

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

Location:	Land at North West Bicester Home Farm, Lower Farm and SGR2 Caversfield
Planning Ref:	21/01630/OUT
Appeal Ref:	APP/C3105/W/23/3315849
Proposal:	Outline planning application for residential development (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
Date:	23/05/2023

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of up to 530 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 the contributions requested.
- 1.2. This statement supplements the formal responses by OCC to the consultations 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. The contributions have been calculated based on a mix of dwellings which includes 10% affordable housing (details in para 3):

Contribution Type	Contribution Amount	Indexed-linked
Primary Education Repayment	£3,092,817	BCIS all in TPI 327

Primary Education Expansion	£1,038,290	BCIS all in TPI 327
Primary Education Land	£106,260	RPIX April 2023
Secondary Education	£2,924,856	BCIS all in TPI 327
Secondary School Land	£265,320	RPIX April 2023
SEN	£260,249	BCIS all in TPI 327
Household Waste Recycling	£49,799	BCIS all in TPI 327
Library	£28,073	BCIS all in TPI 327
Strategic Highway Contribution	£3,023,302	BAXTER Q4 2021
Highway Works Contribution 1	£47,289	BAXTER December 2020
Pedestrian/Cycle Infrastructure Contribution	£362,465	BAXTER December 2020
Bus Service Contribution	£752,412	RPIX February 2022
Local Road Improvements Contribution	£199,995	BAXTER Q4 2021
Public Rights of Way Contribution	£50,000	BAXTER July 2021
Pedestrian/Cycle Bridge Contribution	£15,000	BAXTER November 2021
Travel Plan Monitoring	£2,832	RPIX December 2020

2.2. Administration and Monitoring Fee: £24,175 (estimate)

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.

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 2018 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 a mix provided to OCC by the applicant and assumes that 10% of the dwellings proposed will be affordable:

	1 Bed	2 Bed	3 Bed	4+ Bed
Market	20	177	182	98
Affordable	11	22	16	4
Total	31	199	198	102

- 3.3. It is estimated that the proposed development would generate a net increase of 1,213 additional residents including:
- 28 nursery pupils
 - 118 primary school pupils
 - 88 secondary school students (including 15 sixth formers), and
 - 2.9 SEND pupils

4. EDUCATION & COMMUNITY CONTRIBUTIONS

4.1. Policy: Education & Community

Education authorities have statutory duties to

- Ensure sufficient school places (The Education Act 1996 S14)
- Increase opportunities for parental choice (S2 of the Education and Inspections Act 2006 inserts sub-section 3A into S14 of the Education Act 1996)
- Comply with any preference expressed by parents provided compliance with the preference would not prejudice the provision of efficient education or the efficient use of resources (School Standards and Framework Act 1998 S86)
- Ensure fair access to educational opportunity. (S1 of the Education and Inspections Act 2006 inserts sub-section 1(b) into S13 of the Education Act 1996)

4.2. Relevant Policies:

Paragraph 94 of the National Planning Policy Framework (NPPF) states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 92 of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

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.”

Policy Bicester 1: North West Bicester Eco-Town of the adopted Cherwell Local Plan 2011-31 states that: *“Education – Sufficient secondary, primary and nursery school provision on site to meet projected needs. It is expected that four 2 Forms of Entry primary schools and one secondary school will be required. There should be a maximum walking distance of 800 metres from homes to the nearest primary school.”*

“Community facilities – to include facilities for leisure, health, social care, education, retail, arts, culture, library services, indoor and outdoor sport, play and voluntary services. The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision. Education, health care, community and indoor sports facilities will be encouraged to locate in local centres and opportunities for co-location will be welcomed. Provision will be proportionate to the size of the community they serve. Each neighbourhood of approximately 1,000 houses to include provision for community meeting space suitable for a range of community activities including provision for older people and young people.”

4.3. Primary and Nursery Education Contributions- £4,237,367 Index Linked comprising:

(i) Primary Repayment Contribution - £3,092,817 index linked from index value 327 using BCIS All In TPI Index towards the funding of Gagle Brook Primary School

(ii) Primary Expansion Contribution - £1,038,290 index linked from index value 327 using BCIS All In TPI Index towards primary education capacity serving the Site

(iii) Primary Education Land Contribution - £106,260 index linked from April 2023 using the RPIX index towards the purchase of land for primary education serving the Site

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

CDC Local Plan policy Bicester 1 states that NW Bicester as a whole should include sufficient primary and nursery school provision on site to meet projected needs, and sets a maximum 800m walking distance (not straight-line distance) for children to be able to attend primary school.

Gagle Brook Primary School opened in September 2018 within the Elmsbrook parcel of the NW Bicester strategic development site to provide the first phase of primary school capacity for the North West Bicester Local Plan allocated site, and would serve this proposed development. In order to provide sufficient capacity for the exemplar site, Gagle Brook Primary was forward-funded as a 1-form entry school by Cherwell District Council and Oxfordshire County Council, with a total spend of £8.021m, planned for future expansion to 2 forms of entry.

Of the existing 236 place nursery and primary capacity of the school, 145 places are expected to be required for the Elmsbrook development, leaving 91 places available for other developments. Although those places already exist, Cherwell District Council's forward funding of those places needs to be recouped, at a rate of £33,987 per place (based on the actual build cost of Gagle Brook Primary School).

If this appeal site is to benefit from these places, it must therefore provide s106 funding towards the cost of the existing school as calculated below.

