

**24/01908/OUT - APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>35% Affordable Housing</p> <p>National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. The tenure split required by BSC 3 is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 35 dwellings (rounded up) with 25 as rented (rounded up to reflect the high level of identified need) and 10 as Low-Cost Home Ownership.</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary –                      Yes – The site is allocated as part of the Local Plan – Policy BSC3 of the CLP2015 is the relevant policy. Other relevant policies include ESD15 and C28 and C30 in relation to design quality and the integration with market housing. The proposals would not be towards Oxford Unmet Housing Needs and would be directed towards meeting Cherwell’s Housing Register.</p> <p>Directly related –                      Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind –                      Yes – the contribution is the level of the expected affordable housing.</p>
Health	£51,840.00	To be agreed	<p>Necessary –                      Yes – The existing surgery capacity would be enhanced as a result and the proposals would be related to Policies BSC8 and BSC9 of the Cherwell Local Plan 2011-2031.</p> <p>Directly related –                      Yes – the contribution would be towards meeting prescribed need set out in the area and resulting from the development of the</p>

			<p>site. The proposals would be directed towards Bloxham Surgery.</p> <p>Fairly and reasonably related in scale and kind –  Yes – the contribution is based on the delivery of additional capacity expected from the development (144 patients)</p>
Public Art, Public Realm and Cultural Wellbeing	<p>£13,440</p> <p>This includes 5% management and 7% maintenance.</p>	<p>First occupation or alternative agreed trigger</p>	<p>Necessary – SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p> <p>Directly related – The recommendation is that this development could benefit from a piece of art at its entrance or alongside the track. It could be developed in consultation with the local community and the parish council and create an opportunity for a small piece of work to enhance the development. It might also provide a focus or focal point for walkers and residents.</p> <p>Fairly and reasonably related in scale and kind – A developer contribution of £200 per dwelling would be requested plus 5% management and 7% maintenance.</p>

Outdoor Sports Provision	<p>A contribution of £2,017.03 per dwelling will be sought.</p> <p>Example at 60 Dwellings = £121,021.80</p>	The amount to be phased alongside the delivery of the scheme.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing 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 – We are seeking a contribution towards enhancements of formal off-site sports facilities in Bloxham. Projects identified include an adult outdoor gym, improvements to the pitch and pavilion at Bloxham Recreation Ground and pitch improvements at Jubilee Park.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£48,286.08	First occupation or alternative agreed trigger.	Necessary – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the

			<p>sustainability of communities – enhancing quality of existing facilities and improving access.</p> <p>Directly related – We are seeking an off-site indoor sport contribution towards improvements at Woodgreen Leisure Centre and/or indoor sports facilities in the vicinity of Bloxham in compliance with the Council’s Indoor Sports Strategy.</p> <p>Fairly and reasonably related in scale and kind – Calculations based on the Developer Contributions SPD calculation based on a contribution of £335.32 per occupier of each Dwelling with an expected population of 2.4people per dwelling.</p>
Community Hall	£66,120.48	First occupation or alternative agreed trigger	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policies INF1 and BSC 12 and the Developer Contributions SPD. The policies are supported by the Council’s Community Spaces Study</p> <p>Directly Related – The facility will be related to the site and delivered to meet the Council’s Community Spaces and Development Study and could support enhancement in the area.</p> <p>Fairly and Reasonably related in scale and kind - The sum based on the requirement to provide 0.185m2 community space per</p>

			occupier of the Dwellings at a cost of £2,482 per m2.
Open Space Maintenance	Up to:	On transfer of the landscaping/phased contribution payment	<p>Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Committed sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of open space on site.</p>
	LAP £50,279.76		
	LEAP £202,989.56		
	Or		
	LEAP/LAP Combined £228,387.53		
	Public Open Space - £16.09/sq. m		
	Hedgerows - £33.83/lin m		
	New Woodland - £44.54/sq. m		
	Mature Trees £356.21/tree		
	Ditch Maintenance £153.05/lin m		
	Swale Maintenance £153.05/lin m		
Balancing Pond £84.02/sq. m			
Or current contract rates advised by CDC Landscape Team			
Public transport services	£79,560 Public Transport Service Contribution indexed from October 2023 using RPI-x	On first occupation or alternative agreed trigger	<p>Necessary – Policies INF1 and SLE4 are the relevant policies which set out the support for public transport services.</p> <p>Directly related – The contribution is necessary to make the development acceptable in planning terms because the improved service would make</p>

