

UTTLESFORD DISTRICT COUNCIL

CIL COMPLIANCE STATEMENT 12/02/2024

WESTON HOMES PLC

S62A/2023/0027

LPA REF: UTT/23/2682/PINS

WARISH HALL FARM, SMITHS GREEN LANE, TAKELEY, ESSEX, CM22 6NZ

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 Public Open Space
- Financial contribution for health care
- Highways and Transport measures
- Payment of education financial contributions
- Library contribution
- 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.

Planning Obligation	Justification
<p>Schedule 1 Part 1 and 2 – Affordable housing (40%) and First Homes</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 4 – 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>The requirement would conform to the three regulation 122 tests.</p>
<p>Schedule 1 Part 5 – Healthcare Contribution</p>	<p>Justification is provided as to why the healthcare contribution is required in NHS Hertfordshire and West Essex Integrated Care Board’s consultation response dated 6 November 2023.</p> <p>Policy requirement GEN6.</p> <p>Developer Contributions SPD March 2023.pdf (uttlesford.gov.uk)</p> <p>The requirement would conform to the three regulation 122 tests.</p>
<p>Schedule 2 – Part 1 and 2 – Highways Improvements and Sustainable transport contribution</p>	<p>In order to provide high quality, sustainable developments which have a good design area</p>

	<p>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 £112, 000 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 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 would conform to the three regulation 122 tests.</p>
Schedule 2 – Part 3 – Travel Packs	<p>In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.</p> <p>Developers' Guide for Infrastructure Contributions (essex.gov.uk)</p> <p>The requirement would conform to the three regulation 122 tests.</p>
Schedule 2 – Part 4 – 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 27 November 2023, and Essex County Council Developers guide to Infrastructure Contributions 2020.</p> <p>(Developers' Guide for Infrastructure Contributions (essex.gov.uk))</p> <p>The requirement would conform to the three regulation 122 tests.</p>
<p>Schedule 2 – Part 5 – Library Contribution</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>Contributions are directly related to the number of dwellings on the development. Requirements are set out in the Essex County Council consultation response dated 27 November 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>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>

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 -
 $£52 \times 4 = £208$

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

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

$£1,664.00 \times 2 \text{ years} = £3,328$

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