

DRAFT HEADS OF TERMS

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

Planning Application – P253679/F

Site address:

Land to the north west of Bridge Street, Sutton on Wye, Hereford, HR1 6SD

Planning application for:

Development of 44 dwellings

Proposed scheme:

Open Market mix = 26 dwellings comprising;

16 x 3 bedroom dwellings

8 x 4 bedroom dwellings

2 x 5 bedroom dwellings

Affordable Housing mix = 18 dwellings comprising;

Affordable rented = 8 dwellings

1 x 2 bedroom bungalow

4 x 2 bedroom

3 x 3 bedroom

Shared Ownership = 5 dwellings

1 x 1 bedroom

2 x 2 bedroom

2 x 3 bedroom

First Homes = 5 dwellings

1 x 1 bedroom

2 x 2 bedroom

2 x 3 bedroom

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations of the Community Infrastructure Levy Regulations 2010 (as amended).

- The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£260,224.00 (index linked)** based on the following:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
3 bedroom open market dwelling	£432	£3,063	£2,695	£121	£850	£468	£7,629
4+ bedroom open market dwelling	£639	£5,018	£5,535	£121	£1,675	£828	£13,816

The contribution will provide enhanced educational infrastructure at Hereford Early Years, Sutton on Wye Primary School, St John's Roman Catholic Primary School, Sutton on Wye High School, Hereford Youth and Special Education Needs schools. The sum shall be paid prior to commencement of development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£86,504.00 (index linked)** based on the following:

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

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£3,520.00 (index linked)** based on £80.00 per dwelling.

The contribution will provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid prior to commencement of development.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5,578.00 (index linked)** based on the following;

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

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

The contribution will provide for improved library infrastructure at Hereford library. The sum shall be paid prior to the commencement of the development, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£48,430.00 (index linked)** based on the following;

£1,640.00 (index linked) for a 3 bedroom open market dwelling

£2,219.00 (index linked) for a 4+ bedroom open market dwelling

The contribution will provide for improved infrastructure at the existing play area in the village at the village hall recreation ground. The sum shall be paid prior to the commencement of the development, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£24,000.00 (index linked)** to provide new and additional premises or infrastructure, extension to existing premises or improved digital infrastructure and telehealth facilities at Hereford Primary Care Networks. The sum shall be paid prior to the commencement of the development, and may be pooled with other contributions if appropriate.
7. The developer covenants with Herefordshire Council to provide on-site green infrastructure comprising;
 - 0.04ha (400sqm) of Public Open Space
8. The maintenance of any 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 and/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.
9. The developer covenants with Herefordshire Council to provide 40% on site affordable housing.
10. The developer covenants with Herefordshire Council that the Affordable Housing Units shall be for the following affordable housing tenures First Homes, Affordable Rented and Shared Ownership.
11. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
12. The Affordable Housing Units must be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons in affordable housing need one of who has:-
 - 12.1 a local connection with the parish of Sutton on Wye;
 - 12.2 in the event there being no person with a local connection to the parish of Sutton on Wye any other person ordinarily resident within the administrative area of Herefordshire Council who is eligible under the allocation policies.
13. For the purposes of sub-paragraph 12.1 & 12.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 13.1 is or in the past was normally resident there; or
 - 13.2 is employed there; or
 - 13.3 has a family association there; or

- 13.4 a proven need to give support to or receive support from family members; or
13.4 because of special circumstances

14. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, and 6 above for the purposes specified in the agreement within 10 years of the date of payment, 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, 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.

16. The developer covenants with Herefordshire Council to pay no more than 2% of the total sum of contributions detailed in this Heads of Terms towards the monitoring and enforcement of the obligations and 5% of the total sum of contributions towards the project management of the delivery of the infrastructure required to mitigate the development. The contributions 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.

The proposed planning obligations which includes the delivery of community infrastructure towards transport, education, open space, play, waste and recycling, libraries and healthcare and the delivery of affordable housing will achieve the following ambitions and success measures of the County Plan 2020-2024;

Environment

- Minimise waste and increase reuse, repair and recycle
- Improve and extend active travel options throughout the county
- Improve resident's access to green space in Herefordshire

Community

- Ensure all children are healthy, safe and inspired to achieve
- Building publicly owned sustainable and affordable houses
- Improve Herefordshire's house affordability ratio, making accommodation more affordable to local people
- Reduce the number of people admitted to hospital for unplanned events

Economy

- Improve educational attainment and widen further and higher education opportunities
- Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling and public transport
- Increase road safety in the county and improve the overall condition of the road network

Signed: Yvonne Coleman

Date: 19 January 2024