

CHARNWOOD 2021



Supplementary Planning Document

**Consultation with Key stakeholders on
Section 106 Developer Contributions**

CHARNWOOD BOROUGH COUNCIL

November 2006

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I. Introduction

- 1.1 This document sets out the Borough Council's proposals for a Supplementary Planning Document, to form part of the Local Development Framework, in relation to the process for the negotiations to secure/ procurement of planning obligations prior to and during the processing of planning applications.
- 1.2 It incorporates the "Statement of Requirements for Developer Contributions in Leicestershire for County-wide Services" produced and adopted as policy by Leicestershire County Council in December 2006.
- 1.3 New development can have a very positive effect on an area, providing new homes, jobs and economic prosperity however it is often unsettling to residents in the locality and may place unacceptable pressures on local schools, health and other essential services. Additional traffic on the roads may also bring more danger, noise and congestion to an area. However, where new development is acceptable in principle, the planning system can help to reduce its impact upon the immediate landscape and local facilities. Developers are encouraged to produce designs and layouts which are pleasing to the eye, both traditional and modern, depending upon the setting.
- 1.4 Legally binding agreements may also be required to be entered into with developers to ensure the development does not increase pressure on existing community facilities and has minimal impact on the amenities of the surrounding area. They can oblige the developer to invest in improving local facilities and other works outside the site of a development in order to mitigate its impact.
- 1.5 Planning obligations are private agreements negotiated, usually in the context of planning applications, between local planning authorities, the developers and all persons with a direct interest in a piece of land.
- 1.6 If an appropriate agreement is not forthcoming, the adverse impact a proposal might have on local services, facilities and amenities, housing balance or highway safety would be likely to result in a refusal of planning permission.
- 1.7 A grant of planning permission can significantly enhance the value of land. The contributions or provision of infrastructure and community facilities required by the development should therefore easily be met by the developer/landowner and not at the expense of the existing community.
- 1.8 This Supplementary Planning Document provides guidance for the service providers and developers to ensure the provision of reasonably related infrastructure that is appropriate to the type and scale of development and the circumstances of the particular locality. For example, where services are under more pressure or where there is no spare capacity, this will be reflected in the contribution levels required.

2 Legislation

- 2.1 Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12 of the Planning and Compensation Act 1991 enables a planning obligation to be entered into by means of a unilateral undertaking by a developer as well as by agreement between a developer and a local planning authority. It allows anyone with an interest in land to enter into a planning obligation, which is enforceable by the local planning authority. The use of the term "planning obligation" reflects the fact that obligations may be created other than by agreement between the parties (that is, by the developer making an undertaking). Such obligations may restrict development or use of the land; require operations or activities to be carried out in, on, under or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically.

3. National Policy Background

- 3.1 In March 2004, Kate Barker's report on *Delivering Stability: Securing our Future Housing Needs* recommended that a new Community Infrastructure Fund should be established to fund the up-front costs of infrastructure needs which are blocking development.
- 3.2 She suggested that legislation, in respect of Section 106 legal agreements, needs to be reformed to provide more certainty and simplicity. The introduction of a Planning-gain Supplement was put forward to offer the opportunity to achieve this objective by scaling back Section 106 to cover the direct impact of development and contributions to social housing only.
- 3.3 The Government's Response to Kate Barker's Review of Housing Supply was delivered in December 2005 and sets out new approaches designed to deliver more and better homes; lock in stability and prosperity; extend opportunities to all and protect and enhance the environment. In order to help finance the vital infrastructure needed to stimulate, service and support growing communities, and ensure that local communities better share in the benefits that growth brings, the Government has consulted on Kate Barker's recommendation to introduce a Planning-Gain Supplement. This is claimed to propose a fair, efficient and transparent levy, which should capture a portion of the land value uplift arising from the planning process.
- 3.4 The Government has recognised that a major reform of the Section 106 system, as provided for by Sections 46 and 47 of the Planning and Compulsory Purchase Act 2004, which give the Secretary of State the power to make regulations to replace s106, would not be possible until 2008. It has, therefore, issued Circular 05/2005 which gives revised guidance to local authorities in England on the use of planning obligations under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991. This Circular clarifies the basis on which planning obligations should be assessed for their acceptability in policy terms and gives further guidance on the process of securing obligations.

4. Current national policy

- 4.1 Circular 05/2005 - Planning Obligations states they may restrict development or use of the land; require operations or activities to be carried out in, on, under or over the land; require the land to be used in any specified way; or require payments to be made to the authority either in a single sum or periodically and the obligations created run with the land.
- 4.2 The principal objective of the planning system is to deliver sustainable development, through which social, environmental and economic objectives are achieved. In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make otherwise unacceptable development proposals acceptable through the use of planning conditions or, where this is not possible, through planning obligations. The imposition of a condition is the preferable method.
- 4.3 The outcome should therefore be that a proposed development is made to accord with published local, regional or national planning policies.
- 4.4 A planning obligation may only be sought where its potential provisions meets *all* of the following tests:
 - I. relevant to planning;
 - II. necessary to make the proposed development acceptable in planning terms;
 - III. directly related to the proposed development;
 - IV. fairly and reasonably related in scale and kind to the proposed development; and
 - V. reasonable in all other respects.
- 4.5 The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is, therefore, not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy".
- 4.6 Development plan policies, therefore, provide the only justification for seeking any planning obligations, since they set out the matters which, following consultation with potential developers, the public and other bodies, are agreed to be essential in order for development to proceed.

5. The need for Supplementary Planning Guidance

- 5.1 Central Government, Charnwood Borough Council and Leicestershire County Council are committed to building sustainable communities through a plan led system and, although it is envisaged that changes to Section 106 agreements may occur in 2008 with the introduction of a proposed Planning Gain Supplement, it is considered that this guidance should be introduced ahead of any legislative changes. In drawing up the guidance account will be taken of the possibility of the Planning Gain Supplement replacing some of the possible contributions. It is, however, currently envisaged that Section 106 obligations will continue in respect of affordable housing provision and site specific environmental considerations.
- 5.2 This guidance will speed up the planning system, make it more transparent and provide certainty to land owners, developers, the Council itself and its partners. A clearly defined Section 106 requirement together with model agreements will remove the unpredictability and uncertainty that can occur and assist in the negotiations and in the drafting of agreements.

6. Source of S106 requirements

- 6.1 The requirements for entering into legal agreements are set out in policies of the adopted Borough of Charnwood Local Plan, the Leicestershire, Leicester and Rutland Structure Plan, Regional Spatial Strategy (RSS 08) for the East Midlands and central government advice.
- 6.2 The table in Appendix 1 sets out the policies and advice where the requirements sought in legal agreements are derived from.

