

UTTLESFORD DISTRICT COUNCIL

CIL COMPLIANCE STATEMENT 05/02/2024

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CRAN

S62A/2023/0026

LPA REF: UTT/23/2622/PINS

LAND SOUTH OF RUSH LANE, ELSENHAM

**1.0 Introduction**

- 1.1 This statement addresses the planning obligations sought by the Council in association with the Section 62a scheme. This statement is provided without prejudice to the Council's case. The CIL compliance note remains in draft form until the section 106 agreement has been 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 H9- Affordable Housing**

- 2.4 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.

### **Policy GEN1 – Access**

- 2.5 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**

- 2.7 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.


## **3.0 Planning Obligation**

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

- Provision of 40% affordable housing and first homes
- Provision of management company
- Provision of Public Open Space
- Financial contribution for Community Hall
- Financial contribution for health care
- Payment of education financial contributions
- Library contribution
- Highways and Transport measures
- ECC monitoring fees
- UDC monitoring fees

The table below sets out the requirements of the section 106 legal agreement and the reasons for the agreement.

<b>Planning Obligation</b>	<b>Justification</b>
Schedule 2 Part 1 and 2 – Affordable housing (40%) and First Homes	<p>Policy requirement (Policy H9) for 40% affordable housing to be provided on site.</p> <p>The need for 25% of the 40% affordable housing to be First Homes is also National policy compliant.</p> <p>The requirement for the provision of affordable housing conforms to the three regulation 122 tests.</p>
Schedule 2 Part 3 – Management Company	Policy requirement (Policy GEN2c) for environments to meet the needs of all potential users. The development is required to ensure the satisfactory future maintenance of the on-site public open space.
Schedule 2 Part 4 – Public open space	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.
Schedule 1 Part 5 – Community Hall Contribution	The increase in local population would mean the increase in the demand for the use of local community facilities which would need to be mitigated for. This is in accordance with Local Plan Policy GEN6.
Schedule 6 – NHS	<p>Justification is provided as to why the healthcare contribution is required and the amount required is contained in NHS consultation response dated 3 January 2024.</p> <p>This is in accordance with Local Plan Policy GEN6.</p>
Schedule 3 – The education contribution	<p>The contributions are directly related to the number of children generated by the development.</p> <p>Requirements are set out in the Essex County Council Education Authority letter dated 10 January 2024 and Essex County Council Developers' Guide to Infrastructure Contributions 2020.</p> <p>This is in accordance with Local Plan Policy GEN6.</p>

Schedule 4 – Library contribution	<p>The contributions are directly related to the number of dwellings on the development.</p> <p>Requirements are set out in the Essex County Council consultation response dated 10 January 2024 and Essex County Council Developers' Guide to Infrastructure Contributions 2020.</p> <p>This is in accordance with Local Plan Policy GEN6.</p>
Schedule 5 – Part One – Sustainable transport contribution	Required set out in Highway Authority's consultation response dated 12 January 2024.
Schedule 5 – Part Two – Residential travel information packs	Required set out in Highway Authority's consultation response dated 12 January 2024.
ECC Monitoring fee	<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;">         Essex County        Council Developers     </div>
Uttlesford District Council Monitoring fee	<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>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</p>

10-20 hours Admin/emails/telephone calls based on 1 year site build - £52 x 20 = £1040.00

< 40 units based upon 1 year build out £1,664.00

£1,664.00 x 2 years = £3,328

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.

An overall figure of £3,328 is required.

The requirement would conform to the three CIL tests.



S106 Monitoring  
Fees Breakdown.doc