

## Heads of terms for the completion of a Section 106 agreement

Willingham – Belsar Farm (S/3145/16/FL)	
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 Willingham 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
Sports	SCDC	£30,000
Indoor community space	SCDC	£30,000
Household waste bins	SCDC	£12,500
Monitoring	SCDC	£500
<b>TOTAL</b>		
<b>TOTAL PER DWELLING</b>		

## Section 106 infrastructure summary:

Item	Beneficiary	Summary
Local Area of Play	SCDC	
	CCC	

## Planning condition infrastructure summary:

Item	Beneficiary	Summary
	CCC	
	CCC	

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<b>Ref</b>	CCC1
<b>Type</b>	Early years
<b>Policy</b>	DP/4
<b>Required</b>	YES
<b>Detail</b>	<p>According to the County Council guidance the development is expected to generate 6 early years children, 3 of which are entitled to free school provision.</p> <p>The proposed development is within the Willingham pre-school catchment area. County education officers have confirmed that the school currently has sufficient capacity to mitigate the children arising from this development.</p> <p>Therefore no contribution towards early years provision is sought.</p>

<b>Ref</b>	CCC2
<b>Type</b>	Primary School
<b>Policy</b>	DP/4
<b>Required</b>	NO
<b>Detail</b>	<p>The proposed development would result in a projected increase of 4 primary school aged children. The County Council consider that there is currently insufficient capacity at the primary school to accommodate these pupils. However, financial contributions have been sought from 3 outline applications in Willingham that have recently been approved which have fully funded a single classroom extension to the school. These schemes are all in outline form and therefore the 'general multiplier' formula has been applied to calculate the respective contributions, due to the housing mix not being confirmed until the reserved matters stage. The general multiplier that the County Council use estimates an average of 30 children per 100 dwellings. On the basis of the multiplier, approximately 8 pupils would result from this scheme. Given the substantial percentage difference between the number of children generated by the multiplier approach and the actual number anticipated as a result of this development (even accounting for the overprovision of 2 bed dwellings in the market element), it is considered that there is insufficient evidence to demonstrate that a contribution is necessary from this scheme. This assessment is based on the evidence pointing towards the number of pupils being generated by the 3 approved schemes would be 31 on the basis of the multiplier but would be comfortably below 30 on the basis of a policy compliance mix scheme being advanced at the reserved matter stage (which would be required unless a suitable justification is advanced.) As a result, it is considered that the extension already funded would provide sufficient space to mitigate the impact of this development and those schemes and as such, no further contribution is required to mitigate the impact of this or the other committed developments.</p>

<b>Ref</b>	CCC3
<b>Type</b>	Secondary school
<b>Policy</b>	DP/4

<b>Required</b>	NO
<b>Detail</b>	<p>According to County Council guidance the development is expected to generate a net increase of 3 secondary school places</p> <p>The proposed development is within the Cottenham Village College catchment area. County education officers have confirmed that the school currently has sufficient capacity to mitigate the secondary aged children arising from this development.</p> <p>Therefore no contribution towards secondary school provision is sought.</p>

<b>Ref</b>	CCC4
<b>Type</b>	Libraries and lifelong learning
<b>Policy</b>	DP/4
<b>Required</b>	NO
<b>Detail</b>	<p>The proposed increase in population from the development will be approximately 53 new residents (25 dwellings x 2.09 average household = 52.25 = 53).</p> <p>Willingham is served by a small community library. There is sufficient capacity within the existing resources to mitigate the impact from this development.</p> <p>Therefore no contribution towards LLL is sought</p>

<b>Ref</b>	CCC5
<b>Type</b>	Strategic waste
<b>Policy</b>	RECAP WMDG
<b>Required</b>	NO
<b>Detail</b>	

<b>Ref</b>	CCC6
<b>Type</b>	CCC monitoring
<b>Policy</b>	None
<b>Required</b>	NO
<b>Detail</b>	<p>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.</p>

<b>Ref</b>	CCC7
<b>Type</b>	Transport
<b>Policy</b>	TR/3
<b>Required</b>	NO
<b>Detail</b>	

