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Heads of terms for the completion of a Section 106 agreement

Gamlingay – Land south of West Road (S/2367/16/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 Gamlingay and then 50/50 thereafter between local connection and the District wide Housing Register.

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	PC in conjunction with CCC	£92,310
Primary School	CCC	£128,459
Secondary School	CCC	£0
Libraries and lifelong learning	CCC	£297.84
Strategic Waste	CCC	£5249
Healthcare	SCDC	£18,009
Indoor community space	SCDC	£35,000
Outdoor sports	SCDC	£30,000
Playspace	SCDC	£35,000
Cycle Link Feasibility	SCDC	£10,000
Monitoring	SCDC	£500
TOTAL		£354,824.84
TOTAL PER DWELLING		£12,218.09

This also includes:

A scheme of on-site public open space and management to be agreed

A scheme of ecological enhancement, management and monitoring

PARISH COUNCIL AND CAMBRIDGESHIRE COUNTY COUNCIL

Ref	PC in conjunction with CCC
Type	Early years
Policy	DP/4
Required	YES
Detail	The development will generate a net increase of 9 early years aged children, 5 of which are entitled to free school provision. There is insufficient capacity in the area in the next 2 years to accommodate the places being generated by this development. Therefore a contribution will be required through the early years classroom project (providing 26 places) at Gamlingay First School. The total costs of the project is £480,000 (at 2Q2016 –

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	<p>contributions in the S106 will need to reflect the increases in indexation from this date). The cost per place is therefore £18,462 (£480,000/26)</p> <p>Therefore a contribution of £92,310 for early years is sought from the development (£18,462 x 5 places).</p> <p>The current project (of an early years classroom at Gamlingay First School) is likely to change if the consultation proposals are approved as Gamlingay First School would be replaced by Gamlingay Primary School (although there would be no increase in available funds from this site).</p> <p>This money will be designated to an unknown project for the provision of Early Years facilities/ capacity for the Parish Council to administer in conjunction with the County Council.</p>
Quantum	£92,310 (Q2 2016)
Fixed / Tariff	
Trigger	50% prior to occupation and 50% prior to the occupation of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	There have not been 5 or more contributions pooled

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	YES
Detail	<p>The development would generate a net increase of 8 children in the catchment of Gamlingay First School.</p> <p>If the consultation proposals are approved this would be 11 primary aged children as the new primary school would accommodate 7 year groups. Both scenarios confirm there insufficient capacity to accommodate this extra demand. Therefore, financial contributions are sought from this development towards primary education facilities through expansion at Gamlingay Primary School or if the proposals are not approved the expansion of Gamlingay First School and the level of contribution would not change. The total cost of the project is £561,736 and once funds have been secured from other development the outstanding balance is £513,835. The remaining cost will be shared between the development at Land at Green End Industrial Estate (S/2068/15) and Land South of West Road. Based on the net number of dwellings at each development a contribution of £128,459 for primary education is sought from this development.</p>
Quantum	£128,459 (Q1 2016)
Fixed / Tariff	
Trigger	50% prior to occupation and 50% prior to the occupation of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled	There have not been 5 or more contributions pooled

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obligations	
Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	NO
Detail	<p>The development would generate a net increase of 6 secondary aged children at Gamlingay Village College and 5 at Stretton Upper School. If the proposals are approved there would be 8 secondary aged children within the catchment of Comberton Village College. There is sufficient capacity at Gamlingay Village College or Comberton Village College therefore no contribution is sought on this basis.</p> <p>Bedfordshire County Council has confirmed the impact on Stratton Upper School will be managed through the planned expansion.</p>
Quantum	£0
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	YES
Detail	<p>There is a statutory library provision service in Gamlingay delivered through two mobile library stops and a volunteer run library in the Gamlingay EcoHub. The development would result in an increase in population of 73 residents. The demand placed on this existing service requires a contribution of £4.08 per head of increase of population. This amounts to a total contribution of £297.84 (£4.08 x 73).</p>
Quantum	£297.84
Fixed / Tariff	Tariff, per head of increase of population
Trigger	100% prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	There have not been 5 or more contributions pooled

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	YES
Detail	<p>The application falls within the St Neots HRC catchment area for which there is insufficient capacity to meet the demands of the proposed development. New dwellings in this area are required to contribute £181 per dwelling, which totals £5,249.00 in this application.</p>
Quantum	£5249.00
Fixed / Tariff	Tariff based per dwelling

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Trigger	100% payment upon occupation of 50% or 15 of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	

Ref	CCC6
Type	CCC monitoring
Policy	None
Required	NO
Detail	<p>S106 Monitoring fees of £650 are sought in this application. This is calculated on the basis of hourly officer rates of £50 to monitor various triggers within the S106 agreement.</p> <p>Having regard to a decision determined by the Planning Court on 3 February 2015, officers do not consider that such a request satisfies the tests as set out in CIL Regulation 122. Therefore this contribution is not proposed to be secured. For further information on this issue please refer to Oxfordshire CC v Secretary of State for Communities and Local Government [2015] EWHC 186 [Admin]).</p>
Quantum	£0
Fixed / Tariff	
Trigger	
Officer agreed	NO PAYMENT REQUIRED
Applicant agreed	YES
Number Pooled obligations	