7. Proposed S106 Requirements

- 7.1 All contributions/requirements will be assessed on a site-by-site and development-by-development basis and will be directly related to the impact of the proposed development has on local services, infrastructure and resources. However on issues, such as Education, Library Services, Health Services, etc. it is proposed to set standard formula for contributions which will be applied where there is a known requirement, either existing or because of the development, within the vicinity of the site.
- 7.2 Appendix 2 sets out the standard formula and charges proposed where a need exists or is created. The changes to current requirements are minimal but the principle behind them is to ensure the guidance is robust, reflects the current thinking of central government and current development costs. It also brings together the majority of areas where Section 106 contributions will be required into one document; therefore being an 'aide memoir' for developers, land owners, councillors and officers.
- 7.3 The list however is not exhaustive since some developments may require additional or alternative contributions/requirements depending on the characteristics,

infrastructure and social requirements of the development. For example where there are archaeological, ecological, geological and environmental implications these will usually be identified through the constraints known to the Borough Council. However, sometimes such implications cannot be foreseen prior to site investigations taking place, for example through an environmental impact assessment.

- 7.4 Where there are highway and transportation implications these can only be assessed after individual assessment based on the site, the surrounding highway network, infrastructure and the development proposed and possibly following a Traffic Impact Assessment.
- 7.5 In respect of affordable housing this usually amounts to a significant part of the overall contribution for residential development schemes and the Council have a separate SPD on Affordable Housing which should be referred to and will be used by the Council in assessing its requirements. The SPD currently sets a threshold of 25 dwellings/ 1.0 hectares before affordable housing is required this follows current Government guidance but it also states that this threshold will be superseded if Government guidance changes.
- 7.6 Although the infrastructure requirements identified for a given development may be reasonable, in exceptional circumstances it may not always be possible to secure them all. In these circumstances requirements will be prioritised by Borough Council in conjunction with all the agencies involved including the County Council.
- 7.7 The Borough Council will inform any developer or landowner, after consulting with other interested bodies, of the likely requirements of a planning obligation usually within 28 days of any request being made. Any advice given will be based on the information that is available at the time.

8. Contributions

- 8.1 Contributions may either be in kind or in the form of a financial contribution. Where facilities are required to be provided, they are normally expected to be provided on the site of the development and it is only, where justified, in exceptional circumstances that such provision can be accepted elsewhere. In the case of financial contributions payments can be made in the form of a lump sum, which may have to be paid in advance, as phased payments over a period of time or related to defined dates, events or triggers. Many projects rely on multiple developers or part Council-funding, in which case the developer contribution will need to be paid in advance.
- 8.2 A planning obligation can seek to offset the loss of, or damage to, a feature or resource on a site (e.g. a landscape or ecological resource). This can be provided through substitution, replacement or regeneration. It may not be necessary to provide a like for like substitute, but a reasonable obligation will seek to restore facilities, resources and amenities to a quality equivalent to that which existed before the development.

- 8.3 If the legal agreement states that a sum of money must be paid, the agreement must also set out the time frame for when the money must be spent. This will depend on local circumstances and what is considered appropriate. If the money is not spent within the time agreed the developer can expect to be reimbursed the outstanding amount plus any interest accumulated.

9. Maintenance payments

- 9.1 Where contributions are secured for the provision of facilities primarily for the people who will reside on the development or neighbouring residents, it may be appropriate for the developer to contribute to their subsequent maintenance. As a general rule, where an asset is intended for wider public use, the costs of ongoing maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the Borough Council or relevant public sector body. Where contributions to the ongoing maintenance of new facilities are appropriate, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams. Payments will be time-limited with an end date. Both parties should agree the type of payments to be made e.g. regular payments, or commuted sums, all with a clear audit trail.

10. Pooled contributions

- 10.1 There will be occasions when development in a particular locality is divided between developers or is planned to be developed in a phased manner. The needs created by the development as a whole will be calculated and used as the basis on which to seek contributions from all the developers involved. Developers' contributions will be 'pooled', in order to allow the infrastructure to be secured in a fair and equitable way.
- 10.2 Pooled contributions may be required from as few as 5 properties or less, if there is other development(s) taking place, which collectively will place a demand on services within the area. For example, in relation to education pooled contributions will be sought if several developers come forward with site proposals in the catchment area for one particular school. Pooling can take place both between developments and with other local authorities where there is a cross-authority impact.
- 10.3 In some cases an individual development will have some impact, but not sufficient to justify the need for a specific element of infrastructure. It will be necessary to consider whether it is appropriate to seek contributions for overall service provision (the 'necessity test' will have to be demonstrated). In these cases, spare capacity in existing infrastructure provision should **not** be credited to earlier developers, whilst subsequent inadequate facilities costs are borne by later developers.
- 10.4 If the Borough Council provides an item of infrastructure arising from the collective impact of several new developments, and further developments subsequently come forward, the later developers may still be required to contribute the relevant proportion of the costs. This practice can still meet the requirements of the Secretary of State's policy tests if the need for the infrastructure and the proportionate contributions have been set out in advance.

11. Commercial development

- 11.1 Large commercial developments may have service and infrastructure needs because large numbers of people will be brought to the area for employment. If there is a particular need directly related to the development that can be quantified, a contribution will be sought in relation to employment sites. Traditionally the type of need identified for employment sites have largely been in relation to such items as transportation and footpaths. Where appropriate contributions for other services, (e.g. community and library services, leisure and recreational facilities) will also be sought.

12. Standard Charges and Formulae

- 12.1 Where it is appropriate Charnwood Borough Council will make use of standard charges and formulae as part of the framework for negotiating and securing planning obligations. This should make pre-application discussions easier and speedier because developers will have greater certainty about how much they will be expected to contribute.
- 12.2 Standard charges will be consistent, but will also reflect the actual impacts of the development and will comply with the general tests required by Government guidance. Whether or not a standard charge is sought will depend upon the nature of the proposed development. Standard charges and formulae will also be used for small developments that have an accumulative effect on communities.
- 12.3 Where standard formulae are applied to contributions, developers and other parties should be mindful that the criteria/rates may require incremental increases after 1st April. Where contributions have been calculated in one financial year, they are likely to require re-assessment if there is a delay in completing of a legal agreement and these requirements should be taken into account when a planning application is determined.

