

S106 Unilateral Undertaking : Heads of Terms

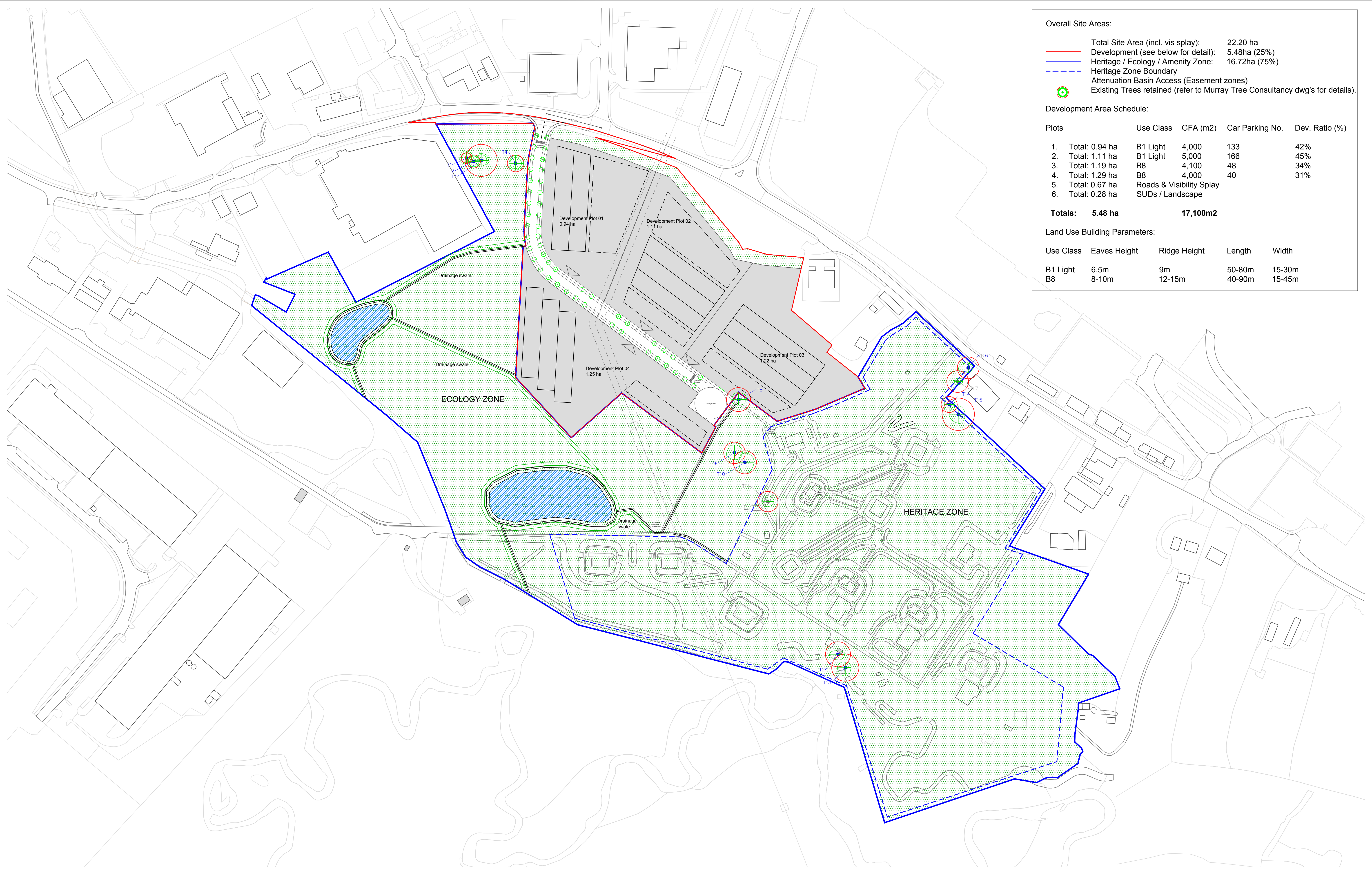
Freeholder Signatory : Cefn Park Developments Ltd (CPDL)

