

**From:** [Caroline Ford](#)  
**To:** [Hannah Leary](#)  
**Cc:** [Alex Chrusciak](#); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com); [Eleanor Musgrove](#); [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [Archie Mackay-James](#)  
**Subject:** RE: 31036-A3-Land at North West Bicester - Firethorn - Firethorn Trust  
**Date:** 21 July 2022 16:09:12  
**Attachments:** [image011.gif](#)  
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Hannah,

My apologies for the delay.

I attach here a letter relating to matters we need to understand relating to the build cost – i.e. both in terms of the specification of what has been costed and areas within the build cost that at this stage we believe should be reviewed. I trust that this is self-explanatory.

With regard to a meeting on ecology, our Ecologist and the Newt Officer at NatureSpace are available between between 9am and 2pm on the 27<sup>th</sup> July. Are either of these times convenient? I will look to set this up if so.

Regarding a meeting with Bioregional, I believe there may be availability next Thursday (28/07) in the afternoon. Otherwise, I will revert with other availability. With regard to Bioregional, their input now goes beyond their original quotation for input and, having considered, they believe that a further 1-2 days for two people is likely to be required which would cover reviewing, responding and attending a meeting. Their fee is c.£2,500. Is this agreed in terms of the ability to continue their input on this project? If so, I will ask them to be in touch to discuss payment.

I haven't managed to review the S106 drafting for Houghton Regis North yet. In any event, I think a discussion around S106 prioritisation and the list of items that might be covered by a review mechanism is best timed once we know what the viability gap is and what a solution is looking like. It seems too early to have such a discussion at this point in terms of what is known at this stage.

I trust this helps for now. This is of course provided without prejudice.

Kind regards  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Team Leader**  
Development Management Division

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---

**From:** Hannah Leary <Hannah.Leary@bartonwillmore.co.uk>  
**Sent:** 18 July 2022 16:49  
**To:** Caroline Ford <Caroline.Ford@Cherwell-DC.gov.uk>  
**Cc:** Alex Chrusciak <Alex.Chrusciak@cherwell-dc.gov.uk>; pmartin@firethorntrust.com; Eleanor Musgrove <emusgrove@firethorntrust.com>; rb@reviewpartners.uk.com; Archie Mackay-James <Archie.Mackay-James@rapleys.com>  
**Subject:** FW: 31036-A3-Land at North West Bicester - Firethorn - Firethorn Trust

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Caroline,

Further to my email below, are you in a position to revert and advise on points 1. – 4. ? I appreciate that Nigel met with Rapley's last week, but I believe that 3. remains relevant despite this.

Thanks in advance.

**Hannah Leary**  
Planning Director

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**From:** Hannah Leary  
**Sent:** 07 July 2022 16:38  
**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Archie Mackay-James <[Archie.Mackay-](mailto:Archie.Mackay-)

[James@rapleys.com](mailto:James@rapleys.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Cc:** Paul Martin <[pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com)>; Rob Bolton <[rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com)>;  
[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>

**Subject:** 31036-A3-Land at North West Bicester - Firethorn - Firethorn Trust

Caroline,

Further to the recent correspondence below, I wanted to follow up with you on a couple of things:

1. Could you let me know of the availability of your Ecologist/Newt Officer in order that we can get a meeting in the diary to discuss/agree the approach to the GCN point that we have been corresponding on;
2. I believe that we are still awaiting a date for a meeting with Bioregional further to their last correspondence. If you could provide us with some availability on that I would be grateful;
3. Rapley's have a meeting with Nigel on Tuesday next week. It would be helpful if, in advance of that meeting, we could have sight of the schedule that you have been working on which gives your view on tweaks that could be made to what is/isn't included in terms of sustainability measures. This would enable us to run some sensitivity testing and cost analysis on your proposed tweaks and be able to discuss the outputs with Nigel next week. Are you in a position to share this with us ?; and
4. Finally, I wondered whether you/Alex have had a chance to review the Houghton Regis North S106 agreement that I sent out to you after our last meeting ? I think that it would be worthwhile at this stage to have a discuss around the prioritisation of S106 contributions. As you will have seen from the S106 that I sent over, in the case of Houghton Regis the viability assessment that was undertaken made clear that not all of the contributions sought by the Council could be afforded, so a minimum level of affordable housing was agreed and fixed, with further financial obligations for education, highways and open space fixed. A Review Mechanism is included within the S106, attached to which is Annex 1, which is essentially a list of the items to which the Council can put any monies flowing to them from the Review Mechanism – with the further additional option of more affordable housing. I think it would be helpful to have a conversation around this once Archie and Nigel have met next week and we have seen your schedule that I refer to at 3. above. We could have a go at the first draft of an Annex 1 style document I that it helpful ? I'd appreciate your thoughts.

