



Draft Heads of Terms

Former Friends School Fields, Mount Pleasant Road, Saffron Walden

Full Planning Application

Erection of 91 dwellings and associated infrastructure, playing field and clubhouse.

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 planning application for the erection of 91 dwellings, associated infrastructure, playing fields and clubhouse.

Planning Obligations: Draft Heads of Terms

Whilst pre-application advice was sought from the Local Planning Authority, the response lacked any detail around s106 Obligations. The financial contributions are therefore based on Obligations sought for nearby developments within Saffron Walden.

Any contributions sought will need to meet the Obligations test set out in Part 11, Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the National Planning Policy Framework. Any such Obligations 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 provide an indication of the matters likely to be secured through the subsequent Legal Agreement.

The Applicant will work with the Council to secure the requisite contributions to be secured through the provisions as set out in the 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. 70% Affordable Rent and 30% Shared Ownership.

Biodiversity Net Gain

Off site provision of 15.54 habitat units will be required to achieve a 10% net gain.

The Applicant will enter into an Obligation along the following lines:

*That a Biodiversity Net Gain Scheme which includes the following will be submitted:
A report evidencing a net gain in biodiversity will be achieved compared to the biodiversity baseline on the site as existing when measured against the biodiversity baseline to be calculated in accordance with the principals as set out in the submitted by ***** dated *** 2024.*

The scheme to be submitted will include details of how biodiversity net gain will be delivered in accordance with the hierarchical approach set out below:

- a) the required biodiversity net gain focussing first on maximising the delivery of biodiversity within the Site,*
- b) delivering off Site biodiversity enhancement at a site as agreed with the District Council that is within the District Council's administrative area and land within the Owner's control, or*
- c) delivering of off-Site biodiversity through the purchase of biodiversity unit credits*

Where works are proposed under 1.2 (a) and / or 1.2 (b) above the Biodiversity Net Gain Scheme will include the following details

- a) evidence of the existing habitats including their ecological condition together with full details of any proposed biodiversity enhancements with reference to DEFRA biodiversity metric 4.0*
- b) a management plan (including responsible bodies) to cover a period of at least 30 years from the date of the completion of the biodiversity enhancements details of a monitoring and reporting plan which shall include details of the biodiversity enhancement works and confirmation that the monitoring report shall be submitted on the first anniversary of the completion of the biodiversity enhancement works and thereafter each year on years one, two, three, four, five ten, fifteen, twenty, twenty five and thirty evidence of compliance with any actions reasonably required by the District Council in its written response to the Owner pursuant to the submission of a Biodiversity Net Gain monitoring report*



Where the biodiversity credits are to be purchased from an off Site habitat bank the applicants shall include within the Biodiversity Net Gain Scheme evidence that the credits have been purchased.

Other Contributions

Financial contributions towards the provision of necessary and directly related infrastructure and services that are fairly and reasonably related in scale and kind to the development will be discussed through the consideration of the application and secured via a s106 Agreement.

Financial contributions are to be negotiated as part of the application process as appropriate and necessary, based upon evidence to be provided by the Council in terms of need.

Obligations are likely to include the following provisions:

- 1 – Affordable Housing
- 2 – On-site Public Open Space
- 3 – On-site Sports Facilities
- 4 – Residential Travel Plan
- 5 – Healthcare
- 6 – Education (early years and childcare)
- 7 – Libraries
- 8 – Off-Site Biodiversity Net Gain