

Appendix 15b: Summary of the Heads of Terms (amended November 2017)

Members are reminded that to be included within a section 106 agreement, planning obligations must meet the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 i.e. they must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

(See also Chapter 22 'Implementation and Phasing' in the officer report)

The basis on which it is considered that each of the heads of terms to be provided in the planning obligation meet those tests is set out in the third column of the table below, with cross references provided to the Officer's Report, as appropriate.

1.0	Provision of affordable housing		
	Summary: description	Summary: implementation	CIL Regulations
1.1	30% affordable housing - 705 affordable homes in total	1) Implemented gradually across the various development parcels, in accordance with an agreed 'affordable housing distribution' plan 2) Serviced plots or completed dwellings to be transferred to a Registered Provider	See pars 8.22 to 8.34 and 8.47 to 8.49 of the officer report
1.2	Of the total above 65% (458 homes) will be social rented		
1.3	Of the total above 35% (247 homes) will be shared ownership		

2.0 Provision of custom and self-build housing			
	Summary: description	Summary: implementation	CIL Regulations
2.1	Provision of up to 5% of plots to be offered for sale for custom and self-build housing, subject to demand	1) Implemented gradually in accordance with an agreed 'custom and self-build housing distribution' plan 2) Marketing arrangements for custom and self-build plots and parcels will be specified	See pars 8.35 to 8.37 and 8.47 to 8.49 of the officer report
2.2	Of the total above an agreed % will be marketed as individual plots (to facilitate self-build). To be determined in light of evidence from the register		
2.3	Of the total above an agreed % will be marketed as either parcels for custom builders, or for self-build. Again, to be determined in light of evidence from the register		

3.0 Provision of housing for elderly people			
	Summary: description	Summary: implementation	CIL Regulations
3.1	At least 60 dwellings to be provided specifically for elderly people - designed to agreed, appropriate standards: e.g. Lifetime Homes, Housing an Ageing Population - Panel for Innovation (HAPPI) 2009 Restricted to occupants over a specified age. A proportion to be delivered in a mixed-tenure block, to meet local needs as agreed with the Clinical Commissioning Group (CCG) and Gloucestershire County Council (GCC)	Implemented gradually in accordance with an agreed 'housing for the elderly distribution plan' Buildings to accord with the HAPPI (2009) design principles, and other agreed standards	See pars 8.38 to 8.40 and 8.47 to 8.49 of the officer report

4.0	Access and movement		
	Summary: description	Summary: implementation	CIL Regulations
4.1	Off-site improvements to the highway network	To be completed to GCC/Local Highway Authority (LHA) requirements as part of the development	See pars 11.49 to 11.85 and 11.112 to 11.114 of the officer report. Cycle parking provision in Cirencester town centre was considered by the Local Highway Authority in the context of improved accessibility. The obligation at 4.7 is a necessary and proportionate contribution towards the provision of additional town centre cycle parking, to meet increased demand anticipated to arise from the development. The cycle parking contribution has the added advantage of contributing toward wider measures to improve generally accessibility to town centre services and facilities (see also Table 7 below)
4.2	Off-site junction improvements	To be completed to GCC/LHA requirements as part of the development	
4.3	New and improved public transport services	£1,810,000 to pump-prime new/extended services, in liaison with GCC and bus operators	
4.4	New and improved pedestrian and cyclist routes	To be completed to GCC/LHA and CDC requirements as part of the development	
4.5	Travel Planning	Travel Planning to be implemented to GCC/LHA requirements	
4.6	Toucan crossing A419/A429/Hammond Way/Hospital Roundabout (Future pedestrian crossing to Amphitheatre)	£131,000 financial contribution to GCC/LHA to enable future implementation in liaison with CDC and CTC	
4.7	Cycle parking in Cirencester Town Centre	£2,400 financial contribution to GCC/LHA	
4.8	Triggers for all of the above	Specified in 'Grampian' style planning conditions and/or in the relevant legal agreement	