**Hannah Leary**  
Planning Director

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Mobile: [07824359072](tel:07824359072)

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**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Sent:** 04 July 2022 15:18

**To:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>; Alex Chrusciak

<[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Cc:** Hannah Leary <[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk)>; Paul Martin <[pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com)>; Rob Bolton <[rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com)>; [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Ian Tarbet <[ian.tarbet@rlf.co.uk](mailto:ian.tarbet@rlf.co.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Archie,

Many thanks, I have sent this onto Bioregional. My colleague has prepared a note which I need to review and share with others before sending over. I think that a meeting involving Bioregional would be best timed once you have seen that so that we can discuss the content of that note.

With regard to the fee proposals – thank you for confirming your agreement to this. I have spoken with Nigel Simkin about the timescales and the quotes provided gave targets that are considered to be realistic taking into account the likely work involved and other commitments. Nigel will, nevertheless, move this forward as quickly as he can and is aiming to start work on this next week – he will be in touch directly to liaise with you regarding a date for the suggested workshop.

In terms of the payment of the fees – as before, we would ask that this be paid directly to HLD and to RLF. As the fees are based upon a time-charge basis, I have discussed with Nigel that an appropriate way forward would be for an up-front payment of 50% of the estimated costs prior to work commencing (i.e. £2,500 plus VAT each to HLD and RLF (plus the additional fee requested by RLF to cover the additional costs already incurred of £2000 plus VAT)) with a balancing payment to cover the rest of the balance made prior to the formal reports being provided to CDC. If you agree with this approach, I would be grateful for your confirmation in writing that you agree to cover the balancing payment for our records. I have discussed with Nigel that should costs escalate significantly beyond the estimate, that you are advised of this in advance to ensure that you are fully aware of what your balancing payment is likely to be.

I trust this is of assistance to you. Please accept that as ever, this is provided entirely without prejudice.

Kind regards  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI

**Team Leader**

Development Management Division

Communities Directorate

Cherwell District Council

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---

**From:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>  
**Sent:** 01 July 2022 17:04  
**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>  
**Cc:** Hannah Leary <[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk)>; Paul Martin <[pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com)>; Rob Bolton <[rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com)>; [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>  
**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

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Dear Caroline,

As detailed in my email yesterday, please find a technical note attached which provides a response to Bioregional's email dated 23rd May 2022. In light of this technical note, which has been compiled by Gardner and Theobald and Stantec, we look forward to receiving feedback in relation to the areas within the build cost that you think could potentially be looked at to help with viability.

As suggested by HLD, we feel that a meeting between yourselves, Bioregional, the Applicant team and RLF at the earliest opportunity will be beneficial for realising agreement on the interpretation of FHS and TZC and the resultant costs so that the viability negotiation can move forward and we look forward to confirming a potential date for this meeting as soon as possible.

Have a good weekend.

Kind Regards

Archie

**Archie Mackay-James**  
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Senior Associate  
Residential Development Consultancy  
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**From:** Archie Mackay-James  
**Sent:** 30 June 2022 17:47

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Cc:** Hannah Leary <[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk)>; Paul Martin <[pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com)>; Rob Bolton <[rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com)>; [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Dear Caroline,

We have reviewed and I have received client instruction that we are happy to proceed on the basis of the proposed fees outlined by HLD and RLF in their respective emails.

In terms of timescales, as discussed there are continued contractual pressures due to the the delays in progressing to planning committee whilst current build cost inflation means that the viability position is being affected negatively with each month that passes. With this in mind, we feel that the timescales proposed by HLD and RLF should be reduced as follows:

**RLF**

- Undertake a detailed review of the submissions provided by the Applicant - 2 weeks.

**HLD**

- Undertake a detailed review of the submissions provided by the Applicant - 2 weeks.
- Update of HLD Development Viability Appraisal and Produce FVA Report to CDC - 2 weeks.