13. Cost recovery

- 13.1 The Borough Council considers that it should reasonably be able to recover a degree of the costs entailed in the negotiating, making and subsequent monitoring of developer contributions. This might be the case, where it can be demonstrated that such payments make a significant contribution to the speed and efficiency with which negotiations are completed.
- 13.2 In anticipation of new Government Good Practice Guidance, Local Planning Authorities might reasonable recover the costs of;
- (i) Legal fees for the processing, preparation and conclusion of legal agreements;
 - (ii) costs of monitoring the payment and implementation of schemes;
 - (iii) Potentially, the costs of obtaining independent advice, if necessary, to validate specific aspects of the application.
- 13.3 In the context of (i) above, it would seem reasonable to seek a payment of £500, as is the case at present, in all cases towards the Borough Council's legal costs.
- 13.4 In the context of (ii) above, it would seem reasonable to seek a payment of either 0.5% of the total sum of contributions or £500 per individual contribution, whichever is less towards the Borough Council and County Council services (split 50/50).

14. Payment of financial contributions

- 14.1 The timing and method of financial contributions will be negotiated and set out in the legal agreement that is draw up. The agreement will also detail the phasing or/ trigger for payments and /or infrastructure contribution. Payments received as a result of developer contributions will be used solely for the purpose set out in the agreement.
- 14.2 There may be circumstances where the cost of preparing legal agreements are not justified for securing payment of small amounts of monies. The Borough Council will accept 'up-front' financial contributions in lieu of a formal agreement, secured towards a particular facility or service. Such contributions will be administered in a transparent matter to ensure accountability.

15. Pre-application and applications discussions

- 15.1 It is usual for S106 agreements to be agreed and in place before planning permission is given. The Borough Council recognises the benefits to all parties of pre-application negotiations in establishing the level of contributions and ensuring timely determination of proposals. In accordance with the Borough Council's Design Team protocol it will facilitate early negotiation. Therefore, it is important that developers/agents submit sufficient details about the type and location of a proposed scheme, if they wish to be informed about the likely level of contributions they will have to make for a particular development. Where appropriate this can enable a developer to submit a unilateral agreement in conjunction with a planning application.

15.2 Government guidance in PPG3 and PPSI places emphasis on developing previously developed sites before greenfield land. Certain sites have higher development costs and therefore the scale of contributions required will take account of the development costs of each proposal. In some circumstances the obligation to make certain contributions may prevent a development from going ahead, because the scheme would be financially unviable (e.g. additional costs associated with land clearance and de-contamination). In these circumstances, *the responsibility lies with the developer* to provide evidence of the financial viability of the scheme. If appropriate, the Borough Council agree to ask for less contributions for a particular site, if the benefits of the site being developed outweigh the loss of the developer contribution.

16. Implementation and Monitoring of planning obligations

16.1 Government guidance emphasises the importance of efficient and transparency in the handling of developer contributions. The Borough Council aims to achieve these objectives by the following means:

- Maintain and develop the developer contribution monitoring system, to assist in the preparation, completion, monitoring and review;
- provide regular up-dates via the Council's intranet and web site for Officers, Councillors, and the wider community;
- ensure financial contributions are used for the specific purposes for which they are required, through transparent accounting procedures;
- liaise with the County Council and other stakeholders, where infrastructure and facilities are provided; and
- explain how financial contributions will be dealt with when service provision does not proceed.
- report and publish the use of financial contributions to be to ensure transparency.

Appendix I

Planning Policies and advice which may require S106 agreements

Circular 05/2005 Planning Obligations gives general guidance as to what can be included in a S106 Agreement and the Government's Planning Policy Guidance notes and Planning Policy Statements give guidance on the use of Obligations in respect of specific types of development.

The Leicestershire Leicester and Rutland Structure Plan 1996-2016 Strategy Policy 12 states: "*Developers should meet the requirements for, and cost of, relevant infrastructure and facilities and other resources required to support the development. A comprehensive assessment of these requirements will be made.*" In March 2001 the County Council produced a Statement of Requirements for Developer Contributions in Leicestershire that had been agreed with the District Councils and adopted by some, but not Charnwood, as SPG. The County Council have produced a revised 'Statement of Requirements for Developer Contributions in Leicestershire for County-wide Services' and this SPD incorporates all its requirements.

The Borough of Charnwood Local Plan provides more detailed statements as to what is required. However, for the majority of issues, no standards are set. This SPD will formalise the standard approaches for specific facility and service provision by the developer either on-site or through contributions towards local off-site provision.

Table showing Local Plan Policies

Affordable Housing		ST/3	H/4	H/5	H/6			
Special needs Housing		ST/3	H/7	H/14				
Infrastructure off-site	Access / Highways	ST/3	E/4	E/5	E/5a to E/5f	TR/4	TR/16	TR/17
	Public Transport	ST/3	TR/7	TR/8	TR/9	TR/16	TR/20	
	Pedestrian and cycle facilities	TR/5	TR/6	TR/16	TR/20			
	Rights of way	TR/5	TR/14	TR/15				
	Parking	TR/16	TR/18	TR/19	TR/20	TR/21		
	Loughborough inner relief Rd	CA/4a	CA/4b					
	Storm Drainage	ST/3	EV/30	EV/31				
Community Facilities	Social	ST/1	ST/3					
Community Safety	Policing	ST/1	ST/3					
	Fire and rescue cover, including hydrants	ST/1	ST/3					
Educational		ST/1	ST/3					
Recreational		ST/3	RT/3	RT/4	RT/6	RT/10	RT/11	RT/12
	Sporting	ST/3	RT/4	RT/12				
Environment	Open space	ST/3	RT/3	RT/4	RT/5	RT/11	RT/12	
	National Forest Planting	ST/1	ST/3					
	Public Art	EV/43	SDP Public Art / Percent for Art Scheme (Arts Council)					
	Landscaping/screening	CT/6	CT/20	CT/21				
Health and Social Services	Health care	ST/1	ST/3					
	Community facilities for adults which may include day and/or residential services	ST/1	ST/3					
	Services for children under eight and their families	ST/1	ST/3					
Libraries		ST/1	ST/3					
Protected species	Ecology/ Wild life Habitat	ST/3	EV/24	EV/25	Biodiversity Action Plan			
Heritage sites	Archaeological	ST/3	EV/3					
	Museums and Arts	ST/1	ST/3					
	Listed Building	ST/3						
	Conservation Area	ST/3						
Infrastructure on-site	Contaminated land	EV/36						
	Pollution	EV/39						
Travelling show people		H/10						
Minerals operations		County Council						
Waste Management	Landfill and recycling facilities	County Council						

