

Alston

Appleby

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Penrith



Eden
District Council

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Section 106 agreements

What you need to know.....



What is it?.....

- S106 Town and Country Planning Act 1990
- Allows the Local Planning Authority(Council) to enter into a *legally binding agreement* or planning obligation with a landowner in association with granting a planning application.

Purpose

- Way of addressing matters that are necessary to make a development acceptable in planning terms.
- Increasingly used to support provision of infrastructure such as affordable housing.

Scope

- Matters agreed as part of a s106 must be...
- Relevant to planning
- Necessary to make it acceptable in planning terms.
- Related directly to the proposed development.
- Reasonably related in scale and kind to the development.

Think about

- What should be incorporated in a s106 agreement to secure affordable housing for the benefit of your community?

Devil in the detail.....

- Allows the Council to specify the details:
- *Affordable* – mechanism for calculating an affordable price for the property on first and any subsequent sale.
- *Local People*– restrict occupation to eligible people from specific geographical location.
- *Locality* – specifies the geographical location and the cascade.
- *Housing need* - Who is eligible? Unable to afford open market housing but need to remain in locality.
- *In perpetuity* – ensure that the property cannot be sold on the open market.

Benefits for the community

- Reassures landowners that the benefit will remain with community.
- Properties remain affordable ‘in perpetuity’.
- Those in greatest housing need are eligible.
- No great financial windfall for owners/occupants.
- Restricts occupation only to those who need to live in a community.

Questions??

