

Heads of terms for the completion of a Section 106 agreement

Linton – Back Road (S/0096/17/OL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rent and 30% Intermediate
Local connection criteria	First 8 to be subject to local connection criteria then 50/50 thereafter

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	CCC	£263,755
Primary Education	CCC	£597,890
Libraries and lifelong learning	CCC	£10,024.56
Transport	CCC	Unknown
Sports	SCDC	£107,000
Children's play	SCDC	£25,000
Indoor community space	SCDC	£48,000
Household waste bins	SCDC	£73.50 per house and £150 per flat
Monitoring	SCDC	£1,000
TOTAL		£1,051,670
TOTAL PER DWELLING		£11,070.21

Section 106 infrastructure summary:

Item	Beneficiary	Summary
LEAP	SCDC	Onsite play area serving 2-8 year olds

Planning condition infrastructure summary:

Item	Beneficiary	Summary

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 29 early years children of which section 106 contributions would be sought for 15 children.</p> <p>In the context of the complexities of the current arrangements of provision within the village and the need to engagement with a number of stakeholders the Council wishes to seek a contribution on the following basis:</p> <ul style="list-style-type: none"> - A 1FE expansion of provision at both the Infant and Junior School sites, or - The potential for use of this contribution to help secure a 1FE expansion in primary education provision elsewhere in Linton should the outcome of detailed consultation identify an alternative approach to securing sufficient education provision within the village. <p>Detailed consultation review work required before a project details can be confirmed. Cost of project is expected to be in the region of £4,150,000 for 210 places and 26 EY places.</p>
Quantum	£263,755 (£17,585 per pupil)
Fixed / Tariff	Tariff
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	N/A
Number Pooled obligations	None

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	YES
Detail	<p>According to County Council guidance the development is expected to generate a net increase of 34 primary school aged children</p> <p>In the context of the complexities of the current arrangements of provision within the village and the need to engagement with a number of stakeholders the Council wishes to seek a contribution on the following basis:</p> <ul style="list-style-type: none"> - A 1FE expansion of provision at both the Infant and Junior School sites, or - The potential for use of this contribution to help secure a 1FE expansion in primary education provision elsewhere in Linton should the outcome of detailed consultation identify an alternative approach to securing sufficient education provision within the village. <p>Detailed consultation review work required before a project details can be confirmed. Cost of project is expected to be in the region of £4,150,000 for 210 places and 26 EY places.</p>
Quantum	£597,890 (£17,585 per pupil)

Appendix 2

Fixed / Tariff	Tariff
Trigger	50% of the contribution upon commencement of development 50% payable prior to occupation of 50% of dwellings
Officer agreed	Yes
Applicant agreed	N/A
Number Pooled obligations	None

Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	YES
Detail	According to County Council guidance the development is expected to generate a net increase of 12.5 secondary school places. The catchment school is Linton Village College. County education officers have confirmed that there is sufficient capacity in the area to accommodate the places being generated by this development. Therefore no contribution for secondary education is required.

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	YES
Detail	<p>The proposed increase in population from this development (95 dwellings x 2.5 average household size = 238 new residents) will put pressure on the library and lifelong learning service in the village. Linton library already serves a population of nearly 5,000 including the villages of Linton, Hildersham and Horseheath.</p> <p>A contribution of £42.12 per increasing population for enhancement to the library in Linton, a total of £10,024.56 (238 new residents X £42.12).</p> <p>This contribution would be used towards the reorganisation of the layout of Linton Library including the remodelling of the existing library counter, to enable extra shelving units and appropriate resources (both Adult and Junior) to be installed in the library to serve the additional residents.</p>
Quantum	£10,024.56
Fixed / Tariff	Fixed
Trigger	100% payable prior to occupation of 50% of dwellings
Officer agreed	YES
Applicant agreed	N/A
Number Pooled obligations	None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion and a further 1 for Horseheath Road should the appeal be allowed)

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	NO
Detail	Thriplow HRC has pooled 5 contributions since 6 April 2010

Ref	CCC6
Type	CCC monitoring
Policy	None
Required	NO
Detail	The District Council does not support County Council monitoring requests on the basis that (i) it is contrary to a Court of Appeal decision

Appendix 2

	on section 106 monitoring (ii) the District Council will undertake this function and share information with CCC and (iii) appeal decisions against SCDC have supported the position that the monitoring of financial contributions does not justify securing a monitoring fee. 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	Unknown at this stage
Detail	<p>Cambridgeshire County Council Transport Assessment Team report as follows:</p> <p>Insufficient detail has been presented to make a sound assessment. The below issues related to the Transport Assessment will need to be addressed before the transport implications of the development can be fully assessed.</p>
Quantum	Unknown at this stage
Fixed / Tariff	Unknown at this stage
Trigger	Unknown at this stage
Officer agreed	Unknown at this stage
Applicant agreed	N/A
Number Pooled obligations	Unknown at this stage

