

BY EMAIL AND POST

Cherwell District Council
Planning Department
Bodicote House
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21347/A3/AW
6 June 2018

Dear Caroline

**NORTH WEST BICESTER EXEMPLAR (PLANNING APPLICATION REFERENCE
10/01780/HYBRID): SECTION 106 DEED OF VARIATION**

Introduction

On behalf of A2Dominion Group Limited (hereafter referred to as A2Dominion), on 12 December 2017 Barton Willmore submitted an application to vary the extant Section 106 Legal Agreement dated 9 July 2012 pertaining to planning permission 10/01780/HYBRID. The planning permission is for:

"Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined."

We met with Cherwell District Council (CDC) and Oxfordshire County Council (OCC) Officers on 5th February 2018 to discuss the proposed variation. I enclose an email from Caroline Ford dated 9th February 2018 at **Appendix 1** summarising key matters discussed. In response to matters raised in this meeting, please also find enclosed revised draft Heads at **Appendix 2**.

In terms of a summary of amendments to each Schedule:

7th Schedule: Ecological and Landscape Management, Open Space and Play Areas

As currently drafted, the 7th Schedule requires A2Dominion to provide a satisfactory RoSPA report in respect of Strategic Open Space and Play Areas annually until the date of transfer. A2Dominion will not now be transferring these areas to the District. Accordingly, the draft Heads enclosed seek to amend this obligation. Rather than an annual RoSPA report provided in perpetuity to CDC, A2Dominion is proposing that it undertakes an annual playground inspection (an approach adopted on other sites, where A2Dominion manages and maintains strategic open space/ play areas). We welcome your comments on the enclosed Heads.

8th Schedule: Non-Residential Retail/ Office/ Nursery/ Community Hall/ Public House

As CDC is aware, A2Dominion instructed Bidwells to prepare a Market Assessment of Economic Sustainability at Elmsbrook Local Centre (enclosed as part of this Deed of Variation) to establish at what point a local centre would be viable. This Assessment concluded that the market principles go against the Section 106 agreement that dictates that the convenience store and community centre be built and completed by the occupation of the 250th home and the offices, nursery and ancillary retail stores to be built and completed by the occupation of the 350th home. Previously A2Dominion had sought to 'push back' triggers. However, having discussed the matter further with CDC, we have reviewed the draft Heads as enclosed, which set out the requirement for a review of the form and uses of the Local Centre to provide, where feasible and viable, facilities and services to support the residents of the development, timescales in which a planning application for a local centre should be submitted and the scope of that planning application (including a programme for the delivery of facilities and services). We welcome your comments on the enclosed Heads. In short, it seeks to establish a process for the agreement of the revised Local Centre, its form and programme for implementation.

13th Schedule: Construction Standards

As currently drafted, the 13th Schedule has various anomalies such as the requirement for the energy centre to meet BREEAM Excellent and Design Standard Certificates to be provided prior to construction. These anomalies have been discussed with Cherwell District Council Officers previously. The revised draft Heads enclosed seek to correct these clauses. Note the triggers proposed in the enclosed drafting have been signed off by the relevant technical consultants. We assume that these changes are as expected by Officers and agreed.

17th Schedule: Off-Site Highways Works

The proposed amendments to the 17th schedule relate to the fact that the pavement within the bus lay-by is not wide enough to accommodate cycle parking. Following our meeting with Officers on 5th February, please find enclosed the cycle parking specification. A location plan showing where cycle parking has been relocated will be submitted shortly. We would be grateful if OCC could review and advise of any comments. In addition, please find enclosed revised draft Heads for consideration.

18th Schedule: On-Site Highways Works

In our meeting on 5th February 2018 we discussed the bus only link with Officers. The amendment to the requirement for cameras to monitor the bus route is a matter of debate as to who is responsible for the long term monitoring and management of the cameras. We discussed with Officers the removal of the requirement for such equipment. Should this option be progressed, the County Council advised that the design of the route needs to be reviewed to ensure that it is safe for use and 'self-policing', i.e. to make the route unattractive for car users. In accordance with this discussion, please find enclosed draft Heads for Officers consideration.

