

## **OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application no:** 21/01630/OUT

**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

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

**Response Date:** 29th November 2022

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This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or Informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

If within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweighs OCC's objections, and to be given an opportunity to make further representations.

### **Outline applications and contributions**

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of S106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Administration and Monitoring Fee - TBC**  
This is an estimate of the amount required to cover the monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether a S106 agreement is completed or not.

**Security of payment for deferred contributions** - Applicants should be aware that an approved bond will be required to secure a payment where a S106 contribution is to be paid post implementation and

- the contribution amounts to 25% or more (including anticipated indexation) of the cost of the project it is towards and that project cost £7.5m or more
- the developer is direct delivering an item of infrastructure costing £7.5m or more
- where aggregate contributions towards bus services exceeds £1m (including anticipated indexation).

A bond will also be required where a developer is direct delivering an item of infrastructure.

The County Infrastructure Funding Team can provide the full policy and advice, on request.

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## **Transport Schedule**

**Recommendation:**

**Objection for the following reasons:**

- The figures for transport contributions included in the overall S106 offer do not correspond to the amounts that were requested by OCC as being necessary to make the development acceptable. Clarification is requested as to how they have been calculated.

**Comments:**

These comments relate specifically to documents submitted in relation to the viability assessment, which OCC received for consultation on 10 November. An additional submission containing further transport assessment work is still being considered.

The Appraisal Summary documents list the contributions that have been assumed in the calculation of an overall S106 offer. There is a discrepancy between these and the contributions that have previously been requested by OCC as being necessary to make the development acceptable.

The figures listed in the appraisal summary are based on an indexation base at Q4 2021. The following contributions are less than requested, allowing for indexation, and clarification is requested on how they have been calculated:

- Bus service provision
- Public Rights of Way
- Improvements to junction of B4100 and A4095
- Improvements to junction of Charlotte Avenue

It is noted that no allowance has been made for the crossing to Caversfield Church specifically, although there is an amount of £199,996 for 'local road improvements' – clarification is required as to what this refers to.

Also a contribution has been included for Village Traffic Calming when in fact none was requested, and an amount has been included for 'Howes Lane Interim Scheme' whereas an interim scheme has not been demonstrated to be effective and therefore this is not likely to be required.

An amount of £3,117,646 has been listed for the Strategic Highway Contribution. OCC had not requested a specific amount for this development but pro-rating this up on a per dwelling amount to the North West Bicester allocation of 6000 dwellings would give an amount of approx. £35.3 million that should cover phase 2 works (the bulk of the works required for the A4095 realignment). Phase 2 works were estimated in July 2021 at £30.2 million. It's not known whether the balance would cover Phase 3 works, which would include the bus link from Himley Village to the realigned A4095 and treatment to existing Howes Lane, as this phase of the scheme has not yet been costed.

It's noted that nothing has specifically been allowed for the recouping of the HIFMV and Growth deal funding for the rail bridge, this site's share of which, based on the number of dwellings, would be  $630/6000 \times £10.7$  million (indexed). It also does not specifically include anything for Network Rail shared value, which we are required to request under the terms of the Network Rail agreement relating to the rail bridge.

**Officer's Name: Joy White**

**Officer's Title: Principal Transport Planner**

**Date: 18/11/2022**

### **Additional response dated 25 November 2022**

#### **Objection for the following reason:**

An updated junction assessment contains points that require further clarification. As it stands, the conclusions of the assessment cannot be relied upon and therefore our objection on the basis of severe traffic impact still stands.

#### **Comments**

Further to my response of 11 November, we have now received a further technical note from Velocity: *TN011 – A4095 Junction Modelling – further assessment*. This document provides the results of a further assessment of the junction, which predicts a lower level of delays and queueing at the junction of Bucknell Road and Howes Lane in 2026 than the previous assessment, upon which our previous objection was based.