APPENDIX 2

Proposed Standard formula and charges

1.	Name of service	Civic Amenity -Waste Management
2.	Category of Service Provider	Leicestershire County Council - Waste Disposal Authority
3.	Current Guidance	Circular 05/05 Environmental Protection Act (1990) Waste Local Plan Minerals and Waste Local Development Framework
4.	Type of Facilities for which provision may be needed	Civic Amenity (CA) site construction Costs for extensions or alterations to existing infrastructure or the same at sites of new facilities. <i>Currently other types of facilities are not claimed for but this will not preclude claims for them in the future.</i>
5.	Type of development which might trigger need	a) Residential Where a development increases the number of residential households in an area there will be increased patronage of the local CA site. <i>Waste growth is a national problem and coupled with the increasing number of households and other change has led to a capacity gap at the CA sites.</i> a) Other Contributions are not sought for student halls of residence, commercial, industrial and other inappropriate developments. <i>The CA site facilities are provided for resident households to take their own household waste. These types of users are not eligible or highly unlikely to use the facilities so contributions are not sought at present.</i>
7.	Form in which payments should be made	Capital Monies <i>Due to smaller sums required the full amount is required before the commencement of development.</i> Note: The amount will be index-linked to the same index as applied to other contributions.
8.	Contributions to Capital costs or Revenue Costs	Capital costs only
9.	Threshold for size of development for which contributions are appropriate	The standard threshold for contributions is a minimum number of additional dwellings that would result in either at least £200 being claimed or is for 6 or more additional dwellings. Contributions for each additional dwelling unit are required at the same rate. The total number of additional dwellings contributions is net of any demolitions. <i>Contributions may be required from smaller schemes if they form part of overall development in an area.</i>
10.	Geographical areas where there is no spare capacity	Contributions are determined by assessing which CA site a new development's residents are likely to use. If the nearest CA sites is Loughborough or Sileby then currently a contribution is required. <i>Where it is deemed that two CA sites are equally likely to be used by residents then contributions are sought at a reduced rate of 50% for each site.</i>
11.	Contract Person	Nigel Shilton, Waste Projects Officer, Department of Highways, Transportation and Waste Management, Leicestershire County Council, County Hall, Glenfield, Leicestershire, LE3 8RJ Tel: 0116 2656833 Fax: 0116 2658128
13.	Last Update Review Date	Currently the rates for all sites are yet to be adjusted for 2005/06. It is intended that following this review, the rates will be updated on annual basis. <i>The rate required per CA site varies, currently the highest amount required is £83.98 per additional dwelling.</i>
14.	Retention of contribution	The contribution will be retained for 5 years from the date of payment.

1.	Name of service	Ecology/ Geology/ Environment /Geomorphology
2.	Category of service provider	Leicestershire County Council, Charnwood Borough Council and Environmental Consultancy
3.	Current Guidance on the issue	Circular 05/05 East Midlands Regional Planning Guidance/SSP DETR PPS9/UKBiodiversity Action Plan Regional Biodiversity Strategy The Local Development Framework, Charnwood 2021 Borough of Charnwood Local Plan Charnwood Biodiversity Action Plan 10 December 1998
4.	Type of facilities for which provision may be needed	Mitigation exercises, habitat restoration/ habitat creation, landscaping, site management, and site interpretation.
5.	Type of development which might trigger need	All likely impacts on ecologically or geologically sensitive locations will need to be assessed individually on all development sites. <u>The extent</u> of the ecological or geological interest will need to be located and defined by prior assessment. <u>Costs</u> will need to be individually assessed for each project/development.
6.	Form in which payments should be made	Cash, control of land or other forms of payment, as appropriate; Provision and compensating wildlife sites.
7.	Contributions to capital costs or revenue costs	For all projects involving habitat creation and landscaping, contributions are required for capital costs of implementation and for maintenance costs, which may be long term (up to 3 years) and in the form of a commuted payment.
8.	Threshold for size of development for which contributions are appropriate	No thresholds apply if sensitive site affected.
9.	Geographic areas where there is no spare capacity	National Nature Reserves, Special Areas of Conservation, Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, Local Nature Reserves.
10	Contact person	Leicestershire Environment Resources Centre, Holly Hayes Birstall, Leicester LE4 4DG Tel 0116-267-0008 e-mail: dsumner@leics.gov.uk
11	Last updated	2005

1.	Name of service	Education
2.	Category of service provider	Leicestershire County Council /Agents
3.	Current Guidance on the issue	Circular 05/2005 Borough of Charnwood Local Plan Local Development Framework, Charnwood 2021
4.	Type of facilities for which provision may be needed.	Sites for new schools, construction costs of new schools, contributions towards additional classrooms and facilities/other building provision of existing schools (including additional grass/artificial turf sports pitches).
5.	Type of development which might trigger need.	<p>Residential</p> <p>A contribution will be required for existing schools, towards the cost of additional primary and secondary school places, where there is a need. Contributions will be calculated on the basis of a minimum of 24 primary places and 20 secondary places per 100 houses. For flats/apartments the current figures are 4.3 primary pupils and 3.2 secondary pupils per 100 units.</p> <p>Information about local pupil yields will be taken into account in setting the precise requirements. The costs per pupil place based on DfES cost multipliers, are £10,203 for primary, £15,406 for 11-16 year old pupils and £16,512 for 16+ students based on 2006/07 figures. On a 'per house built' basis this equates to £2,449 per house for primary, £1,541 per house for Leicestershire 11 – 14 High Schools, and £1,577 per house for Leicestershire 14 – 18 upper schools. These cost multipliers are updated on April 1st each year.</p> <p><i>When a new school is required the developer would be expected to provide a site and construction costs including professional fees, furniture and equipment.</i></p> <p>The value of contributions will be based upon either DfES cost multipliers current at the time of the signing of the formal agreement or the appropriate cost multipliers plus an index linked update (as defined earlier), whichever is the greater.</p> <p>Other</p> <p>Proposals to redevelop an existing school site by a developer would normally trigger the need for a replacement school.</p>
6.	Form in which payments should be made.	Land where required and either the costs of construction of buildings or work in kind to the County Council's specification, as detailed by the Director of Property.
7.	Contributions to capital costs or revenue costs.	Capital only, normally.
8.	Threshold for size of development for which contributions are appropriate.	10 dwellings (or less in the case of 'pooled' contributions).
9.	Geographic areas where there is no spare capacity.	Since school capacity varies from term to term, consultation with the Education Department is essential to establish whether or not there is spare capacity in a given school.
10.	Contact person	Bob Dutton, Service Manager, Room 700, County Hall, Glenfield, Leicester LE3 8RF. Tel: 0116 265 6336.
11.	Last updated	June 2006