The school as currently built does not have sufficient capacity to accommodate all of the expected pupil generation from this appeal site (in addition to the pupil generation due from the Elmsbrook development). The balance of pupil generation will need to be accommodated through the planned expansion of Gagle Brook Primary School to 2 forms of entry.

Based on the housing mix set out above, with 10% affordable housing, it is calculated that the total nursery and primary pupil generation of this appeal site would be 146 pupils, of which 91 are assumed to be accommodated by the school as currently built, leaving 55 to be accommodated through the planned expansion.

The expansion of Gagle Brook Primary School requires additional site area, which is being sought through a S106 agreement with the neighbouring parcel of the strategic development site. In order to treat all developers equally, this appeal site should contribute towards the cost of that additional school site area in a proportionate manner.

(b) Directly related to the development

The contribution will be used to fund the primary school capacity created and planned in the local area to accommodate the children generated by the NW Bicester strategic development area, including this development. Gagle Brook Primary School is the nearest primary school to the development, and the only one within the Local Plan policy target of 800m walking distance.

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

The contribution has been calculated based on three elements

(i) **Primary Education Repayment Contribution** - Repayment of a proportionate share of the existing Gagle Brook Primary School, forward funded by Cherwell District Council and Oxfordshire County Council.

Total cost of building Gagle Brook Primary School (at 1 form of entry): £8,021,000

Number of nursery and primary places provided by the building of Gagle Brook Primary School at 1 FE: 236 (210 primary and 26 full-time equivalent nursery places).

Cost per pupil: £8,021,000 / 236 = £33, 987

Places available to this development (once the capacity required for the Elmsbrook development has been deducted): 91

Contribution towards recoument of forward funding = 91 * £33,987 = **£3,092,817 @ BCIS TPI 327**

(ii) **Primary Education Expansion Contribution** - Proportionate contribution towards the cost of expanding Gagle Brook Primary School

Total nursery and primary pupils calculated to be generated by this appeal application site: 146

Of which, assumed to be accommodated within the existing capacity (as above): 91

Balance to be accommodated through expansion of the school: 55

Cost per place of expanding a primary school (based on DfE guidelines, adjusted to Oxfordshire cost levels and based at BCIS TPI = 327: £18,878

Contribution towards expansion = $55 * £18,878 = \mathbf{£1,038,290}$ @ BCIS TPI 327

(iii) **Primary Education Land Contribution** - Proportionate contribution towards the cost of the additional land needed to expand Gagle Brook Primary School

Additional land area required to expand Gagle Brook Primary School: 1.23ha

Cost per ha assigned to land for educational use: £370,650 (or £150,000 per acre) @ April 2023 values

Total value of the expansion land = $1.23\text{ha} * £370,650 = £455,899.50$

Total pupils to be accommodated through the expansion: 236

Land cost per pupil = $£455,899.50 / 236 = £1932$

As above, pupils to be accommodated through expansion of the school: 55

Land contribution = $55 \text{ pupils} * £1,932 = \mathbf{£106,260}$ @ Apr-23 values

TOTAL PRIMARY CONTRIBUTION = £3,092,817 + £1,038,290 + £106,260 = £4,237,367

This contribution is based on the unit mix stated above. A mechanism will be included in the S106 agreement to adjust the primary education expansion contribution and primary education land contribution to reflect any change to the unit mix. The mechanism will calculate when the pupil generation goes above the 146 primary and nursery pupils and any additional pupils will be generate supplemental payments based on £18,878 per pupil to expand Gagle Brook and £1,932 per pupil to contribute towards the land required to expand the school.

4.4. **Secondary Education Contribution - £2,924,856 index linked from index value 327 using BCIS All In TPI Index, towards Secondary Education provision serving the site**

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

CDC Local Plan policy Bicester 1 requires that NW Bicester as a whole should include sufficient secondary school provision on site to meet projected needs. Secondary school provision for this site will be through the new secondary school planned as part of the southern section of the North West Bicester development. This school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is forecast to be required by the late 2020's, although this is subject to the speed of housing delivery. This development is expected to contribute towards the building of this secondary school.

In the existing Bicester secondary schools there is currently some spare capacity. This is because of the opening three years ago of Whitelands Academy, which has increased secondary school capacity faster than the related housing developments have generated secondary aged pupils. This new school was funded through s106 agreements with fifteen developments totalling 3,100 new homes. The full scale of secondary pupil generation from these sites is not expected until the end of this decade, by when these developments, plus windfall sites, are expected to broadly fill Whitelands Academy, and the capacity it has added to the local system is not, therefore, available to mitigate the impact of other proposed developments.

(b) Directly related to the development

The contribution will be used to expand secondary school capacity in the local area to accommodate the children generated by this development.

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

The contribution has been based on the estimated pupil generation from the proposed development, and the cost per pupil of building a new 600-place secondary school.

Number of secondary and sixth form pupils expected to be generated: 88

Estimated per pupil cost: £33,237

Pupils * cost = 88 * £33,237 = **£2,924,856**

This contribution is based on the unit mix stated above and a matrix will be included in the S106 agreement to adjust the contribution to reflect any change to the unit mix. The matrix rates per dwelling for secondary education infrastructure are:

	1 Bed	2 Bed	3 Bed	4+ Bed
Market Dwelling	£0.00	£4,142.64	£5,720.79	£6,312.59
Affordable Dwelling	£0.00	£10,595.48	£14,631.85	£16,145.49

When the mix of dwellings built multiplied by the relevant matrix amounts per dwelling total more than £2,924,856 then supplemental payments will become due.

