

Swavesey – Middlewatch (S/0053/17/OL)

Appendix 1 - Heads of terms for the completion of a Section 106 agreement

Swavesey – Middlewatch (S/0053/17/OL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rent and 30% Intermediate
Local connection criteria	The first 8 properties should be allocated to those with a local connection to Swavesey and the remaining should be allocated on a 50/50 split basis between applicants with a District wide connection

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years and Primary School	CCC	£195,496.84
Secondary School	CCC	£236,159
Libraries and lifelong learning	CCC	£5,061
Transport	CCC	£68,000
Sports	SCDC	£70,000
Children's play space (older children)	SCDC	£15,000
Indoor community space	SCDC	£35,000
Household waste bins	SCDC	£5,200
Monitoring	SCDC	£3,000
Healthcare	SCDC	£23,040
TOTAL		£655,957
TOTAL PER DWELLING		£9,370.81

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Local equipped area for play	SCDC	At least 9 items of play equipment serving 2-8 year olds

Planning condition infrastructure summary:

Item	Beneficiary	Summary
Pedestrian crossing	CCC	Provision of a pedestrian crossing across Middle Watch to be provided to improve connectivity from the development to the primary school and recreation ground.
Bus stops	CCC	Upgrading of bus stops adjacent to the entrance to the site on Middle Watch to encourage occupants of the

Swavesey – Middlewatch (S/0053/17/OL)

		development to use alternatives to the private car.
Footpath improvements	CCC	Improve footpath links to the facilities available in the village to enhance the sustainability of the development.

Swavesey – Middlewatch (S/0053/17/OL)

CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1																				
Type	Early years																				
Policy	DP/4																				
Required	YES																				
Detail	<p>According to County Council guidance the development is expected to generate a net increase of 21 early years aged children of which 11 would be eligible for s106 contribution and 25 primary school places.</p> <p>This development is expected to contribute towards the project to increase the capacity of the early year's facility at Swavesey Primary School. The catchment school is Swavesey Primary School.</p> <p>In May 2013, Cambridgeshire County Council identified a 3 classroom primary school extension and 2 pre-school classroom extension to replace 3 temporary classrooms at Swavesey Primary School to accommodate the growing primary school aged population in the catchment arising from natural growth in the population and the impact of new housing developments.</p> <p>The project has been costed at £2,350,000 (CCC Capital Programme 2016-2017 Ref. A/C.01.011).</p> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td>Scheme cost</td><td style="text-align: right;">£2,350,000</td></tr> <tr> <td>less non s106 items</td><td style="text-align: right;">£404,820</td></tr> <tr> <td>subtotal</td><td style="text-align: right;">£1,945,180</td></tr> <tr> <td>less 2/5th of work</td><td style="text-align: right;">£1,167,108</td></tr> <tr> <td>subtotal</td><td style="text-align: right;">£778,072</td></tr> <tr> <td>less Boxworth End early years</td><td style="text-align: right;">£72,595</td></tr> <tr> <td>less Boxworth End primary school</td><td style="text-align: right;">£261,166</td></tr> <tr> <td>subtotal</td><td style="text-align: right;">£444,311</td></tr> </table> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td>Middlewatch 70 dwellings (@44%)</td><td style="text-align: right;">£195,496.84</td></tr> <tr> <td>Boxworth End 90 dwellings (@56%)</td><td style="text-align: right;">£248,814.16</td></tr> </table>	Scheme cost	£2,350,000	less non s106 items	£404,820	subtotal	£1,945,180	less 2/5th of work	£1,167,108	subtotal	£778,072	less Boxworth End early years	£72,595	less Boxworth End primary school	£261,166	subtotal	£444,311	Middlewatch 70 dwellings (@44%)	£195,496.84	Boxworth End 90 dwellings (@56%)	£248,814.16
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Quantum	£195,496.84																				
Fixed / Tariff	Fixed																				
Trigger	<p>50% of the contribution upon commencement of development</p> <p>50% payable prior to occupation of 50% of dwellings</p>																				
Officer agreed	YES																				
Applicant agreed																					
Number Pooled obligations	One to date being 18 Boxworth End Swavesey																				

