

**ORDINARY COUNCIL**

**22nd MARCH 2023**

**Subject: Adoption of the Developer Contributions Guidance  
Supplementary Planning Document Library**

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**1. Purpose of Report**

The purpose of this report is to recommend that Members agree the adoption of the Developer Contributions Guidance (DCG) Supplementary Planning Documents (SPD) Library (hereon in known as the 'DCG SPD Library'). The recommendation also seeks to revoke the existing Adopted Developer Contributions Guidance SPD 2008. The report follows the public consultation of the DCG SPD Library from November 2022 to January 2023.

**2. Links to Council's Priorities and Objectives**

Developer contributions helps deliver the Council's Place priority by delivering the financial resources necessary to deliver infrastructure projects related to growth. There are potential overlaps with the Council's People and Environment priorities as developer contributions may be used on a variety of infrastructure types including education, health, community and sporting facilities and open spaces. Developer contributions is also an enabler through Partnerships and Resources.

**3. Recommendations**

- 1. To note the outcomes of the public consultation on the Developer Contributions Guidance Supplementary Planning Documents (Appendix 1).**
- 2. To adopt the Developer Contributions Guidance – Cover Document Supplementary Planning Document (Appendix 2) and publish the corresponding Adoption Statement (Appendix 7).**
- 3. To adopt the Developer Contributions Guidance – Affordable Housing Supplementary Planning Document (Appendix 3) and publish the corresponding Adoption Statement (Appendix 7).**
- 4. To adopt the Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document (Appendix 4) and publish the corresponding Adoption Statement (Appendix 7).**
- 5. To adopt the Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document (Appendix 5) and publish the corresponding Adoption Statement (Appendix 7).**

- 6. To adopt the Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document (Appendix 6) and publish the corresponding Adoption Statement (Appendix 7).**
- 7. Following approval of recommendations 2 – 6 of this report, revoke the existing Adopted Developer Contributions Guidance Supplementary Planning Document 2008 and publish the Revocation Notice found in Appendix 8 in accordance with Regulation 15 of the Town and Country Planning Regulations 2012 (as amended).**
- 8. To authorise the Head of Place and Policy in consultation with the Leader and Deputy Leader of the Council to make minor amendments to Appendices 1-8 prior to publication.**

#### **4. Background**

- 4.1 At the meeting of Cabinet held on the 15<sup>th</sup> March, the Cabinet considered the report on the Developer Contributions Guidance Supplementary Planning Document Library. The Cabinet recommended that Council resolve recommendations 1 to 8 as set out in this report.
- 4.2 Developer contributions are a way developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. This could be secured on-site or in kind through Section 106 Agreements. Financial contributions may be secured through Section 106 Agreements or Community Infrastructure Levy (CIL).
- 4.3 The Council adopted the Developers Contributions Guidance (DCG) Supplementary Planning Document (SPD) in 2008. Various national planning reforms have since been implemented such as the introduction of the CIL Regulations 2010 and the National Planning Policy Framework (NPPF) in 2012. There is a separate report addressing CIL as part of this agenda.
- 4.4 For the reasons set out above there is a case to implement an updated DCG SPD that accords with up-to-date national policy and regulations as well as ensuring the Council's position on developer contributions is clear, for all stakeholders, aligns with proposals for CIL and ensure that the Council is able to secure the right infrastructure in a timely manner.
- 4.5 The following documents were prepared and went through the Council's Place and Community Policy Scrutiny Committee process ([Agenda 12-10-2022; Appendices 1 – 5 Developers Contributions Guidance Sep 2022](#)).
  - DCG – Cover Document SPD
  - DCG – Affordable Housing SPD
  - DCG – Healthcare Facilities SPD
  - DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD
  - DCG – Playing Pitches and Indoor Built Facilities SPD

- 4.6 Following agreement of the recommendations in that report, some modifications were proposed and presented the Council's Cabinet on 16 November 2022 ([Agenda 16-11-2022](#)). Cabinet resolved to approve the DCG SPD library for public consultation.
- 4.7 Public consultation on the DCG library was undertaken from 18 November 2022 until 6 January 2023. During that time any person or organisation was able to respond.

## **5 Consultation Outcomes**

- 5.1 Public consultation on the DCG SPD library was undertaken in accordance with the Town and Country Planning Regulations 2012 (as amended), the Council's adopted Statement of Community Involvement and the agreed Consultation Plan.
- 5.2 The consultation ran for a period of seven weeks and concluded on 6 January 2023. Details of the consultation methods undertaken to promote the consultation, as well as the responses to the consultation can be found in Consultation Statement provided at Appendix 1.
- 5.3 During the public consultation 17 responses were received. Following review of these representations various modifications were proposed to the DCG SPD Library. Modifications are set out in the Consultation Statement provided at Appendix 1 and a summary of the main issues and modifications are found below:

### *Developer Contributions Guidance – Cover Document Supplementary Planning Document*

- Inclusion of the emergency services as an infrastructure type – a methodology for calculating this was provided. It was recommended that further work is undertaken to consider how development impacts ambulance services within the area and how development can mitigate this impact.
- Strengthening the relationship in the wording of the documents with the wording with the National Planning Policy Framework (NPPF) as well as links to relevant documents and processes from partners such as Essex County Council, Anglian Water and the Environment Agency.
- Improvements to wording to remove ambiguous language.
- Representations challenged the robustness of evidence to require a monitoring fee for affordable housing.

### *Developer Contributions Guidance – Affordable Housing Supplementary Planning Document*

- Questions were raised in relation to the process of affordable housing and how it is or can be implemented.

- Representations questioned the reliability of the evidence base supporting this SPD in relation to housing mix, proposed tenure split and viability.
- Improvements to wording to remove ambiguous language and to ensure consistency with national guidance.

*Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document*

- Representations requested a clearer differentiation between the spending split between CIL and Section 106.
- Representations requested the newest information is used for the NHS structures, specifically the NHS – Mid and South Essex Integrated Care System.
- It was requested that further information is implemented to reference secondary care, community care and ambulance services and how methodologies to determine how development can mitigate its impact towards these services are underway.

*Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document*

- Further information was requested to relate to how Essex County Council calculate Early Years and Childcare places.
- Information was provided for suitable surfacing for bridleways.

*Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document*

- It was requested that clarity was given on the purpose of the Playing Pitch and Sport Facility calculators to avoid misinterpretation.
- Further clarity was sought on what constitutes a 'larger family home'.
- Further clarity was sought on where on-site and off-site provision of sporting facilities would be acceptable.

5.4 Following public consultation, an updated suite DCG SPD documents have been prepared and can be found in Appendices 2-6, amendments are marked as tracked changes. The modifications reflect the views and issues raised by those that responded to the consultation. Members are asked to adopt these updated documents for the use of determining planning applications from 1<sup>st</sup> April 2023.

5.5 Following adoption of Appendices 2-6, final versions of the documents will be prepared and published.

## **6 Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment**

- 6.1 The Planning Practice Guidance ([Paragraph: 008 Reference ID: 11-008-20140306](#)) highlights that in some exceptional circumstances Councils are required to produce a strategic environmental assessment (SEA) for an SPD if it is likely to have significant environmental effects. It states that these are unlikely to be required where the SPD deals only with a small area at a local level unless it is considered that there are likely to be significant environmental effects.
- 6.2 Section 5 of the Environmental Assessment of Plans and Programmes Regulation 2004 (as amended), identifies the circumstances at which an SEA would be required for a plan or programme. Section 5(2)(a) identifies town and country planning and land use as a requirement for an SEA.
- 6.3 The DCG SPD library proposed for adoption within this report deals with the financial aspect of planning obligations and developer contributions and does not directly determine how land is used. It provides guidance for how contributions are obtained, implemented, and monitored to ensure the development is acceptable in planning terms. The planning and land use aspect identified within the Regulations that would require an SEA would be dealt with at the development management stage prior to an approval being granted. Where an application may be considered to have significant environmental effects, these would be dealt with at the planning application stage.
- 6.4 For the reasons set out above an SEA is not required for the DCG SPDs proposed for adoption within this report. As new DCG SPDs emerge, a need for an SEA will be considered for such documents as they arise to assess whether they have the potential to have significant environmental effects.
- 6.5 For the same reasons, the DCG SPDs are unlikely to impact directly or indirectly on Habitats Sites, as in themselves the SPDs do not permit development. Therefore, a Habitats Regulations Assessment is not required in respect of these documents.

## **7. Corporate Implications**

### **(a) Financial Implications**

The collection of developer contributions already takes place through Section 106 Agreements. It is anticipated that the update to the DCG SPDs currently proposed will improve the levels of contributions sought for affordable housing, health and sports facilities. Additionally, it is proposed that monitoring fees for S106 Agreements will provide the revenue necessary to monitor compliance.

Minor printing costs will be incurred to allow for the relevant documents to be made available for inspection at the Council offices, this is set out in section 7(d). These costs can be met from existing resources.

### **(b) Legal Implications**

#### ***Adoption of Supplementary Planning Documents***

Pursuant to section 23(5) of the Planning and Compulsory Purchase Act 2004, the supplementary planning documents are adopted at the point at which the Council resolves to adopt them. Following such a resolution, there is a 3-month period in which an interested party can seek a judicial review of the Council's decision.

### ***The Use of Section 106 Agreements***

The tests dictating when Section 106 agreements can be used are set out in the Community Infrastructure Levy Regulations at Regulation 122 (2). Section 106 agreements should only be used to secure infrastructure where the following tests are met:

- They are necessary to make the development acceptable in planning terms;
- They are directly related to the development; and
- They are fairly and reasonably related in scale and kind to the development.

The Council must therefore take care in the application of the Developer Contributions Guidance to ensure that these three tests are met. There is case law in respect of these three tests which will help the Council ensure that its interpretation in relation to these matters is correct.

S106 Agreements are drafted by the Council's legal team or appointed external team. They are legally binding on all parties to the agreement. Where there are requirements of Essex County Council in the agreement, as a local authority they are a party and any provision of payments is direct to Essex County Council. If there are provision to third parties who are not a party to the agreement, such as the NHS, then the Council will collect those contributions and hold them on behalf of the third party. The Council would release those funds when required with appropriate agreements in place with the recipient.

## **(c) Human Resources and Equality Implications**

### **Human Resources**

As identified in the CIL Cabinet report in January 2021 and Developer Contributions Cabinet report in November 2022 an officer will be required to implement CIL and monitor developer contributions, alongside an appropriate computer system. It is anticipated that revenue from CIL alongside S106 monitoring fees will be used to fund a CIL and S106 Officer post. The matter of resourcing has been addressed separately in a report on CIL Implementation to Cabinet.

### **Equality Implications**

There are no negative equality implications arising from this report.

Developer contributions provide the opportunity for the Council and its partners to deliver the infrastructure needed to support the community in Castle Point, including those with protected characteristics.

**(d) IT and Asset Management Implications**

A copy of the adopted DCG SPDs will be made available on the Council's website, alongside the relevant adoption notices. In accordance with the Town and Country Planning Regulations 2012 (as amended) these documents will be printed and made available at the Council offices, this will involve a small printing cost.

Documents related to the 2008 DCG will be revoked and removed from the Council's website. The Revocation Notice will be made available on the Council's website and in accordance with the Town and Country Planning Regulations 2012 (as amended) will be printed and made available at the Council offices, this will involve a small printing cost.

**9. Background Papers**

As highlighted in the report

**Report Author:**

Maria Hennessy – Planning Policy Officer  
Amanda Parrott – Planning Policy Manager

**Appendices**

- Appendix 1: Consultation Statement and Feedback Report Developer Contributions Guidance
- Appendix 2: Developer Contributions Guidance – Cover Document Supplementary Planning Document January 2023
- Appendix 3: Developer Contributions Guidance – Affordable Housing Supplementary Planning Document January 2023
- Appendix 4: Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document January 2023
- Appendix 5: Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document January 2023
- Appendix 6: Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document January 2023
- Appendix 7: Adoption Statements
- Appendix 8: Revocation Notice



Developer Contributions Guidance  
Supplementary Planning Documents

Consultation Statement and Feedback Report  
March 2023



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## 1. Introduction

1.1. This statement has been prepared to present the methods undertaken in consulting and the outcomes of the consultation on the following Developer Contributions Guidance (DCG) Supplementary Planning Documents (SPDs)

- Developer Contributions Guidance – Cover Document Supplementary Planning Document
- Developer Contributions Guidance – Affordable Housing Supplementary Planning Document
- Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document
- Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document
- Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document

## 2. Approach to Consultation

2.1. The consultation of the documents set out in paragraph 1.1 took place for a period of seven weeks from 18<sup>th</sup> November 2022 until 6<sup>th</sup> January 2023.