Are you able to request that RLF's and HLD'S work is progressed on this basis?

Separately, we be circulating a technical note shortly which provides a response to Bioregional's email dated 23rd May 2022. In light of this technical note, which has been compiled by Gardner and Theobald and Stantec, we look forward to receiving feedback in relation to the areas within the build cost that you think could potentially be looked at to help with viability. As suggested by HLD, we feel that a meeting between yourselves, Bioregional, the Applicant team and RLF at the earliest opportunity will be beneficial to realising agreement on the interpretation of FHS and TZC and the resultant costs so that the viability negotiation can move forward. With this in mind, are you able to liaise with Bioregional and confirm some potential dates for a meeting?

Kind Regards

Archie

**Archie Mackay-James**  
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Senior Associate  
Residential Development Consultancy  
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**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Sent:** 21 June 2022 11:14

**To:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com);  
[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com);

[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Archie,

Apologies for the delay – please see attached – there are two emails, one from RLF attached to the HLD quote. If you have any queries on this, please do let me know.

I met with HLD/RLF and Bioregional yesterday and, having worked through some of the Bioregional comments, we have identified some areas within the build cost that we think could potentially be looked at to help with viability. Myself and a colleague (who will be working on NW Bicester more regularly) will work on pulling a list together on this as well as on S106 which I appreciate is still outstanding.

I trust this is of assistance, however I must stress that this is provided without prejudice.

Kind regards  
Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Team Leader – South Area Major Projects Planning Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
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---

**From:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Sent:** 20 June 2022 10:25

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com);  
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[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

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Hi Caroline,

Are you able to confirm when we will receive an indication on fees and timescales for progressing viability?

Kind Regards

Archie

**Archie Mackay-James**  
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Senior Associate  
Residential Development Consultancy  
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**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Sent:** 10 June 2022 12:51

**To:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com);  
[Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com);  
[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak  
<[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Hi Archie,

I have spoken with Nigel and he will be reviewing to aim to provide a quote over the next few working days. I will be writing to Hannah separately to advise more widely on timescales.

Kind regards

Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Principal Planning Officer – Major Projects Planning Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
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---

**From:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Sent:** 10 June 2022 12:37

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com); [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

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Hi Caroline,

I was wondering whether you and Nigel had had the opportunity to consider this further?

Kind Regards

Archie

**Archie Mackay-James**

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**From:** Archie Mackay-James

**Sent:** 09 June 2022 10:23

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com);

[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Thanks Caroline and apologies there weren't attachments on Tom's email, the relevant attachments are attached to this email.

I look forward to hearing from you regarding timescales and fee position as soon as possible.

Kind Regards

Archie

**Archie Mackay-James**  
MRICS  
Senior Associate  
Residential Development Consultancy  
07467 941544



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**From:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Sent:** 09 June 2022 10:15

**To:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com);  
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[emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>; Alex Chrusciak <[Alex.Chrusciak@cherwell-dc.gov.uk](mailto:Alex.Chrusciak@cherwell-dc.gov.uk)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

Archie,

My apologies for the delay, I have now had time to read your and Tom's emails thoroughly and I note that it refers to attachments, which unfortunately were not attached to the email sent last Tuesday. Please could you send these over? Once it is clear the level of work that is needed from Nigel and Ian, then we will be able to look at timescales and Nigel/ Ian will be able to consider their fees.

Kind regards

Caroline

**Caroline Ford** BA. (Hons) MA MRTPI  
**Principal Planning Officer – Major Projects Planning Team**  
Development Management Division  
Communities Directorate  
Cherwell District Council  
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My usual working hours are: Monday to Friday, 09:00am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservation@cherwell-dc.gov.uk](mailto:design.conservation@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

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**From:** Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>

**Sent:** 07 June 2022 11:49

**To:** Caroline Ford <[Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)>

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com); [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); Nigel Simkin <[Nigel.Simkin@hld-uk.com](mailto:Nigel.Simkin@hld-uk.com)>

**Subject:** RE: 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

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Dear Caroline,

I trust you're well.

I was wondering whether you'd had the opportunity to consider Tom's email below?

