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

**District**: Cherwell

Application no: 21/04275/OUT

**Proposal:** OUTLINE - with all matters reserved except for Access - Mixed Use Development of up to 3,100 dwellings (including extra care); residential and care accommodation(C2); mixed use local centre (comprising commercial, business and service uses, residential uses, C2 uses, local community uses (F2(a) and F2(b)), hot food takeaways, public house, wine bar); employment area (B2, B8, E(g)); learning and non-residential institutions (Class F1) including primary school (plus land to allow extension of existing Gagle Brook primary school); green Infrastructure including formal (including playing fields) and informal open space, allotments, landscape, biodiversity and amenity space; burial ground; play space (including Neaps/Leaps/MUGA); changing facilities; ground mounted photovoltaic arrays; sustainable drainage systems; movement network comprising new highway, cycle and pedestrian routes and access from highway network; car parking; infrastructure (including utilities); engineering works (including ground modelling); demolition

Location: Adj Lords Lane And SE Of Hawkwell Farm, Lords Lane, Bicester

Response Date: 09/06/2023

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.

**Location:** Adj Lords Lane And SE Of Hawkwell Farm, Lords Lane, Bicester

# **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) as to why material consideration outweigh 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 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.

Location: Adj Lords Lane And SE Of Hawkwell Farm, Lords Lane, Bicester

# **Strategic Comments**

Please find updated comments from OCC Education, Highways, and Archaeology below. These should be read in conjunction with OCC's previous responses to the application.

Officer's Name: David Flavin
Officer's Title: Principal Planner

**Date:** 08/06/2023

Location: Adj Lords Lane And SE Of Hawkwell Farm, Lords Lane, Bicester

# **Education Schedule**

The response below has been updated based on the latest data and school planning context.

### **Recommendation:**

# No objection subject to:

- A planning condition that no more than 800 dwellings could be constructed prior to the site transfer of the secondary school
- **\$106 Contributions** as summarised in the tables below and justified in this Schedule.

Contribution	Amount £	Price base	Index	Towards (details)
Primary and nursery education - new school	£11,454,000	37	BCIS All-In TPI	New primary school within the development
Primary and nursery education - expansion	£5,908,814	327	BCIS All-In TPI	Expansion(s) of primary education capacity serving the development
Temporary Secondary School capacity	£896,484	327	BCIS All-In TPI	Temporary secondary education capacity serving the development
Secondary education	£18,313,587	327	BCIS All-In TPI	Secondary education capacity serving the development
Secondary school land contribution	£1,661,265	Apr-23	RPIX	Land for a new secondary school serving the area
Special education	£1,606,364	327	BCIS All-In TPI	Special school education capacity serving the development
Total	£ 39,840,514			

	ha	Use
Land	3.01	Provision of site for a new 2.5 form entry primary
(remediated		school
and serviced)		
Land	1.23	Land for the expansion of Gagle Brook Primary
(remediated		School to 2FE
and serviced)		

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

# £17,362,814 Primary and Nursery School Contribution indexed from TPI = 327

# Justification:

Based on the information provided, the housing included in this application has been assessed as generating 823 additional pupils requiring state school primary and nursery education provision.

Primary school provision for the northern portion of the strategic development at NW Bicester development was in the first instance delivered through a new primary school - now opened (in 2018) as Gagle Brook Primary School - built on the exemplar development. In order to provide sufficient capacity for the exemplar site, Gagle Brook Primary School was initially built as a 1-form entry school, forward funded by Cherwell District Council and Oxfordshire County Council, and planned for future expansion to 2 forms of entry. Pupil generation from other planned and permitted sites is already expected to fill the existing 1 form entry capacity, and therefore this development would be expected to contribute towards the expansion to 2 forms of entry, which will provide an additional 236 primary and nursery places.

For the whole strategic NW Bicester development there are expected to be at least two, and up to three, further new primary schools. One of these schools is to be delivered via this development (as is the land required for the expansion of Gagle Brook Primary School.)

