

**LAND WEST OF NEW BARN LANE
DRAFT HEADS OF TERMS
FULL APPLICATION FOR 10 DWELLINGS**

- 1.1 In respect of the planning application stated above, the matters to be included in the S106 Agreement, and the scale of financial or other obligations involved, will be considered in greater detail following the submission of the planning application. Each matter proposed for inclusion in any S106 Agreement will need to be justified and the supporting evidence rigorously tested and in accordance with:
- (i) Established planning policies relating to the proposed development;
 - (ii) Relevant Government guidance; and
 - (iii) The statutory tests for planning obligations included in Circular 05/05 Planning Obligations and the CIL Regulations 2011.
- 1.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that planning obligations set out in a section 106 agreement must be:
- 1) Necessary to make the development acceptable in planning terms;
 - 2) Directly related to the development; and
 - 3) Fairly and reasonably related in scale and kind to the development.
- 1.3 In addition, the agreement of planning obligations will need to take into consideration the overall viability of the proposed development.
- 1.4 Linden Homes South are willing to engage in discussions regarding the most appropriate form of securing additional obligations for this site, given the history on the site thus far, and whether this be through a Deed of Variation to the original S106, a fresh S106 or a Unilateral Undertaking.

- 1.5 Following the submission of this full planning application for 10 units at Land west of New Barn Lane, Linden Homes South will enter into detailed discussions to consider and agree the scope of the Section 106 Agreement. It is expected that the scope of requirements under the Section 106 would be similar to that of the existing Section 106 on the site, but pro rata for the number of units.