

## Eco Bicester Strategic Delivery Board

<b>Date of meeting: 8<sup>th</sup> October 2015</b>	<b>AGENDA ITEM NO:  9</b>
<b>Report title: Held S106 for transport schemes in Bicester</b>	
<b>Author: Jacqui Cox, Principal Infrastructure Planner, Oxfordshire County Council</b>	
<b>Tel: 07919 298304</b> <b>Email: Jacqui.cox@oxfordshire.gov.uk</b>	

### 1. Purpose of Report

- 1.1 To inform the Board about funding for transport schemes in Bicester currently held by Oxfordshire County Council from developer contributions (S106 agreements).

### 2. Background

- 2.1 The County Council has successfully negotiated significant levels of developer contributions towards transport over the past few decades which have helped to provide various items of infrastructure and service delivery (such as bus service provision). Developer contributions are financial payments made to local planning authorities to ensure that appropriate development can be accommodated without unacceptable burdens being placed upon existing communities and the environment. They help to support all of the Council's four strategic priorities and are crucial to achieving healthy and thriving communities. Contributions can be secured as part of planning obligations under s106 of the Town and Country Planning Act 1990 or through the Community Infrastructure Levy under the Community Infrastructure Levy (CIL) Regulations 2010.
- 2.2 S106 contributions are secured by way of legal deeds known as planning obligations which are negotiated, in the context of planning applications, between local authorities and persons with an interest in a parcel of land (commonly developers or land owners). The planning obligations may be either "agreements" where the local authority is a signatory or "unilateral undertakings" where the developer presents the deed to the local authority (but the local authority is not a signatory). They can be attached to a planning permission to make acceptable a development proposal which would otherwise be unacceptable in planning terms. Planning obligations are also referred to as S106 agreements or developer funding agreements.
- 2.3 In terms of transport contributions, funding has been secured either for specific transport schemes or, up until recent changes to legislation, often agreed towards general transport strategy pots. Since the CIL Regulations of 2010, planning obligations can only be sought where they meet the three tests set out in Regulation 122, in that they must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind.

As a result, contributions are now tied more clearly to specific schemes, although these can sit within a wider transport strategy.

### **3. Held S106 contributions for Bicester**

- 3.1 Appendix 1 details S106 money currently held by Oxfordshire County Council towards transport measures within Bicester and the schemes that it is earmarked for. In total there is £7.85m, and column one shows the specific projects that funding is currently allocated towards. In some cases the allocation is due to stipulations within a particular agreement, such as the park and ride being funded by Bicester Village and the Howes Lane funding which came from the Police Headquarters, whereas others have been allocated from general transport contribution pots following business case submissions for entry onto the capital programme, as is the case with the Market Square allocation. Each agreement has to be read carefully, as even funding that seems to have a level of flexibility can have restrictions and the general rule is to allocate funding to schemes within a reasonable distance of the site that generated the S106.
- 3.2 Some S106 agreements include a time limit known as longstops, within which the County Council has to have used the funding. Many of the past agreements did not include a longstop but current legislation (CIL 2010) means that future funds will need to have been used within a ten year time limit. Where longstops exist against currently held funds these are shown in column three.
- 3.3 Funding is in the process of being allocated towards the bridge over the Charbridge Lane level crossing as the County Council's contribution towards any funding received for this scheme through the Local Growth Fund. The LEP looks for the local authority to put in a level of match funding for successful LGF bids and the general approach of the County Council is to prioritise general funding pots towards such schemes. Further funding allocations towards the south east perimeter road will therefore be identified once the scheme and a preferred alignment have been approved for design work.

### **4. Future planning obligations for Bicester**

- 4.1 Given the large number of current and future development sites in the town there are further contributions which have been or are currently being negotiated (as opposed to the held funding discussed in this briefing note). The CIL regulations have meant that the rules have changed and no more than five contributions can be taken towards any one scheme. It is therefore a more complicated task to determine the best use of contributions from any one particular site to ensure the delivery of schemes. The details of how these funds are to be allocated is subject to further discussions at the County Council and subject to compliance with the Local Transport Plan's Bicester Area Strategy.

### **5. Recommendations**

- 5.1 The Board is recommended to:

Note the information presented on held S106 funding towards transport schemes in Bicester.