

# UTTLESFORD DISTRICT COUNCIL

## CIL COMPLIANCE

### WESTERN HOMES PLC

Planning Inspectorate Reference: S62A/2023/0016

UDC Reference Number: UTT/23/0902/PINS

### Land At Warish Hall Farm North Of Jacks Lane, Smiths Green Lane, Takeley

#### **1.0 Introduction**

- 1.1 This statement addresses the planning obligations sought by Uttlesford District Council in association with the above Section 62a scheme. This statement is provided without prejudice to the Council's case. The CIL compliance note addresses contents of the draft S106 Obligation, submitted in the form of a Unilateral Undertaking, submitted for the hearing on 25<sup>th</sup> July 2023 and agreed between the parties.

#### **2.0 Relevant Legislation and Policies**

- 2.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development, and;
  - c) Fairly and reasonably related in scale and kind to the development.
- 2.2 The following policies of the Development Plan are referred to in support of the case that the proposed planning obligations meet these tests:

#### Uttlesford Local Plan 2005

#### **Policy GEN6 –Infrastructure Provision to Support Development**

- 2.3 This policy states that Development will not be permitted unless it makes provision for infrastructure that is made necessary by the proposed development. Where the cumulative impact of developments necessitates

such provision, developers may be required to contribute to the costs of such provision.

**Policy GEN1 – Access**

- 2.4 This Policy stated that development will be permitted if it makes provision for appropriate access including ensuring that the traffic generated can be accommodated on the transport network, ensuring safety and for all highway users and encourages movement other than the car.

**Policy GEN2 – Design**

- 2.5 Development is required to provide an appropriate level of design which includes safeguarding environmental features in their settings and also to provide an environment which meets the reasonable needs of all potential users.

**Policy GEN7 – Nature Conservation**

- 2.6 This policy protects protected species and habitats and requires that measures to secure mitigation and/or compensation for potential impacts of development should be secured by planning obligation or condition.

**Policy H9 - Affordable Housing**

- 2.7 This policy confirms that the Council will seek to negotiate on a site-to-site basis an element of affordable housing of 40% of the total provision of housing on appropriate allocated and windfall sites, having regard to the up-to-date Housing Needs Survey, market and site considerations.

**3.0 Planning Obligation**

3.1 The planning obligation is required to cover the following issues:

- i. Provision of 40% affordable housing (25% of which are First Homes)
- ii. Provision of Education Contributions
- iii. Provision of Library Contribution
- iv. Payment of Highway contributions and works
- v. Provision, management and future maintenance of Public Open Space
- vii. Provision of NHS contribution (not included in draft UU circulated)**

The table below sets out the requirements of the Draft S106 and the reasons for the requirement.

Planning Obligation	Justification
<p>Schedule 1 Part 1 – Affordable housing (40%)</p>	<p>40% affordable housing is required to mitigate the development by providing a balanced community in accordance with Local Plan Policy H9. The NPPG also recognises the need for affordable housing in delivering a sufficient supply of homes. The provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy. The provision of affordable housing on site is directly related to the development and the provision of 40% on site is considered to be fairly and reasonably related in scale and kind to the development.</p> <p>The need for 25% of the 40% affordable housing to be First Homes is also National policy complainant.</p> <p>The requirement for the provision of affordable housing conforms to the three regulation 122 tests.</p>
<p>Schedule 1 Part 2 - Sustainable Transport (£112,000) &amp; Schedule 2 Part 1 – Highway Improvements</p>	<p>In order to provide high quality, sustainable developments which have a good design area required in accordance with the Essex Design Guide, Local Plan Policy GEN2 and GEN1.</p> <p>Planning policy therefore requires the provision of sustainable sites, which is necessary to make the development acceptable in planning terms. The site is situated in a location where there is access to some services but trips in private vehicles would still be generated.</p> <p>The contribution of <b>£112, 000</b> would fund improvements to enhance bus services between the development and local centres including Bishops Stortford, local amenities and/or Stansted Airport improving the frequency, quality and/or geographical cover of bus routes that serve the site and/or local bus infrastructure and/or the design and implementation of a cycle route between Takeley and Stansted Airport.</p> <p>The contribution towards improvement of sustainable transport would create better connectivity between sites</p>

	<p>and services in accordance with Paragraphs 104-106 of the NPPF. It would encourage walking by providing the safe route rather than pushing residents to their vehicles. This is in accordance with Local Plan Policies GEN1, GEN2 and ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.</p> <p>The Highway improvements required would assist to mitigate the development and facilitate in making the scheme acceptable.</p> <p>The requirement for the provision of open space conforms to the three regulation 122 tests.</p>
<p>Schedule 2 Part 1 Education contribution</p> <p>Early Years and Childcare Contribution <b>£57,502.00</b></p> <p>Secondary Education contribution <b>£175,935.00</b></p> <p>School Transport contribution <b>£36,837.00</b></p>	<p><b>Early Years and Childcare</b></p> <p>Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand and parental choice. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).</p> <p>The proposed development is located within Takeley ward (postcode CN22 6NZ) and will create the need for an additional 3.33 childcare places.</p> <p>According to latest available childcare sufficiency data, there are 20 early years and childcare providers within the ward. Overall, a total of 0 unfilled places were recorded.</p> <p>Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs)</p> <p>Although there is some EY&amp;C capacity in the area, the data shows insufficient provision to meet the additional demand created by this development. It is thereby proposed that a contribution towards the creation of 3.33 new places is requested.</p> <p>The demand generated by this development would require a contribution towards the creation of additional EY&amp;C places. A developer contribution of <b>£57,502.00</b> index linked to Q1-2020 is sought to mitigate its impact</p>

on local early years & childcare provision. This equates to £17,268.00 per place.

