

## **Section 106 Agreement**

relating to land north of Birstall,  
Leicestershire (to be known as  
Broadnook Garden Village)

Dated

04 November

2020

Charnwood Borough Council (1)  
Leicestershire County Council (2)  
Charles Anthony Palmer-Tomkinson (3)  
Iain Ewart George Bentley (4)  
Anthony William Cooper (5)  
Leicester City Council (6)  
Charles Anthony Palmer-Tomkinson, Patricia Maria Palmer-  
Tomkinson, Nicholas Michael Branch and Christopher David Palmer-  
Tomkinson (7)  
Walter Bentley & Sons Ltd (8)  
Davidsons Developments Limited (9)  
Barwood Homes Limited (10)

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DATE

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PARTIES

- (1) CHARNWOOD BOROUGH COUNCIL of Southfield Road Loughborough Leicestershire LE11 2TN (the "Borough Council");
- (2) LEICESTERSHIRE COUNTY COUNCIL of County Hall Leicester Road Glenfield Leicester LE3 8RA whose registered office is (the "County Council");
- (3) CHARLES ANTHONY PALMER-TOMKINSON of Dummer Grange, Dummer, Basingstoke, Hampshire, RG25 2AT (the "First Owner");
- (4) IAIN EWART GEORGE BENTLEY of Wanlip Hill Farm, Loughborough Road, Wanlip, Leicester LE7 4PN (the "Second Owner");
- (5) ANTHONY WILLIAM COOPER of Rothley Park, Westfield Lane, Rothley, Leicester (the "Third Owner");
- (6) LEICESTER CITY COUNCIL of City Hall, 115 Charles Street, Leicester, LE1 1FA ("the Fourth Owner");
- (7) CHARLES ANTHONY PALMER-TOMKINSON, PATRICIA MARIA PALMER-TOMKINSON, NICHOLAS MICHAEL BRANCH AND CHRISTOPHER DAVID PALMER-TOMKINSON of Dummer Grange, Dummer, Basingstoke, Hampshire, RG25 2AT (the "Fifth Owner");
- (8) WALTER BENTLEY & SONS LTD care of Wanlip Hill Farm aforesaid ("the Mortgagee")
- (9) DAVIDSONS DEVELOPMENTS LIMITED (Company Number 04346861) whose registered office is situate at 4-8 Kilwardby Street, Ashby-de-la-Zouch, Leicestershire, LE65 2FU ("the First Developer")
- (10) BARWOOD HOMES LIMITED (Company Number 06905856) whose registered office is situate at Govelands Business Park, West Haddon Road, East Haddon, Northamptonshire, NN6 8FB ("the Second Developer")

and for the avoidance of doubt the First Developer and the Second Developer are together referred to in this deed as the Developers unless otherwise stated

INTRODUCTION

- (A) The Developers have the benefit of options dated 20<sup>th</sup> February 2015 to purchase the freehold of titles LT96484, LT355716 and LT386726 and wish to construct part of the Development upon the Application Site. The Developers submitted the Application to the Borough Council on 10<sup>th</sup> August 2016 in their joint names and the names of the Palmer-Tomkinson Family Trust and the Cooper Family
- (B) The First Owner is the owner of land comprised within title numbers LT368164, LT368593 and LT371697. The Second Owner is the owner of land comprised within title numbers LT436552 and LT219669. The Third Owner is the owner of land comprised within title number LT96484. The Fourth Owner is the owner of land comprised within title number LT388207 and the Fifth Owner as trustees of the Charles Palmer-Tomkinson Children's Settlement are the owners of land comprised within title numbers LT855719 and LT386726 which land ownerships cover the Application Site as herein defined and all of the owners are collectively referred to in this Deed as "the Owners" unless otherwise stated



- (C) HSBC Bank plc has a registered charge over title number LT219669 dated 21 March 2016. The Mortgagee has a registered charge over title number LT386726 dated 21 November 2005.
- (D) The Borough Council and the County Council are the local planning authorities for the Application Site for the purposes of the 1990 Act
- (F) The County Council is also the local highway authority and is responsible for the provision of education library and civic amenity facilities for the Application Site
- (G) The Borough Council has responsibility for determining the Application and following the decision of its Plans Committee on 17<sup>th</sup> March 2020 is minded to grant Planning Permission pursuant to the Application subject to the prior completion of this Deed in order to secure the planning obligations contained herein which are acknowledged to be necessary to make the Development acceptable

