

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

District: Cherwell

Application no: 19/01047/OUT

Proposal: Outline planning application for a residential development of up to 850 dwellings; green infrastructure including formal (playing fields with changing rooms, allotments) and informal open space, landscaping; and associated infrastructure including a balancing pond; on land off the A4260, with access off the existing Longford Park access off the A4260 (Oxford Road), and a new access off the A4260 (Banbury Road). All matters of detail reserved, save for access.

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

Response date: 7th August 2019

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.

Strategic Comments

OCC support the delivery of Local Plan allocations Banbury 4 and 12 and welcome in principle the new access to the site through Banbury 12 and the land designated for a new secondary school.

There is no education objection subject to land requirements and contributions. An option on a further 1.89 ha of land is also required to enable the proposed new secondary school to expand by an additional 2 forms of entry in the future.

The additional 150 homes on Banbury 12 is contrary to Policy Banbury 12. It will be for CDC to determine whether this is outweighed by the benefits of bringing forward the Banbury 12 site, i.e. facilitating the relocation of Banbury United Football Club, providing land for the delivery of the new secondary school site, as well as the expedient delivery of homes on Banbury 4.

¹There is a transport objection on the following basis which could be overcome with additional work:

¹ Transport comments are the same as those submitted 26th July 2019 and are included for ease of reference.

- The TA lacks sufficient information and evidence to provide confidence in the traffic impact assessment undertaken and there appears to be an error in the transport modelling.
- The proposal to access the development via Longford Park Phase 1 for a considerable period of time, while the development is built out and occupied, is unsuitable. This would not provide safe and suitable access to the development as required under the NPPF.
- Further technical detail around the Banbury 12 access is required.

There is also a drainage objection for the following reason:

- Insufficient drainage information provided to enable full technical assessment of surface water drainage strategy.

Officer's Name: David Flavin
Officer's Title: Senior Planner
Date: 7th August 2019

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Assessment Criteria
Proposal overview and mix/population generation

OCC's response is based on a development as set out in the table below. The development is based on a SHMA mix.

Residential	No.
1-bed dwellings	109
2-bed dwellings	217
3-bed dwellings	369
4-bed & larger dwellings	155
Extra Care Housing	
Affordable Housing %	30 %
Commercial – use class	0 m ²
A1	
B1	
B2/B8	
Development assumed to be built out and occupied over	7 years

Based on the completion and occupation of the development as stated above it is estimated that the proposal will generate the population stated below:

Average Population	2,067
Primary pupils	232
Secondary pupils	160
Sixth Form pupils	24
SEN pupils	4.7
Nursery children (number of 2 and 3 year olds entitled to funded places)	39.91
20 - 64 year olds	1,301
65+ year olds	162
0 – 4 year olds	143

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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) as to why material consideration outweighs OCC's objections, and given an opportunity to make further representations.

Outline applications and contributions

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

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.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - TBC**
This is required to cover the extra 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 an s106 agreement is completed or not.

CIL Regulation 123

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

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Transport Schedule

Recommendation:

Objection for the following reasons:

- The TA lacks sufficient information and evidence to provide confidence in the traffic impact assessment undertaken and there appears to be an error in the SATURN model outputs on which the assessment has been based. The county council therefore cannot be confident in the results of the junction capacity assessments or of the conclusions made regarding requirements for mitigation.
- The proposal to access the development via Longford Park Phase 1 for a considerable period of time, while the development is built out and occupied, is unsuitable. This would not provide safe and suitable access to the development as required under the NPPF.
- Visibility splays and forward visibility to the traffic signal heads at the new site access needs to be demonstrated in accordance with DMRB standards for the 85th percentile speeds in the location. Vehicle tracking at this site access and on the access road through the Banbury 12 allocation site is required to demonstrate that the large vehicles are able to safely access the site. Forward visibility of the bend in the access road adjacent to the land reserved for the football stadium also needs to be demonstrated.

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 and S38 agreement to mitigate the impact of the development plus planning conditions as detailed below.

S106 Contributions

Contribution	Amount £	Price base	Index	Towards (details)
Strategic Transport Contribution 1	To be determined			BAN1 scheme – south east link road
Strategic Transport Contribution 2	£120,572	May 2019	Baxter	BAN1 scheme – Hennef Way improvements
Strategic Transport Contribution 3	To be determined			BAN2 scheme – Tramway Road
Oxford Canal Pedestrian and Cycle Route Contribution	To be determined			BAN4 scheme - provision of a high-quality walking and cycling route along the Oxford Canal towards the town centre and employment areas
Public Transport Services	£1,440,000	July 2019	RPI-x	Towards the cost of pump-priming a public transport service operating at a 20-minute frequency during the weekday daytime.
Public Transport Infrastructure (<i>if not dealt with under S278/S38 agreement</i>)	To be determined	July 2019	Baxter	Towards the provision of bus stop flag, pole and case units, bus shelters and RTI display units
Traffic Reg Order (<i>if not dealt with under S278/S38 agreement</i>)	£3,120	July 2019	RPI-x	To extend the 40mph speed restriction on Oxford Road beyond the southern site access
Travel Plan Monitoring	£2,040	July 2019	RPI-x	To enable the Residential Travel Plan to be monitored for a period of 5 years following occupation
Public Rights of Way	£100,000	July 2019	Baxter	Towards enhancements to the Public Rights of Way network in the vicinity of the development site.

Key Points:

- The Transport Assessment provides no analysis of the number of trips that would be generated by the proposed development, nor of the development's trip distribution.
- There appear to be errors in the outputs from the Banbury SATURN model on which the traffic impact assessment has been based.
- Due to the above, the county council cannot be confident in the results of the junction capacity assessments or of the conclusions made regarding the requirements for mitigation.
- Nevertheless, the mitigation scheme proposed for the Oxford Road corridor would appear to result in the loss of a number of trees, which is unlikely to be acceptable.
- The county council requests S106 contributions towards strategic transport schemes outlined in Banbury Area Strategy (to provide a South East Perimeter Road, relief to Hennef Way and towards the Tramway Road scheme) in order to mitigate the cumulative impact of development.
- Local mitigation schemes (such as junction capacity enhancements) are also likely to be required as direct mitigation of the development's impacts, however further assessment of the development's traffic impact is required before this can be determined.
- To ensure that the site is able to enhance access by sustainable modes of transport, and to help mitigate the development's traffic impact, contributions are sought towards pedestrian and cycle enhancements to the Oxford Canal route and towards public transport services and infrastructure.
- The county council considers that access via Longford Park Phase 1 for a considerable period of time while the development is being built out and occupied is inappropriate due to the physical constraints of the routes through Longford Park and known issues at the Longford Park Road junction with Oxford Road.
- Visibility splays and vehicle tracking are required at the new site access and for the access road through BAN 12.
- Enhancements to cycle facilities on the A4260 Oxford Road from the new site access to Cotefield Drive will be required. It is envisaged that the existing footway on the western side would be widened to create a shared use footway / cycleway.
- Additional pedestrian and cycle connections between the development site and Longford Park Phase 1 will be required.
- A contribution towards enhancements to the Public Rights of Way in the vicinity of the development site is required.
- A Residential Travel Plan and Travel Plan Monitoring Fee will be required for a development of this scale.
- A Construction Traffic Management Plan will be required to mitigate the impact of construction traffic on the local highway network, infrastructure and local residents.
- A S278 Agreement will be required for all works to be undertaken on the adopted highway.