The additional primary school capacity necessary to mitigate the impact of this development is planned as being delivered in three phases:

1. Expansion of Gagle Brook Primary School from 1 form entry to 2 form entry, which would provide 236 additional primary and nursery places. Financial contributions will be required based on the estimated cost per pupil of expanding a primary school, as advised by the Department for Education. The land necessary for this expansion lies within this

application's boundaries, and has been revised based on site analysis to 1.23ha, which must be provided by the applicant at zero cost to the council. It is recognised that planning application 21/01630/OUT, which has been submitted for planning appeal, would, if permitted, also be dependent on this capacity, reducing the spaces available for this application. In that circumstance, proportionate contributions would be sought from the appeal site towards land costs, reducing the impact on this application.

- 2. A new primary school of a scale sufficient to fully meet the pupil generation expected, net of pupils accommodated by the expansion of Gagle Brook Primary School. The smallest scale of primary school which would meet the balance of need (after accounting for additional capacity which can be created at Gagle Brook Primary School) is a 2.5 form entry school (630 primary and nursery places). The county council would expect to build this as a 2 form entry school in the first instance, accommodating 510 nursery and primary pupils. The estimated cost of a 2 form entry primary school is £11,454,000, and the full cost of this would need to be met by this development; the county council is willing to consider the developer directly delivering the school.
- 3. Due to the gradual growth of pupil numbers, the county council does not plan for the new school to be built as 2.5 form entry from the outset, but instead will expand it as the local population requires. For the balance of pupils not accommodated in the 2 form entry school, the council will require expansion rates towards the cost of the future expansion.

The S106 contribution will therefore be based on the full cost of a 2 form entry new school for 510 pupils, and expansion rates for the balance of pupils, with the expansion funding being used either at Gagle Brook Primary School or the new primary school.

A 3.01ha new school site is also required at zero cost from this development to enable the future expansion of the new school up to a 2.5 form entry school. This could be delivered as a core parcel for a 2 form entry school and an option parcel facilitating later expansion, but the layout of both parcels would need to enable feasible delivery of the necessary school facilities at each stage.

To ensure primary school places are available within easy walking/cycling distance of these proposed new homes, it will be important for the additional primary school capacity included within its boundaries to be provided in a timely manner. The expansion of Gagle Brook Primary School will be prioritised, with the necessary land being transferred as early as feasible to ensure it can be expanded in good time.

#### Calculation:

Total pupil generation	823
Estimated cost of a 2 form entry primary school with nursery places,	£11,454,000
accommodating 510 pupils	
Remaining pupils to be accommodate through expansions of Gagle	313
Brook Primary School and new school	
= 823 - 510 accommodated through initial phase of new school	

Estimated cost of expanding a primary school	£18,878
Contribution towards expansions of schools = 313 * £18,878	£5,908,814
	£17,362,814

# £18,313,587 Secondary School Contribution indexed fromPI = 327

### Justification:

The secondary education needs of the NW Bicester strategic development will be met through a new secondary school, due to be delivered within application 14/01641/OUT. This application should make a proportionate contribution towards this new school. To allow phasing of the school construction, in the first instance, a 600-place secondary school is expected to be built, the cost of which is estimated to be £19,942,200 (TPI=327). A proportionate share of this cost for 551 pupils would therefore be £18,313,587.

#### Calculation:

Number of secondary pupils expected to be generated		551
Estimated per pupil cost of a new 600-place secondary school		£33,237
Pupils * cost =	£	18,313,587

# £1,661,265 Secondary School Land Contribution indexed from RPIX (Apr-23)

#### 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. The cost per hectare of land for educational use has been revised downwards since the previous response.

#### Calculation:

Number of secondary (including sixth form) pupils expected to be generated	551
Estimated per pupil cost of land for the new secondary school (using April 2023 prices)	£3,015
Pupils * land cost per pupil =	£1,661,265

### £896,484 Secondary School Temporary Unit Contribution indexed from TPI = 327

#### Justification:

In the event that the first occupation at this development is before the building of the planned new secondary school, a financial contribution will be required towards three double unit temporary classrooms to provide off-site early secondary school places for pupils generated by the development.