This lower prediction is the result of three factors:

- Using the most recent Bicester Transport Model 2026 reference case. An interim reference case was initially provided, which did not include the A4095 realignment. However, whereas in this interim reference case the amount of development predicted at NW Bicester was in line with the 2021 Annual Monitoring Report, the reference case was subsequently updated to adjust all the development at Bicester to be in line with the 2021 AMR. This has resulted in a change in predicted traffic movements at the critical junction, notably with a 10% reduction in traffic approaching from Lords Lane in the a.m. peak.
- Adjusting the predicted assignment of southbound traffic from the development. The initial (manual) assignment of southbound development traffic assumed the A4095 realignment was in place. However, I accept that given the predicted congestion at the critical junction in 2026 (without the A4095 realignment) a

larger proportion of traffic would route either through the town centre or via the eastern peripheral route, reducing the amount of development traffic predicted to pass through the critical junction. However, I am puzzled as to why the reduction appears to be greater in the pm peak.

- Further additional calibration of the Junctions 10 model of the critical junction. This was previously calibrated by applying a 14% reduction in demand traffic flow to the northern arm, such that the queueing in the base model matched observed traffic queues. However, Velocity now seem to be saying that the observed queues were in fact shorter and therefore a larger reduction factor of 28% should be used. Para 2.4.4 of TN008 says that the queue on Bucknell Rd N/Lords Lane was approx. 400m or 69.5 PCUs in the am peak, whereas Para 2.3.3 of TN011 says the queue is 170m or 29 PCUs. This requires clarification. It is worth noting that TN 008 (para 2.4.10) argued that a reduction greater than 14% could be applied 'as the RFC still exceeds 1' – this is a reason for calibration that I would not accept, as set out in my response of 11 November (point 5).

While I accept that the queueing and delays at the junction would be less than previously predicted, as a result of using the most up to date reference case, and allowing for the reassignment of development traffic, I find the results inconclusive because of the disparity in queue lengths between TN008 and TN011, and because of the seeming inconsistency in the application of the revised development traffic assignment.

While I agree that the results presented in table 2.3, which are much more modest in terms of delay and queueing than the previous assessment, would not be considered severe, I do not consider them to be reliable, for the above reasons.

However, I understand that it is highly unlikely that further assessment work will be carried out ahead of the Planning Committee meeting. Given this situation it might be considered pragmatic to 'split the difference' between this most recent assessment and the previous one.

The delay of most concern was the pm peak delay on Howes Lane, which in the previous assessment was predicted to increase from 10 minutes without the development to around 17 minutes (average delay per vehicle) with the development. The change now predicted would be from around 6 minutes in the 2026 reference case, to around 9 minutes with the development. Splitting the difference in would result in an increase in average delay per vehicle of 8 to 13 minutes, which in my opinion could be considered as severe.

Further points relating to TN011:

- It is noted and welcomed that the applicant is no longer proposing the mini roundabout interim mitigation scheme (paragraph 1.3.4)

- Section 2.2 which flags up supposed errors in the 2026 Reference Case uncertainty log, has now been acknowledged by Velocity to be incorrect – they were looking at the wrong log. The updated reference case which they have used in the latest assessment in fact does use correct AMR data for assumptions on development. Therefore section 2.2 of TN011 should be disregarded.
- As explained in my previous response I do not agree with the interpretation of thresholds of severity for driver delay based on IEMA Guidelines, set out in paragraphs 2.6.7-2.6.16.

**Officer's Name: Joy White**

**Officer's Title:** Principal Transport Planner

**Date:** 25/11/2022

**Application no: 21/01630/OUT**

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

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### **Education Schedule**

**Recommendation:**

**No objection subject to:**

- **S106 Contributions** as summarised in the tables below and justified in this Schedule.