Detailed Comments:

Traffic Impact Assessment

SATURN Outputs

The SATURN Banbury model outputs provided in Appendix R of the TA and the traffic flow diagrams at Figures 5.1 - 5.2 and 5.5 – 5.6 show no turning movements to or from the site access arm of the Longford Park Road / Oxford Road / Weeping Cross junction in all baseline model scenarios (2026 and 2031, AM and PM). In fact, it appears from the outputs at Appendix R that the Oxford Road / Longford Park Road junction has been omitted from the Baseline scenarios entirely (it is noted that this junction is listed as 'Junction 17' in the 'with development' outputs).

These outputs also show very few turning movements to or from the site access arm of the Longford Park Road / Bankside roundabout junction in these baseline scenarios (e.g. only 49 two-way movements in the 2031 AM peak hour). All movements that do access / egress the site at this junction are shown to arrive / depart only to / from the Bankside East arm of the junction.

This clearly appears to be an error given that Longford Park Phase 1 is already partially built and occupied and would be expected to be fully occupied by 2026. Phase 1 takes access from these two junctions so it would appear that there has either been an error made in the assumptions made for that committed development in these baseline outputs, or in the zoning or connections within that model.

Trip Rates and Distribution

The Transport Assessment provides no information as to what trip rate has been applied to the proposed development or any analysis as to whether this trip rate is realistic or robust. Considering the concerns outlined above with the baseline scenarios, that there is no information provided on the trip rate being applied makes it impossible to be ascertain what has or hasn't been included with the 'with development' scenarios.

There is also no analysis or sense check outlined within the TA of the assignment of traffic distribution being applied to the development's trips. It is assumed that development traffic distribution has been assigned by the SATURN model rather than manually on top of baseline flows extracted from the model. However, this has not been set out in the TA. An assessment and sense check of the traffic distribution is required to demonstrate that the assumptions made are realistic and robust.

Considering the concerns outlined above it is considered that the TA does not provide sufficient information and lacks sufficient clarity to provide confidence in the robustness of the junction capacity assessments undertaken and to provide assurance that the traffic impact of the development would be appropriately mitigated. Therefore, the county council must object to the current application.

Mitigation

With the concerns outlined above regarding the assessment of the development's traffic impact in mind the county council cannot be assured that the assessments made of the 'with and without mitigation' scenarios are accurate.

Regardless, the proposed mitigation scheme focuses on capacity improvements for vehicle traffic on the Oxford Road corridor between the Grange Road and Upper Windsor Street junctions. The drawings show that this would be achieved by increasing the southbound flare on Oxford Road north of Horton View, increasing the right-turn queue storage capacity at Horton View and increasing the northbound two-lane section of Oxford Road south of Farmfield Road. In order to accommodate these alterations carriageway widening would be required and this would appear to result in the loss of a number of trees along the corridor. This is unlikely to be acceptable.

Furthermore, providing more capacity for vehicular traffic along this corridor is likely to have a knock-on detrimental effect of increasing the already severe traffic congestion in and around the town centre and onwards to the Hennef Way corridor. Therefore, contributions will be required towards strategic transport improvements schemes identified in the Banbury Area Strategy to relieve traffic congestion from the town centre, provide relief to the Hennef Way corridor and enhance opportunities for sustainable transport from the site and in the local area. This is in addition to any direct mitigation schemes (such as junction improvements) that may be required subject to further traffic impact assessment.

Strategic Transport contributions are to be sought towards the delivery of a South East Link Road, the Growth Deal scheme to provide relief to Hennef Way and to the Tramway Road scheme to provide improved sustainable transport access to Banbury Station. These schemes are included in Policies BAN1 and BAN2 of the Banbury Area Strategy and are necessary to mitigate the impact of cumulative traffic growth resulting from further development.

A financial contribution will be required towards access improvements along the Oxford Canal corridor for pedestrians and cyclists to ensure suitable, accessible and direct sustainable transport connections from the proposed site are provided, as required under Policy BAN 4.

This is in line with the local plan ambitions to increase active travel and the county council's ambitions to provide a direct, largely traffic free cycle and pedestrian link between the site, Bankside, Tramway Road (for Banbury Station), the town centre and onwards towards the large employment areas to the north of the town via the Oxford Canal.

Hennef Way contribution

The county council is concerned over the impact of any additional traffic on the Hennef Way corridor as a result of cumulative traffic growth from further development in Banbury. Congestion on Hennef Way is a major constraint on the town's highway network and results in a severe air quality problem, accordingly the county council is collecting developer contributions towards a scheme to relieve congestion along on Hennef Way and mitigate the cumulative impact of traffic growth in the town.

This is supported by the Banbury Area Strategy of the county council's Local Transport Plan 4, which is clear in setting out that infrastructure enhancements will be needed in the town. Policy BAN1 proposes traffic flow improvements along the Hennef Way corridor (an AQMA).

It is clear that provision of strategic transport infrastructure for Banbury, as set out in the Cherwell Local Plan and Local Transport Plan 4 (see justification statement below), is necessary to satisfactorily accommodate the increased demand on highway infrastructure arising from new development. Without this contribution, the development is unacceptable.

Accordingly, the county council seeks a fair and proportionate contribution towards the developer funded element of the Growth Deal scheme to provide relief to the Hennef Way and mitigate the impact of cumulative traffic growth, to which the development would be contributing.

The proposed scheme will use Growth Deal funding, under a match funding arrangement which requires a minimum contribution of £1.5m of development funding. The amount has been calculated based on a proportionate impact shared with other key local plan sites yet to come forward in Banbury. To calculate the proportionate impact, OCC has reviewed the trip generation, distribution and assignment assumptions in the Banbury Highway Model for each of the sites (see justification statement below for calculation).

South East Link Road contribution

The policies quoted in the justification statements below demonstrate the need for the site to contribute towards strategic transport schemes to provide mitigation of the development's contribution towards cumulative traffic growth in the town.

A South East Link Road has been identified in the Banbury Area Strategy of the Local Transport Plan 4 as a scheme to increase the overall capacity of the local transport networks and provide relief to the severe congestion forecast to result from cumulative traffic growth. The scheme was recognised as necessary by the Local Plan Inspector who said that it would be required in the latter parts of the Plan period. This scheme would free up capacity to enable improvements to sustainable transport options particularly in and around the town centre.

The link road will be closely related to the development and would ultimately provide mitigation of the developments impacts along the A4260 north of the site.

This scheme is shortly to be progressed by the county council and a contribution is sought from the development towards this scheme. The level of contribution sought is to be determined with further assessment of the development's traffic impact as required. The route on the northern side of the railway track has been provided by the employment development at Central M40.

Oxford Canal Towpath Pedestrian and Cycle Access contribution

A financial contribution will be required towards improvements to the Oxford Canal towpath for pedestrians and cyclists to ensure high-quality sustainable transport connections from the proposed site are provided and are easily accessible, as required under Policy BAN 4 of the Banbury Area Strategy.

This is in line with the local plan ambitions to increase active travel and the county council's ambitions to provide a direct, largely traffic free cycle and pedestrian link between the site, Tramway Road (for access to Banbury Station), the town centre and onwards towards the large employment areas to the north of the town via the Oxford Canal.

The scheme will directly benefit the proposed development by enabling direct and high-quality pedestrian and cycle links and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

This scheme is shortly to be progressed by the county council and a contribution is sought from the development towards this scheme. The level of contribution sought is to be determined with further assessment of the development's traffic impact as required.

Tramway Road Scheme

The Tramway Road scheme is identified in Banbury Area Strategy Policy BAN2 and is currently being progressed by the county council. The scheme will improve journey time reliability for bus services from the south and east of the town into the town centre at peak times and enable a shorter, more direct and faster public transport route to Banbury Station, making public transport use for access to the station more attractive. The scheme is considered key for encouraging public transport use over private car use within the town, thereby relieving congestion, and links in with other initiatives including the A361 to A4260 link road and removal of the chicanes on Bankside.