4.5. Secondary School Land Contribution - £265,320 index linked from April 2023 using RPIX Index, towards the purchase of land for secondary education serving the site

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

As above, secondary school provision for this site will be through the new secondary school planned as part of the southern section of the North West Bicester development.

The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. In order to treat all developers equally, this appeal site should contribute towards the cost of that additional school site area in a proportionate manner.

(b) Directly related to the development

The contribution will be used to purchase the land needed to expand secondary school capacity in the local area to accommodate the children generated by this development.

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

The contribution has been based on the estimated pupil generation from the proposed development, and the cost per pupil of purchasing the land for a new 600-place secondary school.

Amount of land OCC requires for a 600-place secondary school: 4.88 hectares

Cost per ha assigned to land for educational use: £370,650 (or £150,000 per acre) @ April 2023 values

Cost to purchase land: 4.88 * £370,650 = £1,808,772

Land cost per pupil: £1, 808,772 / 600 = £3,015

Number of pupils expected to be generated by this development: 88

Number of pupils * land cost per pupil = 88 * £3,015= £265,320 @ April 2023 values

This contribution is based on the unit mix stated above and a matrix will be included in the S106 agreement to adjust the contribution to reflect any change to the unit mix. The matrix rates per dwelling for secondary education land are:

	1 Bed	2 Bed	3 Bed	4+ Bed
Market Dwelling	£0.00	£375.79	£518.94	£572.63
Affordable Dwelling	£0.00	£961.14	£1,327.29	£1,464.59

When the mix of dwellings built multiplied by the relevant matrix amounts per dwelling total more than £265,320 then supplemental payments will become due.

4.6. SEN Contribution - £260,249 index linked from index value 327 using BCIS All In TPI Index, towards SEN provision serving the site

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

Government guidance is that local authorities should secure developer contributions for expansion to special education provision commensurate with the need arising from the development.

Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupil attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above, and generate the number of pupils expected to require education at a special school.

The county council's Special Educational Needs & Disability Sufficiency of Places Strategy is available at <https://www.oxfordshire.gov.uk/residents/schools/our-work-schools/planning-enough-school-places> and sets out how Oxfordshire already needs more special school places. This is being achieved through a mixture of new schools and expansions of existing schools.

The proposed development is expected to further increase demand for places at SEN schools in the area, and a contribution towards expansion of SEN school capacity is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data.

(b) Directly related to the development

The contribution will be used to expand special school capacity serving the local area to accommodate the children generated by this development.

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

The contribution has been based on the estimated pupil generation from the proposed development, and the cost per pupil of expanding special school capacity in Oxfordshire.

Number of pupils requiring education at a special school expected to be generated by this development: 2.9

Estimated per pupil cost of special school expansion: £89,741 @ BCIS TPI = 327

$\text{Pupils} * \text{cost} = 2.9 * £89,741 = £260,249$

This contribution is based on the unit mix stated above and a matrix will be included in the S106 agreement to adjust the contribution to reflect any change to the unit mix. The matrix rates per dwelling for SEN contribution are:

	1 Bed	2 Bed	3 Bed	4+ Bed
Market Dwelling	£0.00	£381.78	£514.23	£553.19
Affordable Dwelling	£0.00	£909.29	£1,224.75	£1,317.54

When the mix of dwellings built multiplied by the relevant matrix amounts per dwelling total more than £260,249 then supplemental payments will become due.

4.7. Household Waste and Recycling Centre Contribution - £49,799 index linked from index value 327 of the BCIS all-in Tender Price Index, towards expansion and efficiency of Household Waste Recycling Centres

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

Oxfordshire County Council, as a Waste Disposal Authority, is required under the Environmental Protection Act 1990 (Section 51) to arrange:

“for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”;

and that

“(a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;

(b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);

(c) each place is available for the deposit of waste free of charge by persons resident in the area;”.

Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council currently provides seven HWRCs throughout the County. The HWRC nearest to the proposed development is Ardley Fields, Brackley Road, Ardley, OX27 7PH. The HWRCs in Oxfordshire are operating beyond their capacity including Ardley Fields HWRC. Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently over capacity meaning residents need to queue before they are able to deposit materials at peak times, and many sites are nearing capacity during off peak times. Ardley Fields HWRC is over capacity by up to 40% during peak opening hours and queues can reach the public highway resulting in cars being turned away and residents asked to return at another time.

The proposed development will provide 530 dwellings. If each household makes four trips per annum (average number of trips/household based upon data from site satisfaction surveys) the development would impact on the already over capacity HWRCs by an additional 2,120 HWRC visits per year.

Congestion on site due to the operation of HWRC at overcapacity reduces recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin and feel under pressure to move on as quickly as possible. Reduced recycling leads to higher costs and an adverse impact on the environment.

The Waste Regulations (England and Wales) 2011 enacted through the EU Waste Framework Directive 2008 require that waste is dealt with according to the waste hierarchy. To comply with the Regulations the County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents but due to the combination of a lack of space at HWRCs and the complex and varied nature of

materials delivered to HWRCs it is becoming increasingly difficult to comply with Regulations.

To address the issues of overcapacity at HWRCs, which are compounded by housing growth, additional HWRC capacity is required.

(b) Directly related to the development

The provision of additional HWRC capacity will enable the County Council to operate an efficient, safe and sustainable centre to meet the needs of the residents of the proposed development.

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

. The County Council currently has 41,000 m² of HWRC space across its 7 HWRCs. The amount of space needs to increase by 35% to meet current dwellings (300,090 taken from the County Council long term 2021). The amount of space required per dwelling is 0.18 m².

