

S106 – Remaining matters outstanding

The table below sets out the remaining minor technical matters outstanding in relation to the s106 between the Council and the appellant at this time. The appellant will continue to work with the Council to reach a resolution ahead of the Inquiry start.

Obligation	Outstanding Points
Affordable Housing	- We do not agree that there should be a table included at Part 2 of Schedule 2 which sets out the detail of the AH plots. There is already a requirement for an AH scheme to be submitted which will set out the location, size, tenures of the AH units and a requirement that all AH units must be in line with NDSS and the council's AH SPD. Any further detail should be dealt with at reserved matters stage, not outline stage. We have agreed to include just the dwelling types and await confirmation from the council that this approach is acceptable. - Definition of Rentcharge – we do not agree to this being included as we do not use rentcharges but, as the council have insisted, we have suggested amendments to make it clear that rentcharges are not mandatory (the council agree that rentcharges are not mandatory and would prefer they are not used) - Definition of Affordable Housing Land being tied to the definition of Site – we await the council's confirmation that this is accepted.
Schedule 2 para 1.2.2 – “the Owner has entered into an unconditional and binding contract to transfer the Social Rented Units or Affordable Rented Units and associated land in the relevant phase to the Registered Provider”	We object to the inclusion of the word ‘unconditional’. This is a commercial point (which the council accepts) and there are a multitude of reasons why a contract may need to be conditional.
Schedule 2 para 5.1 “That the transfer of the Social Rented Units or Affordable Rented Units to a Registered Provider approved by the Responsible	Again, this is a commercial point (which the council accepts) and a price should be a negotiation between the parties to the contract.

Obligation	Outstanding Points
Officer for Housing shall be at a price reflecting the provision of serviced land at nil value and an assumption of nil public subsidy.”	