The scheme will directly benefit the proposed development by enabling a direct and high-quality public transport service between the site, town centre and Banbury Station and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

The Tramway Road scheme is part of a suite of strategic transport improvements that are required within the town to accommodate Local Plan growth and it is necessary that new developments such as this make fair and proportionate contributions towards the schemes that are most directly related to the development.

The level of contribution sought is to be determined with further assessment of the development's traffic impact as required.

New Site Access

The secondary site access is proposed to provide access via the BAN12 allocation site. The access will take the form of a signalised junction with pedestrian crossings

over the access road arm and the Oxford Road (S) arm to link with the existing footway on the west side of Oxford Road. These crossings should take the form of toucan crossings to link in with cycle facilities that will be required on the access spine road. The footway on the western side of A4260 Oxford Road should be upgraded and widened to provide a 3m wide shared use footway / cycleway (2.5m minimum where there are physical constraints) between the new access junction and the junction with Cotefield Drive. This will provide an onward cycle connection between the site and through to the National Cycle Route 5.

The lay-by near the southern access would need to be reduced into a maintenance bay for the signals, with the whole bay being relocated further south if possible. Either way, a full vehicle lay-by cannot remain that close to the signalised junction. A Traffic Regulation Order (TRO) will be required to extend the 40mph restriction to south of the proposed site access.

The drawing submitted with the application (16052-01-124 Rev B) does not show visibility splays at this junction, nor forward visibility to the traffic signal heads on the approaches to the junction. This is particularly important given the bend in the road and changes in vertical alignment of the A4260 just to the west of the junction.

The length of the required visibility splay at the site access and of the forward visibility to the signal heads must be informed by the current 85th percentile speeds at this location, in accordance with standards set out in the DMRB. This must be based on current traffic speeds as the TRO required for the extension to the 40mph restriction will be subject to statutory consultation and so cannot be predetermined. Vehicle tracking for coaches, large refuge vehicles and emergency vehicles making turning movements to / from the access junction in all directions is required to demonstrate that these vehicles can safely access the site at this junction.

The secondary site access road through BAN12 also requires tracking for emergency vehicles, large refuge vehicles and coaches to ensure that these large vehicles are able to safely access the development. Forward visibility splays are required for the bend in the access road at the southeast corner of the land reserved for the football stadium. This must meet standards set out in the Manual for Streets for the design speed of the road. While it is noted that the application is for outline permission, the redline boundary closely follows the proposed alignment of the access road and restricts the potential for future amendments to its alignment. It is therefore essential that the details requested above are provided with the current application.

The access road must also be of sufficient width to accommodate the requirements for pedestrian and cycle infrastructure for new developments set out in the county council's Cycling Design Standards and Walking Design Standards (both adopted in Summer 2017).

In the absence of the information required as set out above (visibility splays, forward visibility splays, vehicle tracking) the county council must object to the application.

Longford Park Road Access / Access via Phase 1

There are several highway traffic and safety issues that could arise from delaying the construction of the second southern access to Longford Park until Phase 2 reaches 450 occupied homes. Our concerns with the proposal to delay the construction of the second access are summarised in the following key issues:

Signals at Oxford Road / Longford Park Road junction – The ghost right-turn between the splitter islands at the junction of Oxford Road and Longford Park Road, and Oxford Road and Weeping Cross has limited capacity, enough for one full car length only. Should any large vehicles (e.g. a bus) or more than one car wish to turn right the result is that larger right-turning vehicles protrude into the right turn / ahead lane of the northbound carriageway while waiting to turn or that any additional right-turning cars block this lane entirely while waiting. A significant increase in traffic movements generated by 450 dwellings, including construction HGVs, using this access will worsen this problem and have implications for increasing local congestion and may also have implications for highway safety as indicated in the Stage 3 Road Safety Audit carried out on this junction in May 2018. The NPPF 2018 paragraph 108 states that when considering development proposals, it should be ensured that: “b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The junction capacity assessment undertaken in the TA indicates that there is sufficient capacity at the existing junction to cope with the additional traffic demand associated with 450 dwellings. I note that this assessment has been based on outputs from the Banbury SATURN model. However as set out above, OCC has concerns over the lack of clarity provided regarding the trip rate and distribution assumptions being made for the proposed development and that it is unclear whether the model outputs are accurate for all scenarios given the apparent errors in the Baseline outputs. Furthermore, there are known to be existing capacity issues at this junction as outlined above.

Internally, the Longford Park Road / Hobby Road / Songthrush Road crossroad junction does not provide priority for any arm and there are no formal crossing points despite its proximity to a primary school. The county council considers that the crossroad is not fit for the use of an additional 450 dwellings and construction traffic without necessary alterations including prioritisation and crossing facilities. Without this, the increase in traffic movements at this junction in conjunction with the lack of proper crossing facilities for the nearby primary school could have a severe impact on highway traffic and safety. It is also noted that none of the internal junctions have had capacity assessments.

Suitability of Songthrush / Hobby Road for additional traffic – These roads are not suitable for any significant increase in through traffic that would result from an additional 450 dwellings and associated construction HGVs. These two roads have been designed according to Manual for Streets standards to cater for residential development. As such they have traffic calming features that make them suitable for light residential traffic only. The junction between Songthrush / Swift Drive / Hobby Road is of concern as its layout is not suitable for a bus route and therefore significant

through traffic and HGV flow could result in highway safety issues. It should be noted that the capacity of this road for significant traffic flow and HGVs could also be limited by ad-hoc on-street parking as there are no parking controls in place. Policy TR7 (saved policy of adopted 1996 local plan) states that: “Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.”

For the above reasons, the county council believes that the delayed provision of the second access to the south of the site will have an unacceptable impact on highway safety and refers to policy TR1 (saved policy of adopted 1996 local plan) which states that “before proposals for development are permitted the council will require to be satisfied that new highways, highway improvement works, traffic management measures, additional public transport facilities or other transport measures that would be required as a consequence of allowing the development to proceed will be provided.” As such, we are strongly opposed to the delayed provision of the southern access to the site until the completion of 450 homes and consider that the southern access junction and spine road must be delivered at an early phase of the development as required for direct mitigation.

This would also enable flexibility in terms of access for public transport services at an early stage to ensure that the optimal standard of service can be achieved, encouraging the use of sustainable transport from early on in the development.

On-site Pedestrian and Cycle Connections

Policy BAN 4 requires a layout of development that enables a high degree of integration between the allocation site and Longford Park Phase 1. However, other than the two road connections proposed as extensions to Hobby Road and Songthrush Road there are no additional connections proposed to enhance pedestrian and cycle permeability between the two sites.

It is considered that pedestrian and cycle connections must be provided at the following locations (indicated by the blue arrows in the image below) to comply with the requirements of Policy BAN 4:



A pedestrian and cycle connection should also be provided from the development to the land reserved for a future secondary school along the eastern boundary of the site, potentially along the line of the blue arrow indicated in the image below:



Public Transport

The site must provide a spine road suitable for bus operation. The Council's normal standard width for roads carrying frequent buses in both directions is 6.75 metres, although this can be relaxed where a bus will only operate in one direction.

The strategy for bus operation around the site is undetermined at the current time, so the site must allow for either

- a) The diversion and extension of the existing bus service to Longford Park
- b) The creation of a new bus service to serve the Bankside extension.

There are common elements to both strategies, so the roads in scope for bus operation must be constructed to an appropriate standard for buses and must permit future bus services to either transit the site from the District Centre to the A4260 adjacent to the football club or to terminate in a loop of four roads within the site.