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	YES
Detail	See 'Early Years'
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES

Swavesey – Middlewatch (S/0053/17/OL)

Applicant agreed	YES
Number Pooled obligations	One to date being 18 Boxworth End Swavesey

Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	YES
Detail	<p>According to County Council guidance the development is expected to generate a net increase of 18 secondary education aged children (based on the County Council general multipliers). The catchment school is Swavesey Village College. This development is expected to contribute towards the project to increase the capacity of Swavesey Village College from 8FE to 9FE, providing space for an additional 150 pupils.</p> <p>The secondary education contribution for this development is £236,159. The rationale and calculation for this cost are set out below.</p> <p>In 2012 Cambridgeshire County Council identified a 1 Form of Entry (FE) project at Swavesey Village College which would expand the school from 8FE to 9FE and accommodate 150 additional pupils. The purpose of the expansion was to accommodate the growing secondary-aged population in the catchment arising from natural growth in the population and the impact of new housing developments.</p> <p>The 1FE expansion was costed at £3,900,000 (based on costs at 1Q2015) of which £1,250,000 was secured by the College from an Education Funding Agency funding bid. The County Council received a further £1,900,000 Targeted Basic Need Funding for the scheme from the Department for Education.</p> <p>This left a shortfall in funding of £750,000, which the County Council forward funded with the intention of securing S106 contributions from future developments in the area.</p> <p>The expansion work has now been completed and although there is now technically spare spaces at Swavesey Village College this is only due to the County Council providing the key infrastructure in advance of the housing with new developments in the area expected to contribute to the costs of the work.</p> <p>The County Council has recently secured £106,002 from a 30 dwelling development at Land to the rear of no. 18 Boxworth End, Swavesey (S/0875/15/OL). The funding shortfall therefore is £643,998 (£750,000 - £106,002).</p> <p>There are two planning applications/appeals that have been recently granted at Land to the west of Mill Road, Over (S/2870/15/OL) and Land off the Ridgeway, Papworth Everard (S/2647/15/OL) for which the County Council will secure £77,280 and £315,559 respectively. The funding shortfall therefore is £251,159 (£643,998 - £392,839). The County Council has recently submitted its supporting statement for the Hallmark Hotel scheme in Bar Hill where a secondary school contribution of £15,000 was being sought.</p> <p>In order to be fair and reasonable the remaining funding shortfall (of £236,159) is necessary to be secured from this site and which is equivalent to £13,119.94 per pupil.</p>

Swavesey – Middlewatch (S/0053/17/OL)

Quantum	£236,159
Fixed / Tariff	Fixed
Trigger	50% of the contribution upon commencement of development 50% payable prior to occupation of 50% of dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	Four to date being; 18 Boxworth End Swavesey Mill Road Over The Ridgeway Papworth Hallmark Hotel Bar Hill

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	YES
Detail	<p>The proposed increase in population from this development (70 x 2.5 (average household size) = approximately 175 new residents) will put pressure on the library and lifelong learning service in the village. Therefore a contribution is required.</p> <p>Swavesey is served by a mobile library and has a Library Access Point situated at the Village College which are considered insufficient to serve the new residents arising from this development.</p> <p>The County Council's proposed solution to mitigating the impact on the libraries and lifelong learning service arising from this site and others in the area would be add another mobile library stop in the village and to enhance the library stock by purchasing additional information and fiction books for adults, including large print books and story CDs, Children's story books, picture books and board books for babies and toddlers, as well books for teenagers. In order to do this, the County Council would require a developer contribution of £28.92 per head of population increase. This figure is based on the MLA Standard Charge Approach for public libraries (Public Libraries, Archives and New Development: A standard Charge Approach (Museums, Libraries and Archives Council, May 2010).</p> <p>Contribution = 175 x £28.92 = £5,061</p>
Quantum	£5,061
Fixed / Tariff	Fixed
Trigger	50% of the contribution upon commencement of development 50% payable prior to occupation of 50% of dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	NO
Detail	This development falls within the Cambridge and Northstowe HRC catchment area for which there is insufficient capacity. However, the HRC already has 5 S106 contributions pooled; therefore, the County Council is prevented from seeking a further S106 strategic waste

