

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

**Location:** Land East Of Ploughley Road, Ambrosden

**Planning Application Ref:** 22/02866/OUT

**Appeal Reference:** APP/C3105/W/23/3327213

**Proposal:** OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration

**Date of Regulation 122 Statement:** 26/09/2023

## **1. INTRODUCTION**

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development of up to 120 dwellings is unacceptable without an agreement under Section 106 of the Town and County Planning Act 1990 (S106) which is required to mitigate the demands which will be placed on infrastructure and services as a result of the development. This statement by OCC provides the justification for its requirements for contributions towards secondary education (infrastructure and land), SEND education, public transport, public rights of way, travel plan monitoring, household waste recycling and also justification for an administration & monitoring fee.
- 1.2. This statement supplements the formal response by OCC dated 3<sup>rd</sup> November 2022 to the consultation by Cherwell District Council (CDC).
- 1.3. R122(2) of the Community Infrastructure Levy (CIL) regulations 2010 (as amended) introduced three tests for S106 agreements which must apply if a planning obligation is to constitute a reason for granting planning permission. It should be, a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development. The purpose of this statement is to show that the requested contributions comply with the requirements of the three tests.

## 2. INFRASTRUCTURE CONTRIBUTIONS SUMMARY:

- 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:

<b>Contribution Type</b>	<b>Contribution Amount</b>	<b>Indexed-linked</b>
Secondary Education	£963,873	BCIS all in TPI 327
Secondary Education Land	£88,450	RPIX April 2023
SEND Education	£62,819	BCIS all in TPI 327
Public Transport	£135,960	RPIX December 2021
Public Rights of Way	£30,000	BAXTER September 2022
Travel Plan Monitoring	£1,558	RPIX September 2022
Household Waste Recycling Centres	£11,275	BCIS all in TPI 327

*Table 1: Infrastructure Contributions*

- 2.2. **Administration and Monitoring Fee £10,351**
- 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. Education 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:
- The scale and dwelling mix of development
  - An allowance for attendance of children at non-state funded schools
- 3.2. The contributions below are based on a policy compliant mix of:
- 15 x one bed dwellings
  - 31 x two bed dwellings
  - 52 x three bed dwellings
  - 22 x four + bed dwellings
- 3.3. It is estimated that the proposed development would generate a net increase of 300 additional residents including:
- 37 primary school pupils
  - 29 secondary school students
  - 0.7 pupils requiring education at a special school

## 4. EDUCATION

### 4.1 LEGISLATION AND POLICY

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)

#### **The National Planning Policy Framework (NPPF) 5 September 2023**

Paragraph 95 of the 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.*

*a) They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.*

**Policy INF 1 (Infrastructure) of the adopted Cherwell Local Plan 2011-31** states that *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

### 4.2 EDUCATION CONTRIBUTIONS

#### **4.2.1 Secondary Education Contribution - £963,873 index linked from index value 327 using BCIS All In TPI Index, towards secondary education capacity serving the development**

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

The nearest secondary schools serving the development area are in Bicester. Based on current pupil forecasts, there will be insufficient school places in the Bicester area for pupils transferring to secondary school (i.e. Year 7) by 2027, unless additional places are provided. The scale of housing growth in Bicester requires another new secondary school, in addition to that previously opened at SW Bicester to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The 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 mid/late 2020's, although this

is subject to the speed of housing delivery. There remains a funding gap for this planned new school, taking into account Section 106 contributions already secured or held specific to this purpose.

**(b) Directly related to the development**

The contributions will be used to create additional permanent capacity to accommodate the secondary aged children generated by the proposed 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 average cost per pupil of building a new secondary school in Oxfordshire

Number of secondary pupils expected to be generated: 29  
Estimated per pupil cost: £33,237

Pupils \* cost = **£963,873** @ BCIS TPI = 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.

**4.2.2 Secondary Land Contribution - £88,450 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**

The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. This development would be expected to contribute proportionately towards the cost to the county council of acquiring this land.

**(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**

This development should contribute in a fair and proportionate manner to the land required for the secondary school.

Oxfordshire County Council's standard land requirement for a 600-place secondary school, based on the Government's Building Bulletin 103, is 4.88 ha, and standard

education land value per ha = £375,000 (Apr-23). The total school land value is £1,830,000 (£375,000 x 4.88), equivalent to £3,050 per pupil.

