



**HARBOROUGH DISTRICT COUNCIL**

**PLANNING OBLIGATIONS  
SUPPLEMENTARY PLANNING DOCUMENT**

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# 1. INTRODUCTION

- 1.1 A planning obligation is legally enforceable and entered into under section 106 of the Town and Country Planning Act 1990. Harborough District Council (together with Leicestershire County Council) enters into S106 planning agreements with developers to provide the necessary infrastructure and/or services to mitigate the impacts of new developments.
- 1.2 This document has been prepared to inform developers, landowners, infrastructure providers and local communities about the approach Harborough District Council takes to secure community infrastructure and affordable housing through planning obligations.
- 1.3 It updates the *HDC Planning Obligations SPD January 2017* and takes into account:
  - The Harborough Local Plan (2019);
  - The Community Infrastructure Levy Regulations (as amended);
  - National Planning Policy Framework (February 2019);
  - National Planning Practice Guidance (2014 and continually updated);
  - Leicestershire County Council Planning Obligations Policy (2019).
- 1.4 The document seeks to advise and support developers and communities on current practice in applying planning policy to secure community infrastructure. Harborough District Council has not introduced a Community Infrastructure Levy (CIL) but will keep it under review, with partner authorities across Leicester and Leicestershire Housing Market Area.
- 1.5 In light of the recent consultation on the White Paper : *The Future of Planning* - any proposal and reform by Government of the existing planning obligations regime, through the replacement of S106 planning obligations and CIL with a single Infrastructure Levy, will also be kept under review.
- 1.6 The current requirements for a planning obligation will depend on whether the capacity of the existing local infrastructure/services can support a new development. If the capacity cannot support a new development, then planning obligations will be required to mitigate the impacts and provide the necessary infrastructure/services. **Annex 1** to this document provides a summary of the main contributions which may be sought according to development type.

## 2. POLICY ON PLANNING OBLIGATIONS

### National Policy and Guidance

- 2.1 National Planning Policy Framework (NPPF) February 2019 paragraph 56 states planning obligations must only be sought where they meet all of the following tests:
- 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.
- 2.2 The tests above are known as the “CIL Tests” after the Community Infrastructure Levy Regulations which made them statutory requirements.
- 2.3 Harborough District Council will consider the request for each planning obligation in accordance with the statutory CIL Tests.
- 2.4 On 1<sup>st</sup> September 2019 revisions to the CIL regulations removed the restriction on pooling more than five obligations for a project or type of infrastructure. This means that subject to meeting the 3 tests set out in CIL Regulation 122, charging authorities can use the funds from both the levy and S106 planning obligations to pay for the same piece of infrastructure provided ‘double dipping’ is avoided.

### Local Policy

- 2.5 The Harborough District Council Local Plan (2011-2031) adopted in 2019 is, at the time of the publication of this document, the relevant adopted development plan for the District. Policy IN1-*Infrastructure Provision* defines the levels of infrastructure necessary to mitigate the development proposals in the Strategy. Policies H1 – *Provision of New Housing* and H2 – *Affordable Housing* supports the development of an appropriate mix of housing including provision of lower cost affordable homes to rent through social housing providers which are secured through planning obligations.
- 2.6 Policies IN1 and H2 of the Local Plan indicates areas which are most likely to be the subject of planning obligations as follows:
- Affordable Housing
  - Community Facilities
  - Open Space, Sport and Recreation Provision
  - Education
  - Highways and Transportation
  - Library Services and associated facilities
  - Recycling and Waste
  - Health Care
  - Policing and Fire and Rescue

Further details of specific obligations required for each site are set out within the relevant site allocation policy.

- 2.7 Obligations may also be sought towards other types of infrastructure or project which are necessary to make development applications acceptable in planning terms. The need for these will be determined on a case by case basis. Obligations may be sought, where appropriate, towards matters related to flood control and sustainable drainage and are referenced in Section 10 of this document.
- 2.8 Leicestershire has a two tier system of local government. Services such as housing, community facilities, open space and waste collection are the responsibility of the seven District and Borough Councils in the County. The County Council is responsible for the provision/commissioning of a range services including education, highways, transport, libraries, social care, public health and waste disposal.

### **3. MANAGING PLANNING OBLIGATIONS**

- 3.1 This section sets out the guidance for applicants for planning permission, infrastructure providers and community groups about how Harborough District Council manages the Planning Obligation process - from making policy, considering applications for planning permission, making and amending S106 obligations as needed, and monitoring the delivery of planning obligations.

#### **The Development Plan – the basis for considering obligations**

- 3.2 Alongside the Harborough District Council *Planning Obligations SPD*, reference should be made to the adopted development plan, national planning policy and national planning practice guidance to assist in understanding what may make a new development acceptable in planning terms.
- 3.3 The Harborough Local Plan 2011 – 2031 as well as the ‘made’ Neighbourhood Plans, available at the following link: <https://www.harborough.gov.uk/neighbourhood-planning> are key policy documents.

Policy IN1 – Infrastructure Provision seeks to secure appropriate infrastructure and part of the Local Plan, includes an Infrastructure Delivery Plan (IDP), which sets out the framework for what types of infrastructure are needed to support development levels specified in the Local Plan.

- 3.4 The Local Plan was subjected to a viability assessment to confirm that its proposals as a whole are achievable and deliverable. This viability assessment took into account the likely levels of developer contributions and any other sources of potential infrastructure funding.

#### **Viability**

- 3.5 Government guidance on viability was updated in September 2019. The aim of the guidance was to ensure that viability is considered upfront, as part of the plan-making process. It also clarified that the costs of complying with planning policies should be reflected in the land value. Previously some applicants sought to make a viability assessment on a case by case basis, they are now required to demonstrate why any viability assessment at the planning application stage is justified.

## **Pre-Application Stage**

- 3.6 As set out in the Council's adopted Statement of Community Involvement (S.C.I.) (March 2020), developers are encouraged to discuss potential proposals/applications with the Council at an early stage for example prior to submission of an application.
- 3.7 At the pre-application stage officers of the Council will advise and consider the potential impacts on infrastructure and the need for planning obligations which would be necessary to make development acceptable. Officers of the Council will decide, based on the scale, size and nature of the proposal, if specific infrastructure providers should be invited to advise at the pre-application stage.
- 3.8 The Council also encourages developers of all potential major residential, employment and mixed use schemes to conduct pre-application consultation with a broad range of service providers and to contact local organisations and identify what local infrastructure may be needed to support new development. The Parish Liaison Officer at Harborough District Council, maintains a list of appropriate contacts at parish level and can assist further.

