

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

Planning Application – [application reference number]

[Description of Development]

[Location of development]

1. The developer covenants with Herefordshire Council to pay £[contribution] towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the [locality of the development] or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £[contribution] to provide enhanced educational infrastructure at [specified educational establishments].
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £[contribution] for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
[typical list – details will vary with each case]
 - a) Improved bus shelters/stops in the locality of the application site
 - b) Safe Routes for Schools
 - c) Improve lighting and signage to existing highway/pedestrian and cycle routes leading to the site
 - d) Improved pedestrian and cyclist crossing facilities
 - e) New On/Off road pedestrian/cycle links to the site
 - f) Traffic calming measures
4. The developer covenants with Herefordshire Council to pay Herefordshire Council [contribution] to provide off site public art in lieu of such provision on site to be used for art within the parish of ... including artist designed street furniture.
5. 35% of the total number of residential units shall be “Affordable Housing” which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related policy H9 or any statutory replacement of those criteria and that policy. All the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development or in accordance with a phasing programme to be agreed with Herefordshire Council.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £533 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
7. In the event that Herefordshire Council does not for any reason use the said contributions [in paragraphs referenced above] for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
9. 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 and the 2% monitoring charge as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

[name/date]