



Northamptonshire County Council

NCC16

POSITION STATEMENT OF NORTHAMPTONSHIRE COUNTY COUNCIL - SECTION 106 AGREEMENTS

Dated: 19th June 2009

Appeal by Capel House Property Trust Ltd – Land at Monksmoor Farm, Welton Lane,
Daventry. PINS ref: APP/M9570/A08/2082894

Appeal by Croudace Homes Ltd – Land at Church Fields, Long Buckby Road, Daventry.
PINS Ref: APP/Y2810/A/08/2083322/NWF and APP/M9570/A/08/2083327

Appeal by The Danetree Consortium – Land to the East of Daventry and North of the A45.
PINS ref: APP?M9570/A/08/2071505/NWF

1 Introduction

1.1 This Position Statement has been prepared by Northamptonshire County Council (NCC) to address the issue of the Section 106 highways and transport contributions between NCC and each of the three appellants so as to provide the Inquiry with an indication of the current position, areas of outstanding disagreement, and NCC's current position on those areas, so as to assist discussion in the scheduled planning obligations and conditions sessions. Discussions will continue and matters may of course move on between now and the commencement of those sessions.

2 Travel Plan Annual Contributions

2.1 NCC requires two monetary contributions to be paid by developers towards the implementation of the Travel Plan.

- 2.2 The Travel Plan Capital Contribution is the money required to set up the travel plan initiatives to begin with. The Travel Plan Annual Contribution is money required to maintain the travel plan initiatives including the employment of a Travel Plan Co-ordinator.
- 2.3 Each developer is required to produce a travel plan which is approved by NCC. NCC will implement the travel plan initiatives but they will be funded by the developer.
- 2.4 There are various requirements that are to be included into the travel plan including:-
- (a) Incentives for use of public transport by residents, staff, customers and visitors
 - (i) Ticket concessions to customers arriving at leisure facilities by public transport
 - (ii) Incentives for staff to travel to work by public transport:
 - (iii) Interest free season ticket loan for purchase of public transport season tickets
 - (iv) Public transport vouchers for new households
 - (b) Providing publicity about public transport and other sustainable transport options
 - (i) On-site travel information centre (as part of the on-site Management Suite) (staffed/ un-staffed) with direct access for visitors, employees and residents to enquire about travel options
 - (c) Residents Travel Information Pack/ Travel Welcome Pack (to be issued to all new residents and might include:
 - (i) Public transport vouchers
 - (ii) Cycle vouchers
 - (iii) Walking and cycling maps
 - (iv) Information on on-site facilities (leisure, retail, health etc.) to reduce the need for off-site travel
 - (v) Site specific public transport information
 - (vi) Information about Travel Plan and supporting services e.g. car club/ car share
 - (vii) Voucher for a year's free membership to car club
 - (viii) Information on the ownership of less polluting vehicles

- (d) Community website for development with a travel section to encompass journey planner, real time public transport information, information on on-site services
- (e) Travel information handbook for issue to employers on site to then be passed onto employees
- (f) Incentives for walking and cycling
 - (i) Provision of shower and changing facilities at work places
 - (ii) Provision of cycle parking facilities for residents in basement (secure, sheltered, controlled access) (already scoped into site design proposals)
 - (iii) Provision of sheltered and secure cycle parking facilities adjacent to workplaces, supermarket and leisure attractions (at levels which match cycle parking standards and Travel Plan modal share targets)
 - (iv) Vouchers for issuing to new residents (in Residents' Welcome Packs) providing discounts for the purchase of cycles or cycle equipment
 - (v) On-site cycle repair centre/ cycle shop (developer could offer favourable lease terms for this premises)
- (g) Developing and Promoting car sharing for residents and visitors
 - (i) Car club – Developer should negotiate with a private operator to set up a car club for site and might need to offer funding to 'kickstart' this service. Other initiatives which the developer might offer to facilitate the operation of a car club include:
 - (ii) Offering office space on the site at favourable terms to a potential or existing local car club provider on condition that they provide a car club service to residents;
 - (iii) Providing dedicated car club spaces distributed across the site;
 - (iv) Inclusion of car club membership as part of the residents' welcome packs;
 - (v) Issuing of publicity to residents on benefits and means of participating in the car club
 - (vi) Development and maintenance of residents car share planning database on community website
 - (vii) Initiatives for individual employers to encourage car sharing by employees e.g. guaranteed ride home
 - (viii) Dedicated car share spaces in residents' parking area
 - (ix) Dedicated car share spaces on-site at workplaces, retail, leisure and health uses