However the route is eventually configured, it is estimated that a round-trip to Banbury Town Centre will take around 35-40 minutes. Thus, with two vehicles a 20-minute frequency service could be delivered.

The development will be required to provide **£1,440,000** towards the cost of bus service provision to the site, which is calculated on the basis of pump-priming the cost of two additional vehicles in the local commercial bus fleet for the Banbury area at £720,000 per vehicle (see justification statement below for more information).

It is extremely important that an attractive bus service can be provided to this site, to provide excellent connectivity with the Town Centre and Rail Station, thus giving new residents access to employment, education, retail opportunities and leisure activities. Bus services to other destinations can be accessed in Banbury Town Centre whilst the rail station (to be accessed off the new Tramway link) will give access to other opportunities across the South-East and West-Midlands.

Provision of a frequent service is of fundamental importance in providing a credible transport mode for travel to work, education and for other reasons where movement can be made by means other than the car.

The geometry of the current junction by the District Centre is restrictive and certain movements cannot be made by buses, which limits routing options into the development site. The road link from the District Centre to the A4260 at Weeping Cross has been constructed to a specification which is substandard for bus routing which again limits routing options.

The site will need a number of bus stops, designed to an agreed specification. Normally bus stops will be on the carriageway rather than in laybys, and will consist of hardstanding areas, if there is not already adequate paving adjacent to the kerbline, a 'cage' marked in the roadway, a pole, flag (Premium Routes), a case for static information, a shelter and a real-time information unit.

At this stage it is envisaged that a public transport infrastructure contribution will be required in order to provide for four pairs of bus stops within the site. However, the exact quantity of these items is to be determined as details of the masterplan layout progress. It is fundamentally important that the location of bus stops is agreed before submission of Reserved Matters applications, so the location of these bus stops is known to people purchasing properties and to other consultants, contractors and stakeholders.

Roads to be used by buses need to be tracked for a standard 12 metre vehicle. Buses must be able to progress around the development at a steady rate, and not blocked by parked cars. This must also be the case for the existing roads through the Phase 1

development and it is noted that these roads are included within the redline boundary of the development site.

Whilst there are few dwellings along the southern section of the new access road, adequate physical provision must be made for service and school buses adjacent to the proposed secondary school site. Car movements associated with the school (for example drop-offs) must be made away from the spine road and the spine road must be signed and lined to resist such activity.

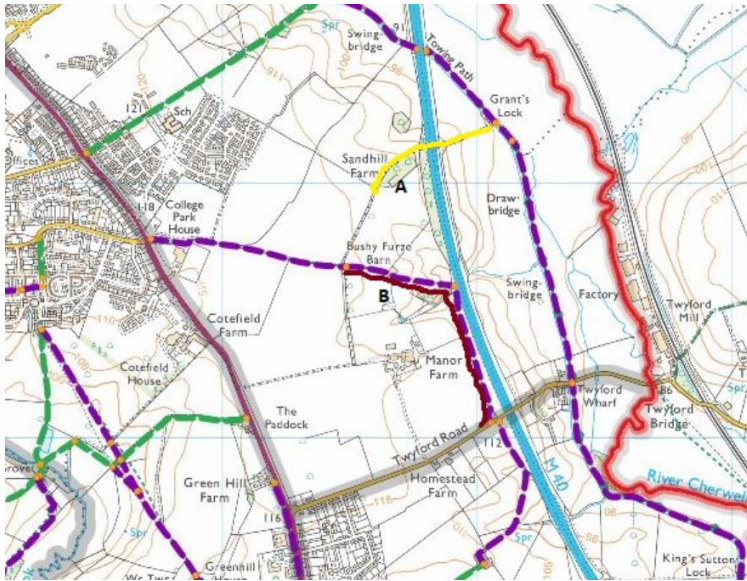
Public Rights of Way

Oxfordshire County Council acts as the highway authority for most public rights of way (PROW) – footpaths, bridleways, restricted byways and byways. The County Council has the statutory duty to assert and protect public rights and keep PROW reasonably convenient for public users.

OCC priorities for working with development applications are to protect existing countryside access / PROW, and where possible and reasonable, seek to mitigate the impacts of development to enhance the network for all users. These are set out in the adopted Rights of Way Management Plan 2015-2025 available at www.oxfordshire.gov.uk/rowip

There is expected to be an increase in numbers of residents and visitors using the rights of way network in and around the site – simply due to the size of the development in what was a semi-rural environment. These uses will create more use pressures on the rights of way network. OCC is proposing two mitigation measures that will complement the onsite greenway provision and a Public Rights of Way contribution of **£100,000** is sought towards delivering these mitigation measures.

- A. OCC to use S106 contribution to secure public access to the private trackway leading from within the development site via Sandhill Farm to Grants Lock on the Oxford Canal private track and M40 overbridge in order to give access to the Oxford Canal towpath. Estimated overall cost £75,000 for negotiated access and safety measures on M40 overbridge and spot works to the track.
- B. Bodicote Footpath 137/2 passes within the southern boundary of the site before it changes into Adderbury Footpath 101/4. It is assumed that the development will be improving this route within the site to make it a key walking and cycling connection and OCC intends to use s106 contribution to improve the footpath outside of the site. Works by the applicant under s278 will also be considered. Estimated overall cost £15,000 for new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers.



Standard measures for applications affecting public rights of way

1. **Correct route of public rights of way:** Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground. The Definitive Map and Statement is available online at www.oxfordshire.gov.uk/definitivemap.
2. **Temporary obstructions:** No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place. This is required to ensure the public right of way remains available and convenient for public use.
3. **Route alterations:** The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRow when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.
4. **Vehicle access (construction):** No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.
5. **Vehicle access (Occupation):** No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior

written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.

6. **Gates / right of way:** Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.
7. **Improvements to routes:** Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council.

Travel Plan

A full Residential Travel Plan is required for this development. This is required prior to first occupation and then updated within 3 months of occupation of the 425th dwelling once adequate survey data becomes available. This travel plan should include provision of personalised travel planning as stipulated within the OCC guidance document 'Transport for New Developments – Transport Assessments and Travel Plans March 2014'.

An associated travel plan monitoring fee of £2,040 is required for this development to enable the travel plan to be monitored for a period of five years.

A Residential Travel Information Pack should be produced prior to occupation and then distributed to all residents at the point of occupation. This will be required to ensure that all residents are aware of the travel choices available to them from the outset.

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

Strategic Transport Contribution 1 – level of contribution to be determined index linked using Baxter Index

Towards:

The provision of a South East Link Road as per LTP4 Policy BAN1.

Justification:

Strategic contributions are necessary to make the development acceptable in planning terms. Without improvement of infrastructure the detrimental impacts of the development would not be appropriately mitigated.

NPPF para 32 states:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken

within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

The ‘cumulative impacts of development’ in this context are considered those associated with the allocated sites in the Cherwell Local Plan, of which this site is one (Banbury 4).

Cherwell Local Plan Policy INF 1: Infrastructure states:

“The Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- *Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure*
- *Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery*
- *...*
- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

Cherwell Local Plan Policy SLE 4: Improved Transport and Connections states:

“The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections...”

New development in the District will be required to provide financial and / or in-kind contributions to mitigate the transport impacts of development.”

A South East Link Road has been identified in the Banbury Area Strategy of the Local Transport Plan 4 as a scheme to increase the overall capacity of the local transport networks and provide relief to the severe congestion forecast to result from cumulative traffic growth. This scheme would free up capacity to enable improvements to sustainable transport options particularly in and around the town centre.