## **Submitted Planning Applications**

- 3.9 Planning applications should be accompanied by details to identify the likely impacts of a new development proposal on local infrastructure/services. Developers should give consideration to the range of planning obligations, which are necessary and provide them in the supporting details.
- 3.10 Once a planning application is received, the authority will notify specified bodies, including infrastructure and service providers where there may be an impact on the service they provide.
- 3.11 The infrastructure provider will be directed to information concerning the application located on the Council's website and asked to respond or comment on the application within 21 days.
- 3.12 Infrastructure providers /service areas may include:

Relating to functions for which Harborough District Council is the responsible authority:

- Affordable Housing
- Community and Sports Facilities;
- Open Space and Recreation;

Relating to functions for which Leicestershire County Council is the responsible authority:

- Adult Social Care and Health;
- Waste Management;
- Education;
- Economic Development;
- Highways and Transportation;
- Library Services; and

- Sports and Recreation Facilities.

Relating to functions that are the responsibility of the following other authorities:

- NHS England;
- Leicestershire Constabulary;
- Leicestershire Fire and Rescue Service;
- Water and Sewage Service Providers;
- Public Transport Operators;
- Utility Companies;
- Environment Agency;
- Highways England; and
- Natural England.

3.13 Infrastructure providers who identify that a planning obligation is required should set this out clearly in a formal response. Harborough District Council will decide if the obligations request meets the CIL Tests.

3.14 It is also important to understand the three statutory CIL tests, mean S106 developer contributions can only be used to enable the provision of additional or renewed community infrastructure to create additional capacity in order to satisfy the demands arising from that development and to make it acceptable. It is also important to realise that S106 developer contributions *cannot* be used to put right existing infrastructure deficits.

3.15 Large commercial and employment generating developments may increase demands on infrastructure, therefore if there is a demonstrated need directly related to the development, a contribution will be sought. The types of need may often be related to transportation, such as cycle ways and footpaths, but may extend to other types of contribution [e.g. economic growth/local employment/skills training] dependent on the nature of the development and what is required to make an application acceptable.

### **Determining planning applications**

3.16 In determining planning applications, Harborough District Council as the local planning authority has responsibility for deciding which planning obligations are necessary to ensure developments are acceptable. In executing this responsibility, the District Council will take account of adopted guidance and responses from all service providers together with any responses from Town and Parish Councils and the views of Ward Councillors.

3.17 Planning applications which require a planning obligation will not be determined unless there is a draft Heads of Terms for S106 Obligations agreed with the applicant in writing, placed on the public planning register (the electronic database of planning applications and associated correspondence also known as the Planning Portal) and referred to in the associated case officer report, which sets out:

- all specific types of infrastructure/projects to be delivered;
- the contribution to any infrastructure required (where this is agreed as a financial payment); and



- the timing of payment or delivery of the necessary infrastructure in relation to development.

3.18 This document covers the principal areas where contributions may be sought, but should not be regarded as exhaustive. The impact of planning proposals on all types of services or infrastructure will be examined on a case by case basis when applications are submitted and obligations considered in order to ensure development is acceptable.

### **Finalising the Section 106 Planning Agreement**

- 3.19 When planning obligations are necessary, the applicant will submit a draft S106 planning agreement to the Council for consideration as early as possible.
- 3.20 The Council's Legal services team will assist in reviewing and finalising the S106 agreement – on receipt of full instructions from the relevant development Management Case Officer, in liaison with the legal representatives of the Applicant and any other party to the Agreement.
- 3.21 The initial draft agreement will be placed on the Planning Register by the Case Officer.
- 3.22 Subsequent draft versions of the agreement (version controlled, redacted as needed) will be placed on the Planning Register by the Case Officer following receipt from Legal Services.
- 3.23 Legal Services will negotiate the clauses and redraft the S106 as necessary in liaison with the legal representatives of interested parties, until a final agreement is reached.
- 3.24 All Harborough District Councillors will be notified via the Member Information Service prior to the final agreement being executed by the Council.
- 3.25 The final signed version of the agreement will be placed on the Planning Register by the relevant Development Management Case Officer.

### **Variations to planning obligations**

- 3.26 An application can be made to vary or remove a planning obligation at any time on the basis of a material alteration or change in circumstances since the application was originally determined. Infrastructure providers will be notified and consulted where a change relates to their obligation/s. Councillors for the ward in which the application is made will be consulted as will parish/town councils, as necessary.
- 3.27 If the application was originally determined by the Planning Committee rather than being delegated to officers, the Planning Committee will usually determine the application to vary the obligation.

### **Monitoring the implementation of planning obligations**

- 3.28 Whether a planning obligation requires a developer to undertake some works on site or make a financial contribution to off site infrastructure, it is important that there is confidence that the planning obligation is delivered. The Council's Planning obligations officer monitors development and ensures the required obligation is met.
- 3.29 Invoices are issued by the Council at defined stages of development as stated in a S106 planning agreement. The Council will notify those HDC services with responsibility for delivery of the relevant infrastructure, when a planning obligation payment is received and will record the date when the planning obligation/s has to be spent.
- 3.30 The Council will monitor the delivery of the infrastructure improvement for which the planning obligation has been obtained. The Planning Obligations Officer will be informed from the relevant Harborough District Council Service manager or other partner organisations when and for what purpose the planning obligation funding has been used.
- 3.31 Partner organisations for example, the Clinical Commissioning Group (C.C.G.) or Police, may be required to sign an indemnity agreement (see Annex 2) and ensure contributions are spent in accordance with the S106 Agreement.
- 3.32 Monitoring and subsequent reporting will enable the local community to know the infrastructure needed to make development acceptable has been delivered. It is also important to be able to assure developers that the obligation/s they made are spent in accordance with the purposes contained within the S106 agreement.
- 3.33 The Councils S106 database provides a clear and transparent record of obligations required, paid and the use of the contributions in accord with the S106 Planning Agreement.

