

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

District: Cherwell

Application No: 17/02534/OUT-4

Proposal: OUTLINE - The construction of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; parking for up to 2,000 cars; and associated highways, infrastructure and earthworks

Location: Land North Of Bicester Avenue, Garden Centre, Oxford Road, Bicester.

Response date: 27th November 2018

Summary

This update details the County Council's position on the S106 negotiations with the developer and the amendments to the original contributions in the County Council's response dated 7th August 2018.

Planning Committee's resolution to grant this application was subject to a number of matters including agreement on S106 contributions and the satisfactory completion of a legal agreement.

Despite negotiations, agreement has not been reached with the developer on the strategic transport contribution. The application should therefore be referred back to planning committee as per the resolution. The developer has not presented any evidence that the current proposed contributions will make the development unviable.

The strategic transport contribution (as detailed in CDC's adopted Developer Contributions SPD) is required to mitigate the cumulative transport impacts of sites allocated in the Local Plan. Not collecting the strategic transport contribution from this site would set a dangerous precedent that could undermine any further contributions being collected from other development sites in Bicester, frustrate the delivery of the Bicester Transport Strategy in the Local Transport Plan, and put further pressure on bidding for funding to support infrastructure around Bicester.

Detailed Comments

Following the committee resolution:

That application 17/02534/OUT be approved, subject to the following:

a) Satisfactory resolution of OCC's concerns regarding the impact on local junctions subject to input from the independent transport consultant;

b) Satisfactory resolution of officers' concerns with regards net biodiversity impact and the impacts on protected/priority species;

c) Determination as to whether the strategic highway contributions and bus service contributions sought by OCC are justified and, where considered to be necessary, that such contributions are sought to the extent that the development would not prove unviable;

d) Satisfactorily completion of a legal agreement with Cherwell District Council and Oxfordshire County Council to secure those items listed in paragraph 8.44 of the officer's report

All of the above to be determined as satisfactory by the Assistant Director of Planning Policy and Development in consultation with the Chairman of Planning Committee. Where such above matters are not considered to be satisfactory, the application is to be referred back to Planning Committee.

The County Council have been in negotiations with the developer regarding the points raised by the Planning Committee.

Point a) has now been resolved and the County are content that the further measures proposed by the developer satisfy the concerns raised by OCC officers.

Point c) has resulted in a number of discussions over the past weeks where the County Council has met the developer to discuss the justification and the levels of contributions. The Council have taken on board the developers view and revisited the formula to focus it more on trip generation.

Point d) has not been completed as the developer and the County are not in agreement over the current proposed contributions even though they have been revised down from the original response. **The developer has not presented any viability information to evidence that the current proposed contributions will make the development unviable and therefore the County cannot revise the contribution further without evidence as this would not be fair to other developments around Bicester.** A legal agreement cannot be drawn up and signed at this point in time. This application needs to be referred back to Planning Committee as per the resolution to determine the application.

The County Council has taken on board the comments from the developer in the initial meeting and revisited the calculation of the adopted formula outlined in the response of 7th August '18.

The formula was recalculated using trip rates:

SEPR Western Section¹

$$(X - Y - Z) \div E$$

Where,

X = Cost of Scheme(s)

Y = Held/Committed funding

Z = LGF Funding/Alternative Funding

E = Expected Growth

X = £21.3m (October 2015 cost estimate) for SEPR Western Section

Y = £585,127.83 (estimated held or secured s106 contributions)

Z = £13,796,104 (notional 66.6% match funding)

E = Bic 4, Bic 10 (phase 2) and Wretchwick Green, amounting to 7463 peak hour trips in total (Wretchwick Green = 1773, Bicester 4 = 2032 and Bicester 10 = 3658 based on floor space compared with Bicester 4).

Contribution per trip therefore = £927.08

Contribution from Bicester 4 is therefore **£1,883,818**

¹ A review clause will be written into the legal agreement to cover the eventuality of any Government announcements that may alter specific mitigation requirements.

Bicester 4, Bicester 10 and Wretchwick Green in this case, are considered to be directly related to the SEPR scheme as they are located along the A41 corridor that would see relief by the SEPR.

