

Heads of terms for the completion of a Section 106 agreement

Hardwick – Grace Crescent (S/1694/16/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 Cottenham and the remaining should be allocated on a 50/50 split basis between applicants with a District wide connection

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	CCC	Either £60,000 or £258,461.56 depending on whether the community rooms at the Primary School convert to early years classrooms
Transport (2 x real time passenger information displays serving 2 bus stops)	CCC	£54,000
Sports (extending pavilion)	SCDC	£30,000
Offsite play equipment	SCDC	£30,000
Indoor community space (new community centre)	SCDC	Either £608,000 or £409,538.44 depending on whether the community rooms at the Primary School convert to early years classrooms
Household waste bins	SCDC	£7,500 (circa)
Monitoring	SCDC	£2,000
Healthcare	SCDC	£32,220
Community transport	SCDC	£45,000
TOTAL		£868,720
TOTAL PER DWELLING		£8,864.49

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Bus season ticket	CCC	Provision of bus tickets to each house providing free bus travel for a period of 6 months (Route 2 Whippet)

Local equipped area for play	SCDC	An area of no less than 500 m2 as defined in the Open space SPD
Allotments	SCDC	An area of no less than 250 m2 of land for the provision of allotments

Planning condition infrastructure summary:

Item	Beneficiary	Summary
Travel Plan	CCC	Travel Plan
Provision of 10 covered cycle stands	CCC	Located at East bound bus stop on St Neot's Road
Offsite parking improvements	CCC	Car park at The Pastures
Footpath improvements	CCC	A scheme for the provision/improvement of footpaths between the Blue Lion and St Marys Church
Street lighting	CCC	A scheme for the provision/improvement of street lighting South of St Mary's Church

CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1
Type	Early years
Policy	DP/4
Required	YES
Detail	<p>According to the County Council guidance the development is expected to generate 26 early year's children, of which 14 are entitled to free school.</p> <p>The proposed development is within Hardwick Community pre-school catchment area. The pre-school is currently accommodated by a mobile classroom and education officer have confirmed that there is insufficient capacity at the school to mitigate early years children arising from the development without some level of intervention.</p> <p>The County Councils proposed solution is to provide a new early years classroom within the grounds of the school at a cost of £480,000. On the basis that the classroom will accommodate 26 pupils the cost of providing this per pupil is £18,494.54. Therefore a contribution of £258,461.56 is sought.</p> <p>An alternative solution which has been discussed by all parties over a number of months is for the Parish Council to relinquish their right over an area of community space within Hardwick Community School. Community space in the village is provided in the primary school and was secured under an agreement dated 3 August 1978 and made between Cambridgeshire County Council and the Trustees of Hardwick Village Hall and Social Club. This agreement secures community use of a number of rooms which are also used by the school during the morning for a breakfast club and in the afternoon for an after school club.</p> <p>If the Parish Council were to build a new community centre (as described later in the document) this community room will no longer be required and at a cost of £60,000 it could be converted to 2 early years classrooms.</p>
Quantum	Either £60,000 or £258,461.56 depending on whether the community rooms at the Primary School convert to early years classrooms
Fixed / Tariff	Fixed
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	YES
Number Pooled obligations	None to date

Ref	CCC2
Type	Primary School
Policy	DP/4
Required	NO
Detail	<p>According to the County Council guidance the development is expected to generate a net increase of 22 primary school aged children.</p> <p>The proposed development is within Hardwick Community School catchment area and education officers have confirmed that the school currently has capacity to mitigate the children arising from the</p>

	development.
--	--------------

Ref	CCC3
Type	Secondary school
Policy	DP/4
Required	NO
Detail	<p>According to the County Council guidance the development is expected to generate a net increase of 12 primary school aged children.</p> <p>The proposed development is within Comberton Village College catchment area and education officers have confirmed that the school currently has capacity to mitigate the children arising from the development</p>

Ref	CCC4
Type	Libraries and lifelong learning
Policy	DP/4
Required	YES
Detail	<p>The proposed increase in population from the development will be approximately 226 new residents (98 x 2.3 average).</p> <p>Hardwick is served by 4 mobile library stops and the proposed development is located approximately 2 miles from the community library at Comberton Village College. As such there is sufficient capacity within existing resources to mitigate the impact from this development.</p>

Ref	CCC5
Type	Strategic waste
Policy	RECAP WMDG
Required	NO. Cambridge HRC catchment area has reached it's pooling limited under CIL Regulation 123.

