

## S.106 agreement heads of terms

	<b>NON MONETRY OBLIGATIONS</b>	<b>Beneficiary</b>	<b>Report paragraph</b>	<b>Notes</b>
1	<p><b>Viability review mechanism</b> Required to ensure that the impacts of the development are satisfactorily mitigated in the long term:</p> <p>A viability review to be submitted to and approved by the Council before the 750<sup>th</sup> dwelling is completed, and another before the 1500<sup>th</sup> dwelling is completed, to ensure that monetary obligations are adjusted in accordance with actual build costs and sales values.</p>	EHDC	8.1.8	Any areas for additional or enhanced monetary obligations are listed within the report i.e. items currently unfunded or under-funded by reason of the current viability assessment and are to be identified in the agreement as areas for further funding if further viability assessment indicates that this is possible.
2	<p><b>Affordable housing review mechanism</b> Required to ensure that the affordable housing provision reflects the long terms needs of the development and meets with local plan policy:</p> <p>An affordable housing review to be submitted to and approved by the Council before the 750<sup>th</sup> dwelling is completed, and another before the 1500<sup>th</sup> dwelling is completed, to ensure that the affordable housing proportion and tenure split reflects prevailing policy and needs</p>	EHDC	8.2.18	The affordable housing review mechanism will take into account the outcome of the agreed viability review.
3	<p><b>Affordable housing requirement</b> Prior to the commencement of the development of each phase, an affordable housing delivery plan for each phase shall be submitted and approved by the Council, to include, inter alia:</p> <ol style="list-style-type: none"> <li>1 Percentage of affordable housing if not 30.4%</li> <li>2 Details of house types: Phase 1: 35% 1-bed, 40% 2-bed, 20% 3-bed, 5% - 4-bed Phase 2 onwards: to be agreed</li> <li>3 Bedroom size: to be agreed</li> <li>4 Tenure split: Phase 1: 75% affordable rented and 25% intermediate Phase 2 onwards: to be agreed</li> <li>5 Details of the delivery of the affordable housing in each parcel</li> <li>6 Any other details the Council reasonably requires</li> </ol>	EHDC	8.2.5	The affordable housing delivery plans will take into account the outcome of the agreed viability review.

	<p>i) No more than 33% of market housing in each phase to be complete before the affordable housing starts to be delivered and affordable housing to be delivered in each phase to be completed no later than the completion of 80% of the market housing</p> <p>ii) Lifetime Homes: minimum of 30% in each tenure category</p> <p>iii) Wheelchair adaptations to be provided in up to 5% of affordable homes if requested by the Council;</p> <p>iv) Creation of housing for the elderly and restricted mobility adjacent to neighbourhood centres</p>		<p>8.2.11</p> <p>8.2.15</p> <p>8.2.15</p>	
4	<p><b>Market housing</b> Required to ensure market housing contributes to meeting the needs of an ageing population:</p> <p>1 Lifetime homes – minimum of 30%</p> <p>2 Wheelchair adaptations to be actively marketed as available at cost for all suitable market homes</p> <p>3 Creation of a senior citizens village in eastern neighbourhood adjacent to the neighbourhood centre</p>	EHDC	<p>8.2.11</p> <p>8.2.15</p> <p>8.2.15</p>	
5	<p><b>Employment land</b> Required to ensure that a consolidated and financially sustainable business park is provided in a prime business location in the eastern neighbourhood:</p> <p>Before the commencement of the development of the eastern neighbourhood the submission to and approval of the Council of a business and employment strategy for the site, including inter alia delivery timescale, types of units, including incubation and follow-on, training initiatives, implementation, marketing plan, and a business plan that takes account of market factors and the monetary contribution in 32 below.</p>	EHDC	8.3.11	In order to contribute to the economic sustainability of BSN, the Council must be confident that the business park will be economically sustainable, that the additional 0.5ha will be taken up, and that the S.106 monetary contribution is effective and Reg.122 compliant.
6	<p><b>Construction training scheme</b> Required to ensure that unemployed people and young people seeking apprenticeships and training benefit from the opportunity afforded by the development at BSN:</p> <p>Before the commencement of the development the submission to and approval of the council of the details of a construction training scheme to</p>	EHDC	8.3.12	A further contribution to the economic and social attributes of a sustainable development.