- (h) Fleet Management
 - (i) The Management Company/ Travel Plan Coordinator shall work with site occupiers to encourage the use of a 'green' fleet vehicle fleet
 - (ii) Provision of information to residents on ownership of less polluting vehicles.
- (I) Monitoring Strategy
 - (i) Annual snapshot surveys of travel modes for site as a whole and for individual uses through a questionnaire survey arranged by the Travel Plan Coordinator
 - (ii) Annual site-wide car parking occupancy surveys
 - (iii) Feedback survey for residents two months after occupation to gain feedback on impact of 'welcome' Travel Plan initiatives e.g. welcome pack, public transport vouchers, cycle vouchers, car club membership.
- (j) Reducing the need to travel
 - (i) Provision for home-working and broadband access in design of residential units. Broadband will also make facilitate access by residents to the community travel information website.
 - (ii) Discounts to residents for use of on-site retail units to discourage off-site travel to these facilities
 - (iii) Promotion of on-site facilities e.g. retail, nursery, health care, fitness clubs, and restaurant on community website / travel information packs etc.
- (k) Residential Sales and Induction Process
 - (i) Sales staff to promote travel arrangements and sustainable access options to residents making enquiries on purchased of properties
 - (ii) Inclusion of public transport information in sales marketing material
- (l) Travel Plan Coordination Strategy
 - (i) Appointment of dedicated Travel Plan Coordinator on site (full time/ part time), at least for first two years following occupation. Duties should include:
 - a. Coordination of Travel Plan delivery
 - b. Promotion and marketing of the Travel Plan to residents, visitors and employers on-site
 - c. Implementation of the monitoring strategy for the Travel Plan and review of the Travel Plan in light of findings
 - d. Regular meetings with Northamptonshire Travel Forums

- e. Coordination between individual occupiers and management company
- (ii) Formation of a Community Travel Forum for the site to comprise of representatives from individual occupiers

2.5 The travel plan contributions have been calculated by NCC's Travel Plan Officer based on previous schemes and costs incurred.

2.6 The Travel Plan Capital Contribution has been calculated based on the travel plan initiatives put forward by the developers. They consist of the costs identified by NCC which will be incurred in setting up each travel plan initiative. The following contributions are required:-

Monksmoor	£291,400
Church Fields	£1,178,700
Danetree	£1,488,700

2.7 The Travel Plan Annual Contributions are required to ensure that the travel plan can continue to be implemented. The Travel Plan will be implemented over the time the development is taking place and for two years after completion. This is to ensure that all purchasers have the opportunity to speak to the travel plan coordinator on the site and receive all the information necessary to understand the options available to them. Without all purchasers being provided with such possibility the likelihood of meeting mode shift is significantly reduced. The following annual contributions are sought from the appellants:-

Monksmoor	£18,600
Church Fields	£55,900
Danetree	£55,900

3. Bus Services and Contribution

3.1 Each appellant is required to provide bus services in the development from first occupation on the site. It is intended that the bus services will be funded by the appellant until the service becomes self-funding.

3.2 The provision of bus services is linked to house occupations. As occupation of dwellings increases the frequency of the buses will increase.

3.3 NCC's Bus and Rail Development Officer has produced a schedule of bus requirements for each site.

3.4 The appellants are also required to pay a bus service contribution towards the provision of bus shelters and real time display unit equipment.

4. Local highway Network Improvements

4.1 As well as impacting on the A45 it is also anticipated that a number of junction and link improvements and bus priority measures will be required in Daventry to accommodate the increased traffic generated by new development. Depending on the developments that are given permission the improvements will vary as set out in the various Options in NCC 2. A summary of the overall indicative costs is at Table 6.4 of NCC 2 which comprise junction, link and bus priority measures. Estimated contributions have been produced based both on the RSS8 figure (6,200 dwellings), if both Church Fields and Danetree obtain planning permission and if all 3 developments are given planning permission.

4.2 The individual costs for each improvement have been identified in Tables 6.1, 6.2 and 6.3 of NCC 2. Overall costs estimated appear at Table 6.4 of NCC2.

4.2.1 Junction Improvements

4.2.1.1 The local highway network improvements include various junction improvements depending on which sites obtain planning permission. Cost estimates for these improvements appear at Table 6.1 of NCC2.

4.2.1.2 At present, with the absence of a DPD, it is not possible to identify all junction improvements that will be required in Daventry should only one of the sites, or Monksmoor and one of the other appeal sites, be approved and future development takes place in locations which are not yet known. It is estimated in a pro rata basis in relation to the figure of £1.38 million estimates to accommodate 10,150 dwellings (Option) that to accommodate an increase of 6,200 dwellings in the town junction improvements will cost £0.84 million (a cost of £135.48 per unit).

