

**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Planning Ref – N123135/CE

Erection of 30 dwellings, including 10 affordable units and associated works to provide a new access and road.

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £27,208 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Canon Pyon. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,658 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities in consultation with the local community. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £106,110 to provide education improvements to Conningsby Early Years, Canon Pyon Primary School, Weobley High School, Herefordshire Youth Service and Special Educational Needs. This sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,116 to provide sustainable transport measures in Canon Pyon. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Pedestrian access improvements near the development and within Canon Pyon.
  - b) Improvements to bus provision/passenger waiting facilities.
  - c) Improvements to safe routes to local schools etc.
  - d) Contribution to safe routes to schools.
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,110 for the provision of library services. The sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,400 towards the provision of new or the enhancement of existing waste and recycling facilities in Canon Pyon (if appropriate provision/facilities are not provided on site).
7. The developer covenants with Herefordshire Council that ten of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire

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Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

8. The Affordable Housing units shall be as follows with their tenure to be as follows:
  - 3 x 2 bedroom - Intermediate tenure
  - 2 x 3 bedroom – Intermediate tenure
  - 3 x 2 bedroom – Social rented
  - 2 x 3 bedroom Social rented
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 at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any 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:-
  - registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - satisfy the requirements of paragraphs 11 & 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 whom has:-
  - a) a local connection with the parish of Canon Pyon; or
  - b) In the event of there being no person having a local connection to the parish of Wellington a person with a local connection to the adjacent parishes
  - c) In the event of there being no person with a local connection to any of the parishes referred to in 11(a) and 11(b) above any other person ordinarily resident within the administrative area of the Council who is eligible
12. For the purposes of sub-paragraph 11(a) of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - a) is or in the past was normally resident there; or
  - b) is employed there; or
  - c) has a family association there; or
  - d) a proven need to give support to or receive support from family members; or
  - e) 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 such 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. The developer covenants with Herefordshire Council to pay Herefordshire Council a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 15 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.
17. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 15 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.
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.

**ANDREW BANKS**  
**PRINCIPAL PLANNING OFFICER**

**4<sup>TH</sup> December 2012**

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