If the new secondary school has already opened by the time this temporary capacity contribution is triggered, it will not be required.

#### Calculation:

Number of double unit temporary classrooms required	3
Cost per double unit temporary classroom (TPI = 327)	£298,828
Number of classrooms * cost =	£ 896,484

### Planning condition required

As it is yet to be confirmed when the planned new secondary school will be constructed, we would require a planning condition that no more than 800 dwellings could be constructed prior to the site transfer of the secondary school.

This is based on the calculation that the three temporary units for which funding is required above could accommodate 180 pupils. Based on the assumed trajectory, 180 pupils will have been generated by this development by approximately 1,400 occupations. For the new school to be ready to open before the temporary capacity has been exhausted, and to allow flexibility to ensure the school can open in September of the opening year, the site needs to be transferred approximately 3 years earlier, which on the assumed trajectory equates to approximately 600 occupations earlier, meaning that the site transfer needs to have happened before occupations exceed 800.

#### £1,606,364 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 pupils 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. (This amount of pupils has been deducted from the primary and secondary pupil generation quoted above.)

#### Calculation:

Number of pupils requiring education at a special school expected to be generated	17.9
Estimated per pupil cost of special school expansion	£89,741
Pupils * cost =	£ 1,606,364

The above contributions are based on a unit mix of:

398 x 1 bed dwellings 789 x 2 bed dwellings 1,346 x 3 bed dwellings 568 x 4 bed dwellings

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:** 07/06/2023

Location: Adj Lords Lane And SE Of Hawkwell Farm, Lords Lane, Bicester

# **Transport Schedule**

#### Recommendation:

### Objection for the following reasons:

OCC maintains its objection as per our previous response of 21 April.

The additional information we have been consulted on comprises

a) a technical note, TN10 v10, on which I previously provided comments in our single response of 21 April, after it had been submitted informally to OCC. As far as I can tell, the document has not been amended so I have no further comments.

b) a draft S106 Heads of Terms document - see comments below.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement/S38 agreement to mitigate the impact of the development as set out below, plus planning conditions as set out in our earlier responses.

### S106 Heads of Terms

OCC has been consulted on a draft Heads of Terms document. I have edited the transport elements of the draft document as below, highlighted blue. These now constitute our required planning obligations in respect of transport:

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to	Triggers	
	be		
	Index linked)		
Public Transport	OCC	TBA	Necessary To promote modal shift and
Services	£2,994,962.00		encourage use of bus service the NW
	(Feb 2022		Bicester site is required to be served by
	RPI-x)		public transport and this was identified as part
	,		of the NW Bicester Access and Travel
	New bus service		Strategy. It is necessary for the development
	serving		to make a proportionate contribution to the
	development N		cost of the public transport necessary to
	of railway		support the development.
			<b>Directly related.</b> The bus service was
			identified as part of NW Bicester Access and
1			

			Travel Strategy, which supports the NW Bicester SPD. The development would generate a population who would require access to a bus service and therefore a contribution to enhance provision is directly related to the development.  Fairly and reasonably related in scale and kind. This site must make a proportionate contribution to the cost of the public transport necessary to support this development. The contribution represents the cost of providing Monday to Sunday day and evening bus service based on Confederation of Passenger Transport's annual Cost increases for England.
Public Transport Infrastructure	OCC £26,712.00 (Feb 2022 Baxter)  Real time information displays at bus stops serving the site (if not dealt with under S278/S38 agreement)	TBA	Necessary To promote modal shift and encourage use of bus service  Directly related. Real Time Information is needed to provide the reassurance needed for people to feel confident using the bus. Needed to support the uptake of non-car modes.  Fairly and reasonably related in scale and kind. Based on standard costs to OCC of installing Real Time Information displays.
Pedestrian/Cycle Infrastructure	Upgrade of public footpath linking Lords Land and Banbury Rd adjacent railway to a segregated ped/cycle route plus other local improvements	ТВА	Necessary This will form the main pedestrian/cycle route between the south of the site and the town centre. A safe, pleasant and direct route is necessary to encourage cycle access to the site and ensure the low car modal share necessary to make the impact of the development acceptable, and to meet the policy requirements of LTCP5  Directly related. The route would provide direct access to the site.  Fairly and reasonably related in scale and

