Heads of terms for the completion of a Section 106 agreement

Swavesey – Fen Drayton Road (S/1027/16/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 allocated to those with a local connection to Swavesey, with the remaining allocated 50/50 between local connection and the District wide Housing Register	

Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years and Primary School	CCC	£262,143
Secondary School	CCC	£148,119
Libraries and lifelong learning	CCC	£7,157.70
Transport	CCC	£54,000
Sports	SCDC	£100,000
Indoor community space	SCDC	£50,000
Household waste bins	SCDC	£7,500
Monitoring	SCDC	£2,000
Healthcare	SCDC	£32,640
TOTAL		£663,560
TOTAL PER DWELLING		£6,702.62

Section 106 infrastructure summary:

Item	Beneficiary	Summary
Children's play	SCDC	Local Equipped Area of Play serving 2-8 year olds
		Older children's play area

Planning condition infrastructure summary:

Item	Beneficiary	Summary
Foot improvements	CCC	Improvements to be provided along Middlewatch
Travel plan including free bus passes	CCC	6 month free bus pass per dwelling

CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1		
Туре	Early years and Primary Education		
Policy	DP/4		
Required	YES		
Detail	According to County Council guidan generate a net increase of 21 early would be eligible for s106 contribution. This development is expected to contribute the countribution of	years aged children of which 11 on and 25 primary school places.	
	This development is expected to contribute towards the project to increase the capacity of the early years facility at Swavesey Primary School. The catchment school is Swavesey Primary School.		
	In May 2013, Cambridgeshire Coun primary school extension and 2 pre- replace 3 temporary classrooms at accommodate the growing primary scatchment arising from natural grow of new housing developments.	-school classroom extension to Swavesey Primary School to school aged population in the	
	The project has been costed at £2,3 2016-2017 Ref. A/C.01.011).	850,000 (CCC Capital Programme	
	Total cost of 5 new classrooms and other works	£2,350,000	
	Less non s106 items (Internal works and proportion to 3 classroom extension, not related to the development)	£404,820	
	Subtotal	£1,945,180	
	Less cost of re-provision existing accommodation	£1,167,108	
	Subtotal	£778,072	
	Less s106 sum to be secured	£333,761	
	from Boxworth End development		
	Revised Subtotal	£444,310	
	New places provided 56 consisting Place per pupil £13,893	1 x primary and 1 x early years	
	Middlewatch 70 dwellings (i.e. 41%)	£182,167	
	Fen Drayton Road 199 dwellings (i.e. 59%)	£262,143	
Quantum	£262,143		
Fixed / Tariff	Fixed		
Trigger	50% of the contribution upon comm	·	
000	50% payable prior to occupation of 50% of dwellings		
Officer agreed	YES		
Applicant agreed	YES	1	
Number Pooled obligations	One to date being 18 Boxworth End	1	

