SECTION 106 HEADS OF TERMS

Application: Residential development of 95 dwellings at Land off Cross Street, Monk Bretton, Barnsley

Applicant: Bellway Homes Ltd (Yorkshire Division)

Set out below are the Heads of Terms for the Section 106 Agreement proposed to support the development in accordance with Core Strategy policy CSP42. The heads of terms below are wholly compliant with the relevant adopted policies and supplementary guidance.

The Heads of Terms are as follows:

i. Affordable Housing at 15% (14 dwellings) in accordance with policy CSP15 and including provision of a bungalow.
ii. Education contribution in accordance with PAN33.
iii. Playspace contribution in accordance with policies CSP35 and the SPD Open Space Provision on New Housing Developments.
iv. Management of on-site public open space in accordance with the SPD Open Space Provision on New Housing Developments.

To allow a quick decision to be made on the planning application it is hoped the drafting of the S106 can commence early in the application process.

Any planning obligation must accord with the tests set out in the Community Infrastructure Levy (CIL) Regulations 2010.

It should also be noted that from April 2015, the CIL regulations restrict the use of pooled contributions towards items that may be funded via CIL. As such, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.

May 2015