4.2.1.3 If Danetree and Church Fields were to obtain planning permission the cost of all necessary junction improvements is estimated to be £1.19m, a cost of £130.05 per unit.

4.2.1.4 If all three appeal sites were to receive planning permission the cost of all necessary junction improvements is estimated to be £1.38 million, a cost of £135.96 per unit.

4.2.2 **Link Improvements**

4.2.2.1 Various link improvements have also been identified if any development in Daventry is approved. The cost estimates for these improvements appear at Table 6.2 of NCC2.

4.2.2.2 As with the junction improvements, should only one of the sites, or Monksmoor and one of the other two sites, obtain planning permission so that further development will be required at as yet unknown locations, it has not been possible to identify specific link improvements required. Assuming a figure of 6,200 houses and making a pro rata adjustment to the figure of £2.78 million to deal with Option 1, it is estimated that improvements will be required at a cost of £1.698 million. This is a per unit cost of £273.87.

4.2.2.3 If Danetree and Church Fields were to receive planning permission the cost of all necessary link improvements is estimated to be £2.78m, a cost of £303.83 per unit.

4.2.2.3 If all of the appeal sites receive planning permission £2.78 million of link improvements will be required, at a cost of £273.89 per unit.

4.2.3 **Bus Priority Measures**

4.2.3.1 In order to enhance the chances of the developments meeting the applicable mode shift target for the new development, and to make the bus an attractive alternative to the car, the introduction of new bus priority measures around Daventry are required. Indicative costs for such measures are provided at Table 6.3 of NCC2.

4.2.3.2 As with the junction and link improvements it has not been possible to identify all bus priority measures that are required should only one of the sites, or Monksmoor and one of the other appeal sites, receive planning permission and

so that further development is still required to meet the RSS8 figures. Again applying a pro rata approach to the figure for Option 1, it has been estimated that bus priority measures costing in the region of £3.36 million will be required for 6,200 dwellings (£541.94 per dwelling).

4.2.3.3 If Danetree and Church Fields were to receive planning permission the cost of all necessary bus priority improvements is estimated to be £5.5m, a cost of £601.09 per unit.

4.2.3.4 Should all 3 appeal sites receive planning permission, the estimated cost of the bus priority measures is £5.5 million, which is a per unit cost of £541.87.

4.3 **Total Contribution**

4.3.1 In a scenario where not all three developments obtain permission, NCC's position is that it is not appropriate to consider the development which obtains permission simply in isolation in terms of its impact and its specific package of mitigating measures under Table 6.4 in NCC 2. This is because it has to be assumed that further development will occur in Daventry in accordance with regional policy and what will have to be addressed is the cumulative impact. To allow development now to simply mitigate its own impact, which viewed in isolation may be relatively modest would be to allow that development to utilise currently available capacity on the network to the prejudice of future developers. This is addressed in the Rebuttal of Graham Reeve (NCC 11 section 5 and NCC 12 section 4). If the necessary road infrastructure in Daventry was being considered in the context of the DPD, then in NCC's view the necessary works and expenditure would be identified and a mechanism developed to apportion that cost between development coming forward under the DPD policies.

4.3.2 In a situation where only one of the sites, or Monksmoor and one of the other appeal sites, obtain permission, NCC's position is, as for the by-pass, that it will be necessary to estimate a maximum contribution from the developments based on an assumed number of dwellings (for example 6,200) and an assumed overall package of mitigation required, and to have a mechanism for adjustment thereafter in the light of the DPD process and actual development coming forward. On that basis it is anticipated that highway improvements to Daventry will cost in the region of £5.9 million, to be divided between 6200 dwellings producing a figure of £951.61 per dwelling.

4.3.3 If less than 6200 dwellings this would result in the following contributions by each appellant:-

Monksmoor	1000 houses	£951,290
Church Fields	4000 houses	£3,805,160
Danetree	5150 houses	£4,899,143

4.3.4 If Danetree and Church Fields were approved this would result in the following contributions by each appellant:-

Church Fields	4000 houses	£4,139,880
Danetree	5150 houses	£5,330,095

4.3.5 If all three sites were approved the following contributions by each appellant:-

Monksmoor	1000 houses	£951,720
Church Fields	4000 houses	£3,806,880
Danetree	5150 houses	£4,901,358

5. Strategic Highway Contributions

5.1 These contributions, which are distinguished from individual mitigation measures in terms of site access, can be divided into two areas:-

- a) The proposed Weedon, Flore, Upper Heyford Bypass
- b) Other mitigation measures to the Daventry road network

5.2 The Bypass

5.2.1 It is generally accepted that the A45 corridor and the A5/A45 Weedon Junction are unable to cope with the additional traffic which would be generated by new development in Daventry.