In 2011 the County Council planned and costed the infrastructure for a new HWRC. The cost of infrastructure was estimated as £275 per m² of centre space.

The costs of purchasing land for a new HWRC was estimated by the County Council's Senior Estates Surveyor in 2021 as £247 per m²

The total cost of infrastructure and land for a new HWRC is therefore estimated as £522 m².

The cost per dwelling is therefore £93.96 (522 x 0.18) BCIS 327.

The number of dwellings in the proposed development is 530 making the contribution required £49,799 BCIS 327.

4.8. Library Contribution £28,073 index linked from index value 327 of the BCIS all-in Tender Price Index, Towards Bicester Library including book stock

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

The County Council has a statutory duty under the Public Libraries and Museums Act 1964 'to provide a comprehensive and efficient library service for all persons' for all those who live, work or study in the area (Section 7).

In providing this service, councils must, among other things:

- encourage both adults and children to make full use of the library service (section 7(2)(b))
- lend books and other printed material free of charge for those who live, work or study in the area (in accordance with section 8(3))

The nearest local library serving the proposed development is Bicester Library,

A new library has been provided in the Franklins Yard development in Bicester. Part of the cost of the project was forward funded in advance of contributions being received from new development. The library was built to accommodate the growth planned for Bicester which includes this development. A contribution is required from this development toward repaying the cost of forward funding the delivery of Bicester library.

(b) Directly related to the development

Bicester Library is the catchment local library serving the proposed development site and therefore has a direct relationship to the proposed development.

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

The Bicester Library project had a total cost of £1,450,000 to the County Council. Of this there is £262,233 still left to be secured.

$£262,233 \div 8,100$ (housing growth remaining for Bicester area) = £32.37 (per dwelling)

$£32.37$ (per dwelling) x 530 (number of dwellings proposed by this application) = £17,156

The development proposal would also generate the need to increase the core book stock held by the local library by 1.2 items per additional resident. The price per volume is £7.50 = £9 per resident.

$£9$ (per person) x 1,213 (number of people estimated to be generated by the development) = £10,917

Total Contribution (£17,156 + £10,917) = **£28,073** (BCIS All-in Tender Price Index Value 327)

This contribution is based on the unit mix stated above and a matrix will be included in the S106 agreement to adjust the contribution to reflect any change to the unit mix

5. TRANSPORT CONTRIBUTION

5.1. Relevant Policies:

National Planning Policy Framework

i. Paragraph 102

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 103

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 108

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 110

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.

v. Paragraph 111

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Oxfordshire Local Transport and Connectivity Plan, Adopted July 2022

Policy 2b: We will ensure that all new developments have safe and attractive walking and cycling connections to the site, include a connected attractive network for when people are walking and cycling within the development and that the internal routes connect easily and conveniently to community facilities and the local cycle and walking network.

Policy 5e: We will extend and improve the public rights of way network by securing on and off site mitigation measures from developments...

Policy 5e: We will ensure that all new strategic development is designed for bus access and provides suitable funding for high quality services and infrastructure.

Policy 22e: We will consider multi-modal travel as a central option for transport planning and planning for new developments to achieve greater integration of the transport system.

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.”*

Policy Bicester 1 of the adopted Cherwell Local Plan 2011-2031 sets out the following as part of requirements for North West Bicester Eco-Town (of which this site is part):

- ...appropriate crossings of the railway line to provide access and integration across the North West Bicester Site. Changes and improvements to Howes Lane and Lords Lane to facilitate integration of new development with the town.
- Layout of development that enables a high degree of integration and connectivity between new and existing communities.
- A layout that maximises the potential for walkable neighbourhoods.
- New footpaths and cycleways ...that link with exiting networks, the wider urban area and community facilities...
- Infrastructure to support sustainable modes of transport ...including enhancement of footpath and cyclepath connectivity with the town centre, employment and rail stations.
- Maximisation of the sustainable transport connectivity in and around the site.
- Good accessibility to public transport services
- Contributions to improvements to the surrounding road networks including mitigation measures for the local and strategic highway network ... and the provision and implementation of a Travel plan...
- Measures to prevent vehicular traffic adversely affecting the surrounding communities.

North West Bicester SPD, adopted February 2016, states that:

4.92 – Rights of Way should be recognised as important links to the countryside, enhanced and reinforced through the implementation of the masterplan, supported by individual planning applications.

4.96 ...Provision of a strategic route through the site, to realign Howes Lane, cross the railway line...

4.97 Key considerations for movement to be addressed in planning applications ... Highway and transport improvements including Howes Lane...

4.120 Planning applications should set out how they will deliver: ...Enhanced bus services from North West Bicester into and around Bicester... High quality walking and cycling links to and from the town and waymarking...

Paragraphs 4.124 – 4.141 set out requirements for the strategic link road.

5.2. **Strategic Highway Contribution £3,023,302 index-linked from Q4 2021 using Baxter towards highway infrastructure forming a realignment of the A4095 between the junction of Howes Lane/Middleton Stoney Road and Lords Lane north of Purslane Drive, and associated adjustments and connections to the existing highway network; together with underbridge to connect the road under the railway and an active travel underbridge to the north**

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

The site will form part of the North West Bicester Eco-Town, as set out in Policy Bicester 1 of the adopted Cherwell Local Plan (see policy section above). As a policy requirement, it must contribute towards this key element of infrastructure, which will form the main access spine road through the Eco-Town.

The *NW Bicester Access and Travel Strategy – Appendix 1 Access Strategy Options*, sets out the background to why this option was chosen and how a new connection under the railway was deemed to be necessary in order to distribute traffic and connect the northern to the southern part of the Eco-Town.