### **Infrastructure Funding Statement**

- 3.34 A requirement of the CIL Regulations means Councils are required to produce an annual Infrastructure Funding Statement (IFS). It is a summary of financial contributions which the Council has secured, through Section 106 agreements and any other infrastructure funding e.g. CIL (where applicable), from new development. The first IFS is due by 31<sup>st</sup> December 2020 and will be published on the Council website.

### **The "End to End" Process**

- 3.35 The involvement of the Council in planning obligations extends from making planning policy concerning development and infrastructure through to monitoring and reporting on the implementation of planning obligations. Monitoring of development and infrastructure provision is a factor in reviewing policy, so the process is circular. This "end to end" process is shown on the flow chart presented in Annex 4, which describes the key points at which District Councillors and other interested parties are involved in the process.

## **4. OTHER ASPECTS OF PLANNING OBLIGATIONS**

### **Tariffs or standard charges**

- 4.1 The District Council has developed a series of standard charges in relation to aiding the funding of specified recreational provision and community facilities where these are needed to make development acceptable. This parallels the County Council's approach to securing contributions to educational and other facilities and not only aids pooling of contributions, by a number of developments, to an individual project but helps to create certainty for developers about the levels of contributions being sought.

### **Holding and Spending of Financial Contributions**

- 4.2 Financial contributions will be placed in a fund controlled by the signatory responsible for the provision of that service or facility. The contribution will need to be spent on improvements to services or infrastructure as defined in the agreement which made the original development acceptable.
- 4.3 The relevant service is responsible for ensuring that the contribution is used in accordance with the terms of the agreement and for reporting on spending. If the facility is to be delivered by a Parish Council or other local organisation, then the Community Partnerships Service at the District Council will be responsible for liaison.
- 4.4 Any financial contributions are often required to be spent within a specified time as defined in the agreements. Contributions which are unspent beyond the "spend by date" should be returned, unless a variation to the agreement to allow a longer spend by date is agreed.

### **Trigger Points for Planning Obligations**

- 4.5 The payment of obligations will be required when specific stages of a development are reached. These stages, often referred to as trigger points should be agreed in the S106 agreement and linked to the time and/or delivery of particular milestones e.g. commencement of development or first occupation.
- 4.6 Generally the first tranche for example will be required on commencement of development and can be up to 50% of the total amount of the contribution. The remaining tranche would be required at an agreed level of occupation, for example, 50% of the total number of dwellings occupied.
- 4.7 Late payment of financial obligations significantly beyond the stipulated trigger points will attract interest at 4% above the Bank of England base lending rate in force, at the time from the date that the payment falls due to the date of actual payment. The rate of interest will be specified in the legal agreement.

### **Maintenance of assets secured through planning obligations**

- 4.8 It is important that infrastructure (physical) assets provided through planning obligations are delivered to the required standard and are subsequently maintained. A developer should ensure that there are adequate arrangements made to ensure appropriate maintenance and management of the asset in perpetuity and prevent it from becoming a future liability.
- 4.9 If contributions however towards maintenance are deemed appropriate, they will apply to a period between hand-over of the facility and when the asset would be expected to be maintained within a general maintenance budget of the subsequent owner. This is particularly important in relation to the adoption of open space.
- 4.10 Due to budgetary constraints on the local authority and its wish to be an enabler rather than direct provider, it should not be assumed such assets will be inherited by the local authority. Each case will be considered on its own individual merits.

### **Legal and Monitoring Fees**

- 4.11 The District Council as a party to the S106 agreement or unilateral undertaking will seek its full legal costs associated with the negotiating, preparing, drafting, amending producing and sealing of S106 agreements/unilateral undertakings. It will include, where required, the costs of obtaining independent or specialised advice to validate aspects of the contributions.
- 4.12 CIL Regulations now allow for planning agreements to secure monitoring fees, particularly where the scale of development is complex and needs long term monitoring. The monitoring fee should reflect the time spent on monitoring each obligation, whether it is a financial contribution or an 'in kind' obligation. An hourly rate would be charged/based on the type of work and officers time, involved in the process of monitoring an agreement over the life time of a development.
- 4.13 Strategic Development Areas (SDAs) and/or major developments which involve substantial monitoring over a number of years will be subject to a monitoring fee which is commensurate with the hourly rate and the number of hours over the duration of the individual phases and/or the completion of the development.
- 4.14 Payments will generally be secured as shown in the requirements/triggers in each S106 agreement and the monitoring fee would be calculated on an hourly basis. The rate is currently set at £44.54 per hour (this is subject to being adjusted annually). It includes on-costs and an allowance for overheads.

<b>Contributions / No. of residential units</b>	<b>1-10</b>	<b>11-30</b>	<b>31-50</b>	<b>51-100</b>	<b>101-251</b>	<b>251-500</b>
<b>Affordable Housing</b>	<b>0</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>
<b>Community facilities</b>	<b>0</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>12</b>
<b>Public Open Space</b>						
- Parks & Gardens	0	6	6	6	7	8
-Amenity Greenspace natural & semi Natural	0	6	6	6	7	8
- Greenspace	0	6	6	6	7	8
-Children & Young People open space	0	6	6	6	7	8
-Outdoor sports facilities	0	6	6	6	7	8
-Allotments	0	6	6	6	7	8
-Cemeteries & Burial Grounds	0	6	6	6	7	8
-Greenways	0	6	6	6	7	8
Police	2	4	4	4	5	7
Health (CCG)	2	4	4	4	5	7

**Table 1: Typical number of hours of monitoring of each type planning obligation and size of residential development**

- 4.15 The table below shows an example of the monitoring fee for a development of 250 dwellings, assuming all of the District Council obligations are required, under a Section 106 agreement. The overall monitoring fee from the hourly monitoring fee/s would amount to £3,696.82.