2.2. The following actions were undertaken:

- All documents set out in paragraph 1.1 were made available for consultation, these documents were made available on the Council's website (see Appendix 1 and 6) and paper copies were available for inspection at the Council Offices and local libraries (Canvey Island, Great Tarpots, Hadleigh and South Benfleet).
- A press release was issued at the beginning of the consultation (see Appendix 2).
- Individuals and organisations who have asked to be kept notified of planning policy updates and local planning agents and developers from planning records were directly notified via email or letter. See a list of consultees at Appendix 4 and a copy of the notification at Appendix 3.
- Statutory consultees were directly notified of the consultation via email or letter. See a list of consultees at Appendix 4 and a copy of the notification at Appendix 3.
- An electronic response form was made available on the Council's website.
- Posts were made on the Council's social media platforms (Facebook, Twitter and LinkedIn) were made at the beginning, during and near the end of the consultation period. The posts and a summary of the interaction of the posts can be found at Appendix 5.

## 3. Consultation Outcomes

3.1. During the consultation period 17 number of responses were made. The representations received can be viewed by the following links:

- [01 – Transport for London](#)
- [02 - The Coal Authority](#)
- [03 – Sport England](#)
- [04 – Natural England](#)

- [05 – Port of London Authority](#)
- [06 – National Highways](#)
- [07 – Mid and South Essex Integrated Care System](#)
- [08 – Historic England](#)
- [09 – The British Horse Society](#)
- [10 – Environment Agency](#)
- [11 – Mrs Debbie Kemp](#)
- [12 – Essex County Council](#)
- [13a – East of England Ambulance Service](#)
- [13b – East of England Ambulance Service](#)
- [14 – Essex County Fire and Rescue](#)
- [15 – Pegasus Group on behalf of Redrow Homes](#)
- [16 – CODE on behalf of This Land](#)
- [17 – Anglian Water](#)

3.2. A summary of the main issues and modifications for each document is set out in summary below:

*Developer Contributions Guidance – Cover Document Supplementary Planning Document*

- Inclusion of the emergency services as an infrastructure type. It was recommended that further work is undertaken to consider how development impacts ambulance services within the area and how development can mitigate this impact, methodologies for calculating this are underway.
- Strengthening the wording between the infrastructure provision and the wording with the National Planning Policy Framework (NPPF) as well as links to relevant documents and processes from partners such as Essex County Council, Anglian Water and the Environment Agency.
- Improvements to wording to remove ambiguous language.
- Representations challenged the robustness of evidence to require a monitoring fee for affordable housing.

*Developer Contributions Guidance – Affordable Housing Supplementary Planning Document*

- Questions were raised in relation to the process of affordable housing and how it is or can be implemented.
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*Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document*

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- Representations requested the newest information is used for the NHS structures, specifically the NHS – Mid and South Essex Integrated Care System.

- It was requested that further information is implemented to reference secondary care, community care and ambulance services and how methodologies to determine how development can mitigate its impact towards these services are underway.

*Developer Contributions Guidance - Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document*

- Further information was requested to relate to how Essex County Council calculate Early Years and Childcare places.
- Information was provided for suitable surfacing for bridleways.

*Developer Contributions Guidance - Playing Pitches and Indoor Built Facilities Supplementary Planning Document*

- It was requested that clarity was given on the purpose of the Playing Pitch and Sport Facility calculators to avoid misinterpretation.
- Further clarity was sought on what constitutes a 'larger family home'.
- Further clarity was sought on where on-site and off-site provision of sporting facilities would be acceptable.

3.3. As a consequence of the consultation a number of modifications have been proposed to the consultation documents, these can be found in Appendix 6.

## Appendix 1: Council Website

### Home Page



The screenshot shows the home page of a council website. On the left, there is a 'Latest news' section with a list of links. On the right, there is a large green banner for a 'Public Consultation - Developer Contributions Guidance' with a line-art illustration of a town skyline. Below the banner, there is a link to further information on the consultation.

**Latest news**


- [Tree Planting - Volunteers Needed](#)
- [Christmas Closure Information](#)
- [Information on Reducing Damp and Mould over Winter](#)
- [Public Consultation - Developer Contributions Guidance](#)
- [Armistice Day and Remembrance Sunday Services - Castle Point](#)
- [Avian influenza: Housing order to be introduced across England](#)
- [Castle Point Mayor's Awards 2023](#)
- [Avian Flu Outbreak – Advice](#)

**Public Consultation - Developer Contributions Guidance**

Further information on the [Developer Contributions Guidance Consultation](#) can be found [here](#)

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## Designated Consultation Page



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Please see our [Christmas closure information](#) including revised refuse and recycling collection dates.[Home](#) | [Planning](#) | [Planning Policy](#) | [Developer Contributions Guidance Consultation](#)

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### Developer Contributions Guidance Consultation

**Public Consultation - 18th November 2022 - 6th January 2023**

#### What is being consulted on?

The Council is undertaking a consultation on its updated Developer Contributions Guidance Supplementary Planning Documents in order to allow residents and other stakeholders to comment on the documents.

Developer contributions are ways developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. A developer contributions guidance document sets out clearly what the Council will expect from developers in terms of infrastructure provision and the mechanisms to obtain and implement developer contributions.

Consultation on the Developer Contributions Guidance Supplementary Planning Documents begins on **Friday 18<sup>th</sup> November 2022** and closes on **Friday 6<sup>th</sup> January 2023**. All responses to the consultation must be received by the Council no later than **Friday 6<sup>th</sup> January 2023**. During this time, any person or organisation may make representations.

The following documents are being consulted on:

- [Cover Document - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 332KB](#)
- [Affordable Housing - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 414KB](#)
- [Healthcare Facilities - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 160KB](#)
- [Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 147KB](#)
- [Playing Pitches and Indoor Built Facilities - Developer Contributions Guidance Supplementary Planning Document \[pdf\] 201KB](#)

#### How can I respond?

Anyone wishing to make a representation is encouraged to use the [Developer Contributions Guidance Response Form \[pdf\] 824KB](#) which is available to download from the Council's website and can be completed electronically. Representations can be:

Emailed: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

Posted: Planning Policy, Castle Point Borough Council, Kiln Road, Thundersley, Essex, SS7 1TF

Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

### Supporting Documents

[Essex County Council Developers' Guide to Infrastructure Contributions 2020](#)

[Essex Local Viability Protocol 2018](#)

[SUB-01 - Castle Point CIL Viability Study August 2021 \[pdf\] 3MB](#)

[DV-005 - Castle Point Local Plan and CIL Viability Study 2020 \[pdf\] 3MB](#)

[SUB-02 - Infrastructure Delivery Plan 2020 \[pdf\] 3MB](#)

[CPBC-1-N CP IDP Addendum\\_May 22 \[pdf\] 2MB](#)

[South Essex Strategic Housing Market Assessment \(SHMA\) 2016 \[pdf\] 8MB](#)

[South Essex Strategic Housing Market Assessment Addendum 2017 \[pdf\] 2MB](#)

[Addendum to the South Essex Strategic Housing Market Assessment for Castle Point 2020 \[pdf\] 2MB](#)

[Castle Point Playing Pitch Strategy \(PPS\) Assessment Report 2018 \[pdf\] 3MB](#)

[Playing Pitch Strategy and Action Plan 2022 Update.pdf \[pdf\] 1MB](#)

[Sport and Leisure Facilities Needs Assessment Castle Point Borough Council 2018 \[pdf\] 4MB](#)

[Indoor Built Facilities Strategy and Action Plan 2022 Update.pdf \[pdf\] 453KB](#)

[Castle Point Local Football Facility Plan 2018 \[pdf\] 4MB](#)

[Castle Point and Rochford Locality Estates Strategy 2018 \[pdf\] 1MB](#)

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## Appendix 2: Press Release (made on 18<sup>th</sup> November 2022)

[Home](#) [Castle Point News](#)




### Contact the Council

Phone: 01268 882200  
Email: [info@castlepoint.gov.uk](mailto:info@castlepoint.gov.uk)

### Council Office Hours:

Monday-Thursday: 09:00 - 16:00  
Friday: 09:00 - 16:00

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### Public Consultation - Developer Contributions Guidance

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#### Developer Contributions Guidance Supplementary Planning Documents Consultation

Castle Point Borough Council is undertaking a consultation on its updated Developer Contributions Guidance Supplementary Planning Documents in order to allow residents and other stakeholders to comment the documents.

Developer contributions are ways developers contribute towards infrastructure to support growth and mitigate the impact of development on existing infrastructure. A developer contributions guidance document sets out clearly what the Council will expect from developers in terms of infrastructure provision and the mechanisms to obtain and implement developer contributions.

Consultation on the Developer Contributions Guidance Supplementary Planning Documents begins on **Friday 18<sup>th</sup> November 2022** and closes on **Friday 6<sup>th</sup> January 2023**. All responses to the consultation must be received by the Council no later than **Friday 6<sup>th</sup> January 2023**. During this time, any person or organisation may make representations.

The following documents are being consulted on:

- Cover Document Developer Contributions Guidance Supplementary Planning Document
- Affordable Housing Developer Contributions Guidance Supplementary Planning Document
- Healthcare Facilities Developer Contributions Guidance Supplementary Planning Document
- Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Developer Contributions Guidance Supplementary Planning Document
- Playing Pitches and Indoor Built Facilities Developer Contributions Guidance Supplementary Planning Document

The Developer Contributions Guidance Supplementary Planning Documents are available to view online at: **Developer Contributions Guidance Consultation**

These documents are also available to view at the following locations:

- Castle Point Borough Council Offices
- Canvey Island Library
- Great Tarpots Library
- Hadleigh Library
- South Benfleet Library

Representations may be made electronically or in writing. Anyone wishing to make a representation is encouraged to use the 'Developer Contributions Guidance Response Form' available to download from the Council's website. Representations can be:

Emailed: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

Posted: Planning Policy, Castle Point Borough Council, Kiln Road, Thundersley, Essex, SS7 1TF

Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

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## Appendix 3: Direct Correspondence to Consultees (Letter or Email)



**Castle Point Borough Council**  
Council Offices, Kiln Road, Thundersley,  
Essex SS7 1TF  
Tel: 01268 882200  
Email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

18<sup>th</sup> November 2022

NAME  
ORGANISATION  
ADDRESS LINE 1  
ADDRESS LINE 2  
TOWN  
COUNTY  
POSTCODE

Dear XXX,

### **Developer Contributions Guidance Supplementary Planning Documents Consultation**

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- Playing Pitches and Indoor Built Facilities Developer Contributions Guidance Supplementary Planning Document

The Developer Contributions Guidance Supplementary Planning Documents are available to view online at: [www.castlepoint.gov.uk/developer-contributions-guidance-consultation](http://www.castlepoint.gov.uk/developer-contributions-guidance-consultation)

These documents are also available to view at the following locations:

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- Hadleigh Library
- South Benfleet Library

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Emailed: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

Posted: Planning Policy, Castle Point Borough Council, Kiln Road, Thundersley, Essex, SS7 1TF

Representations made in respect of this consultation will be published on the Council's website alongside your name and, where applicable your organisation. Your address, signature and contact details will not be made available. Your consultation response will be stored on a database used solely for the purpose of preparing the Developer Contributions Guidance Supplementary Planning Documents and will be retained in accordance with the Council's Document Retention Policy.

