

Heads of terms for the completion of a Section 106 agreement

Linton – Horseheath Road (S/3405/17/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
Libraries and lifelong learning	CCC	£4,423 (fixed)
Transport	CCC	£30,000 (fixed)
Sports	SCDC	£44,000 (approx.)
Indoor community space	SCDC	£20,000 (approx.)
Household waste bins	SCDC	£3,087 (approx.)
Monitoring	SCDC	£1,500 (fixed)
TOTAL		£103,010
TOTAL PER DWELLING		£2,452.62

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Allotments (20)	LPC	No less than 0.4 ha with parking and services
LEAP	SCDC	Onsite play area serving 2-8 year olds

Planning condition infrastructure summary:

Item	Beneficiary	Summary
Strategic landscape buffer	SCDC	An area 6m deep along the eastern and northern edge of the site to form a strategic landscape buffer
Footpath improvements	CCC	<p>Improve the footway provision between the site and the High Street including:</p> <p>Widening the footway in the vicinity of Lonsdale to 2m wide;</p> <p>Installing dropped crossings with tactile paving at the crossing over Horseheath Road near to Wheatsheaf Way;</p> <p>Installing dropped crossing with tactile paving at the</p>

		crossings over Lonsdale and Wheatsheaf Way.
Transport	CCC	Install 10 cycle parking Sheffield stands at locations to be agreed with CCC and Linton Parish Council
Transport	CCC	Travel plan welcome pack

CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1
Type	Early years
Policy	DP/4
Required	NO
Detail	According to County Council guidance the development is expected to generate a net increase of 15 early years aged children of which 7.5 are liable for contributions. In terms of early years' capacity, 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 early year's provision is required.

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	NO
Detail	According to County Council guidance the development is expected to generate a net increase of 15 primary school places. The catchment school is Linton Infant & Linton Heights Junior schools. In terms of primary school capacity, 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 primary education is required.

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 9 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 (42 dwellings x 2.5 average household size = 105 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 £5,265 (105 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	£4,423
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 (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion)

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	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	YES
Detail	Contribution of £20,000 towards City Deal proposals for bus priority measures along the A1307 in Linton, principally to go towards a review and recalibration of the operation of the junction of the A1037 with Linton Village College Contribution of £10,000 towards City Deal proposals for reducing bus journey times along High Street Linton
Quantum	£30,000
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupation of any dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion)

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"> • BMX/skate park • Climbing wall • Changing the bowling green for possible use as Multi Use Games Area, sports/football training area, tennis court, etc. • Trim Trail for adult exercise <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	£44,000 (est)
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 20 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	One

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 is proposing to provide a locally equipped area for play (LEAP) in accordance with the open space in new developments SPD (i.e. 500m2, 9 items of equipment etc).</p>
Quantum	N/A
Fixed / Tariff	N/A
Trigger	To be laid out and available for use prior to the occupation of 50% of the dwellings

Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Ref	SCDC3
Type	Allotments
Policy	DP/4
Required	YES
Detail	<p>Linton does not currently have any allotments. Based on the emerging local plan the village would need 1.80 ha of allotment land.</p> <p>This application proposes providing allotment land of no less than 0.4 hectares.</p> <p>Any section 106 agreement will require the laying out of the allotments and ancillary services/facilities with a scheme for the future maintenance and management (inc allocations) to be submitted to the Council for approval</p>
Quantum	N/A
Fixed / Tariff	N/A
Trigger	To be laid out and available for use prior to the occupation of 25 dwellings
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>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 fund several internal and external improvements to Linton Village Hall;</p> <p>Likely projects to improve Linton Village Hall include:</p> <ul style="list-style-type: none"> • Renovate/modernise the kitchen • Refurbish the ladies' and gents' toilets, • Redesign the foyer to create a modern look and feel • Canopy replacement <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 £20,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 15 of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion)

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 of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	Portfolio holder approved policy
Required	YES
Detail	
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
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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>
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None