<b>Contributions / No. of residential units</b>	<b>101-251</b>	<b>£</b>
<b>Affordable Housing</b>	<b>10</b>	<b>445.40</b>
<b>Community facilities</b>	<b>7</b>	<b>311.78</b>
<b>Public Open Space</b>		
- Parks & Gardens	7	311.78
-Amenity Greenspace natural & semi Natural	7	311.78
- Greenspace	7	311.78
-Children & Young People open space	7	311.78
-Outdoor sports facilities	7	311.78
-Allotments	7	311.78
-Cemeteries & Burial Grounds	7	311.78
-Greenways	7	311.78
Police	5	222.70
Health (CCG)	5	222.70

## **Bonds and Enforcement Action**

- 4.16 The Council will request that a bond is obtained to mitigate the risk of defaults on the fulfilment of planning obligations (and payments in the case of commuted sums) based on the merits of each individual case.
- 4.17 Notwithstanding the opportunity that exists for obligations to be varied, the Council will seek to ensure that all obligations are fulfilled and may be prepared to accept staged payments if needed to ensure that the terms of the original agreement are met.
- 4.18 The Council will use its corporate debt recovery process where necessary and its enforcement powers to stop development where the necessary obligations have not been made or not been made on time or in accordance with agreed payment schedules or “trigger” points. For further information on the approach to planning obligations please contact: Planning Obligations Officer, Harborough District Council Tel: 01858 828282

## **5. AFFORDABLE HOUSING**

### **Justification**

- 5.1 Current policy on securing affordable housing in new development is set out in the Harborough Local Plan 2011-2031 in Policy H2 (Adopted 2019). The minimum requirement for affordable housing provision is 40% on housing sites of more than 10 dwellings or with a combined gross floorspace of more than 1,000 square metres.
- 5.2 Although the policy sets this minimum requirement, a greater percentage of affordable housing may be sought if any subsequent local housing need assessment (e.g. obtained through a neighbourhood plan process) identifies for example exceptional housing sites in rural areas. Policy H3 of the Local Plan makes provision of affordable housing, in exceptional circumstances, in order to meet the high need across the District as demonstrated in the Housing and Economic Development Needs Assessment 2017 (HEDNA).

### **Definition of Affordable Housing**

- 5.3 Affordable housing is historically defined as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions for the development to remain at an affordable price in perpetuity for future eligible households or, where any affordable housing development is subsequently sold on the open market for the value to be recycled for replacement affordable housing provision in the locality.
- 5.4 The NPPF (2019) definition of affordable housing refers to a number of housing products and includes a wider range of rented and low cost homes tenures and options. Social rented housing is rented housing owned and managed by local authorities and RP's (Registered Providers or Housing Associations), for which guideline target rents are determined through the national rent regime. This type of housing may also be owned by other organisations and provided under equivalent rental arrangements to the above, as agreed with the local authority or with Homes England.
- 5.5 Affordable rented housing is let by local authorities or Registered Providers (RPs) to households who are eligible for social rented housing.
- 5.6 Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).
- 5.7 Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels. These can include shared equity (shared ownership and equity loans) and other low cost homes for sale and intermediate rent. Lower cost market housing cannot be considered as affordable housing for planning purposes.

## Mix of Housing

- 5.8 Harborough District has an above average number of larger type dwellings (5-7 bedrooms) and a smaller number of 2-3 bedroom house types. Smaller dwellings are under-represented in the range and mix of house types. It is evident that the number of smaller households is increasing. In light of this, the majority of our house type requirements will be based on smaller house types to meet demand.
- 5.9 Development proposals should therefore always seek to provide a mix of size and type of dwellings (both open market and affordable dwellings). In particular, housing for smaller households will be supported in order to meet District wide identified need.
- 5.10 The benchmark housing mix profile we will aim to seek on housing development sites, as referenced in the HEDNA 2017 at District level, is set out in Table 2.

**Table 2 - On proposals above 10 units**

Dwelling Type	Percentage of Housing Mix
1 bedroom dwelling	35-40%
2 bedroom dwelling	25-30%
3 bedroom dwelling	25-30%
4 + bedroom dwelling	5-10%

benchmark housing mix profile

- 5.11 This is an indicative mix for planning purposes within the District. Individual site issues will influence housing mix on a particular development - This is intended to provide a basis for the kind of house types/sizes we should seek as a starting point in future development. Applicants are advised to consult the Harborough District Council Housing Enabling Officer at the earliest opportunity to discuss and agree site/ locality specific requirements and details of the affordable housing contributions prior to the submission of a planning application.
- Current tenure requirement is to seek generally, a 60/40 split between rental properties (a percentage which would be accepted as affordable rent) and intermediate housing respectively. However each site is assessed independently in meeting specific local housing need;
  - The affordable housing must comply with Homes England Quality Development Standards particularly in relation to space and floor areas as a minimum requirement;
  - Affordable housing will be transferred to a partner Registered Provider (RP) at open market values to be agreed between the developer and the RP partner and approved by Harborough District Council.

## Special Needs and Extra Care Housing

- 5.12 Special Needs housing may be included in the definition of affordable housing, where appropriate, or where proposed by specialist developers. In such cases there will usually be no further requirement for affordable housing contribution. Examples of those who may be in 'special need' include the elderly, 16-24 year olds, people with mental health or learning difficulties and people with special access requirements such as wheel chair users. The Council will also seek the provision of small 1-2 bed

bungalows to meet the demand for this house type for our expanding elderly community on appropriate sites.

- 5.13 Special Needs housing is strongly encouraged and bespoke guidance and support will be provided to assist in implementation. The Council will work to meet wheelchair and Lifetime Homes Standards which are now covered through optional requirements in Building Regulations.
- 5.14 New forms of sheltered and retirement housing have been developed in Harborough District in recent years, to cater for older people who are becoming more frail and less able to do everything for themselves. The Council strongly supports such provision.
- 5.15 Extra Care Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. Most people who live in Extra Care Housing have their own self-contained homes, and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. It comes in many built forms, including blocks of flats, bungalow estates and retirement "villages". It is a popular choice among older people because it can sometimes provide an alternative to a care home. There are communal facilities with domestic support and personal care available.

### **Rural Exception Sites**

- 5.16 In response to evidence of local housing need, the development of sites for affordable housing as an exception to normal planning policy may be permitted in rural areas. Rural Exception sites are:
- Sites primarily set aside for affordable housing but could include some limited amount of market housing;
  - Developed to meet local affordable housing need and generally held in perpetuity as 'affordable';
  - Sites that are within, adjoining or in close proximity to settlements; and
  - Developed on sites that would normally not be released for market housing.

