

# Public Document Pack

**Bill Cullen** MBA (ISM), BA(Hons) MRTPI  
*Chief Executive*



Date: **30 January 2026**

**Hinckley & Bosworth  
Borough Council**

**To: Members of the Executive**

Cllr SL Bray (Chair)  
Cllr MC Bools (Vice-Chair)  
Cllr MB Cartwright  
Cllr WJ Crooks

Cllr L Hodgkins  
Cllr KWP Lynch  
Cllr MT Mullaney

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **EXECUTIVE** in the De Montfort Suite, Hinckley Hub on **MONDAY, 9 FEBRUARY 2026** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink that reads 'RK Owen'.

Rebecca Owen  
Democratic Services Manager

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

## EXECUTIVE - 9 FEBRUARY 2026

### A G E N D A

#### 1. APOLOGIES

#### 2. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

#### 3. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

#### 4. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

#### 5. ISSUES ARISING FROM OVERVIEW & SCRUTINY

(If any)

#### 6. ARTICLE 4 DIRECTION - PROPOSAL TO CONSULT (Pages 1 - 8)

To seek approval to consult on an Article 4 Direction to remove permitted development rights for change of use from dwelling house to small HMO.

#### 7. SCRUTINY REVIEW: ADOPTION OF INFRASTRUCTURE ASSOCIATED WITH HOUSING DEVELOPMENT - FINAL REPORT (Pages 9 - 44)

To consider the recommendations of the Scrutiny commission following a review of adoption of infrastructure associated with housing development.

#### 8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIR DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

As announced under item 3.

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## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Executive 9 February 2026

Wards affected: Hinckley Castle and Hinckley De Montfort

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### **Proposal to consult - Article 4 Direction**

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Report of Director (Community Services)

#### **1. Purpose of report**

- 1.1 To seek Executive approval to undertake statutory consultation on a proposed immediate Article 4 Direction covering a defined area of Hinckley town centre, as set out in Appendix A, in response to emerging evidence of increasing concentrations of Houses in Multiple Occupation (HMOs) and associated impacts on residential amenity, community balance and local infrastructure.
- 1.2 The report further seeks agreement that, following the statutory consultation period, a subsequent report will be brought back to the Executive to enable Members to determine whether to confirm an immediate Article 4 Direction for the defined area.
- 1.3 The area proposed for inclusion encompasses a defined area of Hinckley town centre, together with surrounding streets where officers have identified early signs of HMO clustering and cumulative impact (full boundary shown in Appendix A).

#### **2. Recommendation**

- 2.1 That Members note the emerging evidence of increased HMO concentration and associated impacts within parts of Hinckley town centre, and adjacent streets.
- 2.2 That the Executive approve the commencement of a statutory public consultation on a proposed immediate Article 4 Direction to remove permitted development rights for change of use from Class C3 (dwelling houses) to Class C4 (small HMOs) within the area outlined in Appendix A.

2.3 That Members agree that a further report be brought back to the Executive following the close of the consultation period, setting out representations received, officer analysis, and seeking a decision on whether to confirm, amend, or withdraw the immediate Article 4 Direction.

### **3. Background to the Report**

3.1 HMOs play a valuable role in meeting the needs of single people, young workers and those unable to access self-contained housing. However, where conversions occur rapidly or cluster within a small area, cumulative effects can start to impact neighbourhood character, service demand and the quality of the local environment.

3.2 Monitoring shows these patterns beginning to emerge around residential areas in and around Hinckley town centre where multiple conversions, each acceptable in isolation, are now collectively reshaping the residential character of the area.

3.3 Residents have started to report issues such as noise, parking pressures, refuse management and concerns about neighbourhood stability. These early indicators mirror those seen in other local authorities before introducing Article 4 controls.

3.4 The intention behind the proposed Article 4 Direction is therefore preventative, ensuring future HMO growth in this area can be properly assessed and managed before impacts become established.

### **3.5 Article 4 Directions**

An Article 4 Direction removes permitted development rights for changes of use from Class C3 to Class C4, meaning that planning permission is required for new small HMOs. This does not prevent HMOs but ensures that future proposals are assessed on their individual and cumulative impacts.

3.5.1 The proposed Direction would enable the Council to:

- Assess HMO proposals in the context of local saturation levels
- Manage clustering and over-concentration
- Protect residential amenity and neighbourhood character
- Align future change with wider housing and community objectives

An immediate Direction is recommended due to the pace of recent conversions within the identified area and the risk of further intensification if no action is taken during the consultation period. The approach is consistent with national guidance, which permits immediate Directions where evidence shows existing or imminent harm.

### **3.5.2 Evidence-Led and Proportionate Approach**

Government guidance requires Article 4 Directions to be justified by clear, localised evidence and applied in a proportionate manner. In Hinckley and

Bosworth, analysis of licensed HMOs, council tax data, service demand, and complaint patterns demonstrates that while borough-wide impacts remain limited, specific residential streets within and around Hinckley town centre are experiencing accelerated change.

- 3.5.3 The proposed Direction is therefore targeted, focusing on defined areas where evidence demonstrates emerging risk, rather than applying a blanket borough-wide restriction. This approach balances the continued need for HMO accommodation with the protection of residential amenity in areas experiencing the greatest pressure.
- 3.5.4 While Hinckley and Bosworth Borough does not currently experience widespread HMO concentration, clear evidence is emerging of localised saturation and increasing resident impact. Left unmanaged, these pressures are likely to intensify, reducing the Council's ability to shape outcomes and respond effectively.
- 3.5.5 The introduction of a targeted Article 4 Direction represents a measured, proportionate, and preventative response, allowing the Council to retain control over future change while continuing to support a balanced housing market. Supported by ongoing multi-service monitoring and public consultation, this approach ensures flexibility, transparency, and alignment with national policy.
- 3.5.6 Approval of the proposed Article 4 Direction will place the Council in a stronger position to manage emerging pressures, safeguard residential amenity, and respond to future change in a way that reflects both local evidence and community priorities.

## **3.6 Next Steps**

- 3.6.1 Subject to Executive approval:
  - A statutory consultation period of at least 21 days will be undertaken.
  - All consultation responses will be reviewed and assessed by officers.
  - An Equality Impact assessment will be undertaken.
  - A further report will be brought back to the Executive with analysis and a clear recommendation on whether the Direction should be confirmed, amended or withdrawn.
  - If confirmed, the Direction will remain in force in accordance with the relevant statutory timeframes.
  - The Secretary of State will be notified.

**4. Exemptions in accordance with the Access to Information procedure rules**

4.1 Open

**5. Financial implications [ST]**

5.1 Further legal implications to be set out in the final report.

**6. Legal implications [AW]**

6.1 None.

**7. Corporate Plan implications**

7.1 The objectives of this report align to the following Corporate Plan objective  
People: Reduce crime and anti-social behaviour.