	own cost estimate, as an amount for the contribution will need to be agreed so that the development can cover the full cost.		
Public Rights of Way Contribution	OCC £292,453.00 (Dec 2020 Baxter)  Towards public rights of way improvements to Aldershot Farm bridleway and public rights of way to the north/northeast of the site	TBA	Necessary – it is necessary to provide opportunities for leisure/ health walking and connections to the nearby countryside and village of Bucknell for residents of the wider NW Bicester north of the railway. The routes would be easily accessible by residents of this site and it is therefore necessary for the contribution to be paid.  Directly related – the proposal would generate population who would put additional demand on existing and demand for new public rights of way. As such a contribution to make improvements would be directly related to the development  Fairly and reasonably related in scale and kind - the contribution has been calculated based upon a desk estimate of the costs of the improvements but is based upon a proportionate contribution from development to the north of the site. The contribution sought is therefore fairly and reasonably related in scale and kind to the development.
Highway Works 1 - Improvements to junction of C h a r I o t t e Ave/B4100	OCC £276,596.00 (Dec 2020 Baxter)	ТВА	Necessary the development would have an impact upon this junction in the absence of improvements to it. A contribution is sought to enable a scheme to be designed and modelled in conjunction with the upgraded B4100/ A4095 junction. It is therefore a necessary contribution to mitigate the impact of the development and in the context of the wider NW Bicester site.  Directly related. The works were identified as part of the transport assessment carried out to

			inform the NW Bicester Access and Travel Strategy, which supports the NW Bicester SPD.  The site is part of the NW Bicester development north of the railway, and would only be acceptable in the context of that development, and therefore is directly related to this development and must make a proportionate contribution to the cost of the works.  Fairly and reasonably related in scale and kind.  The amounts of the contributions are proportionate based on the number of dwellings compared to the contributions requested from 21/01630/OUT
Highway Works 2 - Improvements to junction of B4100 (Banbury Rd)/A4095	OCC £1,551,614.00 (Dec 2020 Baxter)	TBA	Necessary Off site highway works needed to provide capacity to support the wider development (including this site) north of the railway.  Directly related. The works were identified as part of the transport assessment carried out to inform the NW Bicester Access and Travel Strategy, which supports the NW Bicester SPD. The site is part of the NW Bicester development north of the railway, and would only be acceptable in the context of that development, and therefore is directly related to the development and must make a proportionate contribution to the cost of the works.  Fairly and reasonably related in scale and kind. The amounts of the contributions are proportionate based on the number of dwellings compared to the contributions requested from 21/01630/OUT
Travel Plan monitoring	OCC £4,960.00 (provisional depending on number of plans) (RPI)	Dec 20	Necessary This is the cost of monitoring the travel plan over its life.  Directly related. The travel plan requires surveys to be carried out and revisions to be made as appropriate over its life. To be

Strategic Highway	£17,683,468 Aug 21  Towards the major transport infrastructure at North West Bicester including the realignment of the A4095 and the railway bridges	TBA	effective, this requires monitoring by council staff.  Fairly and reasonably related in scale and kind.  The fee is based on an at-cost estimate of the staff time required  Necessary Off site highway works needed to provide capacity to support the wider development (including this site) north of the railway. The NW Bicester development cumulatively requires the provision of strategic highway infrastructure. It is therefore necessary for the development to make its proportionate contribution towards the strategic infrastructure required.  Directly related. the development is situated on the NW Bicester site which cumulatively requires strategic infrastructure to mitigate its impact. It is therefore directly related to the development.  Fairly and reasonably related in scale and kind.  The amounts of the contributions are proportionate based on the number of dwellings compared to the contributions requested from 21/01630/OUT. This is based on a total Aug 21 estimate of £30,226,067 for the A4095 realignment and associated works,
			the A4095 realignment and associated works, plus £4million recovery of Growth Deal funding for the railway underpasses.
Network Rail Shared Value Payment	£4,391,667 Jun 21 (RPIX)		Necessary – This is part of the cost of providing the strategic highway infrastructure, being a payment that Network Rail require for permission to construct the underbridges under the Chiltern main line, reflecting the uplift in land value arising from the bridges. OCC is required to recover this from residential development at NW Bicester under the terms of a legal agreement.  Directly related – The payment specifically relates to the infrastructure that is necessary to mitigate the traffic impact of NW Bicester.  Fairly and reasonably related in scale and