1.	Name of service	Highways and Transportation
2.	Category of service provider	Leicestershire County Council (Note: The Highways Agency is responsible for Motorways and other Trunk Roads.
3.	Current Guidance on the issue	Circular 05/05 PPS13 Borough of Charnwood Local Plan The Local Development Framework, Charnwood 2021 Highways, Transportation and Development www.leics.gov.uk/htd ("HTD")
4.	Type of facilities for which provision may be needed	Pedestrian and cycle facilities, public transport enhancement (bus and rail, capital and revenue), Travel Plans, park and ride facilities, road improvements, traffic management, car parking, traffic regulation orders, and associated landscape work including planting and hard surfacing.
5.	Type of development which might trigger need	Any development which leads to a material increase in traffic on the network, or is detrimental to road safety, or has inadequate access (including walking, cycling and public transport), or has inadequate parking provision, or creates an on-street parking problem or affects a public right of way. See "HTD". Requirements will depend on the particular circumstances relating to the development and may include, for example, highway implications such as parental car parking at schools and traffic management. The submission of a Transport Assessment helps in assessing requirements.
6.	Form in which payments should be made	The required infrastructure will generally be provided by the developer, but some matters may be covered by a financial contribution.
7.	Contributions to capital costs or revenue costs	Generally capital but some revenue, for example bus subsidy and particular maintenance liabilities. Maintenance contributions usually take the form of a commuted sum. Liability included for compensation arising from development highway works.
8.	Threshold for size of development for which contributions are appropriate	No minimum level as need for contribution will depend on local circumstances. See "HTD".
9..	Geographic areas where there is no spare capacity	Not hitherto a consideration for highways/ transport contributions. Potentially for future consideration but additional to any site-specific requirements.
10	Contact person	Allan Headley, Tel 0116-265-7187 John Glover, Tel 0116-265-7195
11	Last updated	2005

1.	Name of service	Library Services
2.	Category of service provider	Leicestershire County Council
3.	Current Guidance on the issue	Circular 05/05 Review of the Libraries and Information Service Network Service Delivery Policy and Strategy Community Strategy Borough of Charnwood Local Plan The Local Development Framework, Charnwood 2021
4.	Type of facilities for which provision may be needed	Access to library and information materials and equipment.
5.	Type of development which might trigger need	Residential Any new residential development has potential for increasing the service delivery. Other A large commercial/employment development could lead to an increase in the use of local library services
6.	Form in which payments should be made	Cash in the majority of cases, however, for some large scale developments shared use of new/converted buildings may be more appropriate.
7.	Contributions to capital costs or revenue costs	A contribution will be required for the enhancement of existing static library buildings and mobile provided services. Calculations are based on the average number of residents per type of dwelling, the current provision of library materials per resident, the current average price of library materials and the numbers that use the service. These factors are converted into a formulae for a cost per type of dwelling. Current costs are <i>1 bedroomed houses @ £26.44 per house</i> <i>2 bedroomed houses @ £52.87 per house</i> <i>3/4/5 bedroomed houses @ £61.68 per house</i> <i>1 bedroomed apartments @ £26.44 per apartment</i> <i>2 bedroomed apartments @ £52.87 per apartment</i> <i>3/4/5 bedroomed apartments @ £61.68 per apartment</i> These costs are reviewed annually in June and adjusted to reflect the CIPFA submitted costs of providing Library Services
8.	Threshold for size of development for which contributions are appropriate	Any new development has potential for increasing the service delivery but the deminimus development below which contributions are not required is 3 dwellings.
9..	Geographic areas where there is no spare capacity	A flat rate (formula based) contribution is used in all cases
10	Contact person	Paul Love, Community Service Department, 4th Floor, County Hall, Glenfield, Leicester LE3 8SS. Tel 0116 265 7376
11	Last updated	March 2005

1.	Name of service	Museums, Heritage Interpretation and Cultural Development Cultural Planning
2.	Category of service provider	Leicestershire County Council
3.	Current Guidance on the issue	Circular 05/05 Strategic Plan Museums, Arts and Records, 1998/2001 Borough of Charnwood Local Plan Public Art: Making Spaces Distinctive SPG The Local Development Framework, Charnwood 2021
4.	Type of facilities for which provision may be needed	Local museum/site interpretation/Open Museum community showcase/Arts/ Cultural planning to encourage more aesthetic environment (public art, for example). Community learning room (for museum activities with local community and school groups); physical access improvements to museum premises; intellectual access to collections and related information including information about local heritage and cultural amenities (via ICT and other interpretation methods) which adds to local quality of life.
5.	Type of development which might trigger need	Residential Any development of 10 or more units or greater than 0.5 hectares for Public Art. Any development associated with a site or issue of cultural or heritage significance. (The precise triggering mechanism may need to be developed through experience between the Developer Contributions Coordinator and Environment & Heritage in Community Services Department) Other Any development with a building greater than 1000sq.m or site greater than 0.5 hectares for Public Art. Any residential increase in population near a museum (say half an hour's drive time) triggers greater need for museum facilities especially but not only developments associated with a site or issue of cultural or heritage significance.
6.	Form in which payments should be made	Cash or land, as appropriate
7.	Contributions to capital costs or revenue costs	As appropriate
8.	Threshold for size of development for which contributions are appropriate	See above note on type of development which may trigger need.
9..	Geographic areas where there is no spare capacity	Not applicable
10	Contact person	Steve Lewis-Roberts/ Peter Blitz (Team Leaders - Development Control Charnwood) development.control@charnwood.gov.uk Yolanda Courtney Environment & Heritage in Community Services Department, County Hall, Tel 0116-265-6642 E-mail: museums@leics.gov.uk
11	Last updated	Dec 2005

1	Name Of Service	Recreation, Community Facilities and Amenity Land
2	Category of service provider	Leicestershire County Council, Charnwood Borough Council, Parish Councils and Voluntary Groups
3	Current Guidance on the issue	Circular 05/2005 PPS 17 Planning for Open Space, Sport and Recreation National Playing Fields Association Standards Sport England Facilities Planning Model Leicestershire Leicester City and Rutland Playing Fields Strategy County Sports Partnership Business Plan (under review) BSEN 1176 / 1177 (Children's Playgrounds) Borough of Charnwood Local Plan The Local Development Framework, Charnwood 2021
4	Type of facilities	New or extended community halls, public open space including amenity land, water facilities, and pathways for use by the public, children's play facilities (including equipment), sport pitches (grass or artificial), indoor or outdoor sports facilities etc, allotment gardens.
5	Type of development which might trigger need	Residential a) Provision should relate to specific local need (or contributions towards projects of regional significance). b) Even small developments of 10 to 15 units may trigger need for extra or new children's play space or equipment. c) Larger developments may need provision of additional land on the basis of 2.4 hectares per 1000 people (pro rata). Developments over 1000 people are likely to generate need for new community halls or expansion / improvement of existing facilities. d) Developments over 20,000 people will generate the need for major indoor / outdoors sports facilities to be agreed with the local planning authority. Other a) Specialist residential or day care institutions may be required to provide their own recreation facilities or contribute to public facilities as appropriate. b) Large industrial / commercial developments may generate excess demand on existing leisure facilities. Demand requiring the provision of new leisure facilities should be assessed on the basis of individual planning applications. Consideration should be given to the need for access to leisure provision before / after work (by commuters) as well as lunchtime leisure requirements by employees.
6	Forms in which payment must be made	Provision of land (especially for children's play and amenity open space); creation of equipped playgrounds and sports pitches; financial contributions to LEA/ schools for shared use facilities; financial contributions to local authorities to enhance other facilities; dedicated public rights of way; financial contributions for dedicated revenue programmes that deal with health inequalities, community safety and social inclusion issues etc
7	Contributions to capital costs or revenue costs	Capital contributions towards initial development costs with possible commuted sum to deal with long term maintenance. A contribution of between £750 and £1100 per unit (determined on the basis of each planning application) should be sought for capital costs. Time limited funds should also / either be considered for dedicated revenue programmes. Contributions should be sought even from small developments and paid to a central holding fund (if no specific leisure need can be identified at the time of the application) to protect the risk to any one area of accumulative smaller developments leading to large population increases and leisure demands over time.
8	Threshold for size of	Normally 10 houses, though specialist institutions may generate

