



## Typical Section 106 Requirements

Below are the standard financial contributions and other obligations that may be required for residential and commercial developments in usual circumstances. Other contributions or obligations not listed may be necessary in certain instances, for example due to the type or location of a development or when requested by a consultee.

Payments and other obligations are usually only sought on housing schemes if they are [major development](#).

(EHDC) = Contribution/obligation sought by East Herts District Council

(HCC) = Contribution/obligation sought by Hertfordshire County Council

Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
Affordable Housing (EHDC) – HOU3	35% (11 to 14 gross additional dwellings) OR 40% (15 or more gross additional dwellings) <u>Affordable Housing Split:</u> <ul style="list-style-type: none"> <li>• Affordable Rent Units - at least 75% of units' affordable rent</li> <li>• Shared Ownership Units (as per Homes England model lease) - up to 25% of units shared ownership</li> </ul>	Construction of agreed number and type of dwellings and transfer to Registered Provider (Housing Association)  Contact Housing Strategy Officer for tenure and dwelling types	N/A	Types agreed before planning permission granted.  Transfer timings - Prior to Occupation of 50% of market units

## APPENDIX B – Typical Section 106 Requirements

Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
First Homes	As per government template	Contact Housing Strategy Officer for further information	N/A	As per government template
Affordable Housing Commuted Sum (EHDC) – HOU3	Formula equating the cost to developer of subsidising affordable housing – Use <a href="#">Richmond's calculation pro-forma</a>	Towards the costs of making housing suitable for the District's existing and future needs including for affordability – contact Housing Strategy Officer	RPI - [month and year of committee resolution]	First Occupation
Allotments (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Open Space</a>	Towards the costs of facilities provision, improvement, and maintenance of allotment(s) and/ or community growing spaces at XX and/or XX as used by the residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Bowls (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the costs of provision, improvement and maintenance of Bowls Club facilities including bowling green at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation

## APPENDIX B – Typical Section 106 Requirements

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Cemeteries (EHDC) - CFLR1	Bespoke Contribution	Towards the provision of additional burial space – to be based on anticipated need & future demand	RPI - [month and year of committee resolution]	First Occupation
Childcare Facilities (HCC) - CFLRX	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of requirements	BCIS 1Q2019 – [HCC to confirm start date]	Prior to Commencement
Children’s Play and Provision for Young People (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Open Space</a>	Towards the costs of provision, improvement and maintenance of children’s play and young people’s facilities at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
County Council Monitoring Contribution (HCC)	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	Monitoring and administering any obligations required pursuant to the planning permission	RPI – January 2021	Prior to Commencement
District Council Contributions Monitoring (EHDC)	£300 + £300 for each contribution to EHDC	Monitoring the development over the lifetime of the planning obligations - contact Section 106 Programme Manager	RPI - [month and year of committee resolution]	On Commencement

## APPENDIX B – Typical Section 106 Requirements

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Fire Hydrants (HCC) – DEL1	i) Submit water scheme for approval ii) Construct fire hydrants iii) Maintain fire hydrants	See HCC Growth & Infrastructure consultation response for details of requirements	N/A	i) Prior to commencement ii) Before occupation iii) Until adopted
Fitness Gyms (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the costs of provision, improvement, and maintenance of fitness gyms facilities at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Health Facilities (collected on behalf of the Hertfordshire and West Essex Integrated Care Board (ICB))	Bespoke Calculation (calculated by ICB)  Can include: <ul style="list-style-type: none"> <li>• Mental Health</li> <li>• Acute</li> <li>• Community Healthcare</li> </ul>	See ICB consultation response for details of requirements	RPI - [month and year of committee resolution]	First Occupation
Library Facilities (HCC) – CFLR7	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS 1Q2019 – [HCC to confirm start date]	Prior to Commencement

## APPENDIX B – Typical Section 106 Requirements

Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
Natural and Semi-natural Green Space (EHDC) - CFLR1	<a href="#">East Herts Contribution Calculator – Open Space</a>	Towards the costs of provision, improvement, and maintenance of natural and semi-natural green space at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Nursery Education (HCC) - CFLR10	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS 1Q2019 – [HCC to confirm start date]	Prior to Commencement
Outdoor Tennis (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the costs of provision, improvement, and maintenance of outdoor tennis facilities at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation

## APPENDIX B – Typical Section 106 Requirements

Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
Parking (EHDC) – TRA2	Bespoke Calculation – (Parking Team to advise)	Towards the design of, consultation on and implementation of a traffic regulation order for a residents' parking scheme on XXX and/or other measures to control parking there – contact Section 106 Programme Manager	RPI - [month and year of committee resolution]	First Occupation
Parks and Gardens and Amenity Green Space (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Open Space</a>	Towards the costs of provision, improvement and maintenance of parks and gardens and amenity green space facilities at XX and/ or XX as used by residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Playing Pitches (EHDC) – CFLR1	<a href="#">Sport England Playing Pitch Calculator</a>	Towards the costs of provision of facilities, improvements, and maintenance of the playing pitches at XX and/or XX as used by the residents of the development - contact Section 106 Programme Manager	RPI – May 2020	First Occupation

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Primary Education (HCC) – CFLR10	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS 1Q2020 – [HCC to confirm start date]	Prior to commencement
Recycling (EHDC) – 2 of the Herts Waste Development Framework	<a href="#">Planning Obligations SPD (2008)</a> (page 33) - £76 for each dwelling with communal bins & £72 for all other dwellings	Towards the council's costs for provision of recycling and waste bins / containers at the development – contact Section 106 Programme Manager	RPI – October 2008	First Occupation
Secondary Education (HCC) – CFLR10	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS 1Q2020 – [HCC to confirm start date]	Prior to commencement
Sports Halls – EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the costs of provision of facilities, improvements, and maintenance to the sports hall(s) at XX and/or XX as used by the residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation

## APPENDIX B – Typical Section 106 Requirements

Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
Studio Space (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at XX and/or XX as used by the residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Sustainable Transport (HCC) – TRA1	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	SPON'S January 2019 – [ <i>HCC to confirm start date</i> ]	Prior to commencement
Sustainable Transport Voucher (HCC) – TRA1	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	RPI – May 2014	Prior to commencement
Swimming Pool (EHDC) – CFLR1	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the provision of facilities, improvements, and maintenance of the swimming pool at XX and/or XX as used by the residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation



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Contribution Obligation & Policy	Amount * / Details	Purpose / Contact Officer	Index & Base Date of Index	Payment due / Timing
Travel Plan (HCC) – TRA1	<ul style="list-style-type: none"> <li>i) Submit travel plan for approval and nominate travel plan coordinator</li> <li>ii) Carry out baseline survey</li> <li>iii) Implement travel plan</li> <li>iv) Carry out travel plan annual review</li> <li>v) Submit resident travel pack and sustainable travel voucher for approval</li> <li>vi) Provide resident travel pack to each dwelling</li> <li>vii) Provide sustainable travel voucher to each dwelling</li> </ul>	See HCC Growth & Infrastructure consultation response for details of specific requirements	N/A	<ul style="list-style-type: none"> <li>i) Before first occupation</li> <li>ii) On first occupation</li> <li>iii) As per travel plan timings</li> <li>iv) For 5 years</li> <li>v) Before first occupation</li> <li>vi) On first and second occupations</li> <li>vii) On first occupation</li> </ul>
Travel Plan (HCC) – TRA1	£6,000	See HCC Growth & Infrastructure consultation response for details of specific requirements	RPI – May 2014	Prior to Commencement

## APPENDIX B – Typical Section 106 Requirements

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Village Hall and Community Centres (EHDC) – CFLR7	<a href="#">East Herts Contribution Calculator – Built Facilities</a>	Towards the provision of facilities, improvements, and maintenance of the village hall and/or community centre at XX and/or XX as used by the residents of the development – contact Section 106 Programme Manager	RPI – May 2020	First Occupation
Waste (HCC) – CFLR7	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS 1Q2019 – [ <i>HCC to confirm start date</i> ]	Prior to Commencement
Youth (HCC) – CFLR7	<a href="#">HCC Guide to Developer Infrastructure Contributions</a>	See HCC Growth & Infrastructure consultation response for details of specific requirements	BCIS – [HCC to set start date]	Prior to Commencement

\* All contributions are indexed linked to the relevant Indices.

With indexation all HCC contributions are likely to be at least 35% more than the amounts stated here and listed in the HCC Guide.

The EHDC recycling contribution is approximately 50% more than the amounts stated above.

**NOTE:** The Section 106 Programme Manager will be able to assist with all Section 106 queries and should be contacted at the beginning of the planning application approval process.

## APPENDIX B – Typical Section 106 Requirements

### Other Potential Obligations:

Below is a small selection of other potential obligations that can be required as part of the Section 106 Agreement.