This application is expected to generate 29 secondary pupils. At £3,050 per pupil this equates to **£88,450** land cost contribution.

#### **4.2.3 SEND Education Contribution - £62,819 index linked from index value 327 using BCIS All In TPI Index, towards SEND education capacity serving the development**

##### **(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 Special 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.

##### **(b) Directly related to the development**

The proposed development is projected to further increase demand for places at special schools in the area, and a contribution towards expansion of special 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.

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

The contribution is based on the number of special school pupils expected to be generated (0.7) multiplied by the cost per place of expanding a secondary school using national average costs provided by the Department for Education, adjusted for Oxfordshire cost levels, and as advised in the government's guidance on *Securing developer contributions for education* (last updated August 2023).

0.7 pupils \* £89,741 = £62,819 @BCIS TPI = 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**

### **5.1 LEGISLATION AND POLICY**

#### **National Planning Policy Framework, 5 September 2023**

i. Paragraph 100

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

ii. Paragraph 104

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

- (a) the potential impacts of development on transport networks can be addressed;
- (b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.
- (c) opportunities to promote walking, cycling and public transport use are identified and pursued.
- (d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- (e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

iii. Paragraph 105

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

iv. Paragraph 106

Planning Policies should:

- (c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

- (d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

v. Paragraph 110

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

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users;
- (d) 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.

vi. Paragraph 112

Within this context, applications for development should:

- (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

**Oxfordshire County Council- Local Transport and Connectivity Plan 2022 - 2050 – LCTP.**

**Policy 1 – We will**

Develop, assess and prioritise transport schemes, development proposals and policies according to the following transport user hierarchy:

Walking and wheeling (including running, mobility aids, wheelchairs and mobility scooters)

Cycling and riding (bicycles, non-standard cycles, e-bikes, cargo bikes, e-scooters and horse riding)

Public transport (bus, scheduled coach, rail and taxis)

Motorcycles

Shared vehicles (car clubs and carpooling)

Other motorised modes (cars, vans and lorries)

**Policy 2 – We will:**

- a) Develop comprehensive walking and cycling networks that are inclusive and attractive to the preferences and abilities of all residents in all towns. All new walking and cycling schemes will be designed according to the updated Oxfordshire Walking and Cycle Design Standards (to be published in 2022).

- b) 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.
- c) Work closely with stakeholders using co-production methods when developing and improving cycle and walking networks from inception to delivery.

Policy 4 – We will:

- a) Develop a Strategic Active Travel Network in order to identify key routes for walking and cycling between destinations across the county and prioritise interventions to existing and new infrastructure.
- b) Identify and support all opportunities to develop and link up the Strategic Active Travel Network in new developments, rural and major roadworks and road schemes.

Policy 18 – We will:

- a) Work in partnership with bus operators, District and City councils to maintain a commercially sustainable and comprehensive network of services which is accessible to as many residents as possible.
- c) Seek to make the bus a natural first choice through development of infrastructure and network management measures which give priority over the private car and improve journey speeds.
- h) Ensure bus services are accessible and support community transport to address unmet local transport needs (further information in community transport policy).
- j) Work to improve bus services in rural areas including consideration of flexible services where relevant.

**The Cherwell Local Plan 2011 – 2031**

SO13 To reduce the dependency on the private car as a mode of travel, increase the attraction of and opportunities for travelling by public transport, cycle and on foot, and to ensure high standards of accessibility to services for people with impaired mobility.

SO14 To create more sustainable communities by providing high quality, locally distinctive and well-designed environments which increase the attractiveness of Cherwell's towns and villages as places to live and work and which contribute to the well-being of residents.

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.”*

## **5.2 TRANSPORT CONTRIBUTIONS**

### **5.2.1 - £135,960 Public Transport Service Contribution index-linked from December 2021 using RPIX**



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

The contribution is required towards the continuation of bus services operating between Headington (H5)/Bullington Prison (29) and Bicester via Ploughley Road, which runs adjacent to the site. It is necessary to make the development acceptable in planning terms because Ambrosden has limited amenities, whereas Bicester has a much wider range of facilities. Not all residents of the proposed development may have access to a car and all residents of the development must have the opportunity to travel by sustainable modes to a full range of employment, further education, medical, retail and other destinations.

