



UTTLESFORD DISTRICT COUNCIL
CIL COMPLIANCE STATEMENT MAY 2024

Consultation on S62A/2023/0030 - Outline application with all matters reserved except access for up to 28 dwellings (class C3) including public open space, sustainable drainage systems, landscaping and associated infrastructure

Land West Of The Cricketers, Clatterbury Lane, Clavering, Essex

1.0 Introduction

1.1 This statement addresses the planning obligations sought by the Council in association with the proposed scheme. This statement is provided without prejudice to the Council's consultation of the S62a planning application. The CIL compliance note remains in draft form until the S106 has been submitted in its final form.

2.0 Relevant Legislation and Policies

2.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 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 Community Infrastructure Levy (Amendment) Regulations 2019 included various amendments which included the removal of pooling restrictions.

2.3 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

- 2.4 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

- 2.5 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 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 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 GEN1- Access

- 2.6 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

3.0 Planning Obligation

- 3.1 Although the Council object to the application, the following planning obligations are required

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

Planning Obligation	Justification and Number since 6 April 2010
<p>Affordable housing (40%) Land transfer or completion/transfer.</p>	<p>Policy requirement (Policy H9) for 40% affordable housing to be provided on site.</p> <p>On-site provision by an approved body as required by the S106.</p> <p>It is noted that the appellants are offering 40% affordable housing on the site. This is in accordance of the policy requirement and the Council considers that it is acceptable in view of the current shortage of affordable housing in the district.</p>
<p>Open Space Provision</p> <p>Public Open Space (POS) provision to be provided on site before occupation of 50% of Dwellings.</p> <p>Long term Management Plan to be put in place for Public Open Space before occupation of 1st Residential Dwelling.</p> <p>Maintenance contribution to be provided towards long term maintenance of the public open space to the relevant Parish Council or to be operated by Management Company</p>	<p>Policy GEN2c requires that developments should provide 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 as required by the S106.</p> <p>The NPPF sets out that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.</p> <p>Planning policy therefore requires the provision of open space on site, which is necessary to make the development acceptable in planning terms.</p> <p>The public open space would be situated within the development areas and serve the future residents of the development directly and would be available to all residents as public open space.</p>
<p>Provision of NHS Health Care Financial Contribution</p>	<p>Justification is provided as to why the healthcare contribution is required and the amount required is contained in NHS West Essex Clinical Commissioning Group's consultation response dated 6 February 2024.</p>

<p>Provision of Education Contributions,</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 12th February 2024 and Essex County Council Developers' Guide to Infrastructure Contributions document.</p>
<p>Provision of Library Contribution</p> <p>A developer contribution of £2,178.40 is therefore considered necessary to improve, enhance and extend the facilities and services provided and to expand the reach of the mobile library and outreach services. 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>Delivery of Biodiversity Net Gain</p> <p>A report evidencing a net gain in biodiversity will be achieved compared to the biodiversity baseline on the site as existing when measured against the biodiversity baseline to be calculated in accordance with the principals as set out in the submitted by Ecology Solutions Biodiversity Net Gain report dated December 2023.</p>	<p>Policy GEN7 and the NPPF seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.</p>
<p>Highways Works</p> <p>To submit the Highways Works Scheme to the County Council in writing prior to Implementation of the Development and not to cause allow or permit Implementation of the Development unless and until the Highways Works Scheme has been submitted to the County Council for their written approval;</p> <p>To enter into a Highway Works Agreement for the Approved Highway Works Scheme prior to commencement of such works or such other timescale as shall be agreed in writing with the County Council always that the Owners shall enter into the Highway Works Scheme prior to first Occupation of any Dwellings on the Development.</p>	<p>Works required set out in proposed access plans and to provide a mechanism for the submission of Highways Works Scheme making the provision for appropriate access and ensuring safety and for all highway users.</p>

Payment of S106 monitoring Fee	UDC Adopted S106 Monitoring Fees
TBC	<p>The justification and calculation is based on the number of 1 hour site visits based on a one year site build. It is estimated there would be circa 15 site visits per 'site build' annum.</p> <p>The justification and calculation is based on the number of 1 hour site visits based on a one year site build. It is estimated there would be circa 15 site visits per 'site build' annum.</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.</p> <p>The requirement would conform to the three CIL tests</p>