Ref	CCC6
Type	CCC monitoring
Policy	None
Required	NO
Detail	<p>The County Council have sought a contribution of £650 (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 and (ii) 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.</p>

Ref	CCC7
Type	Transport
Policy	TR/3
Required	YES
Detail	To fund the provision of 2 real time passenger information displays at bus stops on St Neots Road
Quantum	£54,000
Fixed / Tariff	Fixed
Trigger	To be paid prior to the occupation of the first dwelling
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	NONE

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 Hardwick needed 4.35 ha but has 3.33 ha i.e. a deficit of 1.02 ha of Outdoor Sport Provision.</p> <p>Hardwick has one recreation ground with two senior football pitches, one mini soccer cricket square, MUGA that is used for netball and tennis, skate park and there a children's play area within the village. The sports pitches had drainage work carried out during 2008 at a total cost of £22134, and sound proofing for the skate ramp was carried out in 2008 at a cost of £8000.</p> <p>The recreation study highlighted that minor refurbishment was required to the all purpose pavilion.</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 outdoor sports provision to mitigate the impacts of the proposed development. Failure to make provision for outdoor sports space would mean that the development could not be considered sustainable in accordance with the requirements of the NPPF in particular Section 8.0 Promoting Health Communities.</p> <p>Hardwick Parish Council has said that in order to meet the needs of future residents sports contributions are required to facilitate the acquisition of additional land for sports purposes but (as with almost all South Cambridgeshire villagers) finding a willing landowner prepared to release land and for agricultural rates is a near impossibility at the current time. As such the other sports related project identified is the extension to the pavilion to create additional changing room space at a cost of £30,000.</p>
Quantum	£30,000
Fixed / Tariff	Fixed
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	YES
Number Pooled obligations	None to date

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 Hardwick needed 2.18 ha Children's Play Space whereas the village had 0.13, i.e. a deficit of 2.05 ha of Children's Play Space.</p> <p>Based on a likely housing mix the development would be required to provide 851 m2 of formal play space and 851 m2 of informal play space.</p> <p>The applicant is proposing:</p>

	<p>(a) an onsite LEAP (comprising 9 items of play equipment serving 2-8 year olds) and</p> <p>(b) a contribution towards the provision of additional play equipment on Grace Crescent being the sum of £30,000.</p> <table><tr><th></th><th>Formal play space</th><th>Informal play space</th></tr><tr><td>1 bed</td><td>Nil</td><td>Nil</td></tr><tr><td>2 bed</td><td>7m2</td><td>7m2</td></tr><tr><td>3 bed</td><td>9.7m2</td><td>9.7m2</td></tr><tr><td>4+ bed</td><td>13.3m2</td><td>13.3m2</td></tr></table>		Formal play space	Informal play space	1 bed	Nil	Nil	2 bed	7m2	7m2	3 bed	9.7m2	9.7m2	4+ bed	13.3m2	13.3m2
	Formal play space	Informal play space														
1 bed	Nil	Nil														
2 bed	7m2	7m2														
3 bed	9.7m2	9.7m2														
4+ bed	13.3m2	13.3m2														
Quantum	£30,000															
Fixed / Tariff	Fixed															
Trigger	LEAP to be installed prior to the occupation of 50% of the dwellings Offsite play equipment contribution payable prior to occupation of 20 dwellings															
Officer agreed	YES															
Applicant agreed	YES															
Number Pooled obligations	NONE															

