

Appendix 2

Heads of terms for the completion of a Section 106 agreement

Linton – Bartlow Road S/1963/15/OL										
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South Cambridgeshire District Council (Affordable Housing)										
Affordable housing percentage					40%					
Affordable housing tenure					70/30					
Local connection criteria					None sought by housing officer					

Cambridgeshire County Council										
Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Trigger	Officer agreed	Applicant agreed	Number of existing Pooled obligations
CCC1	Early years	DP/4	NO	<p>According to County Council guidance the development is expected to generate a net increase of 17 (16.5) early years aged children of which 9 are liable for contributions (assuming a general multiplier of 30 children per 100 homes).</p> <p>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.</p> <p>Therefore no contribution for early years provision is required.</p>						
CCC2	Primary School	DP/4	NO	<p>According to County Council guidance the development is expected to generate a net increase of 20 (19.25) primary school places (assuming a general</p>						

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				<p>multiplier of 35 children per 100 homes).</p> <p>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.</p> <p>Therefore no contribution for primary education is required.</p>						
CCC3	Secondary school	DP/4	NO	<p>According to County Council guidance the development is expected to generate a net increase of 14 (13.75) secondary school places (assuming a general multiplier of 25 children per 100 homes).</p> <p>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.</p> <p>Therefore no contribution for secondary education is required.</p>						
CCC4	Libraries and lifelong learning	DP/4	YES	<p>The proposed increase in population from this development (55 dwellings x 2.5 average household size = 138 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 £5,812.56 (138</p>	£5,812.56		TBC	YES		None

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				new residents X £42.12). 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.						
CCC5	Strategic waste	RECAP WMDG	NO	Pooling limit reached such that no further contributions may be secured						
CCC6	Transport	TR/3								
CCC7	CCC monitoring	None		The County Council have sought a contribution of £150 (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 (ii) appeal decision in South Cambs have confirmed that monitoring fees cannot be secured on straightforward matters (iii) 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.				NOT AGREED		

South Cambridgeshire District Council										
Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Trigger	Officer agreed	Applicant agreed	Number of existing Pooled obligations
SCDC1	Open space (sport)	SF/10	YES	The recreation study of 2013 highlighted that Linton had a deficient level of sports space	£55,000 (circa)	Tariff	TBC	YES		None

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				<p>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. This study did not take into account the facilities at Linton Village College which, although at the current time may be available for public hire, are not guaranteed through a community access agreement.</p> <p>The development is circa 1.4km from the recreation ground thereby exceeding recommended walking distances for older children to access NEAP's and para 4.7 of the open space in new developments SPD that says "All residential development should have good access to formal sports provision, ideally within 1,000m...".</p> <p>The contribution required as per the open space in new developments SPD would be:</p> <p>1 bed - £625.73 2 bed - £817.17 3 bed - £1,130.04 4+ bed - £1,550.31</p> <p>Linton Parish Council have, however, expressed a concern that they will not be able to properly mitigate the impact of the development with this level of contribution on the grounds that</p>						
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				<p>what the village really needs is additional land and no land owner will be prepared to sell for agricultural rates while the Council does not have a 5 year land supply.</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. 						
SCDC2	Open space (children's play)	SF/10	YES	The developer will be required to provide a locally equipped area for play (LEAP) in accordance with the open space in new developments SPD			TBC	YES		None
SCDC3	Open space (informal open space)	SF/10	YES	This is mitigated by the provision of a strategic green buffer to be secured			TBC	YES		None
SCDC4	Offsite indoor community space	DP/4	YES	<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 is defined as a Minor Rural</p>	£25,000 (circa)		TBC	YES		None

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				<p>Centre in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for Minor Rural Centres is as follows:</p> <ul style="list-style-type: none"> • Rural Centres should have at least one good sized facility which offers access to community groups at competitive rates. • The centre should feature one main hall space suitable for various uses, including casual sport and physical activity; theatrical rehearsals/ performances and social functions. The facility should also offer at least one meeting room. • All facilities, including toilets, should be fully accessible, or retro-fitted to ensure compliance with Disability Discrimination Act legislation wherever possible. • Facilities should include a kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol. • Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/ 						
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				<p>saving in mind, given the likely hours of usage.</p> <ul style="list-style-type: none"> Facilities should be designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep. <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>Again Linton Parish Council highlight that the lack of existing infrastructure, combined with the insufficient level of developer contributions, does not generate the level of community facilities as required by the NPPF to provide a village that is sustainable for more growth.</p> <p>If the application were to be approved then Linton Parish Council would look to 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. The</p>						
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				<p>Parish Council would need to identify other funding sources to achieve the delivery of this project and at present no sources have been identified.</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>						
SCDC5	Household waste receptacles	RECAP WMDG	YES	£72.50 per house dwelling and £150 per flat	£3,987.50		TBC	YES		None
SCDC6	S106 monitoring		YES	£1,000	£1,000		TBC	YES		None

Non standard requirements										
Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Trigger	Officer agreed	Applicant agreed	Number of existing Pooled obligations
OTHER1	Health	DP/4	NO	NHS England have not sought contributions from this development						
OTHER2	Public Art	SF/6	NO	<p>In determining planning applications the District Council will encourage the provision or commissioning of publicly accessible art, craft and design works. The policy applies to residential developments comprising 10 or more dwellings.</p> <p>Linton Parish Council are keen to install one or more key landmark public art works comprising plaques, street furniture and sculptures at a central village location (at the corner of High</p>						

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				<p>Street and Cambridge Road). The works will draw inspiration from the history of Linton as a whole but also the history of the location of the new development which is understood to have significant archaeological interest.</p> <p>The Public Art SPD says that South Cambridgeshire Council will normally encourage developers to dedicate between 1% and 5% of the associated construction costs of the capital project to Public Art, however historically contributions have been in the region of £500 per dwelling. On this basis an offsite contribution of £27,500 would have been sought and which will be used to facilitate the provision of public art works at the development site and at a prominent location within the heart of the village.</p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. One of these 12 principles are that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. The provision of public art within the village would be one way of achieving that core planning objective.</p> <p>District Officers have considered this request and although agree that there are merits in delivering these improvements, are unsure whether the first CIL test (i.e.</p>						
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				<p>necessity) is satisfied.</p> <p>This view is taken on the basis that this test relates to the obligation being necessary in planning terms i.e. in order to bring a development in line with the objectives of sustainable development as articulated through the relevant local, regional or national planning policies.</p> <p>In the case of public art the policy is to 'encourage'. Development control policies later say that public art will be sought through negotiation but it is not a mandatory requirement. On this basis if the applicant was minded to make a public art contribution it could not form a reason for granting planning permission.</p>						
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TOTAL - £90,800.06 (subject to final housing mix and excluding the cost of providing the LEAP)

PER DWELLING - £1,650.91 (subject to final housing mix and excluding the cost of providing the LEAP)