5.2.2 NCC's position is that an improvement to the A5/A45 junction in Weedon does not represent either a permanent or a tenable temporary solution, and that a major improvement is required in the form of the Weedon, Flore and Upper Heyford Bypass.

5.2.3 At present funding for such a bypass is not available from public resources. Public funding for the bypass is unlikely to be provided before 2019 and cannot

be guaranteed at all. The absence of funding for this essential transport infrastructure therefore represents a serious constraint to any further urban development at Daventry. Whether the bypass should be publicly or privately funded can be debated, but this will not assist in how that constraint is to be addressed at this inquiry, given the current absence of public funding and uncertainty as to when such funding may become available, or whether it will become available at all. In order to ensure a bypass can be delivered and development can be promoted in Daventry, NCC have proposed as a pragmatic solution that a single-carriageway bypass is privately funded by developers, with any future dualling of the bypass being provided by public funds. NCC views it as much more likely that public funding may be obtained for such future upgrading, where a by-pass capable of being upgraded has been provided (or can be shown to be capable of being provided) from funding from development.

5.2.4 NCC has estimated that the single-carriageway bypass (with the provision for future dualling) will cost £49.637 million. This includes a 44% optimism bias due to the bypass being at a very early programme entry stage.

5.2.5 In a situation where the growth of Daventry was being considered through the DPD process, NCC would anticipate that the bypass would have to be considered as part of the necessary infrastructure to allow such growth and that the issue of contributions to funding would have to be addressed as part of that process in order to establish the soundness of the plan. In such a situation NCC would anticipate that all developments in Daventry that receive planning permission under the DPD would contribute to the cost of the bypass and that a mechanism would be established by which such contributions would be quantified. This might be on the basis of a per unit contribution for residential development and might also include a size-related contribution for commercial development. The challenge faced by this inquiry is that no such mechanism is in place and it is not the role of this inquiry to seek to devise such a system. It may therefore be necessary, in practical terms, to take a simple approach which would provide a ceiling figure for contributions by such developers as may obtain permission as a result of this inquiry, with provision for adjustment of those figures in the light of the DPD and of future contributing development.

5.2.6 Using as an example the proposed development figures set out in RSS8 it is anticipated that 6200 dwellings are to be built in Daventry by 2021. Adopting that figure would provide a unit cost of £8005.96 per dwelling. If more dwellings

were to be constructed the amount of contribution would reduce. Also if any future agreed tariff included contributions from commercial development, then again that contribution would reduce.

5.2.7 Accordingly if less than 6200 dwellings of the appeal developments obtained permission the following contributions would be required:-

Monksmoor	1000 houses	£8,005,596
Church Fields	4000 houses	£32,023,870
Danetree	5150 houses	£41,230,733

5.2.8 If only Danetree and Church Fields appeal sites obtain permission the contribution per dwelling will be reduced to £5424.81 (£49.637 million divided between 9,150 dwellings). This would result in the following contributions by the appellants:-

Church Fields	4000 houses	£21,699,240
Danetree	5150 houses	£27,937,771

5.2.9 If all 3 appeal developments obtain permission the contribution per dwelling will be reduced to £4890.34 (£49.637 million divided between 10,150 dwellings). This would result in the following contributions by the appellants:-

Monksmoor	1000 houses	£4,890,344
Church Fields	4000 houses	£19,561,137
Danetree	5150 houses	£25,852,758

5.2.10 As indicated above, NCC would propose that these figures would be subject to adjustment downwards in the light of future contributions received from residential and possibly commercial development (if the DPD makes provision for contributions to be collected from commercial development) if these result in a lower per unit figure. The Section 106 provisions would also include clawback provisions which will allow for any unspent money to be repaid to the contributing developers. To assist the inquiry with the form of wording to be used Appendix A contains the proposed clauses suggested by NCC in recent discussions regarding the Section 106. These are offered as a starting point for discussion.

5.2.11 In order to allow some development to take place before the bypass is built NCC has indicated that they are willing to accept some amount of increased traffic on the road network but only on the condition that a funding mechanism has been put in place which will ensure timely delivery of the bypass. In NCC's view,

whilst there is inevitably some uncertainty related to the design, planning, CPO and construction processes relating to the bypass, provided there is a funding mechanism in place, it cannot be said that there is no prospect of the bypass being delivered and hence a Grampian condition could be imposed to limit the quantum of development prior to the bypass being opened.

