

# CAMBOURNE PARISH COUNCIL

District of South Cambridgeshire

Council Meeting 20<sup>th</sup> March 2018

## **SB02 Report**

As part of the planning consent there was contribution towards Community Facilities an Open Space through a s106 agreement. The s106 agreement required a deed of covenant be agreed. Attached is a draft produced by Stephen Reid Planning Solicitor working for South Cambs District Council.

It is

**RECOMMENDED** that the Chairman and Vice Chairman be authorised to sign the deed of covenant and witnessed by the Parish Clerk.

**THIS DEED OF COVENANT** is made the \_\_\_\_\_ day of \_\_\_\_\_  
2018

**By** CAMBOURNE PARISH COUNCIL of The Hub, Cambourne Community,  
Centre, High Street, Cambourne, Cambridge, CB23 6GW ("the Parish Council")

In favour of

FLAGSHIP HOUSING DEVELOPMENTS LIMITED (company number 05131085)  
("Flagship"), and

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL ("the District Council")

W H E R E A S :

- (1) Under the terms of a Section 106 Agreement ("the Section 106 Agreement") dated 14th July 2016 made between (1) the District Council (2) Cambridgeshire County Council and (3) Flagship there is provision under paragraph 2.3 of the Third Schedule for payment to the District Council of a Community Facilities Contribution but with scope for the District Council to pass such contribution to the Parish Council subject, in effect, to the Parish Council having first entered into a Deed of Covenant with Flagship whereby the Parish Council covenants (i) to only use such sum for the provision and/or improvement of community facilities at Cambourne and (ii) to repay such sum to Flagship if such sum is not used for such purposes within 5 years of receipt
- (2) The Community Facilities Contribution of £11,325.39 was received by the District Council on 2/2/2018
- (3) The District Council agrees to transfer the Community Facilities Contribution to the Parish Council SUBJECT TO this Deed of Covenant and the Parish Council agreeing to comply with the covenants given in the Section 106 Agreement as to the Community Facilities Contribution as if those covenants themselves had been given by the Parish Council in favour of Flagship mutatis mutandis and to provide an indemnity in favour of the District Council as hereinafter described

NOW THIS DEED WITNESSETH as follows:

IN CONSIDERATION of the payment by the District Council to the Parish Council of the Community Facilities Contribution the Parish Council covenants with Flagship and the District Council

1. to use the Community Facilities Contribution solely for the purposes specified in the Section 106 Agreement
2. that if the Parish Council has not applied or made arrangements for the application of all or any part of the Community Facilities Contribution within 5 years from 2/2/2018 then the Community Facilities Contribution or

unexpended proportion thereof (as the case may be) (and together with interest) shall be payable to Flagship as provided in the Section 106 Agreement until such sum is paid in full

3. that it shall if requested by Flagship produce to Flagship within 28 days of such a request a statement of account as to how the Community Facilities Contribution or any part thereof shall have been spent
4. that it will indemnify the District Council fully against any costs or claims which may arise in respect of any breach by the Parish Council of the terms of this Deed of Covenant.

IN WITNESS of which two members of the Parish Council have pursuant to a resolution of the Parish Council passed on \_\_\_\_\_ signed and delivered this Deed on the day and year first above written.

SIGNED AND DELIVERED as a Deed by \_\_\_\_\_ )  
in the presence of:- \_\_\_\_\_ )

Witness Signature:

\_\_\_\_\_  
Witness Name: (Block Capitals)

\_\_\_\_\_  
Witness Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED AND DELIVERED as a Deed by \_\_\_\_\_ )  
in the presence of:- \_\_\_\_\_ )

Witness Signature:

\_\_\_\_\_  
Witness Name: (Block Capitals)

\_\_\_\_\_  
Witness Address:  
\_\_\_\_\_  
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