### **Development of Affordable Housing**

- 5.17 The Council supports a range of Registered Providers (RPs or Housing Associations) to provide and manage affordable housing in the District. A list of current providers and contact details is available in Annex 2 to this document.
- 5.18 The Housing Enabling Officer will engage with developers and ask them to contact RPs at the earliest stage so that an affordable scheme can be discussed and agreed preferably prior to the submission of a formal planning application.
- 5.19 Planning applications should be accompanied by an Affordable Housing Statement to indicate commitment to affordable housing provision through on-site provision. The question of accepting a commuted sum payment is a matter for the Council to determine if it deems it appropriate to accept an off- site contribution in lieu of on-site



provision. It is not a matter for the applicant to propose. The Council will then seek to secure this commitment through a planning obligation.

- 5.20 The Housing Enabling Officer will provide advice on the delivery of affordable homes through the planning process. The Officer will advise on the provision of affordable housing in eligible applications, whether off-site provision is appropriate and whether a commuted sum should be accepted. The views of the community via local Ward Councillors and relevant Town/Parish Councils will also help inform the position the Council takes on the approach to the affordable housing component in new development.
- 5.21 The Council will seek, in general terms, a mix which is split of about 75% affordable or socially rented and about 25% low cost home ownership products.. However each site is assessed on its merits regarding how best it can meet local housing need and the Council will adopt a flexible approach in assessing need and provision. A variation of the mix which is shown to be justified by reference to the latest assessment of affordable housing need.
- 5.22 The affordable housing secured will be transferred to a Registered Provider (RP), at values to be agreed between the developer and RP.
- 5.23 Applicants are advised to consult RP's to discuss these matters at an early stage in the preparation of a planning application including an element of affordable housing.
- 5.24 The cost associated with the necessary level of affordable provision on any site should be factored in by the developer in their acquisition of the site.
- 5.25 Development proposals involving 100% affordable housing will not normally be exempt from S106 obligations as any new development is likely to have an impact and an effect on local services and infrastructure.

### **Commuted Sums**

- 5.26 In accordance with both National Planning Policy Framework guidance (NPPF) and local policies, there is a clear preference for affordable housing to be provided within the site subject to planning approval. Whilst on-site provision will always be the priority option for providing affordable housing, it has become apparent that there are circumstances where the inclusion of affordable housing may not be practical or appropriate. In such circumstances, a commuted sum may be an acceptable alternative to the provision of units of affordable housing on a site. The following are circumstances where a commuted sum may be justified:
- Where a Registered Provider (RP) is unwilling to acquire affordable units. This may occur where the proposal involves conversion or redevelopment of existing buildings such as listed buildings or development in conservation areas. It may also occur because the affordable housing proposed may be in a location, or is of such a limited scale, that a Provider considers it unsuitable to manage efficiently.
  - Where housing need priorities could be better met in an alternative location.

- Where there is a dominance of a particular type of affordable housing provision in the immediate area.
- Where the viability of the particular form of development might be compromised by the integration of affordable housing into that development, for reasons that can be clearly set out and justified. Submitted viability appraisals will be re-appraised by the Council (as referenced in paragraphs 4.7-4.11 above) before consideration can be given to acceptance of a commuted sum in lieu of on-site provision of any affordable housing obligation.

- 5.27 If a commuted sum payment is accepted, the value will be based on the cost to the developer of meeting the affordable homes requirement.
- 5.28 Using HDC's percentage requirement to guide negotiations, the off site contribution or commuted sum will be based on the following approach: We will agree the Open Market Value (OMV) of an affordable house type i.e. 2 bed terrace, small 3 bed semi etc. that can be achieved on any given site. Our requirement will be 50% of the OMV of an affordable house type x **Harborough % of affordable provision requirement** e.g.  $OMV \times 50\%$  for each unit X the number of affordable units required (40% of site yield).
- To demonstrate, if the open market value (OMV) of a two bedroom house was £150,000 and the 40% affordable housing provision on a 5 dwelling site is 2 units, the commuted sum received would be  $2 \text{ units} \times 50\% \text{ of the OMV } (£75,000) = £150,000$ .
- 5.29 In certain cases, a developer undertaking multiple site development in the District may wish to provide affordable housing on a different site. The Council will consider whether the offer of provision of an alternative site is acceptable.

### **Spending of Commuted Sums**

- 5.30 The Council will use commuted sums for the purposes of developing affordable housing in the District. The Council will report on the funds held and allocated to affordable housing development in its annual Authority Monitoring Report (AMR), produced for monitoring development planning matters.

For further information on affordable housing planning obligations please contact: Housing Enabling and Community Infrastructure Officer, **Harborough District Council** Tel: 01858 828282.

## **6. COMMUNITY FACILITIES**

- 6.1 The importance of community facilities is recognised in paragraph 92 of the NPPF in its important role in fostering community cohesion. For the purposes of this SPD, a community facility is defined as a building or space where community led activity for community benefit is held. Community facilities can be in a wide range of venues and include for example, places of worship, town and village halls, purpose built community centres, sports centres and clubs as well as adapted venues, including historic listed buildings, converted houses, flats, shops, scout huts and rooms or halls attached to faith buildings.

## **Justification**

- 6.2 Adequate provision of and capacity in local facilities (e.g. community centres of a size to accommodate activities for all community members which include children & young people, families, adults and older people) is important in order to meet the additional demands arising from new development. Financial contributions will be sought and pooled to meet the following types of capital projects which increase the capacity of community facilities including those related to:
- New community facilities;
  - Extensions of community facilities;
  - Refurbishment of community facilities to increase their use;
  - Feasibility studies and Professional Costs (associated with identified and evidenced capital projects);
  - Improvement of access to community facilities.
- 6.3 Larger Developments, for example, with over 1,000 new residents may generate the need for a new multi-purpose community hall or other new community facilities as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution which may take the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of application.
- 6.4 Much of the development in Harborough District is at a smaller scale yet should still be expected to contribute to community needs generated by additional development, by helping to expand or develop existing levels of provision. At the time of a planning application being received, the District Council in conjunction with Town/Parish Councils will assess the proposed development against the existing levels of provision in the community and submit evidence of need for additional community facilities in the area arising from the proposed development.

## **Level of Contribution to Community Facilities**

- 6.5 The level of contributions required to provide additional community facilities are set out in the Community Facilities Assessment 2017, completed by Peter Brett Associates. This updates the Roger Tym & Partners Community Facilities Study (2010). The updated document has informed the infrastructure evidence base for the adopted Local Plan and inform updates to the developer contributions policy for community buildings.

