

Appendix 1

Heads of terms for the completion of a Section 106 agreement

Shepreth – Collins Close (S/3052/16/FL)	
South Cambridgeshire District Council (Affordable Housing)	
Affordable housing percentage	40%
Affordable housing tenure	70% affordable rent and 30% Intermediate
Local connection criteria	Yes. Location connection criteria to apply to 9 affordable dwellings.
Local connection villages	Priority: Shepreth Second: Fowlmere, Foxton, Barrington and Meldreth

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	CCC	£57,549
Primary School	CCC	£76,732
Libraries and lifelong learning	CCC	£1,553
Sports	SCDC	£24,557.43
Children's play space	SCDC	£33,382.16
Indoor community space	SCDC	£11,149.08
Household waste bins	SCDC	£1,837.50 (being £73.50 per house)
Monitoring	SCDC	£500
TOTAL		£207,260
TOTAL PER DWELLING		£8,290.41

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Onsite public open space	SCDC	Woodland area identified in plans

Planning condition infrastructure summary:

Item	Beneficiary	Summary
N/A		

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CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1
Type	Early years
Policy	DP/4
Required	Yes
Detail	<p>There is currently insufficient capacity in the early years provision at Barrington Primary School (this site being within the catchment area for that school) to accommodate the anticipated 5 children within the relevant age bracket (3 of whom will qualify for free provision) that would result from this development.</p> <p>The County Council identified the need for a 4 classroom extension to Barrington school in 2016/17 which was planned for in order to accommodate additional development within the catchment area. The cost of the overall project, once non-CIL compliant elements are removed is £2,225,202. The overall project would accommodate 116 additional pupils, resulting in a cost per pupil of £19,183.</p> <p>On that basis, the contributions to be sought from this development are £57,549 in relation to pre-school provision</p>
Project	Additional pre-school capacity at Barrington Primary School
Quantum	£57,549
Fixed / Tariff	Fixed
Trigger	Prior to occupation of first dwelling
Officer agreed	Yes
Applicant agreed	Yes
Number Pooled obligations	One (Cemex at Barrington)

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	Yes
Detail	<p>There is currently insufficient capacity in the primary school provision at Barrington Primary School (this site being within the catchment area for that school) to accommodate the anticipated 4 children within the relevant age bracket</p> <p>The County Council identified the need for a 4 classroom extension to Barrington school in 2016/17 which was planned for in order to accommodate additional development within the catchment area. The cost of the overall project, once non-CIL compliant elements are removed is £2,225,202. The overall project would accommodate 116 additional pupils, resulting in a cost per pupil of £19,183.</p> <p>On that basis, the contributions to be sought from this development are £76,732 in relation to pre-school provision</p>
Project	Additional pre-school capacity at Barrington Primary School
Quantum	£76,732
Fixed / Tariff	Fixed
Trigger	Prior to occupation of first dwelling
Officer agreed	Yes
Applicant agreed	Yes
Number Pooled obligations	One (Cemex at Barrington)

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Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	No
Detail	The County Council state that there is spare capacity at Melbourn Village College.

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	Yes
Detail	<p>A contribution of £1,533.00 is requested to improve the provision of library services.</p> <p>The County Council have calculated this figure based on 53 new residents resulting from the scheme multiplied by a sum of £28.92 towards the replacement of the existing mobile library on the route that serves Shepreth.</p>
Project	Replacement of existing mobile library serving Shepreth
Quantum	£1,553
Fixed / Tariff	Fixed
Trigger	Prior to occupation of 13 th dwelling
Officer agreed	Yes
Applicant agreed	Yes
Number Pooled obligations	None

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	No
Detail	The Thripow HRC has maximised its pooling limited under CIL Regulation 123 and as such the LPA cannot secure any contributions for such infrastructure.

