

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.

Planning application reference: P143370/O

Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable on land to the east of Brook Lane, Bosbury, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

| | |
|------------------|---|
| £2,845.00 | (index linked) for a 2 bedroom apartment open market unit |
| £4,900.00 | (index linked) for a 2/3 bedroom open market unit |
| £8,955.00 | (index linked) for a 4+ bedroom open market unit |

The contribution will provide enhanced educational infrastructure at Bosbury Primary School, St Josephs RC Primary School, John Masefield Secondary School, St Marys RC High School, Early Years, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

| | |
|------------------|--|
| £1,966.00 | (index linked) for a 2 bedroom open market unit |
| £2,949.00 | (index linked) for a 3 bedroom open market unit |
| £3,932.00 | (index linked) for a 4+ bedroom open market unit |

The contribution will provide sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

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

| | |
|----------------|--|
| £235.00 | (index linked) for a 2 bedroom open market unit |
| £317.00 | (index linked) for a 3 bedroom open market unit |
| £386.00 | (index linked) for a 4+ bedroom open market unit |

The monies shall be used in lieu of the provision of open space on the land to serve the development by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Bosbury and towards improving quality/accessibility or the more natural and semi natural green space and recreational rights of way In accordance with management plans including the Council's Public Rights of Way Improvement Plan. Priorities to spend will be identified through local consultation. The monies 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 unit |
| £146.00 | (index linked) for a 2 bedroom open market unit |
| £198.00 | (index linked) for a 3 bedroom open market unit |
| £241.00 | (index linked) for a 4+ bedroom open market unit |

The contributions will provide for enhanced Library facilities. 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 **£120.00** (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Leominster. 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 maintenance of the on-site Public Open Space (POS) 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.

NOTE: The attenuation basin will need to be transferred to the Council with a commuted sum calculated in accordance with the Council's tariffs over a 60 year period.

7. The developer covenants with Herefordshire Council that 35% (13 units – on basis of development of 37) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. 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.
9. 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:-:
 - 9.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

- 9.2 satisfy the requirements of paragraphs 10 & 11 of this schedule
10. 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:-
- 10.1 a local connection with the parish of Bosbury and Coddington
- 10.2 in the event there being no person having a local connection to the parish of Bosbury and Coddington a person with a connection to the adjacent parishes;
- 10.3 in the event of there being no person with a local connection to the above parishes any other person ordinarily resident within the administrative area of the 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 9.1 above.
11. For the purposes of sub-paragraph 10.1 and 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 11.1 is or in the past was normally resident there; or
- 11.2 is employed there; or
- 11.3 has a family association there; or
- 11.4 a proven need to give support to or receive support from family members; or because of special circumstances;
12. 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.

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 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.
14. In the event that Herefordshire Council does not for any reason use the sums 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.
15. 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.
16. 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.
17. 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

24th February 2015