An underbridge has already been constructed to take this road under the Chiltern Railway Main Line, and a further underbridge was also constructed to allow pedestrian/cycle connectivity further to the northwest within the Eco-Town. The funding for these included £4 million of Growth Deal funding, which must be recovered. Note this is in addition to HiF marginal viability funding for the underbridges, which we are not seeking to recover through this contribution.

Critically, the realigned road will allow the A4095 to bypass the heavily congested and constrained staggered junction of Howes Lane, Bucknell Road and Lords Lane, providing travel capacity for the complete Eco-Town and creating a key sustainable travel link.

An alignment for this road was established through planning permission 14/01968/F. The alignment is protected at its southern end through the Albion

Land employment site which has planning permission, by a licence agreement. The permitted alignment was taken forward for design by OCC. See General Arrangement drawing attached at Appendix A. The project only reached feasibility design stage, and this alignment and connections into the existing network should be treated as indicative. Nevertheless the design was used to forecast preliminary and detailed design, and construction costs (see below).

(b) Directly related to the development

Traffic from the development would use this road to travel towards Oxford and the south. It would also form part of the future bus route serving the Eco-Town north of the railway (of which this site is part), linking it to the town centre and railway station.

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

Phase 2 of the project (see Phasing drawing attached at Appendix B) was estimated in August 2021 during early preliminary design stages, at £30.2 million to complete design and construction. (Note that Phase 1 of the project was the underbridges constructed under the railway.). Please see below estimate which is based on the Aug 21 cost estimate, with inflation added. Net of inflation the estimate totals £30,226,067, and it is this figure that has been used to calculate the contribution, as set out below.

A4095 Realignment Updated EFC 28/04/23

Item	Section	Sub-section	Sub-section Total	Section Total
1	Actual costs incurred		1,378,000	1,378,000
2	Forecast for Design Stage	Principal Designer	1,530,000	
		Other consultants	966,000	
		OCC Internal costs	720,000	
		Statutory Undertakers	270,000	
		Risk/OB @ 20%	697,200	4,183,200
3	Forecast for Construction Stage	OCC Internal costs	1,200,000	
		Main Contractor	18,155,722	
		Design support during construction	240,000	
		Other consultants	250,000	
		Statutory Undertakers	500,000	
		Land Acquisition		
		Risk/OB @ 20%	4,169,144	
		Inflation	6,897,042	31,411,909
4	Close Out		150,000	150,000
	Total Forecast		37,123,109	37,123,109

Note;

The above construction cost estimate has been based upon very early preliminary design information

OCC have included for Inflation based upon latest BCIS TPI indices to uplift the estimate produced in Aug 21 assuming construction start Aug 25

Further breakdown of these costs is provided below:

Actual costs incurred to date:

A4095 Realignment cost summary for incurred costs to date

Item	Section	Total
1	Optioneering and Feasibility design	136,000
2	Surveys	598,000
3	Initial Preliminary design	281,000
4	OCC internal costs	363,000
Total Forecast		<u>1,378,000</u>

Forecast for design stage:

A4095 Realignment cost summary to complete detailed design

Item	Section	Total	Comments
2	Preliminary and detailed design - Consultant	1,530,000	Includes remobilisation and inflation costs
3	OCC internal costs (staff and other overheads)	720,000	Based upon 18mths at 40k per mth
4	Preliminary and detailed design - Others consultants	966,000	Includes for; *Land negotiations *Legal costs for drafting land purchase agreements *Ecology and environmental input *Early Contractor Involvement to support design and buildability
5	C2/C3 utility payments	270,000	Upfront payments Statutory Undertakers to assist in completing design
7	Risk and contingency @ 20%	697,200	
Total Forecast		<u>4,183,200</u>	

Main contractor cost estimate (based on estimate by main design consultant):

A4095 Realignment Cost Estimate Aug 2021

<u>Description</u>	<u>£</u>
Preliminaries	5,104,918
Site Clearance	65,170
Surface Water Drainage	2,856,495
Foul Water Drainage	Excl
Earthworks	2,087,113
Utilities	386,455
Pavement	2,529,076
Kerbs, Footways & Paved Areas	1,847,663
Traffic Signs and Road Markings	180,000
Street Lighting	315,000
Electrical Work for Street lighting and Signs	Excl
Traffic Signals	482,096
Landscaping & Ecology (all Provisional)	1,072,217
Stopping up Howes Lane	Excl
Public Interface, Liaison and Communication	209,921
TOTAL	17,136,123
FEE @5.95%	1,019,599
GRAND TOTAL	<u>18,155,722</u>

Note that this does not allow for any treatment of existing Howes Lane or Bucknell Road or connection to Bucknell Road (Note that Bucknell Road would be severed by the A4095 and changed into an active travel route between Lords Lane and a point to the north of the A4095 where a road within the development to the north of the railway would connect it into the A4095). The contribution has been calculated on the basis of a proportionate share (530 dwellings out of a total of 6000 at North West Bicester) of a total cost of £30,226,067 plus £4,000,000 for the underbridges under the railway. Calculation:

$$(\text{£}30,226,067 + \text{£}4,000,000) \times 530/6000 = \text{£}3,023,302 \text{ (Q4 2021)}$$

Note that at present no additional funding has been identified other than contributions from development at the Eco-Town.

The risk and contingency figure of 20% is considered acceptable for a large scale infrastructure project at this early stage of the design process. The risk contingency figures in the Viability SoCG are lower but do not cover the strategic infrastructure and so are not directly comparable in terms of the level of risk.

