

## Former William Freeman Site – Section 106 Agreement

### Head of Terms for Proposed Deed of Variation

#### INTERPRETATION

Unless otherwise stated, capitalised words and expressions in this document have the same meaning as they do in the Principal Agreement; meaning the Section 106 dated 1 October 2024.

#### PARTIES

- (1) **BARNSELY METROPOLITAN BOROUGH COUNCIL** (the Council);
- (2) **PURICO INVESTMENT LIMITED** (the Owner);
- (3) **COUNTRYSIDE PROPERTIES (UK) LIMITED** (the Developer);
- (4) **VICO HOMES LIMITED** (the Registered Provider);

#### PROPOSED VARIATIONS - DEFINITIONS

**Affordable Housing Scheme** – the scheme for the provision of the Affordable Units which is set out on PLAN 2 below with drawing reference: VWYM2-PHS-XX-XX-DR-A-07005 P03.

**Application** – the Section 73 application; Variation of conditions 2 (Approved Plans), 3 (Levels), 4 (Air Quality Mitigation), 5 (Trees), 6 (Highways Adoption Plan), 10 (Cycle Parking), 11 (Noise Mitigation), 13 (Boundary Treatment to Plots 1-7), 15 (CEMP) and 16 (Hampton Windows) of planning application 2021/1405: Reserved matters (appearance, landscaping, layout and Scale) application for development of 91 homes, structural planting and landscaping, surface water attenuation and associated infrastructure in connection with outline planning permission 2017/1718 (Outline planning for up to 102 homes) (Amended Plans) and which was given reference number 2026/0412.

**Education Contribution** – the sum of *£agreed fee in figures (agreed fee in writing)* Index Linked to be paid by the Owner to the Council and to be used by the Council towards the provision of and/or improvements to educational provision, facilities and places in accordance with the Council's SPD Financial Contributions to Schools or any replacement thereof..

**Off Site Open Space Contribution** – the sum of *£agreed fee in figures (agreed fee in writing)* Index Linked to be paid by the Owner to the Council and to be used by the Council towards the provision of and/or improvements of off site open space sites in accordance with the Council's Supplementary Planning Document "Open Space provision on New Housing Developments adopted May 2019 (or any replacement thereof).

**Principal Agreement** – means the section 106 agreement dated 01 October 2024 entered into between the Council (1) and Purico Investment Limited in relation to reserved matters planning permission 2021/1405.

## PROPOSED DISCHARGE – AFFORDABLE HOUSING SCHEME

The Affordable Housing Scheme referred to in Schedule 1 (Part 1) Clause 1.1 shall be updated to refer to the accompanying plan reference: VWYM2-PHS-XX-XX-DR-A-07005 P03. Appended below and which is to be included as Plan 2 in this Agreement.

## PROPOSED VARIATIONS – APPLICATION

The application should be updated to refer to the Section 73 permission 2026/0412. An Amendment to Clause 8 to convey this will be needed.

## PROPOSED VARIATIONS – EDUCATION CONTRIBUTIONS

Schedule 2, Clause 1 shall be replaced with the following:

1.2 *Agreed fee in figures (agreed fee in writing)* prior to the Occupation of more than 25% of the Dwellings and shall not allow more than 25% of the Dwellings to be Occupied until the said first instalment of the Education Contribution has been paid to the Council.

1.3 *Agreed fee in figures (agreed fee in writing)* prior to the Occupation of more than 50 Dwellings and shall not allow more than 50 Dwellings to be Occupied until the said second instalment of the Education Contribution has been paid to the Council

## PROPOSED VARIATIONS – OFF-SITE OPEN SPACE CONTRIBUTIONS

No Variation to Schedule 2, Clause 2 is required.

## PROPOSED VARIATIONS TO THE PRINCIPAL AGREEMENT

Variations to the Principal Agreement Schedule 1 (Part 1) are required to substitute the National Housing Federation precedent Mortgagee in Possession clause wording to ensure consistency with current best practice. A small number of amendments made to expand and clarify the existing clauses to accommodate these changes.

Variations to the Principal Agreement Schedule 1 (Part 2) required to ensure consistency with current best practice. Other small amendments may be required to expand and clarify the existing clauses to accommodate these changes.

## TIMESCALES FOR COMPLETION

Target date for completion of the Deed of Variation is prior to the 21<sup>st</sup> August 2026 to allow for its advertisement to enable the approval of the Application (2026/0412) on 21<sup>st</sup> August 2026 in line with the agreed Planning Performance Agreement signed between Barnsley and Countryside Properties (UK) Limited.

