

# Appendix One

## Up Mudford - 14/02554/OUT

### Section 106 Agreement (s106) Heads of Terms

#### Headlines:

Affordable Housing	£7.1m
Education	£6.4m
Sport, Play and Community	£4.73m
Transport	£3.31
Health	£0.345m
Mudford PC	£0.12m

<p><b><u>Affordable Housing</u></b></p>	<p>15% - 115 Units Of that 70% Affordable Rent (80 units) 30% Shared Ownership (35 units)</p> <p>Mix: 1 bed 2 person - 8 units for rent 2 bed 4 person - 32 units for rent 26 for shared ownership 3 bed 5 person - 32 units for rent 9 for shared ownership 4 bed 6 person - 8 units for rent</p> <p>To be phased throughout the development.</p> <p>Valued at <b>£7.1m</b> (opportunity cost)</p> <p>The Rented properties to be subject to a Local Lettings Policy to part meet Mudford Parish Council request for nomination rights. MPC to be invited to inform the specific wording of the policy.</p>
<p><b><u>Trigger Point</u></b></p>	<p><i>28 (25%) by the occupation of 250 (33%) of open market dwellings</i> <i>At least 58 (50%) in total by the occupation of 400 (50%) of open market) dwellings</i> <i>At least 115 (100%) in total by the occupation of 600 (80%) of open market dwellings</i></p>
<p><b><u>Education</u></b></p>	<p>£1,620,882 for 76.5 Early Years places via expansion of Primrose Lane Primary</p> <p>£3,178,200 for 150 Primary places via expansion of Primrose Lane Primary</p> <p>£708,510 for 7 SEND places in the area</p> <p>Total value <b>£5,507,592</b></p> <p>Land for school expansion by way of additional playing field (1.2ha), valued at <b>£914,011</b></p>

	NB: Land transferred as exists, not levelled, drained, serviced or archaeologically investigated.
<b>Trigger Point</b>	<p><i>Contribution of £5,507,592 to be paid in four equal instalments -</i>  <i>£1,376,898 by the occupation of 200 (25%) dwellings</i>  <i>£1,376,898 by the occupation of 400 (50%) dwellings</i>  <i>£1,376,898 by the occupation of 600 (75%) dwellings</i>  <i>£1,376,898 by the occupation of 700 (90%) dwellings</i></p> <p><i>School playing field land to be transferred on commencement with best endeavours to create a community use agreement.</i></p> <p><i>The Land will be fenced on 3 sides and accessed from the existing school.</i></p> <p>NB: 2031 is the anticipated start on building extension works for opening in 2032.</p>
<b><u>Transport</u></b>	<p><u>Highway Infrastructure</u></p> <p>Element 1 - £700,490 being the cost of the construction of the A359 roundabout  <b>Trigger – to deliver the roundabout in its entirety on commencement of development prior to any works to construct houses, including foundations and laying of drains.</b>  <i>Dwg. 13916_C002</i></p> <p>Element 2 - £75,000 being the cost of the construction of the vehicular Lyde Road access (excludes footways and crossings)  <b>Trigger – to construct by the occupation of 500 dwellings (link to neighbourhood centre)</b>  <i>Dwg. 13916_SKT02E</i></p> <p>Element 3 - £724,537 for the Mudford Road/Lyde Road junction works/signalisation  <b>Trigger – to construct, if not already undertaken by others, by the occupation of 700 dwellings</b>  <i>Dwg. 13916_C001A</i></p> <p>Element 4 - £2,129 for the Mudford Road/St Michaels Avenue signs and lines scheme  <b>Trigger – to undertake by the occupation of 100 dwellings</b>  <i>Dwg. 13916_T13</i></p> <p><b><u>Car Infrastructure = £1,502,156</u></b></p> <p><u>Walking and Cycling</u></p> <p>Element 5 – Early/Temporary Works costed at £70,000 – 3 pedestrian linkages across Lyde Road – Mudford Hill end, at Runnymede Road and to Redwood Road.</p>

As shown on:

*Dwg. 13916 SK703 Marked for Early Works*

*Dwg. 13916-SKT02 E Phasing*

Comprising:

- *an uncontrolled crossing at the western end of Lyde road, to connect to the existing footpath to Fairmead Road and*
- *the enhancement of the existing footpath on the south side of Lyde Road to connect to the existing uncontrolled crossing with Runnymede Road and*
- *a dropped kerb crossing from the end of the existing footpath at constable close to the north side of Lyde Road and a temporary footpath along the north side of Lyde Road to Redwood Road*

**Trigger – to construct by the occupation of 50 dwellings**

Element 6 - Footway and Signalised Crossing at Lyde Road (as part of the secondary access to the site via the neighbourhood centre, costed at £333,838 (excludes vehicular access))

As shown on:

*Dwg. 13916\_SKT02E*

*Dwg. 13916\_SKT03*

**Trigger – to construct by the occupation of 500 dwellings (link to neighbourhood centre)**

Element 7 - £650,000 for the final part of the Lyde Road cycle link (or other cycling projects linking the site)