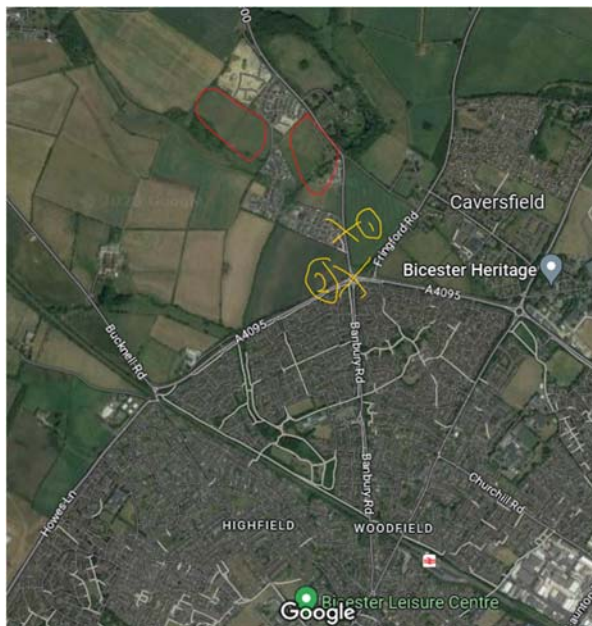
5.3. **Highway Works Contribution 1. £47,289 Indexed from December 2020 using Baxter, towards improvements to the junction of the B4100 and Charlotte Avenue**

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

The transport assessment shows that the development traffic would lead to congestion at the junction, which would also be impacted by traffic from the rest of the Eco-Town. Traffic signals are required to mitigate this impact, by increasing capacity at the junction.

(b) Directly related to the development

Charlotte Avenue is the main access route for a significant proportion of the proposed development (all of the eastern parcel and part of the western parcel is proposed to access onto it), and forms part of the bus route that would serve the whole of the development. The location of the works is labelled (1) in the plan below, with the approximate location of the site shown circled red.



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

The contribution represents 20% of the total estimated cost of providing a scheme of signalisation at the junction, based on 530 dwellings out of the originally planned 2600 dwellings north of the railway.

5.4. **Pedestrian/cycle infrastructure contribution £362,465 indexed from December 2020 using Baxter, towards improvements to pedestrian and cycle infrastructure between the site and the town centre**

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

Improved pedestrian and cycle connectivity to the site is a requirement of Policy Bicester 1. The site lies within convenient cycling distance of the town centre and the railway stations, and while there are cycling facilities along the route, they are not continuous and do not meet the current design standards of LTN 1/20. As such they are not suitable for significant volumes of cycle traffic and parts of the route would not be suitable for all users. Improvements are required to support the low car modal share required to mitigate the traffic impact of the development and on which the transport assessment is based. Improvements will include better segregation between pedestrians and cyclists, segregation from motor traffic, and wayfinding.

The Bicester Local Cycling and Walking Improvement Plan, approved by the County Council's Cabinet in September 2020, describes this route as 'High-Traffic' route BR8. This route will connect the site with the town centre by for those walking and cycling, and link to BR6, which connects to Bicester North rail station.

(b) Directly related to the development

The proposed improvements are on the direct desire line between the site and the town centre, alongside Banbury Road.

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

The contribution represents the estimated cost of the improvements to the route. This is considered to be direct mitigation required for the site. The adjacent larger site will be asked to provide an upgrade to a different, more direct pedestrian/cycle route alongside the railway.

5.5. Bus service contribution £752,412 indexed from February 2022 using RPIX, towards a bus service serving the site

Oxfordshire County Council is committed to achieving sustainable development and a key component of this is the promotion of alternative travel modes to the private car. In many instances, this will include buses as a key travel mode within and between the main centres.

In order to support this the Council seeks developer funding to support the provision of existing or new bus services and associated infrastructure to achieve a higher and more attractive standard of service.

The Council's policy has been to concentrate on promoting the development of local bus services by using developer contributions to increase service frequencies, particularly for employment and utility trips, attract more passengers and therefore improve commercial viability. The developer funding to support these services is time-limited therefore it is critical that services are sufficiently supported to become commercially sustainable in the longer term.

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

Access to public transport services is a requirement of Local Plan Policy Bicester 1, the NW Bicester SPD, and the Oxfordshire LTCP Policy 5e.

A financial contribution towards public transport services is required to ensure a credible and attractive bus service exists to provide access to the development to enable:

- private car journeys to be minimised to an acceptable level; and
- those without access to a car to be able to reach local services.

The current bus service E1 through the adjacent, existing Elmsbrook development will cease in April 2023 as a result of the expiry of developer funding, and the Council has secured an alternative service which will operate hourly on Mondays to Saturdays until March 2025. The proposed contribution will secure either an improved service to Elmsbrook or continued operation of the post-April arrangements, whichever is appropriate at the time of occupation.

Ultimately the public transport strategy for the Eco-Town is to provide two new dedicated bus services, one north and one south of the railway, at a daytime frequency of up to every 10 minutes, linking the site with Bicester town centre and Bicester Village Railway Station. An effective 'turn up and go' bus service is required in order to offer residents and visitors associated with the development a viable alternative to the private car, to promote travel by public transport, and to achieve the low car modal share required to mitigate the traffic impact of the site. The transport assessment is based on this provision.

Furthermore, 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 and make the site acceptable in planning terms.

