



NORTHAMPTON  
**GATEWAY**  
STRATEGIC RAIL FREIGHT INTERCHANGE

**DRAFT SECTION 106 CONFIRMATION  
AND COMPLIANCE DOCUMENT**

**DOCUMENT 8.5**

The Northampton Gateway Rail Freight Interchange Order 201X

DRAFT SECTION 106 CONFIRMATION  
AND COMPLIANCE DOCUMENT | 6 NOVEMBER 2018

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ROXHILL



**THE NORTHAMPTON GATEWAY RAIL FREIGHT  
INTERCHANGE ORDER 201X**

**SECTION 106 CONFIRMATION AND COMPLIANCE DOCUMENT**

**Roxhill (Junction 15) Limited**

**6 November 2018**

**DOCUMENT 8.5**

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## **1. Introduction**

- 1.1 This document is submitted to confirm that the Section 106 Agreement (S106) (Document 6.4[ ]) complies with the legal requirements attached to planning obligations under section 106 Town and Country Planning Act 1990 (as amended) and that it has been legally executed as a Deed.
- 1.2 The S106 is entered into by the landowners and the Applicant with South Northamptonshire Council and Northamptonshire County Council in order to secure various planning obligations agreed with those authorities.
- 1.3 Section 2 of this document explains the ownership of the land which is bound by the S106.
- 1.4 Section 3 deals with the tests identified in paragraph 4.10 of the National Policy Statement for National Networks (NPSNN) as being required to be satisfied if planning obligations are to be sought.
- 1.5 Section 4 confirms how the S106 has been executed by the parties.
- 1.6 Section 5 confirms the completion arrangements.

## **2. Ownership**

- 2.1 The S106 binds the majority of the main site, referred to as the "Obligation Land". This is shown tinted blue on the plan attached to the S106 and is contained in various title numbers, as explained in the recitals to the S106, and repeated below for ease of reference.
- 2.2 Hereward Charles Wake and John Hereward Wake (defined as the "First Owners") are the freehold owners of the land within title numbers NN289465, NN289466 and NN289824.
- 2.3 John Hereward Wake is the "Second Owner" because he is the sole owner of the land within title numbers NN288549, NN290178, NN290838, NN348756 and NN348757.
- 2.4 The Applicant is also party to the S106 as it has the benefit of an option to purchase the Obligation Land.
- 2.5 The Applicant's solicitors provided the title information set out above to the District Council and the County Council with the first draft of the S106.

## **3. Planning Obligations: NPSNN Tests**

- 3.1 The table at Appendix 1 identifies the planning obligations contained in the S106 and explains how they meet the requirements referred to in paragraph 4.10 of the NPSNN.

- 3.2 These are that they are:
- 3.2.1 necessary to make the development acceptable in planning terms;
  - 3.2.2 directly related to the proposed development; and
  - 3.2.3 fairly and reasonably related in scale and kind to the development.
- 3.3 The fourth column of the table confirms the position in respect of any “pooling” issue for the purposes of Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

#### **4. Execution**

- 4.1 The S106 is executed as a Deed, as required by s.106(9) of the Town and Country Planning Act 1990.
- 4.2 The owners (Hereward Charles Wake and John Hereward Wake) have signed the Deed as individuals in the presence of an independent witness. As provided for by s.1(3) of the Land of Property (Miscellaneous Provisions) Act 1989.
- 4.3 The Applicant has executed the Deed pursuant to s.44 of the Companies Act 2006, [by one Director in the presence of a witness]. The Directors of Roxhill (Junction 15) Limited who have signed the S106 are [ ].

#### **5. Completion**

- 5.1 The S106 was completed on parties on [ ].

