

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010 Town and Country

Planning (Inquiries Procedure) (England) Rules 2000

Planning Obligations CIL Compliance Statement Planning

Inspectorate Ref: APP/M1520/W/24/3351658

LPA Ref: 23/0484/FUL

Construct 173 No. dwellings including public open space, landscaping, access, drainage, parking, servicing, utilities and all associated infrastructure and ancillary buildings.

Land at Brook Farm adjoining 451-469 Daws Heath Road, Hadleigh, Essex.

1.0 Introduction

1.1 This statement addresses the planning obligations sought by Castle Point Borough Council in association with the above appeal scheme. This statement is provided without prejudice to the Council's case to have the appeal dismissed. This CIL compliance note addresses the contents of the agreed S106 Obligation. It is accompanied by a number of documents listed below which set out the requirements for various contributions sought in the S106.

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:

PROVISION OF AFFORDABLE HOUSING

Policy H7 - Affordable housing, where appropriate the council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. The number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of other necessary infrastructure, and will be determined by the council, following negotiation with the applicant. To facilitate the provision of affordable housing the council's normal requirement of 9.1m (30') frontages for all dwellings may be dispensed with in respect of affordable housing only.

POLICY CF1 - SOCIAL AND PHYSICAL INFRASTRUCTURE AND NEW DEVELOPMENTS

Where the infrastructure requirements generated by development cannot be met by the existing provision the Council will require developers to provide, prior to the occupation of the development approved.

Supplementary Planning Documents:

Developers Contributions Guidance SPD 2008; contains the specific requirement for affordable housing and other necessary contributions.

Developers Contributions Guidance Supplementary Planning Document (SPD) Affordable Housing March 2023

This document specifically sets out the types of developer contributions or planning obligations required for affordable housing. It will also highlight the process for how affordable housing will be sought and delivered.

Developers Contributions Guidance Supplementary Planning Document (SPD) Healthcare Facilities March 2023

This document specifically sets out the types of developer contributions or planning obligations required for health and social care. It will also highlight the process for how contributions will be sought and delivered.

Developers Contributions Guidance Supplementary Planning Document (SPD) Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure March 2023

This document specifically sets out the types of developer contributions or planning obligations required for transport, education and libraries. It will also highlight the process for how contributions will be sought and delivered.

Essex Coast RAMS SPD

The Supplementary Planning Document (SPD) focuses on the mitigation that is necessary to protect the birds of the Essex coast and their habitats from the increased visitor pressure associated with new residential development in combination with other plans and projects, and how this mitigation will be funded.

The SPD accompanies the strategic approach to mitigation which is set out in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (the 'RAMS'). The RAMS provides a mechanism for Local Planning Authorities (LPAs) to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

3.0 Planning Obligation

3.1 As set out in the Council's Statement of Case and the draft S106, the planning obligation covers the following issues:

- a) Monitoring Fees
- b) Healthcare Contribution
- c) Payment of RAMS tariff
- d) Provision of Affordable Housing
- e) Provision of Open Space
- f) Education Contribution
- g) Library Contribution
- h) Bus Service Contribution
- i) Residential Travel Plan & Monitoring Fee & Travel Information Pack.
- j) Highway Works Schedule

The table below sets out the requirements of the Section 106 Agreement and the reasons and justification for the respective requirements.

OBLIGATION	POLICY CONTEXT	Regulation 122 Test 1	Regulation 122 Test 2	Regulation 122 Test 3
Schedule 2 – 1.1 Monitoring				
CPBC Monitoring Fee	A fee of £550 per each obligation due to the Borough Council under	Without appropriate monitoring, full compliance with the revisions of the S106 is	As the monitoring fee is required to fund the appropriate discharge of the provisions of this	As the monitoring fee is required to fund the monitoring of the specific provisions