(b) Directly related to the development

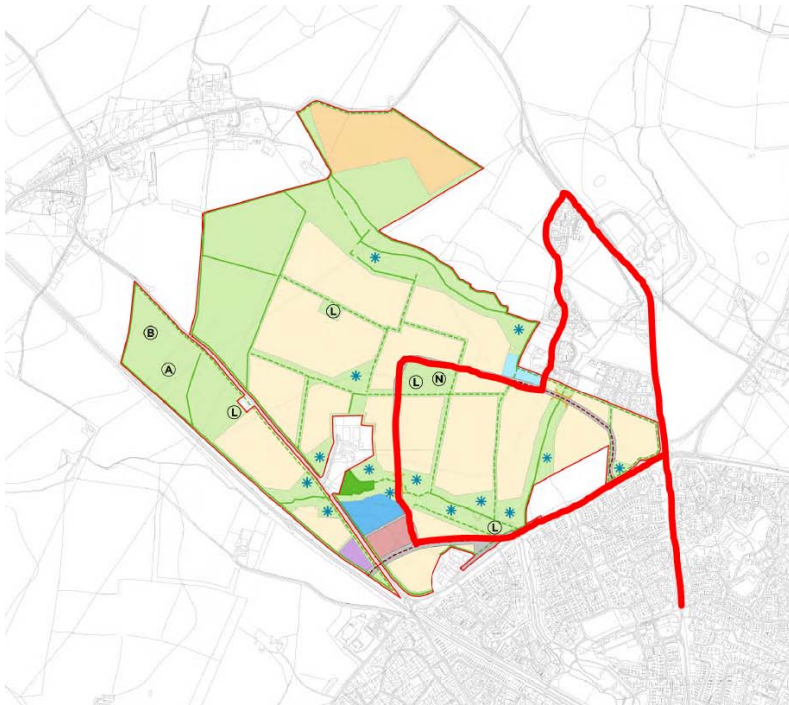
Financial contributions are always used to maintain or improve bus services operating in the vicinity of the site so that they are directly related to the development. The bus service will loop through the Eco-Town north of the railway, serving stops within easy walking distance of the site, on the Elmsbrook spine road.

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

To provide a ten-minute frequency bus service, four buses are required. This has been assessed on the basis of the journey time. The journey time for a round trip between Bicester Village Station, Bicester town centre, the NW Bicester development and return has been assessed at 33 minutes.

This uses journey times of existing services between the town centre and Banbury Road Roundabout, and then a calculated journey time of 13 minutes

around a one-way loop (below) which is 4.2km in length at an average speed of 20kph.



On this basis a 10-minute frequency service to the NW Bicester development as a whole will require four vehicles. In the evenings and on Sundays, when a service of at least every 30 minutes will be in operation, two vehicles would be required.

Bus industry costs have increased significantly in recent years and especially since the pandemic, driven by rising labour, fuel and materials costs. The bus costs indicated in original work done for the NW Bicester masterplan are therefore significantly out of date.

The Confederation of Passenger Transport (CPT) is the bus and coach industry representative body. It published a Cost Index every year up to 2019 and is used by the council to apply inflationary increases to its bus contracts.

Applying this index from the time of the masterplan (2014) and indicative cost estimates to today results in a per bus annual cost of £192,560. As revenue builds throughout an 8-year period the subsidy requirement declines on a straight-line basis, resulting in the total cost of £866,520.

This is considered to be a reasonable cost assumption in the wider context of bus operations in Bicester – two recent tender exercises by the council for bus services in Bicester operating on Monday to Saturday daytimes have yielded prices of £199,980 and £261,000 respectively, even when revenue is retained by the operator.

Provision of services in the evenings and on Sundays at a lower frequency costs £25,000 per bus per year, resulting in a total contribution of £112,500 per bus over the 8-year period.

Bus costs

Year	Daytime Cost	Daytime Revenue	Daytime Subsidy	Eve/Sun Cost	Eve/Sun Revenue	Eve/Sun Subsidy
1	£192,560	£0	£192,560	£25,000	£0	£25,000
2	£192,560	£24,070	£168,490	£25,000	£3,125	£21,875
3	£192,560	£48,140	£144,420	£25,000	£6,250	£18,750
4	£192,560	£72,210	£120,350	£25,000	£9,375	£15,625
5	£192,560	£96,280	£96,280	£25,000	£12,500	£12,500
6	£192,560	£120,350	£72,210	£25,000	£15,625	£9,375
7	£192,560	£144,420	£48,140	£25,000	£18,750	£6,250
8	£192,560	£168,490	£24,070	£25,000	£21,875	£3,125
9	£192,560	£192,560	£0	£25,000	£25,000	£0
Total		£866,520	£866,520		£112,500	£112,500

The total cost of the bus service provision for NW Bicester is therefore:

- £866,520 x 4 = £3,466,080
- £112,500 x 2 = £225,000
- Total: £3,691,080

As the Firethorn development consists of 530 dwellings from an assumed total of 2,600 further dwellings north of the railway, the contribution is pro-rata and therefore £752,412 (at February 2022 prices).

The assumption of 2,600 further dwellings is based on the fact that the land areas north and south of the railway within the Policy Bicester 1 allocation are approximately equal and, allowing for employment and large scale open space, it is a reasonable assumption to assume that they can accommodate 3,000 homes each. The figure of 2,600 comes from 3000 minus the exemplar site, from which no further contributions towards bus services are available. This assessment is based on information provided by the Local Planning Authority.