5.2.12 The drafting of such a condition would have to be the subject of discussion at the inquiry, but NCC is satisfied that an appropriate form of wording to satisfy the tests for conditions can be devised. A sample form of wording can be found at Appendix B again as a starting point. The key issues are the quantum of development to be allowed prior to the condition being satisfied and what would be the trigger for the condition being satisfied. Trigger point analysis for link capacity is given at Table 5.8 of NCC 2 which could be used as a basis for determining the appropriate quantum on the various possible permutations of permitted development. NCC is however aware that in terms of junction capacity the A5/A45 crossroads is already at capacity and that this represents a further constraint. It is also the case that whilst the Trigger Point analysis for link capacity at Table 5.8 identifies the year based on projected traffic growth and build-out rates in which a bypass would be required, and how that equates to the number of dwellings completed, on some scenarios, the need would be triggered before the bypass could be physically completed, assuming a programme for completion in 2018.

5.3 **Other Mitigation measures to the Strategic Road Network**

5.3.1 Further work is required on the Strategic Road Network in relation to the A5 Junctions 5 and 9 and at the M1 Junction 16.

5.3.2 Ian Braddock, in his evidence, has provided a cost estimate of £11.9 million for the improvements required to the M1 Junction 16 roundabout and a cost of between £0.53 million and £2.98 million for improvements to trunk road junctions effected by the developments.

5.3.3 NCC would collect the money for the junction improvements under a Ringmaster arrangement in the Section 106.

5.3.4 Based on the upper cost estimates provided, and using the same method of dividing payments as set out in Paragraph 4.2.6 the contributions expected from each development (£2400 per dwelling) should one or more get planning

permission (and where the total number does not exceed the RSS8 figure) would be:-

Monksmoor	1000 houses	£2,400,000
Church Fields	4000 houses	£9,600,000
Danetree	5150 houses	£12,360,000

5.3.5 If Danetree and Church Fields alone were to receive planning permission the per unit figure would be £1626 per dwelling. The total contribution required would be:-

Church Fields	4000 houses	£6,504,000
Danetree	5150 houses	£8,373,900

5.3.6 If all three developments were to receive planning permission the per unit cost would reduce to £1466 per dwelling (in accordance with the explanation provided in Paragraph 4.2.8) and the following contributions would be expected:-

Monksmoor	1000 houses	£1,466,000
Church Fields	4000 houses	£5,864,000
Danetree	5150 houses	£7,549,900

5.4 **Total Contribution To the Strategic Highway Network**

5.4.1 In total the following contributions are required from the appeal sites:-

(a) If one or two development obtain planning permission but the number does not exceed the RSS8 figure of 6200 dwellings.

Cost per unit of £10,405.96

Monksmoor	1000 houses	£10,405,596
Church Fields	4000 houses	£41,623,870
Danetree	5150 houses	£53,590,733

(b) If only Church Fields and Danetree obtain planning permission and 9150 dwellings are to be built:-

Cost per unit of £7050.81

Church Fields	4000 houses	£28,203,240
Danetree	5150 houses	£36,311,671

(c) If all three developments obtain planning permission and 10150 dwellings are to be built.

Cost per unit of £6356.34

Monksmoor	1000 houses	£6,356,344
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Church Fields	4000 houses	£25,425,137
Danetree	5150 houses	£32,735,151

6 **Monksmoor**

6.1 Discussions with Capel House Property Trust Limited have taken place in relation to the Section 106 contributions.

6.2 **Education**

6.2.1 Contributions in relation to education provisions (both primary and secondary school provisions) have been agreed. It is understood that a draft Section 106 agreement has been submitted by Monksmoor to the inquiry. This Section 106 agreement includes the agreed education provisions.

6.3 **Highways and Transport**

6.3.1 Walking and Cycling Provisions

It has been agreed that the developers will produce a Walking and Cycling Plan which is to be agreed by NCC and the works will be carried out by the developer under a Section 278 agreement.

6.3.2 Bus Service Contribution

It has been agreed that a bus service contribution will be paid by the appellants in relation to two bus services to be provided to the site (as agreed by NCC) and towards bus stop facilities.

6.3.3 Travel Plans

It has been agreed that the appellants will produce an agreed travel plan and both capital and annual contributions for its implementation.

6.3.4 Local Highway Network Contribution

At present there is no agreement regarding a local highway network contribution. Section 3 this Position Statement sets out how the contribution has been calculated by NCC and the reasoning behind such calculation.

6.3.4.1 NCC consider it reasonable for the appellants to contribute towards the local highway network. The contribution required is £951.61 per dwelling and includes junction and link improvements and bus priority measures.

6.3.4.2 NCC are confident that their approach is in line with paragraph B21 to B24 and B33 to B35 of the ODPM Circular 05/2005, where a tariff approach with pooled contributions is advocated, and is consistent with the approach taken by other local highway authorities (as set out in paragraphs 4.1 to 4.16 of Graham Reeve's Rebuttal Proof of Evidence (NCC12)).