The link road will be closely related to the development and would ultimately provide mitigation of the developments impacts along the A4260 north of the site in particular.

Calculation:

The level of contribution sought is to be determined at this stage. However, the contribution will be fair and proportionately related in scale and kind to the development's impact.

£120,572 Strategic Transport Contribution 2 indexed from May 2019 using Baxter Index

Towards:

A scheme of improvements to relieve congestion on Hennef Way as per Banbury Area Strategy (LTP4) Policy BAN1.

Justification:

Strategic contributions are necessary to make the development acceptable in planning terms. Without improvement of infrastructure the detrimental impacts of the development would not be appropriately mitigated.

NPPF para 32 states:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

The ‘cumulative impacts of development’ in this context are considered those associated with the allocated sites in the Cherwell Local Plan, of which this site is one (Banbury 4).

Cherwell Local Plan Policy INF 1: Infrastructure states:

“The Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- *Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure*
- *Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery*
- *Completing a Developer Contributions SPD to set out the Council's approach to the provision of essential infrastructure including affordable housing, education, transport, health, flood defenses and open space*
- *Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

Cherwell Local Plan Policy SLE 4: Improved Transport and Connections states:

“The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections...”

New development in the District will be required to provide financial and / or in-kind contributions to mitigate the transport impacts of development.”

Hennef Way forms the main access route between the site and the strategic highway network (at junction 11 of the M40). Traffic generated by the site will contribute to the severe impact of cumulative traffic growth on Hennef Way, increasing congestion. As such a contribution is required from the development towards a mitigation scheme to relieve this impact.

It is clear that provision of strategic transport infrastructure for Banbury, as set out in the Cherwell Local Plan and Local Transport Plan 4, is necessary to satisfactorily accommodate the increased demand on highway infrastructure arising from new development. Without this contribution, the development is unacceptable.

Calculation:

The proposed scheme will use Growth Deal funding, under a match funding arrangement which requires a minimum contribution of £1.5m of development funding. The amount has been calculated based on a proportionate impact shared with other key local plan sites yet to come forward in Banbury. To calculate the proportionate impact, OCC has reviewed the trip generation, distribution and assignment assumptions in the Banbury Highway Model for each of the sites.

The strategic contribution from this site is calculated using the formula in the district council’s developer contributions SPD:

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

- X = Major infrastructure scheme cost
- Y = Amount held and secured
- Z = Funding from government funding bid opportunities
- E = The contribution(s) to be secured from further development

- X = £20,000,000 Hennef Way relief scheme
- Y = £306,221 Held towards Hennef Way corridor
- Z = £18,500,000 Growth Deal funding
- E = £1,193,779

£120,572 Banbury 4 contribution based on 10.1% proportion of E

The proportion has been calculated based on flows extracted from a previous run of the Banbury SATURN model attributable to AM peak trips generated by local plan allocated sites yet to come forward. These sites will also be expected to contribute proportionately to the Hennef Way scheme:

Local plan allocated sites yet to come forward	Eastern section of Hennef Way	%
Drayton Lodge	20	9.2
Bankside Phase 2	22	10.1
Canalside zone 1	45	20.6
Banbury 15	131	60.1
Total from all 5	218	100

Strategic Transport Contribution 3 – level of contribution to be determined index linked using Baxter Index

Towards:

Tramway Road scheme to provide improved sustainable transport access to Banbury Station as identified in LTP4 Policy BAN2.

Justification:

Paragraph 103 of the NPPF states that:

‘Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.’

Paragraph 108 requires from the development that:

‘...appropriate opportunities to promote sustainable transport modes can be – or have been – taken up...’

Paragraph 110 requires that developments must give priority to *‘facilitating access to high quality public transport’*.

The Banbury Area Strategy sets out that *‘a step-change in the increased use of sustainable transport modes is essential to support growth in Banbury. The Sustainable Transport element of the Strategy will play a key role in reducing the volume of traffic associated with the town’s significant growth and mitigating the traffic impacts on local roads serving Banbury’*.

Policy BAN2 of the Banbury Area Strategy states that the county council; *‘will work closely with Cherwell District Council, bus operators and other strategic partners to deliver the Banbury Bus Strategy, which seeks to deliver a commercial bus network for Banbury. Increased bus use will be achieved by:*

- ...
- *Opening up Tramway Road as an access for cars into and out of the station car park and access to the Canalside development.*
- *Exploring opening Station Approach to through bus services via Tramway Road.*
- *Seeking funding from new development sites to ensure they are served by high quality commercial public transport services.*

Policy Banbury 4 of the Cherwell Local Plan relates specifically to the site and requires:

‘Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops and the provision of a bus route through the site’

The national and local policies outlined above demonstrate that the provision of high-quality public transport services and routes are required to support new development and accommodate the cumulative impact of growth.

The scheme will directly benefit the proposed development by enabling a direct and high-quality public transport service between the site, town centre and Banbury Station and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development's traffic impact.

Calculation:

The level of contribution sought is to be determined with further assessment of the development's traffic impact as required. However, the contribution will be fair and proportionately related in scale and kind to the development's impact.

Oxford Canal Pedestrian and Cycle Link Contribution – level of contribution to be determined index linked using Baxter Index

Towards:

Providing access and enhancements to the Oxford Canal towpath to provide a high-quality pedestrian and cycle connections between the site, Banbury Station, the town centre and onwards towards the large employment areas to the north of the town. As set out in Policy BAN 4 of the Banbury Area Strategy.

Justification:

Paragraph 103 of the NPPF states that:

'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'

Paragraph 108 requires from the development that:

'...appropriate opportunities to promote sustainable transport modes can be – or have been – taken up...'

Paragraph 110 requires that developments must *'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.'*

The Banbury Area Strategy sets out that *'a step-change in the increased use of sustainable transport modes is essential to support growth in Banbury. The Sustainable Transport element of the Strategy will play a key role in reducing the volume of traffic associated with the town's significant growth and mitigating the traffic impacts on local roads serving Banbury.'*

Policy BAN4 of the Banbury Area Strategy states that:

We will work closely with Cherwell District Council and other strategic partners, and developers to provide facilities for pedestrians and cyclists and we will work to fill in the gaps in the walking and cycling network, including Public Rights of Way.

- *Seek funding from new development sites to ensure they are served by high quality walking and cycling routes to off-site amenities.*
- *Conduct walking and cycling network assessment studies and prioritise improvements to deficiencies in the networks.*

- *As identified in the Cherwell Local Plan 2011 – 2031 (part one) seek new pedestrian and cycle bridges, as part of the Canalside development, crossing the Oxford Canal and River Cherwell which will connect the rail station to the town centre.*

Policy Banbury 4 of the Cherwell Local Plan relates specifically to the site and requires:

‘A layout that maximises the potential for walkable neighbourhoods with a legible hierarchy of routes with footpaths and cycleways provided on site with good linkages for cyclists and pedestrians to the wider urban area, existing networks and community facilities.’

The national and local policies outlined above demonstrate that the provision of high-quality pedestrian and cycle routes are required to support new development and mitigate the cumulative impact of growth.

The scheme will directly benefit the proposed development by enabling direct and high-quality pedestrian and cycle links service between the site, Banbury Station, the town centre and onwards towards the large employment areas to the north of the town and is essential to ensure that the site is able to exploit opportunities to promote sustainable transport use and to provide mitigation of the development’s traffic impact.

Calculation:

The level of contribution sought is to be determined at this stage. However, the contribution will be fair and proportionately related in scale and kind to the development’s impact.

£1,440,000 Public Transport Service Contribution indexed from XX using RPI-x

Towards:

Providing a daytime bus service between the development and Banbury town centre at a 20-minute frequency. For the county council to deliver such a service.