£1,883,818 is considered fair and reasonable in scale and kind. Graven Hill is contributing by constructing the section of perimeter road that will run through their site, as well as contributing to the junction onto the A41. Wretchwick Green will be expected to deliver the section of the SEPR that runs through their site on top of contributing to the junction onto the A41 and making a financial contribution to the SEPR. Further contributions will also be sought towards the SEPR from the Bicester 10 Phase 2 development that will be proportionate to the level sought from Bicester 4, as and when proposals come forward.

Public Transport Contribution – £360,000 to be index linked from December 2017 towards bus service enhancement to extend a local bus service to/from this site during the major peak times – which are assumed to be 0700-1000 and 1600-1900 Mondays to Fridays over a period of 8 years

Currently, bus services that run along the A41 make frequent connections between Oxford and Bicester Town Centre and Park and Ride, but none between the site and other existing and developing residential areas in Bicester where a large proportion of employees at the site are expected to live. A need to improve Bicester's bus services along key routes and integrate development sites is one of the objectives of Policy Bicester 4. Contributions are therefore required to cover the estimated cost of extending a local bus service from at least one residential area (for example from the North West) to/from this site during the main journey to work times. To make the service sufficiently attractive, it needs to enter and stop within the site.

The funding is requested over a period of 8 years as this is estimated as the length of time for the service to become commercially viable.

Calculations are based on an estimated cost of 0.5 of an additional bus in the local network, which would be required to meet the necessary frequency on the extended route. The running cost per annum for an additional vehicle is estimated at £160,000

The eight-year pump-priming profile matches the funding profile requested from Bicester residential development. The pump-priming amount would decline by £10,000 cumulatively per annum, to account for revenue from passengers. It is anticipated that the service extension would become commercially viable by the end of this period.

Thus the full amount payable over the eight years would be £360,000 made up of consecutive annual payments of £80,000 (being half the running cost of the additional vehicle in one year), £70,000, £60,000, £50,000, £40,000, £30,000, £20,000 and £10,000.

East West Rail contribution

The EWR contribution was discussed and it was agreed that although this scheme will bring future benefits to the scheme with the increase train times and wider connections to major centres, this payment may not be sought in preference for the SEPR strategic contribution.

In summary here is the County Council's revised position on contributions from this development.

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Highway Infrastructure	£2,965,185.99 £1,883,818	(costed) Oct 15	Baxter	The South-East Perimeter Road (SEPR)(western section) or scheme of similar benefit.
Strategic Rail contribution	£670,532	TBC	RPI-x	East West Rail
Public Transport Contribution	£375,000 £360,000	4Q17	RPI-x	Peak hour bus service enhancement - revised
Public transport infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	(i) £1,000 (ii) £10,000	Dec 17	Baxter	(i)Provision of bus stop infrastructure within the site and (ii) Bus Shelter including 2 flag poles on Oxford Road.
Travel Plan Monitoring	£2,040	Dec 17	RPI-x	Monitoring and review of Travel Plan
Total	£4,023,757.99 £2,256,858			

In summary it is the County Council's view that the contributions being sought are CIL compliant and justified in that the development should contribute towards the cumulative impact of the Local Plan growth, which Bicester Business park is a part. The South East Perimeter Road forms a key part of the supporting infrastructure for the Local plan to 2031. Other developments within Bicester are contributing to key pieces of infrastructure that make up the Bicester transport strategy and together they will ensure that the development does not have a severe impact on Bicester transport networks but also communities, businesses and environment.

Without viability evidence the County Council cannot approve any further revision of the strategic contribution as the legal agreement negotiation needs to be evidence led.

The strategic transport contribution (as detailed in CDC's adopted Developer Contributions SPD) is required to mitigate the cumulative transport impacts of sites allocated in the Local Plan. Not collecting the strategic transport contribution from this site would set a dangerous precedent that could undermine any further contributions required being collected from other development sites in Bicester, frustrate the delivery of the Bicester Transport Strategy in the Local Transport Plan, and put further pressure on bidding for funding to support infrastructure around Bicester.

Officer's Name: Hannah Battye

Officer's Title: Principal Infrastructure Funding Negotiator

Date: 27 November 2018
