scale of monitoring fees that would cover the costs of that team. This was then tested to see whether or not the corresponding fees associated with X number of agreements at Y contributions, would be sufficient to meet the costs; the answer was yes.

The monitoring fee will be reviewed once the number of planning obligations is confirmed including the number of associated triggers to ensure that the fee meets the tests of Reg 122 (2A).