Specifically, we request that both HLD and RLF confirm their fee position and agreement to the below timescales for reviewing the updated appraisal, confirming that there is no material benefit in taking forward the 500 unit scheme over the 530 unit scheme, conducting negotiations and working towards an agreed viability position by Friday 24<sup>th</sup> June.

Date	Action
Week commencing 6 <sup>th</sup> June	(1) Feedback from Bioregional regarding Stantec comments on sustainability. (2) CDC confirm scheme amendments are acceptable (3) Confirmation of fee position from RLF / HLD and timescales.
Week commencing 13 <sup>th</sup> June	HLD carry out review of updated Rapleys appraisal and appraise 500 unit scheme to confirm no material benefit over 530 unit scheme. HLD and Rapleys carry out any additional negotiations to confirm the basis of the 530 unit scheme.
Week commencing 20 <sup>th</sup> June	HLD and Rapleys look to conclude viability negotiations and present options available to Council.
Friday 24 <sup>th</sup> June	Deadline to reach agreed viability position to enable Case officer to prepare committee report
Friday 1 <sup>st</sup> July	Submission of committee report
Friday 14 <sup>th</sup> July	Committee meeting

I would be happy to discuss further once you've had the opportunity to review.

Kind Regards

Archie

**Archie Mackay-James**

MRICS

Senior Associate

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**From:** Tom Seckington <[Tom.Seckington@rapleys.com](mailto:Tom.Seckington@rapleys.com)>

**Sent:** 31 May 2022 17:40

**To:** [Caroline.Ford@Cherwell-DC.gov.uk](mailto:Caroline.Ford@Cherwell-DC.gov.uk)

**Cc:** Nick Fell <[Nick.Fell@rapleys.com](mailto:Nick.Fell@rapleys.com)>; Archie Mackay-James <[Archie.Mackay-James@rapleys.com](mailto:Archie.Mackay-James@rapleys.com)>; [rb@reviewpartners.uk.com](mailto:rb@reviewpartners.uk.com); [Hannah.Leary@bartonwillmore.co.uk](mailto:Hannah.Leary@bartonwillmore.co.uk); [pmartin@firethorntrust.com](mailto:pmartin@firethorntrust.com); [emusgrove@firethorntrust.com](mailto:emusgrove@firethorntrust.com); [T.Motchman@Gardiner.com](mailto:T.Motchman@Gardiner.com)

**Subject:** 20-00678 - Bicester - Land at North West Bicester - Firethorn - Firethorn Trust

*Sent for and on behalf of Archie Mackay-James:*

Dear Caroline,

Further to your letter dated 18<sup>th</sup> May, we have considered your comments and can confirm that our preferred option for moving forward is that viability discussions continue based upon the information submitted and the further information below and attached, which includes a revised cost plan and updated appraisal and viability position. We would like to try to resolve the outstanding issues on the inputs and assumptions to reach an agreed position on viability.

We appreciate that this option requires a further fee proposal and commitment to cover both HLD fees and RLF's fees together with an agreement of a new timetable moving forward which will impact on timescales. With this in mind, we have drafted a timetable below which would enable a pathway to the July committee.

We note your comment that the viability work is linked to work around standards and sustainability and the need to resolve what standard the development would be built to and how this complies, or otherwise, with the definition of True Zero Carbon as set by Policy Bicester 1 of the Cherwell Local Plan Part 1 2011-2031. We sent over clarifying comments provided by Stantec on 11<sup>th</sup> May, please can you confirm the position on these. We need clarity on this as a matter of urgency to enable viability matters to proceed and request that Bioregional provide a response at the latest by the beginning of next week.

We anticipate that a broad indication of the quantum of affordable housing that can be offered will be clarified once we have addressed a number of areas of difference with HLD over the coming weeks, once HLD have reviewed the amended scheme proposals.

We have now updated our appraisals in order to consider the impact on the overall viability if the scheme were reduced to 500 units against the original 530 unit scheme, taking into consideration the updated cost and value advice received from G & T and Green and Co based to Q1 2022 (all attached). Both scheme appraisals takes into account the suggested scheme amendments proposed by CDC on the overall viability position. Therefore G & T's updated cost plans assumes the following:

- adjust the gross to net ratio for the apartment block to 80%
- garages provided with detached 4 and 5 bedroom houses only. The units have also been valued on this basis.
- 25% provision of Electric Vehicle Charging Points for visitors with ducting
- Cost inflation adjusted to Q1 2022

The table below summarises the residual land values generated when assuming 30% affordable housing and 100% private housing for each scheme.

