

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

Location: Land East of Warwick Road, Drayton, Banbury

Planning Application Ref: 23/00853/OUT

Appeal Reference: APP/C3105/W/24/3338211

Proposal: Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury.

Date of Regulation 122 Statement: 21/03/2024

1. INTRODUCTION

- 1.1. Oxfordshire County Council (OCC) considers that the proposed development 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 set out in table 1 below.
- 1.2. This statement supplements the formal response by OCC to the consultation(s) 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:

Contribution Type	Contribution Amount	Indexed-linked
Secondary Education	£1,362,717	BCIS all in TPI 327

Secondary Education Land	£126,116	RPIX November 2020
SEND Education	£98,715	BCIS all in TPI 327
Public Transport services	£275,060	RPIX December 2021
Public Rights of Way	£65,000	BAXTER April 2023
Traffic Regulation Order	£3,840	RPIX April 2024
Travel Plan Monitoring	£1,890	RPIX April 2023
Strategic Highway Works – Cycle infrastructure contribution	£170,000	BAXTER April 2023
Household Waste Recycling Centres	£15,973	BCIS all in TPI 327

Table 1: Infrastructure Contributions

- 2.2. **Administration and Monitoring Fee £16,095**
- 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:
- a) The scale and dwelling mix of development
 - b) An allowance for attendance of children at non-state funded schools
- 3.2. The contributions below are based on a policy compliant mix of:
- 22 x one bed dwellings
 - 43 x two bed dwellings
 - 74 x three bed dwellings
 - 31 x four + bed dwellings
- 3.3. It is estimated that the proposed development would generate a net increase of 424 additional residents including:
- 52 X primary school pupils
 - 41 X secondary school students (including 6th form)
 - 1.1 X 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)
- Ensure sufficient childcare for working parents (The Childcare Act 2006 S6)
- Secure free childcare for qualifying children (The Childcare Act 2016 S2)

The National Planning Policy Framework (NPPF) - December 2023

Paragraph 99 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 - £1,362,717 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

For secondary education provision, demand for places in the town has risen in recent years, such that in 2021 and 2022 there were more applicants than places available. The need for places is expected to continue to grow as a result of population growth from planned housing development in the area, resulting in a sustained shortage of secondary school places across the Banbury area unless additional capacity is provided. Therefore, there would be insufficient secondary capacity in the Banbury area to accommodate the expected pupil generation from the proposed development.

A site for a new secondary school has been included in the Cherwell Local Plan as part of policy area Banbury 12. The new school will need to be at a minimum a 600-

place secondary school and would be built at a size to provide sufficient capacity for the planned growth of the town's population, including that resulting from this proposed development, should it be permitted.

(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 and sixth form pupils expected to be generated: 41
Estimated per pupil cost: £33,237

Pupils * cost = **£1,362,717** @ 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 - £126,116 index linked from November 2020 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 county council will incur a cost to purchase land for the planned secondary school within the Banbury 12 policy area, which would serve this proposed development. This will provide land for 600 pupils

(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 is 4.88 ha, and the expected purchase price per ha = £378,200 (Nov-20).

The total school land value is £1,845,616 (£378,200 x 4.88), equivalent to £3,076 per pupil.

This application is expected to generate 41 secondary & sixth form pupils. At £3,076 per pupil this equates to **£126,116** land cost contribution.

4.2.3 SEND Education Contribution - £98,715 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 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.

Oxfordshire's SEND Sufficiency Delivery Strategy sets out that the county already has a deficiency of special school provision.

The proposed development is expected 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.

(b) Directly related to the development

The proposed development is projected 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.

(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 (1.1) 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* (Nov 2019).

