

Appendix 8: Heads of Terms for S106 Agreement

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The Section 106 contributions (as set out below), which will form part of the Section 106 Agreement that is to be completed pursuant to the relevant Grampian conditions, are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Should planning permission be granted, the following contributions are deemed necessary to make the scheme acceptable in planning terms, they are directly related to the development and are reasonably related in scale and kind to the development:

Highway Works

- Prior to commencement of development, a requirement to enter into a Section 278 and Section 38 agreement in relation to the highway works shown on plan no. S019/P3056 rev. pl2 including inter alia a new access from Queensway/Chancellor Road, access restrictions on Lucy Road and Herbert Grove, extension of shared used path, road widening at Lucy Road and the provision of a segregated path through the site. The highway works must be completed prior to occupation.

Open Space and Landscaping

- Prior to commencement of development, details of the open space and landscaping works shown on plan no. 739_PL_001_P07_General Arrangement Plan must be agreed with the Council.
- Requirement to provide the trees and soft landscaping within the open space areas shown on 739_PL_001_P07_General Arrangement Plan on adopted public highway land; and a requirement to maintain these areas for a period of 5 years from the completion of the soft landscaping/planting under the terms of a Section 278 agreement, during which time any planting must receive regular maintenance and watering with any trees and soft landscaping that die during this time being replaced.
- Requirement to provide the trees and soft landscaping within the open space areas shown on 739_PL_001_P07_General Arrangement Plan that are not on adopted public highway land; and a requirement to maintain these areas for a period of 5 years from the completion of the soft landscaping/planting, during which time any planting must receive regular maintenance and watering with any trees and soft landscaping that die during this time being replaced.
- Requirement to provide rain gardens within the open space on the adopted public highway land under the terms of a Section 278 agreement and maintain in perpetuity.
- Requirement for notice to be served to the Council at the end of the 5 year maintenance period and provision for the Council to confirm if the trees and soft landscaping are in good condition and have been maintained to the Council's reasonable satisfaction in accordance with the Maintenance Programme, which is to be agreed pursuant to a planning condition. If not, the maintenance period can be extended for a further five years. When the owner/developer has received written confirmation from the Council that the trees and soft landscaping have been satisfactorily maintained for the required period, the open space areas shown on 739_PL_001_P07_General Arrangement Plan on adopted public highway land shall thereafter be maintained by the Council and the open space areas shown on 739_PL_001_P07_General Arrangement Plan that are not on adopted public highway land shall thereafter be maintained by the developer/owner.
- The above requirements will survive any adoption of public highway by the Council pursuant to an agreement made under section 38 or section 278 of the Highways Act 1980.

Traffic Regulation Order (TRO) Contribution

- Prior to commencement of development, £15,000 is required to cover the cost of amending the signing (£3,000) and the lining (£6,000) and amendment to existing traffic regulation orders and/or implementation of any future traffic regulation orders (£6,000) in relation to the Development and adjacent roads.
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- TROs to be in place prior to commencement of highway works approved under any Section 38 or Section 278 agreement.
- TROs must be implemented prior to occupation of the development.

Travel Plan

- Travel Plan to be approved prior to occupation of the development.
- The Travel Plan must include a communication strategy, which shall include the provision of individual travel packs to engage with future owners/occupiers of the commercial units of the development to ensure their compliance with the Travel Plan.
- A contribution of £4,000 per year for five years after the year of opening of the development for the Council's costs in respect of monitoring the Travel Plan implementation and operation. The first payment is to be made prior to occupation and then annually thereafter.

Transport and Highway Works Monetary Contributions

- The following contributions would be payable within six months of commencement of development:
 - A contribution of £35,000 for a Variable Message Sign (VMS) to be located on the internal access road that displays the availability of spaces and provides directions for the multi-storey and surface car parks. This sign must be integrated with the Council's VMS system.
 - Contribution of £150,000 for the temporary and fixed VMS signage for the construction period to be put towards upgrading the VMS signs, which must be integrated with the Council's system. This cost will cover the council's contractor installing four VMS signs and the associated electrical work and communications protocol.
 - Contribution of £25,000 for the Council to provide onsite wayfinding pedestrian and cycle signage that links to the existing town centre signage in order to direct people from the site to the main travel locations, High Street and seafront. This cost will cover the Council's contractor installing three wayfinding signs on the site.
 - Contribution of £25,000 for the Council to provide offsite pedestrian and cycle wayfinding signage that links to the existing town centre signage in order to direct people to the site from the main travel locations, High Street and seafront. This cost will cover the Council's contractor installing three wayfinding signs offsite.
 - A contribution of £46,000 for real time information screens to be provided within the site at key locations to inform of bus times and services for both Chancellor Road and the Travel Centre. This cost will cover the Council's real time contractor installing one indoor display in the hotel, one indoor display in the cinema and one double sided outdoor display located at the main entrance to the site and restaurants.
 - The Council will be granted access to the site as necessary in order to undertake the works set out above.

S106 Monitoring Contribution

- £10,000 towards the monitoring of compliance with the terms of the Section 106 Agreement payable prior to commencement.
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Appendix 9: Applicant's Response to Heads of Terms of S106 Agreement

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Further to your email below please find attached slightly amended draft heads of terms for the s 106 agreement. Our amendments only relate to a landscape plan reference number which is the more appropriate plan when describing landscape design. These heads are agreed.

Regards

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