For any further information about the Developer Contributions Guidance please email [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)

**Yours sincerely,**

**Ian Butt**  
**Head of Place and Policy**

## Appendix 4: List of Consultees Directly Consulted

### Organisations

@Architect Ltd	Blue Clarity Design Services Ltd.	Domino Sky Building Design Limited
A & P Designs Ltd	Bowers Gifford and North	Doodle Architectural Design
A R Property Designs	Benfleet Parish Council	Dot Surveying
A.S Construction & Structural Engineering	Bradfords	Dot Surveying Ltd
A9 Architects Ltd	Braintree District Council	Dove Jeffery Homes
A9 Architecture	Breley Design Ltd	DP World London Gateway
Aarkz Design	Brentwood Borough Council	DSB Property Designs Ltd
ABG Architecture	British Horse Society	Duncan Clark & Beckett Ltd
Academy Estate Consultants	British Pipeline Agency	DVSDesign
Ackman Architecture And Design Ltd	Brooke Radley	E.H Planning Services
Adams Hendry	Building Control Basildon Council	EA Town Planning Ltd
AJW Drawing Services	C T Planning	East of England Ambulance Service
Alderton Associates Ltd	c2c Rail	Edith Garland Architecture
Al-Rasheed Dauda. Architect	Canvey Island Town Council	Environment Agency
Ambassador Design	Carringtons Tree Surgery	Epping Forest District Council
Ana Sidorova	Carter Jonas	Ergo Technics
Andrew Martin - Planning	CET Architectural Design	Ergotechnics
Anglian Home Improvements	CH Building Designs Ltd	Essex and Suffolk Water
Anglian Water	Chelmsford City Council	Essex Bridleways Association
APS Design Associates Ltd	CHP Consultants Ltd	Essex County Council
Architectural Design & Plan	CODE Development Planners	Essex Developers' Group
Architectural Hub	Colchester Borough Council	Essex Fire & Rescue Service
ARCHITECTURAL SERVICES	Consilium Land and Planning	Essex Police
Arcitek Building Design Ltd	Contour Architectural Designs Ltd	Essex Police Estates
Atomik Architecture	Dandy Property Designs Limited	Essex Wildlife Trust
ATWorks	Daniel Gibbard Architectural Design Ltd	Estuary Design Ltd
AVD Architects	DAP Architecture	Evolutionblue
Avison Young	Davies Murch	Fixed Price Architecture Ltd
AYH DESIGNS	DaviesMurch	Fletchers Trees Ltd
Barker Woodrow	Deeks + Associates	FRONT Architecture Ltd
Basildon Borough Council	Design Spec Ltd	FRONT. Architecture
Basildon Building Consultancy	Designmatrix (UK) Ltd	Futurevisions UK Ltd
BDA	Dewale Consulting Ltd	Gina Leonard
Bellway Homes Limited	DK Building Design	Govresources Ltd
Besant Planning	DK Building Designs	Graham Miles
BGA Architects		Greater London Authority
Blackmore Design Ltd		Green Lantern Creative LLP
		Green Planning Studio Ltd
		Harlow District Council

Health and Safety Executive	Mid and South Essex Health	Rebecca Morgan Associates
Historic England	and Care Partnership	RedWood Tree And Land
Home Design & Consultancy	Mid and South Essex Health	Services Ltd
Limited	and Care Partnership	Refine And Resolve
Homefront Architecture Ltd	MiU Designs Ltd	Architects Ltd
Homes and Communities	MM Planning And Drawings	Ridgeway Building Design
Agency	More Space Architecture	Ltd
Homes England	Ltd	RJB Architect Ltd
Iceni	MRG Building Plans	Robert Turner Associates
Iceni Projects	MSW Design	Rochford District Council
In Property	Munday + Cramer	RSP Design
Ingleton Wood	My House Plan	RSPB
Ingleton Wood LLP	National Grid	SAM Planning Services
J Bell Design & Conservation	National Highways	Savills
Ltd	Natural England	SD Designs
J Butterworth Planning	Network Rail	SEHBAC
JAH Designs	NHS England	SHARPE Residential LTD
James Ware & Associates	Njrouse Architectural	Shorplans Architectural
Ltd	Design	Services
JAT Designs	NP Essex	Shotgate Parish Council
JFK Business Services	Office of Rail Regulation	SIG Design
Kent County Council	OMNI Architecture	SKArchitects
Kings Cuts Tree Services	P A Design	Skee-Tex Ski
Kingsley Smith Solicitors LLP	P D Smith Design & Build	SLP
KLE Design Limited	Ltd	Smart Skills Ltd
KMDS Designs	Parkers Design	South East Local Enterprise
Knight Gratrix Architects	Paul Malone	Partnership
Krystal Architecture Ltd	Pegasus Group	South Essex Housing Group
KVD PLANS LTD	Phase 2 Planning	Southend-on-Sea Borough
Lambert Smith Hampton	Phase 2 Planning and	Council
Leigh Planning Services Ltd	Development Ltd	Special FX Double Glazing
Leigh-on-Sea Town Council	Place Services	Ltd
Lewis Patten	Planman	Sport England
LJS	Planning By Design	Sport England (East)
London Consultants Ltd	Planning World	SSA Planning
London Southend Airport	Pomery Planning	Star Plans
Lotus Plan Design Build Ltd	Consultants Ltd	Steve Jackson Design
M.B Design & Surveyors	Port of London Authority	Limited
Limited	PowerHaus Consultancy	Stone Me Limited
M:architecture	Pringle Design Limited	Sustainable Planning Design
MACK 1DESIGN AND BUILD	Pyramid Architectural	Swale Borough Council
Maldon District Council	Designs	Tara Signs Ltd
Maplin Engineering Limited	Q And A Planning	Taylor Burroughs Architects
Marine Management	Quantity Surveyor Planning	Limited
Organisation	Consultant	Tendring District Council
Mark Hipsey	R&R Planning	Tetlow King
Medway Council	Rayleigh Town Council	TH Trees Ltd
Metson Architects Ltd	RD Architecture Ltd	The Coal Authority

The Draughtsman  
Architectural Ltd  
The Livemore Partnership  
The Planning And Design  
Bureau Ltd  
The Woodland Trust  
Third Dimension Arch.  
Design Ltd

Thomas Huggins  
Thurrock Council  
Transport for London  
Tree Fella Ltd  
Trinity Construction  
Consultancy Ltd  
Trudy - Architectural  
Consultant

Tugby And Tugby Surveyors  
Ltd  
Uttlesford District Council  
Waldon Telecom Ltd  
WHP Telecoms Ltd  
WS Planning & Architecture  
WSP  
Wyeth Projects

## Individuals

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Jean Andow  
Stephen Ashley  
Sarah Attrill  
Ryan Auty  
Robert Baillie  
R E J Baker  
Ed Bale  
Graham Bateman  
Alex Bateman  
Sarah Beales  
Peter Bewers  
Lewis Billington  
Corinne Birch  
Benjamin Bizzell  
Geoff Blackledge  
Bridget Bloss  
Marc Bloxham  
Yana Bosseva  
Graham Bracci  
Shirley Bradley  
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Gary Fisher  
Keith Flanagan  
Kevin Foley  
Keith Foster  
Mr Freed  
Neal Garner  
David Robert Gibson  
Sean Gough  
David Grew  
Ian Gummery  
Arthur Gunn  
Roberta Hadnam  
John Hall  
David Hallam  
Mark Hamlett  
Vivien Hammond  
Ian Harding

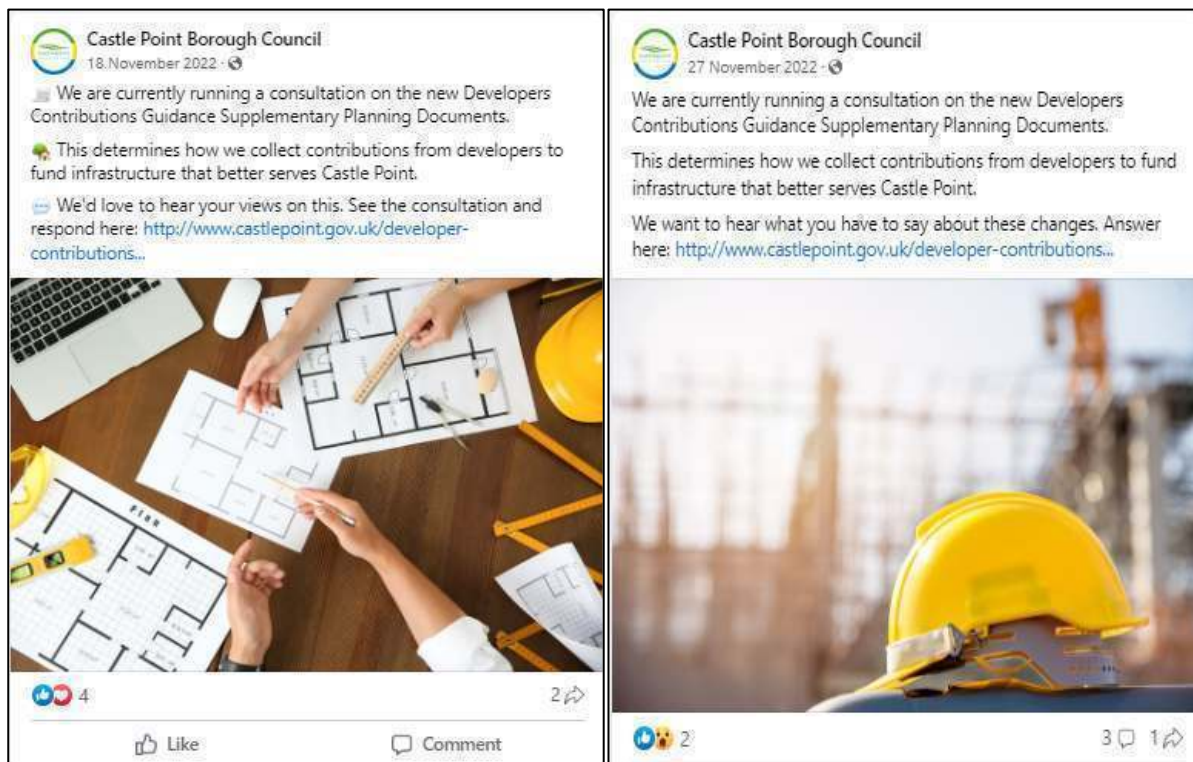
Glen Hardy  
Barry Harle  
Derek Harris  
Paul Harris  
Tom Harrison  
Mark Harvey  
S R Hill  
Roy Hilton  
Susan Hinton  
Thomas Nigel Holdcroft  
Paul Howard  
Marie Howard  
Terry Humphreys  
Roy Hutson  
Tracy Hutton  
Steven Ireson  
Cathy Jackson  
Miss Jaggers  
Christine James  
Nicky Jay  
Zak Johnson  
Eve Johnson-Jones  
Rosalind Johnston  
Colin Jones  
Elaine Jouhari  
M Keeble  
Katie Kenny  
Christopher Knight  
Tracy Kreyling  
R Laidlaw  
Gary Langlois  
Sandra Larkins  
Amanda Lillis  
Robert Lillis  
Karen Looker  
L Lowe

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Paul Major	Paul Prosho	A M Stirling
Andrew Marsh	Brenda Reeve	Julian Strauss
Anthony Maskell	Nicky Regan	Graham Stubbles
Betty McCarthy	Jane Revell	Scott Sullivan
John Merry	Erik Richardson	Marion Summers
Anthony Moran	James Robbins	Joan Taylor
Adam Morgan	Hayley Robinson	Susan Taylor
Dennis Morley	Ian Robinson	Nina Thickbroom
Annie Morter	Nigel Rogers	Simon Thomas
Hazel Mosedale	Linda Rose	Joe Tizard
Denise Neale	Patrick Rowe	Mr and Mrs Tobin
Andrew Netherton	Mark Runchman	Paul Tresadern
Janet Newman	John Ruse	Chris Turner
Tony Newman	Barry Rutherford	Michael Vigors
Ian Niblo	William Rutter	Tessa Wales
Linda Nichols	Alan Saddington	Natalie Walker
Taufiq Noor	Ray Santi	Pamela Wall
Debbie Nosworthy	Steve Sawkins	Lawrence Walton
J Nugent	Nalani Sharma	Linda Waskett
Matt Okeefe	Robert Sharp	John Webb
Derek Oliver	Margaret Shaw	Marion Wells
Janice Osborne	David Sheavill	Starr Wheaton
Janice Osbourne	Martin Sigournay	Michael White
David Overfield	Gillian Sims	John White
Elizabeth Paddison	Lesley Smith	Jean Williams
Adam Page	J Smith	Brian Wilson
Adam Page	Joseph Smith	Keith Wilson
John Park	Carol Smith	Brian Winzar
Patricia Parkins	Tim Sneller	L With
Eileen Peck	Elaine Spedding	Roger Worland
Christine Peters	Angela Spencer	Brian Wrigley
John Phillips	Robert Spink	Johanna Wylde
Jonathan Pinnock	Robert Spink	Jo Yates
David Plaskow	Sian Squires	Nicholas Young

## Appendix 5: Social Media Posts and Statistics

### Facebook

Facebook	Date	Impressions	Reach	Link clicks	Engagements
Post 1	18th Nov	2000	2000	21	9
Post 2	27th Nov	813	757	11	7



### Twitter

Twitter	Date	Engagements	Link clicks	Engagement %
Post 1	18th Nov	340	4	2%
Post 2	27th Nov	233	4	1.7%





## Appendix 6: Summary of responses and modifications proposed

The following tables provide a summary of the main issues raised during the consultation and the proposed amendments in light of the comments. The full responses can be viewed in the links found in paragraph 3.1