No. of units	Affordable Housing position	Residual Land Value
530	30% Affordable Housing (70% AR & 30% SO)	(Negative) -£6.8 million
530	100% private housing	£2.77 million
500	30% Affordable Housing (70% AR & 30% SO)	(Negative) -£5.2 million
500	100% private housing	£3.42 million

This demonstrates that when decreasing the quantum of units to 500, there is a marginal positive impact on the residual land value of the scheme when assuming 100% private housing and a slightly larger impact when assuming 30% affordable housing. This is due to Argus skewing finance costs and other appraisal assumptions when a negative land value is generated. The table below illustrates the key differences between the schemes when assuming 100% private housing, which is a truer comparison due to the schemes generating positive residual land values.

Appraisal input	530 unit scheme	500 unit scheme	Difference
Units per NDA	17.6	16.6	1
GIA (Sq ft)	474,482	514,784	40,302
NIA (Sq ft)	460,893	503,488	42,595
Sq Ft per NDA	15,816	17,133	1,342
GDV (Million)	£186	£196.8	£10.8
Base build (Million)	£81.7	£89.2	£7.50
Infrastructure (Million)	£19.9	£19.9	£0
Contingency (Million)	£5.9	£6.3	£0.4
S106 Costs (Million)	£18.7	£17.6	-£1.1
Finance (Million)	£5.3	£5.6	£0.3
Professional Fees (Million)	£8.6	£9.25	£0.63
Profit (Million)	£37.1	£39.3	£2.2
Residual Land Value (Million)	£2.77	£3.42	£0.65

This illustrates that whilst the gross area of the 500 unit scheme has increased, which has pushed up base build construction costs by £7.5 million and associated professional fees and contingency, the gross development value has increased by £10.8 million due to the increased sales area and inclusion of 5 bedroom houses and S106 costs have reduced by circa £1.1 million which offsets these cost increases.

Hence the suggested scheme amendments by HLD have a marginally positive impact on the overall viability position, but not significant enough to demonstrate that this should form the basis of viability negotiations moving forward. The application has been prepared against the original 530 unit scheme and the additional work undertaken to consider the 500 unit scheme does not fundamentally change the outcome of the viability testing. Both scheme options are generating residual land values below a benchmark land value of £11.8m, based on HLD's assessment at £150,000 per acre. We are therefore seeking confirmation that the original 530 unit scheme is the scheme that will be tested and taken forward to committee. It is important to note that this is an outline application for up to 530 units. This will afford maximum flexibility in terms of delivery and the reserved matters applications will deal with the specific issues of layout, unit sizes and number of units to be delivered.

We therefore request that both HLD and RLF confirm their fee position and agreement to the below timescales for reviewing the updated appraisal, confirming that there is no material benefit in taking forward the 500 unit scheme over the 530 unit scheme, conducting negotiations and working towards an agreed viability position.

We therefore propose the following timetable in order for all Parties to work towards the July committee date:

Date	Action
Week commencing 6 <sup>th</sup> June	(1) Feedback from Bioregional regarding Stantec comments on sustainability. (2) CDC confirm scheme amendments are acceptable (3) Confirmation of fee position from RLF / HLD and timescales.
Week commencing 13 <sup>th</sup> June	HLD carry out review of updated Rapleys appraisal and appraise 500 unit scheme to confirm no material benefit over 530 unit scheme. HLD and Rapleys carry out any additional negotiations to confirm the basis of the 530 unit scheme.
Week commencing 20 <sup>th</sup> June	HLD and Rapleys look to conclude viability negotiations and present options available to Council.
Friday 24 <sup>th</sup> June	Deadline to reach agreed viability position to enable Case officer to prepare committee report
Friday 1 <sup>st</sup> July	Submission of committee report
Friday 14 <sup>th</sup> July	Committee meeting

We recommend that RLF confirm the fee position and timescales to review and confirm the reasonableness of the updated cost plan for the 500 unit scheme based on the amended assumptions (as per G & T above) rebased to Q1 2022. It should not be necessary for RLF to produce their own independent cost plan for the 500 unit scheme on the basis that the scheme advanced to committee is the 530 unit scheme.