1.1 pupils * £89,741 = £98,715 @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, December 2023

i. Paragraph 104

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 108

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 109

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 110

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 114

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 116

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.

vii. Paragraph 117

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 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 - £275,060 Public Transport Service Contribution index-linked from December 2021 using RPIX

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

In accordance with NPPF paragraphs 114 and 116, Cherwell Local Plan Policies SO13 and INF1, and the Oxfordshire LTCP Policy 18, it is necessary to provide residents with access to an attractive bus service. Service B9 serves the adjacent development to the south, providing a link to the town centre, and could be accessed via footpath connections into that site. That service is dependent on developer contributions which have been secured from other recent development at Warwick Road and Hanwell Fields and which will fund the service until April 2027. Additional funds are required to sustain the service beyond then.

(b) Directly related to the development

The contribution will be used to fund a bus service that serves residents from the development.

(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 £1,618 per dwelling subject to indexation from December 2021. This rate has been secured from other nearby developments.

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.

170 dwellings x £1,618 = £275,060 (Dec 2021).

5.2.2. - £65,000 Public Rights of Way contribution index-linked from April 2023 using Baxter

a) Necessary to make the development acceptable in planning terms

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 and the formation of a new urban edge. These uses will create more use pressures and damage on the rights of way network. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025 (www.oxfordshire.gov.uk/rowip).

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 1km from the site. Primarily this is to improve the surfaces of routes 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.

The contributions would be used towards improvements on Hanwell footpaths 239/6, 7, 8 and 10, and Banbury footpath 120/116.



b) Directly related to the development

The map above shows that the footpaths are within a range that is likely to be well used by residents of the development.

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

The total estimated cost of the improvements breaks down as follows:

- 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 60%+
- Contingency/Risk and ongoing quality standard retention 10-20%

This is considered to be a reasonable amount for a site of this size and location.

5.2.3 £1,890 Travel Plan Monitoring Contribution index-linked from April 2023 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 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 OCC's 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 is bespoke to the development site and is monitored to check that the targets are SMART and are being achieved.

(b) Directly related to the development

The fees charged is for the work required by OCC to monitor a travel plan related solely to this development site.

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

The work referred to in (a) above covers a 5 year period.

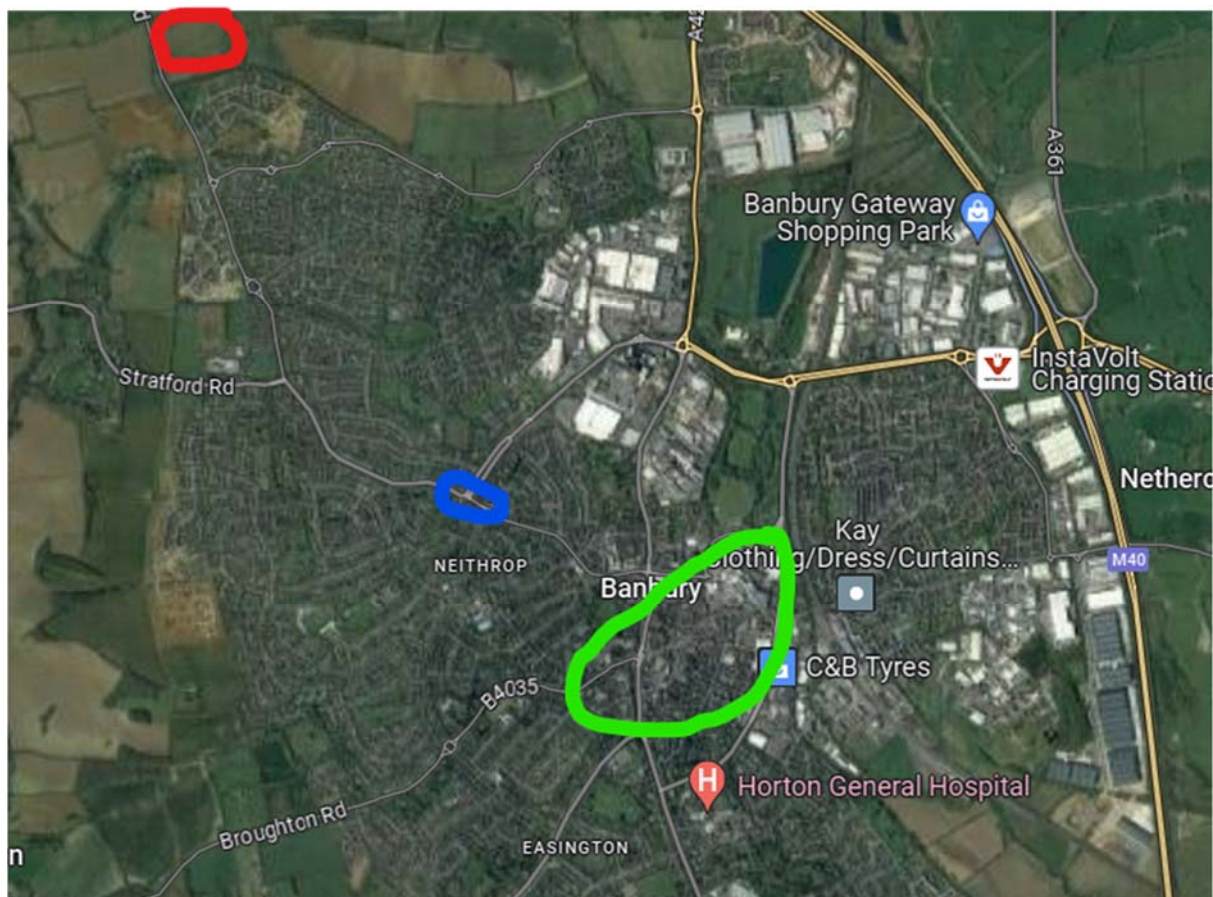
An estimate of the hours required to monitor a travel plan and officer costs determine the fee which is split into 2 levels depending on the size of the development. Fees are reviewed annually and agreed by Cabinet.