Land at : The Oaks, Oak Road, Wrexham Industrial Estate, Wrexham, LL13 9RG

v.4 : 14 April 2021

TYPE OF AGREEMENT	Unilateral Undertaking pursuant to S106 of the Town & Country Planning Act.
THE LAND	Relating to the development site edged RED and “Habitat” land hatched GREEN and edged BLUE as identified on the plan provided (ref. Parameters Plan – Land Studio – 003 Rev O dated 19 November 2020).
THE OBJECTIVE	The aim and objective is twofold: - for the ecological mitigation areas identified being secured for the benefit of biodiversity habitat restoration, protection, management, maintenance and enhancement. The aim will be to maintain or restore identified ecological features to specified target levels. Once a target has been achieved it will need to be maintained, otherwise it could decline in conservation status or condition. - to secure the future heritage value of the former WW2 ROF assets located within the identified heritage mitigation zone. An outline Heritage Management Strategy will be produced in consultation with CADW, CPAT and the Local Wrexham Conservation Officer. This is likely to result in a scheme that may involve revealing these assets (sic. removal of vegetation growth) and installing heritage interpretation displays may be involved
TERM	The term will be for a period of 25 years to cover the period of the Habitat Management Strategy. The term will commence once more than 25% of the proposed site area has been developed whereupon the whole area will be transferred into the Habitat and Heritage Management Plans as set out and guided by the over-arching Habitat and Heritage Management Strategy. The Freehold ownership of the defined Ecology Area will be transferred to an appropriate third sector body within 6 months of completion of 25% of the development. The defined Drainage Ponds, Swales and infrastructure and easement routes will remain under the ownership of the freeholder. These areas are defined on the attached plan. N.B. if Clause 12 (below) is enacted then the term and other provisions for term extension and any obligations identified below fall away.
TERM EXTENSION	The term of the undertaking shall be extended subject to mutual agreement at the 25 th anniversary review meeting. There will be provision for the parties to act reasonably in agreeing any extension and, in the absence of agreement, the matter will be referred to an independent expert for determination.
CPDL OBLIGATIONS	- CLAUSE 1 : To ensure that the “Habitat” land identified (shaded green on the plan) is subject of the Outline Habitat Management Plan (document ref. KE1950.01 Version 4 dated 14 April 2021) and any further/subsequent revisions thereof. - CLAUSE 2 : The programme for Habitat Management is likely to involve the freeholder appointing a specialist contractor to implement the Outline Habitat Management Plans and its overarching Strategy and may necessitate the freeholders funding of a third-party agency / body (e.g. North Wales Wildlife Trust); with this in mind the freeholder may consider granting a licence to occupy. - CLAUSE 3: Prior to the commencement of works at the site, a detailed Conservation Plan will be drawn up based upon recommendations provided within the Outline Habitat Management Plan (document ref. KE1950.01 Version 4 dated 14 April 2021). This will be drawn up in conjunction with the appointed third-party conservation body and would be subject to approval by the Council. The detailed Conservation Plan will include full management prescriptions, detailed timetabling and will be fully costed including an allowance for a contingency fee if habitat management prescriptions require alteration. - CLAUSE 4: The costs of management of the site (including any contingency) would need be provided upfront to the third-party Nature Conservation Body. This amount should provide sufficient funds to cover the initial 25 years of habitat management and monitoring with the future and on-going management of the site secured through a rent from the tenants at the site.