**8. Consultation**

8.1 Statutory Consultation period required, following approval of this report.

**9. Risk implications**

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Unintended concentration of HMOs in specific areas, leading to localised pressures on services and community cohesion.	Establishment of multi-service working group to regularly monitor HMO distribution, use mapping tools to identify emerging clusters, and report findings to Members for timely intervention.	Director of Community Services
Increased workload and resource pressures if an Article 4 Direction is introduced, including planning applications and enforcement.	Plan for resource allocation in advance, develop clear decision-making criteria and policy guidance, and consider phased or targeted implementation to manage demand.	Director of Community Services
Legal and financial exposure from compensation claims if an immediate Article 4 Direction is used and planning permission is refused.	Ensure any Article 4 Direction is evidence-based and proportionate, seek legal advice before implementation, and consider using non-	Director of Community Services

	immediate Directions where appropriate	
Community and stakeholder tensions, including opposition from landlords or concerns from residents	Conduct thorough public consultation and engagement, provide clear communication about the rationale and scope of any changes, and address concerns transparently.	Director of Community Services
Impact on housing supply for vulnerable groups if HMO growth is restricted without alternatives.	Align any new controls with the Council's housing and homelessness strategies, and work with partners to develop alternative accommodation options where needed.	Director of Community Services

## 10. Knowing your community – equality and rural implications

- 10.1 This decision will be informed by data on the distribution of HMOs, demographic information, and feedback from consultation to ensure all community groups are considered. The potential impact on vulnerable groups such as low-income households, single people, and those requiring supported accommodation will be assessed, as HMOs often provide essential housing for these residents. The implications for rural areas and parish councils will also be considered, particularly if any policy changes could affect access to services or housing options outside urban centres.
- 10.2 The Council will ensure that services and any changes to policy or licensing are accessible to all, regardless of location or method of delivery. This includes making information available in accessible formats and providing opportunities for all affected groups, including those in rural communities, to participate in consultations.
- 10.3 An Equality Impact Assessment will be completed.

## 11. Climate implications

- 11.1 The direct climate impact of introducing an Article 4 Direction or additional HMO licensing is expected to be minimal, as these measures regulate use rather than physical development. However, any policy changes will be reviewed to ensure they support energy efficiency and align with the Council's climate objectives.

## **12. Corporate implications**

12.1 By submitting this report, the report author has taken the following into account:

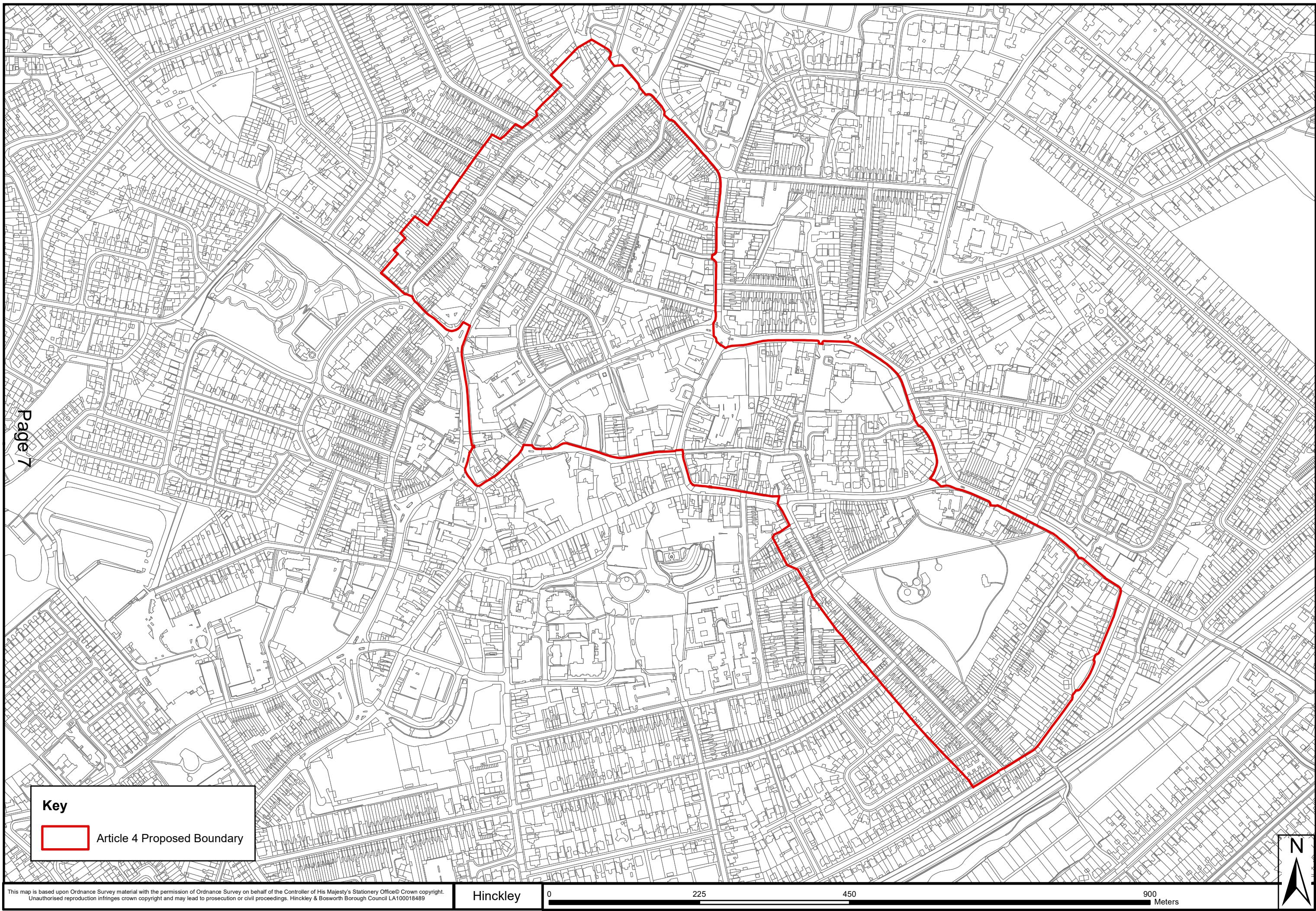
- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

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Background papers: None

Contact officer: Maddy Shellard  
Executive member: Cllr S Bray

## Proposed Article 4 Boundary (Settlement: Hinckley)



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## Hinckley & Bosworth Borough Council

### Forward timetable of consultation and decision making

Scrutiny Commission      6 November 2025  
Executive                    9 February 2026

Wards affected:            All wards

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### **Scrutiny review of adoption of infrastructure associated with housing development**

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#### Report of the Deputy Chief Executive

##### **1. Purpose of report**

1.1 To consider the recommendations of the Scrutiny Commission.

##### **2. Recommendation**

2.1 The principles of the findings within the 2024 Competition and Markets Authority (CMA) report on the housebuilding market be endorsed;

2.2 The Executive writes to the appropriate minister urging action on recommendations 1 and 2 of the CMA report (standardisation of standards and requirements and requiring mandatory adoption of public infrastructure) and to encourage mandating of stewardship schemes.

2.3 The Executive writes to Leicestershire County Council to raise concern about public adoption of roads and ask for the matters to be addressed.

2.4 The Executive member in consultation with the Assistant Director Planning & Regeneration be asked to consider model standardised wording of legal agreements in relation to open space.

2.5 The Executive member in consultation with the Assistant Director Planning & Regeneration be requested to consider an options appraisal section within S106 agreements to encourage public adoption or stewardship.

- 2.6 The Executive member in consultation with the Assistant Director Planning & Regeneration be recommended to take into consideration within the new local plan any future government approach to adoption of infrastructure.
- 2.7 The Executive member in consultation with the Assistant Director Planning & Regeneration be recommended to mandate within the new local plan that new large scale major schemes require a stewardship arrangement or that the parish council be approached to adopt infrastructure.
- 2.8 The Executive member in consultation with the Assistant Director Planning & Regeneration be recommended to mandate within the new local plan a stewardship approach for small major housebuilding schemes.
- 2.9 Hinckley & Bosworth Borough Council's website be updated to include information on expectations of developers in relation to adoption of infrastructure.
- 2.10 The developers for sustainable urban extensions be encouraged to consider a stewardship approach.
- 2.11 The Executive member with responsibility for waste management in consultation with the Assistant Director Streetscene Services ensure that bins on private roads are collected.
- 2.12 The waste strategy be amended to implement a less precautionary approach to driving refuse collection vehicles on private roads.
- 2.13 Parish councils be encouraged and supported to adopt public open space.
- 2.14 A briefing pack be prepared in order to address the reluctance of town and parish councils to adopt open space.

### **3. Background to the report**

- 3.1 The Scrutiny Commission resolved to undertake a review into the adoption of infrastructure. A task & finish group comprising Councillors R Allen, Cope, Green, Harris, Lambert and Williams was set up, chaired by Councillor Williams.
- 3.2 Meetings of the task & finish group took place on 20 January, 10 April, 10 June, 2 July and 12 August 2025.
- 3.3 As part of the process, the task & finish group heard from officers within the planning service, gave consideration to the [CMA report](#) on the housebuilding market study, received presentations on stewardship and placemaking, and put questions to a developer and a housing management company.
- 3.4 The task & finish group prepared a final report summarising the process for the review, outcomes and recommendations. This was considered and endorsed by the Scrutiny Commission at its meeting on 6 November 2025.

**4. Exemptions in accordance with the Access to Information procedure rules**

4.1 To be taken in open session.

**5. Financial implications**

5.1 None.

**6. Legal implications (ST)**

6.1 None.

**7. Corporate Plan implications**

7.1 This report contributes to the following objectives:

People: Support residents by ensuring fairness and equity in the way housing-related infrastructure is managed

Places: Ensure the local plan includes provisions for future changes to adoption of infrastructure.

**8. Consultation**

8.1 Set out in the report of the task & finish group.

**9. Risk implications**

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 There are no significant risks associated with this.

**10. Knowing your community – equality and rural implications**

10.1 Should the recommendations within this report be approved, parish councils will be supported through any changes to adoption of infrastructure for the benefit of communities.

**11. Climate implications**

11.1 The recommendations within this report do not have any direct implications on climate change.

## **12. Corporate implications**

12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

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Background papers: Reports to the Scrutiny Commission on 14 March 2024 and 6 November 2025

Contact officer: Becky Owen  
Executive member: Councillor WJ Crooks



**Hinckley & Bosworth  
Borough Council**

# **Scrutiny review of adoption of infrastructure associated with housing development**

## **Report of the Task & Finish Group**

### **1. Purpose of the review**

1.1 The purpose of the review was to consider how items of infrastructure (such as public open space or roads) associated with housing development projects were adopted and by what bodies, ensuring the management of the infrastructure was balanced in the long-term interests of both the public and residents associated with new developments, within reasonable timeframes.

### **2. Background to the subject of the review**

2.1 Within the Borough over the last few years there had been a growing tendency for new open space, play equipment and public highways to not be adopted by public bodies and this infrastructure was therefore managed by commercial companies.

2.2 Members had received concerns relating to difficulties associated with services not being delivered to the necessary standard, and also many cases of uncertainty as to the responsibilities for maintenance of some assets (for example streetlights).

2.3 Concerns had been raised with members about the speed of the adoption of assets where an agreement to adopt assets had been made, however, in all cases this would require the developer to demonstrate that the infrastructure had been delivered/built to an acceptable standard or in accordance with approved plans for transfer. In some cases, this period had been over twenty years and issues of responsibility always arose during the period between occupation and adoption.

2.4 Members of the borough, town and parish councils were driven to ensure developers' contributions were appropriate amounts for public bodies to take on the responsibility for maintenance of open spaces in perpetuity.

### **3. Key points for the review**

3.1 It was agreed that the review would explore;

- the process for the adoption of infrastructure associated with large developments
- the powers the council had at its disposal through the planning process to mandate outcomes and understand what decisions were ultimately in the gift of the developer
- what the long-term issues were in respect of infrastructure managed by commercial management companies
- how decision making on the adoption of infrastructure by the borough, town & parish councils could be made more transparent, less intimidating and could be taken with full knowledge of the consequences
- benefits that could be achieved from the concept of stewardship schemes and how they might be promoted
- how infrastructure adoption timescales could be reduced once development had been completed.

3.2 Outcomes expected from the review included;

- a working understanding of the planning process for infrastructure
- an understanding of the long-term impacts of the management of infrastructure
- recommendations relating to a stewardship style of management
- recommendations for new guidance/briefing information for Town & Parish Councils
- recommendations for matters that could be addressed in the new Local Plan
- recommendations to the government relating to outcomes of the review.

#### **4. Process for the review**

- 4.1 The group agreed that the first stage of the review would be to ask planning officers to outline the process by which infrastructure was progressed through the planning process and outline their understanding of the options available to them to influence the options presented by developers.
- 4.2 Building on this initial position and learning from case studies, it was agreed that witnesses would be requested from key stakeholders to inform the groups review of drivers, implementation and outcomes. Witnesses attended on behalf of a developer, a management company and a stewardship scheme.
- 4.3 A glossary of terms would be prepared to aid members' understanding and support the final recommendations.
- 4.4 The group would consider the potential updates in the revised open spaces study being prepared as part of the Local Plan and consider how this would modify the current consideration and adoption process.
- 4.5 The final report would be drafted at the conclusion of the review, to include both reflective and forward-looking content, and agreed with the group before being presented to the Scrutiny Commission. There would be both Member and officer involvement in the scrutiny process.
- 4.6 Group leaders were invited to nominate members to the group to ensure cross-party representation. The following members were appointed:
  - Councillor RG Allen
  - Councillor DS Cope
  - Councillor CE Green
  - Councillor C Harris
  - Councillor C Lambert
  - Councillor P Williams.
- 4.7 The task & finish group was supported by Becky Owen, Democratic Services Manager, Ed Stacey, Planning Manager and Lesley Keal, Compliance and Monitoring Officer. Chris Brown, who at the time was Head of Planning, attended the initial meeting.
- 4.8 Councillor Williams was appointed chair at the first meeting.
- 4.9 Meetings of the group took place on 20 January, 10 April, 10 June, 2 July and 12 August 2025. The first meeting considered the approach to the review, including the information required and whether any witnesses would be called.
- 4.10 The task & finish group met as an informal, non-statutory body operating under its own procedures. Meetings were not open to the public and the minutes were not circulated beyond the group members.

## 5. Information presented and considered by the Review

### 5.1 2024 Competition and Markets Authority (CMA) report on the housebuilding market

- 5.1.1 The group gave consideration to the [CMA report](#) on the housebuilding market study which covered many of the issues which the review was to consider.
- 5.1.2 The CMA report, published in 2024 concluded:

*"In light of the evidence that we have reviewed, it is our emerging view that consumers subject to private estate management arrangements are experiencing poor outcomes, and in some cases potentially serious detriment, and are in many cases powerless to address this. As the private estate management model risks becoming the default for new estates, if the model is left unchecked, such problems are likely to exacerbate over time.*

*We consider that, at the root of the problems we see, are the falling levels of adoption of amenities on housing estates by local authorities, which appears to be driven by the discretionary nature of adoption, housebuilders' incentives not to pursue adoption and by local authority concerns about the future ongoing costs of maintaining amenities, in the context of pressures on local authority resources and finances. While this appears to be a particular and growing issue for public open spaces, and possibly also for roads, the lack of adoption of amenities in general is driving the growth of a private model which – without satisfactory protections for consumers – is leading to poor outcomes for consumers.*

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- 5.1.3 Whilst the Government had accepted 'in principle' a number of the remedies recommended by the CMA, others were flagged as requiring 'further work'. At the time of writing this report, none of the remedies have been actioned by government.
- 5.1.4 The CMA did not specifically target remedies which local planning authorities could implement.
- 5.1.5 The remedies went to the heart of concerns being raised by the task & finish group, namely the increasing prevalence for public infrastructure not being

adopted by public bodies, which was not seen to be in the long-term public interest.

## 5.2 ***Flow Charts***

5.2.1 The group was presented with two flowcharts:

- S106 adoption process
- Highway adoptions process.

5.2.2 The charts are appended to this report, along with an additional flowchart documenting the earlier stage of the process of adopting open space.

## 5.3 ***Stewardship Schemes***

5.3.1 A representative of Community Stewardship Solutions gave a presentation on stewardship and placemaking, covering:

- Stewardship roles and responsibilities
- Relationships with stakeholders and building cohesive communities
- Requirements of a stewardship strategy
- Stewardship challenges
- Stewardship governance options
- Criteria for options appraisal
- Case studies for Graylingwell Park, Caddington Woods, Ebbsfleet Garden
- City and Broadnook Garden Village
- Considerations for a new approach to stewardship.
- 

5.3.2 During discussion, the following points were noted:

- An HBBC policy could be implemented to require an options appraisal or to indicate that the preference would be stewardship
- The task & finish group could lobby government in relation to planning policy to encourage stewardship.

5.3.3 The group heard that long-term stewardship was an approach to delivering and managing developments that could ensure they remained in place to enable people and the environment to flourish in perpetuity. Stewardship was one of the core garden city principles and the right approach would provide an opportunity to create places which people would be proud to live in for years to come. The Town and County Planning Association had a wealth of information on long-term stewardship.

5.3.4 Compared to traditional management companies, long-term stewardship sought to create a more bespoke management arrangement to traditional management companies, often with an aim of delivering heightened and long-term place-making ambitions. Stewardship 'vehicles' were created to manage, maintain and enhance community assets including public spaces,

green infrastructure and communal facilities alongside placemaking responsibilities such as community events. There were a range of governance options including transferring responsibilities for adoption by local councils, creating a bespoke management company or local stewardship trust, or outsourcing to a third party such as The Land Trust, Greenbelt or a local body.

5.3.5 Members felt there was scope to action some of the learning on stewardship in the upcoming local plan:

- an options appraisal at an early stage
- scale of development was discussed and the possibility of setting this as low as ten houses
- it was suggested that the question could be asked of the SUE developers about their plans and that they be recommended to consider stewardship.

#### 5.4 ***Recreational open space***

5.4.1 The open space of a residential development, which included any land laid out as a public garden, or land used for the purposes of public recreation, was secured in a planning permission through any relevant conditions of the planning permission and the section 106 agreement (S106 agreement). Sustainable Urban Drainage Systems were sometimes classed as accessible natural open space.

5.4.2 The S106 agreement typically detailed the type and amount of open space to be provided on site and how it would be implemented, managed and maintained. If the open space included play equipment, it would also set out the method of agreeing the equipment together with the amount to be spent on it.

5.4.3 In relation to the management and maintenance of open space, S106 agreements used to generally require the developer to offer the open space to Hinckley and Bosworth Borough Council or its nominee (usually the parish / town council) before it could be managed by a management company. More recently, however, applications were being submitted by developers with the presumption that infrastructure would be handed to a management company with no option for public adoption.

5.4.4 If the open space was to be adopted by the borough or parish / town council, or the developer elects for the open space to be managed and maintained by a management company after completion, a visit would be made by the borough council and remediation works requested should the implemented scheme vary unacceptably from that previously agreed in the planning permission. Once acceptable, in the majority of legal agreements the 12-month maintenance period would begin.

5.4.5 Following the 12-month maintenance period, the borough council would make a visit to check that the site had been acceptably maintained. If this has

not happened, remediation works would be required until the open space was acceptable. Once acceptable, a final certificate would be provided.

- 5.4.6 If the open space was to be maintained by a management company, the developer would provide details of the company along with a management and maintenance plan to ensure that the open space would be properly maintained in perpetuity.
- 5.4.7 Management companies were usually funded by the future occupiers of the development who would have entered into an agreement when purchasing the property to pay regular maintenance fees (a service charge). The borough council would not be involved in this process.
- 5.4.8 If the open space was to be adopted by the borough, parish or town council, and presuming it was suitable (for example it had received its final certificate), a plan to show the areas of transfer and their land titles would be provided. Legal representatives would then be instructed to complete the transfer of the land.
- 5.4.9 Once the transfer was completed the borough, parish or town council would manage and maintain the open space in perpetuity, initially using the maintenance sum which was usually designed to last for a 20 year period.

## **5.5 *Play Equipment & Sports Space***

- 5.5.1 The process for play equipment and sports space would be the same as that for open space above.

## **5.6 *Community Orchards***

- 5.6.1 The matter of community orchards was raised during the review but was not included in the scope. Further investigation outside this review may be of benefit in the context of the Local Plan.

## **5.7 *Allotments***

The subject of allotments was raised during the review but was not included in the scope. Further investigation outside this review may be of benefit in the context of the Local Plan.

## **5.8 *Highway adoptions***

- 5.8.1 Leicestershire County Council (LCC) was the Local Highway Authority for the Borough. Policy 5 of The Leicestershire Highways Design Guide (LHDG), written by LCC, set out when a road would be adopted. Policy 5 stated that LCC would adopt new roads that:
  - Directly link to an existing adopted street (proposed Section 38 agreements would be reviewed if they connected to an existing road that was subject to a Section 38 agreement)

- Directly served/fronted a minimum of six residential dwellings, served employment and commercial sites with more than one building or a single commercial building with multiple occupancy employment
- Accorded with local and national policy, guidance and standards relating to environmental sustainability of new highway proposals. The Local Highway Authority may consult with planning, forestry and environment services at the borough council during the assessment of proposals
- Met the requirements of LCC's Materials Palettes document, specification for highway works and standard drawings. Proposals for the use of alternative materials to those within the Materials Palettes must be agreed with LCC
- Had been demonstrably designed and constructed to an adoptable standard, as defined in the LHDG
- Were not linked by through private roads
- Had associated legal agreements signed by all relevant parties; and
- Were acceptable in all other highways and transportation respects in accordance with LHDG, other borough council policies and national planning policy and guidance.

5.8.2 In broad terms, LCC's adoption process started with the approval of a planning permission that they would have usually advised on. Following this, the developer would submit an application, called a Section 38 Agreement (S38 Agreement), to LCC that would include technical plans of the roads and / or footways to be adopted. Once these plans had been deemed acceptable, the S38 Agreement would be signed between the Local Highways Authority and the developer and construction of the development would commence. LCC would inspect the site once the open space had been constructed and at the end of a maintenance period, issue a final certificate of completion if acceptable. The highway would then be adopted.

5.8.3 Highways works outside the develop site would be agreed and approved through a Section 278 Agreement.

5.8.4 The task and finish group had wished to invite a representative of Leicestershire County Council to discuss their processes, considerations and limitation, but it was noted that county council policy prevented engagement with district scrutiny. Members felt that this restricted the group in understanding the issues associated with highway adoptions and ancillary assets such as streetlights, pavements and grass verges, within new developments. Members sought to gain the necessary understanding via other methods.

5.8.5 Members wished to ask the percentage of roads adopted and whether that percentage was increasing. They considered looking at the status of roads on all large schemes approved since September 2022 but this equated to too large a number. Using the housing numbers monitoring reports was also suggested, however a list of S38 agreements was obtained from Leicestershire County Council.

- 5.8.6 In relation to adoption of highways, it was noted that there were three different categories of roads – those adopted, those “adopted to be maintained at public expense commensurate with their use” (which meant the need for repairs was subjective) and unadopted. It was acknowledged that, even when built to adoptable standards, there was no compulsion on the developer or Leicestershire County Council to ensure the road was adopted within a particular timeframe.
- 5.8.7 The difficulty for residents on unadopted roads in relation to waste collections was also discussed due to the policy of waste collection vehicles not traversing private roads. It was highlighted that this issue would become more prevalent due to the increasing number of roads remaining unadopted which would have an impact on residents on those roads who would not receive the service to which they were entitled as a result.

## 5.9 ***Sustainable Urban Draining Systems (SuDS)***

- 5.9.1 Drainage attenuation and balancing ponds were increasingly common to reduce the rate of flow away from a development of storm water. Many of these schemes were embedded within the open space elements of development design. The responsibility for these schemes was concerning to many town & parish councils, due to the potential risks associated with the management of open water and the long-term responsibility for maintenance and adequate channel clearance. Often these concerns were sufficient for the councils to decline to adopt the whole of the open space.
- 5.9.2 Underground SuDS were even more concerning as they posed medium to long term financial risks in the event of failure. Pumped schemes increased this concern to levels where adoption was unlikely to ever be considered, unless the pumping stations were not included and remained the responsibility of the developer or transferred to the water authority.

## 5.10 ***Sewers and drains***

- 5.10.1 Sewers and drains were briefly discussed but it was acknowledged that they were not included in the scope of the review.

## 5.11 ***Biodiversity Net Gain (BNG)***

- 5.11.1 It was noted that for future developments BNG management responsibilities may become a key consideration in the adoption of open space.

## 5.12 ***Financial Considerations***

- 5.12.1 Discussion took place on the unfair situation of residents of a development paying a precept for facilities in their town or parish and also paying a management fee, for example open space on the site that any resident of the wider area could access and benefit.

5.12.2 Members were informed of marketing pressures to inform potential buyers of service charges at an early stage which resulted in the management arrangements for the site needing to be agreed prior to marketing the properties.

#### 5.13 ***Town & Parish Council Considerations***

5.13.1 Members discussed the offer of adoption of open space to parish councils and it was noted that parish councils should express an interest during the consultation process, following which the developer would be informed. Members were informed, however, that if the borough council included the option of adoption by the parish council as part of the S106 agreement, the developer could refuse to sign the agreement. Members considered whether a process whereby the default position was to offer the site to the parish council rather than expect them to express an interest would be preferable. Officers informed members that a form was now sent to parish councils which specifically asked whether they wished to adopt the open space.

5.13.2 The review noted that conflict of intentions could cause problems where a locality was not in support of a development, which compromised a decision to adopt infrastructure if development did proceed to getting planning approval.

#### 5.14 ***Long Term Implications***

5.14.1 Members discussed land ownership where a management company was in place, and how to deal with unregistered land – particularly historic situations which arose when there was less consideration given to future management. It was suggested that land ownership may be a question for the developer. The payment of fees to housing associations was also discussed and it was noted that these were not necessarily fees for management of public open space, but rather a “service charge” levied by affordable housing providers.

## 6. Conclusions

- 6.1 The concerns, expressed by members of the Scrutiny Commission when promoting this topic for investigation have proved well founded and equally raised by the CMA as an inequity for some residents already where services are either inadequate or expensive and possibly both. The consumer protection to address such issues is not sufficient and the increasing occurrence of infrastructure not being adopted by public bodies is not in the public interest.
- 6.2 The power to resolve the key issues lies with government, therefore a key outcome from this review should include lobbying government.
- 6.3 There are actions which could be taken to increase the confidence of town and parish councils to more actively consider adopting infrastructure when it is offered by developers, by giving further guidance about the process and risks, by ensuring they are considering the long-term benefits of adoption for their communities.
- 6.4 Assistance is required to separate the comments made on housing developments at the time of hearing about the development from any decision to adopt infrastructure should developments proceed.
- 6.5 The principles, so well-articulated by our speaker on stewardship arrangements, are excellent principles to guide decision making through the planning process, ensuring transparency of the final decision.

## 7. Recommendations

National and county council matters:

- 7.1 The principles of the findings within the CMA report be endorsed and the Executive be requested to write to the appropriate minister urging action on recommendations 1 and 2 of the CMA report (standardisation of standards and requirements and requiring mandatory adoption of public infrastructure) and to encourage mandating of stewardship schemes.
- 7.2 Concerns be raised about public adoption of roads with Leicestershire County Council highways and they be asked to address it the concerns raised.

Legal

- 7.3 Model standardised wording of legal agreements be incorporated in order to ensure:
  - Wording covers additional open space areas for maintenance
  - Open spaces are always offered to the town / parish or borough council in the first instance
  - 20 years' maintenance is always paid by the developer regardless of who will be undertaking the management / maintenance
  - There is a set timeframe for transfers of open space
  - There is a set timeframe for transfers of adopted roads through the legal agreement.
- 7.4 S106 agreements be required to include an options appraisal section to justify the approach taken and the make public adoption / stewardship more likely.

Local Plan

- 7.5 The new local plan makes room for any future government approach to adoption of infrastructure (for example mandated public adoption or stewardship style approach on large and small scales).
- 7.6 The new local plan mandates that new large scale major schemes require stewardship / parish council to be approached to adopt infrastructure.
- 7.7 The new local plan makes room for a stewardship approach for small major housebuilding schemes.

HBBC

- 7.8 The website be updated to include expectations for developers.
- 7.9 The developers for sustainable urban extensions be encouraged to consider a stewardship approach.

- 7.10 The realities of private roads be raised with the waste management team to ensure bins are collected.
- 7.11 Changes be sought to the council's waste strategy and a less precautionary approach to driving bin lorries on private roads be recommended in the interests of public service so as not to disadvantage residents.

#### Parish councils

- 7.12 Parish councils be encouraged and supported to adopt public open space.
- 7.13 A briefing pack on the findings of the task & finish group be prepared, aimed at reducing reluctance of town and parish councils to adopt open space and highlighting longer term problems that non-adoption can lead to for their residents.

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## APPENDIX X GLOSSARY

Term	Meaning
5YHLS	Five-year housing land supply
Adoption	Where a relevant authority or body – such as local authority or water company – takes on responsibility for maintaining amenities, such as roads, drains, sewers and public open spaces, in perpetuity.
ASP	Average Selling Price
BNG	Biodiversity Net Gain
Build out rate	The speed at which a site is developed once the build phase has started.
CCHB	Consumer Code for Homebuilders
CIL	Community Infrastructure Levy
Commuted sum	Local authorities (in their capacity as highways authority and local planning authority) can request the payment of commuted sums as a condition of adoption as compensation for taking on future maintenance responsibility for roads.
Contractors	Contractors employed to undertake maintenance works for a Management Company
CSS	National New Homes Consumer Satisfaction Survey
Embedded MC	MC appointed by the housebuilder to manage parts of new-build housing estates. The embedded MC is made party to the transfer deed.
EMC	Estate management charge: fees charged to property owners for the ongoing maintenance of public amenities on housing estates either by way of a rentcharge or any other kind of financial arrangement, where those amenities have not been adopted by the relevant authority/body.
Estate management company	A private provider of estate management services. An estate management company may act as the contracted agent of a developer, Residents Management Company (RMC) or similar, or it may be an embedded management company whereby the estate management company is named in the deeds as the provider of such services.
Estate management services	Provision of services relating to the ongoing management and maintenance of public amenities on housing estates.
FHS	Future Homes Standard

<b>Term</b>	<b>Meaning</b>
Footnote 7 land	Land including habitats sites; sites of special scientific interest; land designated as green belt, local green space, an area of outstanding natural beauty, a national park, or heritage coast; irreplaceable habitats; designated heritage assets; assets of archaeological interest; and areas at risk of flooding or coastal change.
Freehold estate	A housing development in England and Wales which includes any housing of a freehold tenure. As such, mixed tenure estates that include freehold homes would also be classed as freehold estates.
FTB	First Time Buyers
HDT	Housing Delivery Test. Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data.
HHI	Herfindahl-Hirschman Index is a common measure of concentration, calculated as the sum of the squares of market shares of each firm in a market. Its value ranges from 0 to 10,000, with values less than 1500 considered to be unconcentrated, 1500 to 2500 indicating moderate concentration and values above 2500 indicating high concentrated.
Highway Authority	A public authority with a duty to maintain public roads at public expense.
HPI	House Price Index
HTB	Help to Buy
Hurdle rate	A target rate of return that a project or investment must achieve in order to be approved.
IL	Infrastructure Levy
IRR	Internal Rate of Return
Large housebuilders	Housebuilders that build more than 1,000 homes a year.
LCC	Leicestershire County Council
LHA	Local Highway Authority: this is Leicestershire County Council
LHDG	Leicestershire Highway Design Guide: The design guide written by Leicestershire County Council and guides the delivery and adoption of proposed highway and transportation assets.
Local Plan	A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community.
Long-term land	Land which has not yet received any form of planning approval.

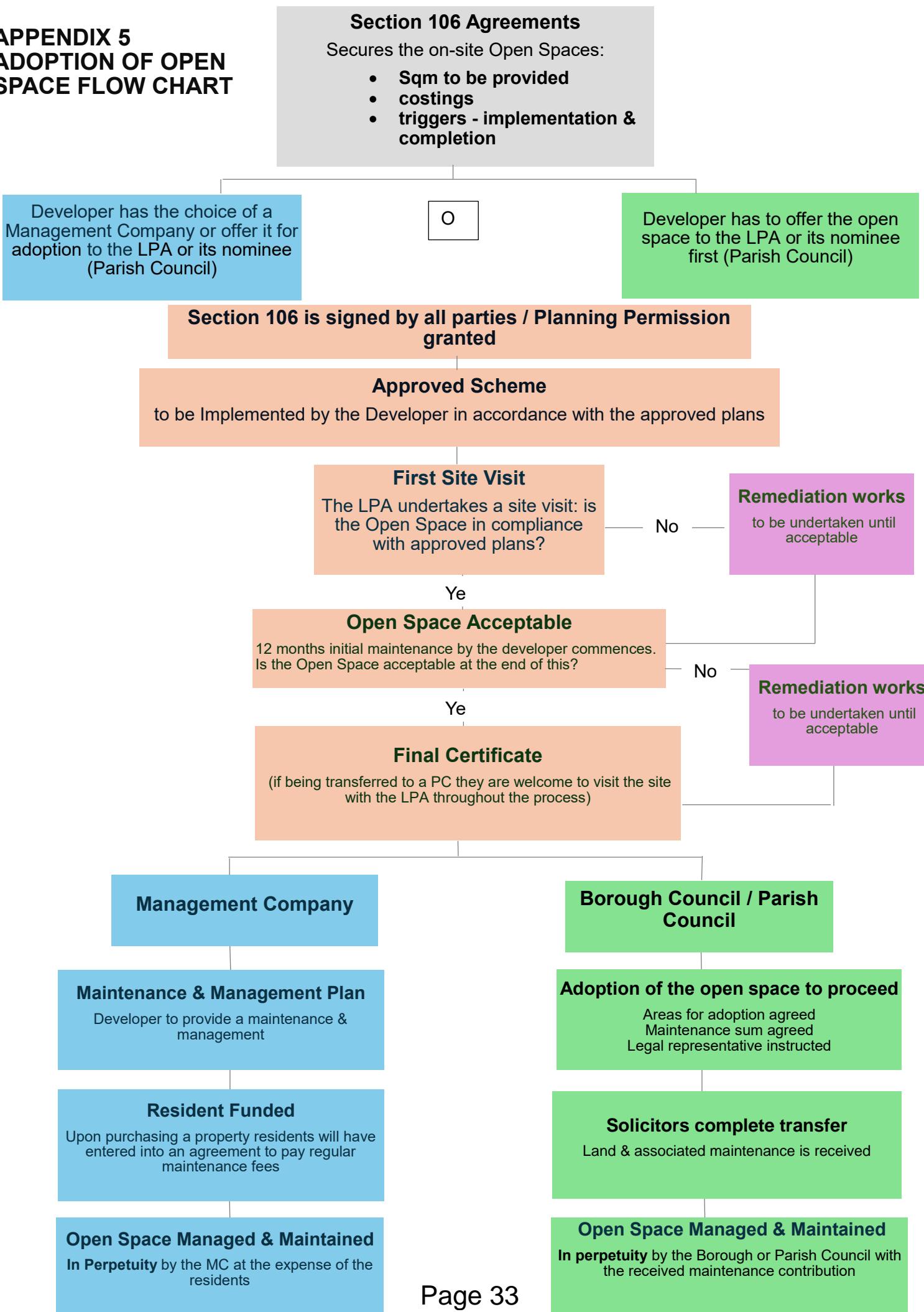
Term	Meaning
LPA	Local Planning Authority: the District / Borough Council responsible for determining planning applications, which is HBBC
Management Company	A company that manages some Open Spaces on behalf of residents
MC	Private estate management company that may be either embedded or acting as an agent for a housebuilder or an RMC.
MEA	Modern equivalent asset value
NHO	New Homes Ombudsman
NHOS	New Homes Ombudsman Service
NHQB	New Homes Quality Board
NHQC	New Homes Quality Code
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NPV	Net present value
NRV	Net realisable value
Open Space	The Town and County Planning Act 1990 defines Open Space as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground
Option agreement	Agreement whereby the developer has the right to buy the landowner's land within a set period, conditional on some action, e.g. securing planning permission.
POS	Public Open Space
POS Study	HBBC Open Space and Recreation Study (October 2016)
Promotion agreement	Agreement whereby a company agrees to secure planning consent on a landowner's land and then to market the land for sale once planning consent has been obtained. The company has the exclusive right to promote the land for a specific period of time.
Public amenities	Amenities on a housing estate which are available for use by the general public (including the residents of the estate). Such public amenities may include (but are not limited to) roads, sewers and drains, pumping stations, playgrounds, parks and other green spaces.
Rentcharges	Section 1 of the Rentcharges Act 1977 defines a rentcharge as an annual or other periodic sum charged on or issuing out of land. It has the practical effect of ensuring successors pay the estate charge and are subject to the covenants.

Term	Meaning
Restrictive covenant	A legally binding clause written into the title deeds of a property that limits what can be done to/with the property or land.
RFI	Request for Information
RMC	Residents' Management Company. A not-for-profit company incorporated by a housing developer to own and manage the shared facilities and public amenities on a new-build housing estate.
ROCE	Return on Capital Employed
RP	Registered provider/s
RSA	Road Safety Audits: a systematic process for checking the road safety implications of highway improvements and new road layouts. The LHA has 4 Stages of Road Safety Audits towards the adoption of Highways (See Appendix 5)
S104 Agreement	Section 104 Agreement: Severn Trent Water (STW) connection agreement between the developer and STW
S106 Agreement	Section 106 Agreement: A legal agreement between the landowner(s), developer, the Borough Council and / or the County Council securing financial and nonfinancial obligations that relate to the development. For example: Affordable Housing, Health Contributions, on site Open Space, Biodiversity Enhancements, Highways Works (off site Public Realm, off site Open Space Contributions, Education Contributions, Library Contributions, Civic Amenities, County Council Travel Contributions, Travel Packs
S278 Agreement	Section 278 Agreement: A legally binding agreement between the developer and the Local Highway Authority for highway works relating to a development but are not within the application site (they are off site works)
S38 agreement	Agreements made under Section 38 of the 1980 Highways Act for the adoption of roads
S38 Agreement	Section 38 Agreement: Highways Agreement with the developer for internal potentially adopted roads
Short-term land	Land which has been given some form of planning approval
SME	Small and Medium-sized Enterprise
SME housebuilder	Small and Medium-sized Enterprise housebuilder. Any housebuilder building less than 1,000 houses per year.
Specialist	Specialist Property Asset Management Limited

<b>Term</b>	<b>Meaning</b>
Stewardships	Long-term stewardship is an alternative approach to management companies, where stewardship of assets within a development is undertaken for the benefit of the community in a long-term financially sustainable way. It typically involves more community participation than the management company approach.
SuDS	Sustainable urban Drainage Systems: designed to manage stormwater locally (as close its source as possible), to mimic natural drainage and encourage its infiltration, attenuation and passive treatment.
TMR	Total Market Return
TP1	Registered title(s): part transfer form used to transfer part of a registered title.
Transfer deed	A conveyancing document which serves to transfer legal ownership of a plot / property to the purchaser.
UU	Unilateral Undertaking: A unilateral undertaking is like a S. 106 agreement, is a legal deed where developers covenant to perform planning obligations however they don't have to be entered into by the local authority.
VTB	Value to the business
WACC	Weighted Average Cost of Capital
Windfall Site	Sites not specifically identified in the development plan.

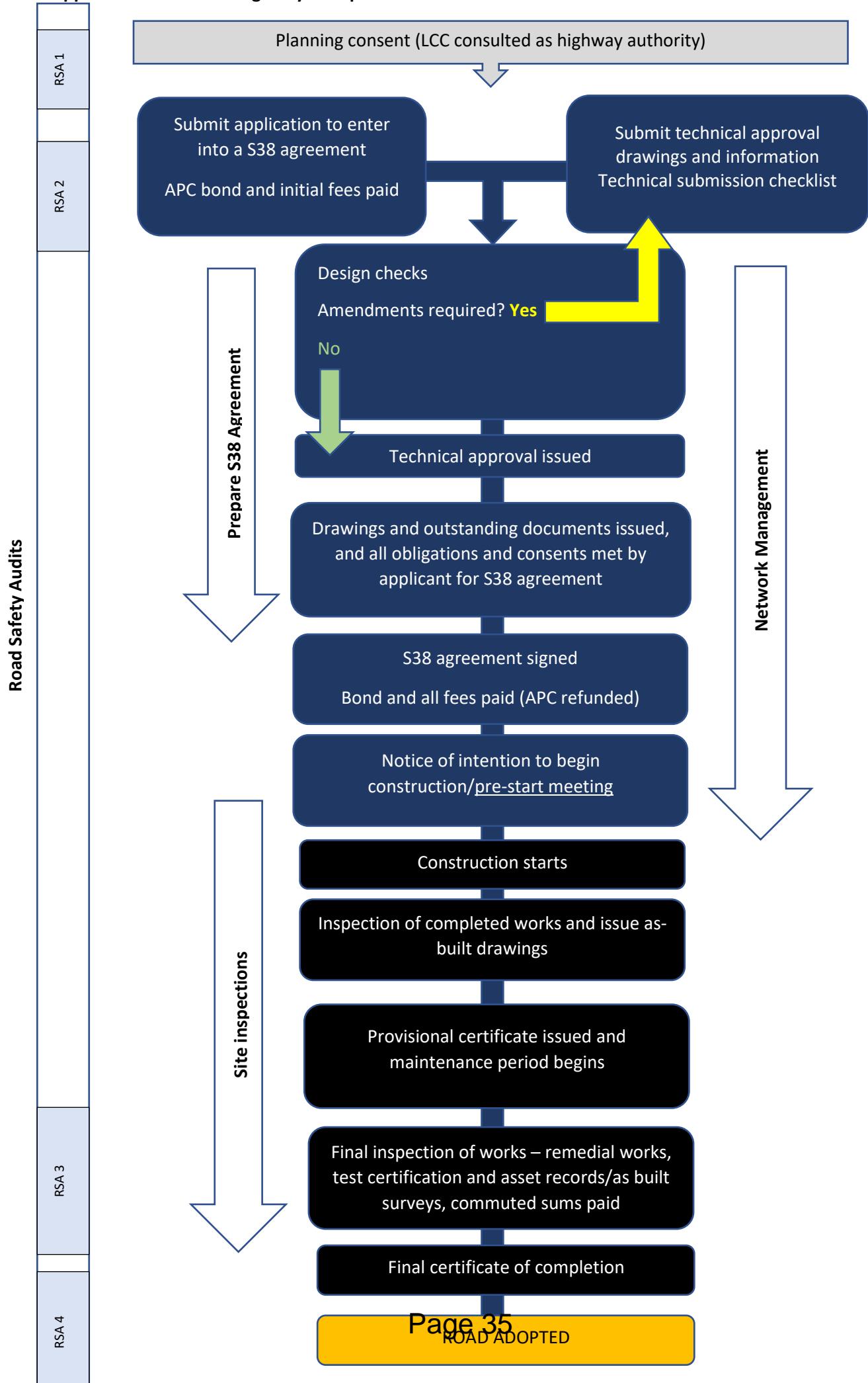
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## APPENDIX 5 ADOPTION OF OPEN SPACE FLOW CHART



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## Appendix 5 Section 38 Highways Adoption Process



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# Process Securing S106 Obligations Flow Chart

## Planning Application Submitted

Received & Validated by Technical Officers

## Consultation

21 Day Consultations are sent to various Developer Contributions Consultees which are determined by triggers (See list of triggers attached)

## Developer Contribution responses received

Money / New Infrastructure / Improvement of Infrastructure

Case Officer assesses the requests against CIL Regulations:

- necessary to make the development acceptable in planning terms
- directly related to the development
- and fairly and reasonably related in scale and kind to the development

## Developer / Applicant is notified of obligations requested

### Developer/Applicant Accepts

### Developer/Applicant Objects

#### Heads of Terms (HOT)

Case Officer instructs Legal Services with HOT Instruction Memo - Example Attached

#### Viability and/or Compliancy

Developer either declares **viability** or **compliancy** of an obligation

#### Draft Legal Agreement

Legal Services or Developers Solicitor to draft agreement in accordance with the HOT Instruction Memo

#### Viability

Upon declaration of viability, a viability assessment is undertaken by an independent HBBC approved assessor.

Results will demonstrate the maximum contributions / infrastructure the site can provide.

**Unviable Sites** - obligations are negotiated via fact and degree of necessity to the development.

**No viability issues:** - the developer/applicant will need to agree to the Heads of Terms otherwise planning application will be **refused**.

#### Review of Draft Agreement

The agreement is circulated until all parties signing the agreement agree to the contents

#### Agreement Signed & Sealed

Legal agreement **must** be signed & sealed prior to Decision Notice being issued (Applications that relate to Appeals can be signed before, during or post).

#### Compliancy

Supporting evidence to demonstrate compliancy is required by whom requested the obligation

Process to be undertaken until acceptable or if evidence is not acceptable

Legal negotiations may be required at this stage

#### Monitoring Legal Agreements

Once signed and permission granted Compliance & Monitoring Officer records & monitors HBBC obligation triggers

#### Outline Applications

Case Officers to Reserved Matters applications review the requirements within the legal agreement and relevant conditions of the outline permission to ensure compliance

Once Obligations Agreed follow Developer/Applicant **ACCEPTS**

## Triggers for S106 / UU obligations Consultations

### Major Applications Codes 01Q-6Q

- **Affordable Housing & Enabling Officer** – developments of 10 or more units or 4 in a rural area
- Case Officer - Policy Documents **Spaces**
- **LCC Developer Contributions**

**Education**

**Highways**

**PRoW**

**Civic Amenities**

**Travel**

- LLR CCG (Leicester, Leicestershire & Rutland Clinical Care Group) 11 or more dwellings
- **Police & Crime Commissioner Majors**
- Canal & River Trust (any application within 150m either side of canal)
- **Public Open Space Officer/ S106 Officer / Green Spaces**
- Playing Fields Association over 300 dwellings
- **Sport England over 300 dwellings**
- Active Travel England for developments of 150 or more dwellings, 7,500m<sup>2</sup> commercial area or site area of 5 hectares or more
- **LCC Ecology – Biodiversity**
- Regeneration - Employment & Skills
- **National Forest**

List not exhaustive

Source **Planning Officers Validation Manual**

## Planning Section 106 Instruction Memo

Following receipt of a planning application/appeal, please accept the following as instruction to Legal Services to draft a Section 106 or Unilateral Undertaking Agreement as follows:

### Application Details:

*Application No.	
Site Address:	
Proposal:	
Case Officer:	
Committee Date (if applicable):	
Appeal Date (if applicable):	
Planning Performance Agreement	Yes/No

\*Please use the application reference number in all correspondence

### Heads of Terms HBBC Summary

Obligation Type	Details (include triggers and timescales to spend)	Amount
<b>HBBC Monitoring</b>		
<b>Indexation</b>	<b>TPI</b>	
<b>Interest</b>	<b>0.4% above Base Rate</b>	
<b>Affordable Housing Scheme (usually on outlines)</b>	Insert Valeries requirements	
<b>Affordable Housing Units</b>	Insert Valeries requirements	
<b>Affordable Housing Commuted Sum</b>	Insert Valeries requirements	
<b>Affordable Housing First Homes</b>		
<b>Health</b>	Please insert details. For applications “up to” please provide the formula with a Maximum figure	
<b>Public Realm</b>		
<b>Local Employment &amp; Training Strategy</b>	Prior to commencement – include details from request	
<b>Canal &amp; River Trust</b>	Input National Forest request	
<b>National Forest</b>	Input National Forest request	
<b>*Off Site Open Space</b>	Please confirm here what they are proposing. <b>See POS Schedule below</b>	
<b>*On Site Open Space</b>	Please confirm here what they are proposing. <b>See POS Schedule below</b>	
<b>On Site Play &amp; Open Space Scheme (only required on outline as this will be subject to the REM)</b>	<b>On Site Scheme to be provided during Reserved Matters stage or [INSERT]</b>	
<b>On Site Open Space – Transfer of the On Site Open Space Area</b>	Where an application has on site open space Schedule 5 should be included – please instruct accordingly	<b>N/A</b>
<b>On Site Open Space (Equipped, Casual , Outdoor Sports &amp; Accessible Natural Green Space)</b>	Where on site open spaces are being provided the s106 agreement should detail a minimum sqm to be provided (for each typology) based on the number of dwellings.  Equipped & Outdoor Sports being provided on the application site requires a minimum amount that they should spend on the equipment as well as the minimum sqm to be provided.  Accessible Green Space should not be included in any casual open space areas and officers should be mindful	

	that developers do not try to provide casual informal that isn't really a specific space to play.	
<b>On Site Open Space Maintenance</b>	A maintenance contribution should be included for all on site open space typologies either by formula or amount. <b>See Table below for figures.</b>	
<b>On Site Open Space – Over provision</b>	Where a developer over provides any type of open space will need to be taken into consideration for additional maintenance contributions	
<b>On Site Open Spaces Borough / Parish MC</b>	Where possible (unless the Parish is absolutely against taking open space) Please include the “the developer will offer the BC or PC the on site open space	
<b>On Site Open Space Management / Maintenance</b>	Once the open	

**\*Open Space can be provided on or off site and in some cases a mixture of both. Case Officer to ensure that it is clear what the developer is proposing.**

### **Heads of Terms LCC Summary:**

<b>Obligation Type</b>	<b>Details (include triggers and timescales to spend)</b>	<b>Amount</b>
<b>LCC Monitoring</b>		
<b>Indexation</b>		
<b>Interest</b>		
<b>Civic Amenity</b>		
<b>Education Early Years</b>		
<b>Education Primary</b>		
<b>Education Secondary</b>		
<b>Education Upper/Post 16</b>		
<b>Education SEN</b>		
<b>Libraries</b>		
<b>Transport</b>		
<b>Highways</b>		
<b>Travel</b>		
<b>Bus</b>		
<b>Biodiversity</b>		
<b>Footpaths</b>		
<b>Any additional obligations:</b>		

Off Site POS	
--------------	--

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	provision contribution	Maintenance contribution per square metre 1 (Based on 10 Years Off site)	Maintenance contribution	Allocated to:
Equipped Children's Play Space	3.6		0	£181.93	£0.00	£87.80	£0.00	
Casual/Informal Play Spaces	16.8		0	£4.44	£0.00	£5.40	£0.00	
Outdoor Sports Provision	38.4		0	£9.05	£0.00	£4.30	£0.00	
Accessibility Natural Green Space	40		0	£4.09	£0.00	£7.10	£0.00	
				Provision total	£0.00	Maintenance total	£0.00	

NOTE: For Applications that state "upto" please use the relevant formula in the legal agreement and provide a maximum based on maximum number of dwellings, otherwise use total figures

**Covenants to the Developer/ Owner for On Site Play & Open Spaces;**

Trigger for open spaces to be laid out & completed (usually around 75% occupation) (penalty required)

Trigger for developer to advise of completion of the open space, including arrangement of a site visit and fee. (Within 10 days of completing the site)

Trigger for works to be completed within timeframe (Penalty required)

12 months management and maintenance to be provided once LPA confirm in writing that the areas have been implemented in accordance with the approved plans and the 12 months maintenance can commence.

Once areas completed as satisfactorily offer the BC or PC the open space for transfer of £1.00. (Include wording that the areas can be transferred at an earlier date if prior agreement has been received from the LPA).

Timeframe to be given for transfer to be completed within. Developer pays legal transfer fees.

Payment for Maintenance Contributions - upon transfer of open space

If PC or BC do not take the open spaces the following will apply:

On Site Open Space Management & Maintenance Scheme to be provided

Management Company details to be provided.

No maintenance for on site open space will be payable

**Only if necessary:**

**Covenants to the Borough Council or PC for On Site Play & Open Space Maintenance**

**Contributions are:**

20 Years following the completion of the transfer and the maintenance payment

NOTE:  
For

On Site POS		Number of dwellings	Sqm to be provided	On site provision per square metre	provision contribution	Maintenance contribution per square metre (based on 20 Years)	Maintenance contribution
	Provision per dwelling (2.4 people per dwelling)						
Equipped Children's Play Space (being provided on the application site)	3.6		0	£181.93	£0.00	£175.60	£0.00
Casual/Informal Play Spaces (being provided on the application site)	16.8		0	£4.44	N/A	£10.80	£0.00
Outdoor Sports Provision (being provided on the application site)	38.4		0	£9.05	£0.00	£8.60	£0.00
Accessibility Natural Green Space (being provided on the application site)	40		0	£4.09	N/A	£14.20	£0.00
				Provision total	£0.00	Maintenance total	£0.00

Applications that state "upto" please use the relevant formula in the legal agreement and provide a maximum based on maximum number of dwellings, otherwise use total figures

#### Covenants to the Developer/ Owner for on Site Play & Open Space provisions

Provision Prior to Commencement of Development / Prior to the occupation of the [INSERT] dwelling.

Maintenance Prior to Occupation of the [ INSERT] dwelling.

**Covenants to the Borough Council for Off Site Play & Open Space Contributions are:**

5 Years from final payment of provision

15 Years from final payment of maintenance

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