The fee for the travel plan relating to the proposed development falls into the small development category.

5.2.4. - £170,000 Cycle infrastructure contribution index-linked from April 2023 using Baxter

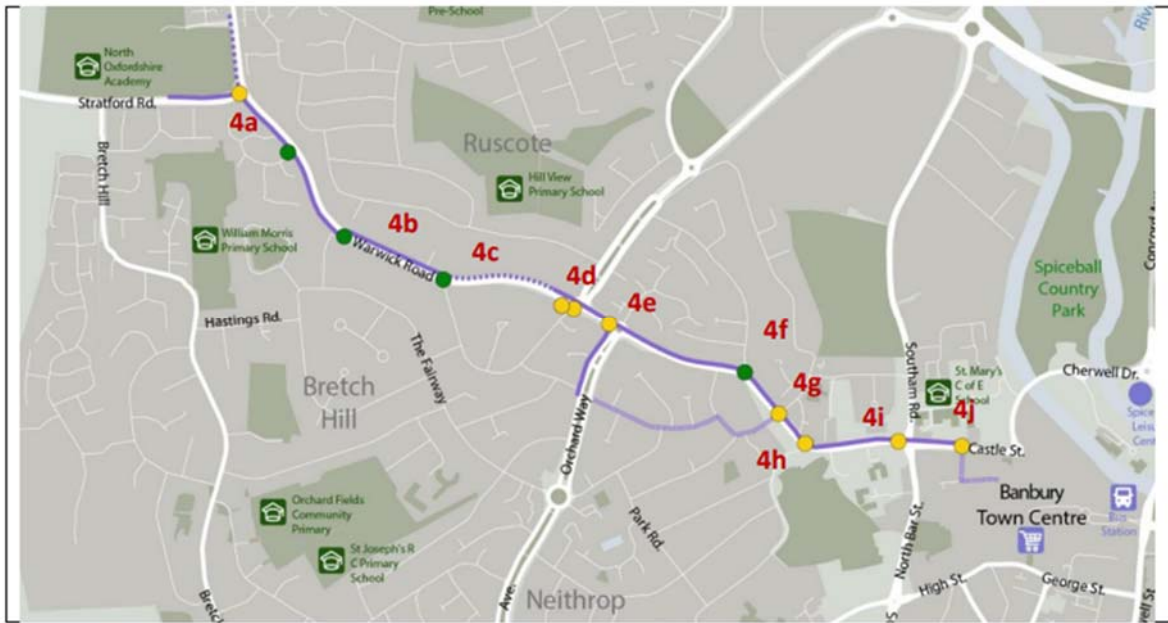
(a) Necessary to make the development acceptable in planning terms

