

Appendix E - South Caldecotte Proposed s106 Heads of Terms

It is anticipated at this point that the development will provide the following benefits and planning obligations which will be secured by a Section 106 planning agreement subject to such obligations being concluded by the Inspector appointed to determine the appeal to be compliant with the tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) namely:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, and;
- c) Fairly and reasonably related in scale and kind to the development.

It is the intention of the Appellant to negotiate and complete a bilateral s106 Agreement with the Council within the timescales envisaged by the PINS guidance. However, if engagement and a mutually satisfactory conclusion is not possible with the Council, a s106 Unilateral Undertaking will be submitted.

The below obligations do not represent a final or exhaustive list and the detail and necessity of all obligations will be considered as the appeal proceeds.

Number	Obligation	Details	CIL Compliance
	Ecology		
1.	Ecology Offset	To be used towards the creation of new habitats to offset the loss of habitats on site.	<p>Compensation is necessary to make scheme acceptable in planning terms and attain Biodiversity Gain which is a policy requirement under NE3 '<i>wherever possible</i>'.</p> <p>No figures have been provided by the Council and, as such, the level of compensation and gain will require to be considered and agreed during the preparation of the Obligation.</p>
	Open Space		

Number	Obligation	Details	CIL Compliance
2	Transfer of Open Space	Transfer open space land created by the development to Milton Keynes Council and lease to Parks Trust	<p>Policy L4 D Proposals that include new areas of open space, green infrastructure and parks should include a management and maintenance strategy outlining details of future ownership and the responsible maintenance body (e.g. Parks Trust), and a long term financially sustainable maintenance plan that can be implemented.</p> <p>The Obligation shall make appropriate provision for the transfer of the open space land.</p>
3	Maintenance of Open Space	Commuted Sum to Parks Trust for future maintenance of open spaces	<p>Policy L4 D Proposals that include new areas of open space, green infrastructure and parks should include a management and maintenance strategy outlining details of future ownership and the responsible maintenance body (e.g. Parks Trust), and a long term financially sustainable maintenance plan that can be implemented.</p> <p>No figures have been provided by the Council in respect of a commuted sum for the transfer and maintenance of open space.</p> <p>The Obligation shall make appropriate provision for the payment of a commuted sum for the future maintenance of open space, if transferred to the Council.</p>

Number	Obligation	Details	CIL Compliance
4	<p>Transport</p> <p>Public Transport</p>	<p>Contribution towards public transport improvements in the vicinity of the site.</p>	<p>Policy CT5 sets out that <i>'specific consideration must be given to the provision of public transport services in planning new development.'</i></p> <p>A contribution towards public transport to serve the occupiers of the development is considered necessary to make the development acceptable in planning terms. No figure has been proposed by the Council as a contribution and this will be considered and finalised as part of the negotiations.</p> <p>The contribution may include the extension of an existing bus service where this could be considered a benefit to secure ongoing public transport provision</p>
5	<p>Pedestrian/Cycle Improvements</p>	<p>Contribution towards pedestrian and cycle improvements in the vicinity of the site.</p>	<p>The Officer Committee Report suggests a contribution towards Redway improvements. Policy CT3 supports improvements to Redways.</p> <p>It is understood that MKC require contributions towards the provision of the V10 Redway Super Route missing link adjacent to Walton Park on Brickhill Street between the H9 and H10</p> <p>The principle of a contribution is accepted as CIL compliant, but the level of any contribution has not been suggested by the LPA and the level of contribution will require to be considered and agreed during the preparation of the Obligation.</p>

Number	Obligation	Details	CIL Compliance
6	A5 Kelly's Kitchen Roundabout	Provision for necessary improvements to Highways England Kelly's Kitchen Roundabout	The submitted TA identifies that improvements to the roundabout are necessary. Improvements to the roundabout will be secured through the Obligation.
7	Walton Park Roundabout	Provision for necessary improvements to the Walton Park Roundabout.	The submitted TA identifies that improvements to the roundabout are necessary. Improvements to the roundabout will be secured through the Obligation.
8	Tilbrook Roundabout	Provision for necessary improvements to the Walton Park Roundabout.	The submitted TA identifies that improvements to the roundabout are necessary. Improvements to the roundabout will be secured through the Obligation.
9	Transfer of Grid Road reserve	Provision of land adjacent to Brickhill Street for Grid Road Reserve and transfer to Milton Keynes Council, and lease to the Parks Trust	Policy CT8 D-4 states Grid Road Reserves will be identified in order to safeguard further potential extension of the grid and enable future development to access the grid. This obligation would facilitate the improvement to grid road standard of Brickhill Street along the site frontage by reserving land to enable the works to be carried out if there is a future requirement in accordance with policy.
10.	Dualling of part of Brickhill Street and provision of Redway	The dualling of the southern part of Brickhill Street alongside the site between the A5 and site access	The submitted TA identifies that improvements to part of Brickhill Street are necessary. Improvements to dual part of Brickhill Street will be secured through the Obligation.
	Other Items		

Number	Obligation	Details	CIL Compliance
11	Land Safeguarding	Provision of “no-build” area of land for possible bridge over railway to replace Bow Brickhill Level Crossing.	<p>This obligation would safeguard land from future development within the site so that it would not prejudice the ability to construct a road bridge over the railway in place of the current level crossing should this be required.</p> <p>The appellant considers this to be a benefit of the development as it facilitates potential future development.</p>
	Sustainable Construction		
12	Carbon Offset	A contribution to offset the residual carbon emissions of the development	<p>Policy SC1 sets out that <i>‘Development Proposals will be required to make financial contributions to the Council’s carbon offset fund to enable the residual carbon emissions subsequent to the a) and b) above to be offset by other local initiatives.’</i></p> <p>Whilst identified in policy, the Appellant considers that further information is required from the Council in order to demonstrate that the obligation is CIL compliant. In the event that the requirement is shown to be compliant, the Appellant shall make appropriate contributions to this provision.</p>