6.3.5 Strategic Highway Contribution

At present there is no agreement regarding a strategic highway contribution. Section 4 of this Position Statement sets out how the contribution has been calculated and the reasoning behind the calculation.

6.3.5.1 At present the only way a bypass can be achieved in order to allow development at Daventry is for it to be 100% privately funded. It is the view of NCC that the funding tariff put forward is fair and proportionate and would provide a degree of certainty that a bypass could be delivered in the future. Such reassurance will allow development to take place. Paragraphs 4.17 to 4.28 of Graham Reeve's Rebuttal Proof of Evidence (NCC12) set out NCC's position in relation to the payment of the contribution.

7. **Church Fields**

7.1 Discussions with Croudace Homes Limited have taken place in relation to the Section 106 contributions.

7.2 **Education**

Contributions in relation to education provisions (both primary and secondary school provisions) have been agreed.

7.3 **Highways and Transport**

7.3.1 Walking and Cycling Provisions

The need for the creation or improvement of pedestrian and cycle routes connecting the appeal site with Daventry town centre and employment areas is not disputed but it is not clear if this is to be achieved by condition or by a contribution. Further clarification is necessary to determine whether or not there is dispute

7.3.2 Bus Service Contribution

It has been agreed that a bus service contribution will be paid by the appellants in relation to the bus services to be provided to the site (as agreed by NCC) and towards bus stop facilities. However, the appellants do not agree the level of bus service enhancement required by NCC and have sought to impose a financial “cap” of £550,000 neither of which are acceptable.

7.3.2.1 There is also some dispute over the bus service provisions to be provided on the site. Discussions on going in relation to these issues.

7.3.3 Travel Plans

It has been agreed that Church Fields will produce a travel plan (which is agreed by NCC) and will pay the Travel Plan Capital Contribution in order for the plan to be implemented.

7.3.3.1 NCC also require a travel plan annual contribution to be made of £55,900 for a total period of 15 years. This time period will cover the construction and occupation of the first phases of houses and will allow the travel plan to be implemented throughout the first occupation of the development. In order for the travel plan to be successful and for mode shift to be achieved it is necessary for the travel plan to be place for a significant period of time. It is accepted by NCC that it would not be reasonable for the travel plan to be implemented indefinitely so a time scale of the length of the development plus two years is felt acceptable to allow for all first occupants of the dwellings to be made aware of the options available in relation to travel.

7.3.4 Local Highway Contributions

At present there is no agreement regarding a local highway network contribution. Section 3 this Position Statement sets out how the contribution has been calculated and the reason behind such calculation.

7.3.4.1 NCC consider it reasonable for the appellants to contribute towards the local highway network. The contribution required is £951.61 per dwelling and includes junction and link improvements and bus priority measures. The contribution offered by the appellant (£111 per dwelling) is not, therefore, acceptable

7.3.4.2 NCC are confident that their approach is in line with paragraph B21 to B24 and B33 to B35 of the ODPM Circular 05/2005, where a tariff approach with pooled contributions is advocated, and is consistent with the approach taken by other

local highway authorities (as set out in paragraphs 5.1 to 5.17 of Graham Reeve's Rebuttal Proof of Evidence (NCC11)).

7.3.5 Strategic Highway Contribution

At present there is no agreement regarding a strategic highway contribution. Section 4 of this Position Statement sets out how the contribution has been calculated and the reason behind the calculation.

- 7.3.5.1 At present the only way a bypass can be achieved in order to allow development at Daventry is for it to be 100% privately funded. It is the view of NCC that the funding tariff put forward is fair and proportionate and would provide an acceptable degree of certainty that a bypass could be delivered in the future. Such reassurance will allow development to take place. Paragraphs 4.17 to 4.28 of Graham Reeve's Rebuttal Proof of Evidence (NCC11) set out NCC's position in relation to the payment of the contribution.

8 **Danetree**

- 8.1 Limited discussions with the Danetree Consortium have taken place in relation to the Section 106 contributions.

- 8.2 A meeting was held on the 26th January at WNDP's offices with Danetree Consortium to discuss the Section 106 heads of terms. It was agreed that the appellants would produce a draft Section 106 agreement for discussion.

8.3 **Education**

Proposed clauses were received in relation to the education provisions. Contributions in relation to education provisions (both primary and secondary school provisions) have been agreed.

8.4 **Highways and Transport**

No draft clauses have as yet been received from Danetree in relation to highway contributions.