Swavesey – Middlewatch (S/0053/17/OL)

	contribution from this development and will mitigate impact through existing provisions and efficiencies.
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	NO
Applicant agreed	NO
Number Pooled obligations	

Ref	CCC6
Type	CCC monitoring
Policy	None
Required	NO
Detail	The County Council have sought a contribution of £650 (at a rate of £50 per hour) towards the cost of monitoring. The District Council does not support this request as (i) it is contrary to a Court of Appeal decision on section 106 monitoring and (ii) the District Council will undertake this function and share information with CCC. On this basis the Council considers that the request fails to satisfy the tests as set out in CIL Reg 122 and para 204 of the NPPF.

Ref	CCC7
Type	Transport
Policy	TR/3
Required	YES
Detail	<p>A contribution is required to provide</p> <p>2 x new Real Time Passenger Information displays at a cost of £27,000 each</p> <p>2 x new bus stop shelter maintenance contributions at a cost of £7,000 each</p> <p>New cycle stands at the busway at a cost to be agreed with the applicant</p>
Quantum	£68,000 (plus additional sum to cover cost of installing cycle stands at CGB stop)
Fixed / Tariff	Fixed
Trigger	<p>RTPI contribution to be paid prior to commencement of development</p> <p>Bus stop maintenance contribution to be paid upon the installation of the bus stops</p> <p>Cycle stand contribution to be paid prior to commencement of development</p>
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Swavesey – Middlewatch (S/0053/17/OL)

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Ref	SCDC1
Type	Sport
Policy	SF/10
Required	YES
Detail	<p>The Recreation and Open Space Study 2013, forming part of the Local Plan submission, showed that Swavesey needed 4.24 ha but only has 2.66 ha i.e. a deficit of 1.58 hectares of Outdoor Sport Provision.</p> <p>Swavesey has one full football and one mini-soccer pitch on the village green, additionally there are basic pavilion facilities and a children's play area on the site. The village has two football clubs and a cricket club, with both junior and adult teams; there is also a netball club from Over village who use the facilities. Some clubs at Swavesey use the facilities at Swavesey Village College, and much of winter football training takes place at the community centre in nearby Over. There is demand for an additional mini-soccer pitch and a skate park.</p> <p>Through the planning appeal for 30 dwellings at 18 Boxworth End (Appeal Ref: APP/W0530/W/15/3139078) the Council secured an area of 2.6 ha of agricultural land that is to be offered to Swavesey Parish Council. Swavesey Parish Council have the right to refuse this offer and if they do financial contributions become payable. The offer is for land only and should the Parish Council accept the offer then a substantial amount of funding will be required to get the land fit for purpose. The land transfer itself comprises the first obligation of a possible 5 that may be secured towards this one project.</p> <p>This land currently comprises an open field that exhibits ridge and furrow. A feasibility study (dated 1st September 2016) has been undertaken to ascertain the quantum of monies that would be required to provide the land for sports purposes. The consultants have suggested that this work may be achieved for a sum of circa £190k exc VAT.</p> <p>The SPD also establishes the quantum of offsite financial contributions in the event that the full level of onsite open space is not being provided:</p> <p>1 bed: £625.73 2 bed: £817.17, 3 bed: £1,130.04 4+ bed: £1,550.31</p>
Quantum	Circa £70,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 20 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	One to date

Ref	SCDC2
Type	Children's play space
Policy	SF/10
Required	YES
Detail	The Recreation and Open Space Study July 2013, forming part of the Local Plan submission, showed that Swavesey experienced a deficit of

Swavesey – Middlewatch (S/0053/17/OL)

