

Heads of Terms

Section 106 and community obligations

RESIDENTIAL DEVELOPMENT AT
WHITEHOUSE LANE, BOSTON, LINCOLNSHIRE, PE21 0BE.

Applicant is Boston New Homes Limited

Gerald Willard
Chartered Town and Country Planner
M.R.T.P.I

1.0 Site address

WHITEHOUSE LANE, BOSTON, LINCOLNSHIRE, PE21 0BE.

2.0 Description of development

RESIDENTIAL DEVELOPMENT INCLUDING AFFORDABLE HOMES

3.0 Applicants obligation

This document is prepared on a without prejudice basis.

The applicant herein agrees to enter into an undertaking under section 106 of the Town and Country Planning Act 1990 to provide 'community benefits' where a need is proven and as part of this this residential development site. This is in accordance with the council's adopted policies and will be subject to a later detailed examination of development viability.

In accordance with local and national planning policy and direct evidence of necessary planning obligations as set out in a previous planning permission the applicant expects that the council will require contributions to provide for the following:

- Affordable housing
- Education
- Needs of local NHS services
- Public Open space

Paradise Farm, Main Road, Hollington, Staffordshire, ST10 4HX

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The three tests set out by Government (in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010) require S106 agreements to be:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development
- c) fairly and reasonably related in scale and kind to the development

Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

Detailed examination of development viability has yet to be undertaken. Once that is complete then a report by a competent person will be submitted to the council to set out whether all or part of the obligatory requirements can be met as part of this development.

Council's costs

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

Applicants Solicitor

The following legal Practice are likely to be instructed to undertake the legal work attached to the section 106 undertaking. This will include providing proof of title.

Rothera Bray Solicitors LLP
36-42 Humberstone Rd,
Leicester
LE5 0AE

email: c.angrave@rotherabray.co.uk

It is confirmed that subject to market conditions and projected development costs and viability the development is expected to deliver community benefits as part of this development.

Prepared by the instructed
planning consultant

Date

____/____/____

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