The routes serving Ambrosden are financially supported by the County Council using developer contributions, with funding currently in place until December 2024. Beyond this period the future of the services is uncertain without further contributions from development in the local area. The site would not be considered to be sustainable in transport terms without these bus services, so a contribution towards preserving them is a requirement.

An effective bus service is required to offer residents a realistic alternative to the car, particularly for longer distance journeys where walking or cycling may not be a realistic option (such as for onward trips to Oxford, for example).

**(b) Directly related to the development**

The contribution is directly related to the development because it is approximately 200m from the centre of the proposed residential area to the nearest bus stops, which the applicant has agreed to construct on Ploughley Road. As such, for most residents this makes the bus stops suitably accessible, allowing travel by a regular commercial bus service to Bicester and Headington.

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

In order to take an equitable approach to development sites to fund public transport services, OCC sets an appropriate standard charge for development within a specified route / area and pools funds to facilitate service maintenance or improvements. The charge per dwelling is determined from an assessment of development quantum and required bus service improvements. The charge assessed appropriate for the proposed development is £1,133 per dwelling subject to indexation from December 2021.

It is considered to be extremely important that all relevant development makes financial contributions towards public transport services in order to give them the maximum chance of long-term financial sustainability and ensure that they continue to benefit the development in the future.

The contribution to bus services is fairly and reasonably related in scale and kind to the development as the contribution is based on the number of dwellings proposed by the development and a rate considered to be commensurate with the ability to provide a bus service on the required routes.

120 dwellings x £1,133 = £135,960 (Dec 2021).

### **5.2.2. - £30,000 Public Rights of Way Contribution index-linked from September 2022 using Baxter**

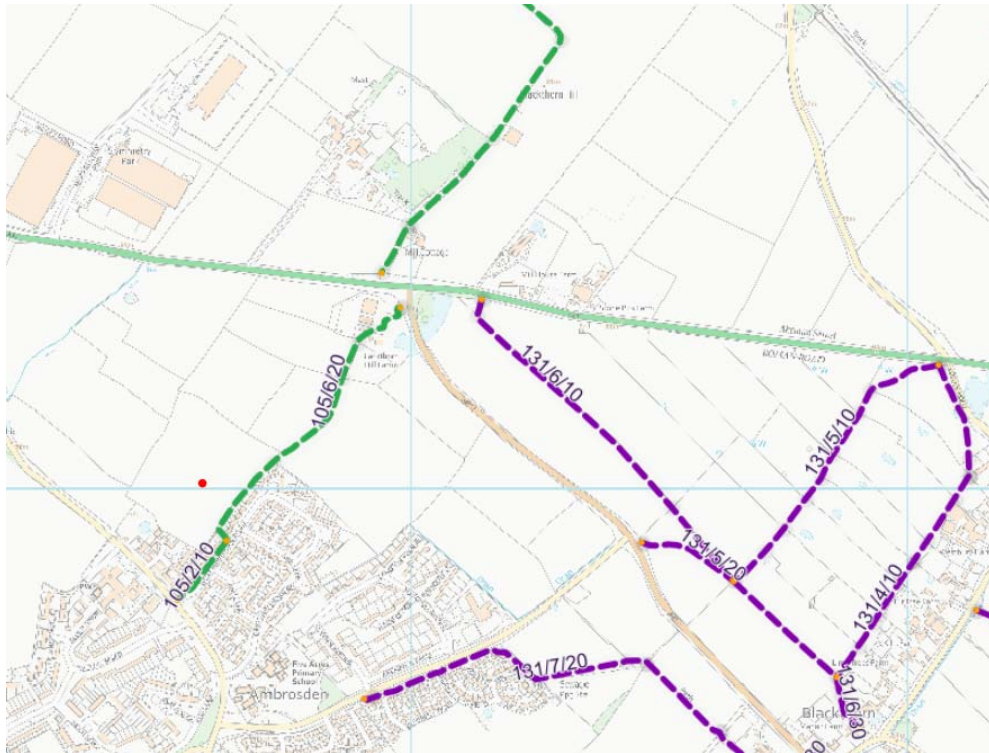
#### **(a) Necessary to make the development acceptable in planning terms**

Oxfordshire County Council (OCC) manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025

Paragraphs 104,105,110 and 112 of the NPF require that opportunities for sustainable modes of travel, such as walking and cycling, are identified and facilitated, whilst para 100 states that public rights of way (PRoW) should be protected and enhanced. The proposed PRoW mitigation also accords with policy 5 of the OCC Local Transport & Connectivity Plan. Therefore, if the application was to be improved, the County Council considers that the mitigation is required to enhance sustainable access to the development and limit the impact of the development on users of PRoW. There is expected to be an increase in numbers of residents and visitors using the rights of way network around the site – simply due to the size of the development in a rural environment. These uses will create more use pressures on the rights of way network.

