

## **Agreement to Pay for Independent Review and Declaration in Relation to the Information Submitted**

An undertaking will be expected as part of a viability submission to ensure that the developer agrees to pay for the independent review and confirms that the information submitted is accurate. The Council will expect undertaking to be in the form and of the substance of the template below.

### **Agreement to pay the Council's Costs of Independent Review [and to provide a declaration in relation to the viability assessment]**

**Date:**

**Parties:**

- 1) **[Name]** of [registered office address] and registered in England and Wales with company number [number] (**'the Applicant'**)
- 2) **Lancaster City Council** of Town Hall, Dalton Square, Lancaster LA1 1PJ (**'the Council'**)

**Definitions:**

**Development:** means [INSERT DESCRIPTION OF DEVELOPMENT] on the land know as [INSERT SITE ADDRESS]

**Planning Application:** means the planning application known to the Council by reference number [INSERT REFERENCE] relating to the Development

**SPD:** means the Council's Viability Protocol Supplementary Planning Document 2011 – 2031 (March 2022) as amended from time to time.

**The Review:** an assessment of the Applicant's data and information for the purpose of viability assessment following application for planning permission by Independent professionals appointed by the Council.

**Background:**

- A. The Council is to appoint a suitably qualified and skilled professionals to make an independent review (**'the Review'**) of the data and information provided by the Applicant in its Planning Application and viability assessment, in accordance with the terms of its SPD.
- B. The Review will be carried out prior to the determination of the Planning Application.
- C. The costs of the Review shall be in accordance with the Schedule on the Council Website and in accordance with Appendix C of the SPD.
- D. In most cases, the Applicant will be required to pay the costs of the Review in advance of its commissioning.
- E. Where in the Council's reasonable opinion the scope of the Review requires it, the Applicant may be called upon to reimburse the Council for additional fees incurred in consequence of any revision of the scope of the Review and the further work need to complete the Review.
- F. The Council has requested a declaration from the Applicant in the form given at clause 5.

**The Review:**

1. The Council will use reasonable endeavours to inform the Applicant about:
  - a. The scope and indicative costs prior to the Review; and/or

- b. Any additional costs incurred throughout

as soon as reasonably practicable.

2. The Applicant agrees to pay the reasonable costs incurred by the Council of the Review in full (and inclusive of any VAT charged to the Council, where applicable) within 30 days upon written request by the Council.
3. The Applicant agrees that if it fails to pay the Council's costs after 28 days of the written request, the Council may charge interest on top of the costs of the Review at 4% above the Barclays Bank's base rate.
4. The Applicant acknowledges that this agreement forms a legally binding commitment to pay the Council's costs in order to enable the Council to commission and obtain the Review.

**Declaration by the Applicant in relation to the information provided in its viability statement:**

5. The Applicant confirms that the following is true to the best of its knowledge:
  - a. That the information provided in its viability assessment (along with all supporting evidence and documentation) is true and accurate;
  - b. That it has not instructed any agent/professional to formulate the viability assessment under any arrangement whereby that agent/professional receives any kind of inducement or benefit (financial or otherwise) should the Applicant be successful in reducing its planning contributions or the extent of the planning obligations linked to the Development.

*I confirm that I am authorised by the Applicant to sign this agreement on its behalf.*

**Signed on behalf of the Applicant:**

**Name and position:**

**Date:**

**Signed on behalf of the Council:**

**Name and position:**

**Date:**