

S106 Unilateral Undertaking : Heads of Terms

Signatory : First Investment Real Estate Management Ltd (FI-REM)

Land at : land at Wrexham Industrial Estate

Relates to FI-REM development sites : 1, 2, 3, 4, 5

v.5 : 26 April 2019

TYPE OF AGREEMENT	S106 Unilateral Undertaking
THE LAND	Relating to development sites edged RED and “Habitat” land shaded GREEN as identified on the plan provided (ref. B10317-AEW-XX-XX-DR-A-0502 P6).
TERM	The term will be for a period of 20 years to cover the period of the Habitat Management Strategy. The term will commence prior to the first occupation of each development site as they come forward. The term shall only be extended should the objectives of the Habitat Management Strategy not have been met and subject to mutual agreement.

FI-REM OBLIGATIONS

- To ensure that the “Habitat” land identified (**shaded green on the plan**) is subject of the approved Habitat Management Strategy (document ref. KE1849.00 v3 dated 23 November 2018) and the associated Outline Habitat Management Plans for sites 2, 3, 4 and 5b and any further/subsequent detailed Habitat Management Plans for each of the development sites.
- FI-REM will not entertain any offers to lease the “Habitat” land by any other parties during the period of the term.
- FI-REM 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 license, which will require adequate insurances to be in place.
- FI-REM will not undertake any works to the “Habitat” land other than for maintenance purposes and to comply with any statutory requirements.
- FI-REM shall be permitted to sell the “Habitat” land subject to the terms remaining in place and its obligations thereto.
- FI-REM 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:
 - Initial habitat preparation and creation
 - Ongoing management and maintenance over the term
 - Wardening and monitoring of the site
 - Production of an annual report for the site
 - A contingency to allow for any modifications to the habitat management plan and/or ad-hoc remediation works
- The suitability of the contractor would be agreed with the Council prior to their appointment to ensure they are appropriately qualified; such agreement not to be unreasonably withheld or delayed.
- FI-REM will apply a restrictive covenant preventing development on the “Habitat” land for development involving the construction of new buildings, thus ensuring habitat protection is provided in perpetuity.

EXPLANATORY NOTES

- The benefits of the Unilateral Undertaking will mean that the ecological mitigation areas identified will be secured for the benefit of biodiversity habitat protection, management, maintenance and enhancement.
- The agreement will be triggered by development having commenced and more specifically prior to first occupation of the individual sites. So, as each site comes forward then its respective zone of mitigation (as identified in each (site specific) Outline Habitat Management Plan) will be transferred into the programme set out in the over-arching Habitat Management Strategy.
- The programme for Habitat Management is likely to involve FI-REM appointing a contractor and necessitate FI-REM’s funding of a third-party agency / body (e.g. North Wales Wildlife Trust).
- The ownership of the “Habitat” land will remain intact and not split into parcels if the adjacent development plot happens to be sold by FI-REM. Moreover, the “Habitat” land will not be gifted to a 3rd party body as has been suggested by the Council’s Ecology Officer because the land is considered fairly integral and important to FI-REM for security and estate management reasons; moreover, there are utility service connections that exist over/under the land that could pose risks and liabilities to any 3rd party owner and FI-REM cannot imagine any 3rd party would wish to be responsible for such liabilities.

Application red line boundaries

Land within client ownership

Ecological mitigation areas within the client ownership = approx. 23.06 acres / 9.33 ha