## NOW THIS DEED WITNESSES AS FOLLOWS:

### 1 Definitions and Interpretation

#### 1.1 For the purposes of this Deed the following expressions shall have the following meanings:

1980 Act	means the Highways Act 1980.
1990 Act	means the Town and Country Planning Act 1990.
Affordable Dwellings	means 16.36% of the Dwellings within the Development to be Provided and Occupied as Affordable Housing in accordance with the Affordable Housing Tenure Mix, the Affordable Housing Size/Type Mix and the provisions of Schedule 7.
Affordable Housing	has the meaning given to it in Annex 2 of the National Planning Policy Framework February 2019 or any replacement definition which may be introduced from time to time. including for the avoidance of doubt changes in policy or legislative changes.
Affordable Housing Size/Type Mix	means the number and mix of sizes and types of Affordable Dwellings as set out in the Table in Schedule 7 for the Affordable Rent Dwellings and Shared Ownership/Intermediate Dwellings and Discounted for Sale Dwellings respectively or such other mix of sizes and types as may be agreed with the Borough Council.
Affordable Housing Tenure Mix	means the following tenure mix in accordance with which the Affordable Dwellings shall be Provided: <ul style="list-style-type: none"> <li>(a) 50% Affordable Rent Dwellings;</li> <li>(b) 25% Shared Ownership Dwellings; and</li> <li>(c) 25% Discounted for Sale Dwellings</li> </ul>



or such other tenure mix as may be agreed with the Borough Council having regard the Affordable Housing needs of the Borough Council, the original Affordable Housing Tenure Mix specified herein as approved at the time Planning Permission was granted, the Core Strategy, the definition of Affordable Housing and any other relevant material considerations at the time of submission of each Phase Specific Affordable Housing Delivery Plan.

**Affordable Rent Dwellings**

means the Affordable Dwellings to be let by Registered Providers at a rent of no more than 80% of the local market rent (including service charges where applicable) or the Local Housing Allowance (whichever is the lesser amount) to households who are eligible for social rented housing or such other equivalent affordable rented tenure as may be agreed by the Borough Council.

**Allotments**

means the 1.54 hectares of land within the Development to be provided as allotments for residents of the Development (but without exclusion of others following Completion of the Development) in accordance with the Allotments specification at Annex 1 to Schedule 5, any relevant provisions of the Landscape and Biodiversity Management Strategy and the provisions of Schedule 5 of this Deed.

**Application**

a Hybrid planning application with Borough Council reference number P/16/1660/2 for Sustainable Urban Extension (Broadnook Garden Suburb) comprising of outline application (with all matters reserved in those areas not subject to the detailed proposals) for Erection of 1,950 residential dwellings (Class C3), 15 hectares of Employment Uses (falling within Class B1(a), Class B1(c), Class B2 & Class B8), Erection of a Primary School (Class D1), Erection of a Local Centre comprising of shops, supermarket (Class A1), Financial & Professional Services (Class A2), Restaurants/Cafes (Class A3), Drinking Establishments (Class A4), Hot food takeaway (Class A5), Provision of Business Uses (Class B1a), Erection of assisted living retirement village comprising of up to 175 units (Class C2), 70 bed care home (Class C2), Residential accommodation (Class C3), Provision of Non - Residential Institutions (Class D1) and Assembly and Leisure Uses (Class D2), Erection of a Community Resource Centre providing a mix of uses (Sui Generis), provision of 4 separate plots of land allocated for travelling show people, provision

of green infrastructure, outdoor sport provision with supporting facilities, provision of public open space/parkland, allotments, arboretum, extended rights of way, and associated landscaping and infrastructure; and detailed planning application relating to Phase 1 of development involving the erection of 193 dwellings (Class C3) within two separate areas of the site, erection of two separate lodge/gate houses (Class C3); Provision of a Countryside Park with ground modelling work, provision of sports pitches , sports pavilion, provision of structural soft and hard landscaping, provision of biodiversity parkland, details of drainage and internal access roads including a northern boulevard to serve the Broadnook Centre, the first housing phase, employment area and Countryside Park and the provision of the primary access proposals including the details of the signalised roundabout to the A6 Dual Carriageway, site access works and the provision of a two way link to Loughborough Road

Application Site

means the land shown edged red and shaded green (the shaded green area being the land that is the subject of the Application but excluding existing public adopted highways or land required for off site works) on the Site Plan.

Approval

means approval, agreement, consent, authority or expression of satisfaction by a party or duly authorised person acting on their behalf following submission of the relevant plan, document, details, request or any other matter by another party under the terms of this Deed and "Approve" shall be construed accordingly.

Artificial Grass Pitch

means a full size artificial grass playing pitch to be transferred to the Cedars Academy (or any successor body) for use by students at the academy and Community Use in accordance with a Community Use Agreement entered into by the Cedars Academy and the Borough Council

Artificial Grass Pitch Land

means 3.2 acres shown on the Green Infrastructure Parameter Plan (Appended as Plan 2 at Schedule 10) that will accommodate the Artificial Grass Pitch

Assistance Plan

A plan for each Extra Care Qualifying Person in respect of the Minimum Care Package, for what assistance they are to receive which shall be informed by the Extra Care Qualifying Person Assessment (as undertaken from time to time).