			<p>the destinations of Banbury and Chipping Norton, and the villages in between, more accessible by a sustainable mode of transport.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of development and current public transport services capacity.</p>
S278 and TRO contribution	<p>£3,652 indexed from March 2023 using RPI-x.</p> <p>An obligation to enter into a s278 Agreement will be required to secure mitigation/ improvement works to acquire access and improvement works along the A361 to provide a bus stop hardstanding and flagpole.</p>	<p>This is to be secured by means of a s106 restriction not to implement development (or occasionally other trigger point) until a 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</p>	<p>Necessary – To support the delivery of sustainable modes of transport. A speed limit reduction (from the current national speed limit to 30mph) shall be necessary under a new TRO that should cover the extent of the site access to a suitable point north along Tadmarton Road. The traffic-calming does not necessarily have to be the same as previously proposed. It could, potentially, be a build-out feature with a full-width hump. The applicant will need to propose the measures, to be constructed as part of the S278 works, and have them approved by Road Safety Audit</p> <p>Directly related – Related to the delivery of off-site highway works associated with the development.</p> <p>Fairly and reasonably related in scale and kind – The scale of contribution is related to the level of the development.</p>

<p>Primary and nursery education</p>	<p>£415,316</p> <p>Primary and Nursery School Contribution indexed from BCIS TPI = 327</p>	<p>On first occupation or alternative agreed trigger</p>	<p>Necessary – The development is expected to create the demand for 22 additional places which would need to be provided for in nearby schools.</p> <p>Directly related –The nearest primary school to the proposed development is Bloxham Primary School. At the time of expansion there was insufficient funding to increase the size of all of the school's facilities in line with the standards for a 2 form entry school, and funding is being sought towards the final phase of the expansion. This will create a new, larger, hall and kitchen, and create a studio space to support the delivery of the curriculum. The project has OCC capital governance approval, and planning permission was granted in April 2023. Construction is due to be complete by the end of 2024. This phase of the capital project has been costed at £2.866m. £0.642m of the cost has already been secured through Section 106 funding secured by the Council to mitigate the impact of new housing within the school's catchment area, leaving a shortfall of £2.224m. To avoid further delay in bringing the school's accommodation up to the standard required, the county council has forward funded the balance of the cost, against any future funding received from Section 106 agreements for further development which will benefit from the enlarged school facilities.</p>
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			Fairly and reasonably related in scale and kind – Based on DfE calculation of £18,878 per pupil.
Secondary education	£363,888 Secondary School Contribution indexed using BCIS All-In Tender Price Index Value 327	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 14 additional places which would need to be provided for in nearby schools.</p> <p>Directly related – The site lies in the designated area of Warriner School, which provides 284 places per year group, with a total capacity of 1580 places, but this currently includes reliance on temporary accommodation with a capacity of 120 places. As of January 2024, there were 1555 pupils on roll at the school, and this level of demand is expected to continue, continuing the school's dependency on this temporary accommodation in order to meet demand. This would need to be replaced with permanent build to meet the long term needs of local population growth resulting from housing development.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £25,992 per pupil.</p>
SEN	£35,896 Special School Contribution indexed from TPI = 327	On first occupation or alternative agreed trigger	Necessary – The development is expected to create the demand for the equivalent of 0.4 additional places which would need to be provided for in nearby schools.



			<p>Directly related – Approximately half of pupils with Education Needs &amp; Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £35,896 per pupil.</p>
<p>Waste and Recycling centres.</p>	<p>OCC - £6,113 Household Waste Recycling Centre Contribution indexed from Index Value 379 using BCIS All-in-Tender Price Index</p> <p>CDC - The developer would also be expected to pay for the provision of bins and recycling facilities as part of the development.</p>	<p>On first occupation or an alternative agreed trigger</p>	<p>Necessary: Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times.</p> <p>Directly Related: Will be towards providing waste services arising from the development.</p>

			<p>Fairly and reasonably related in scale and kind.</p> <p>Calculated on a per dwelling basis total land required for current dwellings of 0.18m2 and £101.88 per dwelling.</p>
CDC and OCC Monitoring Fee	CDC: £1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule