

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell
DISTRICT COUNCIL
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Please ask for: **Richard Greig**

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Your Ref:

MuttonKZ/343430.000001

25th May 2023

Dear Sir/ Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Application No.: 20/03252/OBL

Applicant's Name: Elgin Investments LLP/Dorchester Group

Proposal: Discharge of S106 for 16/02446/F - to comply with Fourth Schedule, Clauses 3 & 4 of the S106 agreement, which require that: prior to occupation of 200 dwellings in the Phase 9 development at Heyford Park the 10ha Strategic Ecology Land shall be secured (Clause 3); and that written evidence is provided demonstrating that 20ha of land is available as Heritage Land (Clause 4).

Location: Heyford Park
Camp Road
Heyford Park
Bicester, OX25 5HD

Parish(es): Middleton Stoney, Upper Heyford, Heyford Park

Re: Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011

Submission of details pursuant to Clause 3 (Strategic Ecology Land) and Clause 4 (Heritage Land) of the Fourth Schedule of the S106 dated 6th April 2020

Phase 9, Camp Road, Heyford Park

I write with reference to the information submitted relating to the Fourth Schedule, Clauses 3 and 4 of the S106 Deed attached to planning permission 16/02446/F.

The submission is accompanied by reports entitled '*Strategic Ecology Land Heyford Park*' and '*Heritage Land Scheme Heyford Park*' both on behalf of Elgin Investments LLP and dated 3rd August 2021.

The submissions demonstrate compliance with the definition of '*Strategic Ecology Land*' under Clause 3 of the Fourth Schedule – i.e., '*an area of 10 hectares of semi improved grassland within the Allocation to be secured for the purpose of carrying out ecological habitat improvements to mitigate the impacts of development pursuant to the Allocation*' and '*the Owners covenant with the District Council that it will not Occupy or cause or permit the Occupation of any more than 200 Dwellings unless and until it has secured the Strategic Ecology Land and provided written evidence to the District Council that such land is available for its intended purpose...*'.

The submissions also demonstrate compliance with the definition of '*Heritage Land*' under Clause 4 of the Fourth Schedule – i.e., '*an area of 20 hectares of land at Heyford Park to be secured for the provision of a heritage project as part of the Allocation*' and '*the Owners covenant with the District Council that it will not Occupy or cause or permit the Occupation of any more than 200 Dwellings unless and until it has secured the Heritage Land and provided written evidence to the District Council that such land is available for its intended purpose...*'. The content of your submissions across the construction of the permitted residential development is thus considered acceptable.

I can therefore confirm that Clauses 3 and 4 of the Fourth Schedule of the Section 106 Agreement in respect of Application 16/03252/F be discharged in accordance with the submitted '*Strategic Ecology Land Heyford Park on behalf of Elgin Investments LLP 3rd August 2021*' and the submitted '*Heritage Land Scheme Heyford Park on behalf of Elgin Investments LLP 3rd August 2021*'.

Yours faithfully,



David Peckford
Assistant Director – Planning and Development

Checked by: Andy Bateson