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<b>Ref</b>	SCDC1
<b>Type</b>	Sport
<b>Policy</b>	SF/10
<b>Required</b>	YES
<b>Detail</b>	<p>The recreation study of 2013 identified Willingham required 6.58 ha of sports space whereas it only had 4.02 ha and therefore experienced a deficit of 2.56 ha sports space.</p> <p>The open space audit went on to highlight that:</p> <ul style="list-style-type: none"> <li>• The village has one recreation ground with one junior football pitch, two senior pitch, two mini soccer pitches, cricket square, play area, a bowls green and a pavilion.</li> <li>• The pavilion was extended and refurbished in 2006 as part of a £100,000 project.</li> <li>• Willingham Cricket Club and Willingham Wolves junior football club have teams from <ul style="list-style-type: none"> <li>• U8's to U15's girls and boys and in excess of 150 children.</li> </ul> </li> <li>• Willingham Parish council are looking at developing an outdoor gym, Skate Park, enhanced play equipment and a teenage shelter.</li> </ul> <p>In response to a number of recent applications the Parish Council have advised that the Bowls Club is need of updating and has experienced problems with the green etc and unfortunately it looks as if as a club it will close this year. As a result the Council decided that as part of the Recreation Ground/Pavilion the space should be upgraded so that it could be used as a multi purpose space. Exact details have not been decided upon (which may require a public consultation) but suggestions included such things as possibly a tennis court and/or a all weather pitch for various activities, and upgrading the club house etc</p> <p>Offsite financial contributions are proposed being secured in accordance with the rates published in the open space in new developments SPD as follows:</p> <p>1 bed: £625.73  2 bed: £817.17,  3 bed: £1,130.04  4+ bed: £1,550.31</p>
<b>Quantum</b>	£30,000 (circa)
<b>Fixed / Tariff</b>	Tariff
<b>Trigger</b>	To be paid prior to the occupations of 50% of the dwellings (in each phase if more than one reserved matters application submitted)
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	3 to date

<b>Ref</b>	SCDC2
<b>Type</b>	Children's play space
<b>Policy</b>	SF/10

<b>Required</b>	YES
<b>Detail</b>	<p>The recreation study of 2013 identified Willingham required 3.29 ha of sports space whereas it only had 0.11 ha and therefore experienced a deficit of 3.18 ha sports space.</p> <p>Since that assessment was undertaken additional play space has been provided at the Queen Elizabeth II playing field, however there remains a significant shortfall.</p> <p>Offsite financial contributions are proposed being secured in accordance with the rates published in the open space in new developments SPD as follows:</p> <p>Willingham Parish Council has confirmed that they intend to use the money to part fund a second phase of the QEII playing field.</p>
<b>Quantum</b>	£30,000 (circa)
<b>Fixed / Tariff</b>	Tariff
<b>Trigger</b>	
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	3 to date

<b>Ref</b>	SCDC3
<b>Type</b>	Informal open space
<b>Policy</b>	SF/10
<b>Required</b>	YES
<b>Detail</b>	The applicant will be required to provide a LAP as indicated on the proposed plans.
<b>Quantum</b>	
<b>Fixed / Tariff</b>	N/A
<b>Trigger</b>	
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC4
<b>Type</b>	Offsite indoor community space
<b>Policy</b>	DP/4
<b>Required</b>	YES
<b>Detail</b>	<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</p>

	<p>since.</p> <p>The community facility audit of 2009 identified that despite community space being provided across Willingham Plough Hall and Willingham Public Hall, the village experienced a deficit of 110 square metres of indoor community space. The audit also highlighted several measures to improve the condition and use of the facilities.</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> <p>In order to provide sufficient indoor community space for the village Willingham Parish Council have proposed an extension to the Ploughman Hall to provide a meeting room and general facilities for the use of the village</p>
<b>Quantum</b>	£12,500 (circa)
<b>Fixed / Tariff</b>	Tariff
<b>Trigger</b>	To be paid prior to the occupations of 50% of the dwellings in each phase
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	NONE

<b>Ref</b>	SCDC5
<b>Type</b>	Household waste receptacles
<b>Policy</b>	RECAP WMDG
<b>Required</b>	YES
<b>Detail</b>	£73.50 per house and £150 per flat
<b>Quantum</b>	See above
<b>Fixed / Tariff</b>	Tariff
<b>Trigger</b>	Paid in full prior to commencement of each phase
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC6
<b>Type</b>	S106 Monitoring
<b>Policy</b>	Portfolio holder approved policy
<b>Required</b>	YES
<b>Detail</b>	To monitor the timely delivery of onsite infrastructure (and with regards public open space and the LAP its maintenance thereafter)
<b>Quantum</b>	£500
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	Paid in full prior to commencement of development
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC7
<b>Type</b>	Onsite open space and play area maintenance
<b>Policy</b>	

<b>Required</b>	YES
<b>Detail</b>	<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 be offered to Willingham 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>
<b>Quantum</b>	
<b>Fixed / Tariff</b>	
<b>Trigger</b>	
<b>Officer agreed</b>	YES
<b>Applicant agreed</b>	YES
<b>Number Pooled obligations</b>	None