## **Allocation of funding for community facilities**

- 6.6 The Council operates a community led approach to allocating funding for community projects and off-site recreation contributions to take account of community needs and aspirations which occur directly at the time when the development is proceeding. This is in order to deliver the obligations for community provision which help to make it acceptable in planning terms. An application system operates and further details are contained on the District Council's [website](#).

For further information on planning obligations for community facilities please contact:

Community Partnerships Team, Harborough District Council  
Tel: 01858 828282

## 7. OPEN SPACE, SPORT AND RECREATION PROVISION

### Justification

- 7.1 Harborough District Council seeks contributions for the following typologies of Open Space set out in Table 3 below.

Table 3 Typologies of Open Space

Typology	Definition	Principle Uses
Parks and gardens	Includes urban parks, formal gardens and country parks.	Accessible, high quality opportunities for informal recreation and community events.
Natural and semi-natural Greenspaces, including urban and rural Woodland and Country Parks	Includes publicly accessible woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons, meadows), wetlands, open and running water and wastelands.	Wildlife conservation, biodiversity and environmental education and awareness.
Amenity Greenspace	Most commonly but not exclusively found in housing areas. Includes informal recreation green spaces and village greens.	Informal activities close to home or work and enhancement of the appearance of residential or other areas.
Outdoor sports facilities	Natural or artificial surfaces either publicly or privately owned used for sport and recreation. Includes school playing fields.	Participation in outdoor sports, such as pitch sports, tennis, bowls, athletics or countryside and water sports.
Provision for Children and Young people	Areas designed primarily for play and social interaction involving children and young people.	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, ball courts, skateboard areas and teenage shelters.
Allotments, community gardens	Areas for those people who wish to grow their	Opportunities for those people who wish to do so

	own produce. May also include urban farms.	to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
Cemeteries, disused churchyards and other burial Grounds.	Cemeteries and other burial grounds.	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.
Green Corridors	Includes towpaths along canals and riverbanks, cycle ways, rights of way and disused railway lines.	Sites that are accessible and free to use for walking, cycling or horse riding, whether for leisure purposes or travel, and opportunities for wildlife migration.
Civic Spaces	Civic and market squares and other hard surfaced community areas designed for pedestrians.	High quality spaces that provide access to shops and can facilitate community events. Also provide a setting for civic buildings.

Source: *HDC Provision for Open Space Sport and Recreation 2015*

- 7.2 In most cases open space will be provided on-site by developers. However, some typologies of open space may be unsuitable for on-site provision in which case an off-site contribution can be accepted. There is an expectation that developers of residential schemes will mitigate the impact of development via the provision and enhancement of public open space in the District irrespective of whether this is done on or off-site.
- 7.3 Proposed development will be assessed against the existing levels of provision within the accessibility thresholds specified in the current *Provision for Open Space, Sport and Recreation* which will determine the need for additional provision.
- 7.4 *The Provision for Open Space Sport and Recreation* provides information on local standards for open space provision following an assessment of recreational provision in accordance with the provisions of the NPPF paragraph 92. It contains an approach to determining the level of contributions towards open space, sport and recreation facilities that will be sought from developers applying for new residential development where needed to make development acceptable.
- 7.5 The level of contributions will be periodically reviewed to ensure that they are accurate and will be calculated for each development from a detailed assessment of the range of existing open space in the area. Generally contributions towards open space typologies would be required where there would be a capacity issue or an under-supply. A Playing Pitch Strategy was prepared in 2016 to inform future requirements.
- 7.6 A commuted sum will normally also be requested to ensure arrangements for the maintenance of the facilities in line with the Open Spaces Strategy should the Council decide to take ownership of a site. Paragraph 4.12 indicates that it should not be

assumed that open space will be inherited by the local authority. Each case will be considered individually.

- 7.7 Where provision is not appropriate on site, a contribution based on the cost of provision elsewhere will be made.
- 7.8 Provision of outdoor open space, sport and recreation facilities shall be considered in all applications for new homes where there is a net increase of 11 residential units or more. At this level of development associated open space provision is considered necessary to make development acceptable.

#### **Level of contribution**

- 7.9 Since the proposed method of calculation related to contributions towards the provision of open space needs to take into account existing provision and is based on a number of types of open space required to make the development in planning terms acceptable, a specific contribution figure for the amount of on and off-site provision is calculated at the determination of the relevant application. The commuted sum for maintenance will be similarly calculated to reflect the type of open space expected to be provided.
- 7.10 Tables showing how this calculation is made are included as Appendix A and B to the document [‘Provision for Open Space Sport and Recreation Strategy’](#).
- 7.11 Additional burial space is needed in the District particularly within the Market Harborough area. [The Cemetery and Burial Strategy 2018](#) informs the Local Plan with regard to the likely impact of new development on cemetery and burial provision in the future. The study supports the case for requesting planning obligations towards burial provision.

#### **Spending of funding held by the District Council for Recreation development**

- 7.12 Where contributions towards specific types of open space or recreational provision have been agreed, the Council will ensure that funding is held and pooled in accordance with the relevant legislative or regulatory guidance. In other cases it may be such provision would need to be secured solely through partnerships with the voluntary sector. In both cases, funding will be disbursed either to District Council projects or to Voluntary Sector agencies through an application process.

For further information on planning obligations for open space and recreation, please contact:

Neighbourhood Planning and Greenspace Officer, Harborough District Council    Tel: 01858 828282

## **8. HEALTHCARE**

### **Justification**

- 8.1 One of the principal demands on a growing community is the need to provide new high quality healthcare facilities. Alternatively, existing provision may require additional facilities, extensions or alterations. Where a development would produce extra demand on the local healthcare provision beyond the capacity of existing provision, planning obligations may be sought to meet the needs arising and make the development acceptable.
- 8.2 The District Council supports the need to ensure that local health care provision meets the needs of household growth in the District. The Council will consult NHS England and Clinical Commissioning Groups on future development plans to help assess long term health planning. The Council will consult these agencies on planning applications submitted which involve developments of 11 dwellings or over to determine if a contribution to health provision is justified based on the existing capacity of healthcare infrastructure in the specific area within which a development is proposed. In larger development projects, the opportunity presented to provide land for medical facilities should be examined.

### **Level of Contribution**

- 8.3 Details of advice on Health Care provision and any need for additional facilities can be obtained by contacting NHS England / Clinical Commissioning Groups.