Contribution	Amount £	Price base	Index	Towards (details)
<b>Primary and nursery education</b>	<b>£5,030,076</b>	<b>327</b>	BCIS All-In TPI	Construction of capacity at Gagle Brook Primary School
<b>Secondary education</b>	<b>£3,360,870</b>	<b>327</b>	BCIS All-In TPI	Secondary provision serving the area
<b>Secondary school land contributions</b>	<b>£299,970</b>	November 2020	RPIX	Land for a new secondary school serving the area
<b>SEN</b>	<b>£260,249</b>	<b>327</b>	BCIS All-In TPI	SEN provision serving the area
<b>Total</b>	<b>£8,951,165</b>			

### **S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):**

**£5,030,076 Primary and Nursery School Contribution indexed from TPI = 327**

**Justification:**

Gagle Brook Primary School opened in September 2018 to provide primary school capacity for the North West Bicester 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. As of January 2021, there were 49 Reception-Y6 pupils at Gagle Brook Primary School, and 14 nursery pupils, with further pupil generation to



be expected from the exemplar phase of the development. The pupil generation from this development in addition would be expected to fill Gagle Brook at its current size, and contribute towards the need for expansion. As a result, this development would be expected to contribute to the build cost of the school.

**Calculation:**

Number of primary and nursery pupils expected to be generated	148
Per pupil cost of building Gagle Brook Primary School (£8.021m ÷ 236 pupil places)	£33,987
Pupils * cost =	<b>£5,030,076</b>

**£3,360,870 Secondary School Contribution indexed from TPI = 327**

**Justification:**

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 NW Bicester strategic allocation requires a new secondary school. 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. This development is expected to contribute towards the building of the initial 600-place secondary school.

**Calculation:**

Number of secondary pupils expected to be generated	90
Estimated per pupil cost of a new secondary school	£37,343
Pupils * cost =	<b>£3,360,870</b>

**£299,970 Secondary School Land Contribution indexed from RPIX**

**Justification:**

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 of this land.

**Calculation:**

Number of secondary pupils expected to be generated	90
Estimated per pupil cost of land for the new secondary school (using Nov 20 prices)	£3,333
Pupils * land cost per pupil =	<b>£299,970</b>

**£260,249 Special School Contribution indexed from TPI = 327****Justification:**

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.

**Calculation:**

Number of pupils requiring education at a special school expected to be generated	2.9
Estimated per pupil cost of special school expansion	£89,741
Pupils * cost =	<b>£260,249</b>

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The above contributions are based on a unit mix of:

45 x 1 bed dwellings  
127 x 2 bed dwellings  
240 x 3 bed dwellings  
119 x 4 bed dwellings

(this is based on 530 houses, with 10% being affordable and the Cherwell SHMA housing mix applied)

It is noted that the application is outline and therefore the above level of contributions would be subject to amendment, should the final unit mix result in an increase in pupil generation.

**Officer's Name: Louise Heavey**

**Officer's Title:** Access to Learning Information Analyst

**Date:** 25/11/2022

**Application no:** 21/01630/OUT

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

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## Waste Management

### Recommendation:

No objection subject to S106 contributions

### Legal agreement required to secure:

No objection subject to:

- S106 Contributions as summarised in the tables below and justified in this Schedule.

<b>Contribution</b>	<b>Amount</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Household Waste Recycling Centres	<b>£49,799</b>	327	BCIS All-In TPI	Expansion and efficiency of Household Waste Recycling Centres ( <u>HWRC</u> )

### S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

**£49,799** Household Waste Recycling Centre Contribution indexed from Index Value 327 using BCIS All-in Tender Price Index

### **Towards:**

The expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.