Table 1: Cover Document

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
11	Mrs Debbie Kemp	Paragraph 1.1.2	No mention is made of the enhanced recycling/composting/waste disposal facilities that would be essential to support sustainable developments that contribute to high quality environments.	Waste disposal facilities are important when planning for new populations. Essex County Council (ECC) is the waste disposal authority for the Castle Point area and has a section on 'Waste Management' within the Essex Developer's Guide to Infrastructure Contributions. This document is linked in Section 2.7 of the Cover Document, and to avoid duplication it has not been included within this document.
13b	East of England Ambulance Service NHS Trust	Paragraph 1.1.2 – 1.1.3	Insert a new bullet point 'Ambulance Facilities' after 'Health Facilities'	It is considered that ambulance and fire and rescue facilities could be included in this list, therefore the following is proposed: <b>AMENDMENT</b> <i>Emergency service facilities</i>
14	Essex County Fire and Rescue Service		Request the addition of Emergency Services to the list	
15	Pegasus on behalf of Redrow Homes	Paragraph 1.1.2 – 1.1.3	It is noted that Examination of a Community Infrastructure Levy Charging Schedule for Castle Point is currently underway, which when adopted would secure contributions towards many of the infrastructure requirements listed in paragraph 1.1.2. Such as highways, health facilities, open spaces and sports facilities. While 1.1.3. states that developers should be made aware of what will be required by S106 Agreements and CIL, this clarification has not been provided to the extent that there is certainty over the specific infrastructure that will be secured by either S106 and CIL. This clarification is important and should be provided.	Appendix one of the Cover Document sets out the type of infrastructure will be expected from Section 106 Agreements and CIL, some of these aspects will be defined on a site-by-site basis based on the specific needs arising from development and this is set out in the relevant SPD.
11	Mrs Debbie Kemp	Paragraph 1.1.4	I am in support of all developments contributing (pro rata based on the size of the development) to all obligation types to prevent developers cherry-picking the sites they feel will require the lowest levels of developer contributions. How can you distinguish which services will be utilised by inhabitants/occupants within a developed area? How can you be sure that the benefits of building facilities in one development will not be enjoyed by residents outside the immediate area eg, building a school, or medical facility will no doubt support a reduction in pressure for pupil/patient places in other developments up to 10 miles away. Rather than determining what contributions are required on a site by site basis, why not calculate for the whole borough? This approach would then be aligned to the overall objective of the Local Plan - to provide a co-ordinated approach to development across the entire borough, rather than siloed areas?	It is agreed that a plan led approach, whereby infrastructure is planned for in line with development will help achieve co-ordinated communities and a wider benefit of infrastructure provision. This approach will be undertaken through the preparation of the Castle Point Plan and creation of an infrastructure delivery plan. The developer contributions guidance sets out the evidence for which infrastructure is or will be required and how that has been calculated fairly. In many instances infrastructure will not solely benefit new developments e.g. new open spaces would be accessible to existing communities. Requirements for developer contributions have to accord with the CIL Regulations which mean that they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the development.
12	Essex County Council (ECC)	Paragraph 2.2.3	ECC recommends that bullet 3 in paragraph 2.2.3 also makes reference to school transport to read: • <i>Education, Childcare and <u>School Transport</u></i>  Where schools are beyond the 'statutory walking distance', which is two miles for children under the age of 8 and three miles for older children via a safe route, ECC must bear the long-term revenue cost of school transport. ECC will resist developments or potential site allocations that are unsustainable in school transport terms. This amendment will clarify that CPBC will require developers to provide contributions for school transport where appropriate.	<b>AMENDMENT</b> <i>Education, <del>and</del> childcare and school transport</i>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
13b	East of England Ambulance Service NHS Trust		Insert a new bullet point 'Ambulance Facilities' after 'Health'	It is considered that ambulance and fire and rescue facilities could be included in this list, therefore the following is proposed: <b>AMENDMENT</b> <i>Emergency service facilities</i>
14	Essex County Fire and Rescue Service		Request the addition of Emergency Services to the list	
11	Mrs Debbie Kemp	Paragraph 2.2.4	<p>Just because the NPPF supports developments that prioritise walking, cycling or high quality public transport, it does not necessarily mean that residents will willingly adopt the same priorities. Homeowners will need incentivising, or should be mandated, to swap their vehicles (and accept a likely increase in travel time for local journeys) to leverage any investment in cycle paths and/or public transport. Failure to do this will see residents continuing to use their vehicles, contributing to congestion of development sites which have been designed with inadequate parking facilities. Will the sites distinguish between visitor and resident parking? If so, how will disputes be settled?</p> <p>For this approach to be successful, developers must:</p> <p>(1) be mandated to seek undertakings from all homeowners/ residents/landlords/tenants that a maximum of one vehicle per household will be permitted (encouraging the use of car-shares in the community where no other public transport is available). This should allow sufficient space for visitors to park, as well as parents on the school-run, without the area becoming rapidly overcrowded with cars bumped up onto kerbs, or parking dangerously close to junctions.</p> <p>(2) design and promote all development sites as 'clean air, environmentally friendly communities'. Potential homeowners would be attracted to the benefits of living/raising families in such a healthy environment and would be happy to adapt their behaviours and lifestyles and accept the conditions in (1) above to be part of it.</p>	Developer contributions can provide infrastructure and developments can be designed in a way to help encourage the use of active and sustainable travel options. However, it is down to the individuals as to whether they use such transport options. The Council adopted the Essex Vehicle Parking Standards in 2010 which sets out the requirements for parking from new developments. The reduction of car use and promotion of active and sustainable travel modes is a priority within Essex. Preparation of new parking standards are underway and will consider the best way to accommodate parking for future developments to make best use of land without compromising the design of new developments by providing adequate parking.
12	Essex County Council (ECC)	Paragraph 2.2.5	<p>For clarity, reference should be made to the need for development proposals to be supported by a Transport Statement/Assessment, with the thresholds identified in the Guide, Section 5.5.2. ECC recommend a new second sentence is included in paragraph 2.2.5 to read:</p> <p><i>Development proposals will be required to be supported by a Transport Statement/Assessment as set out in Section 5.5.2 of the ECC Developers' Guide to Infrastructure Contributions (2020) or successor document.</i></p>	<p><b>AMENDMENT</b> – Insert the below text as a second sentence to paragraph 2.2.5</p> <p><i>Development proposals will be required to be supported by a Transport Statement/Assessment as set out in Section 5.5.2 of the ECC Developers' Guide to Infrastructure Contributions (2020) or successor document.</i></p>
11	Mrs Debbie Kemp	Paragraph 2.2.6	Developers must all collectively contribute to the creation and maintenance of all new cycle routes/bus lanes around all Castle Point routes. Funding obligations should be calculated so every developer contributes to this investment - this will prevent developers cherry-picking sites which require the lowest levels of CIL/Section 106 payments.	<p>The developer contribution guidance documents propose fair and reasonable costs associated to developments; this is in accordance with relevant regulations. Developer contributions have to be fair and reasonable to the specific development, it would be unreasonable, for example, for a developer building two homes to contribute to continued maintenance of cycle routes or bus lanes. In some instances, for example where a large development leads to the creation of a new cycle lane, it would be reasonable to establish how the infrastructure will be maintained in the future and where appropriate contributions towards this. This would be agreed within a Section 106 Agreement, details of this can be found under section 3.9 of the Cover Document.</p> <p>It is noted that this representation may refer to paragraph 2.2.26 in relation to heritage. This section details the requirements within the NPPF towards heritage and would be unnecessary to include reference to the Essex Historic Environment Record (HER) within this section. However, an amendment to paragraph 2.2.26 is reasonable to better reflect the wording within the NPPF and the following amendment is proposed:</p>
12	Essex County Council (ECC)		<p>ECC recommend paragraph 2.2.6 is amended to make reference to the contribution made by the 'setting of a heritage asset' in accordance with NPPF, paragraph 194.</p> <p><i>'Where proposals may cause harm to a heritage asset and the contribution made by their setting there are certain criteria that needs to be met to ensure that harm is first of all avoided and then mitigated'.</i></p>	

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			ECC recommend reference is made to the Essex Historic Environment Record (HER) managed and maintained by Place Services on behalf of ECC and other local planning authorities. A summary version of the Essex HER can be searched on-line at the Heritage Gateway. This would clarify to developers that this data source should be used with regards planning applications etc.	<b>AMENDMENT</b> <i>Where proposals may cause harm to a heritage asset <u>and the contribution made by their setting</u> there are certain criteria that needs to be met to ensure that harm is first of all avoided and then mitigated</i>
12	Essex County Council (ECC)	Paragraphs 2.2.7 - 2.2.8	<p>ECC draws attention to the change to the exception test which now relates to all forms of flood risk, including from surface water. Where land with existing flood risk is still be developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk.</p> <p>It should be noted that one example of how a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk, would be to deliver an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.</p> <p>On the basis of updated guidance, ECC, as LLFA, would seek that CPBC identifies this requirement and where necessary requests contributions from developers towards wider flood mitigation.</p>	<b>AMENDMENT</b> – insert new paragraph after paragraph 2.28 <i>The NPPF requires the use of a Sequential and Exceptions test where necessary. Where land with existing flood risk is developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk. One example of how a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk, would be to deliver an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.</i>
11	Mrs Debbie Kemp	Paragraph 2.2.10	<p>'No contribution is sought where sufficient existing surplus capacity exists to meet the demand from the specific development' - how is surplus capacity calculated? what timeframe is used? - is it based on the number of available spaces at the time that a development is approved, or the time it is finished, or the projected capacity at the expiry of the local plan - eg 2033? In order to mitigate the impact on existing infrastructure and homeowners, the latter would be preferable to take into account population growth that would otherwise occur had the development not taken place.</p> <p>Consideration should absolutely be given to all the planning applications for developments under 20 dwellings - why are these numbers not taken into consideration? Are you expecting smaller development sites to have no children, or for them not to be educated? This approach will also would incentivise developers to 'share' land and develop 19 dwellings each to avoid paying any contribution levies. This also applies to 2.2.11, and 2.2.12 - in relation to community and medical facilities and sporting/recreational facilities.</p>	ECC as the Education Authority forecast school places based on a 10 year timescale and set the development thresholds for developer contributions. The 10 year plan is published annually and calculates where there is sufficient capacity within existing schools to accommodate a potential uplift in student numbers based on expected development within local areas of when such development will be implemented.
12	Essex County Council (ECC)		<p>ECC recommend paragraph 2.2.10 is amended to reflect both schools and early years and childcare.</p> <p><i>As of 2022, <del>ECC Essex County Council</del> assess all planning applications of 20 or more dwellings with regards to the anticipated pupil <u>and early years and childcare places</u> <del>numbers</del> generated, <del>checked</del> against current capacity of the relevant school <u>or setting</u> and <u>the potential solution is identified</u>, which may be a contribution towards expansion or the provision of serviced land and contribution towards a new <u>school, nursery or pre-school</u><del>facility</del>.</i></p>	<p>The proposed modification is appropriate and the following amendment is proposed:</p> <p><b>AMENDMENT</b> <i>As of 2022 Essex County Council assess all planning applications of 20 or more dwellings with regards to the anticipated pupil <u>and early years and childcare places</u> <del>numbers</del> generated, <del>checked</del> against current capacity of the relevant school <u>or setting</u> and <u>the potential solution is identified</u>, which may be a contribution towards expansion or the provision of serviced land and contribution towards a new <u>school, nursery or pre-school</u><del>facility</del>.</i></p>
13b	East of England Ambulance Service NHS Trust	Paragraph 2.2.12	<p>After paragraph 2.2.12 insert a new subheading "Ambulance Facilities" &amp; new paragraphs as follows;</p> <p>2.2.13 The National Planning Policy Framework requires the planning system to provide for sustainable development through local authority plan making and development management processes, which should aim to achieve healthy, inclusive and safe places.</p>	<p>The intention of this paragraph is to detail the requirements within the NPPF towards health. The modification proposed would go beyond that scope. A modification to better reflect the wording within the NPPF and social facilities is however reasonable, and the following amendment is proposed:</p> <p><b>AMENDMENT</b> – new paragraph after 2.2.11 and renumber paragraphs thereafter</p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			<p>2.2.14 In promoting healthy lifestyles the planning system should provide the social facilities and services the community needs. It should take into account and support the delivery of local strategies to improve health and social wellbeing for all sections of the community, and ensure an integrated approach to considering the location of housing and community facilities and services.</p> <p>2.2.15 As an essential social infrastructure provider EEAST has an important role to play in contributing to the achievement of sustainable new places (and along with its health and blue light partners) creating the conditions for healthy, safe and cohesive communities.</p> <p>2.2.16 Financial contributions and ambulance facilities provision will be sought where development will increase the impact on EEAST's operational capacity, efficiency and resources, comprising staff, vehicle fleet and estate assets.</p>	<p><u>In promoting healthy lifestyles the planning system should provide the social facilities and services the community needs. It should take into account and support the delivery of local strategies to improve health and social wellbeing for all sections of the community, and ensure an integrated approach to considering the location of housing and community facilities and services.</u></p>
14	Essex County Fire and Rescue Service	Paragraph 2.2.17	Request the inclusion for consideration of appropriate water and land management for open spaces to reduce the likelihood and/or severity of water incidents and wildfires	The intention of this paragraph is to detail the requirements within the NPPF towards open space. The modification requested goes beyond that. Essex County Fire and Rescue Service will be engaged when work is being undertaken on open spaces, through plan-making and creation of new SPDs on the topic.
12	Essex County Council (ECC)	Paragraphs 2.2.18 – 2.2.20	<p>ECC provided information of emerging work being undertaken at ECC in regard to biodiversity net gain as a consequence of the Environment Act 2021.</p> <p>ECC recommend paragraphs 2.2.18 – 2.2.20 of the SPD should make reference to biodiversity offsetting consistent with the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/Restoration and Offsetting. Any residual impacts will need to be compensated for on-site or off-site with long term management/stewardship secured, and appropriate enhancements included to ensure biodiversity net gain for at least 30 years via obligations/ conservation covenant.</p>	<p>The work being undertaken at ECC in regard to biodiversity net gain is noted. The Council will prepare a separate SPD on this matter in due course once further evidence has been collected to fully inform the document. Representations received during this consultation will be used to aid in the drafting of such document and ECC will be engaged further.</p> <p>It is agreed that reference could be made the biodiversity mitigation hierarchy and the following modification is proposed.  <b>AMENDMENT</b> – insert new paragraph after 2.2.18 and renumber paragraphs thereafter  <u>In accordance with the NPPF, the Council will follow the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/ Restoration and Offsetting. Any residual impacts will need to be compensated for on-site or off-site with long term management/stewardship secured, and appropriate enhancements included to ensure biodiversity net gain for at least 30 years via obligations/ conservation covenant.</u></p>
08	Historic England	Paragraphs 2.2.25 – 2.2.27	Support for text supporting heritage provision.	Support is noted.
12	Essex County Council (ECC)	Paragraphs 2.2.28 – 2.2.30	<p>It is recommended that the SPD ensures there is a commitment to consult ECC for advice on the needs for Specialist Residential Accommodation based on identified local demand.</p> <p>ECC is supportive of the need to increase the supply of affordable housing from new development. ECC considers reference should also be made to housing needs of specific groups. Planning Practice Guidance (004 Reference ID: 63-004-20190626/ 005 Reference ID: 63-005-20190626) identifies the differing needs of older persons through extra-care housing and independent living; supported living for people with disabilities and/or care needs and provision of affordable housing for those leaving supported accommodation, including care leavers.</p>	<p>A modification is considered reasonable to highlight the differing needs for groups that require affordable housing. The following amendment is proposed:  <b>AMENDMENT</b> – insert at the end of 2.2.28  <u>National guidance also identifies that affordable housing should meet the needs of groups with different needs, such as older persons or those with disabilities and specialist needs.</u></p>
11	Mrs Debbie Kemp	Paragraph 2.2.30	'Where affordable housing cannot be met on-site, off-site provision or an appropriate financial contribution in lieu of this will be required' - These options should not be offered - how can any additional locations for 'off-site' provision be found when so much is already earmarked for development	On-site provision of affordable housing is the preferred delivery of affordable housing, however in some instances this may not be appropriate. Where every opportunity is used to provide on-site



ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			in the local plan? How will a financial contribution benefit the hundreds of families in need of affordable housing?	affordable housing but this is not possible for a variety of different reasons financial contributions in lieu of that will be suitable, this contribution could reasonably be used by the Council to provide affordable housing.
10	Environment Agency	Section 2.2	<p>This section could be strengthened by a clear and direct reference to the current, albeit old, <a href="#">Flood and Coastal Resilience Partnership Funding Defra policy statement</a> (FCRM policy statement)</p> <p>This policy statement applies to any existing FCRM infrastructure that is seeking Grant-in-Aid for its capital maintenance, replacement or raising of flood defences. The policy statement also applies to any new or proposed, FCRM infrastructure scheme that is not yet constructed.</p> <p>Page 4 of the FCRM policy statement under the section ‘how much national funding might a project attract’ states</p> <p><i>“All projects supported under the new approach will need to achieve an OM Score of 100% or above. Many projects will achieve this, and qualify for full funding. In other cases, cost savings and/or other sources of funding may need to be found. Both of these reduce the whole-life costs of the project to national budgets. Where an OM Score is below 100%, the deficit describes the amount of cost savings and/or contributions necessary in order for the scheme to proceed.”</i></p> <p>The section “<i>Encouraging long-term management of flood and coastal risk as part of each local strategy</i>” on page 9 outlines:</p> <p><i>“To help meet any funding shortfalls for lower scoring projects, risk management authorities could seek to leverage external contributions from all investments that proceed, including those qualifying for full funding. Any contributions secured towards projects scoring 100% or above can either a) reduce the cost of the scheme to the national taxpayer, making it more likely to go ahead sooner rather than later, or b) be used to help fund other schemes in the local strategy that score less than 100%.”</i></p> <p>Where we (Environment Agency) need contributions to schemes, this will include not only the construction phase but also the development of business cases and associated flood modelling, design as well as future maintenance. The <a href="#">DEFRA Partnership Funding calculator</a> allows us (Environment Agency) and other risk management authorities promoting FCRM schemes to calculate our Grant-in-Aid eligibility. It will give a total the value of contribution required. We would need specific discussions with planning officers and applicants as to how a bespoke calculation and agreement of contribution is made – the latter via our standard Heads of Terms and Legal Agreement process.</p> <p>Given the comments above we think the Partnership Funding policy statement needs to be clearly referenced within the “Flood Protection and Water Management (including SuDS)” section of the SPD on pg.5 as well as Appendix 1.</p> <p>The Thames Estuary 2100 Plan sets out the recommendations for flood risk management for London and The Thames Estuary. The estuary is split into policy units, outlining the flood management needs for specific areas. We have highlighted the situation with regards to funding for the Policy Units that cover the Castlepoint area, these are subject to periodic review based on changes to costs and climate change.</p> <p>The Canvey Island Policy Unit (PU) has a current PF score of 201% - thus eligible for full GIA. Part of the Bowers Marsh Policy Unit, covers South Benfleet, with a current PF score of 13% - meaning we’d need to find 87% of costs towards any proposed scheme in that policy unit from non-GiA sources.</p> <p>The Hadleigh Marshes PU has a PF score of 2% - meaning 98% of any scheme would need to come from non-GiA sources. The PU currently has a 40-year cost profile that is greater than the benefits it provides</p>	<p><b>AMENDMENT</b> – new paragraph after 2.2.7 and renumber subsequent paragraphs accordingly</p> <p><i><u>In some instances it may be appropriate for development to contribute towards flood defences where projects have been identified, such as within the Thames Estuary 2100 Plan. The Environment Agency has the Flood and Coastal Resilience Partnership Funding Defra Policy Statement, which applies to such infrastructure that would seek grant aid to help obtain additional funding where shortfalls have been identified. Developer contributions may be sought in appropriate circumstances to help funding of such initiatives.</u></i></p> <p><b>AMENDMENT</b> – new bullet point under ‘Flood defences’ in the ‘CIL Contributions’ column in Appendix 1</p> <p><i><u>Infrastructure projects within the Thames Estuary 2100 Plan</u></i></p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			over a 40 year period – meaning its has a Benefit to Cost ratio of less than 1. This is significant as it means public money (GiA) could not be spent in the PU. Costs would either need to be drastically revised or funded completely from private sources. The Hadleigh Marsh Policy Unit contains a range of infrastructure, that could support development such as the railway line and A130 as well as containing existing infrastructure such as a Waste Water Treatment Plant, an electricity generating plant and landfill site, which could be impacted by climate change.	
12	Essex County Council (ECC)	Section 2.4	ECC highlighted points for future governance arrangements for the implementation of CIL. ECC also welcome any governance arrangements that included a more formal role for the County Council in the CIL governance process, in particular regarding when CIL monies are made available for bids; the amount of funds made available to bid for and how any monies will be prioritised and apportioned to strategic projects. ECC would recommend that CPBC keeps this in mind when identifying any governance arrangements for how CIL monies will be spent over and above the statutory requirements to parish councils and administration costs.	The comments from ECC are noted. Governance arrangements for the implementation of CIL will be undertaken by the Council in due course.
15	Pegasus on behalf of Redrow Homes		Section 2.4 requires further commentary and detail about how the Council will differentiate between infrastructure to be funded by S106 and CIL monies respectively and ensure any risk of 'double counting' is avoided. The Infrastructure Delivery Plan is referred to as evidence supporting this SPD. It is questioned how this can form a sound evidence base for the application for this SPD, given it was produced to assess infrastructure requirements in the Borough on the basis of growth planned by the now withdrawn Local Plan. It must therefore be re-considered whether the Council has prepared a sound evidence base to support and justify the current Developer Contributions SPD, given the change in circumstances following withdrawal of the new Local Plan.	The Council's Infrastructure Delivery Plan (IDP) was updated following the withdrawal of the 'New Local Plan 2018-2033', the updated IDP reflects the current situation within Castle Point. The governance arrangements for CIL will be undertaken by the Council within due course and will comply with national legislation and regulations.
12	Essex County Council (ECC)	Section 2.5	ECC considers that it is important that the SPD demonstrates a clear understanding of the two-tier local government system. ECC recommend the following paragraph be added to this section to provide clarity regarding the role of the Minerals and Waste Local Plans as follows: <i>Essex County Council is the Minerals and Waste Authority for Castle Point Borough and is responsible for the production of mineral and waste local plans. The Development Plan therefore also comprises of the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.</i>	It is agreed that a modification could be made to highlight the role of Essex County Council: <b>AMENDMENT</b> – insert new paragraph after 2.5.1 <i>Essex County Council is the Minerals and Waste Authority for Castle Point Borough and is responsible for the production of mineral and waste local plans. The Development Plan therefore also comprises of the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.</i>
13b	East of England Ambulance Service NHS Trust	Paragraph 2.6.2	Insert "the East of England Ambulance Service NHS Trust" after NHS in line 2.	<b>AMENDMENT</b> Information contained within the IDP is produced in collaboration with relevant infrastructure providers such as the NHS, Essex County Council, the Environment Agency, <u>the East of England Ambulance Service NHS Trust</u> and Anglian Water...
12	Essex County Council (ECC)	Section 2.6	ECC support section 2.6.	Support is noted.
11	Mrs Debbie Kemp	Section 3	3.5, 3.6 .5.1 - Re the calculations to determine the impact of development on the need for community infrastructure - who is accountable if the impact has been miscalculated, how will mistakes or shortfalls be remedied without impacting existing council budgets, how transparent will this process be?	Implementation of this SPD will be monitored by a specific monitoring officer, if it is identified that the provisions within this SPD do not adequately support development then it can be reviewed by the review mechanism. This will be monitored

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				annually through the Council's Authority Monitoring Reports which are published annually.
12	Essex County Council (ECC)		ECC recommends that reference is made to the ECC Garden Communities and Planning School Places Guide. Whilst it does refer to Garden Communities in the title it also refers to larger development. This guide seeks to describe how new mainstream state funded statutory age range schools, serving new Garden Communities and larger development in Essex, will be established. ECC therefore considers that this is appropriate for CPBC to acknowledge in the SPD to ensure the delivery of education that meets future needs.	Reference to ECC's Garden Communities and Planning School Places Guide is made under paragraph 2.7.2 in this document which is deemed sufficient, therefore no modification is proposed.
16	CODE on behalf of This Land		<p>CODE notes the expectation that contributions will be sought via Section 106 and CIL for education contributions. Whilst pooling restrictions have been removed which enables this approach, I note the Council's response to the CIL examiner, dated 25 November 2022, which states "Based on current available capacity, and the estimated needs arising from the growth identified within the schedule of sites, ECC has confirmed that there would be no demonstrable need for additional school places in the Borough to meet projected demand for additional primary, secondary, and post-16 school places. All costs associated with primary, secondary, and post-16 schools contributions have therefore been removed from the Infrastructure Schedule."</p> <p>In light of this, CODE considers it would be appropriate for Castle Point Borough Council and Essex County Council to only seek contributions via Section 106 or CIL, not both, in light of the existing capacity in the borough for primary, secondary and post-16 school places. It is clear that in many cases requests for contributions would not meet the requirements of the relevant CIL tests outlined at paragraph 57 of the National Planning Policy Framework (NPPF, July 2021).</p>	<p>Appendix 1 of the Cover Document highlights the indicative split of developer contributions between CIL and Section 106, it is not presumed that contributions would be sought through both contribution types for the same infrastructure and would therefore not be 'double counted'. It is recognised that this could be made clearer and the following amendment is proposed:</p> <p><b>AMENDMENT</b> -Appendix 1 title  <i>Appendix 1: Indicative Split on Developers Contributions Spending between Section 106 and CIL Contributions</i></p>
12	Essex County Council (ECC)	Paragraph 3.1.1	ECC have different thresholds for developer contributions, and this is set out in table 2 of the ECC Developer's Guide. ECC want reference within this paragraph to a potential for different thresholds and process for planning obligations, similar to paragraph 1.2.2 of the Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD.	<p><b>AMENDMENT</b>  <i>Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more, therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth. It should be noted that Essex County Council (ECC) implements its own thresholds for planning obligations and therefore regard should be had to Table 2 – Developer Contributions Reference Table in the ECC Developers' Guide to Infrastructure Contributions in determining thresholds for specific infrastructure types.</i></p>
15	Pegasus on behalf of Redrow Homes	Paragraph 3.1.1 – 3.1.2	<p>3.1.1. Does a differentiation from non-residential developments need to be considered.</p> <p>3.1.2. For the example given, it should be acknowledged that the provision of serviced land would be a benefit for the primary school (in this example) as well in its own right. This should be taken into account when calculating the necessary financial contribution from the developer, such as by discounting the value of the education land from the contributions. This applies to other infrastructure for which serviced land is provided as well. Again, for the example given in 3.1.3. of delivering off-site highways improvements, this needs to take into account any delivery issues that may arise if the land is outside of the developer's control. Also, as mentioned above, the distinction between improvements to be secured by S106 and improvements that will be secured by CIL needs to be clarified - while Appendix 1 sets out a high level split on spending, there are no details provided on the mechanism that will be used to ensure S106 contributions will be discounted when CIL is in effect.</p>	<p>It is noted that a differentiation for different type of development could be made clear and the following is proposed:</p> <p><b>AMENDMENT</b> to paragraph 3.1.1  <i>Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development, therefore CIL will be the primary means...</i></p> <p>Appendix 1 of the Cover Document highlights the indicative split of developer contributions between CIL and Section 106, it is not presumed that contributions would be sought through both contribution types for the same infrastructure and would therefore not be 'double counted'. It is recognised that this could be made clearer and the following amendment is proposed:</p> <p><b>AMENDMENT</b> -Appendix 1 title</p>