Broadnook Bike Scheme

means the scheme for the provision of bikes for



	rental to residents of the Development to be submitted by the Owners to the Borough Council in accordance with the provision of paragraph 12 of Schedule 3 and to be managed by the Broadnook Garden Village Trust and to be located within the area of the Public Realm Works.
Broadnook Centre Brief	means the document entitled "Broadnook Centre Planning Brief (December 2018) submitted as part of the Application documents and which sets out proposals for the design and delivery of key aspects of the Development.
Broadnook Foundation	means a community liaison group set up by the Owner in agreement with the Borough Council and made up of representatives of the Borough Council, County Council, Owners, Developers and Parish Councils surrounding the Application Site or such of them who choose to participate the primary purpose being to act as a consultative group and as a liaison with the wider community regarding the Development, its delivery and any issues arising which shall be effective throughout the construction of the Development and for a period of 12 months after Completion of the Development to operate substantially in accordance with the Broadnook Foundation Terms of Reference
Broadnook Garden Village Trust (also referred to as "the Trust")	means the body constituted for the purpose of owning managing and maintaining various elements of the Development as herein specified and established in accordance with the principles set out in the document entitled "Broadnook Garden Village – Long Term Stewardship" dated March 2019
Bus Service Contribution	means the sum of One Hundred and Fifty Thousand Pounds (£150,000.00) Index linked payable by the Owners to the County Council per annum for five years to deliver the Bus Service Scheme and to be paid in accordance with the provisions of paragraph 5 of Schedule 4.
Bus Service Scheme	means the scheme for the provision of a bus service funded by the Owners for a period of 5 years from the date of commencement of the service which is to serve the Development providing access to and from Leicester City Centre at half hourly intervals between the hours of 07.00 and 19.00 Monday to Saturday to be submitted by the Owners to the County Council in accordance with the provisions of paragraph 5 of Schedule 4.
Business Day	means a day other than a Saturday or Sunday or a public holiday.



Cedars Academy	The nearest secondary school whose catchment area includes the Application Site
Charging Schedule	has the meaning ascribed in the CIL Regulations.
Children and Young People's Facilities	means the sites for children and for young people to be provided within the Parks and Amenity Green Space within the Development in accordance with details approved pursuant to the Conditions, or provisions of Schedule 5 of this Deed and shown generally on the Green Infrastructure Parameter Plan and shall include at least 5 LEAPs and 1 NEAP across the Development.
CIL	has the meaning ascribed in the CIL Regulations.
CIL Date	means the date upon which the first Charging Schedule comes into effect in the area in which the Development is situated.
CIL Regulations	means the Community Infrastructure Levy Regulations 2010 as amended from time to time.
Civic Amenity Contribution	means the sum of One Hundred Thousand Seven Hundred and Fifty Six Pounds (£100,756.00) Index linked, payable by the Owners to the County Council to be applied by the County Council to fund all or part of project at the Mountsorrel Civic Amenity Site which will extend the waste storage and recycling areas under reference numbers MOU005 and MOU0017 to be paid in accordance with the provisions of paragraph 7 of Schedule 3.
Commencement	means where used in relation to the Development or any specified part thereof the carrying out of the first Material Operation in respect of the Development or such specified part thereof and 'Commence' and "Commenced" shall be construed accordingly.
Commencement Date	means the date on which the Development is first begun by the carrying out of a Material Operation.
<del>Communal Facilities</del>	<del>means the recreational facilities comprising a junior football pitch, Multi use Games Area (to include a tennis and netball court), compact pavilion, car parking and landscaping having a cost not exceeding Nine Hundred and Seventy Five Thousand Pounds (£975,000.00) Index Linked to the date that construction commences on the said facilities and which may be located within the Primary School Site subject to agreement with the Borough Council the County Council and the academy trust appointed to run the Primary School or such other location within the Development as the Borough Council may approve and the use of which</del>

Community Development Worker	<p>shall be governed by a Community Use Agreement.</p> <p>means a paid person appointed by the Trust on a full or part time basis (dependent on the demands on and workloads of the said person) to facilitate activities and engagement with the community including liaison with the Borough Council and any other relevant bodies in accordance with the provisions of paragraph 2 of Schedule 3 for a period of not less than 10 years from date of first employment of the Community Development Worker.</p>
Community Hall	<p>means the provision of an indoor facility within the Community Resource Centre which may be used for the benefit of the community for social, community and recreation uses with an aggregate net internal floor space of no less than 575 square metres (recognising that some ancillary space such as offices, kitchens and changing rooms may be shared with other social space facilities) with main activity and assembly space not less than 18 metres x 10 metres with minimum 6.1m ceiling height and second hall 10 metres x 10 metres designed having regard to Sport England Guidance note 1038 entitled "Village and Community Halls" to be provided as part of the Community Resource Centre</p>
Community Resource Centre Facilities	<p>means the facilities for use by the community to be provided by the Owners in the Development (or as otherwise approved by the Borough Council) and subject to the provisions of paragraph 1 of Schedule 3, comprising (albeit indicatively and dependent on demand) the Police Facility (if provided) the Healthcare Facility (if provided), the Community Hall, community meeting rooms, a multi faith room, offices for the Broadnook Garden Village Trust, and/or Parish Council if any set up to represent the Development, offices for housing management including affordable housing, an apartment for occupation by a warden employed by the Trust, a gallery/display space, community library (if provided), a wifi hub, community office space for hire, a community shop and pharmacy, community gardens and any variations to the said facilities as may be agreed from time to time between the Owner and the Borough Council in line with the principles agreed in the Broadnook Centre Brief.</p>
Community Resource Centre	<p>means the area of land and buildings (to be known as "Broadnook Hall") as shown on the Phase 1 Illustrative Masterplan (appended as Plan 4 at</p>