5.6. Local Road Improvements contribution £199,995 indexed from Q4 2021 using Baxter

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

The development is proposed to take access from the Elmsbrook Spine Road, which is made up of Charlotte Avenue and Braeburn Avenue. As part of the planning application, the appellant carried out an assessment of the suitability of this road to carry the vehicular, pedestrian and cycle traffic from

the development. A pinchpoint was identified north of the school, where Charlotte Avenue narrows to 4.1m, which is too narrow for a car and a bus, or a car and an HGV to pass one another. The length of road that is too narrow, is too long to be treated as a traffic calming narrowing. It would need localised widening to 4.8m to accommodate the increased likelihood (due to the significantly increased number of dwellings) of these vehicles passing, without having to mount the kerb. The appellant cannot carry out works here under a S278 agreement because the road is still in private ownership, although it is expected to be adopted by the county council. A contribution has been offered to enable the county council to carry out necessary widening works once the road has been adopted.

(b) Directly related to the development

Vehicular traffic from a large part of the development would need to take access via Charlotte Avenue. Most of the cycle and pedestrian traffic would need to use it (a proportion may use other routes through the Eco-Town once they are available).

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

The amount of the contribution is considered to be sufficient to cover the cost of necessary modifications to Charlotte Avenue. It is relatively modest and should be considered in the context of the alternative expense, of the developer needing to provide permanent access directly onto a B road.

5.7. **Public Rights of Way contribution £50,000 indexed from July 2021 using Baxter**

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

Improvements to public rights of way are supported by the NW Bicester SPD, and form part of the improvements to active travel connectivity required by Policy Bicester 1 and the adopted Oxfordshire Rights of Way Improvements Plan. Increasing the nearby population will significantly increase demand for public rights of way, which will in turn require improvements to surfaces and infrastructure to make them usable all year round. The site will need to be connected to the footpaths to Bucknell to the north (pink routes on map below), in order to provide opportunities for leisure/health walking and connections to the nearby village of Bucknell. This will mean a new offsite pathway will need to be negotiated and created for walkers and possibly cyclists, plus improvements on the existing footpaths to Bucknell. An indicative alignment of a new route is shown at point D below.



(b) Directly related to the development

The routes will be directly accessible by residents of this site.

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

The contribution represents a proportionate contribution towards the estimated cost of the improvements to the routes and would cover costs associated with negotiating the new connection, plus improvements to surfacing, gates and signage. Proportionate contributions will be requested from other sites at the Eco-Town.

5.8 Pedestrian/cycle bridge contribution £15,000 indexed from November 2021 using Baxter

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

The North West Bicester Masterplan shows a primary pedestrian and cycle connection near the northern corner of the eastern parcel of the site, leading into the adjacent site, crossing over the Gagle Brook. The site is therefore required to facilitate this connectivity and as this will require a footbridge on the adjacent land, which will be used by its residents, it must make a contribution towards the cost of that bridge.

(b) Directly related to the development

The bridge would be used by pedestrians and cyclists from the north of the site to access facilities and visit residents within the adjacent site, and to access the wider walking and cycling network.

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

The contribution was proposed by the appellant, based on an example of a typical bridge, and a proportionate share with the adjacent planning application. Obligations would be placed on the adjacent developer in relation to the connection and provision of the bridge, and depending on the

mechanism agreed, the contribution from this site could be paid to the adjacent developer towards the cost of the bridge.

5.9 Travel Plan Monitoring contribution £2,832 indexed from December 2020 using RPIX towards the cost of monitoring the Travel Plan

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

There is a requirement to monitor the travel plan for a period of 5 years after the occupation of the site. The NPPF, in paragraph 113 states that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

The travel plan aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A travel plan is required to make this development acceptable in planning terms, and is to be secured by planning condition.

A travel plan is a 'dynamic' document tailored to the needs of residents and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review....Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the County Council that without monitoring the travel plan is likely to be ineffective. Therefore, monitoring of the travel plan is required to make the development acceptable in planning terms requirement for monitoring.

Further, the Good Practice Guidance states that 'local authorities should consider charging for the monitoring process and publish any agreed fee scales'.

Section 93 of the Local Government Act 2003 gives the power to local authorities to charge for discretionary services. These are services that an authority has the power, but not a duty, to provide. The travel Plan Monitoring Fee is set to cover the estimated cost of carrying out the above activities and is published in the county council's guidance: 'Transport for new developments; Transport Assessments and Travel Plans'.

As with most non-statutory activities, councils seek to cover their costs as far as possible by way of fees. This is particularly required in the current climate of restricted budgets. Without the fees the council could not provide the resource

to carry out the activity, as it is not possible to absorb the work into the general statutory workload. In the case of travel plan monitoring, the work is carried out by a small, dedicated Travel Plans team.

The travel plan monitoring fee is therefore required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective travel plan.

(b) Directly related to the development

The travel plan is a document that is bespoke to the individual development, reflecting the site's current and predicted travel patterns, opportunities for sustainable travel, and targets for improving the proportion of sustainable travel associated with the site. Therefore, the monitoring that will be charged for will be specific and relevant to this site alone.

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

The fees charged are for the work required by Oxfordshire County Council to monitor travel plans related solely to this development site. They are based on an estimate of the officer time required to carry out the following activities:

- review the survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Oxfordshire County Council guidance – ‘Transport for new developments: Transport Assessments and Travel Plans’ sets out fees according to the size of the development. The estimate is based on three monitoring and feedback stages (to be undertaken at years 1,3 & 5 following first occupation). Note that this is considered a fair rate, set to include staff salary and overheads alone.

6. ADMINISTRATION AND MONITORING FEE

- £24,175 (estimate)

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).