

DRAFT HEADS OF TERMS

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

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against general market units only.

Pre-application reference: 131960 (the pre-application proposal has evolved following discussions with the Council therefore this reference refers to 4 dwellings whereas the proposal is now for 18 dwellings)

Demolition of existing farmhouse and erection of 18 dwellings comprising 12 open market and 6 (2 × 1 bed, 2 × 2 bed social rented and 2 × 2 bed intermediate) affordable on land at Court Farm, Much Birch, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

| | |
|-----------|--|
| £1,891.00 | (index linked) for a 2 bedroom open market dwelling |
| £3,106.00 | (index linked) for a 3 bedroom open market dwelling |
| £5,273.00 | (index linked) for a 4+ bedroom open market dwelling |

The contributions will provide for enhanced educational infrastructure at South Hereford Early Years, Much Birch Primary School, St Mary's Roman Catholic School, South Hereford Youth and the Special Education Needs Schools. The sum shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

| | |
|-----------|---|
| £1,966.00 | (index linked) for a 2 bedroom open market dwelling |
|-----------|---|

£2,949.00 (index linked) for a 3 bedroom open market dwelling

£3,932.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development, which sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum:

£193.00(index linked) for a 1 bedroom open market dwelling

£235.00(index linked) for a 2 bedroom open market dwelling

£317.00 (index linked) for a 3 bedroom open market dwelling

£386.00(index linked) for a 4 bedroom open market dwelling

The contributions will provide for an off-site contribution towards improving the Public Open Space and recreation opportunities including quality/accessibility of the more natural and semi natural green space and recreational rights of way. Priorities for spend will be identified through local consultation e.g. the local parish council and existing management plans e.g. the Council's Rights of Way Improvement Plan. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of

£120.00 (index linked) for a 1 bedroom open market dwelling

£146.00(index linked) for a 2 bedroom open market dwelling

£198.00(index linked) for a 3 bedroom open market dwelling

£241.00(index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced Library facilities in Hereford City. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,440.00 (index linked). The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS) and Attenuation Basins, if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs. or the maintenance of the on-site Public Open Space (POS) and Attenuation Basins will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.
7. The developer covenants with Herefordshire Council that 35% of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations (2008).
8. Of those 6 Affordable Housing units, at least 4 shall be made available for social rent with the remaining 2 being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2 satisfy the requirements of paragraph 12 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of who has:-

11.1 a local connection with the parish of Much Birch;

11.2 in the event there being no person having a local connection to the parish of Much Birch a person with a local connection to the adjoining parishes.

11.3 in the event there being no person with a local connection to any of the above parish or wards any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 10.1 and 10.2 above

12. For the purposes of sub-paragraph 11.1 and 11.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1 is or in the past was normally resident there; or

12.2 is employed there; or

12.3 has a family association there; or

12.4 a proven need to give support to or receive support from family members;
or

.5 because of special circumstances

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to a subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4 and 5 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

16. The sums referred to in paragraphs 1, 2, 3, 4 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this 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 the commencement of the development.

18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Yvonne Coleman

Planning Obligations Manager