Ref	CCC6
Type	CCC monitoring
Policy	CCC internal policy
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 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	No

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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 Shepreth needed 1.30 ha but has 1.71 ha i.e. a surplus of 0.41 ha of Outdoor Sport Provision.</p> <p>Shepreth Parish Council has said that a village wide consultation was held last year and a 'Wish List' was compiled. Funded by Shepreth Parish Council and a Grant from Amey Cespa, Shepreth Parish Council will shortly be starting on replacing the 45 year old play equipment on the 'Village Hall' Recreation Ground with new equipment from the 'Wish List'.</p> <p>All that remains on that list is Goalposts and a Basketball Court. A MUGA will fulfil the last wishes and be of benefit to all villagers, of all ages, all year round. The PC expects to be able to reduce the price quoted for the MUGA by using local contractors for most of the groundwork. The new MUGA will be located on the Recreation Ground behind Village Hall in Shepreth. The dimensions are 34M x 18M for use for a number of sports, with a chicane entrance for wheelchair users. The tarmac surface will have line markings for basketball, netball and 5 a side. There will be basketball/netball hoops, 5 a side goals and target panels for cricket. Fencing will consist of powder coated wire mesh panels and metal posts.</p> <p>The expected project cost is £74,000 and will be delivered as soon as funding is available. Shepreth Parish Council has asked that the sports contribution and formal play space contribution is pooled to maximise the funding towards this project. In doing this a contribution of £57,939.59 is secured when applying the tariffs set out in the SPD as below.</p> <p>1 bed: £625.73 2 bed: £817.17, 3 bed: £1,130.04 4+ bed: £1,550.31</p>
Project	New Multi Use Games Area to be built on Shepreth Recreation Ground
Quantum	£24,557.43
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupation of 8 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	See 'Sport' section
Project	New Multi Use Games Area to be built on Shepreth Recreation Ground
Quantum	£33,382.16
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupation of 8 dwellings
Officer agreed	YES

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Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC3
Type	Informal open space
Policy	SF/10
Required	NO
Detail	<p>The Recreation and Open Space Study July 2013, forming part of the local plan submission, showed that Shepreth needed 0.32 ha of informal open space and had 0 ha meaning a surplus of 0.32 ha.</p> <p>In accordance with policies SF/10 and SF/11 the applicant will be required to make a contribution towards the increase in demand for provision of informal open space.</p> <p>The applicant is proposing some onsite open space areas that links the new development to the small play area on Collins Close. This is considered sufficient not to warrant further offsite contributions in lieu of the open space policy. The onsite provision of open space will be secured as part of the approved plans, however its management and maintenance will be secured through the management plan, see 'Onsite open space and play area maintenance'.</p>

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>In accordance with the policy Shepreth needs 92 m2 of indoor community space whereas it has 154 m2 resulting in a surplus of 62 m2. Based on the submitted housing mix an area of circa 7 m2 is required.</p> <p>Shepreth is served by Shepreth Village Hall which the audit described as a fair sized hall which is in average overall order. Used on a day to day basis by children's group. Has a stage and changing facilities (partially updated) used by teams on adjacent recreation ground. Good car park, but some modernisation needed. Limited storage. A number of issues were identified.</p>

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	<p>Shepreth Parish Council has said that contributions are required towards the (i) Refurbishment of toilets (ii) Repair/Replacement of roof (iii) Replacement of electric wiring and electric installations at Shepreth Village Hall. These are expected to cost at least £22k.</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>
Project	Improvements to Shepreth Village Hall including (i) Refurbishment of toilets (ii) Repair/Replacement of roof (iii) Replacement of electric wiring and electric installations
Quantum	£11,149.08
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupation of 13 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
Project	
Quantum	See above
Fixed / Tariff	Tariff
Trigger	Paid in full prior to occupation of first dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	Portfolio holder approved policy
Required	YES
Detail	To monitor the timely compliance of the planning obligations, specifically onsite infrastructure including affordable housing and public open space
Project	monitoring of the proper and timely performance of the Owner's covenants under the terms of the Agreement
Quantum	£500
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

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Ref	SCDC7
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>