



Draft Heads of Terms for Section 106 Obligation

Land West of Thaxted Road, Saffron Walden

Application by Kier Ventures Ltd

**Outline Planning Application for
up to 170 dwellings, associated landscaping and open space, with
access from Thaxted Road**

November 2022

WITHOUT PREJUDICE

Introduction

This document is prepared on a without prejudice basis and sets out the draft Heads of Terms for inclusion within a S106 Agreement to be subsequently prepared in support of this outline planning application for the erection of up to 170 dwellings, associated landscaping and open space, with access from Thaxted Road.

The planning application is in outline, with access to be determined. Appearance, landscaping, layout and scale are reserved.

Planning Obligations: Draft Heads of Terms

The financial contributions to be requested by the Council will need to meet the planning obligations test set out in part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the NPPF. As such, any planning obligations to be imposed as part of the application must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

The below draft heads of terms give an indication as to the likely matters to be secured through the subsequent Legal Agreement.

The applicants will work with the Council to secure the requisite contributions to be secured through the provisions as set out in Adopted Uttlesford Local Plan (2005) and the Saffron Walden Neighbourhood Plan (2022).

Affordable Housing

The Applicant will enter into an obligation to secure the provision of 40% affordable housing.

The tenure split of the affordable dwellings (having regard to the definitions set out at Annex 2 to the NPPF) is a matter to be negotiated during the determination of the planning application.

Other Contributions

Financial contributions towards the provision of necessary and directly related infrastructure and services that is fairly and reasonably related in scale and kind to the development will be discussed with the Council through the consideration of the application and will be secured through a s106 legal agreement, subject to the Council providing the requisite justification having regard to the CIL Regulations.

Financial contributions towards the following matters are to be negotiated as part of the application process as appropriate and necessary, based upon evidence to be provided by the Council (and statutory consultees as appropriate) in terms of need.

Obligations and/or contributions may be secured in relation to the following provisions:

On-site provision

- (i) On-site provision of affordable housing (40%).
- (ii) On-site public open space, including ongoing maintenance.
- (iii) Travel Plan.
- (iv) Provision of a Green Orbital Route through the Site.
- (v) Car club.

Off-site provision

- (vi) Off-site provision of open space, sport and recreation facilities.
- (vii) Healthcare care.
- (viii) Education (early years and primary).
- (ix) Library provision.
- (x) Off-site highway works, including the provision of a shared footway and cycleway improvements on the B184 Thaxted Road.
- (xi) New bus stops on the B184 Thaxted Road, to include passenger facilities, step-free access, seating and real-time passenger information)

Council's Costs

The Applicant is willing to pay the Council's reasonable costs to produce the legal agreement, which matter is to be agreed in advance.

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