Ref	CCC2
Туре	Secondary school
Policy	DP/4
Required	YES
Detail	According to County Council guidance the development is expected to generate a net increase of 25 secondary education aged children (based on the County Council general multipliers). The catchment school is Swavesey Village College. This development is expected to contribute towards the project to increase the capacity of Swavesey Village College from 8FE to 9FE, providing space for an additional 150 pupils.
	The secondary education contribution for this development is £148,119. The rationale and calculation for this cost are set out below.
	In 2012 Cambridgeshire County Council identified a 1 Form of Entry (FE) project at Swavesey Village College which would expand the school from 8FE to 9FE and accommodate 150 additional pupils. The purpose of the expansion was to accommodate the growing secondaryaged population in the catchment arising from natural growth in the population and the impact of new housing developments.
	The 1FE expansion was costed at £3,900,000 (based on costs at 1Q2015) of which £1,250,000 was secured by the College from an Education Funding Agency funding bid. The County Council received a further £1,900,000 Targeted Basic Need Funding for the scheme from the Department for Education.
	This left a shortfall in funding of £750,000, which the County Council forward funded with the intention of securing S106 contributions from future developments in the area.
	The expansion work has now been completed and although there is now technically spare spaces at Swavesey Village College this is only due to the County Council providing the key infrastructure in advance of the housing with new developments in the area expected to contribute to the costs of the work.
	The County Council has recently secured £106,002 from a 30 dwelling development at Land to the rear of no. 18 Boxworth End, Swavesey (S/0875/15/OL). The funding shortfall therefore is £643,998 (£750,000 - £106,002).
	There are a number of other developments in the area for which planning applications have recently been submitted. These are as follows:
	 Land south of Fen Drayton Road, Swavesey (S/1027/16/OL) – 99 dwellings (this application) Land to the rear of 130, Middlewatch, Swavesey (S/1605/16/OL) – 70 dwellings (refused) Land off the Ridgeway, Papworth Everard (S/2647/15/OL) – 215 dwellings (approved) Land to the west of Mill Road, Over (S/2870/15/OL) – 55 dwellings (subject of planning appeal)
	These developments total 439 new dwellings in the area. On the basis of the County Council general multipliers (25 primary aged children per 100 dwellings) there would be a total of 110 new secondary-aged children arising from these new developments. If Land to the rear of no.

18 Boxworth End, Swavesey is included then this would total 469 new dwellings and 118 new secondary-aged children.

In order to be fair and reasonable the remaining funding shortfall (of £643,998) has been split proportionally between these developments, based on the number of proposed dwellings. Applying this approach the secondary education contributions would therefore be as follows:

Development	Number of Dwellings	Proportion of Total Dwellings	Contribution
Land south of Fen Drayton Road, Swavesey (S/1027/16/OL)	99	23%	£148,119
Land to the rear of 130, Middlewatch, Swavesey (S/1605/16/OL)	70	16%	£103,040
Land off the Ridgeway, Papworth Everard (S/2647/15/OL)	215	49%	£315,559
Land to the west of Mill Road, Over (S/2870/15/OL)	55	12%	£77,280
TOTAL	439	100%	£643,998

Quantum	£148,119
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	One to date being 18 Boxworth End
obligations	-

Ref	CCC3
Туре	Libraries and lifelong learning
Policy	DP/4
Required	YES
Detail	The proposed increase in population from this development (99 x 2.5 (average household size) = approximately 247.5 new residents) will put pressure on the library and lifelong learning service in the village. Therefore a contribution is required. Swavesey is served by a mobile library and has a Library Access Point situated at the Village College which are considered insufficient to serve the new residents arising from this development.

	The County Council's proposed solution to mitigating the impact on the libraries and lifelong learning service arising from this site and others in the area would be add another mobile library stop in the village and to enhance the library stock by purchasing additional information and fiction books for adults, including large print books and story CDs, Children's story books, picture books and board books for babies and toddlers, as well books for teenagers. In order to do this, the County Council would require a developer contribution of £28.92 per head of population increase. This figure is based on the MLA Standard Charge Approach for public libraries (Public Libraries, Archives and New Development: A standard Charge Approach (Museums, Libraries and Archives Council, May 2010). Contribution = 247.5 x £28.92 = £7,157.7
Quantum	£7,157.70
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

Ref	CCC4
Туре	Strategic waste
Policy	RECAP WMDG
Required	NO
Detail	This development falls within the Cambridge and Northstowe HRC catchment area for which there is insufficient capacity. However, the HRC already has 5 S106 contributions pooled; therefore, the County Council is prevented from seeking a further S106 strategic waste contribution from this development and will mitigate impact through existing provisions and efficiencies.

Ref	CCC5
Туре	CCC monitoring
Policy	None
Required	NO
Detail	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.