### **Spending of contributions**

- 8.4 Contributions will be paid to NHS England / Clinical Commissioning Groups who will provide a report on request to the District Council to determine how funding has been allocated, to enable the Council to monitor how contributions have been utilised.

## **9. COMMUNITY SAFETY**

### **Justification**

- 9.1 Leicestershire Constabulary and Leicestershire Fire and Rescue Service may request planning obligations to meet the additional costs of emergency service provision resulting from additional development.
- 9.2 Under paragraph 95 of the National Planning Policy Framework and the Crime and Disorder Act 1998, planning policies and decisions should promote public safety through for example the layout and design of developments which include appropriate and proportionate steps to reduce vulnerability, increase resilience and ensure public safety. Developers will be expected to contribute to safer communities by investing in design that minimises crime.
- 9.3 Sufficient evidence in respect of need in relation to existing or planned capacity will be required to justify a planning obligation. Where there is clear evidence of the need for

additional capital development in order to make a development acceptable, particularly those of a larger scale, such contributions may be justified.

## **10. SUSTAINABLE DRAINAGE**

### **Justification**

- 10.1 New major development will be required to provide for sustainable drainage systems (SUDs) as outlined in policy CC4 - Sustainable drainage, of the Local Plan. Paragraph 165 of the NPPF indicates that major developments should incorporate Sustainable drainage (SuDs) unless there is clear evidence that it would be inappropriate.
- 10.2 Leicestershire County Council is the Lead Local Flood Authority (LLFA) and will be consulted on planning applications as the statutory consultee for SUDs schemes in Harborough District.
- 10.3 The County Council will provide advice on which the District Council as Local Planning Authority (LPA) has to act. The County Council will prepare appropriate planning conditions in its role as Lead Local Flood Authority for the LPA to attach to planning permissions. Planning obligations will be necessary to ensure delivery of the drainage systems if delivered off- site.
- 10.4 The District Council will ensure planning conditions are in place and can be legally upheld for ongoing maintenance, inspection, implementation and enforcement of sustainable urban drainage systems, where appropriate.
- 10.5 The principle of SUDs is to slow the flow of water from a site retaining rainfall in the various SUDs facilities across a site. A SUDs should be designed with the hydrology of the site. Minor develops should address the opportunity for SUDs in the design and access statement accompanying a planning application.

## **11. BROADBAND CONNECTIVITY**

### **Justification**

- 11.1 Policy IN3 – Electronic Connectivity - of the Harborough Local Plan (2011-2031) adopted 2019, requires major developments only to be permitted where adequate broadband infrastructure is to be made available to all residents and/or users of the development. Major developments should incorporate a bespoke duct network designed and implemented in association with a recognised network provider and where viable a fibre to the premises (FTTP) solution.
- 11.2 The NPPF requires local plans to support the expansion of electronic communications networks including telecommunications and high speed broadband. Having a superfast broadband connection is no longer merely desirable, but is an essential requirement in ordinary daily life and for businesses.



- 11.3 All new developments should have access to superfast broadband (of at least 30Mbps) Developers should take active steps to incorporate superfast broadband at the pre-planning phase and should engage with telecoms providers to ensure superfast broadband is available as soon as the development is complete.

## **12. LEICESTERSHIRE COUNTY COUNCIL SERVICES**

- 12.1 The County Council is a local planning authority in its own right and therefore is legally able to enter into and enforce a S106 obligation. The County Council will assess infrastructure needs and make requests for S106 developer contributions in relation to the following services:

- Adult social care and health;
- Civic amenity/waste management;
- Education;
- Economic growth;
- Highways & transportation;
- Library service;
- Sports and recreation;
- Community safety; and
- Public health.

- 12.2 The [Leicestershire Planning Obligations Policy](#) was adopted by the County Council in July 2019 to set out its own approach to planning obligations. The document explains the level and type of infrastructure which would be expected to address the impacts of development in order to make it acceptable in planning terms and to set out clearly the standard requirements the County Council may seek in order to mitigate the impacts of new development.

## ANNEX 1: DEVELOPMENT TYPE AND CONTRIBUTIONS

Development type	Affordable Dwellings	Community Facilities	Open Space provision/contribution	Health	Community Safety	Education	Highways	Civic Amenity	Libraries	Legal Fees*	Monitoring Fees*
Small housing scheme (3 dw or under)	None	None	None	None	None	None	None	None	None	None	None
Medium housing scheme (3-10 dw)	None	None	As determined by individual assessment of existing provision and impact	As determined by individual assessment	As determined by individual assessment of capacity and impact	As determined by individual assessment of capacity and impact	As determined by transport assessment	As determined by individual assessment of capacity and impact	As determined by individual assessment of capacity and impact	HDC: £975 per agreement	Determined by individual assessment
Large housing scheme (11 dw +)	Normally 40%	As determined by individual assessment of existing provision and impact	As determined by individual assessment of existing provision and impact	As determined by individual assessment	As determined by individual assessment	As determined by individual assessment	As determined by transport assessment	As determined by individual assessment	As determined by individual assessment	HDC: £975 per agreement	Determined by individual assessment
Strategic Development Area (1000 dwellings +)	Normally 40%	Land and contribution or direct provision	Direct provision on site as part of scheme	As determined by individual assessment	As determined by individual assessment	Direct provision on site as part of scheme	As determined by transport assessment	As determined by individual assessment	As determined by individual assessment	HDC: £975 per agreement	Determined by individual assessment
Small business development (<1000m <sup>2</sup> )	None	None	None	None	None	None	As determined by LCC Highways	None	None	HDC: £975 per agreement	None
Large business development (>1000m <sup>2</sup> )	None	None	None	None	None	None	As determined by transport assessment	None	None	HDC: £975 per agreement	None
Retail development	None	None	None	None	None	None	As determined by transport assessment	None	None	HDC: £975 per agreement	None

\* legal and monitoring fees may be applied by Leicestershire County Council in addition

