

22/03307/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>50% Affordable Housing</p> <p><i>To include 25% First Homes to comply with the Government's policy. This was introduced after the Partial Review was adopted and supersedes it. The tenure split on this site is therefore:</i></p> <ul style="list-style-type: none"> - 70% social rented - 25% First Homes - 5% shared ownership <p>The precise mix to be agreed.</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 Partial Review – Policy PR2 and PR8 are the relevant policies.</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>
OCCG	£259,200.00	50% occupation or an alternative agreed trigger	<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. Additional facilities are expected to be provided at Exeter Close in the first instance however there may also be an opportunity for additional facilities on site and in Yarnton.</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space.</p>

			<p>Fairly and reasonably related in scale and kind – Yes</p>
<p>Public Art, Public Realm and Cultural Wellbeing</p>	<p>£ 58,800</p> <p>This also could be delivered through a public art strategy</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play 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 play an important role in making interesting and exciting places that people enjoy using and for neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create a broader network and</p>

			<p>link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling which includes a 12% for management and maintenance (£) is considered to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	£605,109.00	<p>Phased across the development.</p> <p>Agreed triggers/phasing may be agreed through the course of the s106 drafting.</p>	<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 – An off-site contribution is sought to support the provision of formal outdoor sport facilities in the wider PR8 area and/or enhancements to Little Marsh Playing Fields and other formal outdoor sports facilities in the locality.</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.
Indoor Sports Provision	<p>£241,430.40</p> <p>The development of the secondary school should incorporate the provision of a 4-court sports hall to Sport England specification, made available for out-of-school hours community use. The provision of such a facility would cost (according to County Council figures) £840,000 at a 2Q 2024 base date.</p> <p>Details of the community sport need to be evident in the S106 and a condition is also added. As the development is providing sports hall provision, the contribution requested would be used as part of the delivery process of the development</p>	The amount to be phased across the delivery of the scheme (e.g. the school sports provision).	<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. Contributions would be towards improvements at Kidlington & Gosford Leisure Centre and/or a new facility in the vicinity.</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 will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	<p>£308,358.00</p> <p>A commuted sum should be associated with the community building towards 15 years maintenance, which should be made available to whoever takes ownership.</p>	Trigger to be agreed	Necessary - Requiring a new community facility on site is in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.

	<p>The contribution towards maintenance should be calculated at £298.88 per m².</p> <p>Total commuted sum calculated on 133.20 per m² = £39,810.82</p>		<p>Directly Related – Yes – the proposals will be delivered as part of the Local Centre on the OUD proposals.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development Worker	<p>£34,791.48</p> <p>As the development is between 250 and 500 dwellings, developers are expected to contribute towards the costs of employing a community development worker for 0.4 FTE for 2 years. Costs calculated at Grade G, point 1 £35,647.00 per annum plus 22% on costs. 0.4 of FTE with on costs = £17,395.74 For 2 years</p>	Trigger to be agreed	<p>Necessary - Community development is a key strategic objective of the Cherwell Local Plan. The Local Plan includes a series of Strategic Objectives and a number of these are to facilitate the building of sustainable communities. SO10 is a strategic objective to provide sufficient accessible good quality services, facilities and infrastructure including green infrastructure, to meet health, education, transport, open space, sport, recreation, cultural, social, and other community needs, reduce social exclusion and poverty and address inequalities in health, maximising well-being. Paragraph B.86 of the Local Plan states that the Council wishes to ensure that new development fully integrates with existing settlements to forge one community, rather than separate communities.</p> <p>Directly Related – The contribution shows how the developer will support the initial formation and growth of the community through investment in community development, which enhances well-being</p>