- CLAUSE 5 : The freeholder will allow access to the “Habitat” land, on reasonable notice, to the Council or the appointed Wildlife Management Trust to undertake surveys and assessments including intrusive inspections subject to making good any damage caused to the reasonable satisfaction of the landowner and signing a licence, which will require adequate insurances to be in place.
- CLAUSE 6 : The freeholder will not undertake any works to the “Habitat” land other than for maintenance purposes and to comply with any statutory requirements and in accordance with Clause 10.
- CLAUSE 7 : The freeholder shall be permitted to sell the “Habitat” land subject to the terms remaining in place and its obligations thereto to any successor in title including relinquishment of future development rights as specified and in accordance with Clause 8.
- CLAUSE 8 : The freeholder will, for the period of the term, ensure the ongoing management of the “Habitat” land in accordance with the Habitat Management Strategy and Outline Habitat Management Plans which provide for the following:
 - o Initial habitat preparation, creation and restoration
 - o Ongoing management and maintenance
 - o Wardening and surveillance monitoring
 - o Production of an annual report with provision for an annual review meeting
 - o A contingency to allow for any modifications to the habitat management plan and/or ad-hoc remediation works
- CLAUSE 9 : The suitability of the contractor would be agreed with the Council prior to their appointment to ensure they are appropriately qualified and licensed; such agreement not to be unreasonably withheld or delayed.
- CLAUSE 10 : The Unilateral Undertaking will include a restrictive covenant prevents the development of B1 and B8 development on the “Habitat” land (allowing for utility service infrastructure upgrades and replacement), thus ensuring habitat protection is provided in perpetuity regardless of any extant Habitat Management Strategy and Plan that might be in place at the time.
- CLAUSE 11 : 12 months prior to the expiry of the 25th anniversary of the term the Management Strategy will be reviewed with regards how future maintenance will be managed and procured and a meeting to agree what happens next will take place between the freeholder, the Wrexham County Borough Council and NRW and any licensee’s appointed by the freeholder.
- CLAUSE 12 : The ownership of the “Habitat” land will remain intact and not split into parcels if the adjacent development plots happen to be sold by the freeholder. However, the “Habitat” and “Heritage” land may be gifted to a 3rd party body.



Overall Site Areas:

Total Site Area (incl. vis splay):

Development (see below for detail):

Heritage / Ecology / Amenity Zone:

Heritage Zone Boundary

Attenuation Basin Access (Easement zones)

Existing Trees retained (refer to Murray Tree Consultancy dwg's for details).

22.20 ha

5.48ha (25%)

16.72ha (75%)

Development Area Schedule:

Plots	Use Class	GFA (m2)	Car Parking No.	Dev. Ratio (%)
1. Total: 0.94 ha	B1 Light	4,000	133	42%
2. Total: 1.11 ha	B1 Light	5,000	166	45%
3. Total: 1.19 ha	B8	4,100	48	34%
4. Total: 1.29 ha	B8	4,000	40	31%
5. Total: 0.67 ha	Roads & Visibility Splay			
6. Total: 0.28 ha	SUDs / Landscape			
Totals:	5.48 ha	17,100m2		

Land Use Building Parameters:

Use Class	Eaves Height	Ridge Height	Length	Width
B1 Light	6.5m	9m	50-80m	15-30m
B8	8-10m	12-15m	40-90m	15-45m

REVISIONS					REVISIONS					REVISIONS				
Rev.	Description	Date	By	Chk'd	Rev.	Description	Date	By	Chk'd	Rev.	Description	Date	By	Chk'd
A	Areas revised to incl. Heritage & new jct.	22.03.19	SR	SR	G	Heritage Area amended	16.10.19	SR	SR	M	Attenuation pond locations updated	07.05.20	SR	SR
B	Road alignment, Ecology increase, GFA added	26.03.19	SR	SR	H	Parking numbers to plot 5 amended.	19.11.19	SR	SR	N	Attenuation swales added to layout	19.10.20	SR	SR
C	Areas and site boundaries revised	28.03.19	SR	SR	I	Land Use Building Parameters added	28.11.19	SR	SR	O	Plots 4 & 5 reduced, trees to be retained added	19.11.20	SR	SR
D	Plots 4 & 5 combined, plot 5 access removed	23.04.19	SR	SR	J	Heritage Zone Extended	05.02.20	SR	SR					
E	Internal access road minor amends.	03.05.19	SR	SR	K	Heritage Zone Extended	07.02.20	SR	SR					
F	Footpath connections added, notes added	16.05.19	SR	SR	L	Eastern SUDs pond moved from Heritage Area	12.02.20	SR	SR					

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PRELIMINARY client: CEFN PARK DEVELOPMENT LTD project: THE OAKS drawing title: PROPOSED SITE PARAMETERS PLAN