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				<i>Appendix 1: Indicative Split on Developers Contributions Spending between Section 106 and CIL Contributions</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 3.2.1 – 3.2.1	The operation of 3.2.1. and 3.2.2. which envisage agreement of draft heads of terms at the pre-application stage and submission of completed obligations with the planning application is considered to be too optimistic. This would require detailed engagement at the pre-application stage and officer resource, which should be committed to. As engagement with third party consultees would be needed as well, this has the risk of prolonging the pre-application period unreasonably while details of infrastructure requirements are provided. It would therefore be more reasonable for draft heads of terms to be discussed with Planning Officers only at the pre-application stage, with detailed discussion reserved for post-submission of the application when details of the scheme are fully known and all consultees are engaged with the application. It is also important to ensure requests for contributions from third party consultees are clearly justified from the outset with reference to the statutory CIL tests.	It is highlighted in paragraph 3.2.1 that the Council encourages the use of the pre-application process, this is not a requirement. It is agreed that the process could be made clearer within paragraph 3.2.2 and the following amendment is proposed: <b>AMENDMENT</b> <i>Applicants will be expected to discuss and agree draft heads of terms of the planning obligations at the pre-application stage and submit <del>the completed obligation</del> this with the application</i>
12	Essex County Council (ECC)	Paragraph 3.2.2	ECC notes reference is made in paragraph 3.2.2 to the pre-application process. ECC recommend CPBC should consider making reference to the use of Planning Performance Agreements (PPAs). ECC seeks to establish PPAs for large planning applications/NSIPs to provide a project management framework for such development. This is vital to potentially fund officer time and commission additional specialist advice where the resource does not exist within an authority.	The use of PPAs is useful when considering larger applications to ensure all parties are aware of the process going forward. However, this is a wider matter and not considered directly necessary for the developer contributions guidance, therefore no modification is proposed.
13b	East of England Ambulance Service NHS Trust	Paragraph 3.2.6	Add "Ambulance Facilities" after 'health facilities' in line 3.	The examples given in this paragraph are not exhaustive and it could reasonably be considered that ambulance facilities could fall under 'health facilities', therefore no modification is proposed.
15	Pegasus on behalf of Redrow Homes	Section 3.3	Section 3.3 relating to masterplans is potentially concerning, with regard to the amount of detail that is requested. Masterplans are produced early in the design process and are intended to confirm the key principles and form a framework for the detailed scheme to be provided. Given masterplans are prepared for large scale schemes which have a long-term delivery period, seeking to confirm detailed matters relating to the thresholds, standard charges and formulae of planning obligations is excessive as needs may change. It is difficult at the masterplan stage to accurately calculate costs.	It is recognised that large schemes which produce master plans have greater detail and details may change, however estimated costs for how infrastructure will be provided through the application of this SPD is considered appropriate.
13b	East of England Ambulance Service NHS Trust	Paragraph 3.5.5	At the end of the paragraph ending 'scale of development' insert "and to Section 6 which provides further advice on key infrastructure issues".	<b>AMENDMENT</b> – add the following text to the end of paragraph 3.5.5 <i>...and Section 6 of that document which provides further advice on key infrastructure issues.</i>
16	CODE on behalf of This Land	Section 3.8	CODE notes the document seeks to enforce the following phasing limits in "most cases" for the timing of paying planning obligations in relation to the number of dwellings occupied: "For residential developments, all planning obligations will need to be delivered before more than 80% of the market dwellings can be occupied."  CODE considers that this section should be the subject of a minor redraft to state "...the following phasing limits will be applied (unless otherwise agreed between the Council and the developer/landowner)", rather than "in most cases". This enables further flexibility for larger sites which may come forward in the borough which might have greater infrastructure requirements.	It is considered that this paragraph could be amended. The following is proposed: <b>AMENDMENT</b> <i>However, the Council is mindful that a developer may seek to avoid delivering a planning obligation by not completing the development. To this end, the following phasing limits will be applied, unless otherwise agreed by the Council <del>in most cases</del>:</i>
15	Pegasus on behalf of Redrow Homes	Section 3.10	The Viability Study (2021) is referred to by the Council as supporting evidence. A separate review has been undertaken by ULL Property, which is appended to these representations. This review notes that the value assumptions that have been made in the Viability Study are optimistic in some regards, and therefore does not represent an accurate representations of the costs required to deliver a site. It is unreasonable to rely on the Viability Study as supporting evidence for this SPD. The report prepared by ULL Property should be referred to for further detail.	The study completed by ULL Property can be accessed in the full representation. Multiple stakeholders were consulted on during the preparation of the Viability Study, this included questionnaires and workshops with developers in the local area to determine accurate costs. The Council's viability evidence, alongside representations made by other parties has been examined as part



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				<p>of the CIL examination and has been found to make sufficient provision for development costs.</p> <p>It is recognised that viability studies reflect a point in time and market forces can change the outcomes. As a consequence of this section 6.2 of the Cover Document highlights where a viability review may be necessary, which includes where 'the SPD is insufficiently effective in enabling developer contributions'. This is considered sufficient to account for any changes.</p>
11	Mrs Debbie Kemp	Section 3.11	What provision has/will be made in the event of a crash in the housing market? Where the cost of materials remain high/inflated, yet the market falls, there is a risk that developers may be out of pocket and will seek ways to recoup losses - will the cost of 'affordable homes' be reduced to reflect the state of the housing market (in line with other market homes) or are those prices fixed and non-negotiable - if fixed, we could find that 'affordable homes' end up being more expensive than a standard market home (and ultimately less desirable).	The viability study supporting the SPD and CIL has contingencies for changes to market which have been factored into the costs. Where developers determine that schemes are not viable they will need to provide a full viability report to be reviewed by an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant. Only then, if accepted by the Council, would a deviation from the developer contributions set out in the SPD be allowed. In terms of affordable homes, schemes such as First Homes have a 30% discount from the market value, with a maximum cost of £250,000 from the first sale to ensure they remain affordable.
12	Essex County Council (ECC)	Section 4.4	<p>ECC recommend reference is also made to the use of bonds with regards highway works as follows, and which is included within the ECC Developers' Guide, Section 5.5.4 – Highway works and surety:</p> <p><i>Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third-party surety or it can be a deposit in cash to Essex County Council as the Highway Authority.</i></p> <p><i>Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in value.</i></p>	<p>The use of bonds for highways works is noted. To avoid duplication between the Cover Document and ECC's Developers' Guide a modification referring to the document is proposed.</p> <p><b>AMENDMENT</b> – insert new paragraph after 4.4.2</p> <p><i>Developers should refer to the Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions for bond requirements specific to ECC.</i></p>
15	Pegasus on behalf of Redrow Homes	Section 5	The proposed affordable housing monitoring fee, at £100 per affordable housing unit, appears to be excessive especially as this would be in addition to the per obligation monitoring fees set out in Section 5.2. Section 106 Agreements would include specific requirements for developers to notify the Council of completions and occupations, which should be sufficient without requiring further monitoring by the Council. In addition, 5.3.3. implies that the monitoring fee includes time spent by the Council entering into nomination agreements with Registered Providers. This is a service that the Council is expected to provide and falls outside of the scope of a cost that is reasonable to seek from developers in planning terms.	The justification for the proposed affordable housing monitoring fee is set out in paragraph 5.3.2 and is considered reasonable. Paragraph 5.3.3 highlights that the cost of entering a nomination agreement will exclude the cost of the Council's legal service team.
11	Mrs Debbie Kemp	Section 6	Given the strong public opinion about the local plan and its impact, I would like to see a lot of care and attention given to the way in which the public is kept informed of progress on the infrastructure to support the local plan. Issuing an annual funding statement is inadequate - updates need to be tailored and 'pushed' to the audiences that will wish to consume them - in reader-friendly updates/bulletins written in an easy-to-digest format (not reams of detail buried in financial reports which many will find impossible to interpret). The updates should clearly articulate original targets, changes to plans, progress against deliverables, benefits, risks, issues and remediations. We want residents to follow the progress of the local plan and celebrate its success and the benefits it delivers to the community. Equally, we want transparency so that residents are kept informed when things are not going to plan, together with remediations and accountability information.	This comment is welcomed. The Council agreed in November to start work on the new Castle Point Plan, this will include a significant amount of public engagement. It recognises that planning documents can be long and not very accessible for the wider audience and documents such as a new Infrastructure Delivery Plan will be presented in a way that is user friendly. This consultee is encouraged to engage within that process in the future.

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04	Natural England	Appendix 1	Natural England note the reference of open spaces, biodiversity and green and blue infrastructure within appendix 1.	Noted
09	The British Horse Society		Comments were made over the lack of inclusion of horse riding and bridleways improvements in appendix 1 and safety issues over the disjointed bridleway network across Castle Point. Route improvements were proposed. Improvements could be made to existing public rights of way by making them multi-user to avoid issues with different users.	The Council note the lack of reference to bridleways and horse-riding and propose an amendment to appendix 1. This amendment highlights that Section 106 contributions may be sought for improvements to such infrastructure. Where bridleway provision is sought on sites the type of route provision would be discussed with Essex County Council, as the highways authority, on a case-by-case basis. <b>AMENDMENT</b> – ‘Roads and other transport facilities’, third bullet point: <i>On-site cycle, bridleway and walking network infrastructure, and connections into wider network</i>
12	Essex County Council (ECC)		CPBC could make it more explicit in the SPD, Appendix 1 – Open Spaces category how development can provide and improve green infrastructure rather than primarily concentrating on the provision of ‘open space’. ECC recommend reference is made to the need for developers to use the Essex Green Infrastructure Strategy (2020) (where its preparation included CPBC) and Essex Green Infrastructure Standards-Technical-Guidance (June 2022).	Reference to specific documents is not considered necessary within appendix 1 as it gives an indicative split on developer contributions only. Further detail on open spaces and green infrastructure will likely be part of a future SPD which ECC would be engaged on.
13b	East of England Ambulance Service NHS Trust		After 'Medical Facilities' insert a subheading for "Ambulance Facilities" In column 1 insert <ul style="list-style-type: none"> <li>• An increase in the number &amp; type of ambulances;</li> <li>• Provision of additional medical, pharmacy &amp; IT equipment/digital software to manage the increased number of incidents arising from the new population;</li> <li>• The recruitment, training, equipping &amp; tasking of Community First Responders (CFR) based within the locality of development sites &amp; their environs;</li> <li>• Redevelopment or relocation of existing ambulance stations to a more suitable location to meet the increased local demand arising from housing developments.</li> </ul> In column 2 insert <ul style="list-style-type: none"> <li>• Improvements to EEAST’s Estate, including premises modernisation.</li> </ul>	The requirements set out in this representation although are important for emergency services, go beyond infrastructure provision e.g. through recruitment. It is considered that the modification below is sufficient. However, going forward future infrastructure requirements of the ambulance and emergency services are considered in greater detail through the preparation of the Castle Point Plan and Infrastructure Delivery Plan. The Council will engage with the East of England Ambulance Service NHS Trust. It may be considered at that time that a further SPD are prepared at that time. <b>AMENDMENT</b> Appendix 1 – under ‘Other matters - list is not exclusive but is indicative of common requirements’ Section 106 column – add a new bullet point <i>Emergency service facilities</i> CIL contributions column – add a new bullet point <i>Emergency Service Estate Improvements</i>
14	Essex County Fire and Rescue Service		Request consideration of Emergency Service provision to be included. This includes: Within the Section 106 column to include: Emergency Services Provision to support the enhancement and development of Services related to the impact of the proposed development. Within the CIL column to include: Emergency Services Estate Improvements, including modernisation, growth and collaborative facilities.	The proposed modifications are considered appropriate and the following changes have been incorporated: <b>AMENDMENT</b> Appendix 1 – under ‘Other matters - list is not exclusive but is indicative of common requirements’ Section 106 column – add a new bullet point <i>Emergency service facilities</i> CIL contributions column – add a new bullet point <i>Emergency Service Estate Improvements</i>
04	Natural England	General comments	Reference was made to Strategic Environmental Assessments being required only in exceptional circumstances to support SPD’s. SPD’s are unlikely to give rise to likely significant effects on European Sites however they should be considered as a plan or project under the Habitats Regulations.	The need for a Strategic Environmental Assessment to support this SPD has been assessed and it is considered that it is not required as the use of land is determined through a planning application.