8.4.1 Walking and Cycling Provisions

There is a requirement for the appellants to produce a Walking and Cycling Plan which is submitted to, and agreed by, NCC.

- 8.4.1.1 The Walking and Cycling Plan shall identify routes for walking and cycling through the development to provide links to key destinations, integrate and

provide connectivity with existing off-site walking and cycling routes and walking and cycling routes proposed in conjunction with the development of adjoining land and on-site roads and footways adopted or prospectively adoptable under the terms of any existing or proposed agreement under s.38 Highways Act 1980 and include an Implementation Plan which shall include a programme and timetable for the completion of the walking and cycling works.

8.4.1.2 The appellants will be required to carry out any works necessary under a Section 278 agreement at their own cost or make a financial contribution to NCC to carry out the works.

8.4.2 Bus Service Contribution

Discussions are still ongoing in relation to the bus services which are required to serve the Danetree development and the bus service contribution required.

8.4.3 Travel Plans

A framework travel plan has been submitted by Danetree. The appellants will be required to submit a detailed travel plan for approval by the local planning authority, in consultation with the local highway authority, before first occupation occurs.

8.4.3.1 The appellants are also required to make a travel plan capital contribution of £1,488,700 to cover the initial start up costs incurred and an annual contribution of £55,900 for a total period of 15 years to support the implementation of the plan.

8.4.4 Local Highway Contributions

As stated in Section 3 a local highway contribution is required towards the junction and link improvements and bus priority measures identified in Daventry. A contribution of £951.61 per dwelling is required.

8.4.5 Strategic Highway Contribution

As stated in Section 2 a strategic highway contribution is required from the appellants. A contribution of £10,405.96 is required to be paid.

8.4.5.1 Discussions are ongoing with Danetree regarding the proposals set out in their DANE15 document in relation to partial forward funding of the bypass (payment of the construction costs of the bypass).

Appendix 1

Section 106 Clauses – Strategic Highway Contributions

“Scheme Consent” means in respect of any scheme for the provision of Strategic Highway Improvements the following:-

1. The grant of any necessary planning consent
2. The confirmation of any necessary compulsory purchase order and associated side roads order under ss 14 & 125 Highways Act 1980

“Strategic Highways Improvements” means highway improvements within the A.45 corridor (which may include a by-pass of the villages of Weedon Flore and Upper Heyford) between Daventry and the M1 junction 16

“Strategic Highways Contribution” means a contribution calculated at the rate of [£] per dwelling index linked to be applied by NCC towards the Strategic Highway Improvements .

- 1 Prior to any Commencement of Development the Owner shall open an interest-earning escrow account with a bank previously approved in writing by NCC for the benefit of NCC and the Owner and shall pay into such escrow account the Strategic Highway Contribution in accordance with the provisions of paragraph 2 PROVIDED THAT any interest accruing on any monies in the escrow account shall belong to and be to the benefit of the Owner and those monies that represent the Strategic Highway Contribution in the escrow account shall be for the benefit of NCC who shall be entitled to draw against them pursuant to the provisions of paragraph 4 below SAVE THAT any monies that represent the Strategic Highway Contribution remaining in the escrow account in the circumstances where paragraph 6 applies shall be deemed to belong to the Owner.
- 2 The Owner shall be free to make payments of the Strategic Highway Contribution into such escrow account by such amounts and at such times as they shall determine subject to the following overriding requirements:
 - 2.1 10% in total shall have been paid into the escrow account prior to the first Occupation of the 100th Dwelling or by the 31st December 2014 whichever is the sooner

- 2.2 10% (resulting in 20% in total having been paid into the escrow account) shall be paid no later than 28 days of the date that NCC notifies the Owner in writing that Scheme Consent has been achieved or by the 31st December 2015 whichever is the later
- 2.3 40% (resulting in 60% in total having been paid into the escrow account) shall be paid no later than 28 days of the date that NCC notifies the Owner in writing and providing evidence that contracts have been let for the works for which the Scheme Consent has been obtained.
- 2.4 40% (resulting in 100% in total having been paid into the escrow account) shall be paid no later than 28 days of the date that NCC notifies the Owner that the works for which the Scheme Consent has been obtained have Implemented (where for the purposes of this Part [] “Implemented” shall mean the carrying out of a material operation as specified in Section 56(4) of the Planning Act)

PROVIDED ALWAYS THAT the Owner shall not be required to make any of the payments referred to in paragraphs 2.1, 2.2, 2.3 and 2.4 unless and until Commencement of Development shall have occurred.