I trust the above is clear and I would be happy to discuss further. Please note that I am on annual leave the rest of this week, returning Monday 6<sup>th</sup> June.

Kind Regards

Archie

**Archie Mackay-James**

MRICS

Senior Associate

Affordable Housing & Viability

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# Planning and Development

David Peckford, Assistant Director – Planning and Development



## Cherwell

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Please ask for: **Caroline Ford**

Direct Dial: **01295 221823**

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Your Ref:

---

21st July 2022

Dear Hannah

### TOWN AND COUNTRY PLANNING ACT 1990

**Application No.:** 21/01630/OUT

**Applicant's Name:** Firethorn Developments Ltd

**Proposal:** Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination

**Location:** Land at North West Bicester  
Home Farm, Lower Farm and SGR2  
Caversfield

**Parish(es):** Bicester

In discussions with Bioregional, HLD and RLF and following the receipt of the detailed costings submitted to the Local Planning Authority and your viability appraisal, we have been considering your interpretation of the requirements of the scheme (in particular in relation to construction standards and costs) and the impact on development viability.

As you are aware, the NW Bicester site is allocated by Policy Bicester 1 for a new zero carbon mixed use development. Zero carbon is defined within a footnote to the Policy as 'The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below'. The Policy and SPD set out a range of other requirements which contribute as a whole to the site being sustainable and built to Eco Town standards.

As a result of these discussions, there are a number of queries raised regarding the level of information we have available to consider in respect of each standard and, reviewing the information

you have provided so far, we believe that there may be potential refinements to be made to your assumed build cost specification which will hopefully improve development viability. It is acknowledged that the current build cost includes elements that respond to the Policy requirements relating to NW Bicester in contributing to the creation of a sustainable Eco Town Development. Whilst these are positive matters, there are some elements where an alternative approach might be appropriate.

Firstly, based upon advice from Bioregional, it is understood that your Future Homes Standard (FHS) scenario includes elements that go beyond the measures necessary to deliver a FHS dwelling (a standard FHS dwelling that will be required by the proposed amendment to the Building Regulations that will apply from 2025) based upon the draft notional specifications that are so far available.

For example, the FHS (like the current building regulations Part L) will require a Target Emission Rate, Target Fabric Energy Efficiency and Target Primary Energy Rate. These TER, TFEE and TPER targets are based on the FHS notional specification, which includes excellent fabric efficiency in terms of the U Values, alongside low carbon heating. But these targets can be met without PV or additional air tightness measures. PV addition would only be necessary if the fabric or heat system are less efficient than the FHS notional specification. Although building regulations allow the FHS, TER and TPER to be achieved through any combination of measures, it is likely that greater investment in fabric (and efficient heat system) would be a more cost-effective way to meet those targets, compared to adding PV. Without transparency in the building specification, we cannot be sure that the most cost-effective measures have been pursued before adding the more expensive PV to get to FHS. Additionally, to demonstrate that the FHS targets for primary energy and fabric energy efficiency are met (as well as the emissions rate), the clearest and simplest way would be to directly match the actual FHS notional specification.

In order for there to be a clear understanding of the cost of each scenario and the impact that the True Zero Carbon (TZC) requirement has on the Build Cost, the Council would expect:

- that the Base Build cost would be based upon commonly accepted inputs (as we understand is the case, as it is based upon each QS' analysis of BCIS costs and other sources),
- that the FHS cost would be based upon the draft Future Homes Standard Specification (the draft notional specifications available) to give a cost that could be expected from any new build property when the FHS applies in 2025,
- that the TZC cost would be based upon those elements added to achieve this standard (i.e. PV/ heat recovery systems etc – the addition of which would be required to offset anything beyond achieving a standard FHS dwelling)
- It would also then be helpful to have costs of other parts of the build cost included separately to respond to the specific requirements at NW Bicester. These should be broken down to each proposal (i.e. rainwater harvesting, air tightness standards, ventilation (unless it is an energy saving measure) etc) so that we can clearly see each input and this can be used in sensitivity testing.

This would also highlight elements whereby an alternative approach that will respond to the requirements at NW Bicester but in a more cost-effective way could be considered. We appreciate that this is the thrust of how the Cost Plans have been undertaken, however the key difference would be that items 2, 3 and 4 above are currently wrapped up in the 'additional FHS'. Once the costs are clear and the basis for those costs, then the opportunities for cost savings may be more easily seen.