NOTES

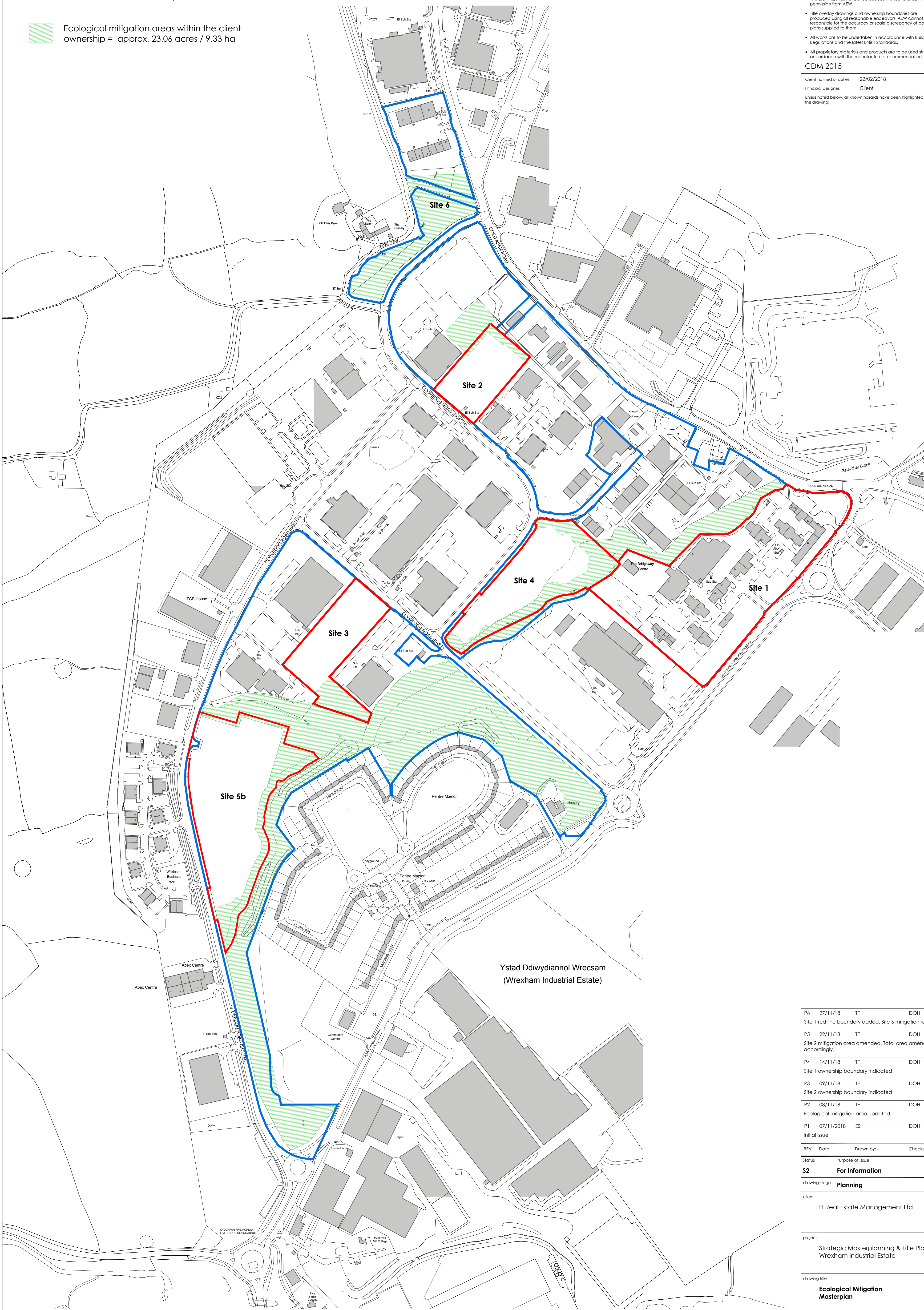
- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
- This drawing shall not be reproduced without express written permission from AEW.
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015

Client notified of duties: 22/02/2018

Principal Designer: Client

Unless noted below, all known hazards have been highlighted on the drawing.



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(Wrexham Industrial Estate)

P6	27/11/18	TF	DOH
Site 1 red line boundary added. Site 6 mitigation reduced.			
P5	22/11/18	TF	DOH
Site 2 mitigation area amended. Total area amended accordingly.			
P4	14/11/18	TF	DOH
Site 1 ownership boundary indicated			
P3	09/11/18	TF	DOH
Site 2 ownership boundary indicated			
P2	08/11/18	TF	DOH
Ecological mitigation area updated			
P1	07/11/2018	ES	DOH
Initial Issue			

REV	Date	Drawn by:-	Checked by:-
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Status	Purpose of Issue
S2	For Information

drawing stage	Planning
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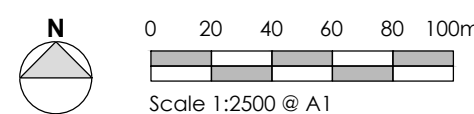
client	
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FI Real Estate Management Ltd

project	Strategic Masterplanning & Title Plans Wrexham Industrial Estate
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drawing title	Ecological Mitigation Masterplan
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date	07/11/18	drawn	ES
scale@A1	1:2500	checked	DOH



Rev

P6

JBH/180

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