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Ref	CCC6
Туре	Transport
Policy	TR/3
Required	YES
Detail	The County Council require 2 RTPI display boards serving north and
	southbound bus stops along Middlewatch at a cost of £27,000 each
Quantum	£54,000
Fixed / Tariff	Fixed
Trigger	Prior to occupation of development
Officer agreed	YES
Applicant agreed	YES

Swavesey – Fen Drayton Road (S/1027/16/OL)

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Number Pooled	NONE
obligations	

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Ref	SCDC1
Туре	Sport
Policy	SF/10
Required	YES
Detail	The Recreation and Open Space Study 2013, forming part of the Local Plan submission, showed that Swavesey needed 4.24 ha but only has 2.66 ha i.e. a deficit of 1.58 hectares of Outdoor Sport Provision. Swavesey has one full football and one mini-soccer pitch on the village
	green, additionally there are basic pavilion facilities and a children's play area on the site. The village has two football clubs and a cricket club, with both junior and adult teams; there is also a netball club from Over village who use the facilities. Some clubs at Swavesey use the facilities at Swavesey Village College, and much of winter football training takes place at the community centre in nearby Over. There is demand for an additional mini-soccer pitch and a skate park.
	Through the planning appeal for 30 dwellings at 18 Boxworth End (Appeal Ref: APP/W0530/W/15/3139078) the Council secured an area of 2.6 ha of agricultural land that is to be offered to Swavesey Parish Council. Swavesey Parish Council have the right to refuse this offer and if they do financial contributions become payable. The offer is for land only and should the Parish Council accept the offer then a substantial amount of funding will be required to get the land fit for purpose. The land transfer itself comprises the first obligation of a possible 5 that may be secured towards this one project.
	This land currently comprises an open field that exhibits ridge and furrow. A feasibility study (dated 1st September 2016) has been undertaken to ascertain the quantum of monies that would be required to provide the land for sports purposes. The consultants have suggested that this work may be achieved for a sum of circa £190k exc VAT.
	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:
	1 bed: £625.73 2 bed: £817.17, 3 bed: £1,130.04 4+ bed: £1,550.31
Quantum	Circa £100,000
Fixed / Tariff	Tariff
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	One to date being 18 Boxworth End

Ref	SCDC2
Туре	Children's play space and Informal open space
Policy	SF/10
Required	YES
Detail	The Recreation and Open Space Study July 2013, forming part of the
	Local Plan submission, showed that Swavesey experienced a deficit of

1.58 ha of Children's Play Space and a deficit of 0.73 ha in terms of informal open space.

The applicant will be required to provide a minimum level of onsite open space in accordance with the table below

	Formal play space	Informal play space	Informal open space
1 bed	Nil	Nil	5.4 m2
2 bed	7m2	7m2	7m2
3 bed	9.7m2	9.7m2	9.7m2
4+ bed	13.3m2	13.3m2	13.3m2

Based on a likely housing mix the development would be required to provide:

945m2 of formal play space. 945m2 of informal play space and 995m2 of informal open space

In simple area terms the formal play space requirements is the equivalent of a LEAP and around 0.4 of a NEAP.

The applicant is proposing the provision of a LEAP on the large public open space area proposed to the south west of the site. A LEAP is usually 500m2 and ordinarily a LEAP would be required to meet the needs of 50 dwellings and which would comprise 9 items of play equipment of which 9 will be for 4-8 year olds and 3 pieces for toddlers).

In order to meet the needs of 8-14 year olds the developer would be required to either pay a contribution for the provision of offsite equipment or provide a dedicated space onsite.

In response to this application Swavesey Parish Council have suggested that onsite provision would best meet the immediate needs of the new residents.

Such a facility may include (i) a single goal end MUGA with or without basketball hoop (i.e. not a full MUGA) or (ii) skate/bmx area.