5.0	Education provision		
	Summary: description	Summary: implementation	CIL Regulations
5.1	Early years provision - 142 nursery places	<p>1) 78 places in a new nursery, to be provided alongside the new primary school before first occupation of the 500th dwelling.</p> <p>2) £867,840 financial contribution to GCC to fund 64 additional places at existing nurseries. Payments in phase with development</p>	See pars 10.3 to 10.7; 10.29; and 10.58 to 10.60 of the officer report
5.2	Temporary primary school provision (for the first phase of development)	£800,000 financial contribution to GCC to host the new Chesterton primary school in temporary accommodation during years 3 and 4 of the development; i.e. for a maximum of two years until the permanent building is completed on-site	See pars 10.3 to 10.7; 10.30 to 10.32; and 10.58 to 10.60 of the officer report
5.3	Primary school provision - 630 places	New (3 forms of entry) primary school and nursery to be provided on-site as part of the development (see also 5.4 below)	
5.4	Development brief (including design standards, arrangements for phasing, and triggers for delivery) for the combined primary school and nursery	Primary school to open for the start of the first occupation of the 500 th dwelling. Subsequent expansion also triggered by dwelling completions and/or starts of academic years	
5.5	Secondary school provision	£3,275,118 financial contribution to GCC to finance additional places at Deer Park School and Kingshill School. Payments in phase with development	See pars 10.3 to 10.7; 10.33 and 10.34; and 10.58 to 10.60 of the officer report
5.6	Sixth Form Education	£400,000 financial contribution to CDC to support the provision of additional apprenticeship places and post 16 education at Cirencester College. Payments in phase with development	See pars 9.8; 10.3 to 10.7; 10.19; and 10.58 to 10.60 of the officer report. This obligation requires a necessary and proportionate contribution towards the expansion of local education and training provision for sixth form age students As noted in the officer report (see par 22.8, page 131) all education contributions will fully comply with CIL Regulations pooling restrictions

6.0	Primary health care provision		
	Summary: description	Summary: implementation	CIL Regulations
6.1	Facilitate provision of new GP surgery with supporting services on-site	<p>Either:</p> <ol style="list-style-type: none"> 1) commercial arrangement with the Phoenix Surgery and the Clinical Commissioning Group (CCG) to provide a new surgery on-site that meets Chesterton needs, together with wider needs; or, 2) safeguarding of an appropriately sized site in or adjacent to the Neighbourhood Centre for a new 3-GP surgery, to meet needs arising from the development <p>In the event of 1) the trigger will be the new Phoenix Surgery's opening date, as agreed with the CCG. In the event of 2) marketing of the site will commence before first occupation of the 1st dwelling.</p>	See par 10.7; 10.36; and 10.58 to 10.60 of the officer report

7.0	Improved town centre access		
	Summary: description	Summary: implementation	CIL Regulations
7.1	Improved town centre parking	£500,000 financial contribution to CDC to help improve town centre parking facilities	See pars 10.20 to 10.23; and 10.58 to 10.60 of the officer report. The proposed development will result in more people travelling to the town centre to use services and facilities. These obligations secure necessary and proportionate contributions towards improved accessibility to and within the town centre, through additional parking facilities and enhanced public realm, all of which will address additional demand arising from the new development. As noted in the officer report (see par 22.8, page 131) town centre improvements will fully comply with CIL Regulations pooling restrictions
7.2	Improvements to town centre public realm	£100,000 financial contribution to CDC to help improve town centre public realm Implementation of priority CTC town centre projects (CDC to ensure CIL Regulations compliance)	