- 3 NCC shall be entitled to request the Owner to vary the date for payment of the contribution instalments referred to in paragraphs 2.1 and 2.2 as follows:
- 3.1 Provided Commencement of Development has occurred NCC shall be entitled to request the Owner to bring forward the date for payment of the contribution instalment referred to in paragraph 2.1 above and the revised date for payment shall be agreed as between NCC and the Owner and in the event of disagreement the provisions of clause 8 shall be applied;
- 3.2 In the event that Commencement of Development occurs after the 31 December 2014 but Scheme Consent has not been achieved at the date Commencement of Development occurs then the payment referred to in paragraph 2.1 shall be made on a date to be agreed between the Owner and NCC which shall be not later than first Occupation of the 100th Dwelling and in the event of disagreement the provisions of clause 8 shall be applied;
- 3.3 Provided Commencement of Development has occurred and the Scheme Consent has been achieved NCC shall be entitled to request the Owner bring

forward the date for payment of the contribution instalment referred to in paragraph 2.2 to a date 56 days after the Owner receives written notification that Scheme Consent has been achieved (unless a later date shall be agreed as between the Owner and NCC) and where Commencement of Development has yet to occur when Scheme Consent is obtained the payment date shall be set at 28 days after Commencement of Development.

- 4 NCC may draw down from the said escrow account such sums and at such intervals as are in its reasonable opinion necessary to meet expenditure properly incurred or to be incurred by it having regard to the provisions of paragraph 5 SUBJECT in every case to written notice not less than 28 days prior to the drawn down date having been given by NCC to the Owner where such notice shall set out:
 - 4.1 the amount of the drawing down; and
 - 4.2 the purpose of such drawing down; and
 - 4.3 written evidence of expenditure incurred; or
 - 4.4 where the draw down is in anticipation of expenditure being incurred a breakdown of the details of the proposed expenditure
- 5 NCC covenants with the Owner to apply the Strategic Highway Contribution only to Strategic Highway Improvements and to planning, design, land acquisition costs and supervision costs necessary for the implementation of the Strategic Highway Improvements.
- 6 For the purposes of clause 17.2 the Strategic Highway Contribution or any part thereof shall be repaid to the party that paid the said contribution on demand and there shall be no obligation to make further payments in the following circumstances
 - 6.1 If at any time a decision is taken by NCC not to implement the Strategic Highway Improvements
 - 6.2 If after 10 years from the date upon which Scheme Consent has been obtained Commencement of Development has not occurred or there has been no award of any contract for the carrying out of the Strategic Highway Improvements

- 6.3 If after the completion of the Strategic Highway Improvements there are any monies remaining in the said escrow account the balance shall be considered to be surplus and shall be repaid to the party that paid the said contribution.
- 6.4 If Scheme Consent has not been obtained by 31st December 2016 SAVE THAT if an application for Scheme Consent has been made before that date but is still undetermined repayment shall not be made until such application has been finally determined and Scheme Consent refused
- 7 NCC covenant with the Owner that after the drawn down of any monies in anticipation of expenditure being made pursuant to paragraph 4 above NCC shall upon the prior written request by the Owner within 56 days of such written request having been made provide the Owner with written evidence of the actual costs incurred.
- 8 NCC covenant with the Owner that where actual costs are less than the amount drawn down in anticipation of expenditure NCC shall repay such monies back into the escrow account within 56 days of the expenditure having been made.

Appendix 2

Grampian Condition – Strategic Highway Network

“In this condition the expression “the By-pass” shall mean:

- (a) a single carriageway by-pass with associated junctions, with structures built, and with associated land within the Control of Northamptonshire County Council, to allow for a dual carriageway road to be provided, and constructed to **[specify relevant standard]** on the A45 east of Daventry around the villages of Weedon, Flore and Upper Heyford, the proposed alignment of which is shown for indicative purposes on **Drawing Number [Reference] dated [date]**, together with

- (b) an associated junction improvement at the M1 motorway (junction 16), details of the design and capacity testing of this junction must be submitted to the Highways Agency and Northamptonshire County Council, to the satisfaction of both ‘NCC’ and ‘HA’ , using the most up to date traffic flows to be agreed with ‘NCC’ and ‘HA’, shown for indicative purposes on **Drawing Number [Reference] dated [date]**.

- (1) Not more than [] of the dwellings hereby permitted shall be occupied until Northamptonshire County Council has confirmed that the following events have occurred in respect of the “By-pass”:-
 - a) Planning consent for the by-pass has been obtained, and;
 - b) All necessary funding has been secured, and;
 - c) A Compulsory Purchase Order has been made and confirmed for all land necessary for the construction of the by-pass.

- (2) Not more than [] of the dwellings hereby permitted shall be occupied until the By-pass has been upgraded to dual-carriageway standard.

Reason: In the interest of highway safety and strategic network requirements.”