	Schedule 10).
Community Resource Centre Cap	means the total cost of providing the community facilities element of the Community Resource Centre not exceeding the sum of Five Million Pounds (£5,000,000.00) or as otherwise agreed by the Owners
Community Resource Centre Scheme	the proposals for the design and specification for the Community Resources Centre Facilities to be submitted to and approved by the Borough Council but designed in accordance with the principles set out in the Broadnook Centre Brief
Community Resource Centre Strategy	<p>means a scheme for the delivery of the Community Resource Centre Facilities to include the proposed phasing, marketing arrangements, timing of provision of a building or buildings to contain the Community Resource Centre Facilities and details of the proposed management arrangements for each of the Community Resource Centre Facilities, such scheme to accord with the following:</p> <ul style="list-style-type: none"> <li>(a) the programme for delivery of the Community Resource Centre Facilities as are to be provided shall be in accordance with the provisions of Clause 1 of Schedule 3; and</li> <li>(b) regard shall be had to any potential for future location of the Healthcare Facility and the Police Facility within the Community Resource Centre.</li> </ul> <p>Including any variations agreed in writing from time to time to the said strategy by the Owner and the Borough Council</p>
Community Use	Means use of facilities by the local community including organised sports clubs, organisations and for casual use
Community Use Agreement	<p><del>Means agreements to regulate the Community Use of the Communal Facilities and the Artificial Grass Pitch and shall include:</del></p> <ul style="list-style-type: none"> <li><del>(a) the minimum hours of use to be offered for Community Use; and</del></li> <li><del>(b) the pricing policy for Community Use; and</del></li> <li><del>(c) management arrangements.</del></li> </ul>
Completion	means the issue of a certificate of practical completion of the Development (or such part as may



	be specified) by the Owners' architect or other project consultant appointed by the Owners and "Complete" and "Completed" shall be construed accordingly.
Condition(s)	means a condition or conditions imposed on the Planning Permission.
Contributions	means the Bus Service Contribution Civic Amenity Contribution Healthcare Contribution (if payable) Early Years Provision Contribution or any part thereof (if payable) Highway Works Contribution MOVA Revalidation Contribution Red Hill Circle Highway Works Contribution Library Facilities Contribution Off Site PROW Improvement Contribution Primary School Contribution (if payable) Secondary School Contribution Special Education Needs Contribution UTC Contribution Traffic Regulation Contribution Travel Plan Monitoring Contribution SUDs Maintenance Contribution and the Travel Packs Contribution (if payable) and "Contributions" shall be construed accordingly.
Councils	means the Borough Council and the County Council
Covenanting Parties	means the Borough Council, the County Council, the Developers the Owners and the Mortgagee.
Determination Notice	means a notice served pursuant to clause 13.1 requiring referral of any dispute or difference between the Parties to be determined under clause 13.3, proposing an appropriate Specialist and specifying the nature and substance of the dispute and the relief sought in relation to the dispute.
Development	means the development permitted pursuant to the Planning Permission.
Development Parcel	means a development area or parcel of the Development which forms part of or is comprised within a Phase for which Reserved Matters Approval has been granted.
Dispute Resolution Procedure	means the procedure set out in clause 13.
Dwelling	means any of the 1950 (C3) dwellings including any Affordable Dwelling constructed pursuant to the Planning Permission
Early Years Facility(ies)	means a facility or a number of facilities including where appropriate a purpose built pre-school educational building or part of a building which facilities will accommodate the Early Years

Provision and be located on the Early Years Site or within the Primary School or incorporated within the Community Resource Centre or in such other locations within the Development as may be agreed with the Borough Council and the County Council

Early Years Provision Contribution means the sum of One Million Four Hundred and Thirty Eight Thousand Four Hundred and Eighty Pounds and Fifty Pence (£1,438,480.50) Index linked being the total cost of providing the Early Years Facility(ies).

Early Years Provision means the Early Years Facility or facilities with overall capacity to accommodate up to 162 pre-school children together with suitable outdoor play spaces to operate between 7.30am and 6.30pm Monday to Friday and for 50 weeks per annum or as otherwise agreed by the County Council

Early Years Site means an area or areas of the Application Site that may be part of the Primary School Site if the County Council shall agree that will be sufficient to accommodate up to 80 child spaces forming part of the Early Years Provision and which is to be reserved for the purpose of constructing thereon such part of the Early Years Provision

Education Delivery Review means a review of the funding for the Secondary School which review may determine appropriate amendments to the same and which shall be carried out and served on the Education Delivery Review Partners in accordance with the parameters and requirements set out in paragraph 3 of Schedule 2.

Education Delivery Review Partners means the Owners, the County Council, and the Borough Council

Education Delivery Review Table means the table set out in Annex 2 to Schedule 2 to this Deed.

Education Liaison Group means the group established pursuant to and in accordance with paragraph 4 of Schedule 2.