8.0	Community development		
	Summary: description	Summary: implementation	CIL Regulations
8.1	Provision of multi-functional community building incorporating: community meeting space; satellite library space, for use by Cirencester Library; Community Management Organization (CMO) office accommodation; and a policing point, for use in community policing (see also on-site indoor sports provision).	Multi-functional community building of 1,000 sqm Gross Internal Floor Area (GIFA) provided on-site as part of the development before first occupation of either the 500th or 750th dwelling (maximum). The precise trigger will be agreed as part of a package of measures to ensure phased delivery of Neighbourhood Centre facilities	See pars 10.3; 10.6 and 10.7; 10.11 to 10.18; and 10.58 to 10.60 of the officer report. Although there is no policy requirement for public art, it is not the intention that this contribution is for a piece of art (i.e a sculpture) but is for community development projects based around art.
8.2	Establish CMO Working Group to oversee establishment of the CMO itself, in liaison with CTC and other key stakeholders.	CDC proposes establishment of the CMO Working Group within 3 months of the s106 being signed.	
8.3	Establishment of CMO to oversee future community development and maintain community assets	<ol style="list-style-type: none"> 1) Long-term financing of CMT (i.e. from service charges and revenue generating assets) to be agreed as a planning obligation 2) CMT on-site office and meeting space (120 sq m) provided within the multi-functional community building (see 7.1 above) 3) Development to finance start-up staffing costs for CMO 4) Development to finance initial management and maintenance costs for the open spaces prior to service charges revenue (see also 10.2) 5) £200,000 financial contribution to CDC, to be transferred to the CMO to finance initial community development initiatives (see 8.4 and 8.5 below) 6) Publication of quality assurances to be agreed as a planning obligation <p>The CMO will be established prior to first occupation of the 1st dwelling</p>	
8.4	Community development initiatives	£100,000 to provide seed funding for community development initiatives	

8.5	Public art and cultural initiatives	£100,000 to fund public art and cultural activities	
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9.0 Sport and play provision (on-site and off-site)			
	Summary: description	Summary: implementation	CIL Regulations
9.1	On-site provision of indoor sports hall and fitness suite, to complement community meeting space (see also 7.1)	Sports hall and fitness suite of 950 sqm Gross Internal Floor Area (GIFA) provided on-site as part of the development	See pars 10.3; 10.5 to 10.7; and 10.41 to 10.60 of the officer report
9.2	On-site provision of sports pitches and courts - 1 ha in total	3 x tennis courts and 2 x mini football pitches provided on-site as part of the development	
9.3	Improvements to and subsequent maintenance of off-site sports facilities	£900 000 financial contribution to CDC to finance improvements to and subsequent maintenance of off-site sports facilities, commensurate with requirements generated by the development	See pars 10.3; 10.5 to 10.7; and 10.56 to 10.60 of the officer report. This obligation secures a necessary and proportionate contribution towards improvements to off-site sports facilities, to help meet additional needs arising as a consequence of the proposed development
	Future maintenance of the resurfaced Artificial Grass Pitch (AGP) at Cirencester Deer Park School		
	Future maintenance of the new third generation (3G) football pitch at the Corinium Stadium		
	Contribution towards provision of floodlighting at Cirencester Rugby Club		
	Contribution towards provision of new rugby union pitches at Pike Field		
	Contribution towards future maintenance of the Cirencester Leisure Centre		
9.4	On-site provision of children's playing space	Hierarchy of playing spaces provided on-site as part of the development, in accordance with the approved phasing plan 1) The play areas associated with a particular phase/sub-phase shall be provided prior to 50% occupation of the same 2) The development will finance ongoing maintenance costs until transfer to the CMO (or to the CTC, with an appropriate commuted sum)	See pars 10.3; 10.5 to 10.7; 10.41 to 10.54; and 10.58 to 10.60 of the officer report
	1 x Neighbourhood equipped area for play (NEAP)		
	5 x Design for Play areas within the green infrastructure network		
	5 x Local equipped areas for play (LEAPs)		
	16 x Local areas for play (LAPs)		

