



Lewes District Council

LEWES DISTRICT COUNCIL - S.106 HEADS OF TERMS

These heads of terms are not intended to create any legally binding obligations. They are subject to contract and completion of a formally executed s.106 legal undertaking and authorisation by the Planning Applications Committee or the Director of Regeneration and Planning under delegated powers.

This document does not apply to developments within the South Downs National Park, nor does it affect liability to pay the Community Infrastructure Levy for the development (which is non-negotiable).

Please complete this form and submit it to the council with your planning application.

Note for completion.

The required information is in the first column. Responses should be set out in the second column. (Note: the second column will expand to fit your responses.)

<p>1. Location of proposed development (address and postcode of the site)</p> <p>Note: If there is no postal address, please give a clear and accurate description of the site location</p>	
<p>2. Planning Application number (if known)</p>	
<p>3. Applicant(s) full name and address</p> <p>Note: Please insert the full name(s) and address(es) of the persons submitting the planning application</p>	
<p>4. Is the applicant the legal owner of the application land?</p> <p>Note: Please provide full name and registration number of any company</p>	<p>Yes/no (delete as appropriate)</p> <p>If no: Please provide the legal owner's full name and address below:</p>

<p>5. If the applicant is not the owner, do they have an agreement to purchase the land?</p> <p>Note: This is where the legal owner has entered into a contract with someone to sell the property and the third party has submitted the planning application and not the owner</p>	<p>Yes/no/still in negotiation (delete as appropriate)</p> <p>Date of the agreement (if yes):</p> <p>Additional information:</p>
<p>6. Details of the agent dealing with this matter (if relevant);</p> <p>Note: It is not necessary to have either an agent or solicitor dealing with this for you, however it is recommended</p>	<p>Name:</p> <p>Company:</p> <p>Address:</p> <p>Telephone:</p> <p>Email:</p>
<p>7. Details of the legal representative dealing with this matter (if relevant):</p> <p>Note: It is not necessary to have either an agent or solicitor dealing with this for you, however, it is recommended</p>	<p>Name:</p> <p>Company:</p> <p>Address:</p> <p>Telephone:</p> <p>Email:</p>
<p>8. Title number Please provide <u>an up to date</u> copy of the register and filed title plan</p> <p>Note: If the property has been purchased within the last 25 years it will be registered with HM Land Registry and have a title number, for example ESX 123456 proving ownership.</p>	<p>Attached Yes/no (delete as appropriate)</p> <p>If yes, what is the title number:</p> <p>If no, please submit a copy of the title deeds with this form</p>
<p>9. Is there a mortgage or charge over the property?</p> <p>Note: If any part of the property is charged or subject to a mortgage, your mortgage provider or charge holders must be a party to the agreement in order to give their consent to it. Your mortgage</p>	<p>Yes/no (delete as appropriate)</p> <p>If yes, please provide details:</p>

<p>provider may charge a separate fee for approving and executing the agreement</p>	
<p>10. Affordable Housing</p> <p>Note: Core Policy 1 of the adopted Joint Core Strategy requires 40% affordable housing and this will now apply to developments of 10 or more homes, or a site area of 0.5 hectares or more.</p>	<p>Percentage of units to be provided on site:</p> <p>Please Specify mix and type of units to be provided and attach plan showing location within application site</p> <p>Number of shared ownership units:</p> <p>Number of affordable rent units:</p>
<p>11. Nomination agreement</p> <p>Note: The S.106 will require the RP to enter into a Nomination agreement with Council in its standard form.</p>	<p>Details of the Registered Provider (if known)</p>
<p>12. Affordable Housing Contribution</p> <p>Note: A commuted sum is a sum in lieu of affordable housing payable by a developer to the Council, either because delivery on site is assessed as unviable AND this is agreed by the Council, OR where a financial contribution in lieu of a percentage of a unit of affordable housing is required.</p>	<p>Details of amount to be provided:</p>
<p>13. Other Financial Contributions</p> <p>Note: A Recycling contribution of £19 per unit is payable to provide appropriate recycling containers for each Dwelling to be added to the Council's kerbside recycling scheme</p> <p>Any other contributions are likely to be site specific unless the unit is within 7km the Ashdown Forest – see 14 below.</p>	<p>Details of amount to be provided:</p>
<p>14. Ashdown Forest contributions:</p> <p>Note Developments within 7km of the Ashdown Forest and certain larger applications close to the boundary may also be liable to make a financial contribution to towards the management and monitoring of the forest through a payment to the Strategic Access Management and Monitoring Strategy (SAMMS).</p>	<p>Liable Yes/no (delete as appropriate)</p> <p>If so, amount of contribution to be made:</p> <p>£</p>

<p>Developments within 7km zone will also be required to pay a financial contribution per dwelling towards the 'Reedens Meadows' Suitable Alternative Natural Greenspace (SANG), to cover the ongoing cost of its maintenance and management.</p>	<p>The current 'SAMMS' and SANG' tariffs can be found at https://www.lewes-eastbourne.gov.uk/planning-policy/habitats-regulations.</p> <p>To discuss the contribution applicable to your scheme please contact ldf@lewes-eastbourne.gov.uk</p>
<p>15. Highway works and agreements</p> <p><i>Note:</i> a) Attach schedule setting out highway works with supporting plans b) Specify which of the following agreements are to be entered into: • Section 27B • Section 38 c) Set out proposals for any travel plans etc.</p>	<p>Specify highway works, any highway agreements to be entered into and other relevant highway requirements.</p> <p>Further information can be found at https://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/tdc-planning-apps</p> <p>Or by calling the East Sussex Transport - Development Control team on 01273 482254</p>

Next Steps

The planning department will instruct the council's legal department to draft the s.106 planning obligation. The applicant will be required to pay the council's reasonable legal costs and disbursements in the preparation and completion of the s.106 planning obligation and it is the council's normal practice to require a solicitor's undertaking to ensure that the legal costs are met by the applicant prior to the documents being drafted.

The legal department will advise the applicant or their appointed solicitors upon the likely costs of drafting the s.106 planning obligation and the wording of the solicitor's costs undertaking required.

Privacy notice

The lawful basis for collecting the information in this form is that it is necessary for performing the task, carried out in accordance with the Town & Country Planning Act 1990, The Planning (Listed Buildings & Conservation Areas) Act 1990 and associated regulations.

Lewes District Council is the Data Controller; we will not give personal information about you or any personal information you may provide on other people to anyone else or another organisation unless we have to by law. For more about how we use personal data, please see the Council's Privacy Notice for Planning Applications at <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/266765.pdf>