### **Secondary Education**

The Priority Admissions Area secondary school for this development would be Forest Hall, which has a Published Admissions Number of 132 places per year. The school currently has some unfilled capacity but, according to data provided by the Department for Education, the number of children for whom this is their nearest school is already far higher than the number of available places. Action has not, so far, been required due to parental preference. As permitted housing development in the area is completed, in particular in Bishop's Stortford, it is anticipated that Forest Hall will fill and may need to expand. The latest forecasts and plans for the area are set out in the Essex School Organisation Service's Ten-Year Plan.

The demand generated by this development would require a contribution towards the creation of additional Secondary Education places. A developer contribution of **£175,935.00** index linked to Q1-2020, is sought to mitigate its impact on local secondary school provision. This equates to £23,775 per place.


A contribution toward Post16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), an Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.


### **School Transport**

Having reviewed the proximity of the site to the closest primary school to this development is Takeley Primary School. I have carried out a desktop inspection of the route to this school, and it would be deemed as available to be walked, accompanied as necessary by an Adult. Therefore, there would not be a requirement for a school transport contribution to this school.

Essex County Council will not be seeking a school transport contribution at this time for Primary School Transport. However, the developer should ensure that safe direct walking and cycling routes to local primary schools are available.

	<p>Having reviewed the proximity of the site to the nearest Secondary school, The closest secondary school to this development is The Helena Romanes School. As this school is over 3 miles away from the development, they would be entitled to transport under the Education Transport policy, so there would be a requirement for a school transport contribution to this establishment as the distance is in excess of the statutory walking distance, therefore, Essex County Council will be seeking a school transport contribution towards Secondary school transport. Based on 7.40 pupils, the transport contribution would be <b>£36,837.00</b> index linked to Q2 2021</p> <p>The contributions are directly related to the number of children generated by the development. Requirements are set out in the Essex County Council Education Authority letter dated 17<sup>th</sup> May 2023 and Essex County Council Developers' Guide to Infrastructure Contributions 2020.</p> <p>The requirement would conform to the three regulation 122 tests.</p>
<p>Schedule 2 Part 1 Library contribution <b>£3,112.00</b></p>	<p>ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.</p> <p>The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.</p> <p>The suggested population increase brought about by the proposed development is expected to create additional usage of the nearest library. A developer contribution of <b>£3,112.00</b> is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit, index linked to April 2020.</p> <p>The contributions are directly related to the number of dwellings on the development. Requirements are set out in the Essex County Council Libraries consultation response and Essex County Council Developers' Guide to Infrastructure Contributions 2020.</p> <p>The requirement would conform to the three regulation 122 tests.</p>

<p>Schedule 1 Part 2 Public Open Space</p>	<p>Policy requirement (Policy GEN2c) for environments to meet the needs of all potential users. The development is required to provide satisfactory on site public open space.</p> <p>On-site provision and future maintenance by a management company/ Takeley PC as required by the S106.</p>
<p>ECC Monitoring fee</p>	<p>The requirement for monitoring the ECC obligations as outlined in the Essex County Council Developers Guide to Infrastructure Contributions 2020. The fee is for services supplied to the developer by ECC, for the provision of support and advice to the onsite.</p> <p>ECC - £ 550 per obligation</p> <p>The sum is taken from the Essex County Council Developers Guide to Infrastructure Contributions 2020 and inflation since 2020 has been added.</p> <p>This would conform to the three regulation 122 tests.</p> <div style="text-align: center;">  <p>Essex County Council Developers</p> </div>
<p>Uttlesford District Council Monitoring fee</p>	<p>UDC Adopted S106 Monitoring Fees</p> <p>This monitoring fee includes a general monitoring fee of £416.</p> <p>UDC – total £3,328</p> <p><i>The justification and calculation is based on the number of 1 hour site visits based on a one-year site build, estimated to be 4 visits per year. It is estimated there would be circa 8 over a two-year build site visits 1 hour per site visit x 4 based on 1 year site build - £52 x 4 = £208</i></p> <p><i>10-20 hours Admin/emails/telephone calls based on 1 year site build - £52 x 20 = £1040.00</i></p> <p>&lt; 40 units based upon 1 year build out £1,664.00</p> <p>£1,664.00 x 2 years = £3,328</p>

	<p>A calculation is then made on the number of units per annum (build out lifetime) based on the overall number of years build out, which is believed to be 2 years.</p> <p>An overall figure of £3,328 is required</p> <p>The requirement would conform to the three CIL tests.</p>  <p>S106 Monitoring Fees Breakdown.doc</p>
	<b><u>Contributions sought but not included in draft UU</u></b>
NHS	<p>Justification is provided as to why the healthcare contribution is required and the amount required is contained in NHS Hertfordshire and West Essex Integrated Care Board (HWE ICB) letter dated 1<sup>st</sup> June 2023. This outlined the following;</p> <p>Cost calculation of additional primary healthcare services arising from the development proposal</p> <p>96 new patient registrations/2000 = 0.048 of a GP *GP based on ratio of 2,000 patients per 1 GP and 199m2 as set out in the NHS England “Premises Principles of Best Practice Part 1 Procurement &amp; Development”.</p> <p>0.048 x 199 m2 = 9.55 m2 of additional space required  9.55 m2 x £5,410* per m2 = £51,665.50 (*Build cost; includes fit out and fees)  £51,665.50/40 dwellings = £1,292.00 per dwelling (rounded up)</p> <p>Total GMS monies requested: 40 dwellings x £1,292.00 = <b>£51,680</b></p> <p>This is in accordance with Local Plan Policy GEN6 which requires developments to mitigate their impacts.</p>