10.0	Green infrastructure (on-site)		
	Summary: description	Summary: implementation	CIL Regulations
10.1	Provision of on-site open green space - 39.9 ha in total	On-site green infrastructure provided on-site as part of the development To be provided (to specified standards) ready for use in phase with development	See pars 18.5 to 18.18 of the officer report
	6.7 ha of formal park		
	14.7 ha of semi-natural open space		
	8.3 ha of amenity green space		
	4.5 ha over Scheduled Ancient Monument		
	3.9 ha of green space beneath the overhead power lines		
	1.1 ha of existing bridleways, footpaths and tracks		
	0.7 ha of allotments		
10.2	Arrangements for initial maintenance of on-site green infrastructure until the CMO is established and its revenue comes on stream	Development to finance initial management and maintenance costs for the open spaces prior to service charges revenue (see also 8.3, item 4 above)	

11.0	Conservation of biodiversity		
	Summary: description	Summary: implementation	CIL Regulations
11.1	Scheduled Ancient Monument (SAM) Restoration and Management Plan (compensation for breeding skylarks)	Management Plan to be agreed and implemented	See pars 13.51 to 13.56; 13.75; 17.6 to 17.10 and 17.54 of the officer report. The EEMF, ECMS, CEMPS and LEAMPs will be used to secure biodiversity mitigation and enhancement referred to within chapter 17 of the officer report

12.0	Provision of neighbourhood centre		
	Summary: description	Summary: implementation	CIL Regulations
12.1	Development brief (including design proposals, arrangements for marketing, and triggers for phased construction)	<p>The s106 agreement will include a package of measures to ensure phased delivery of the Neighbourhood Centre. CDC proposes that the associated triggers include the following.</p> <ul style="list-style-type: none"> a) temporary meeting space and community coffee shop provided before first occupation of the 300th dwelling. b) other pop-up/interim sociable uses before first occupation of the 500th dwelling. c) BDL will work with a specialist developer (or others) to deliver a building with a vertical mix of uses (retail/service units to let on the ground floor, and apartments over) before first occupation of the 750th dwelling. d) BDL will work with others to bring one of the Chesterton Farm buildings back into use (with the appropriate consents) as a pub (or other sociable use) before first occupation of the 750th dwelling. <p>The overall aim will be to complete the Neighbourhood Centre in its entirety before first occupation of the 1,000th dwelling</p>	See pars 9.19 to 9.23; 9.25; 10.3; 10.6 and 10.7; and 10.58 to 10.60 of the officer report
12.2	Scheme for the restoration and re-use of Listed Building	Triggers to be agreed through discussions about the overall Phasing Plan	See pars 13.15 to 13.20 and 13.75 of the officer report
12.3	Provision of recycling bank facilities at the neighbourhood centre	Neighbourhood recycling bank to be provided at appropriate location with the neighbourhood centre (e.g. shop car park)	Secures reduced environmental impact of the development. It also accords with the emerging Local Plan (see par B14, Chesterton Vision and Objectives, page 202)

13.0	Main employment areas		
	Summary: description	Summary: implementation	CIL Regulations
13.1	Development briefs for main employment area - 9.1 ha in total (including design proposals for common infrastructure within the employment areas, arrangements for marketing, and triggers for phased construction of common infrastructure)	Submission, approval and implementation of servicing (i.e. including the provision of common infrastructure within the employment areas) and marketing arrangements required by the section 106 agreement Triggers to be agreed through discussions about the overall Phasing Plan	See pars 9.13 to 9.18 and 9.25 of the officer report

14.0	Notification of stages of development		
	Summary: description	Summary: implementation	CIL Regulations
14.1	The applicant shall notify the local planning authority of key stages of the development. A list of key stages shall be agreed before the section 106 agreement is concluded (i.e. when the agreed Phasing Plan is further developed)	The agreed list of key stages shall be linked to the Phasing Plan, which is required by a planning condition. The section 106 agreement shall prescribe the method for notification	Notification is necessary to ensure the local planning authority can effectively monitor the implementation of the planning obligations described above