

Land at Deansgate South

Section 106 Planning Obligation: Draft Heads of Terms

1. Introduction

- 1.1 This document sets out the draft Heads of Terms which the Appellant, Fusion Manchester DevCo Ltd, may be entered into pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 It is assumed at this time that the planning obligations will be contained within an agreement entered into with the Council.
- 1.3 The Appellant will seek to negotiate the detailed wording with the Council during the course of the Appeal. A first draft of a proposed Section 106 agreement will be provided to the Council once the matters set out below have been finalised.
- 1.4 If agreement cannot be reached prior to the Inquiry, then a Unilateral Undertaking will be prepared and submitted.
- 1.5 In order to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010, the obligations are required to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 1.6 The obligations below are subject to the assessment by an independent planning inspector in their decision following the Inquiry where evidence as to whether or not they met the Regulation 122 tests referred to above will be presented (i.e. a “blue pencil” clause).

2. Public Realm and Accessibility Works

- 2.1 To make a contribution of £[figure to be agreed] to repair and enhance the pedestrian paving in the immediate vicinity of the Appeal site along Deansgate and the Bridgewater Viaduct.
- 2.2 To make a contribution of £[figure to be agreed] towards the installation of a Bee Network Cycle Hire stand in close proximity to the Appeal site.
- 2.3 To make a contribution of £[figure to be agreed] towards a new signalised pedestrian crossing on Medlock Street.