			kind The amount is the site's proportionate contribution of the required total of £8.5 million, based on 3100 residential dwellings out of a total of 6000.
Local Road Improvements- TBC but may include: Access junctions Access road (forming part of future A4095 realignment)	Access Junctions would be required as works by the developer under S278. Access road forming part of future A4095 realignment would be carried out by the developer under S38, the cost of which may be off set against the Strategic Highway Contribution.  Further off-site works or contributions to off-site transport mitigation	TBA	Necessary - the development would have an impact upon the local road network and therefore improvements have been identified to mitigate this impact. The contribution would therefore be necessary to make the development acceptable  Directly related - the contribution is directly related to making local road improvements on routes to serve the development. As such, it is directly related to the development.  Fairly and reasonably related in scale and kind - the contribution is based upon what was offered by the applicant and OCC have confirmed that this should be secured to contribute towards local road improvements. In the absence of another requested contribution, that offered is considered to be fairly and reasonably related in scale and kind to the development.
	schemes may be required, depending on the outcome of traffic impact assessments yet to be carried out.		
Bucknell Village Traffic Calming	works would be required to be carried out by developer under S278	ТВА	Necessary – to mitigate environmental impact of traffic on Bucknell village and deter traffic from using the route as a cut through to the M40.  Directly related. Bucknell is located immediately north of the site and the route is shown to attract trips from the site.  Fairly and reasonably related in scale and kind. Required as direct mitigation for the

			impact of the site.
HIF Funding	(Note: To be confirmed with OCC) This is a matter for CDC to confirm.	ТВА	Necessary Directly related. Fairly and reasonably related in scale and kind.

There will also need to be obligations around delivery of on site infrastructure including spine road, strategic pedestrian cycle routes, bus stop infrastructure and cycle parking. Delivery of the travel plan will also need to be secured through the S106.

Further assessment of off site transport impacts has yet to be carried out, and there may therefore be additional requirements depending on the outcome.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

**Date:** 19/05/2023

Location: Part OS Parcel 8149 Adj Lords Lane and SE of Hawkwell Farm, Lords Lane,

Bicester

# **Archaeology**

# **Recommendation:**

Objection

# Key issues:

# Legal agreement required to secure:

# **Conditions:**

In accordance with the National Planning Policy Framework (NPPF 2021) paragraph 194, we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation.

This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This evaluation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

# Informatives:

# **Detailed comments:**

The applicant has submitted an archaeological desk based assessment, prepared by Orion Heritage, which outlines the archaeological potential of the northern proposal site, this is supported by the results of the archaeological evaluation carried out immediately to the south as part of the wider application, and a geophysical survey which took place on the application site.

The site lies in an area of archaeological interest and potential, with later prehistoric and Romano British remains being recorded during an archaeological evaluation on land immediately to the south as part of the larger application site (Oxford Archaeology 2014). Though the geophysical survey has shown limited potential archaeological remains on the northern proposal site, these results will need to be investigated through a trenched evaluation, particularly where the proposed residential area and solar farm will be located. I am currently in discussion with the archaeological consultant working on this project with regards to the evaluation.

The southern part of the site has already been subject to an archaeological trenched evaluation as part of the wider original Eco Town application, and this area will need to have a further stage of archaeological investigation and mitigation, secured via a condition. The northern part of the site was not covered by this original application.

Officer's Name: Victoria Green

Officer's Title: Planning Archaeologist

**Date:** 23/05/2023