Ref	SCDC3										
Type	Informal open 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 Hardwick needed 1.09 ha of informal open space and had 0.48ha, i.e. a deficit of 0.61 ha.</p> <p>The informal open space requirement should be satisfied through the provision of a publically accessible green space proposed being located to the South and West of the development (and other incidental open space areas).</p> <p>The applicant will be required to provide a minimum level of informal open space in accordance with the table below</p> <table border="1"> <thead> <tr> <th></th><th>Informal open space</th></tr> </thead> <tbody> <tr> <td>1 bed</td><td>5.4 m2</td></tr> <tr> <td>2 bed</td><td>7m2</td></tr> <tr> <td>3 bed</td><td>9.7m2</td></tr> <tr> <td>4+ bed</td><td>13.3m2</td></tr> </tbody> </table>		Informal open space	1 bed	5.4 m2	2 bed	7m2	3 bed	9.7m2	4+ bed	13.3m2
	Informal open space										
1 bed	5.4 m2										
2 bed	7m2										
3 bed	9.7m2										
4+ bed	13.3m2										
Trigger	To be laid out prior to occupation of 50% of the 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 became Council policy following 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 Hardwick needs 299 m2 of indoor community space whereas it has no primary community space that was of sufficient size to have warranted an audit. Community space in the village is provided in the primary school and was secured under an agreement dated 3 August 1978 and made between Cambridgeshire County Council and the Trustees of Hardwick Village Hall and Social Club. This agreement secures community use of a number of rooms which are also used by the school during the morning for a breakfast club and in the afternoon for an after school club.</p> <p>Discussions have taken place with the Primary School, Parish Council, District Councillor, Pre-school provider, Hardwick Community Association etc to find a solution where this community room is no longer available during school hours as a community (thereby making it available for early years space) and where the money that would have been sought for early years is instead invested alongside the community space contribution to fund/part fund a new community centre on land owned by the Parish Council.</p> <p>In order to mitigate the impact of the development a new community centre is needed. The size of the building depends on whether the community room is converted to a early years classroom.</p> <p>If the community room at the school is lost an offsite contribution of £608,000 is necessary based on the size of the necessary amount of community space. This figure reduces to £408,000 if the community room is retained.</p>
Quantum	Either £608,000 or £408,000 depending on whether the community rooms at the Primary School convert to early years classrooms
Fixed / Tariff	Fixed
Trigger	<p>25% of the contribution payable prior to the occupation of each:</p> <p>First dwelling</p> <p>20 dwellings</p> <p>Remainder of contribution payable prior to occupation of 40 dwellings</p>
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
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	Towards the cost of monitoring delivery and maintenance of physical works (i.e. affordable housing, open space, play areas, allotments)
Quantum	£2,000
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

Ref	SCDC7
Type	Onsite open space and play area maintenance
Policy	Open space in new developments SPD January 2009
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 Hardwick 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</p>

	responsibility of the open space areas and play areas passes to plot purchasers in the event of default.
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None

OTHER OBLIGATIONS

Ref	OTHER 1
Type	Health
Policy	DP/4
Required	YES
Detail	<p>NHS England has sought a contribution of £32,220 which will be used to help fund Little Eversden Surgery (which is a branch surgery of Comberton Surgery) and which (along with Bourn Surgery and Comberton Surgery) serves the village of Hardwick.</p> <p>At the request of Hardwick Parish Council District Council officers have explored with Comberton Surgery the possibility of a type of 'satellite clinic' taking place in the village.</p> <p>The surgery has advised that this type of clinic would be difficult/costly to make satisfy CQC requirements. Further, it would go against the current" direction of travel" of NHSE who are focussing resources on fewer, larger practices.</p> <p>If in the future this option is a viable one then a deed of variation may be negotiated to change how the healthcare contribution can be spent and which may include a dedicated space being provided within the new community centre.</p>
Quantum	£32,220
Fixed / Tariff	Fixed
Trigger	100% prior to occupation of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None at the point of planning committee

Ref	OTHER2
Type	Community transport scheme
Policy	DP/4, TR/3 and NPPF
Required	YES
Detail	A proposal has been put forward by Hardwick Parish Council to establish a new community transport initiative and which they would run between the village and key destinations.
Quantum	£45,000
Fixed / Tariff	Fixed
Trigger	100% prior to occupation of 30 of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	None