

APPENDIX 1 – Heads of Terms for Section 106 Agreement/Undertaking

Planning Obligation			
Detail	Amounts (all to be index linked)	Trigger Points	Regulation 122 Assessment
Off-site Affordable housing	Tbc but would be equivalent to the cost of providing 5 affordable units on site which is 35% of the total, to be delegated to Officers	Tbc but likely prior to the occupation of any unit on site to be delegated to Officers	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant to Policy BSC3 of the Cherwell Local Plan</p> <p>Directly Related – the affordable housing would be provided off-site due to relatively small-scale of the proposal and requirements for registered providers to take on affordable housing on site. The requirement is directly generated from the proposal, above the affordable housing threshold set out in Policy BSC3.</p> <p>Fairly and reasonably related in scale and kind – the contribution will be based upon the Cherwell Local Plan requirement for the percentage of affordable housing and the associated cost of providing this off-site.</p>
Off-site outdoor sports facilities provision at Stratfield Brake	£5,557.76	Prior to the occupation of any unit on site	Necessary - the proposed development will lead to an increase in demand and pressure on existing

Off-site indoor sports facilities provision at Kidlington and Gosford Leisure Centre	£3160.56	Prior to the occupation of any unit on site	<p>services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD.</p> <p>Directly Related – the future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – calculations have been based on the final mix of housing proposed and the likely number of occupants as set out in the Developer Contributions SPD.</p>
Community Hall Facilities	£11,128.00	Prior to the occupation of any unit on site	
Waste and Recycling Facilities	£1,665	Prior to the occupation of any unit on site	<p>Necessary – the dwellings will require adequate recycling facilities and waste collections for future occupants and in accordance with the advice in the Developer Contributions SPD.</p> <p>Directly Related – the need for these comes from the provision of new residential accommodation</p> <p>Fairly and reasonably related in scale and kind – costs in accordance with the advice in the Developer Contribution SPD.</p>
Traffic Regulation Order	£6,255	Likely prior to the occupation of any unit on site, to be delegated to Officers	<p>Necessary – the proposal will place an additional demand on street parking and further management through the provision of double yellow rules around</p>

			<p>Oxford Road/Bicester Road are required to mitigate any harm from off-site parking</p> <p>Directly Related – the need for this arises from the provision of new residential accommodation and a reduction in on-site parking below OCCs standards.</p> <p>Fairly and reasonably related in scale and kind – the costing of this TRO is directly related to the scale of additional yellow lines that required as a result of the scale of the proposed development and reduction in parking below the standard required.</p>
Requirement to monitor the development through the construction and post occupancy stages	N/A	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p>Necessary – in order to ensure that the development is meeting the high standards sought across the district.</p> <p>Directly related – the monitoring is directly related to the development itself</p> <p>Fairly and reasonably related in scale and kind – the monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
CDC and OCC Monitoring Fees	CDC - £1,500	On completion of S106	The CDC charge is based upon its recently agreed Fees and Charges Schedule which set

	OCC- TBC		out that for developments of 10-100 dwellings that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. A registration charge of £500 is also applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the context of the site.
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