	<p>cover all of the development parcels, and the scheme to be brought into effect before the completion of the 250<sup>th</sup> home</p> <p>The delivery of the scheme will be supported by the financial contribution in 33 below</p>			
7	<p><b>The establishment of a community trust</b> Required to ensure that the Green Infrastructure of the site is maintained in the long term:</p> <p>Prior to the commencement of the development the submission to and approval of the Council of a scheme to set up a community trust to manage the green infrastructure, open space and sports and play facilities in accordance with the green infrastructure management plan including, inter alia:</p> <ol style="list-style-type: none"> <li>1 Terms of reference.</li> <li>2 Provisions for short, medium and long term management and maintenance of the green infrastructure open space, sports and play facilities including, if agreed, transfer to other appropriate bodies</li> <li>3 The community trust will be funded by the community trust financial contribution in 34 below, which will also fund the management and maintenance of the green infrastructure</li> <li>4 The Hoggate's Wood Football ground will be funded by the contribution in 36 below</li> <li>5 The NEAP and LEAP will be funded by the contributions in 27 and 28 below</li> </ol>	EHDC	8.6.20	Membership of trust likely to include EHDC, HCC, TC, Wildlife Trust, BSN residents, businesses + co-optees.
8	<p><b>Green infrastructure management plan</b> Prior to the commencement of the development the submission to and approval of the Council of a green infrastructure plan to ensure that GI and biodiversity, is effectively managed, striking the right balance between biodiversity and public enjoyment</p> <p>The maintenance and management of the green infrastructure will be funded by the community trust contribution, 34 below.</p>	EHDC	8.6.18 8.6.46	Draft already submitted with addendum to the Environmental Assessment

9	<p><b>Community buildings strategy</b>  Prior to the commencement of the Western neighbourhood centre, the submission to and approval by the Council of a community buildings strategy to ensure that a range of accommodation is available within BSN to flexibly meet needs that may change over time, including: the long term management arrangements and funding; the provision of an office and meeting rooms for the community trust (referred to in 8); space suitable for indoor sports.</p> <p>Item 35 below is a contribution to the cost of the funding to be referred to in the strategy</p>	EHDC	8.3.7	
10	<p><b>Education framework</b>  Required to ensure that schools and nursery accommodation will be provided on or off site at the appropriate time to meet the need arising from the development:</p> <ol style="list-style-type: none"> <li>1 the developer to provide land for primary schools and, if required by the County Council, for a secondary school</li> <li>2 the developer to provide the funding in 26 and 27 below</li> <li>3 the obligation on HCC to build schools to meet emerging demand either on site or on the reserve school site at Hadham Road</li> <li>4 the ability for the County Council to specify appropriate lead in times for education provision and the time (in relation to other elements of the development) when provision should be operational.</li> </ol>	HCC	8.4.11-8.4.13 8.4.19-8.4.22	
10a	<p><b>Fire hydrants</b>  To be provided at no cost to HCC, in accordance with agreed standards and timescales</p>	HCC		