			<p>and provides social structures through which issues can be addressed.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
Community Development fund	£13,500.00	Trigger to be agreed	<p>Necessary – The NPPF (March 2021) paragraph 69 states that planning should aim to achieve places which promote....” opportunities for meetings between members of the community who might not otherwise come in contact with each other”. Paragraph 17 states that planning should “take account and support local strategies to improve health, social and cultural well-being for all and deliver sufficient community and cultural facilities to meet local needs.</p> <p>Directly Related – The contribution towards community development work which will include initiatives to support groups for residents of the development.</p> <p>Fairly and Reasonably related in scale and kind- Yes.</p>
A public transport services contribution	£131,353	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Sustainable Transport Infrastructure	<p>£56,136 to be index linked from October 2021 using RPIX Index– Bus stops.</p> <p>£100,000 to be index linked from December 2023 using RPIX Index – towards design and study for a future railway station.</p> <p>£525,454 to be index linked from June 2022 using Baxter Index- A44 Highway Works Package – Bladon to Begbroke Hill* (under review)</p> <p>£388,850 to be index linked from June 2022 using Baxter Index towards the Mobility Hub* (under review)</p>	<p>First occupation or alternative agreed trigger</p> <p>At 1,500 homes</p>	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual	£1,890 index linked from March 2022 using RPIX Index	At appropriate stages	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs</p>

<p>travel plans over the life of the plans.</p>			<p>costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Public Rights of Way</p>	<p>£21,428 index linked from September 2023 using Baxter index plus on site enhancement</p>		<p>Necessary - 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 improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site, predominantly to the east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as</p>

			<p>anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement.</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Primary and Nursery Education	<p>£2,358,195 index linked from Index Value 327 of BCIS all in TPI index to deliver on site provision.</p> <p>£187,320 index linked from November 2020 using RPIx index plus on site enhancement towards land costs of acquiring the sites.</p> <p>£385,700 towards Primary School transport</p>	<p>Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development and will take into account the local context at that time, but typically, new primary schools within developments of this scale are needed by approximately 400-500 occupations.</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.</p>
Secondary Education	<p>£1,886,906 index linked from Index Value 327 of BCIS all in TPI index Secondary School Contribution</p> <p>£194,186 index linked from November 2020 using RPIx index plus on site</p>	<p>The delivery of the Secondary School complex is shown on the submitted parameter plans. Required timing of delivery of the school(s) is to be confirmed once there is a timescale for the development</p>	<p>Necessary – To deliver on site school capacity in accordance with Policy PR8</p> <p>Directly related – Related to the pupils generated by the development.</p>

	enhancement towards land costs of acquiring the sites	and will take into account the local context at that time	Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil.
SEN Development	£152,560 index linked from Index Value 327 of BCIS all in TPI index.	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. An appropriate trigger will be agreed through the drafting of the s106 Agreement.	Necessary – Approximately half of pupils with Education Needs & 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. Directly related – Related to the expected pupils generated by the development. Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil
Other OCC Transport	Traffic Regulation Order - £3,320 per TRO index linked from March 2022 using RPIX Index	To be agreed	Necessary – The highway improvements are identified through the work on the Transport

			<p>Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>														
Open Space Maintenance	<p>Up to:</p> <table border="1" data-bbox="539 703 1048 1220"> <tr><td>LAP - £50,279.76</td></tr> <tr><td>LEAP - £202,989.56</td></tr> <tr><td>Or</td></tr> <tr><td>LEAP/LAP Combined - £228,387.53</td></tr> <tr><td>NEAP - £493,887.47</td></tr> <tr><td> </td></tr> <tr><td>Public Open Space - £16.09/sq. m</td></tr> <tr><td>Hedgerows - £33.83/lin m</td></tr> <tr><td>New Woodland - £44.54/sq. m</td></tr> <tr><td>Mature Trees £356.21/tree</td></tr> <tr><td> </td></tr> <tr><td>Ditch Maintenance £153.05/lin m</td></tr> <tr><td>Swale Maintenance £153.05/lin m</td></tr> <tr><td>Balancing Pond £84.02/sq. m</td></tr> </table> <p>These figures are the latest available to Officers and may be increased to</p>	LAP - £50,279.76	LEAP - £202,989.56	Or	LEAP/LAP Combined - £228,387.53	NEAP - £493,887.47		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	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 – Commuted 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 –</p>
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	reflect current rates in consultation and during the drafting of the s106.		Contributions are sought in relation to the scale and amount of open space on site.
Library Services	<p>£22,890 index linked from Index Value 349 of BCIS all in TPI index towards expanding capacity at Kidlington library.</p> <p>£6,831 index linked from December 2022 using RPIX index towards library stock at Kidlington library</p>	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library, but it is unable to accommodate such expansion. This development will nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p> <p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per</p>

