

Appendix A

What are S106 Planning Obligations

Section 106 Agreement

The Town and Country Planning Act 1990 allows local planning authorities, like North Herts Council, to enter into a legally binding agreement or planning obligation with a landowner as part of the grant of planning permission. This obligation is known as a section 106 agreement.

What can planning obligations do?

Section 106 agreements provide a mechanism to make a development proposal acceptable in planning terms. They are focused on site specific mitigation of the impact of the development on the local community and can be used to support provision of services and infrastructure such as education, highways, affordable housing and recreational facilities.

Planning Obligations in North Hertfordshire

The Developer Contributions Supplementary Planning Document (SPD) was adopted in February 2023 and supports the new Local Plan for the period 2011-2031. It sets out how payments in North Hertfordshire are secured under S106 agreements, collected and administered. [Developer Contributions Supplementary Planning Document | North Herts Council](#)

Section 106 Agreement and the Community Infrastructure Levy

A Community Infrastructure Levy (CIL) is a set charge on development and liability is automatically triggered by the grant of planning permission. Explanatory notes regarding CIL and North Hertfordshire can be found here: [Community Infrastructure Levy | North Herts Council](#)

Please note that North Hertfordshire currently does not have a CIL and uses s106 legal agreements to secure contributions from new development

Monitoring Planning Obligations in North Hertfordshire

Once a planning obligation is secured by a s106 agreement or unilateral undertaking, it is recorded and monitored by the S106 Compliance and Monitoring Officer who will monitor the triggers for payments contained within the agreements and seek payment as appropriate.

If a breach of a planning obligation occurs, the Compliance and Monitoring Officer will contact the relevant party and offer an opportunity to remedy the breach. If this cannot be achieved, the Compliance and Monitoring Officer will review the breach with the Planning Enforcement/Development Manager and Legal Services prior to action being taken.

How are planning obligations enforced?

The council will always try and resolve breaches by working with the relevant party in the first instance but will take legal action where co-operation is not forthcoming. Enforcement can be through the courts, by application for an injunction or by carrying out necessary operations required in the planning obligation and recovering the cost from those against who the obligation is enforceable.

For any queries relating to s106 agreements, planning obligation monitoring and payment please contact compliance.monitoring@north-herts.gov.uk

S106 Obligations - Areas identified for inclusion and development

Guide to Town and Parish Councils:

- Reports providing details of s106 obligations available for allocation and spend.
- S106 contribution request forms being available online
- How to access and spend received contributions
- How planning contributions are agreed and how Town and Parish Councils can be involved
- “Wish List” – projects identified by Town and Parish Councils that could be included in agreements for new development.

Reports:

- S106 obligations received, spent and balance held in quarter (quarterly)
- S106 obligations for service areas spent in year (annual)
- S106 agreements signed during year (annual)
- S106 obligations allocated (quarterly)
- S106 obligations – Live and awaiting allocation (quarterly)

Benefits of Pre-Application advice for large developments

For large developments that may require s106 contributions, early opportunity to look at possible contributions.

Heads of Terms Templates

Explanatory notes of procedure for developers for early engagement with Planning Officers.

Infrastructure Funding Statement

Annual reporting of s106 contributions in line with requirements of IFS to publish a summary of all financial and non-financial developer contributions relating to s106 agreements.