

## Norfolk County Council

The county council will also seek to charge towards the administration of section 106 agreements. The charge is levied at £300 per obligation on all schemes involving the phasing of payments. Where the obligation is payable on commencement no monitoring charge will be sought for the particular obligation.

Where an application requires a section 106 agreement, you will be advised of the total to be paid during the pre application discussions with the planning officer responsible for your application.

## **How are contributions from section 106 obligations allocated and spent?**

Except in exceptional circumstances 'open space' contributions from a development are spent within the specific parish in which the development is built. Broadland District Council will normally collect the contributions and then seek to distribute the funds to the local parish or town council. On larger developments the council is likely to seek the provision of open space on the development site.

Affordable housing is normally expected within the development itself, however where this is not possible a financial contribution maybe agreed. These contributions would be used to support the provision of affordable housing in the parish where the development takes place.

Where contributions are made to Norfolk County Council for children's services, libraries etc. Please refer to the county council planning obligation standards at [www.Norfolk.gov.uk](http://www.Norfolk.gov.uk)

## **Broadland District Council**

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## **An outline guide to Section 106 contributions**



## What are Section 106 Agreements?

Section 106 agreements are legally binding agreements that are made between the local planning authority and an individual or developer(s) under Section 106 of the Town and Country Planning Act 1990. They set out obligations attached to a specific planning permission. Agreements can be used to regulate use of land or property or to ensure a developer makes reasonable contributions to the increased need and use of local infrastructures.

There is a requirement on planning authorities to ensure any obligations set out in section 106 agreements are necessary, relevant, locally related and in scale to the proposed development. Contributions can either be financial or in kind and may include one or more of the following.

<u>Broadland District Council</u>	<u>Norfolk County Council</u>
<ul style="list-style-type: none"><li>• Open space</li><li>• Equipped play space</li><li>• Recreational facilities</li><li>• Affordable housing</li><li>• Local recycling facilities</li></ul>	<ul style="list-style-type: none"><li>• Children's services</li><li>• Adult social services</li><li>• Highway and transport Infrastructure</li><li>• Library services</li><li>• Fire hydrants</li></ul>

## What might trigger an obligation in a section 106 agreement?

On a development site of 5 or more dwellings developers will be expected to make provision for and provide for the future maintenance of land suitable for both formal and informal recreational pursuits that meet the council's stated policy standards.

On development sites of 0.4ha or more or containing 15 or more dwellings, or in parishes with up to 3,000 people .2ha or more or containing 5 or more dwellings, the council will seek to negotiate that 40% of the dwellings will be affordable housing.

On larger developments containing 20 or more dwellings or smaller proposals which form part of a larger site, then a contribution may also be required for some or all of the items listed under the Norfolk County Council heading.

Further policy detail on open space and affordable housing can be found by visiting [www.broadland.gov.uk](http://www.broadland.gov.uk) then follow links to Planning policy and Local development Framework. For more detail regarding Norfolk County Council policies visit [www.norfolk.gov.uk](http://www.norfolk.gov.uk) then follow links to planning obligations

## Legal Fees

Legal fees are charged on all section 106 agreements. The charge is to cover solicitor's fees in drawing up the agreement. The amount of fees is dependant on the time taken to draw up the agreement. For simple agreements the fee will normally be in the range of 750. For larger more complex agreements fees can exceed 2,000

Planning permission cannot be given without the section 106 agreement being signed and legal fees paid. In extreme cases failure to enter into an agreement could lead to the planning application being refused.

## Monitoring Fees

### Broadland District Council

Monitoring fees are charged on section 106 agreements. The fee in 2011 / 12 is £319 per major clause in the agreement. Presently these fees apply to open space, play, recreational facilities and affordable homes. Monitoring fees are normally paid prior to commencement of the development, and are used to cover the time involved in monitoring the agreement from receipt of the application through to the discharge of all the obligations within a specific agreement.