Education Liaison Group Terms of Reference means the terms of reference by which the Education Liaison Group shall operate contained in Annex 3 to Schedule 2 or such other terms as may be agreed between the Owners, Borough Council and the County Council

Employee means any employee who is employed by any business or organisation who first occupies any



	commercial or non-residential premises located on the Application Site and who is so employed from the date of first occupation of such premises or within a period of 6 months thereafter
Employment Land	means the areas of land to be used for employment purposes as shown on the Land Use Parameter Plan (appended at Schedule 10 as Plan 3 ) or such amended plan as may be approved by the Borough Council from time to time.
Estate Plan	means the plan for the ongoing management and maintenance of the Development or specified part(s) thereof approved pursuant to the provisions of this Deed or as may otherwise be agreed in writing from time to time with the Borough Council.
Extra Care Apartment	means any of the residential units provided within the Extra Care Site, excluding any staff accommodation or guest accommodation and occupied solely by an Extra Care Qualifying Person in need of extra care and receiving a Minimum Care Package.
Extra Care Qualifying Person	<p>a person who is aged 65 years or over, and who has demonstrated a requirement for the Minimum Care Package through the Extra Care Qualifying Person Assessment and who has contracted to receive the Minimum Care Package; and for whom an Assistance Plan is produced and maintained; or</p> <p>The co-habitee or spouse of (and living with) an Extra Care Qualifying Person. In the event of the death of an Extra Care Qualifying Person, the co-habitee or spouse of that person is permitted to remain living in the Extra Care Apartment subject to the terms specified in Paragraph 3 of Schedule 9 .</p>
Extra Care Qualifying Person Assessment	an assessment of a person's requirements, prior to taking occupation of an Extra Care Apartment, confirming the care and assistance they require would meet the Minimum Care Package, such assessment to be carried out by a suitable person who is independent of the Extra Care Provider and who is competent to carry out such assessment to ensure that the level of care and assistance being received is suitable to meet the resident's full needs.
Extra Care Services	<ul style="list-style-type: none"> <li>• 24 hour emergency response: <ul style="list-style-type: none"> <li>- To provide attendance at residence if required;</li> <li>- To provide comfort, reassurance and peace of mind to residents;</li> </ul> </li> </ul>



- To facilitate/greet/liaise with emergency services if called.
- The Wellbeing Navigator;
- Pre- arranged activities on and off site including weekly art and music classes, weekly games events, monthly cultural excursions, weekly shopping trips and gardening clubs;
- A daily group exercise class;
- 3 cooked meals a day from a full equipped and staffed restaurant, which can be taken in the dining room or in the resident's own home (individual meals are charged separately);
- A variety of technological and digital care solutions, including pinpoint alarms, fall prevention and detection systems, call systems and thermal control and lighting systems, algorithmic passive monitoring, health and wellbeing monitoring etc.;
- communal facilities that benefit residents;
- A full range of support personnel, who undertake housekeeping, property maintenance, personal affairs, arranging and facilitating external visits;
- Domestic assistance which would include cleaning, laundry and other domestic support.

Extra Care Site

means that part of the Application Site identified on the Land Use Parameter Plan (Plan 3) appended at Schedule 10 for the provision of up to 175 Extra Care Apartments.

Form of Entry

means for a primary school 30 pupil places per year group so that a one form of entry primary school will accommodate 210 pupils (or such lower pupil capacity as may be agreed between the Education Delivery Review Partners) and two and three Forms of Entry will be calculated accordingly.

Foxfield Park Pavilion

means the pavilion shown on drawings BMP-FEA--S3-XX-DE-A-3700 Rev P4 and BMP-FEA--SI-ZZ-DP-A-2200 Rev P3 together with associated access parking and landscaping the location of which is shown on the Phase 1 Illustrative Masterplan (appended at Schedule 10 as Plan 4) or any alternative scheme approved by the Council which will be constructed by the Owners and made available initially for community use

	<p>by residents of the Development (including two changing rooms for sports use) as well as offices, marketing suite, visitor information and café and shop (subject to demand in the latter two uses) and a library facility and following the Completion of the Community Hall shall be used principally in connection with outdoor sports and recreation with ancillary social and community use</p>
Green Infrastructure Elements	<p>means any or all of the following to be provided within any Phase:</p> <ul style="list-style-type: none"> <li>(a) Parks and Amenity Green Space;</li> <li>(b) Natural and Semi-Natural Open Space;</li> <li>(c) Children and Young People's Facilities (LEAPs and NEAPs);</li> <li>(d) Outdoor Sports Facilities.</li> <li>(e) Allotments;</li> <li>(f) Woodlands;</li> <li>(g) Transition zones which comprise communal areas of landscaping, hedgerow, cycleways, footpaths and the like between Development Parcels;</li> <li>(h) Areas of public realm;</li> <li>(i) Green infrastructure inc. landscaping</li> </ul>
Green Infrastructure Parameter Plan	<p>means the areas of land to be used for Green Infrastructure Elements (appended at Schedule 10 as Plan 2) or such amended plan as may be approved by the Borough Council from time to time.</p>
Healthcare Contribution	<p>means the sum of up to One Million One Hundred and Seventy Two Thousand Four Hundred and Sixty Eight Pounds (£1,172,468.00) Index linked payable by the Owners to the Borough Council to be paid in accordance with paragraph 8.5(a) of Schedule 3 and the Healthcare Needs Review in lieu of the provision or part provision of the Healthcare Facility to be spent on the expansion of any existing local medical practices or the provision of new facilities that will be determined through the Healthcare Needs Review.</p>
Healthcare Facility	<p>means a minimum area of 650sqm of floorspace within the Community Resource Centre or such</p>

other part of the Development as may be agreed with the Borough Council for use by and be capable of accommodating a pharmacy, doctors, consulting rooms, treatment rooms, reception and waiting rooms together with accommodation for one dentist subject to the cost of the said facility not exceeding the Healthcare Contribution Indexed to the date works commence on the Healthcare Facility.