	<b>MONETARY OBLIGATIONS</b>	<b>Sum</b>	<b>Beneficiary</b>	<b>Report paragraph</b>	<b>Notes</b>
	Required to ensure that the impacts of the development are satisfactorily mitigated in the long term in accordance with the CIL Regs s.122; the Councils SPD and HCC Toolkit				
	<b>S.278 off-site highways works</b>				
11	Hadham Road access roundabout	1,803,278	HCC	8.7.35	
12	A120 access roundabout	1,041,135	HCC	8.7.33	
13	Rye Street access junction	241,545	HCC	8.7.38	
14	A120/A1250 Hadham Road roundabout improvements	159,044	HCC	8.7.19	
15	Little Hadham traffic lights junction improvements	84,730	HCC	8.7.23	
16	A120/B1383 Stansted Road roundabout improvements	853,619	HCC	8.7.19	
17	M11 J8 roundabout improvements	36,950	HCC	8.7.20	
	Discount: 25% shared on-site preliminaries	-31,527			
	Discount: professional fees applied in the viability model	570,640			
	<b>Sub total</b>	<b>3,618,134</b>			
	<b>S.106 highways and transportation contributions</b>				
18	Travel plan: marketing and administration	451,000	HCC	8.7.48	To include the role of travel plan co-ordinator
19	Travel plan: public transport subsidy	950,000	HCC	8.7.42	Gap funding the service for up to 8 years; new residents receive free travel for 1 year
20	Travel plan: bus shelters x4 off site	100,000	HCC	8.7.42	Includes Countdown passenger information
21	Smarter Choices: marketing and administration	500,000	HCC	8.7.49	
22	Smarter Choices: complementary works	450,000	HCC	8.7.50	
23	Off-site footway and cycle links	60,000	HCC	8.7.50	
24	Town bus strategy and measures	200,000	HCC	8.7.43	Part of the Urban Transport Plan
25	Mitigating congestion and critical points on local roads	500,000	HCC	8.7.26	
	<b>Sub total</b>	<b>3,211,000</b>			

	<b>HCC non-highways mitigation</b>				
26	Schools: primary	14,000,000	HCC	8.4.6 / 8.4.8	Includes on-site nurseries
27	Schools: secondary	16,000,000	HCC	8.4.21	
28	Youth services	50,000	HCC	8.2.14	
29	SUDS maintenance contribution	1,500,000	HCC	8.6.38	
30	Libraries	150,000	HCC	8.5.11	
	<b>Sub total</b>	<b>31,700,000</b>			
	<b>EHDC contributions</b>				
31	Air quality mitigation	20,000	EHDC	8.6.40	3,000 Monitoring (Rye Street) 7,000 AQMQ assessment, or add to: 10,000 Smarter Choices complementary works
32	Employment space capital and revenue contribution	3,500,000	EHDC	8.3.11	
33	Construction training scheme	50,000	EHDC	8.3.12	
34	Community Trust, including maintenance of open space	3,800,000	EHDC	8.6.21	
35	Community buildings x2	2,000,000	EHDC	8.5.9	
36	Sport: Hoggate's Park football ground	1,095,000	EHDC	8.5.6	In-kind provision
37	Sport: a contribution to off-site facilities to be funded in accordance with a strategy to be prepared by the Council in consultation with local sports clubs	3,000,000	EHDC	8.5.5-8.5.8	
38	Play: NEAP x1	150,000	EHDC	8.5.10	Neighbourhood Equipped Area for Play
39	Play: LEAP x4	300,000	EHDC	8.5.10	Local Equipped Area for Play
40	Allotments provision	150,000	EHDC	8.5.15	Transfer to Community Trust or BSTC
41	Animal Rescue Charity relocation	250,000	EHDC	8.3.15	
42	Burial space	50,000	EHDC	8.5.15	
43	Rhodes Museum	75,000	EHDC	8.5.12	Archaeological finds and interpretation
44	To pay to the Council its monitoring fee in relation to each clause that is required to be monitored		EHDC		
	<b>Sub total</b>	<b>14,440,000</b>			
	<b>TOTAL</b>	<b>53,369,134</b>			
	AVAILABLE	53,800,000			Assumptions re affordable housing: no

					grant; phase 1 = 30.4% and 75:25 aff. rented : intermediate; phase 2 = 30.4% and 50:50
	BALANCE	430,866			
					Triggers for all financial payments to be negotiated through the formulation of the agreement.