## ANNEX 2: REGISTERED PROVIDERS OF AFFORDABLE HOUSING

<b>Provider</b>	<b>Phone</b>
East Midlands HA – P. Wilkinson <a href="mailto:Purnima.wilkinson@emha.org">Purnima.wilkinson@emha.org</a>	01530 27600
Platform Group – Judith Wise <a href="mailto:judith.wise@waterloo.org.uk">judith.wise@waterloo.org.uk</a>	0121 788 7814
Riverside HA – Ian Woodland <a href="mailto:Ian.Woodland@riverside.org.uk">Ian.Woodland@riverside.org.uk</a>	0116 247 3810
NCHA – Catherine Hewitt <a href="mailto:CathH@ncha.org.uk">CathH@ncha.org.uk</a>	0115 844 3066
PA Housing Richard Barwick <a href="mailto:richard.barwick@pahousing.co.uk">richard.barwick@pahousing.co.uk</a>	0116 204 4021
Midland Heart- Elsie Wong <a href="mailto:Elsie.wong@midlandheart.org.uk">Elsie.wong@midlandheart.org.uk</a>	0345 6020540
Derwent Living – Helen Munslow <a href="mailto:Helen.Munslow@DerwentLiving.com">Helen.Munslow@DerwentLiving.com</a>	01332 346477
Spire Group ( Longhurst HA) Simon Folwell <a href="mailto:simon.folwell@longhurst-group.org.uk">simon.folwell@longhurst-group.org.uk</a>	01933 415365

Orbit Homes – Daniel Barnes

07584600476

[Daniel.Barnes@orbit.org.uk](mailto:Daniel.Barnes@orbit.org.uk)

Stonewater Group – Nicola Hillier

07741 703690

[Nicola.Hillier@stonewater.org](mailto:Nicola.Hillier@stonewater.org)

Sage Housing – Leigh Ann Harris

07741 648028

[lf@sagehousing.com](mailto:lf@sagehousing.com)

Heylo Housing – Samuel Matthews

07770 805580

[smatthews@heylohousing.com](mailto:smatthews@heylohousing.com)

**Raj Patel**

**Housing Enabling and Community Infrastructure Officer**

**Mob 07795641619**

**Email [r.patel@harborough.gov.uk](mailto:r.patel@harborough.gov.uk)**

# ANNEX 3 : DRAFT PROPOSED INDEMNITY AGREEMENT

Dated

2020

HARBOROUGH DISTRICT COUNCIL

AND

[ ]

RECEIPT FOR MONIES ARISING UNDER PLANNING AGREEMENT

Pursuant to Section 106 of the Town and County Planning Act 1990

Relating to [Development Site]

Harborough District Council

**THIS AGREEMENT** is made on the [ *insert date as number* ] day of [ *insert month* ] Two Thousand and Twenty

**BETWEEN:**

1. **THE DISTRICT COUNCIL OF HARBOROUGH** of The Symington Building, Adam and Eve Street Market Harborough Leicestershire LE16 7AG ("the District Council")
  
2. [ *insert name and address of the Recipient .* ] ("the Recipient")

**RECITALS**

- A. Planning permission was sought from the District Council to carry out the development of [*insert the description of the development*] and [*insert the address of the site/land*]
  
- B. The District Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (As Amended) for the District of Harborough within which the Application Land/Site is situated
  
- C. On [*insert date*] the District Council resolved to grant planning permission in accordance with the planning application ref no. \_\_\_\_\_ and subject to planning conditions and a Section 106 Planning Agreement/Unilateral Undertaking dated [*insert date*] ("the Deed")
  
- D. The Recipient [*insert name & address*] is in receipt of the [*name the contribution e.g. Health Contribution or police contribution*] which amounts to [£ *insert figure and also describe in words and state if inclusive of indexation*] and is for [ *insert the purpose/use of the contribution e.g. for the provision of and improvement of health facilities at Bushby Surgery*]
  
- E. The parties have agreed to enter this indemnity agreement with the intention that the obligations/covenants contained herein may be enforced by the District Council against the Recipient and their respective successors in title, where necessary.

**THE DISTRICT COUNCIL COVENANTS**

In accordance with [*insert the relevant clause nos.*] of the [Section 106 planning agreement dated \_\_\_\_\_]

The District Council will serve written notice to [*insert name and address of the recipient*] . which :-

- a) Advises the [Recipient] that the Deed has been entered into and that it contains an obligation on the Owner to pay the [type of contribution]
  
- b) Advises the [*recipient*] of the purpose of the [type of contribution] as set out in the Deed
  
- c) Advises the [*recipient*] of the amount of the [type of contribution] and each tranche thereof together with details of the trigger dates for payment and
  
- d) Requests confirmation from the [*recipient*] as to which of them the Council should pay the contribution to in accordance with the Deed
  
- e) The District Council covenants with the Owner to pay the Contribution to the [*relevant recipient*]

## THE RECIPIENT COVENANTS

The Recipient to provide a written undertaking for the benefit of the District Council and the Owner that it will:-

- a) apply the [ *Contribution*] in accordance with the purposes set out in the Deed
- b) provide full details of the expenditure of the [ *Contribution*] on demand to the District Council or the Owner PROVIDED that no such demand shall be made before the expiry of three years from the date of receipt of the [ *Contribution*] by the District Council and such demands shall not be made more frequently than once a quarter thereafter and
- c) return any unspent or uncommitted part of the [ *Contribution*] (*with any required interest at the Bank of England Base rate from time to time that has accrued thereon in the period from the date of receipt by the District Council to the date of repayment*) to the District Council after expiry of five years from the date of receipt of the Health Contribution by the District Council regardless of when the same was paid to the relevant Health Body.
- d) to co-operate fully and to provide such information as is reasonably requested by the District Council in the event that repayment of the [ *Contribution*] is sought by the Owner under the terms of the Deed and
- e) to notify the District Council immediately in writing of any instances of fraud or misappropriation of the [ *Contribution*] and
- f) to indemnify the District Council in respect of all claims made against the District Council for repayment of the [ *Contribution*] including (but not limited to) legal costs and interest awarded against the District Council arising from the repayment of the [ *Contribution*].

IN WITNESS WHEREOF this Agreement is executed as a DEED in the manner hereinafter appearing the day and year first before written

The COMMON SEAL of

### **MARKET HARBOROUGH DISTRICT COUNCIL**

was hereunto affixed in the presence of:-

Authorised Signatory

**Signed as a deed by in the presence of**

**The COMMON SEAL of The RECIPIENT e.g.**

**Signed as a deed by in the presence of**

**ANNEX 4 : THE END to END S106 PLANNING OBLIGATIONS PROCESS**