**Healthcare Facility Lease** means a lease of the Healthcare Facility made on arm's length reasonable commercial terms with a Health Service Body, such terms to include the Healthcare Facility Lease Terms.

**Healthcare Facility Lease Terms** means the terms set out at in Annex 1 to Schedule 3.

**Healthcare Facility Marketing Strategy** means a strategy as to the proposed marketing of the Healthcare Facility to the Health Service Body to be submitted to and approved by the Borough Council pursuant to paragraph 8.2 of Schedule 3 and to include the following details:

- (a) identification of the potential occupiers for the Healthcare Facility;
- (b) the steps intended to be taken in marketing and letting the Healthcare Facility including how the potential occupiers are to be targeted;
- (c) the terms upon which the Healthcare Facility is to be leased;
- (d) how the marketing will be undertaken and by which organisation(s); and
- (e) the date upon which such marketing is to commence and the timescales applicable to the marketing and letting of the Healthcare Facility.

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**Healthcare Facility Works Specification** means a specification of works for provision of the Healthcare Facility but with no obligation to fit out or provide medical equipment but ensuring that the value of the facility provided shall be not less than Healthcare Contribution save unless the Borough Council agrees otherwise.

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**Healthcare Needs Review** means a review to determine whether the Healthcare Contribution or part of the Healthcare Contribution should fall payable in lieu of the provision or part provision of the Healthcare Facility based on the following:

- (a) the rate of take up of patient places in GP surgeries within the



	catchment area of the Development;
	(b) patient yield within the Development; and
	(c) the capacity of existing GP surgeries within the catchment area of the Development;
	and which shall be carried out and served on the Healthcare Needs Review Partners in accordance with the parameters and requirements set out in paragraph 8.6 of Schedule 3.
Healthcare Needs Review Partners	means the Owners, the Borough Council, the Health Service Body,.
Health Service Body	means the Clinical Commissioning Group responsible for health services for the Application Site NHS England or its successor body within the National Health Service or a nominee of the same or such other body commissioning health services in the vicinity of the Development as may be agreed by the Borough Council.
Highway Works Contribution	means the sum of One Hundred and Ninety Three Thousand Pounds (£193,000.00) Index linked to be paid by the Owner to the County Council to fund the Highway Works
Highway Works	Means: <ul style="list-style-type: none"> <li>(i) the highways and junction improvement works to the following highways and junctions within the County Council's highways network             <ul style="list-style-type: none"> <li>(a) A6 Birstall Park and Ride Signalised Junction (Hallam Fields North);</li> <li>(b) A6 Hallam Fields Road;</li> <li>(c) A6 Greengate Lane;</li> <li>(d) A6 Bentley Road;</li> </ul> </li> </ul>
HomeBuy Agent	means the organisation appointed by Homes England to manage the eligibility for and allocation of the Intermediate Dwellings.
Homes England	the government appointed body to promote delivery of housing in England and working, as necessary, with the Regulator of Social Housing.

Housing Allocations Scheme

means a housing allocation scheme which is administered by the Borough Council in order to allocate Affordable Dwellings for rent to those eligible households in accordance with the Borough Council's Choice Based Lettings Allocation Policy.

Index

means the All in Tender Price Index of the Building Cost Information Service ("BCIS") as published by the Royal Institution of Chartered Surveyors ("RICS") in respect of the Early Years Provision Contribution, Primary School Contribution, Secondary School Contribution and Special Education Needs Contribution, the Library Facilities Contribution, the Healthcare Contribution Civic Amenity Contribution the Road Construction Resource Cost Indices (ROCOS) in respect of the Highways Work Contribution Traffic Regulation Contribution, MOVA re-validation Contribution, Off-site PROW Improvements Contribution, UTC Contribution required pursuant to Schedules 2, 3 and 4 and all other contributions including the Red Hill Circle Highway Works Contribution to be index linked in accordance with the Consumer Prices Index ("CPI") or in the event that those indices shall change or cease to be published the said indices shall be such other indices as the parties hereto shall agree or in default of agreement such indices as shall be determined by an arbitrator appointed in accordance with the provisions of this Deed in all cases to ensure as nearly as possible that the sums of money involved shall fluctuate in accordance with the general level of building industry costs and references herein to "Index Linked" shall mean linked in accordance with the indices specified herein. Where works are to be carried out by reference to a value or financial cap stated in this Deed the same shall be Index Linked as stated herein.

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Intermediate Dwellings

means the Affordable Dwellings to be provided on a Shared Ownership basis or on the basis of such other intermediate sale or intermediate rent tenure as shall be agreed by the Borough Council and which falls within paragraph d) of the Affordable Housing definition in Annex 2 of the NPPF 2019.