There may be other site-specific requirements based on the local requirements of each individual development. However, they must all comply with the requirements of [Regulation 122](#) of the Community Infrastructure Levy Regulations 2010 and be:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

**Bus Service Contributions** – negotiated on a site-by-site basis by HCC and can also include a financial contribution towards a community bus scheme run by an independent organisations / town council. See HCC Growth & Infrastructure consultation response for details of specific requirements

**Bio-diversity Net Gain Contribution** – this is a new obligation so contact the Leisure & Parks Development Manager for further information - example wording:

*Biodiversity Net Gain Contribution - £XX index linked for the creation of neutral grassland and woodland in East Hertfordshire.*

**Car Club** – this is a site-specific obligation to be agreed with the developer - example wording:

*"Car Club" means a club operated by a Car Club Operator Which Occupiers of the Dwellings may join, and which makes no fewer than two cars provided by the Car Club Operator available to hire to members; "Car Club Agreement" means an agreement between the Owner and a Car Club Operator for the provision of a Car Club.*

**Commercial, Business and Employment** – provision of land, buildings and infrastructure is site specific on major sites and provided by the developer – Contact the Economic Development Officer for further guidance. Examples can include:

- *neighbourhood hub comprising shops and employment buildings (See Policy RTC5),*
- *community facilities including community spaces and health facilities (see Policy CFLR9),*

**On-site play provision** – the developer may provide play facilities on site - See Ian Sharratt for confirmation of design and anticipated costs:

- *LAP - provision on the development for younger children & little equipment*
- *LEAP – provision of fully equipped play area for all ages*
- *NEAP – provision of larger play area with extensive facilities for all ages on the development*
- *Alternatively, if not actually building the play area, the developer could provide an allocation of funding to fund the facilities themselves e.g., means the Index Linked (fixed) sum of £75,000 (seventy-five thousand pounds) allocated by the Owner for the provision of the LEAP (excluding the cost of the land)*

## APPENDIX B – Typical Section 106 Requirements

**Public Open Space Provision on the development** – On-site provision by the developer of public open space, including landscaping, drainage infrastructure, all associated and ancillary development – can include parks & open spaces, green spaces etc. This may be handed over by the developer to be managed by a Management Company – Note: EHDC does not automatically adopt open space. See the Leisure & Parks Development Manager for confirmation of design.

**Self – Build Plots** (Policy HOU8)– larger sites may have space provided for self-build plots - example wording:

*Self-Build and Custom Housebuilding has the meaning given to it in section 1 of the Self-build and Custom Housebuilding Act 2015 as amended (as may be varied or replaced from time to time)*

*"Self-Build Scheme" means, in relation to an Outline Phase (with Self-Build), a scheme identifying the Self-Build Plots which are proposed to be provided within that Outline Phase, including details of:*

- a) *the location of such Self-Build Plots*
- b) *a programme for servicing such Self-Build Plots and making them available for disposal on the open market*
- c) *the marketing strategy for such Self-Build Plots; and*
- d) *the mechanism to agree market value in respect of such Self-Build Plots*

*Self-Build Plots means the 7 plots of land which subject to the terms of Schedule 7 are to be serviced and made available for Self-Build and Custom Housebuilding and Self-Build Plot shall be construed accordingly*

**Special Residential Use Provision** - this is agreed on a site-by-site basis on major developments and can include other residential provision such as Gypsy & Travelers sites and Travelling Showpeople site (see Policy HOU9)

**Specific Highways Infrastructure** – site specific highways infrastructure may be required on site by Hertfordshire Highways – this is can be the developer providing the infrastructure or making a financial contribution towards the costs of the provision.

**Site Drainage & SUDS** (Policy WAT5) – site specific water drainage schemes created by the developer, including Sustainable Urban Drainage Schemes (SUDs) on site – Contact HCC Growth & infrastructure or the Assets & Estate Manager or the Estates Surveyor at EHDC for guidance.

**Use of Unspent S106 contributions** (usually only for very large major developments) – example wording:

*"Unspent" means not spent or Committed for the purpose for which it was paid (because it cannot be spent or is a surplus after the rest of the relevant financial contribution or allocation has been spent or Committed for the purpose for which it was paid or has remained unspent or committed for a period of up to 10 years) to be transferred into the Section 106 Fund and the said monies shall for the purposes of the Viability Schedule continue to be construed as Unspent until they have been spent on Affordable Housing to a maximum level of 40%*