**Triggers – to pay £50,000 on commencement (for design work)**

**Then, £300,000 by the occupation of 450 (60%) dwellings  
£120,000 by the occupation of 550 (70%) dwellings and  
£180,000 by the occupation of 650 (85%) dwellings**

Bus

Element 8 - £351,351 for Bus Contribution (incl. Bus Stops and Shelters)

**Triggers – to pay £351,351 by the occupation of 500 dwellings**

Element 9 - The construction of 2 bus gates as indicated on the illustrative masterplan

**Triggers – If the bus gates are seen as necessary by the Local Planning Authority after a period of 6 months trial period of the network operating with such.**

**If required, to construct one by the occupation of 500 dwellings and the link to the neighbourhood centre and Lyde Road. To construct the second by any connection of the spine road to the Community Hall spur road costed at £66,340**

Other

£340,487 for Travel Planning (Travel Plan Coordinator [£152,152], Management Budget [£25,960], TP Fee [£20,000],

	<p>Green Travel Vouchers [£133,850] and Automatic Traffic Counters [£8,500]</p> <p>The developer will also provide occupiers with the Travel Information Pack on occupation.</p> <p><b>Triggers - Management Budget, TP Fee, Automatic Traffic Counters upon commencement</b></p> <p><b>Travel Plan Coordinator fee phased at 200, 500 and 700 occupations</b></p> <p><b>Green Travel Vouchers phased as occupations take place (£175 per dwelling) and as requested by TP Coordinator.</b></p> <p><b><u>Active Travel/Public Transport Infrastructure = £1,812,016</u></b></p>
<b><u>Health</u></b>	<p>To expand a local surgery or surgeries.</p> <p>Total value <b>£340,508</b></p>
<b><i>Trigger Point</i></b>	<p><i>Pay £240,000 by the occupation of 500 (65%) dwellings Then, £100,508 by the occupation of 700 (90%) dwellings The money will be passed to the NHS on the letting of a contract for the expansion of a local surgery(ies)</i></p>
<b><u>Mudford PC Infrastructure</u></b>	<p>Contribution towards traffic calming, car park extension and/or cemetery extension.</p> <p>Total value <b>£120,000</b></p>
<b><i>Trigger Point</i></b>	<p><i>Pay £120,000 by the occupation of 700 (90%) dwellings</i></p>
<b><u>Sport, Play and Community</u></b>	<p><b>£551,704</b> for Community Hall and Playing Pitch Changing Rooms**</p> <p>Spur of adoptable standard access road to legal boundary with Wyndham Park from Community Hall (approx. 50m), <b>Valued at circa £145,000 delivered in advance of natural phasing.</b></p> <p><b>£268,717.72</b> for a NEAP <b>£380,620</b> or £190,310 each for 2 large LEAPs Any surplus towards Trim Trails/Play on the Way installations throughout open space areas.</p> <p><b>£127,499</b> for Youth Facilities (MUGA)</p> <p><b>£301,815</b> to set out Playing Pitches (2x Senior and 1x u10 pitch)*</p>

Land for Playing Pitches to be located in a 1.8ha site, valued at **£1,368,963**.

Community Hall, NEAP and MUGA to be located in a 1.2ha site adjacent to Wyndham Park, valued at **£912,642**.

NB: Land transferred as exists, not levelled, drained, serviced or archaeologically investigated.

**£649,783** for commuted sums for the play/youth facilities, playing pitches, changing rooms and community hall above (to include costs of management, staffing and administration)\*\*\*

Trigger Points for Commuted Sums:

**Equipped play space £375,064**

- NEAP £155,214

- LEAPs £219,850 or £109,925 each

**Youth facilities £47,139**

**Pitches £183,197**

**Changing rooms £44,383**

**On the last or single instalment as appropriate to be paid to PCs or Man Co as relevant. Where the developer is providing the facility the commuted sum will be paid on the transfer to the management body**

A 1% Locality Service Administration Charge is sought at £22,801. It is proposed this be passed to the Management Body if Somerset Council does not adopt any facilities/POS.

**Total Sport, Play and Community at £4,729,544.72**

Other contributions/sums secured for this site:

\* A contribution has also been secured for these pitches from the adjacent appeal scheme (ref 22/00695/OUT) of £99,419.04 - based on 252 dwellings being built.

\*\*A contribution has also been secured from the adjacent appeal scheme (ref 22/00695/OUT) for changing rooms to serve these playing pitches from the adjacent appeal scheme for £181,737.36 - based on 252 dwellings being built.

\*\*£400,000 of former SSDC capital funding was allocated for the Community Hall. The status of this award is being verified with the Service Director Finance and Procurement and may no longer be available.

\*\*£299,671 of funding is also held from the Wyndham Park s106 viability negotiation for the Community Hall

\*\*\*Commuted sums have also been secured from the adjacent appeal scheme (ref 22/00695/OUT) for this site of £60,346 and £14,621.04 respectively for Playing Pitches and Changing Rooms - based on 252 dwellings being built.