Justification:

Specifically related to this site, Cherwell Local Plan Policy Banbury 4 requires for the site:

‘Good accessibility to public transport services should be provided for with effective footpaths and cycle routes to bus stops and the provision of a bus route through the site’

The NPPF states that developments should be located and designed where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Connecting Oxfordshire: Oxfordshire County Council’s Fourth Local Transport Plan 2015-2031 (LTP4) [adopted in September 2015] includes the following policies:

Policy 3

Oxfordshire County Council will support measures and innovation that make more efficient use of transport network capacity by reducing the proportion of single occupancy car journeys and encouraging a greater proportion of journeys to be made on foot, by bicycle, and/or by public transport.

Policy 17

Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.

Policy 34

Oxfordshire County Council requires the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will:

- secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective travel plans, financial contributions from developers or direct works carried out by developers;*
- identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.*

The policies outlined above identify the requirement for the development to be served by a frequent, reliable and efficient public transport service. The contribution sought is required in order to provide such a service in line with these policies.

It is extremely important that an attractive bus service can be provided to this site, to provide excellent connectivity with the Town Centre and Rail Station, thus giving new residents access to employment, education, retail opportunities and leisure activities. Bus services to other destinations can be accessed in Banbury Town Centre whilst the rail station (to be accessed off the new Tramway link) will give access to other opportunities across the South-East and West-Midlands.

Provision of a frequent service is of fundamental importance in providing a credible transport mode for travel to work, education and for other reasons where movement can be made by means other than the car.

Calculation:

The development will be required to provide £1,440,000 towards the cost of bus service provision to the site, which is calculated on the basis of pump-priming the cost of two additional vehicles in the local commercial bus fleet for the Banbury area at £720,000 per vehicle. This is the estimated cost of a tender let on a declining net cost basis over eight years, with the ninth and subsequent years being provided on a fully commercial basis. The estimated cost of a bus in year one would be £160,000, falling

to £140,000, £120,000, £100,000, £80,000, £40,000 and £20,000 in subsequent years.

However the route is eventually configured, it is estimated that a round-trip to Banbury Town Centre will take around 35-40 minutes. Thus, with two vehicles a 20-minute frequency service could be delivered.

Public Transport Infrastructure Contribution - level of contribution to be determined index linked using Baxter Index

Towards:

Bus stop infrastructure including; bus shelters, RTI displays, bus stop flag and poles all to OCCs Premium Routes Standard.

Justification:

The provision of suitable bus stop infrastructure is required in order to meet the policy requirements set out under the justification statement for the 'Public Transport Service Contribution' above.

Calculation:

At this point it is envisaged that four pairs of bus stops with associated infrastructure (bus stop flag, pole and case units, and in some cases bus shelters, RTI displays) will be required. However, this will be determined as the masterplan for the site progresses and the routing of the public transport service is agreed.

The contribution will be directly related to the cost of each item of infrastructure, inclusive of maintenance costs. It is therefore considered that the contribution will be fairly related in proportion and scale to the development.

£3,120 Traffic Regulation Order Contribution indexed from July 2019 using RPI-x

Towards:

An amendment to the Traffic Regulation Order to extend the 40mph speed restriction on Oxford Road south beyond the new site access to the extent of the current 30mph restriction just north of Twyford.

Justification:

The extension of the speed restriction on Oxford Road is directly related to the development of the site access.

Calculation:

The contribution is calculated on a standard charge which applies for administrative costs for TROs throughout Oxfordshire. This charge also includes the costs for public consultation required for the proposed TRO.

The County Council's costs for new or amended TROs is £3,120 for each instance.

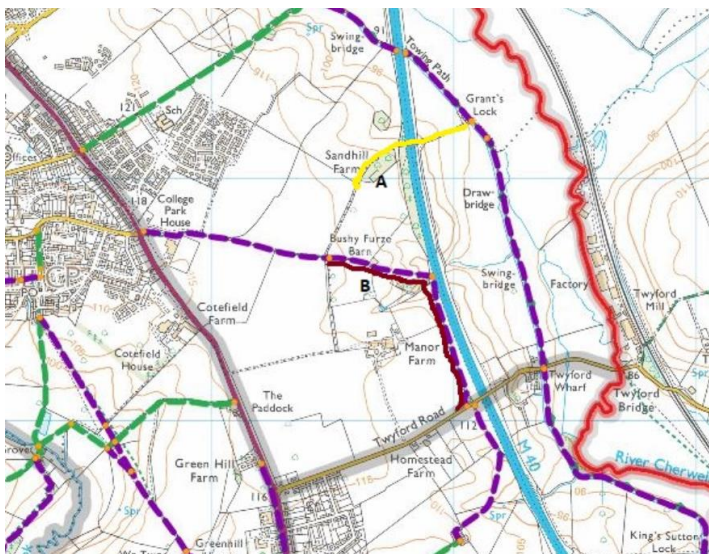
The County Council considers that its TRO fee is fairly and reasonably related in scale and kind to the development.

£100,000 Public Rights of Way Contribution indexed from XX using Baxter Index

Towards:

Enhancements to the PROW network in the vicinity of the site as set out below:
OCC is proposing two mitigation measures that will complement the onsite greenway provision.

- A. To secure public access to the private trackway leading from within the development site via Sandhill Farm to Grants Lock on the Oxford Canal private track and M40 overbridge in order to give access to the Oxford Canal towpath. Estimated overall cost £75,000 for negotiated access and safety measures on M40 overbridge and spot works to the track.
- B. Bodicote Footpath 137/2 passes within the southern boundary of the site before it changes into Adderbury Footpath 101/4. OCC intends to use s106 contribution to improve footpath outside of site. Works by the applicant under s278 will also be considered. Estimated overall cost £15,000 for new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers.



Justification:

Oxfordshire County Council (OCC) manages the legal record and access functions on the public rights of way and access land network. In addition to the statutory functions of recording, protecting and maintaining public rights of way, part of the authority's role includes securing mitigation measures from residential and commercial developments that will have an impact on the public rights of way and access land network in order to make those developments acceptable. The proposed measures also meet the aims and outcomes of the adopted Oxfordshire Rights of Way Management Plan 2015-2025 (<http://www.oxfordshire.gov.uk/rowip>)

There is expected to be an increase in numbers of residents and visitors using the rights of way network in and around the site – simply due to the size of the development in what was a semi- rural environment. These uses will create more use pressures on the rights of way network.

The site has had a desk assessment to both assess the current situation and look at how public use could be protected and enhanced. With the development site at the centre, the logical and realistic public rights of way network likely to be affected is considered along with the range of measures needed to provide mitigation against the impacts of the development. In this case it is access to the surrounding countryside are is the key driver.

Calculation:

The proposed measures are based on the desk assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per-dwelling or per-m2 tariff system. The proposed off-site measures are in the form of a reasonable financial contribution to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time period and under the Rights of Way Management Plan aims.

The contribution would be spent on the named improvements to the public rights of way in the vicinity of the development within a 10-year longstop.

Estimated contribution breakdown £100k overall s106 request

By activity

- Site surveys & assessments 5%
- Landowner and Highways England negotiations 5%
- Materials, plant & equipment 20-30%
- Legal processes e.g. temporary works closures, agreement payments 40-50%
- Contract preparation & supervision 5%
- Admin costs 5%
- Contingency/Follow-up repair works 10%

£2,040 Travel Plan Monitoring Fee indexed from July 2019 using RPI-x

Justification:

Travel plans aim to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A framework travel plan, residential travel plan and school travel plan is required to make this development acceptable in planning terms.

