

UTTLESFORD DISTRICT COUNCIL

CIL COMPLIANCE STATEMENT 22 August 2024

SECTION 62A (Ref. S62A/2024/0045) – Land at Wickham Hall Estate, Bishops Stortford

LPA Ref: UTT/24/1417/PINS

**1.0 Introduction**

- 1.1 This statement addresses the planning obligations sought by the Council in association with the Section 62a which is going to a hearing on 29<sup>th</sup> August 2024. As part of this application the Council need to provide a draft section 106 heads of terms prior to the hearing taking place. This document needs to be submitted to the Planning Inspectorate (PINS) by 23<sup>rd</sup> August 2024.
- 1.2 This statement demonstrates how the obligations sought and/or secured by the legal agreement align with policies of the adopted development plan.

**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**

- 2.5 This policy states “Development will only be permitted if it meets all of the following criteria:
- a) Access to the main road network must be capable of carrying the traffic generated by the development safely.
  - b) The traffic generated by the development must be capable of being accommodated on the surrounding transport network.

c) The design of the site must not compromise road safety and must take account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.

d) It must be designed to meet the needs of people with disabilities if it is development to which the general public expect to have access.

e) The development encourages movement by means other than driving a car.”

2.6 The preamble to the Policy GEN1 states the following under the designated paragraphs:

3.7 The impact of development on the road network will be assessed and Traffic Impact Assessments may be required as part of applications for planning permissions. Improvements to the transport infrastructure will be sought where appropriate. The environmental impact of traffic arising from a development will similarly be assessed and Environmental Assessments may also be required. The cumulative impact of developments will also be taken into account.

3.9 The needs of walkers, cyclists and horse riders will be taken into account whenever development would affect routes used by riders or where the potential for the creation of new paths along strategic routes would be jeopardised. Suitable replacement paths will be required when routes used by walkers and riders will no longer be suitable for continued use as a result of other changes to the road network or new development.

### **3.0 Planning Obligation**

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

- Permissive Path plan to protect the rights of way within the red line boundary
- Construction Route obligations

3.2 Both of these obligations are in accordance with the section 106 agreement between the applicant and East Herts District Council in respect of the solar farm granted in East Herts. This proposal will share the same construction access route and will also provide identical protection to the permissive paths.

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

Planning Obligation	Justification
Schedule 1	Plans demonstrating the temporary construction access and permissive paths
Schedule 2	<p>Construction Route Obligations with East Hertfordshire District Council to use the construction access in accordance with the Construction Access Scheme for all construction traffic and deliveries associated with the construction of the Solar Farm Development during the Construction Period.</p> <p>Development shall not commence until the Construction Access is practically complete and is available for use for all construction traffic.</p> <p>This is in accordance with both Local Plan Policies GEN1 and GEN6.</p> <p>The requirement for the provision of the construction access route conforms to the three CIL tests.</p>
Schedule 3	<p>Permissive Path Obligations.</p> <p>The owners hereby covenant with East Hertfordshire District Council and Uttlesford District Council not to allow or permit the First Use of the Solar Farm Development unless and until the Permissive Paths have been provided as Permissive Routes (until the date of the final decommissioning).</p> <p>This is in accordance with both Local Plan Policies GEN1 and GEN6.</p> <p>The requirement for the provision of the construction access route conforms to the three CIL tests.</p>
Uttlesford District Council Monitoring fee	<p>UDC Adopted S106 Monitoring Fee</p> <p>This general monitoring fee is £1040.00</p> <p>This will enable reasonable and proper administration costs of the monitoring of the performance of the above planning obligations that the owners are required to observe and perform pursuant to the terms of the deed.</p> <p>The requirement would conform to the three CIL tests.</p>