<p><b>Trigger Points</b></p>	<p><i>Community Hall site (incl. MUGA and NEAP land) transferred on commencement (commencement likely Q1 2026) as per school playing fields.</i></p> <p><i>Spur of access road from Wyndham Park to Community Hall access (approx. 50m) to be delivered within 18 months of commencement (subject to access rights from Wyndham Park).</i></p> <p><i>Community Hall/Changing Rooms contribution of £551,704 to be paid in five equal instalments -</i>  <i>£110,340.80 by the occupation of 100 dwellings</i>  <i>£110,340.80 by the occupation of 200 dwellings</i>  <i>£110,340.80 by the occupation of 300 dwellings</i>  <i>£110,340.80 by the occupation of 400 dwellings</i>  <i>£110,340.80 by the occupation of 500 dwellings</i></p> <p><i>NEAP monies or delivery at Community Hall site by the occupation of the 600 dwellings</i></p> <p><i>Youth Facilities monies for delivery at Community Hall site by the occupation of 600 dwellings</i></p> <p><i>Large LEAP 1 to be constructed by the occupation of 200 dwellings</i></p> <p><i>Large LEAP 2 to be constructed by the occupation of 650 dwellings</i></p> <p><i>Playing Pitches to be constructed by the occupation of 650 dwellings</i></p>
<p><b><u>Public Open Space</u></b></p>	<p>350sqm of public Growing Space as per the masterplan with <b>£30,000</b> set up funds for fencing and water/electric supplies plus internal access track from public highway within the development to growing space area which can be used for small vehicles (3m wide).</p> <p>Construct the Amphitheatre and Memorial Bench. Valued at <b>£38,698</b>.</p> <p>Planting of tree buffer at Combe Bottom subject to Application 15/03942/FUL.</p>
<p><b>Trigger Points</b></p>	<p><i>Policy compliant or greater quantum of Public Open Space provision to be phased as per a phasing plan to be submitted and agreed for the delivery of residential parcels to ensure a proportionate amount of POS is delivered alongside housing.</i></p> <p><i>Notwithstanding the above the Growing Space land and monies to be provided by 450 occupations.</i></p>

	<p><i>Amphitheatre and Memorial Bench to be constructed as per phasing plan for POS.</i></p> <p><i>Tree buffer to be planted in its entirety by the occupation of 400 dwellings.</i></p>
<b><u>Employment Land</u></b>	Submission of a marketing strategy.
<b><i>Trigger Point</i></b>	<p><i>The marketing strategy to be submitted by 500 occupations.</i></p> <p><i>Access from the Spine road to be by 700 occupations.</i></p>
<b><u>Neighbourhood Centre</u></b>	Submission of a marketing strategy.
<b><i>Trigger Point</i></b>	<p><i>The marketing strategy to be submitted by 500 occupations.</i></p> <p><i>Access from Lyde Road to be provided by 500 occupations</i></p>
<b><u>Care Home</u></b>	Submission of a marketing strategy.
<b><i>Trigger Point</i></b>	<i>The marketing strategy to be submitted by 100 occupations.</i>
<b>Nutrient Neutrality</b>	<p>Unless otherwise agreed in writing with the Local Planning Authority:</p> <p>Prior to commencement of development, The Developer will discharge condition 10 of the permission enabling 381 dwellings to be occupied.</p> <p>Prior to 382 dwellings being occupied the developer shall provide a Phosphate Mitigation Strategy to be approved in writing by the local planning authority providing a minimum of 11.28 hectares of phosphate mitigation habitat comprising of fallow land in accordance with section '4.5.2' within 'Halpin Robbins's Shadow Habitats Regulations Assessment' (01.182.002.02_Mudford_sHRA) (01/05/2024). The fallow land shall be retained and maintained in accordance with that Strategy unless otherwise agreed in writing with the local planning authority until April 2030 after which the woodland planting is to be secured providing of a minimum 9.07 hectares of phosphates mitigation habitat comprising native deciduous woodland, in accordance with section '4.5.2' within 'Halpin Robbins's Shadow Habitats Regulations Assessment' (01.182.002.02_Mudford_sHRA) (01/05/2024). Woodland management plan – To include:</p> <ul style="list-style-type: none"> <li>○ Description of features to be managed.</li> <li>○ Aims and objectives of management.</li> <li>○ Appropriate management options for achieving aims and objectives.</li> </ul>

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organization responsible for implementation of the plan.
- On-going monitoring and remedial measures.
- Constraints on site that might influence management.
- Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works;

The woodland management plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the woodland management plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Recycling clause -**

If any s106 provision above (is underspent, not pursued or replaced by third party funding then monies would be recycled toward affordable housing and/or active travel (monies to be spent on or off-site).

Where the provision relates to the provision of works (as set out in the Brookbanks Cost Estimate (May 2024 Rev6) as opposed to a contribution the council will be able to trigger an assessment of the cost of the works where the BCIS indices between the date of the Planning Permission and the date of assessment indicate a greater the 10% difference between the cost indicated here and the costs at the date of assessment. Such assessments to be triggered between the dates of 380 and 420 dwellings and between the date of occupation of 750 dwellings and 765 dwellings. The applicant shall advise the Council in writing of these windows approaching.