#### **(b) Directly related to the development**

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is the size and location of the development, access to the surrounding countryside and key access roads serving the development that are the key drivers. The rights of way in the vicinity of the site considered to be affected by the development are shown on the attached map extract:



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

The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per-dwelling or per-m<sup>2</sup> tariff system. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Strategy to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims. The contribution would be index-linked and subject to a 10-year longstop.

The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 2km from the site. Primarily this is to improve some surfaces to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way may also be included.

The key works anticipated are\*

- Improvements to the bridleway heading northeast over the A41 from the site 40-50%
- Negotiation and construction of a footpath or bridleway link between bridleway 105/6 and footpath 131/6 across the B4011 40-50%
- Paths to the east and west of the site as covered by above map 10%

Estimated contribution breakdown\*

- Site and habitat surveys & assessments 5%
- Landowner negotiations and agreement payments 5-10%
- Outline/high-level design allowance 5%

Admin processes e.g. consultation, project management <5%  
Legal processes e.g. temporary works closures, creation agreements and contracts 5%  
Detailed design/ Walk&Talk/ Early Contractor Involvement 5%  
Materials, plant & equipment, works to provide better surfaced routes/path infrastructure 60%+  
Contingency/Risk 10-20%

\*All allocations are estimates. Any contribution would be aggregated across routes and activities and a longstop of 10 years will be requested.

### **5.2.3 - £1,558 Travel Plan Monitoring Contribution index-linked from September 2022 using RPIX**

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

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 not a generic document, it needs to be relevant to the situations and location of the development site, it needs to identify the

- The current or predicted travel patterns and how sustainable travel can be promoted for the site.
- The current and new transport links provide as part of the development
- Opportunities for sustainable travel to and from the development site
- Relevant targets for the site

A travel plan is a 'dynamic' document tailored to the needs of residents and requires iterative method of re-evaluation and amendment.

The contribution will be used to cover biennial monitoring over five years of the life of the Travel Plan which includes Oxfordshire County Council Officer time to do the following:

- review monitoring outputs
- review the Travel Plan progress in light of monitoring results
- discuss the results and future measures with the Travel Plan Co-ordinator for the site

Because of this each travel plan produced will bespoke to the development site and will need to be monitored the check that the targets are SMART and are being achieved.

#### **(b) Directly related to the development**

The Oxfordshire County Council guidance document sets out the requirements for the production and motioning of a travel plan and the threshold for the level of plan and charges are in line with governmental guidance

The scale of development has the potential to generate a significant number of trips with the greatest proportion being made by private motor car. Appropriate travel planning will reduce single occupation car trips and associated impact.

The development and monitoring of a travel plan needs to be done on a site-specific basis.

**(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 a travel plan related solely to this development site.

The work that needs to be carried out by the monitoring officer will to

- 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 two levels of fees according to the size of the development. This development falls into the smaller category. The figure for each travel plan is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation).

## **6. HOUSEHOLD WASTE AND RECYCLING CENTRE**

### **6.1 Household Waste and Recycling Centre - £11,275 index point 327 BCIS All-In-TPI towards expansion and efficiency of Household Waste Recycling Centre serving the Site**

**(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 OCC 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 120 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 480 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 OCC 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**

OCC currently has 41,000 m<sup>2</sup> 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 m<sup>2</sup>.

In 2011 the County Council planned and costed the infrastructure for a new HWRC. The cost of infrastructure was estimated as £275 per m<sup>2</sup> 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 m<sup>2</sup>

The total cost of infrastructure and land for a new HWRC is therefore estimated as £522 m<sup>2</sup>.

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

The number of dwellings in the proposed development is 120 making the contribution required £11,275 BCIS 327.

## **7. ADMINISTRATION AND MONITORING FEE £10,351**

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 fees are reviewed annually and approved by Cabinet.