Land Use Parameter Plan

means the plan showing the areas of land and their corresponding uses (appended at Schedule 10 as Plan 3) or such amended plan as may be approved by the Borough Council from time to time.



Landscape and Biodiversity Management Plan

means the document to be produced in respect of the Green Infrastructure Elements in the Development to be submitted to and approved by the Borough Council pursuant to the relevant Condition and Reserved Matters Approvals.

Landscape and Biodiversity Management Strategy

means the strategy relating to the Green Infrastructure Elements in the Development to be submitted and approved by the Borough Council pursuant to the relevant Condition and to include phasing and key triggers for provision of the Green Infrastructure Elements, public access, management and maintenance.

Library Facilities

Means in the appropriate context (i) the provision of space within the Foxfield Park Pavilion with seating and mobile shelving plus a starter book stock collection to the value of Seventeen Thousand Pounds (£17,000) Index Linked and then either (ii) a fitted out room with shelving and equipment in the Community Resource Centre to enable the same to be operated as an honesty or book swap library plus sufficient book stock to provide a starter collection to serve the Development having a value of Forty One Thousand Eight Hundred and Fifty Pounds (£41,850.00) Index Linked or (iii) provision off the Application Site comprising additional book stock and reconfiguration of Birstall library to include additional ICT equipment and additional book stock at Rothley library with a value of Forty One Thousand Eight Hundred and Fifty Pounds (£41,850.00) Index Linked

Library Facilities Contribution

means the total sum of Fifty Eight Thousand Eight Hundred and Fifty Pounds (£58,850.00) <sup>Index Linked</sup> and apportioned in the manner specified in the definition of Library Facilities and Index Linked in the case of the Seventeen Thousand Pounds (£17,000) to the date of completion of the Foxfield Park Pavilion and in the case of the Forty One Thousand Eight Hundred and Fifty Pounds (£41,850.00) Index Linked to the date of construction of the Community Resource Centre or (as the case may be) to the date of payment of the Forty One Thousand Eight Hundred and Fifty Pounds (£41,850.00) to the County Council

Local Centre Land

means an area or areas of land (identified on Plan 3 of Schedule 10) to comprise a mix of uses including A1 retail, A2 financial and professional services, A3 restaurants and cafés, A4 drinking establishments, A5 hot food takeaways, B1a business and D1 and



D2 uses some of which however may to be located within the Community Resource Centre C3 uses on upper floors of buildings and C2 Extra Care Apartments such land to be reserved by the Owners and marketed for the stated uses.

Local Housing Allowance	Local Housing Allowance means the Local Authority Housing Allowance rate applicable to the relevant Dwelling for the appropriate Broad Rental Market Area published from time to time by the Valuation Office Agency or its statutory successors
Management Company	means a management company that may be appointed from time to time to be approved in writing by the Borough Council pursuant to the provisions of this Deed for the purposes of implementing any aspects of the Estate Plan.
Market Dwelling	means a Dwelling constructed pursuant to the Planning Permission which is not an Affordable Dwelling.
Marketing Strategy	<p>means a strategy or strategies as to the proposed marketing of:</p> <p>the Local Centre Land Employment Land Travelling Showpeople Land and the Early Years Site (to potential occupiers to be submitted to and approved by the Borough Council and the County Council in relation to the Early Years Site and to include the following details:</p> <ul style="list-style-type: none"> <li>(a) identification of the potential occupiers for the Local Centre Land Employment Land Travelling Showpeople Land and the Early Years Site;</li> <li>(b) the steps intended to be taken in marketing and letting the Local Centre Land Employment Land Travelling Showpeople Land and the Early Years Site including how the potential occupiers are to be targeted;</li> </ul> <hr/> <ul style="list-style-type: none"> <li>(c) the terms upon which the Local Centre Land Employment Land Travelling Showpeople Land and the Early Years Site is to be sold or leased;</li> <li>(d) how the marketing will be undertaken and by which organisation(s); and</li> <li>(e) the date upon which such marketing is to commence and the timescales applicable to the marketing and sale or letting of the Local Centre Land Employment Land Travelling Showpeople Land and the Early Years Site; and</li> </ul>

- (f) mechanisms for review of the Marketing Strategy and ongoing consultation with the Borough Council regarding progress and review of the Marketing Strategy.

Market Value

means the estimated value of the premium that should be achieved on the relevant valuation date between a willing buyer and a willing seller after proper marketing wherein all parties had acted knowledgeably prudently and without compulsion and by reference to the Valuation – Global Standards 2019 published by the Royal Institution of Chartered Surveyors or any update published at the time of valuation.

Material Operation

means a material operation as defined in Section 56(4) of the Act and forming part of the Development other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, archaeological works or ancillary archaeological works, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, construction of site accommodation compounds, erection of any temporary means of enclosure, hoardings and scaffolding the temporary display of site notices or advertisements, site preparation, site reclamation, preliminary landscaping and ground modelling, service diversions or decommissioning, laying of services and other works of site establishment preparatory to the commencement of construction including temporary and/or permanent extinguishment and closure of public rights affecting the Application Site and operations permitted by the Town and Country Planning (General Permitted Development) Order 1995 and off-site highway works and access works to the Application Site save unless any obligations herein directly relate to such off-site highway or access works.