	development for which contributions are appropriate	exceptional demand (especially for children's play or recreational sport)
9	Geographic areas where there is no spare capacity	Capacity issues are dependent on the nature of the development and the basis of the planning application.
10	Contact person	Colin Bailey Green Spaces Development Manager Charnwood Borough Council 01509 632530 David Moore Leicestershire County Council
11	Last updated	July 2005

1.	Name of service	Health Care				
2.	Category of Service Provider	NHS Primary Care Trusts: Charnwood & North-West Leicestershire & Melton				
3.	Current Guidance	Circular 05/05 Health Care Business Plans Public Health Strategies Borough of Charnwood Local Plan The Local Development Framework, Charnwood 2021				
4.	Type of Facilities for which provision may be needed	Sites of New Facilities Construction Costs for additional Facilities / extensions or alterations.				
5.	Type of development which might trigger need	<p>Residential Where a development increases the population of an area and where there is extra demand on the local health care provision. The contribution will be based on the Health Formula which considers the following areas which impact on Health Care Services</p> <p>Population Capacity Public Health needs assessment Deprivation GP list sizes Population distribution, (Age, Culture)</p> <p>Other Expansion of any area that will impact on the demand for Health Care the same or similar formula will apply, for example Expansion of Universities Expansion or contraction of major employer</p>				
6.	Health Care Formula	Property Type Number Value	A 1-2 Bed £583	B 3-4 Bed £1,167	C 5+ Bed £1,750	D Students £219
		Deprivation Factor				
		Ward / Area Value	0 to 40+			
		Calculation Factor	0.8 to 1.4			
		MIPS (current)	395			
7.	Form in which payments should be made	Capital Monies Land or buildings				
8.	Contributions to Capital costs or Revenue Costs	Capital costs to contributed to the expansion of Health Care provision either are a payment for a specific area or into a pooled contribution for that area where there is a progressive expansion. The level of contribution will be in accordance with the Health Care Formula and linked to the MIPS Health Care inflation index				
9.	Threshold for size of development for which contributions are appropriate	The standard threshold is 10 units, but this will be reduced to 5 or less if the area is being developed in small sites.				
10.	Geographical areas where there is no spare capacity	The PCT's will divide their area into specific areas that will include a number of Council wards, e.g. using the Public Health neighbourhoods system. The capacity in each area will be calculated and the level of short fall or not will form the basis of a case of need for any request for a contribution				
11.	Contract Person	Mr Ian Derbyshire, Head of Estates & Facilities, Charnwood & North-West, Leicestershire PCT, Woodgate, Loughborough, LE11 2TZ ian.Dervyshire@cnwlpct.nhs.uk Tel: 01509 568664/ 567797				
12.	PCT Contacts and arrangements	Each PCT will provide it's own developer Contribution needs assessment and supporting documentation in line with this guidance.				
13.	Last Update Review Date	2005 2008				
14.	Retention of contribution	The contribution will be retained for 5 years where it is for a specific project and 7 years where it is included in a Pooled fund for an area.				

15.	Contribution Trigger Points	The Contributions will be made as follows: 1 st - 50% of Payment - When 40% of site complete or 12 months from commencement of Building Work, which ever is the sooner 2 nd - 50% of Payment - When 95% of site complete or 24 months from commencement, which ever is the sooner
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1.	Name of service	Leicestershire Constabulary
2.	Category of service provider	Other Agency
3.	Current Guidance on the issue	Circular 05/05 Circular 5/94 and PPS1 state that when considering the design of proposed new developments, local authorities, developers and designers should take into account the effect that environmental factors can have on crime and disorder, with prevention being a material consideration when planning applications are considered. The Crime and Disorder Act 1998 adds impetus to the need to work in partnership to improve the quality of life by requiring all authorities, including planning authorities, to consider crime and disorder whilst exercising all their duties.
4.	Type of facilities for which provision may be needed	Sites for police stations, erection costs of new police stations and contribution towards additional office/other building provision at existing police stations.
5.	Type of development which might trigger need	A contribution will be required towards the cost of additional policing if there is a need arising from the development. Where a new police station is required, the developer would be expected to provide a site and the erection costs. Proposals to redevelop an existing police station site by a developer would normally trigger need for a replacement police station. Otherwise, each application to be considered on an individual basis. The Leicestershire Constabulary provides a free Architectural Liaison Service to which in the first instance development proposals should be submitted
6.	Form in which payments should be made	Land where required and either the costs of construction of buildings or work in kind to the Constabulary's specification.
7.	Contributions to capital costs or revenue costs	Capital only, normally.
8.	Threshold for size of development for which contributions are appropriate	The impact upon police service provision should be assessed in respect of each new development.
9..	Geographic areas where there is no spare capacity	
10.	Contact person	Corporate Development, Leicestershire Constabulary, Police HQ, St Johns, Enderby, Leicester LE9 5BX Tel 0116 222 2222 ext. 2773.
11.	Last updated	2005