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Ref	SCDC1
Type	Sport
Policy	SF/10
Required	YES
Detail	<p>The council has already sought S106 monies from more than 5 projects towards open space and indoor community facilities in Gamlingay and officers are unable to seek further generic contributions of this sought under the CIL regulations. Therefore any further contributions can only relate to a specific project and must meet the tests under the CIL regulations. A specific project has been identified for relocation of the tennis court and bowling green which is considered CIL compliant.</p>
Quantum	£30,000
Fixed / Tariff	
Trigger	100% payment upon occupation of 50% or 15 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	5

Ref	SCDC2
Type	Children's play space
Policy	SF/10
Required	YES

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Detail	The council has already sought S106 monies from more than 5 projects towards open space and indoor community facilities in Gamlingay and officers are unable to seek further generic contributions of this sought under the CIL regulations. Therefore any further contributions can only relate to a specific project and must meet the tests under the CIL regulations A specific project has been identified for new play equipment at the Butts Play Ground which is considered CIL compliant.
Quantum	£35,000
Fixed / Tariff	
Trigger	100% payment upon occupation of 50% or 15 of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	5

Ref	SCDC3
Type	Informal open space
Policy	SF/10
Required	YES
Detail	An area of open space has been included within the development site which meets the requirements of policy.
Quantum	£0
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	5

Ref	SCDC4
Type	Offsite indoor community space
Policy	DP/4
Required	YES
Detail	The council has already sought S106 monies from more than 5 projects towards open space and indoor community facilities in Gamlingay and officers are unable to seek further generic contributions of this sought under the CIL regulations. Therefore any further contributions can only relate to a specific project and must meet the tests under the CIL regulations A specific project has been identified for the Old Methodist Church which is considered CIL compliant.
Quantum	£35,000
Fixed / Tariff	
Trigger	100% payment upon occupation of 15 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

Ref	SCDC5
Type	Onsite open space and play area maintenance
Policy	
Required	YES
Detail	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

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	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)'.
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC6
Type	S106 Monitoring
Policy	Planning portfolio holder approved policy
Required	YES
Detail	
Quantum	£500
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

OTHER OBLIGATIONS

Ref	OTHER 1
Type	Health
Policy	DP/4
Required	YES
Detail	<p>A specific project has been identified for the GP surgery which is considered CIL compliant.</p> <p>Ideally the surgery would be extended but at this time that proposal is proving problematic and therefore (if that continues to be the case) internal modifications would be undertaken to provide more GP practice capacity and improve the functionality of the surgery as follows:</p> <ol style="list-style-type: none"> 1. Extend the waiting room area 2. Extend the dispensary and 3. Create a privacy area, resource and self help area, children's play area and electronic doors and, funds permitting 4. Redesign the front access to the building to allow for wheelchair access and improve the footpath and surgery car park and improved security lighting. <p>Greensands Medical Practice has advised that they have now completed the 1st part of the process which was to supply 3 quotations for the project management side of the project which needed to be sent to NHS England Premises Team so that they could appoint the project manager and architect.</p>

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	<p>SCDC officers are in contact with the GP Premises Officer NHS England – Midlands & East (Central Midlands) and it is hoped that this approval will be granted shortly such that the project can be put out to tender.</p> <p>This contribution would be used alongside contributions already secured for primary healthcare improvements in Gamlingay from the Station Road development (where the money is already held) and the Green End Ind Est development (where the s106 agreement is to be completed in due course).</p>
Quantum	£18,009
Fixed / Tariff	
Trigger	100% payment upon occupation of 20 dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	Two to date (Station Road and Green End Ind Est when completed)

Ref	OTHER 2
Type	Cycle Link Feasibility
Policy	DP/4
Required	YES
Detail	<p>Gamlingay Parish Council is very keen to establish a dedicated cycle path between the village and Potton (where users can then carry on to Sandy railway station).</p> <p>In 2009 Sustrans suggested that a feasibility study is undertaken to investigate and assess possible solutions for facilitating this path.</p> <p>Gamlingay Parish Council has suggested that the first stage in achieving this wider route should be a section of a cycle path leading from the south of the village towards Potton and which would stop at or near the Woodview Farm shop (which is effectively the Cambridgeshire and Bedfordshire border). The Parish Council has sought a contribution of £10,000 which it would use, alongside the County Council, to commission the study.</p> <p>The working group for the Gamlingay Neighbourhood Plan has sent out questionnaires to the local community and which it is understood proposes employment sites along Mill Hill on the basis that the cycle path forms a key sustainability requirement.</p> <p>The development being proposed here would finance the feasibility study which will ascertain what barriers need to be overcome in order to deliver this long standing ambition. If a viable solution is identified then it may well be that further funding can be secured via employment developments and grant funding.</p> <p>This project is considered to be CIL compliant.</p>
Quantum	£10,000
Fixed / Tariff	Fixed
Trigger	100% payment prior to the first occupation of the first dwelling

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Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE