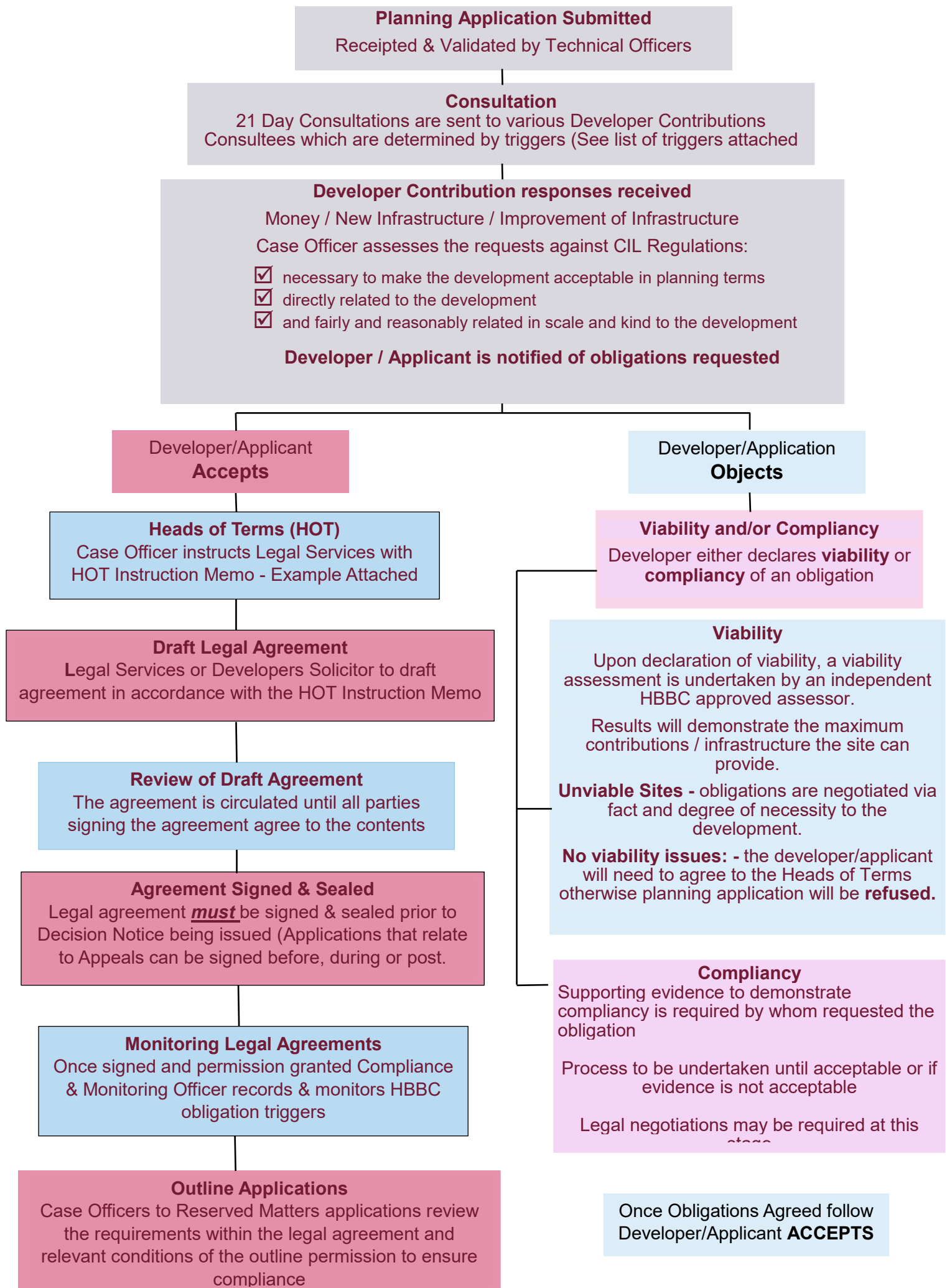


Process Securing S106 Obligations Flow Chart



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, 7,500m² 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
HBBC Monitoring		
Indexation	TPI	
Interest	0.4% above Base Rate	
Affordable Housing Scheme (usually on outlines)	Insert Valeries requirements	
Affordable Housing Units	Insert Valeries requirements	
Affordable Housing Commuted Sum	Insert Valeries requirements	
Affordable Housing First Homes		
Health	Please insert details. For applications “up to” please provide the formula with a Maximum figure	
Public Realm		
Local Employment & Training Strategy	Prior to commencement – include details from request	
Canal & River Trust	Input National Forest request	
National Forest	Input National Forest request	
*Off Site Open Space	Please confirm here what they are proposing. See POS Schedule below	
*On Site Open Space	Please confirm here what they are proposing. See POS Schedule below	
On Site Play & Open Space Scheme (only required on outline as this will be subject to the REM)	On Site Scheme to be provided during Reserved Matters stage or INSERT	
On Site Open Space – Transfer of the On Site Open Space Area	Where an application has on site open space Schedule 5 should be included – please instruct accordingly	N/A
On Site Open Space (Equipped, Casual , Outdoor Sports & Accessible Natural Green Space)	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.	
On Site Open Space Maintenance	A maintenance contribution should be included for all on site open space typologies either by formula or amount. See Table below for figures.	
On Site Open Space – Over provision	Where a developer over provides any type of open space will need to be taken into consideration for additional maintenance contributions	
On Site Open Spaces Borough / Parish MC	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	
On Site Open Space Management / Maintenance	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:

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

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							
	Provisi on per dwellin g (2.4 people per dwellin g)	Number of dwellings	Sqm to be provi ded	On site provisio n per square metre	provis ion contri bution	Maintena nce contributi on per square metre (based on 20 Years)	Maint enanc e contri bution
Equipped Children's Play Space (being provided on the application site)	3.6		0	£181.9 3	£0.00	£175.60	£0.00
Casual/Info rml 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
Accessibilit y Natural Green Space (being provided on the application site)	40		0	£4.09	N/A	£14.20	£0.00
				Provisi on total	£0.00	Maintena nce 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