



Ministry of Housing,  
Communities &  
Local Government

**Matthew Pennycook MP**

*Minister of State for Housing and Planning*

2 Marsham Street

London

SW1P 4DF

Our reference: PO2025/02337

Nick Timothy MP  
House of Commons  
London  
SW1A 0AA

18 February 2025

Dear Nick,

Thank you for your letter of 23 January on behalf of your constituent regarding the provision of infrastructure for residents which relates to two new-build housing estates in the town of Haverhill, West Suffolk.

I appreciate how important this matter is to your constituent and am grateful to you for taking the time to write. To ensure you receive a timely response, I have asked my officials to address your concerns in detail in the letter appended.

Please be assured that I am conscious of the matters you have raised, and I appreciate the insight your letter provides.

I hope the attached response suitably addresses your constituent's enquiry. If that is not the case, please don't hesitate to let me know.

Best wishes,

**MATTHEW PENNYCOOK MP**  
Minister of State for Housing and Planning



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Dear Nick Timothy MP,

Thank you for your letter, to which the Housing Minister has asked me to reply.

As you may be aware, the Department is unable to comment on individual planning cases. However, I can provide some general information which I hope you find helpful.

Section 106 planning obligations are legal obligations to mitigate the impacts of a development proposal. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. Local planning authorities are expected to use all of the funding received by way of planning obligations, as set out in individual agreements, in order to make development acceptable in planning terms. Agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not.

Section 106 agreements are legal agreements, and a local planning authority may take enforcement action in respect of any breach of the obligations contained within them. Enforcement is at the discretion of the local planning authority therefore it is for the local planning authority to decide whether enforcement action is appropriate in each case.

Thank you for taking the time to write.

Yours sincerely,

**FRED SMAILES**  
Head of Ministerial Correspondence