1.	Name of service	Leicestershire Fire and Rescue Service
2.	Category of service provider	Other Agency
3.	Current Guidance on the issue	Circular 05/05. The Fire Service is required to secure water from either potable or open water services to effectively fight fires under normal circumstances. <u>The Code of Practice between all Fire Authorities and all Water Companies</u> states: <u>Securing water for fire fighting purposes on new sites.</u> <i>All new development should be considered at the planning stage with a view to securing water meeting fire-fighting needs. Both the fire service and water companies as consultees, should require provision of water for fire-fighting by developers/owners of new developments, or redevelopments when the needs are increased</i>
4.	Type of facilities for which provision may be needed	Hydrants and appropriate water mains with adequate pressure to supply them. Possible alternative sources of water for fire fighting include balancing lakes and underground tanks.
5.	Type of development which might trigger need	Both residential and commercial development can trigger need. Storage and manufacturing uses raise particular needs. In the case of potable water services, the cost of provision includes both hydrants and the supply to them through suitable water mains. Adequate mains pressure to fight fires is a further consideration. The Code recognises that water distribution systems are subject to external factors beyond the control of water companies that affect flow, such as peak demand and leaks. Alternative sources to the mains for fire-fighting water supply include balancing lakes and underground tanks. Where these are appropriate their provision will need to be negotiated between developers and local planning authorities in each case.
6.	Form in which payments should be made	Land where required and either the costs of construction of buildings or work in kind to the Chief Fire Officer's specification
7.	Contributions to capital costs or revenue costs	
8.	Threshold for size of development for which contributions are appropriate	Any form of development might compromise fire-fighting ability.
9..	Geographic areas where there is no spare capacity	Water for fire fighting is most often a problem in areas of greenfield development.
10.	Contact person	Chief Fire Officer, Leicestershire Fire and Rescue Service, Tel 0116-287-2241
11.	Last updated	2005

1.	Name of service	Community cohesion and the public realm
2.	Category of service provider	Charnwood Borough Council, Leicestershire County Council and other agencies
3.	Current Guidance on the issue	Charnwood Borough Local Plan Local Development Framework, Charnwood 2021
4.	Type of facilities for which provision may be needed	A contribution towards administering, implementing and assisting communities to achieve cohesion. The promotion of personal well-being, social cohesion and inclusion in the community for all residents is essential to create equal opportunities for all citizens. In certain developments the impact on the public realm may also result in issues that require to be addressed for example the need to fund and maintain a CCTV system within the vicinity of the development.
5.	Type of development which might trigger need	Residential - 50 or more dwellings or for any development where the social balance of an existing community is affected. This could be in a rural or urban area.
6.	Form in which payments should be made	As appropriate
7.	Contributions to capital costs or revenue costs	See above depends on requirements could be both.
8.	Threshold for size of development for which contributions are appropriate	50 or more units or assessed on an individual basis.
9..	Geographic areas where there is no spare capacity	none
10.	Contact person	Steve Lewis-Roberts/ Peter Blitz (Team Leaders - Development Control Charnwood) development.control@charnwood.gov.uk
11.	Last updated	November 2006

1.	Name of service	Social Services
2.	Category of service provider	Leicestershire County Council
3.	Current Guidance on the issue	Charnwood Borough Local Plan Local Development Framework, Charnwood 2021
4.	Type of facilities for which provision may be needed	Community facilities for adults which may include day and/or residential services Services for children under 8 and their families
5.	Type of development which might trigger need	The potential impact of a new development will be influenced by a range of factors relating to the make up of the 'new' population, including: Age distribution e.g. higher numbers of older people and/ or young children are likely to lead to greater demands for social care services; Prevalence of physical or learning disabilities and/or mental health problems; it would be particularly significant for the Department if there were plans to build housing to meet special needs; Socio-economic status e.g. broadly speaking there will be a positive correlation between high levels of 'deprivation' and demands for social care services
6.	Form in which payments should be made	As appropriate
7.	Contributions to capital costs or revenue costs	Contributions may need to be capital costs to set up or extend local infrastructure to deal with increased demand for services, e.g. accommodation for staff, IT provision, vehicle(s), and/or to stimulate investment in new or additional direct care services
8.	Threshold for size of development for which contributions are appropriate	Depends on the make up of the 'new' population e.g. a development with a high proportion of older or disabled people is likely to lead to higher demands on the Social Services Department.
9..	Geographic areas where there is no spare capacity	None.
10.	Contact person	Ms A Bhatt, Planning and Commissioning Section, Social Services Department, County Hall, Glenfield, Leicester LE3 8RL
11.	Last updated	

1	Name Of Service	Housing
2	Category of service provider	Charnwood Borough Council and Housing Associations
3	Current Guidance on the issue	Circular 6/98 PPS 1 PPG3 Regional Spatial Strategy for the East Midlands (RSS8) (2005) Sustainable Communities: Building For The Future (2003) Sustainable Communities: Homes For All (2005) Borough of Charnwood Local Plan The Local Development Framework, Charnwood 2021 Affordable Housing, Supplementary Planning Document, September 2005
4	Type of facilities	Provision of affordable housing for rent and for shared ownership that will be available to people who cannot afford to satisfy their housing need on the open market. A minimum of 30% affordable housing units are required to be provided on site. Of these units, the Council expects that at least 75% will be for social rent.
5	Type of development which might trigger need	Residential – sites of 25 dwellings or sites of 1.0 hectares. (Please note the SPD on Affordable Housing states that this figure will be superseded if there is new Government guidance. On this basis, a reduction to 15 dwellings/ 0.5 hectares is likely in the near future.)
6	Forms in which payment must be made	Usually by on-site provision. However, only in exceptional circumstances, affordable housing may be provided off-site but only if the Council and the developer agree. The Council will need to be persuaded that the off-site provision would meet housing need at least to the same extent as the on-site provision would have done.
7	Contributions to capital costs or revenue costs	In exceptional circumstances only.
8	Threshold for size of development for which contributions are appropriate	25 dwellings or sites of 1.0 hectares. (see 5 above)
9	Geographic areas where there is no spare capacity	In line with the recommendations of the most recent Housing Needs Survey affordable housing is required on all sites throughout the Borough
10	Contact person	Paul Griffiths Development & Enabling Officer, Housing Services 01509 63453 paul.griffiths@charnwood.gov.uk Further guidance is available in Affordable Housing, Supplementary Planning Document, September 2005
11	Last updated	

APPENDIX 3

Model SI06 Agreement

AN AGREEMENT is made the [_____]day of
[_____] 2002

BETWEEN

(1) **THE COUNCIL OF THE BOROUGH OF CHARNWOOD** of Southfields
Loughborough Leicestershire LE11 2TX

(2) [_____] whose registered office is at
[_____
_____] (“the Owner”)

(3) [_____] of
[_____] (“the Occupier”)

(4) [_____]of
[_____] (“the Mortgagee”)

RECITALS

1 The Council is the local planning authority for the purposes of the Town and
Country Planning Act 1990 (as amended) for the area within which the Site is
situated and by whom the obligations contained in this Deed are enforceable

2 The Owner is owner of the Site in fee simple in possession subject to a charge in
favour of the Mortgagee. The Owner’s title is registered with Absolute Title at HM
Land Registry under Title No [_____]

