

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

| Planning obligation  |                                  |  | Regulation 122 Assessment  |
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| Detail   | Amounts (all to be Index linked) | Trigger points   |  |
| Outdoor Sports (contribution to a new 3G Astro pitch)          | £1.1 Million                     | Prior to construction of Land North of Pingle Fields.  | <p><b>Necessary</b> – Policy BSC10 of the Cherwell Local Plan Part 1 2011-2031 requires that development which would result in the loss of sites will be assessed in accordance with the guidance in the NPPF and NPPG. BSC 11 of the Cherwell Local Plan Part 1 2011-2031 requires the standards of outdoor recreation. There is currently a shortfall in playing pitch, a 3G pitch is required in conjunction with improvements also taking place.</p> <p><b>Directly related</b> – the proposed development would result in the loss of an existing sports field, in which there is a requirement to mitigate against the loss of such a sports provision.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The level to be secured would therefore be fairly and reasonably related in scale and kind to the development and would mitigate against the loss of the sports provision at Oxford Road</p>   |
| Training and Employment Plan to secure 9 apprenticeship starts | NIL                              | TEP to be submitted for approval prior to the implementation of the development. Arrangements to reflect those within the previous S106 for the site | <p><b>Necessary</b> – The CDC Developer Contributions SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts.</p> <p><b>Directly related</b> – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p><b>Fairly and reasonably related in scale and kind</b> –The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site in accordance with the Developer contributions SPD.</p> |

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| Landscape and Play Area Provision  | TBC | TBC        | <p><b>Necessary</b> – to meet the needs generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the Cherwell Local Plan Part 1 2011-2031 and advice in the Developer contributions SPD.</p> <p><b>Directly related</b> – the development generates a need for open space and play provision and in turn this requires ongoing management and maintenance. As such, this requirement is directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The level of provision would be based upon the policy and guidance provisions adopted by the Council. On this basis, the requirement is fairly and reasonably related in scale and kind to the development.</p> |
| S278 Highway works to secure: Middleton Stoney Roundabout improvement.                                     | TBC | TBC        | <p><b>Necessary</b> – The contribution is necessary to provide sustainable transport options and to mitigate the impact of the development on the highway network.</p> <p><b>Directly related</b> – The proposal provides a new car and cycle hub, which exits onto the Middleton/Oxford Road roundabout therefore creating additional demand on the highway network at this location.</p> <p><b>Fairly and reasonably related in scale and kind</b> – This is required in order to mitigate against the impact of the proposed development. The applicant is required to enter into the S278 agreement for the works to be carried out.</p>   |
| Off-Site Active Travel Improvements – improvement of active travel mode connections with Bicester Village. | TBC |            | <p><b>Necessary</b> – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p><b>Directly Related</b> - The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The proposals would ensure a fair and reasonably related contribution in scale and kind is made towards the major infrastructure, also taking into account any infrastructure which is directly delivered.</p>   |
| Improvements to existing footpath/cycle path to the  | TBC | <b>TBC</b> | <p><b>Necessary</b> – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p><b>Directly Related</b> - The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees</p>   |

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| southeastern corner of the site  |                        |            | <p>have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind</b> – The proposals would ensure a fair and reasonably related contribution in scale and kind is made towards the major infrastructure, also taking into account any infrastructure which is directly delivered.</p>  |
| Highway works towards the southeast peripheral road (western section) or a scheme of similar benefit | TBC                    | <b>TBC</b> | <p><b>Necessary</b> - To ensure the development does not result in a severe impact to the highway network.</p> <p><b>Directly related</b> - The future occupiers will put additional demand on the highway network.</p> <p><b>Fairly and reasonably related in scale and kind</b> - The cost will be worked out on the measure of proportionality, and therefore reasonably related in scale and kind.</p>  |
| CDC and OCC Monitoring Fee   | CDC: £5500<br>OCC: TBC |            | <p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 100-250 floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £5,000. 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 complex nature of the site.</p> |