			1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2. Library stock requirement based on 1.5 items per resident at a cost of £9.12 per item.
Waste and Recycling (OCC)	£169,128 index linked from Index Value 327 of BCIS all in TPI index plus contribution towards the provision of bins for each property/dwelling.	On first occupation or an alternative agreed trigger	<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. The proposed development will provide 300 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 1,200 HWRC visits per year. The provision of bins is considered necessary.</p> <p>Directly Related: Will be towards providing waste services arising from the development.</p> <p>Fairly and reasonably related in scale and kind. Calculated on a per dwelling basis total land required for current dwellings.</p>

Canal Towpath and Bridge	<p>Towpath: £24,129 index linked from October 2023 using Baxter Index</p> <p>Bridge to PR7b - £177,395 index linked from November 2023 using Baxter Index</p>	Appropriate timescale to be agreed	<p>Necessary: Policy PR8 sets out that provision for a pedestrian, cycle and wheelchair bridge over the Oxford Canal to enable the site and public bridleways to be connected to the allocated site at Stratfield Farm (PR7b). The development is likely to lead to a significant increase in additional towpath users, but the towpath in this location is not in a suitable condition to accommodate significant increase in users or provide an attractive active travel route.</p> <p>Directly Related: Yes, mitigation is sought as part of policy PR8 to promote movement and linkages. Yes, towpath is one of the key active travel and leisure routes available for the new development.</p> <p>Fairly and reasonably related in scale and kind Yes, based on the estimated cost for the works apportioned between the appropriate development sites.</p>
Railway Bridge	£203,550 plus associated infrastructure cost.	500 dwellings or otherwise agreed.	Necessary:

	Estimated cost of £4-6m. The bridge is to be direct delivered by the applicant of the larger PR8 site unless there is a change in position from Network Rail during the course of delivery of the development. A proportionate cost towards the delivery of mitigation is required.		<p>Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Other on-site Facilities to be provided on site.	Allotments Play facilities.	To be agreed and in accordance with the Phasing and delivery of the on-site works.	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
OCC Archaeology	£1,423 index linked from July 2023 using RPIX Index towards enhanced display capability at the Museum	To be agreed	Necessary: To ensure historic evidence is appropriately recorded and stored, as appropriate.

	<p>Resource Centre at Stand lake near Witney.</p> <p>£690 index linked from July 2023 using RPIX Index towards the storage of archaeological archives at the Museum Resource Centre</p>		<p>Directly Related: Yes, this is related to archaeological works and investigations on the site.</p> <p>Fairly and reasonably related in scale and kind. Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
Thames Valley Police	£50,976 to fund the future purchase of infrastructure to serve the development.	Trigger to be agreed.	<p>Necessary: Although the caselaw and documents referenced relate to Leicester and have been superseded over time. The contribution is in accordance with the Council's Developer Contributions SPD.</p> <p>Directly Related: Yes, this is related to enhancements to the police infrastructure.</p> <p>Fairly and reasonably related in scale and kind. Ensures that policing of the site occurs.</p>
CDC Monitoring Fee	CDC: £5,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule and OCC based on its OCC adopted scale of fees and charges and bond policy.
OCC Monitoring Fee	OCC: To be confirmed and a bond will be required in accordance with OCC bond policy.		