

DCSE 2006/1726/F

APPENDIX

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

Planning Application – DCSE2006/1726/F
Erection of 53 New Dwellings at Woodedge, Ross-on-Wye, Herefordshire.

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 £12,600 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Provision of play area and improved community facilities at Walford Avenue
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 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.
4. The approved houses shall all be "Affordable Housing" units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. None of them shall be occupied unless and until the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
5. 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.
6. The developer shall complete the Agreement by 1st November 2006 otherwise the application will be registered as deemed refused

S.Holder, 4th September 2006