The applicant will be required to work with the Parish Council and submit plans for both the LEAP and older children's play area prior to the commencement of development.

	the commencement of development.
Quantum	Onsite LEAP and additional play area for older children
Fixed / Tariff	N/A
Trigger	Scheme for open space and play areas to be submitted for approval prior to commencement of development Open space and play areas to be laid out and available for use no later than prior to occupation of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled	N/A
obligations	

Ref	SCDC3
Туре	Offsite indoor community space
Policy	DP/4

Required YES Detail 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. 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. 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. Based on the likely number of people arising from the development an area of circa 27 m2 is required. The audit advises that in Swavesey there is a deficiency of 83 sqm of community space against the standard. Swavesey Memorial Hall is a community hall built in the 1920s and improved at various times since. Owned and managed by a registered charity, however the hall relies on an annual support grant from the Parish Council, During 2012 the Parish Council gave a cash grant of £3,500 plus also purchased a digital projector system at a cost of £1,500, which was installed in the Meeting Room. This room is used by many village clubs, the Parish Council and other hirers. Part of the cost of the digital projector was from S106 Indoor facilities funding obtained from the building of a recent new three-bed dwelling in the village. The Swavesey Parish Plan was adopted in 2008 and was accompanied by an Action Plan which highlighted projects in respect of indoor community facilities: Link up with the Village College and Primary School to improve community use. Investigate with the Village College how the village can participate in and benefit from the proposed community hall and environmental centre. Refurbish the Memorial Hall, including new heating and an audio loop. The information recently provided by the Parish Council highlights that the Parish Council will again include its annual support grant to the hall running costs in its 2013/14 budget. Further improvements to the Hall are required and plans include providing additional kitchen equipment, repairs to the fabric of the outside of the building and provision of projection equipment to the main hall room. Swavesey Parish Council has advised that contributions are required towards improving parking facilities at the Village Hall (Memorial Hall) to

	tarmac the car park, mark out parking bays and ensure the most effective use of the parking area to cater for the increased use of the hall. In addition, with increasing membership the existing building for the scout hut is in need of replacement and a permanent building is required. A contribution is therefore requested towards the improvement of the car parking facilities at the village hall and towards a new building for the scout hut. The contribution required as per the indoor community space policy would be: 1 bed - £284.08 2 bed - £371.00 3 bed - £513.04 4+ bed - £703.84
Quantum	Circa £50,000
Fixed / Tariff	Tariff
Trigger	To be paid prior to the occupations of 50% of the dwellings in each
	phase
Officer agreed	YES
Applicant agreed	YES
Number Pooled	NONE
obligations	

Ref	SCDC4
Туре	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 first occupation
Officer agreed	YES
Applicant agreed	YES
Number Pooled	None
obligations	

Ref	SCDC5
Туре	S106 Monitoring
Policy	
Required	YES
Detail	£2,000
Quantum	
Fixed / Tariff	Fixed
Trigger	Paid in full prior to commencement of development
Officer agreed	YES
Applicant agreed	YES
Number Pooled	None
obligations	

Ref	SCDC6
Туре	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 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)'. It is the Local Planning Authority's preference that the public open space is offered to Swavesey Parish Council for adoption, recognising that the Parish Council has the right to refuse any such offer. 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.
Quantum	
Fixed / Tariff	
Trigger	
Officer agreed	YES
Applicant agreed	YES
Number Pooled obligations	N/A

OTHER OBLIGATIONS

Ref	OTHER 1
Туре	Health
Policy	DP/4
Required	YES
Detail	The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development.
	The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated.
	The planning application does include a Health Impact Assessment (HIA) however it does not propose any mitigation of the primary healthcare impacts arising from the proposed development, as this review includes GP practices in excess of 2km from the development. A 2km radius Is considered appropriate by NHS England when assessing the impact of development.
	A Healthcare Impact Assessment (HIA) has been prepared by NHS England to provide the basis for a developer contribution .towards capital funding to increase capacity within High quality care for all, now and for future generations the GP Catchment Area.
	The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 238 residents and subsequently increase demand upon existing constrained services.
	The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.
	The development would give rise to a need for improvements to capacity by way of extension, refurbishment or reconfiguration at Swavesey surgery; a proportion of the cost of which would need to be met by the developer.
	Developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £32,640.
Quantum	£32,640
Fixed / Tariff	Fixed
Trigger	100% prior to occupation of 50% of the dwellings
Officer agreed	YES
Applicant agreed	YES
Number Pooled	NONE
obligations	