Minimum Care Package

Receipt of a minimum of 1.5 hours per week of any of the following personal care activities provided by an operator (and where care is a regulated activity it shall only be provided by an operator regulated by the Care Quality Commission)

General counselling or support by the Wellbeing Navigator in connection with:

- housekeeping, property maintenance,



- personal affairs;
- arrangements for prescription medication and meals;
- organising transport services and facilitating external visits;
- arranging domestic assistance including cleaning, laundry and other domestic support;
- Visits by registered nurses to provide nursing care and administer drugs and general medical support;
- Wellbeing checks, such as blood pressure;
- Advice on health generally, including diet and encouragement to undertake physical exercise;
- Organised rehabilitation, either physical or mental, following a hospital visit or health event;
- Assistance with bodily functions such as feeding, bathing and toileting;
- Assisting a person to get out of bed, dress and move;
- Assistance with personal hygiene;
- Advice, encouragement and supervision relating to the above activities.

Minimum Design Features    To include:

1. Wellbeing Suite: offering a mix of exercise, relaxation and therapeutic facilities, suitable to accommodate physiotherapy and rehabilitation activities, as well as group ~~exercise classes that promote movement and~~ social activity. Equipped with a therapy room, which can be made available for Health Practitioner visits and a salon for hair, manicure and pedicure treatments. Incorporating
  - Level access;
  - Fixing points for lifting equipment;
  - Clear signage;
  - Lowered counter tops;
  - Heightened WC seats;

	<ul style="list-style-type: none"> <li>• Disabled changing and WC rooms;</li> <li>• Numerous toilet facilities located close to all communal facilities.</li> </ul>
	2. Restaurant: A restaurant providing for communal dining, also providing residents with the choice to have meals cooked in the restaurant served to them in their own home. Incorporating suitable accessibility standards.
	3. Studio rooms/library/meeting places: For social activities.
	4. Level Access throughout and lift access to upper floors.
MOVA	means the Microprocessor Optimised Vehicle Actuation traffic signal control system that uses detectors and signal controllers to optimise junction operation.
MOVA Re-Validation Contributions	means two contributions in the sum of One Thousand Five Hundred Pounds (£1,500.00) Index linked each to be paid by the Owners to the County Council for the purpose of the further re-validation of the MOVA at the A607/Melton Road signalised junction.
Natural and Semi-Natural Open Space	means the 54.7 hectares of natural and semi-natural green space including woodland, sustainable urban drainage to be provided within the Development in accordance with any relevant provisions of the Green Infrastructure Strategy, and the provisions of Schedule 5 of this Deed.
Necessary Consents	means all such statutory, regulatory and third party consents, agreements, approvals and licences as may be necessary in order to enable delivery of the required works, facility, service or activity in question.
Occupation	means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out, decoration, occupation for marketing or display or occupation in relation to security operations and in the case of a Dwelling the date of Occupation shall be deemed to be the date of legal completion of the first freehold sale or first grant of a leasehold interest in the relevant Dwelling and "Occupy" shall be construed accordingly.
Occupier	means the occupier of any Dwelling.



Off Site PROW Improvement Contribution	means the sum of Five Hundred and Twelve Thousand One Hundred and One Pounds and Twenty Six Pence (£512,101.26) Index linked to be paid by the Owners to the County Council for the purposes of funding the Off Site PROW Improvement Scheme in accordance with the provisions of paragraph 9 of Schedule 4
Off Site PROW Improvement Scheme	means a scheme for the improvements to the public rights of way shown on drawing Broadnook garden village – access improvement contributions plan dated September 2019 attached as Plan 5 at Schedule 10 to be prepared by the Owner and approved by the County Council and thereafter implemented by the Owner (subject to any further agreements and approvals required from the County Council) in lieu of payment of the Off Site PROW Improvement Contribution
Outdoor Sports Facilities	means the outdoor sport provision to be provided within the Development to meet formal recreation needs including playing pitches and associated changing and other built facilities which are shown generally in pages 21-22 of approved document entitled "Green Infrastructure Addendum- Allotments, Outdoor Sports and Play Ref DE096 ADD 002 dated January 2019", extracts of which are appended at Annex 2 of Schedule 5 and provided in accordance with any relevant Performance Quality Standards
Parks and Amenity Green Space	means the 18.4 hectares of informal green space within the new residential neighbourhoods that shall be created within the Development including greenways, to be provided in accordance with any relevant provisions of the Green Infrastructure Parameter Plan and the Landscape and Biodiversity Management Plan and the provisions of Schedule 5 of this Deed.
Performance Quality Standards	means the performance quality standards for the relevant sport(s) published by the Institute of Groundsmanship in consultation with selected national governing bodies or such other pitch performance quality standards as may be endorsed by Sport England (or relevant successor body fulfilling the same functions) where relevant to the sports, facilities for which are being provided.
Phase	means a phase of the Development as identified in the approved Phasing Plan and references to a Phase shall include a Development Parcel unless expressly stated to the contrary.