	<p>1.58 ha of Children’s Play Space.</p> <table><tr><th></th><th>Formal play space</th><th>Informal play space</th></tr><tr><td>1 bed</td><td>Nil</td><td>Nil</td></tr><tr><td>2 bed</td><td>7m2</td><td>7m2</td></tr><tr><td>3 bed</td><td>9.7m2</td><td>9.7m2</td></tr><tr><td>4+ bed</td><td>13.3m2</td><td>13.3m2</td></tr></table> <p>Ordinarily a LEAP would be required to meet the needs of 50 dwellings and which would comprise 9 items of play equipment of which 9 will be for 4-8 year olds and 3 pieces for toddlers).</p> <p>Here the applicant is proposing the provision of a LEAP surrounded by open green space (including a SUDS basin area) to the Western end of the site. Furthermore the applicant highlights that there are [no] other larger areas of open space within close proximity to the site. The LEAP will comprise a range of equipment and will consist of 9 pieces of equipment of which at least 6 will be for 4-8 year olds and 3 for toddlers.</p> <p>The provision of the LEAP will satisfy policy SF/10 and SF/11 insofar as children up to the age of 8 are concerned but no onsite provision is proposed for older children whose needs are ordinarily met through the provision of offsite NEAPs. In order to meet their needs an offsite contribution is required. The necessary contribution is £15,000 and which Swavesey Parish Council would use towards installing a youth shelter on the new sports ground (or elsewhere in the village).</p>		Formal play space	Informal play space	1 bed	Nil	Nil	2 bed	7m2	7m2	3 bed	9.7m2	9.7m2	4+ bed	13.3m2	13.3m2
	Formal play space	Informal play space														
1 bed	Nil	Nil														
2 bed	7m2	7m2														
3 bed	9.7m2	9.7m2														
4+ bed	13.3m2	13.3m2														
Quantum	£15,000 (and onsite LEAP)															
Fixed / Tariff	Tariff															
Trigger	To be paid prior to occupation of 35 dwellings															
	LEAP to be laid out prior to occupation of 35 dwellings															
Officer agreed	YES															
Applicant agreed	YES															
Number Pooled obligations	NONE															

Ref	SCDC3										
Type	Informal open space										
Policy	SF/10										
Required	YES										
Detail	<p>The Recreation and Open Space Study July 2013, forming part of the local plan submission, showed that Swavesey experiences a deficit of 0.73 ha in terms of informal open space.</p> <p>The applicant will be required to provide a minimum level of informal open space in accordance with the table below</p> <table border="1"> <thead> <tr> <th></th><th>Informal open space</th></tr> </thead> <tbody> <tr> <td>1 bed</td><td>5.4 m2</td></tr> <tr> <td>2 bed</td><td>7m2</td></tr> <tr> <td>3 bed</td><td>9.7m2</td></tr> <tr> <td>4+ bed</td><td>13.3m2</td></tr> </tbody> </table> <p>The informal open space requirement is satisfied through onsite provision but this is subject to the drainage basin being predominantly dry.</p>		Informal open space	1 bed	5.4 m2	2 bed	7m2	3 bed	9.7m2	4+ bed	13.3m2
	Informal open space										
1 bed	5.4 m2										
2 bed	7m2										
3 bed	9.7m2										
4+ bed	13.3m2										
Quantum											

Swavesey – Middlewatch (S/0053/17/OL)

Fixed / Tariff	
Trigger	TBC
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC4
Type	Offsite indoor community space
Policy	DP/4
Required	YES
Detail	<p>In accordance with Development Control Policy DP/4 infrastructure and new developments, all residential developments generate a need for the provision of, or improvement to, indoor community facilities. Where this impact is not mitigated through onsite provision a financial contribution towards offsite improvement works will be required.</p> <p>The Council undertook an external audit and needs assessment undertaken in 2009, in respect of all primary community facilities in each village. The purpose of this audit was threefold (i) to make a recommendation as to the indoor space requirements across the District (ii) to make a recommendation on the type of indoor space based on each settlement category and (iii) make a recommendation as to the level of developer contributions that should be sought to meet both the quantity and quality space standard.</p> <p>Whilst not formally adopted as an SPD, this informal approach was considered and approved at the Planning and New Communities portfolio holder's meeting on 5th December 2009 and has been applied since.</p> <p>Based on the likely number of people arising from the development an area of circa 27 m2 is required.</p> <p>The audit advises that in Swavesey there is a deficiency of 83 sqm of community space against the standard.</p> <p>Swavesey Memorial Hall is a community hall built in the 1920s and improved at various times since. Owned and managed by a registered charity, however the hall relies on an annual support grant from the Parish Council. During 2012 the Parish Council gave a cash grant of £3,500 plus also purchased a digital projector system at a cost of £1,500, which was installed in the Meeting Room. This room is used by many village clubs, the Parish Council and other hirers. Part of the cost of the digital projector was from S106 Indoor facilities funding obtained from the building of a recent new three-bed dwelling in the village.</p> <p>The Swavesey Parish Plan was adopted in 2008 and was accompanied by an Action Plan which highlighted projects in respect of indoor community facilities:</p> <ul style="list-style-type: none"> • Link up with the Village College and Primary School to improve community use. • Investigate with the Village College how the village can participate in and benefit from the proposed community hall and environmental centre. • Refurbish the Memorial Hall, including new heating and an audio loop.