A travel plan is a ‘dynamic’ document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer

- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review. Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring travel plans they are likely to be ineffective. Therefore, monitoring of the travel plans is required to make the development acceptable in planning terms.

Calculation:

The figure for travel plan monitoring is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), and assumes officer time at an hourly rate of £40. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- New site access signalised junction including; toucan crossings of the A4260 and access road arms and connecting footways and cycle lanes on site access arm, widening of A4260 to accommodate new turning lanes, traffic islands and signals infrastructure, all necessary signage and road markings.
- 3m wide shared use footway / cycleway on west side of Oxford Road between the new site access and Cotefield Drive.
- Any direct mitigation schemes that may be required following further assessment of the development's traffic impact.

Notes:

This is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into.

The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

S38 Highway Works – Spine Road

An obligation to provide a spine road as part of the highway network will be required for the development. The S106 agreement will secure delivery via future completion of a S38 agreement.

The S106 agreement will identify for the purpose of the S38 agreement;

- Approximate location of spine road and information as to provision e.g. minimum width of carriageway, footways etc as appropriate.
- Timing – this may be staged.
- Additional facilities/payments e.g. on-site bus infrastructure and related payments.

Planning Conditions:

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

Access

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, vision splays and vehicle tracking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Design Code and Masterplan

A design code and masterplan must be submitted to, and agreed by, the Local Planning Authority prior to the commencement of any phase of the development. This is required to ensure the satisfactory delivery of the following:

- The street form, street frontage and hierarchy for all types of street / road including details of street design and surfacing
- The approach to car and cycle parking across all areas of the site;
- The treatment of all retained public rights of way
- locations of existing, enhanced and new footpath / bridleway / cycle links including pedestrian and cycle connections with Longford Park Phase 1
- The alignment of the spine road and general location of bus stops/crossing points on it as well as the alignment of principal estate roads

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Pedestrian and Cycle Routes and connections with Longford Park Phase 1

All applications for reserved matters approval relating to a phase (as approved under a phasing condition) shall include details of the alignment and specification of any and all new and / or enhanced footpaths, bridleways and cycle tracks to be provided within

/ through that phase together with a timetable for their provision / completion. These routes shall be in accordance with an approved access parameter plan, masterplan and design code. Thereafter and prior to first occupation of that phase, the new footpaths, cycle tracks and bridleways shall be provided in accordance with the details approved as part of the grant of reserved matters approval for that phase.

Reason In: the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework and the requirements of Policy Bicester 12 of the Cherwell Local Plan 2011-2031 Part 1.

Site Roads, Turning Areas and Car Parking

Prior to the commencement of each phase of the development hereby approved, full specification details of the site roads, turning areas and car parking to serve that part of the development, which shall include construction, layout, surfacing, lighting, drainage, and the location and layout of car parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas for that phase shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

A Construction Travel Management Plan (CTMP) will be needed for this development, given the traffic sensitive nature of the potential approach routes on the wider strategic road network in and around Banbury. We would expect the CTMP to incorporate the following in detail:

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.

- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to / from site, to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Travel Plan

Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with Oxfordshire County Council's approved Travel Plan guidance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework.

Public Rights of Way

No development shall take place within 10m of an existing Public Right of Way until the affected Public Right of Way is protected during development to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority except where the affected public right of way has the prior authorisation of the Local Planning (or Highway) Authority to be diverted or extinguished. Thereafter, the Public Right of Way shall remain protected and available for use at all times in accordance with the approved details throughout the construction of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

Public Rights of Way

No works shall be undertaken that results in the temporary or permanent need to divert an existing Public Right of Way that runs through the site until details of a satisfactory

alternative route have first been submitted to and approved in writing by the Local Planning Authority. The existing Public Right of Way shall not be stopped up or obstructed in any way (save for any temporary arrangement that has the prior written agreement of the local planning authority), until the new diverted route has been provided in accordance with the approved details and is fully available for public use.

Reason: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

Informative:

No changes to the Public Right of Way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council.

Officer's Name: Tim Peart

Officer's Title: Senior Transport Planner

Date: 24 July 2019

Application no: 19/01047/OUT

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

Insufficient drainage information provided to enable full technical assessment of surface water drainage strategy.

Detailed comments:

Confirmation required that the site surface water management proposal is based on full infiltration techniques. Discharge at relevant return periods to be at Greenfield rate. 40% Climate Change allowance to be applied to calculations. MicroDrainage calculations provided use default Cv values, these are not representative of the site. It is recommended values of 0.95 for roofs and 0.9 for paved areas are applied. The designer must justify where a Cv of less than 0.9 has been used. Calculations should be undertaken for all relevant return periods and identify the critical duration used. Any phasing of the development needs to be demonstrated and how surface water will be managed during this process.

Explanation required as to whether the pond is proposed as Approach 1 or 2 as detailed in the latest CIRIA (C753) manual. Is the pond proposed to be used for Long Term Storage, confirmation required. Freeboard of pond to be demonstrated.

Has approval been sought from the LPA under LDA 1991 to discharge to ditchline. If proposal is to discharge to existing ditchlines riparian ownership and maintenance should be demonstrated. Evidence of Source Control required. Site should be divided in to sub-catchments each dealing with its own surface water requirement. Dispersed site storage and flow control around the site to final pond destination is expected. Conveyance routing around site needs to be demonstrated.

Water to be kept at or as close to the surface as possible. Pre and Post development (modified flow route) overland surface water flow plan required. Safe ingress/egress needs to be demonstrated. Sacrificial areas in the event of exceedance should be considered. Further thought needs to be given to maximising use of green space on site for SuDS incorporation. Treatment and Management train needs to be demonstrated. Use of full toolbox of appropriate SuDS methods to be demonstrated on plan. All hardstanding should be of a permeable construction. Blue/Green roofs and rainwater harvesting should be considered. Confirmation required for half drain down times, for example the attenuation pond. Justification as to whether 10% Urban Creep allowance has been applied required.

Management and Maintenance plan to be worked up (in draft at this stage) and submitted.

Officer's Name: Adam Littler
Officer's Title: Drainage Engineer
Date: 26 July 2019

Application no: 19/01047/OUT

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

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)
Nursery and Primary	£2,264,544	2Q18	PUBSEC	Expansion of primary and nursery capacity at Longford Park Primary School
Secondary (including sixth form)	£5,918,912	2Q18	PUBSEC	A new secondary school in Banbury
SEN	£207,223	2Q18	PUBSEC	Expansion of SEN capacity at Frank Wise School
Total	£8,390,679			

	ha	Use
Land (remediated and serviced)	4.88 ha	4.88 ha land sufficient for a 600-place secondary establishment school provided no cost to the County Council
Land (remediated and serviced)	1.89 ha	An option is required on a further 1.89 ha of land to enable the proposed new secondary school to expand by an additional 2 forms of entry if required.

For the financial contributions (excluding secondary education) a matrix provision would be required to address the outline nature of the development proposal.

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

£2,264,544 Nursery and Primary School Contribution to be index linked from 2Q2018 using PUBSEC Index

Towards:

Expansion of primary and nursery capacity at Longford Park Primary School.

Justification:

The Cherwell Local Plan 2011-2031 states that contributions towards the expansion of the Bankside Phase 1 School (i.e. Longford Park Primary School) will be required for the Phase 2 development.