Please provide Cost Plans in the format requested above so that this can be replicated by RLF in their Cost Plan to ensure transparency and comparison.

Before some specific elements are detailed, we require further information to understand what your FHS specification is based upon. For example, we do not have information regarding the actual specifications of the buildings from which the costs were derived. This includes matters such as the U values of all elements, air tightness, ventilation system, heating system for heating and hot water, insulation/ glazing and whether associated requirements such as radiators are sized to be suitable for a low temperature heat system. This information is also not included within the originally submitted Energy Statement but it is important because we need to understand whether there are inherent

inefficiencies in the fabric and heat pumps proposed which are being offset by more expensive PV as explained above. Whilst we appreciate that this is an outline planning application, this issue has always been critical to the determination of any application at North West Bicester which seeks to move away from policy requirements on the grounds of viability.

It also means that the cost basis would be comparable to any new build property from 2025 as they will all need to meet those standards. The point of this exercise is to ensure that the buildings themselves are as efficient in terms of fabric efficiency and heat pumps as possible before additions are made to offset remaining carbon (such as PV – which would be an element going beyond FHS towards TZC). It is the view of Bioregional that fabric measures should be more cost effective than PV in terms of meeting FHS requirements and this should therefore be the starting point (especially where it is argued that the cost of these requirements impact on viability, which is the case in your viability submission). Improved fabric measures may also enable further cost savings in the size of the heating system.

Your response of the 27 June 2022 is noted but it does not confirm the standards assumed at this stage and whilst PV costs could be excluded, this would not give a clear picture as to whether the buildings are built to FHS without them. Please also clarify whether the FHS fabric or the Energy Saving Trust guidance has been used as there is some contradiction within the Energy Statement (appendix B) and which version of the Government's fabric standard has been applied – the 2021 or 2025 version?

Once this information is provided, it is considered that there would be a clearer picture as to the cost of additions over and above FHS which could then be tested as to which enable the building to respond to TZC and which relate to other sustainability matters. Both areas could then be reviewed in terms of other options to assist with reducing build cost (as the Council have not been prescriptive about how to meet the various standards). It may also be that with a more efficient building, the level of PV required to get to TZC on site could be achieved without needing to rely on offsite measures. In addition, have all options to achieve TZC on site been pursued? Are there other options that might be more cost effective?

Notwithstanding the above, we have already identified a range of areas which could be considered to reduce cost and improve development viability. We understand that some of these issues have already begun to be addressed in your updated viability appraisals in response to our comments in previous correspondence; however, for completeness, we set these areas out below:

- Garages and Car ports – this is predicted to come at a significant cost and is something that I have previously commented upon. The provision of garages/ car ports is not a policy requirement and the number should be reduced where this assists the viability of the scheme. The Council would prefer to reduce the number of garages/ car ports leaving more value available to meet the TZC requirement and mitigation to be secured via the S106.
- Permeable paving to housing plots should not form part of the build cost for FHS or TZC. It should either be part of the base build cost or not included (if it is not possible to achieve due to ground conditions for example). This will rely on a consideration of the drainage strategy to understand if permeable paving is possible. If it is and would be part of the strategy, then it should be included within the base build cost as this would not be exclusively required at NW Bicester as an Eco Town (i.e., permeable paving would likely be required as a normal part of a drainage strategy on any site where it can be achieved as a Sustainable Drainage option).
- *Lifts to apartments* – Although this would be a benefit, this is not required to meet either FHS or TZC. The consideration of the requirement for this element relates to the standards at the site (covered elsewhere with regard to Lifetime Homes Standard or the Council's Affordable Housing Standards).
- *Passive Ventilation (5% of dwellings)* – we are unclear as to whether this is part of your strategy to get to TZC. If so, then further details are required as to what has been costed as part of the Build Cost for this element (i.e. what technology is included). If this is not part of this strategy then we may be able to consider this element to reduce build costs and improve viability.