	<p>this Agreement towards the Borough Council's reasonable and proper administration costs of monitoring the Without appropriate monitoring, full compliance with the revisions of the S106 is uncertain. The required fee is necessary to ensure that appropriate monitoring can be undertaken.</p> <p>The appropriate discharge o the provisions of this Agreement the fee is considered directly related to the proposed development as the monitoring fee is required to fund the monitoring of the specific provisions within the S106, the level of provision is considered reasonably related in scale and kind to the development</p>	<p>uncertain. The required fee is necessary to ensure that appropriate monitoring can be undertaken.</p>	<p>Agreement the fee is considered directly related to the proposed development.</p>	<p>within the S106, the level of provision is considered reasonably related in scale and kind to the development proposed.</p>
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	<p>proposed. performance of the planning obligations that the Owner is required to observe and perform pursuant to the terms of this Agreement</p>			
ECC Monitoring Fee	<p>A fee of £700.00 per obligation due to the County Council under this agreement towards the County Council's reasonable and proper administration costs of monitoring the performance of the planning obligations.</p>	<p>Without appropriate monitoring, full compliance with the revisions of the S106 is uncertain. The required fee is necessary to ensure that appropriate monitoring can be undertaken.</p>	<p>As the monitoring fee is required to fund the appropriate discharge of the provisions of this Agreement the fee is considered directly related to the proposed development.</p>	<p>As the monitoring fee is required to fund the monitoring of the specific provisions within the S106, the level of provision is considered reasonably related in scale and kind to the development proposed.</p>
Schedule 2 – 1.2 Healthcare				
Healthcare Contribution	<p>NPPF Para 56 SPD - Healthcare Facilities Local planning authorities should consider whether otherwise unacceptable development could be made acceptable using</p>	<p>Existing GP practices do not have the capacity to accommodate the additional growth resulting from the proposed development. The development will generate new</p>	<p>The capacity of primary healthcare facilities in this area are already below the recognized standards of provision for the existing population. Any additional population growth in</p>	<p>Using the capital cost calculation adopted by NHS England the additional population generated by the proposed development will require additional capacity, the capital cost for which will be</p>

	<p>conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</p>	<p>residents and subsequently increase demand upon existing constrained services The contribution is required to fund improvements to capacity by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients at the surgeries of Dr Hiscock and Partners and the St Georges Medical Practice both serving the locality of the Site including the reimbursement of capital funding for such provision made by the NHS.</p>	<p>the area resulting from new development will add to the deficit. If the impact on existing services is unmitigated the development will impose an unsustainable burden on local healthcare services.</p> <p>The additional facilities are required as a direct result of the proposed increase in population arising from the proposed development</p>	<p>£85,600. The level of provision is considered reasonably related in scale and kind to the development proposed.</p>
Schedule 2 – 1.3 RAMS				
<p>The Habitats Regulations Assessment 2020.</p>	<p>This is a pooled contribution that is wholly in line with the</p>	<p>Consideration of the proposal within the context of the</p>	<p>As the contribution is required to mitigate the impact of future</p>	<p>As the contribution is required to mitigate the impact of future occupiers of the</p>

<p>Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).</p>	<p>Essex Coast RAMS SPD. Every new residential unit in the Borough contributes to the RAMS project. The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. The SPD contains details of the full mitigation package. The per dwelling fee is £163.86 resulting in an overall cost for the mitigation package is £28,347.78 in total.</p> <p>Policy EC14 of the Castle Point Adopted Local Plan.</p>	<p>Habitats Regulations Assessment 2020 identified that release of the site for development purposes had the potential for likely significant effects (LSE) on the designated areas.</p> <p>The RAMS identifies that within Castle Point any new residential development will be likely to generate recreational activity within designated areas.</p> <p>The RAMS identifies however that such impact can be mitigated through investment in the management, education, and control of visitor numbers.</p> <p>To fund such investment every net dwelling provided</p>	<p>occupiers of the proposed development, the contribution is considered directly related to the proposed development.</p>	<p>proposed development, the contribution is considered fairly and reasonably related in scale and kind to the development.</p>
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		within the Borough is required to make a financial contribution based on a tariff which has been established county-wide.		
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Schedule 3 - AFFORDABLE HOUSING

