

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 of the Town and Country Planning Act 1990

Demolition of existing employment buildings and construction of Class A1 foodstore, petrol filling station and associated parking and servicing facilities, resizing and refurbishment of two Class B units and associated highway works, land at Southern Avenue, Leominster

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £250,000 to be used for the following purposes:-
 - 1.1 Subsidy of and improvements if necessary to town centre car parking provision.
 - 1.2 Any other town centre enhancements as necessary, at the discretion of the Council.
 - 1.3 Improvements as necessary to bus service linkage to the Southern Avenue site.
2. The sum at paragraph 1 above shall be paid on or before the commencement of the development and may be pooled with other contributions as appropriate. The money shall be administered by Herefordshire Council and/or another appropriate agency such as Leominster Area Regeneration Company.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council a sum of £500,000 (or such sum as is agreed with the Council) to provide improved highway and sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed). The money shall be used by Herefordshire Council at its option for any or all of the following purposes:-
 - 3.1 2.2km of shared footway/cycleway.
 - 3.2 0.25km of footpath upgrade.
 - 3.3 69 new dropped kerbs.
 - 3.4 Upgrade of pedestrian crossing.

Any monies not spent on these items shall be pooled with the £250,000 payment referred to at paragraph 1 above.

4. The developer covenants with Herefordshire Council not to commence construction of the development until new facilities have been constructed in Leominster for Thomas Panels and Profiles Limited and are available for occupation.
5. The developer covenants with Herefordshire Council to construct the foodstore development to BREEAM Retail standard of Very Good that is applicable at the time of commencement of construction. Independent certification shall be provided prior to commencement of the development and prior to first use of the foodstore confirming compliance with the required standard.
6. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs 1 and 3 above for the purposes specified in the Section 106 Agreement within 10 years of the date of the Agreement then the Council shall repay to the developer the said sums, or such part thereof which have not been used by Herefordshire Council.
7. The sums referred to in paragraphs 1 and 3 above shall be linked to an appropriate index as indicated by Herefordshire Council, with the intention that such sums will be adjusted accordingly to a percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in the Heads of Terms as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before commencement of the development.
9. The developer shall pay to Herefordshire Council on or before completion of the Section 106 Agreement the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.