

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 1 April 2008. All contributions in respect of the residential development are assessed against general market units only.

Planning application reference: P151251/O

Proposed outline consent for the erection of up to 38 dwellings on land adjacent to B4222, Lea, Ross-on-Wye, Herefordshire

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

£2,457.00 (index linked) for a 2 bedroom open market dwelling

£3,686.00 (index linked) for a 3 bedroom open market dwelling

£4,915.00 (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for sustainable transport infrastructure to serve the development including pedestrian and bus infrastructure improvements at the crossroads in the village centre. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

Note: the following improvements are necessary to make the development acceptable and will be delivered through a Section 278 highway agreement

- *2m wide footpath that extends from the entrance of the development site, adjacent to the B4222, identified on drawing number SCP/13267/SK01 REV A*
- *Improvements to the junction of the B4222 and A40 to include a build out of the pavement and provision of dropped crossings identified on drawing number SCP/13267/FOI*

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1st open market dwelling

3. The developer covenants with Herefordshire Council to pay Herefordshire Council **£420,000.00** (index linked) for the delivery of a flood attenuation system in Lea. In the event that the monies are not required for the flood attenuation system the monies will revert to the delivery of off-site affordable housing. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
 - £426.00** (index linked) for a 2 bedroom open market dwelling
 - £724.00** (index linked) for a 3 bedroom open market dwelling
 - £980.00** (index linked) for a 4+ bedroom open market dwelling

The contributions will provide for enhanced off-site play contribution towards the Rudhall View Play Area adjacent to the site. 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.

5. Based on the proposed scheme, the developer covenants with Herefordshire Council to provide a minimum of 850 square metres of informal usable on-site Public Open Space (POS).

6. Given the location of the development Herefordshire Council would not wish to adopt any on site Public Open Space. 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 the parish council or 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 be transferred to the Council with a 60 year commuted maintenance sum.

7. The developer covenants with Herefordshire Council that 6 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. 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 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:-
 - 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 paragraph 12 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 who has:-
 - 10.1 a local connection with the parish of Lea;
 - 11.2 in the event there being no person with a local connection to the above parish 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 above

12. For the purposes of sub-paragraph 11.1 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
 - 12.5 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, 5 and 6 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, 5 and 6 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.