In accordance with NPPF paragraphs 114 and 116, Cherwell Local Plan Policies SO13 and INF1, and the Oxfordshire LTCP Policies 1, 2 and 4, it is necessary to provide safe and attractive cycle routes between the site and key facilities, in this case Banbury Town Centre. In the map below, the site location is circled red and the town centre green.



The Banbury Local Cycling and Walking Infrastructure Plan, adopted by the county council in 2023, sets out a number of proposed routes for improvement, to deliver a key cycle network for Banbury. [Banbury LCWIP \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/banbury-lcwip). Proposed Route 4 runs along the Warwick Road from its junction with Stratford Road into the town centre. (North of Stratford Road there are existing facilities).

The extract from the Banbury LCWIP below divides Route 4 up into sections. This is in the early days of scheme development, with the current focus being on 4d and 4e below, where cyclists currently have to negotiate two busy roundabout junctions, with Ruscot Avenue and Orchard Way, where there are no existing cycle facilities. This is one of the locations along the route where cyclists are most vulnerable and is therefore a priority. There is no safe and direct alternative route. The location is indicated with a blue circle on the map above.



(b) Directly related to the development

Route 4, as set out above, is on a direct route between the site and the town centre and would be used by cyclists from the development to access town centre facilities, including the rail station.

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

A scheme is currently being designed to improve cycle safety at and between these junctions, but has not yet been costed. Funding will be sought from other development and other sources towards this (as well as other measures within the LCWIP). Elsewhere in Banbury, in the absence of costed schemes, contributions from development are being secured towards LCWIP improvements related to each site, at a rate of £1000 per dwelling, recognising that these contributions will need to be pooled with other funding in order to deliver the necessary improvements. Given the current infrastructure, the overall costs of improvement will be high.

The contribution therefore required is $170 \times £1000 = £170,000$.

5.2.5 £3,840 Traffic Regulation Order Contribution index-linked from April 2024 using RPIX

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

In order to ensure a safe and suitable access to the development, in accordance with NPPF paragraph 114, it will be necessary to extend the current speed limit to the north, to accommodate the site access. This is subject to statutory consultation, and the contribution is to cover the council's costs of advertising, consulting on, and legally processing the extension of the speed limit.

(b) Directly related to the development

The change is directly adjacent to the proposed site access and will improve the safety of turning movements in and out of the development.

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

The fee represents the council's standard published charge, for the financial year 2024/5.

6. HOUSEHOLD WASTE AND RECYCLING CENTRE

6.1 LEGISLATION AND POLICY

NPPF – December 2023

Para 20. "Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

a) ...;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)..."

Para 157: The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The Cherwell Local Plan 2011 - 2031

Policy INF1: Infrastructure

D.8 Infrastructure is a critical underpinning for the development strategy of the District. Infrastructure such as transport, energy, water, waste and communications, as well as community infrastructure in education and health are essential to meet the needs of residents. Other infrastructure types relate to quality of life and environmental protection or enhancements

Policy INF 1: Infrastructure The Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by: Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery Completing a Developer Contributions SPD to set out the Council's approach to the provision of essential infrastructure including affordable housing, education, transport, health, flood defences and open space Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

6.2 Household Waste and Recycling Centre - £15,973 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 HWRCs in Oxfordshire are operating beyond their capacity. 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.

The proposed development will provide 170 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 680 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 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 waste forecast 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 170 making the contribution required £15,973 BCIS 327.

7. ADMINISTRATION AND MONITORING FEE £16,095

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.