

## **Heads of Terms for Section 106 Agreement**

**Date of Instruction:** 18 December 2025

Updated 7 January 2026

Updated 25 February 2026

**Case Officer:** Tanya Coggon

**Planning Application reference:** PA/2023/1607

**Application Validation date:** 10/10/2023

**Description of land:** land south of A1077 Barrow Road

**Description of development:** Planning permission for a residential development with associated internal vehicular and pedestrian access, landscaping and infrastructure and formation of a new roundabout junction on Barton Road linking to a section of Barton upon Humber's relief road

<b>Name of applicant:</b>	Strata - Mr JP Borril Mr A Stephenson
<b>Solicitor details:</b>	

If North Lincolnshire Council does not deliver the primary infrastructure (the Barton Link Road project), a further viability appraisal shall be undertaken. This appraisal will enable the Developer to account for any costs incurred in delivering the site's spine road, should they be required to fund its construction.

### **Informal Open Space**

<b>Onsite contribution</b>	Provide a minimum of 10Sqm per dwelling of informal open space onsite, in line with the approved site layout plan (reference: 22-CL3-SEGB-BR-01-PL).
<b>Trigger Point:</b>	Prior to the occupation of the 1st dwelling details of the proposed management company shall be submitted to and agreed by the Local Planning Authority alongside a phasing plan of which outlines the relevant timings for the handover of all open space to the relevant landscape management company.

### **Affordable Housing**

<b>Affordable Housing contribution</b>	A contribution of £46,259.92 towards the delivery of affordable housing across North Lincolnshire.
<b>Trigger Point:</b>	On occupation of the 20 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

## Area of Play

<b>Offsite contribution</b>	The offsite contribution for X2 Local Equipped Areas of Play (LEAPs) will be £108,212, to be spent towards the improvement of existing recreational play areas within Barton.
<b>Trigger Point:</b>	Payable on the occupation of the 50 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

## Recreation

<b>Recreation contribution</b>	£1,185.98 per dwelling towards improvements to leisure facilities within Barton.  £1,185.98 x 196 = £232,452.08 total
<b>Trigger Point:</b>	30% payable on occupation of the 35 <sup>th</sup> dwelling 30% payable on occupation of the 70 <sup>th</sup> dwelling 40% payable on occupation of the 125 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

## Community Facilities

<b>Community Facilities contribution</b>	£5,000 to be spent on improvements to the Assembly Rooms, Barton which will enhance its use as a local community facility.
<b>Trigger Point:</b>	On the occupation of the 1 <sup>st</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

## Strategic Access Management and Mitigation Strategy (SAMMs)

<b>SAMMs contribution</b>	£121 per dwelling for 196 dwellings, giving a total of £23,716.  To be spent on mitigating the impacts of recreational disturbance along the Humber, providing one or a combination of the following: <ul style="list-style-type: none"><li>• Part time facilitation officer.</li><li>• The development and procurement of appropriate signage, interpretation boards, and access improvement projects (planting, fencing, footpath improvement/diversion) to respond to monitoring outputs. 5 interpretation boards to be provided at each survey location (Alkborough Flats, Whitton Foreshore, Chowder Ness Viewpoint, Waters Edge and East Halton Skitter).</li></ul>
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	<ul style="list-style-type: none"> <li>• Bird habitat monitoring surveys and subsequent analysis.</li> <li>• Signage (route direction/"no fouling"/"dogs on lead," etc.).</li> <li>• Route management (fencing, screening, planting, drainage, widening, etc.);</li> <li>• Dog waste bins.</li> <li>• Habitat protection and improvement (natural screening, litter picking, etc.).</li> <li>• Footfall counters to record visitor numbers at key sensitive locations.</li> </ul>
<b>Trigger Point:</b>	On the occupation of the 1 <sup>st</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

### Biodiversity Net Gain

<b>Biodiversity Net Gain</b>	3.38 units required off-site. 1 Biodiversity Unit = £22,000  £74,360 towards offsite habitat creation in North Lincolnshire.
<b>Trigger Point:</b>	30% payable on occupation of the 15 <sup>th</sup> dwelling 30% payable on occupation of the 30 <sup>th</sup> dwelling 40% payable on occupation of the 50 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution:</b>	10 years

February 2026 UPDATE:

### Clawback Mechanism

Following the Planning Committee meeting on 11<sup>th</sup> February 2026, North Lincolnshire Council and the applicant have agreed the inclusion of a clawback mechanism in the Section 106 Agreement. This will allow a review of costs and revenues based on several fixed parameters which shall be carried out at a later point within the development. If the clawback triggers are exceeded, a financial contribution in lieu of affordable housing, education (primary and secondary) and health will become payable to the Council.

<b>Education (Primary and Secondary)</b>	£10,602 per market dwelling towards primary and secondary education in Barton.
<b>Health</b>	A total of £135,652.71 towards the space expansion of West Town Surgery and Central Surgery in Barton.
<b>Affordable Housing</b>	A total contribution of up to £2,764,891.28 in lieu of onsite affordable housing. Calculation: Avg House Price in NL (Dec 2025) = £180,202 40% of £180,202 = £72,080.80 £72,080.80 x 39 dwellings (total affordable requirement) = £2,811,151.20 £2,811,151.20 - £46,259.92 (already secured in S106) = £2,764,891.28

PROPOSED DATE WHICH WILL TRIGGER THE VIABILITY APPRAISAL REVIEW :

- **Following the occupation of 100 dwellings**, an updated viability appraisal is required to be submitted as a result of the Viability Appraisal Trigger occurring.

- **If any overage** is identified in the viability appraisal review, **payment shall be made to NLC upon the occupation of 75% of the development** (147 dwellings).

Fixed Parameters:

- Acquisition Costs: SDLT at prevailing rate, 1.0% agent and 0.5% legal fees
- Contingency costs: 3% of construction costs and 3% of abnormal costs
- Professional Fees: 6.00% of total build costs (including externals & abnormal)
- Marketing, Sales Agent and Sales Legal Fees: 3% of market GDV plus £750 per unit legal fees across all tenures
- Profit – 18% on Gross Development Value

All other costs within the Viability Appraisal Review to be reviewed on an open book basis.