3 [_____] by a written application dated
[_____] has applied to the Council for permission to
carry out development on the site consisting of
[_____]

which development is more particularly described in Planning Application reference number [_____]

and the plans submitted therewith (“the Development”)

- 4 Having regard to the provisions of its Development Plan and to all other material considerations the Council has decided to grant planning permission for the Development in accordance with the Planning Application subject to certain conditions and to the making of this Agreement without which Planning Permission for the Development would not have been granted

IT IS HEREBY AGREED:

- 1 In this Deed unless the context requires otherwise the following words and expressions have the respective meanings as set out opposite to them:

- 1.1 **“the Act”** the Town and Country Planning Act 1990 and any statutory amendments or modifications thereto
- 1.2 **“the Commencement of Development”** the date upon which the Owner shall begin the Development by the carrying out of a material operation in accordance with the provisions of Section 56(4) of the Act

- 1.3 **“the Development”** the development authorised by the Planning Permission
- 1.4 **“the Site”** all that freehold land known as and shown edged red on the Plan
- 1.5 **“the Plan”** the Plan attached to this Agreement
- 1.6 **“the Planning Application”** The Planning Application submitted by the Developer to the Council on the [_____] and carrying reference number [_____]
- 1.7 **“the Planning Permission”** Planning Permission under Part III of the Act for the Development pursuant to the Planning Application a draft of which is attached as the Schedule to this Agreement
- 1.8 Clause headings in this Deed are for convenience only and do not affect its interpretation
- 1.9 The masculine feminine and neuter genders include each of the other genders and the singular include the plural and vice versa
- 1.10 A reference to an Act of Parliament refers to the Act as it applies at the date of this Agreement
- 1.11 A reference to a clause or schedule is a reference to a clause or a schedule contained in this Agreement
- 1.12 Reference to any party in this Agreement shall include the successors in title of that party_____

- 2 This Agreement is made in pursuance of Section 106 of the Act 1990 and the covenants contained in Clause 5 are planning obligations for the purposes of that section_____
- 3 The parties to this Agreement have agreed to enter into this Agreement with the intention that the obligations contained in this Agreement may be enforced by the Council against the Site, the Owner and any person or persons deriving title from the Owner
- 4 Save for Clause 5.2 (costs) this Agreement is conditional and shall only have effect upon:
- 4.1 The date upon which the Council grants the Planning Permission; and
- 4.2 The date of the Commencement of Development_____
- 5 The Owner covenants with the Council:
- 5.1
- 5.2 To pay to the Council on the execution hereof the Council's reasonable legal costs in connection with the preparation and execution of this Agreement
- 5.3 **Indemnity**
- The Owner shall indemnify and keep indemnified the Council in respect of any actions claims costs demands or proceedings arising out of, in connection with or ancillary to any of the matters arising out of this Agreement_____
- 6 No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement after he has parted with his interest in the Site or the part of it which is the subject of this Agreement but without prejudice to his liability for any subsisting breach of covenants prior to parting with such interest

- 7 For the avoidance of doubt it is hereby declared:
- (a) that nothing contained or implied in this Agreement shall prejudice or affect the Council's rights powers duties and obligations in the exercise of its functions as a Local Authority and the rights powers duties and obligations of the Council under all public and private statutes bylaws orders and regulations may be as fully and effectually exercised in relation to the Land comprised within this Agreement or adjoining or adjacent thereto as if the Council were not a party to this Agreement and
 - (b) that the Council is not bound by anything contained or implied in this Agreement to provide or permit the use of its lands or any interest therein in any way so as to facilitate the use and development of the land_____
- 8 Any dispute relating to this Agreement shall be decided by arbitration under the Arbitration Act 1996 by a single Arbitrator appointed by the parties to the dispute. If they cannot agree on that appointment, the then President of the Institute of Town Planning may appoint the Arbitrator at the request of any party__
- 9 The Mortgagee hereby consents to the completion of this Agreement and acknowledges that from the date of this Agreement the site shall be bound by the restrictions and obligations contained herein_____
- 10 This Deed is a local land charge and shall be registered as such

IN WITNESS whereof the parties hereto have duly executed this Agreement as a Deed the day and year first before written

(The Common Seal of THE COUNCIL (

(OF THE BOROUGH OF CHARNWOOD (

(was hereunto affixed to this Deed in

(

(the presence of:

**Head of Legal Services/
Senior Solicitor**

THE COMMON SEAL of)
)
)
)
 was hereunto affixed to this Deed)
)
 in the presence of:)

Director:

Secretary/Director:

SIGNED and DELIVERED as a)
)
 DEED by the said)
)
)
)
 in the presence of:)

THE COMMON SEAL of)
)
 BANK PLC was)
)
 hereunto affixed to this Deed)
)
 this Deed in the presence of:)

Director:

Secretary/Director

THE SCHEDULE
The draft Planning Permission

DATED _____ **2002**

**THE COUNCIL OF THE BOROUGH
OF CHARNWOOD (1)**

-and-

(2)

-and-

(3)

-and-

(4)

A G R E E M E N T

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

Land at

**Christine Taylor
Head of Legal Services
Charnwood Borough Council
Macaulay House
5 Cattle Market
Loughborough
Leics LE11 3DH**

APPENDIX 4 Bibliography

Planning-gain Supplement: a consultation	HM Treasury	December 2005
The Government's Response to Kate Barker's Review of Housing Supply	HM Treasury	December 2005
Consultation paper on new Planning Policy Statement 3 (PPS3): housing	Office of the Deputy Prime Minister	December 2005
Planning Obligations Circular 05/2005	Office of the Deputy Prime Minister	18 July 2005
Regional Spatial Strategy for the East Midlands to 2021 (RSS8)		March 2005
Leicestershire, Leicester and Rutland Structure Plan (LRSP) 1996 – 2016		March 2005
Review of Housing Supply <i>Delivering Stability: Securing our Future Housing Needs</i> Kate Barker	HM Treasury	March 2004
Borough of Charnwood Local Plan 1991 – 2006	Charnwood Borough Council	January 2004
Statement of requirements for developer contributions in Leicestershire	Produced by Leicestershire County Council with District Councils and other service providers in the County	March 2001
Planning Policy Statement 3: PPG3 Housing	Office of the Deputy Prime Minister	March 2000
Planning Policy Statement 1: (PPG1) delivering sustainable development	Office of the Deputy Prime Minister	February 1997
The Town and Country (Modification and discharge of Planning Obligations) Regulations 1992 (SI 1992/2832)		10 December 1992
Planning and Compensation Act 1991: modification and discharge of planning obligations - circular 28/92		4 December 1992
Planning and Compensation Act 1991 - Section 12		
Town and Country Planning Act 1990 - Section 106		