Swavesey – Middlewatch (S/0053/17/OL)

	<p>The information recently provided by the Parish Council highlights that the Parish Council will again include its annual support grant to the hall running costs in its 2013/14 budget. Further improvements to the Hall are required and plans include providing additional kitchen equipment, repairs to the fabric of the outside of the building and provision of projection equipment to the main hall room.</p> <p>Swavesey Parish Council has advised that contributions are required towards improving parking facilities at the Village Hall (Memorial Hall) to tarmac the car park, mark out parking bays and ensure the most effective use of the parking area to cater for the increased use of the hall. A contribution is therefore requested towards the improvement of the car parking facilities at the village hall.</p> <p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08 2 bed - £371.00 3 bed - £513.04 4+ bed - £703.84</p>
Quantum	Circa £35,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 35 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Ref	SCDC5
Type	Household waste receptacles
Policy	RECAP WMDG
Required	YES
Detail	£73.50 per house and £150 per flat
Quantum	See above
Fixed / Tariff	Tariff
Trigger	Paid in full prior to commencement
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	SCDC policy approved by PFH
Required	YES
Detail	To monitor the delivery of onsite infrastructure
Quantum	£1,500
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC7
Type	Onsite open space and play area maintenance
Policy	SF/10 and Open space in new developments SPD

Swavesey – Middlewatch (S/0053/17/OL)

Required	YES
Detail	<p>Paragraph 2.19 of the Open Space in New Developments SPD advises that 'for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed'. The Council therefore requires that the on-site provision for the informal open space and the future maintenance of these areas is secured through a S106 Agreement. Para 2.21 advises that 'if a developer, in consultation with the District Council and Parish Council, decides to transfer the site to a management company, the District Council will require appropriate conditions to ensure public access and appropriate arrangements in the event that the management company becomes insolvent (a developer guarantee)'.</p> <p>It is the Local Planning Authority's preference that the public open space be offered to the Parish Council for adoption, recognising that the Parish Council has the right to refuse any such offer.</p> <p>If the Parish Council is not minded to adopt onsite public open space the owner will be required to provide a developer guarantee of sufficient value to be a worthwhile guarantee. Furthermore with the details of the guarantee and guarantor would need to be submitted to and approved in writing by the Council prior to commencement of development. Should this not be forthcoming the planning obligation will also be required to include arrangements whereby the long term management responsibility of the open space areas and play areas passes to plot purchasers in the event of default.</p>

Swavesey – Middlewatch (S/0053/17/OL)

OTHER OBLIGATIONS	
Ref	OTHER 1
Type	Health
Policy	DP/4
Required	YES
Detail	<p>The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.</p> <p>The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.</p> <p>The planning application does include a Health Impact Assessment (HIA) however it does not propose any mitigation of the primary healthcare impacts arising from the proposed development, as this review includes GP practices in excess of 2km from the development. A 2km radius is considered appropriate by NHS England when assessing the impact of development.</p> <p>A Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within High quality care for all, now and for future generations the GP Catchment Area.</p> <p>The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 168 residents and subsequently increase demand upon existing constrained services.</p> <p>The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.</p> <p>The development would give rise to a need for improvements to capacity by way of extension, refurbishment or reconfiguration at Swavesey surgery; a proportion of the cost of which would need to be met by the developer.</p> <p>Developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £23,040.</p>
Quantum	£23,040
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupations of 35 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE