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Extract from 30th January Committee report

Heads of Terms

9.14 Taking the above into account the following Heads of Terms are proposed for inclusion in a Section 106 Agreement between the applicant and the Council. Officers have reviewed each proposed contribution and are satisfied that these meet the tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:
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;

9.15 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.

9.16 The CIL 123 tests have been applied in the context of this planning application and officers are content that the proposed planning obligations are compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122).

- To secure up to 81 units as affordable housing
- To provide a viability review mechanism to re-assess the level of affordable housing at an appropriate time in the development.
- A bin contribution of £101 per dwelling and £945 per 5 flats
- An NHS contribution of £583,200
- To secure an area of at least 16.7 Hectares as Public Open Space (including management requirements)
- To secure delivery of the rugby club sports facility (amounting to a total of 20.4 Ha when taken together with the public open space).
- An SPA Mitigation contribution of £239.61 per dwelling
- An off site sports contribution of £50,807 (hockey) and £5,000 (cricket)
- A community learning contribution of £60.43 per dwelling
- A Maylam Gardens Cycle path contribution of £8,000
- A Key Street / A249 contribution of £1,345,140
- Should the HIF be unsuccessful, a sum of £885,158 (eight hundred and eight five thousand one hundred and fifty eight pounds) towards the Southbound On-Slip Works
- A Kent Police contribution of £27,470
- A libraries contribution of £227 per dwelling
- Provision of an area of land of at least 2.05 Hectares within the site for a primary school.
- A primary school building contribution of £4,535 per dwelling and £1,134 per applicable flat

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- A public rights of way contribution of £27,410
- A secondary school building contribution of £4,687 per dwelling and £1,172 per applicable flat
- A secondary school land acquisition contribution of £1,932.16 per dwelling and £483.04 per applicable flat
- A social Care contribution of £53.36 per dwelling
- A Travel Plan monitoring contribution of £5000
- A Youth services contribution of £37.58 per dwelling
- A marketing strategy and timescale for provision of the retail and flexible use facilities
- To secure advance landscape planting as shown on the landscape plans
- A contribution of £30,000 towards creation of walking and cycling links on Cryalls Road and Riddles Road, subject to the grant of a TRO.
- Air Quality mitigation measures (to be agreed)
- Transfer of an area of 2.05Ha to KCC for use as a primary school
- Provision and maintenance of land (off-site) for skylark mitigation
- Availability of sports club for wider community use.
- Measures to provide apprenticeship places and use of local labour for construction works.