Furthermore, the 18th Schedule requires completion of the Spine Road Phase 2 prior to commencement of Residential Phases 3 and 4. As currently drafted, this trigger would delay Residential Phases 3 and 4 coming forward. We have updated draft Heads to reflect our discussion with Officers on 5 February 2018. We assume that these changes are fully expected by Officers and agreed.

20th Schedule: Transport (Miscellaneous)

The proposed amendments to the 20th Schedule reflect ongoing discussions between CDC, OCC and A2Dominion regarding the role of the Travel Plan Coordinator and required Cycling Payment. We have updated these draft Heads as per our discussions with Officers on 5th February 2018. We assume that these changes are as expected by Officers and agreed.

21st Schedule: Bus Services

The proposed addition to the 21st Schedule reflects ongoing discussions between OCC and A2Dominion regarding bus operators. We seek to insert into clause 6, Part 1 of the 21st Schedule a new clause, which states that OCC agrees with the Developer and the Owner not to give a Termination Notice prior to 2nd February 2019 unless agreed with the Owner and the Developer.

23rd Schedule: SUDS

A2Dominion understands that OCC no longer takes on responsibility for managing SUDS. In our meeting on 5th February, we agreed that the issue of the drainage contribution needs further consideration as OCC consider that the site is unusual in that there is no separate drainage for the highway. Accordingly, where highways have been or will be passed to OCC as highway authority, these include SUDS which are part of a wider network which is not adopted. The issue to be addressed is how OCC can enforce proper maintenance 'off highway' to ensure that the integrity of the highway is maintained. As per our discussions, please find enclosed our revised draft Heads for Officers consideration. The drafting set out the maintenance responsibilities of OCC and the Owner moving forward in respect of SUDS, with the power for OCC to enter and maintain. We have also removed the need to pay monies into an interest bearing account.

Appendix 5: Local Letting Plan

The Local Letting Plan appended to the Section 106 Agreement has been reviewed in line with CDC's Strategic Housing Team requirements. Accordingly, the Local Letting Plan submitted as part of the Deed of Variation in December 2017 should be superseded with the enclosed version. We assume that this revised Local Letting Plan is fully expected by Officers and agreed.

Appendix 17: Eco Town Standards Post Occupancy Monitoring Scheme

A2Dominion and CDC have agreed a revised Post Occupancy Monitoring Eco Town Standards Scheme. The Post Occupancy Monitoring Eco Town Standards Scheme submitted as part of the Deed of Variation in December 2017 should be replaced with the version enclosed. We assume that this revised Post Occupancy Monitoring Scheme is as expected by Officers and agreed.

Appendix 28: Primary School Intervention Drawing

As advised by OCC Officers in a meeting on 5th February, A2Dominion is not required to submit an updated intervention drawing as part of the Deed of Variation. This has therefore been omitted from the Deed of Variation.

Next Steps

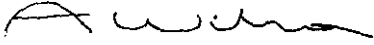
We would welcome comments on enclosed draft Heads from both OCC and CDC no later than 15 June 2018.

A2Dominion propose to instruct Winckworth Sherwood to draft the Deed of Variation. Winckworth Sherwood will provide an initial draft within 10 working days of being instructed. Having worked with both OCC and CDC previously, Winckworth Sherwood will use the structure and template preferred by the Councils when drafting the Deed of Variation.

We understand that OCC is content with Winckworth Sherwood preparing the initial draft of the Deed of Variation. However, we note CDC's preference is for its own Legal Team to draft the Deed of Variation once the Heads have been agreed between parties. Could CDC please confirm its Legal Team can meet the timescales set out above.

I would be grateful if you could confirm receipt of the enclosed. Please do not hesitate to contact me should there be any matters arising.

Yours sincerely



ALEX WILSON

Associate

cc:	Louise Caves	:	A2Dominion
	Steve Hornblow	:	A2Dominion
	Colette McCormack	:	Winckworth Sherwood
	Iain Painting	:	Barton Willmore
	Jenny Barker	:	Cherwell District Council

Enc. As set out above