<p>Affordable Housing is excluded from the definition of infrastructure for the purposes of CIL</p>	<p>NPPF Chapter 5</p> <p>Policy H7 of the Adopted Local Plan (1998)</p> <p>Developer Contributions SPD (2008). Chapter 6 and Appendix A</p> <p>SPD – Affordable Housing March 2023</p>	<p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing the proposal would fail to meet the housing needs of the borough, contrary to paragraphs 64, 66 and 67 of the NPPF and Policy H7 of the adopted Local Plan.</p> <p>The sum of two thousand three hundred and five pounds and eighty pence (£2305.80) plus one hundred pounds (£100) for each Affordable Housing Dwelling is necessary for the Council's costs of checking compliance with the provisions of this obligation.</p>	<p>Para 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements are addressed. Housing need assessments have identified a significant requirement for affordable housing in the Borough. Paragraph 64 of the NPPF identifies that where a need for affordable housing is identified planning policies should specify the type of housing required and expect it to be met on site unless certain circumstances apply.</p> <p>Para 66 states</p>	<p>The appellant is offering 50% affordable housing which fairly and reasonably relates to the development, considering the more stringent policy requirement contained in the new national framework.</p>
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			<p>where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.</p> <p>The adopted SPD identifies that in Major residential proposals 35% of the proposed dwellings should be provided as affordable housing. The proposal represents a major residential proposal and is subject to this requirement. The requirement is therefore directly related to the proposed development.</p>	
Schedule 4 – Public Realm				

<p>On Site Public Open Space</p>	<p>NPPF Para 98</p> <p>To provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces (such as open space) to enhance the sustainability of communities and residential environments.</p>	<p>Provision of open space within the site is therefore considered necessary to make the development acceptable.</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development.</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.</p>
<p>Schedule 6 - Education Contribution</p>				
<p>Education Contribution</p>	<p>NPPF Chapter 8</p> <p>Adopted Local Plan (1998) Policy CF1</p> <p>SPD - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure March 2023.</p>	<p>The NPPF identifies that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.</p> <p>The provision of facilities for the education and/or childcare of children between the ages of 4 to 11 (both inclusive) and including those with special educational needs within the wider</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development.</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.</p>

		Hadleigh area, which includes Westwood and or within a 3 mile radius of the Development and or at a facility that in the opinion of the County Council serves the Development and including the reimbursement of capital funding for such provision made by the County Council		
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Schedule 7 – Library Contribution

Library Contribution	Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020) Adopted Local Plan (1998) Policy CF1	The suggested population increase brought about by the proposed development is expected to create additional usage of the local library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a contribution of £77.80 per dwelling is therefore considered necessary to improve, enhance and extend the facilities and services provided at the nearest library, and thus make the proposal acceptable in planning terms.	The contribution of is required to satisfy the needs of future occupiers of the proposed development and directly related to the proposed development.	As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.
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Schedule 8 – Bus Service Contribution

<p>Bus Service Contribution</p>	<p>Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020).</p> <p>Adopted Local Plan (1998) Policy CF1.</p> <p>SPD - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure March 2023.</p>	<p>The suggested population increase brought about by the proposed development is expected to create additional usage of the public transport system. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a contribution of £510,000 is therefore considered necessary to improve, enhance and extend the public transport system and services provided, and thus make the proposal acceptable.</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development. The contribution is considered directly related to the proposed development.</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed</p>
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Schedule 9 – Residential Travel Plan & Monitoring Fee & Travel Information Pack.

<p>Residential Travel Plan & Monitoring Fee & Travel Information Pack.</p>	<p>Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020)</p> <p>Adopted Local Plan (1998) Policy CF1.</p> <p>SPD - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure March 2023.</p>	<p>The suggested population increase brought about by the proposed development is expected to create additional usage of the public transport system. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020).</p> <p>The provision of a Travel Plan to include all measures to ensure sustainable means of travel are available to residents; a Travel Pack, including, amongst other things, travel vouchers, to promote more sustainable travel choices and a one-off monitoring fee of £1596, is considered necessary to improve, enhance and extend the public transport system and services provided, and thus</p>	<p>The contribution is required to promote sustainable transport options and satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development</p>
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		make the proposal acceptable in planning terms.		
Schedule 10 - HIGHWAY WORKS SCHEDULE				
Highway Works Schedule.	<p>Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020)</p> <p>Adopted Local Plan (1998) Policy CF1.</p> <p>SPD - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure March 2023.</p>	<p>The suggested population increase brought about by the proposed development is expected to create additional usage of the public transport system. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020).</p> <p>The highway works, including but not limited to the provision of bus infrastructure enhancements to existing facilities on Daws Heath Road</p>	<p>The required works promote sustainable transport options and satisfy the needs of future occupiers of the proposed development. Thus, the contribution is considered directly related to the proposed development</p>	<p>The works are limited to those facilities attributable to the uplift of 173 dwellings in the immediate area. They are required to satisfy the needs of the future occupiers of the proposed development, and fairly and reasonably relate in scale and kind to the development.</p>