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL	
Ref	SCDC1
Type	Sport
Policy	SF/10
Required	YES
Detail	<p>The recreation study of 2013 highlighted that Linton had a deficient level of sports space against South Cambs policies (i.e. the policy requires 7.22 hectares whereas the village only has 3.03 hectares). The study also said that there is a “need for an additional football pitch to meet local need and improved drainage at the existing facility. The cricket club also require an additional pitch to meet the demand for additional junior teams”. It also said the football pitches are prone to flooding.</p> <p>Linton Parish Council has therefore put forward projects that would be located on the recreation ground. These projects include:</p> <ul style="list-style-type: none"> • Outdoor gym equipment • Changing the bowling green for possible use as Multi Use Games Area, sports/football training area, tennis court, etc. • Tennis courts at Linton Village College • Land acquisition <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	£107,000 (est)
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 50% of the dwellings (in each phase if more than one reserved matters application submitted)
Officer agreed	YES
Applicant agreed	N/A
Number Pooled obligations	None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion and a further 1 for Horseheath Road should the appeal be allowed)

Ref	SCDC2
Type	Children's play 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 Linton needed 3.61 ha Children's Play Space whereas the village had 0.20, i.e. a deficit of 3.41 ha of Children's Play Space.</p> <p>The developer will also be required to provide a locally equipped area for play (LEAP) in accordance with the open space in new developments SPD to meet the needs of 2-8 year olds.</p> <p>Further the developer will be required to make a financial contribution of £25,000 in order to provide facilities to meet the needs of 8-14 year olds and Linton Parish Council has identified a number of local projects including</p>

	<ul style="list-style-type: none"> • Play equipment • Trim trail • Climbing wall • BMX/Skate park <p>Further the applicant is proposing that 2.98 ha of formal and informal open space (more than 48% of the gross site outline application area) is to be provided. If this is to be a material factor in the determination of the application then this area (and its future maintenance) will need to be secured through a section 106 agreement.</p>
Quantum	£25,000
Fixed / Tariff	Fixed
Trigger	LEAP to be laid out and available for use prior to the occupation of 50% of the dwellings Offsite contribution payable prior to occupation of 50% dwellings
Officer agreed	YES
Applicant agreed	N/A
Number Pooled obligations	None

Ref	SCDC3
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>The community facilities audit of 2009 highlighted that Linton had a deficient level of indoor community space against South Cambs policies (i.e. the policy requires 111m² per 1000 people therefore Linton requires 488m² of space, whereas the village only has 160m²). The study also highlighted that a number of improvements should be made to Linton Village Hall.</p> <p>Linton Village Hall is run by a charity and is said to accommodate 170 seated, 200 standing. It holds entertainment licence but no alcohol licence, no public dances, disabled access and toilet, basic kitchen available but no food preparation allowed on the premises. Evening functions should end by 11.45pm (source Cambridgeshire.net website).</p>

	<p>As such Linton Village Hall is not considered to satisfy South Cambs indoor community facility standards from a quality perspective as well as quantity.</p> <p>If the application were to be approved then Linton Parish Council would look to either (i) fund several internal and external improvements to Linton Village Hall or (ii) build a multipurpose community centre with a focus aimed at young people and which will be available for hire by scouts, guides, brownies and other users.</p> <p>Likely projects to improve Linton Village Hall include:</p> <ul style="list-style-type: none"> • Renovate/modernise the kitchen (mainly dates from 1970s) • refurbish the ladies' and gents' toilets, • Redesign the foyer to create a modern look and feel • Re-model the front façade to make it more attractive. <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 £48,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 50% of the dwellings in each phase
Officer agreed	YES
Applicant agreed	N/A
Number Pooled obligations	None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion and a further 1 for Horseheath Road should the appeal be allowed)

Ref	SCDC4
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 of each phase
Officer agreed	YES
Applicant agreed	N/A
Number Pooled obligations	None

Ref	SCDC5
Type	S106 Monitoring
Policy	Portfolio holder approved policy
Required	YES
Detail	To actively monitor the delivery of affordable housing, onsite open space and play equipment and thereafter to ensure the open space and play equipment is maintained.
Quantum	£1,000
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	N/A

Number Pooled obligations	None
----------------------------------	------

Ref	SCDC6
Type	Onsite open space and play area maintenance
Policy	
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 is 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>
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None