Longford Park Primary School, which opened in 2017 to serve the Bankside Development (Phase 1), is currently a 1.5 form entry school, providing 45 places per year group with a total capacity of 315 places. It is not yet up to full capacity, but the spare places will not be sufficient to also accommodate the pupils which will be generated by this proposed development, and so expansion of the school to 2 form entry (60 places per year, total capacity 420) will be required to accommodate the pupil generation from this application (Phase 2). This will create an additional 105 primary school places. While this is less than the pupil generation of this proposed development, the balance of pupils will be accommodated in the capacity already created at Longford Park Primary School.

Nursery provision at Longford Park Primary School is already at capacity. The school offers 39 part-time equivalent nursery places, and as of January 2019 there were 40 pupils on roll at the nursery. Expansion of the nursery is therefore required to meet the expected increase in nursery pupil generation from the proposed development. As the estimated nursery pupil generation from this proposed development is just over 39 pupils, it would be appropriate to double the current size of the nursery.

Calculation:

Number of nursery pupils accommodated by expanding Longford Park Primary School	39
Number of primary pupils accommodated by expanding Longford Park Primary School	105
Total additional places to be created by expanding Longford Park Primary School	144
Estimated cost per pupil of expanding Longford Park Primary School	£15,726
144 * £15,726	£2,264,544

£5,918,912 Secondary School (including Sixth Form) Contribution to be index linked from 2Q2018 using PUBSEC Index

Towards:

A new secondary establishment in Banbury.

Justification:

Policy Banbury 12 provides for a new secondary school at that site. The need for developer contributions towards secondary education provision for the Bankside Phase 2 development is required by Cherwell Local Plan Policy Banbury 4.

Secondary school provision for Banbury can reasonably be considered over the Banbury/Bloxham area, and incorporate The Warriner School in Bloxham, as there is substantial pupil movement between the two areas.

There are limited spare places at Banbury secondary schools, and these are expected to reduce further as a result of population growth from planned housing development in the area. The Warriner School is currently at capacity, and although expansion is underway at this school this will not be sufficient to meet the full scale of housing growth planned for Banbury. Therefore, there is currently insufficient secondary capacity in the Banbury and Bloxham planning areas to accommodate expected pupil generation from the proposed development.

A site for a new secondary school has been included in the Cherwell Local Plan as part of policy area Banbury 12. This new school would be the closest to the currently proposed development, and therefore most directly related. The new school will need to be at a minimum a 600-place (4 form entry) secondary establishment (600 places is the smallest size secondary school that the Department for Education considers viable), with an option on additional land to allow the school to expand by a further 2 forms of entry in the future. The earliest the expansion land is forecast to be required would be by the late 2020s.

As the need for the new school is triggered by this development, and a 600 place school is the smallest size secondary school that the Department for Education considers viable, arguably, full provision cost and land should be required from this development, as at present there are no other S106 contributions secured towards the delivery of the new school at Banbury 12 and no other funding has been identified.

Government guidance (Securing developer contributions for education, April 2019) is clear that:

“the Basic Need grant, the DfE free schools programme and other [government-provided] capital funding do not negate housing developers’ responsibility to mitigate the impact of their development on education.”

In due course, therefore, it is reasonable to expect that the county council would receive Basic Need funding reflecting the need for more secondary school places in Banbury, but only net of those places funded from the appropriate developer contributions such as this development proposal.

Consequently, for the non-land costs of providing the school, a proportionate calculation of the necessary and appropriate contributions sought has been made.

To get approval to open a new school, it is necessary to secure a site sufficient for a new school of this size (600 place). The county council considers that this proposed development, as it triggers the need for the new school, should provide the necessary remediated and serviced site area of 4.88ha at no cost to the council. If future S106 contributions were received from other developments towards for the

same site, OCC could incorporate a mechanism in the S106 to take account of other monies received within a specified timeframe.

Calculation:

Number of secondary and sixth form pupils expected to be generated	184
Estimated cost per pupil of building a new 600-place secondary school	£32,165
184 * £32,168	£5,918,912

Land:

4.88ha land sufficient for a 600-place (4 Form Entry) secondary establishment provided no cost to the County Council. An option is required on a further 1.89ha of land to allow the school to expand by an additional 2 forms of entry if required as detailed above.

Justification:

Oxfordshire County Council space standards outline the area of land needed for secondary schools. This is based on the Government guidance outlined on the ESFA website. This land is required for the secondary school at Banbury 12 (as outlined in the Cherwell Local Plan), which, as discussed above, is necessary to make the proposed development acceptable.

(Also see above)

£207,223 SEN School Contribution to be index linked from 2Q2018 using PUBSEC Index

Towards:

Expansion of SEN provision serving the development.

Justification:

Across Oxfordshire 1.11% of pupils are taught in special schools, and housing developments are expected to contribute proportionately toward expansion of this provision where appropriate.

The nearest SEN school to the development is Frank Wise School, which caters for pupils with Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD). Demand for places at this school is expected to grow quickly due to housing growth in the Banbury area. A new SEN school is also planned in Bloxham, which will cater for pupils with Social, Emotional and Mental Health (SEMH) needs and Autism.

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 1.11% of the pupil generation requiring places at an SEN school. This 1.11% has been deducted from the primary and secondary pupil generation quoted above.

Calculation:

Number of SEN pupils expected to be generated	4.7
Estimated cost per pupil of expanding special schools	£44,090
4.7 * £44,090	£207,223

The above contributions are based on a unit mix of:

- 109 x 1 bed dwellings
- 217 x 2 bed dwellings
- 369 x 3 bed dwellings
- 155 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: Joanne Booker
Officer's Title: School Organisation Officer
Date: 1st August 2019

Application no: 19/01047/OUT

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of Bankside Banbury

Archaeology Schedule

Recommendation:

No Objection subject to the planning conditions below.

Comments:

A geophysical survey and trenched evaluation recorded a range of archaeological features on the site. Only a small amount of dating evidence was recovered but the majority of features are thought to be pre medieval in date. The evaluation and geophysical survey recorded a number of potentially significant archaeological deposits to the southern end of this proposed site including a probable Neolithic cursus and a probable Roman Temple or shrine. This area will need to be preserved in situ and this application proposes to locate the playing fields and car park in this area to achieve this. This is welcome but a method statement setting out how the construction will be undertaken in order to achieve this preservation will need to be submitted and agreed before any works within this area are undertaken.

The surveys also identified a number of enclosures and linear features dated to the later prehistoric and Roman periods. These features will require a programme of archaeological mitigation ahead of any development.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

Planning Conditions:

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

1. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2019).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

3. Prior to the commencement of any development, drainage or any other works, including the removal of top soil, a detailed method statement for the preservation and protection of the Neolithic Cursus and Roman Temple/Shrine during the construction of the playing fields, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.

Reason – To ensure that the archaeological features identified within the area of the proposed playing fields are preserved in situ and not impacted by any drainage or landscaping works associated with the construction of the playing fields.

Officer's Name: Richard Oram

Officer's Title: Planning Archaeologist

Date: 28 June 2019

Application no: 19/01047/OUT

Location: Land North East Of Oxford Road West Of Oxford Canal And East Of
Bankside Banbury

Waste Management Schedule

Recommendation:

No Objection.

Comments:

We acknowledge the consideration towards waste management in section 15.0 and welcome the aims to provide appropriate facilities for composting, recycling and disposal and access for collection vehicles.

At the detailed application stage we expect to see plans for how the developer will design the development in accordance with waste management policies in Cherwell District Council's waste planning guidance.

Enabling the residents of new dwellings to fully participate in district council waste and recycling collections, for example through providing sufficient and convenient storage space for bins both inside properties and externally, will allow Oxfordshire's high recycling rates to be maintained and minimise an increase in residual waste.

Officer's Name: Becky Kenton-Lake

Officer's Title: Waste Strategy Projects Officer

Date: 05 July 2019