### **Justification:**

1. 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 25<sup>th</sup> December or 1<sup>st</sup> January);*

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

2. Such places are known as Household Waste Recycling Centres (HWRCs) and Oxfordshire County Council provides seven HWRCs throughout the County. This network of sites is no longer fit for purpose and is over capacity.
3. 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 530 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 2,120 HWRC visits per year.
4. Congestion on site can reduce recycling as residents who have already queued to enter are less willing to take the time necessary to sort materials into the correct bin. Reduced recycling leads to higher costs and an adverse impact on the environment. As all sites are currently over capacity, population growth linked to new housing developments will increase the pressure on the sites.
5. The Waste Regulations (England and Wales) 2011 require that waste is dealt with according to the waste hierarchy. 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. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt. Combined with the complex and varied nature of materials delivered to site it will become increasingly difficult over time to comply with the EU Waste Framework Directive 2008, enacted through the Waste Regulations (England and Wales) 2011 (as amended), maintain performance and a good level of service especially at busy and peak times.

**Calculation:**

Space at <u>HWRC</u> required per dwelling ( <u>m<sup>2</sup></u> )	0.18	Current land available <u>41,000m<sup>2</sup></u> , needs to increase by 28% to cope with current capacity issues. Space for reuse requires an additional 7%. Therefore, total land required for current dwellings
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		(300,090) is 55,350 m <sup>2</sup> , or 0.18m <sup>2</sup> per dwelling
Infrastructure cost per m <sup>2</sup>	£275	<u>Kidlington</u> build cost/m <sup>2</sup> indexed to 327 <u>BCIS</u>
Land cost per m <sup>2</sup>	£247	Senior Estates Surveyor valuation
Total land and infrastructure cost /m <sup>2</sup>	<b>£522</b>	
Cost/dwelling	£93.96	
No of dwellings in the development	<b>530</b>	
Total contributions requested	<b>£49,799</b>	

### **Detailed comments:**

Oxfordshire councils have ambitious targets to reduce the amount of waste generated and increase the amount recycled as demonstrated in our Joint Municipal Waste Management Strategy 2018-2023. Enabling residents of new dwellings to fully participate in district council waste and recycling collections is vital to allow Oxfordshire's high recycling rates to be maintained and reduce the amount of non-recyclable waste generated.

Given the pressing urgency of climate change and the need to embed the principles of the circular economy into all areas of our society, we encourage the applicant to consider including community spaces that help reduce waste and build community cohesion through assets such as community fridges, space for the sharing economy (library of things), refill stations, space for local food growing etc.

The bin storage areas must be able to accommodate the correct number of mixed recycling, refuse and food recycling bins; be safe and easy to use for residents and waste collection crews and the proposed bin collection points must meet the requirements of the waste collection authority. A number of the proposed bin collection points appear to be within the footprint of allocated parking spaces rather than as a dedicated bin collection point.

The development will increase domestic waste arisings and the demand for all waste management services including Household Waste Recycling Centres (HWRCs).

### **Conditions:**

In the event that permission is to be given, the following conditions should be attached:

N/A

**Officer's Name: Mark Watson**

**Officer's Title:** Waste Strategy Projects Officer  
**Date:** 25/11/2022

**Application no:** 21/01630/OUT

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

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## Property

### Recommendation:

**No objection subject to:**

- **S106 Contributions** as summarised in the tables below and justified in this response.

Contribution	Amount £	Price base	Index	Towards (details)
Library	£28,073	$\frac{TPI}{327}$	BCIS	Towards the Bicester Library including book stock
Household Waste Recycling Centre	See Waste Response			

### **Library Provision**

**£28,073 Library Contribution** indexed from BCIS All-in Tender Price Index Value 327

#### **Towards:**

Towards the Bicester Library including book stock

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 development. A contribution is required from this development toward repaying the cost of forward funding the delivery of Bicester library.

#### **Calculation:**

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)

The above contributions are based on a unit mix of:

45 x 1 bed dwellings  
127 x 2 bed dwellings  
240 x 3 bed dwellings  
119 x 4 bed dwellings

(this is based on 530 houses, with 10% being affordable and the Cherwell SHMA housing mix applied)

**Officer's Name: Richard Oliver**

**Officer's Title:** Infrastructure Funding Officer

**Date:** 25/11/2022