- *Rainwater harvesting and greywater harvesting to houses and apartments* – This is not a requirement for FHS or TZC. It is acknowledged that this is part of the submission which relates to the requirements around water, and it is noted that the SPD expects proposals to be ambitious with regard to water and that rainwater/ greywater harvesting might be an option. For example, RLF's review of your build cost identifies that this proposal comes at a significant cost of approximately £5,908,072. Officers would encourage you to consider alternative options that could reduce these costs significantly whilst still being ambitious with regard to water. For example, what standard in terms of litres per person per day are you targeting? In this respect, the view of Officers is that if some of this cost could be reduced by a proposal to make use of water efficient appliances to contribute towards water neutrality, this would likely be favourably looked upon.
- *Additional foundation requirements to FoGs* – This is not a requirement for TZC nor FHS, therefore this should be included as part of the base build cost (if it is assumed to be required).
- *Fruit tree variety to each private garden* – It is noted that this element is part of the proposals to create a sustainable community and whilst we do not wish to discourage such proposals, where there are viability issues as you have identified, the Council would be willing to consider not requiring such provision (providing there are opportunities for fruit trees as part of the development in areas such as community orchards/ allotments) or enabling younger (and hence cheaper) fruit trees to be planted in each garden rather than more mature (and hence more expensive) fruit trees to be planted in each garden.
- *Electric Vehicle Charging Infrastructure* – The proposals for EV provision are noted and maximising this is supported. This is a cost not required for FHS or TZC standard. It is understood that changes to the Building Regulations have been made and therefore I would suggest that the cost be established as to what the minimum to meet the Building Regulations requirement would be. This should result in some form of cost saving.
- *Lifetime Homes* – The cost difference between a lifetime homes standard dwelling and a non-lifetime homes dwelling would be of interest to review. Lifetime homes standard is encouraged but again, this may be an area where there could be flexibility to a proportion of dwellings meeting this standard if it would assist in improving viability. There will be standards required for the affordable housing units (in terms of meeting Nationally Described Space Standards). We recognise that dwellings will still need to be brought forward in line with market demand in terms of dwelling sizes.
- *Abnormal foundation investment* should not be included in build cost scenarios for FHS or TZC. It should be an abnormal cost that would apply to any build standard.
- Please consider the cost of the equipment so far costed to ensure that it is justified (especially the difference between heat pump system compared to gas system). Bioregional raised comments with regard to the costs identified in comparison to studies undertaken on some of these points especially taking into account economies of scale, and opportunities for fixed cost savings during construction, such as installing solar panels when scaffolding is already up, and the avoided cost of laying gas mains, if not already deducted from the FHS and TZC scenarios. It is though accepted that current build costs are escalating. Any cost escalation should also be applied to the base build, not only to the additional measures.

Based upon the above, we consider there could be cost savings within the build cost which could make a significant positive impact upon the viability picture and ought to be explored before the Council considers reducing S106 requirements or moving away from the standards required at the site. However, and as above, if the costs are split out as suggested, then this would enable the Council to consider and viability test the proposals and to prioritise what should be included within the build cost albeit it would also highlight high costs which could then be further reviewed as to where an alternative proposal could be considered. Your suggestion with regard to an upward only review

mechanism in terms of a list of matters that could be included where viability improves later is noted in this respect.

There remain queries relating to the offset calculation as previously advised. The actual starting amount of carbon is unclear and contradictory. Is it 490 or 460 tonnes/year and is this before PV is added? We have presumed it is 490 tonnes/year pre-PV but would appreciate this to be confirmed.

There also appear to be discrepancies with what is said in the Energy Statement (appendix B) which says that the predicted carbon emissions are 851 tonnes/year whereas the figures in table 6.1 of the statement add up to a total of 280 tonnes/year. Further clarification is therefore required on this element alongside that which has been provided to support the viability submission, as again there could be potential savings. The matter of a contribution will be considered once it is clear what level of offset is required and against the wider viability picture (i.e. Bioregional raised a point regarding the potential for a regression to reflect the projected decarbonisation of grid electricity, and an updated cost per tonne of carbon to reflect the most recent nationally determined value).

It is accepted that there is a need for flexibility for the energy strategy; however we need to ensure that the build cost work to support your viability process is transparently underpinned by appropriate and justified assumptions as far as possible, to ensure that the impact on development viability (and hence the ability to deliver other requirements such as affordable housing and infrastructure) is properly understood.

I trust that this is of assistance at this stage. Please accept that this advice is provided without prejudice.

Yours faithfully

Caroline Ford  
- Team Leader