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				<p>Similarly, a Habitats Regulation Assessment is not necessary as these SPDs will not have an effect directly, or indirectly on European Sites.</p> <p>Developer contributions are a way of ensuring planning applications are acceptable in planning terms.</p>
08	Historic England		A number of measures were proposed to improve this SPD in terms of heritage, from enhancement to heritage assets and improved public access.	The Council may prepare a separate heritage SPD to accompany the existing Developer Contributions library in due course. The Council will engage with Historic England at that time.
13a	East of England Ambulance Service NHS Trust		The East of England Ambulance Service NHS Trust (EEAST) sets out reasoning for an additional SPD to support the developer contributions library and support ambulance services. The representation proposes a chargeable rate for development of £340 per dwelling. This would be used to support infrastructure and facilities including an increased number and type of ambulances, equipment, recruitment and training and redevelopment or relocation of existing ambulance stations. The representation provides wording for a new SPD, specifically for the ambulance service.	The requirements set out in this representation although are important for emergency services, go beyond infrastructure provision e.g. through recruitment. Going forward future infrastructure requirements of the ambulance and emergency services will be considered in greater detail through the preparation of the Castle Point Plan and Infrastructure Delivery Plan. The Council will engage with the East of England Ambulance Service NHS Trust at the appropriate time. It may be considered at that time that a further SPD is prepared, where developer contributions are fully justified and in accordance with national legislation, regulations and guidance.
17	Anglian Water		<p>As the statutory sewerage undertaker for Castle Point BC, Anglian Water is responsible for building, operating, and maintaining their infrastructure which is required to provide for additional growth. Wastewater network capacity can be dependent on the specific connection points and the network available in the area. Proposed developments will require local upgrades and connections in order to connect to the existing sewer network - these works are typically funded by the developer. In terms of major developments seeking surface water connection to our network, we require modelling of our network and any upgrades required to accommodate the connection to be funded at the developer's expense.</p> <p>With regard to surface water management we welcome opportunities to work in partnership with local authorities and other stakeholders to address specific issues where these can be jointly funded.</p> <p>In addition, the government has announced their intention to implement Schedule 3 of the 2010 Flood and Water Management Act to make the use of sustainable drainage mandatory for all new developments. The provisions in Schedule 3 also provide a framework for the approval and adoption of SuDS; the creation of a SuDS approving body (SAB); and national standards on the design, construction, operation, and maintenance of SuDS.</p>	<p>As Anglian Water (AWA) is the statutory Sewerage undertaker in the Castle Point area, S106 Agreements cannot be used to cover drainage matters which are the responsibility of AWA.</p> <p>It is however recognised that some SUDs features may not fall within the remit of AWA, and therefore there is scope for ECC, as the Lead Local Flood Authority (LLFA) to enter into S106 Agreements for SUDs features within a development.</p> <p>It is noted that the Government has announced its intentions to implement Schedule 3 of the Flood and Water Management Act. When the implications of this are known, it may be the case that a separate SPD on SUDs will be required. The Council will monitor this situation.</p>

Table 2: Affordable Housing

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
11	Mrs Debbie Kemp	Sections 1, 2 and 3	<p>Can any guarantees be made that the quality, durability and aesthetics/design of any affordable housing will be the same as standard market housing? What criteria needs to be met to ensure it integrates with/is indistinguishable from other market housing? If affordable housing is built using lower standards, lower cost materials, it is likely to require maintaining/repairing more regularly than standard market dwellings - the costs associated with these repairs and maintenance would fall to the homeowners who would be unlikely to afford them - and there is a higher risk that areas of the development may fail into disrepair.</p> <p>Given the increased density of dwellings being introduced to the area, what obligations will be imposed on the owners of dwellings with regard to building extensions, outbuildings, converting garages, building walls/conservatories/other structures - to avoid further build-up in an already densely populated area? and provide peace of mind to existing residents</p> <p>Is there any restriction on the number of dwellings that can be available for rent? It seems counter-intuitive to make provision for affordable housing for the primary purpose of facilitating residents to own their own home, and then restrict the numbers by selling to landlords who will profit and leave residents with no option but to rent a property - we should make as much housing as possible available for purchase to facilitate people getting on the property ladder.</p>	<p>All new homes should have regard to the Council's residential design guidance, this includes market and affordable homes. The colours of materials and type would be considered through a planning application, however the standard of materials is not a planning matter. All new homes should accord with Building Regulations. Considerations to restrict further works to developments would be considered on a case-by-case basis and would not be relevant for this SPD.</p> <p>The Council are unable to restrict the number of homes that are purchased and rented by private landlords.</p>
15	Pegasus on behalf of Redrow Homes	Section 4 (Evidence)	<p>The South Essex Strategic Housing Market Assessment (SHMA) referred to in Section 4.1 was prepared over six years ago in support of the now withdrawn Local Plan 2018. The SHMA addenda published in 2017 and 2020 took into account more recent data in some respects, but did not constitute a full review. This is therefore a dated evidence base and should be updated for a more accurate and current picture of the Borough's affordable housing needs and requirements. Indeed, it is understood that work on the New Local Plan, expected to commence January 2023, will include gathering new evidence on local housing needs. It is unclear from this consultation document how the SPD will take this new evidence into account. Any material change in the evidence base supporting the SPD should result in further public consultation.</p> <p>At 4.1.1, reference is made to the Council holding specific information on housing needs on the Council's housing register. This information should be published in some form as evidence to support the stance that is being taken in this document, in respect of affordable housing requirements.</p> <p>At 4.2.1, reference is made to the CIL Viability Assessment (August 2021) being based on the Infrastructure Delivery Plan. It is assumed this refers to both the Infrastructure Delivery Plan (September 2020) and subsequent Addendum (May 2022). The 2020 version of the IDP focused on growth expected to come forward as a result of the withdrawn Local Plan 2018. As this IDP was prepared to deliver local plan growth that it is now unclear will come forward, the validity of continuing to rely on the IDP as evidence for securing developer contributions is questioned. In addition, despite the IDP Addendum being issued post withdrawal of the Local Plan, this continues to refer to sites allocated by the withdrawn Local Plan as well as sites allocated by the adopted Local Plan 1998.</p> <p>We strongly agree with the point made at 4.1.4. regarding sustained under delivery of affordable homes. It should be stressed that the affordable housing need identified in the SHMA (353 homes per annum for the period 2014/15 to 2018/19 and thereafter 291 homes per annum up to 2035/36) is the minimum amount of affordable homes that need to be delivered in the Borough. As mentioned above, the SHMA is dated and it is therefore very likely that the scale of affordable need has been underestimated. It should also be taken into account that the withdrawal of the Local Plan 2018 means the Borough's shortfall in delivering affordable homes will have continued to accrue, requiring a greater level of affordable housing delivery if the shortfall is to be recovered.</p>	<p>It is recognised that the SHMA evidence base is slightly dated. As a consequence of this, the affordable housing mix requirement is based on the Council's housing register for affordable rented products. In terms of affordable home ownership routes, the SPD allows for flexibility where a developer can provide evidence of the deviation from the mix. This is considered sufficient to account for market changes since the SHMA was published. Where necessary and as a consequence of the work to support the new Castle Point Plan, there may be a need to update this mix, if appropriate that would be undertaken at a later date following the evidence.</p> <p>In relation to the Council's housing register, this is published under table 5.1 of the SPD, this of course changes based on the households on the register and the table is a point in time. Applicants can be given up to date information at the time of an application.</p> <p>In terms of the viability evidence and IDP, this evidence has been updated through the CIL examination process to account for the withdrawn local plan. It is considered that this evidence base can support infrastructure provision for sites that can come forward for development under the adopted local plan.</p> <p>It is recognised that viability studies reflect a point in time and market forces can change the outcomes. As a consequence of this section 6.2 of the Cover Document highlights where a review may be necessary, which includes where 'the SPD is insufficiently effective in enabling developer contributions'. This is considered sufficient to account for any changes.</p>
15	Pegasus on behalf of Redrow Homes	Section 5.2	<p>The circumstances in which exemptions for the applications listed at 5.2.1. will apply requires clarification. The section as currently drafted is too ambiguous in its wording, as it implies there are times when the exemptions will not apply. It should not be left to the Council's discretion to determine when exemptions will not apply, as this raises uncertainty. The section should instead state that the exemptions will always apply; if the Council has</p>	<p><b>AMENDMENT</b> – paragraph 5.2.1  <i>Affordable housing will not <del>normally</del> be sought for the following:...</i></p>

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			specific circumstances in which the exemptions will not apply, these should be clearly stated and the opportunity provided for negotiation and discussion between the Council and applicants as to whether exemptions should or should not apply.	
15	Pegasus on behalf of Redrow Homes	Section 5.3	No concerns were raised over the affordable housing requirement of 35% on development sites providing 10 or more units based on the current evidence.	Comments are noted.
11	Mrs Debbie Kemp	Section 5.4	This representation did not support the proposed affordable housing tenure mix in the SPD. It stated the following: I'd like to see a higher percentage of affordable home ownership products, paying rent to landlords will not facilitate more families being able to own their own home.	The support for a higher level of affordable home ownership products is noted. The tenure split proposed in the SPD provides routes for home ownership and the affordable-rented products helps provide affordable homes for households on the Council's housing register, both are essential to meeting different affordable housing needs.
15	Pegasus on behalf of Redrow Homes		This representation did not support the proposed affordable housing tenure mix in the SPD. It stated the following: The SPD provides no evidence in support of this proposed tenure mix, which amounts to a split of roughly 71% affordable rent and 29% other affordable home ownership products. This differs from the Council's current SPD which requires a 50:50 splits between affordable rent and other home ownership products. The reason for this change, and the evidence supporting this change, should be provided for assessment before comment can be provided as to whether the affordable housing tenure mix proposed by section 5.4 is appropriate. The proposed affordable home ownership tenure should allow for at least 25% of the affordable housing provision to be comprised of First Homes, in accordance with current national planning guidance. The split of 71:29 does not allow this provision without actively resulting in a significant reduction in shared ownership homes. Shared ownership is an important affordable housing tenure, providing an affordable route towards home ownership. Table 4.1 shows that the delivery of intermediate (shared ownership) tenure homes has lagged even more than that of social and affordable rent. A continuation of the 50:50 tenure split would therefore be more appropriate in meeting the unmet tenure needs for other affordable home ownership products. The allowance at 5.4.7 for a variation in the tenure mix if needed is acknowledged, however this is not considered to be sufficient given there is ambiguity as to the circumstances in which a variation in the tenure mix will be accepted by the Council. Clarification should be provided as to the evidence that developers will be expected to provide in support of a site's affordable housing tenure mix. The evidence expected should be reasonable and proportionate.	The government through the planning practice guidance highlighted that First Homes are the preferred discounted market tenure and should account for 25% of all affordable housing units delivered by developers (Paragraph: 001 Reference ID: 70-001-20210524). This SPD through the proposed tenure split allows both the implementation of 25% of affordable housing products to be First Homes and that these products will be the majority of discounted market tenure homes. In terms of evidence, it is agreed that there has been a sustained under delivery of affordable homes within the borough for different types of affordable home products, as apparent through table 4.1 within the SPD. The tenure split set is considered appropriate based on the sustained level of households on the Council's housing register at around 500-600 households and planning guidance. For the reasons set out above there are no proposals to amend this tenure split. The SPD allows for a review of this SPD, where it is found that delivery of affordable homes does not meet the needs within the area or is undeliverable.  In addition, paragraph 8.1.2 sets out what information developers can provide for productive discussions on affordable housing.
15	Pegasus on behalf of Redrow Homes	Section 5.5	This representation did not support the proposed housing mix in the SPD. It stated the following: The affordable housing mix set out in the above table is acknowledged as the illustrative guide that should be referred to. However, this is a district-wide housing mix and 5.5.3. makes an important point in acknowledging that site specific factors play an important part in informing the final housing mix for a site. As stated in the table above, it is considered appropriate for the housing mix set out in the above table to constitute the starting point only, with the specific mix to be reached in consultation with the Council and its housing team. This will allow the latest housing need data to be taken into account, as well as local market factors rather than relying on a housing mix that is based on district-wide data and relates to a specific point in time.	It is recognised that the SHMA evidence base is slightly dated. As a consequence of this, the affordable housing mix requirement is based on the Council's housing register for affordable rented products. In terms of affordable home ownership routes, the SPD allows for flexibility where a developer can provide evidence of the deviation from the mix. This is considered sufficient to account for market changes since the SHMA was published. Where necessary and as a consequence of the work to support the new Castle Point Plan, there may be a need to update this mix, if appropriate that would be undertaken at a later date following the evidence. The wider market housing mix is separate to this SPD.
15	Pegasus on behalf of Redrow Homes	Paragraph 5.5.1	The evidence base documents that are referred to as supporting the required affordable housing mix should be specifically referenced in this paragraph. As previously mentioned, the fact that the current evidence base, in particular the SHMA, is dated should be acknowledged.	It is agreed that the evidence base could be referenced and the following amendment is proposed: <b>AMENDMENT</b> <i>The evidence base (SHMA 2016, SHMA Addendum 2017 and SHMA Addendum 2020) indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point in order to respond to demographic trends in the borough including an increasing number of</i>



ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
				<del>older people. By securing an appropriate mix of homes on development sites, these needs can be met.</del>
15	Pegasus on behalf of Redrow Homes	Paragraph 5.6.1	Paragraph 5.6.1. is unclear, as at 5.5.1. it is stated that there is a clear need for a diverse housing mix "in order to respond to demographic trends in the borough including an increasing number of older people". Paragraph 5.6.1. should be clarified as to whether it is stating that a need for specialist accommodation for older people has already been identified and further evidence is not required.	<b>AMENDMENT</b> to paragraph 5.5.1 <i>The evidence base (SHMA 2016, SHMA Addendum 2017 and SHMA Addendum 2020) indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point in order to respond to demographic trends in the borough including an increasing number of older people. By securing an appropriate mix of homes on development sites, these needs can be met.</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 5.10.3	Relating to vacant building credit is negatively worded and is inconsistent with national policy and the planning practice guidance. The paragraph should be re-worded to clarify that the vacant building credit will be automatically applied to relevant vacant buildings that are either re-used or demolished. This includes any scale of brownfield development, as the objective of the policy is to provide an incentive for developing brownfield land. The proposition at 5.10.4. that vacant building credits should not be applied to viable schemes is not a reasonable factor to consider when determining the application of building credits.	This representation is noted and the following modification is proposed to be clearer and consistent with national guidance: <b>AMENDMENT</b> <del>Vacant building credit will not automatically be applied.</del> <i>The intention of vacant building credit is to incentivise brownfield development and the re-use of vacant buildings so only relevant buildings will be considered as being able to generate vacant building credit.</i>
15	Pegasus on behalf of Redrow Homes	Section 6	In terms of completion of all affordable housing before 80% of the market housing is completed. The practicalities of meeting this requirement on a major site may make this difficult, such as where the 20% 'remaining' market housing still constitutes a large quantum of homes - meaning the affordable homes would be built and potentially occupied while within a building site. The practicalities of transferring serviced land before 40% of market homes are occupied is again a requirement that would be onerous on a large site, given the significant costs involved in providing serviced land. This could be suitably addressed by allowing the relevant thresholds to be reviewed on a site by site basis to ensure it is an appropriate threshold to be applied. In terms of 6.6.3. this would require clear wording of obligations to allow phasing to be agreed first. The exact phasing of sites is usually not known at the stage that a Section 106 is agreed. Ensuring a sequential link between agreement of phasing, and then agreement of affordable housing delivery within each phase would mean a logical process is followed.	The thresholds set out in section 6 are not considered to be unreasonable. Allowing 80% of market homes to be completed before all affordable housing has been constructed, transferred or leased to the Registered Provider, allows sufficient cash flow before the remaining 20% of homes are completed and obtained as profit. In terms of the serviced land, the requirement is for the land to be serviced and transferred before the market housing has been constructed rather than occupied as stated within the representation. This is not considered unreasonable and practicalities of this can be planned from the outset.
11	Mrs Debbie Kemp	Section 6.4	What provision has been made for a crash in the housing market? Will the pre-agreed cost of affordable housing be re-negotiated to reflect revised market rates to avoid the risk of (a) negative equity (b) a scenario where affordable homes are more expensive than standard market homes	The viability study supporting the SPD and CIL has contingencies for changes to market which have been factored into the costs. Where developers determine that schemes are not viable they will need to provide a full viability report by an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant. Only then, if accepted by the Council, would a deviation from the developer contributions set out in the SPD be allowed.
11	Mrs Debbie Kemp	Section 7	I don't think this option should be available to developers - it is a 'get out' clause which will not benefit (a) those in need of affordable homes (b) the wider community who will likely see an additional area of land (over and above that identified in the local plan) being usurped for housing. Residents are having enough trouble coming to terms with their land being surrendered for development in the local plan, there will be fierce resentment to any additional land being used to meet housing quotas that developers failed to meet in their original proposals.	On-site provision of affordable housing is the preferred delivery of affordable housing, however in some instances this may not be appropriate. Where every opportunity is used to provide on-site affordable housing but this is not possible for a variety of different reasons financial contributions in lieu of that will be suitable, this contribution could reasonably be used by the Council to provide affordable housing.
12	Essex County Council (ECC)	General comments	ECC recommends that reference be given to the Essex Housing Strategy.  ECC also recommends that the SPD includes reference to the ECC Developers Guide and in particular Appendix K which provides details on the characteristics of suitable sites/ buildings for older people and adults with learning disabilities.  ECC support section 5.6 – Specialist Accommodation.	This SPD should be read in conjunction to the Cover Document, the Cover Document clearly links to the Essex Developers Guide, therefore it is considered unnecessary to duplicate this information within this SPD.

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
			ECC support the use new build targets set out in the ECAC 'Net zero: Making Essex Carbon Neutral' report (2021). This recommends that ' <i>New homes and all new commercial buildings granted planning permissions to be net zero carbon by 2025 and carbon positive by 2030</i> '. 	

Table 3: Healthcare Facilities

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
15	Pegasus on behalf of Redrow Homes	Section 2	<p>This representation did not agree with the approach for collecting developer contributions for healthcare facilities in the SPD. It stated the following:</p> <p>As with other sections, clear articulation is needed on how S106 contributions will avoid any potential 'double counting' with CIL. While the NHS Estates Plan is referred to elsewhere, a clear link is needed in Sections 2.2 and 2.3 to that Plan so it is clear what infrastructure is being funded. This is especially important given the most recent NHS Estates Plan is from 2018.</p> <p>Paragraph 2.2.1. states that developers will be expected to build the healthcare facility in addition to providing land for the facility. An allowance should be made for construction costs when calculating Section 106 calculations and overall viability to ensure an appropriate accounting of development costs. Mechanisms should also be in place to ensure requiring construction of a healthcare facility by the developer is not held up by the healthcare provider, in terms of agreeing specifications, securing detailed permission and other matters.</p>	<p>It is agreed that the differentiation between CIL and Section 106 could be clearer within this document, an amendment is therefore proposed below:</p> <p><b>AMENDMENT</b></p> <p><i>Contributions <del>to be collected through CIL</del>, where Section 106 contributions have not been made CIL will help deliver improvements to healthcare infrastructure as per the actions set out in the NHS Estates Plan for Castle Point. This will be utilised where those actions address the impacts of any growth arising in the borough.</i></p>
07	NHS – Mid and South Essex Integrated Care System	General comments	<p>Support was made to the intention of the SPD.</p> <p>Amendments are recommended to the text within the document to ensure that it reflects the current position. References to the health system in the document should be updated to reflect the new structures implemented in July 2022 that introduced the integrated care system. In addition, it is requested that reference is made to the need to mitigate development impacts on secondary care, community care and ambulance service and to explain that methodologies for calculating these are being developed.</p>	<p>Support for the SPD is noted.</p> <p><b>AMENDMENT</b> – paragraph 1.2.3</p> <p><i>The provision and commissioning of primary and secondary healthcare services is the responsibility of the <u>Mid and South Essex Integrated Care System (ICS)</u> which was established in 2022 <del>Clinical Commission Groups (CCG) in liaison with NHS England and NHS Improvement. The Castle Point and Rochford CCG</del> Mid and South Essex ICS maintain a strategy for the delivery of high-quality healthcare services within the area.....</i></p> <p><b>AMENDMENT</b> – Paragraph 1.2.5</p> <p><i>New homes will increase pressure of existing provision, creating additional demand for healthcare services. As appropriate, new development proposals will therefore be asked for contributions towards the provision of healthcare facilities. <u>Methodologies for calculating how development will mitigate secondary care, community care and the ambulance service are being developed.</u></i></p>
12	Essex County Council (ECC)		<p>ECC recommends that the SPD provides further advice on healthy place-making with reference to the Active Design principles embedded throughout the <a href="#">Essex Design Guide</a>. It is also recommended that the SPD signposts to <a href="#">Health Impact Assessments (HIAs)</a> as this will ensure that greater consideration is given to what needs to be considered when looking at health, wellbeing and the environment, to ensure there is a wider focus than just primary healthcare provision and general practice.</p>	<p>While the Active Design principles within the Essex Design Guide and use of Health Impact Assessments (HIAs) help provide active and healthy places, the purpose of this SPD is to set out how health infrastructure will be delivered through developer contributions. The use of HIAs and Active Design principles and creating healthy places will be looked at in more detail through the preparation of the Castle Point Plan. The Council will engage with ECC at this time through the creation of local plan policies.</p>
16	CODE on behalf of This Land		<p>CODE's only comment in relation to the Healthcare Facilities DPD is to query whether the NHS has been consulted in the drafting of the document. The document states that "Where the NHS has identified a need for a new healthcare facility on site, the developer will be expected to provide land and build the facility."</p> <p>CODE notes the now withdrawn policy HO13 which only ever expected the provision of land for a new healthcare facility, and previous meetings with the NHS have not highlighted a desire or requirement from them to construct the facility directly. Indeed, there is a significant amount of work to be undertaken by the NHS before it can consider procuring a site for the provision of a new healthcare facility, and therefore CODE would be grateful for clarification that the NHS has been appropriately consulted in the preparation of this document, and that their require</p>	<p>The NHS were consulted on the SPD, and the wording for the document have been based on previous discussions with the NHS.</p>



Table 4: Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
12	Essex County Council (ECC)	Paragraph 2.1.2	Whilst the Guide is a material consideration when considering development proposals, it does not form part of the adopted Castle Point Local Plan and therefore the requirement 'to be in accordance with' is not justified. ECC recommend paragraph 2.1.2 is amended to refer to 'have regard to' as follows: <i>Planning obligations for infrastructure that is provided for by ECC will be sought <u>having regard to the</u> <del>in accordance with</del> ECC's Developers' Guide to Infrastructure Contributions</i>	<b>AMENDMENT</b> <i>Planning obligations for infrastructure that is provided for by ECC will be sought <u>having regard to the</u> <del>in accordance with</del> ECC's Developers' Guide to Infrastructure Contributions</i>
12	Essex County Council (ECC)	General comments	ECC recommend reference is made to the 'Position Statement April 2021 Essex County Council Developers' Guide to Infrastructure Contributions 2020: Cost of contributions to Early Years and Childcare Facilities', as outlined in Appendix 1. This updates the costs for Early Years and Childcare places contained in the published Guide to mirror primary school places as recommended in the DfE's guidance 'Securing developer contributions for education' (Nov 2019, see point 16, pg10).	<b>AMENDMENT</b> – insert new paragraph after 2.1.3 <u>The cost of Early Years and Childcare places have been updated to reflect the published DfE's guidance 'Securing developer contributions for education' (Nov 2019, see point 16, pg10). Therefore, regard should be made to ECC's Position Statement April 2021 Essex County Council Developers' Guide to Infrastructure Contributions 2020: Cost of contributions to Early Years and Childcare Facilities'.</u>
09	The British Horse Society		To avoid injury to horseriders if they were to fall off a horse, hard, rocklike grades of surfacing should be avoided. Patch surfacing and wider paths suitable for multiple users are preferred for safety. Reference was made to a current planning application and how Section 106 contributions should be sought to provide multi-user routes.	This SPD does not deal directly with the type of material that should be used within development. This would be dealt with within a planning application and based on guidance from the Highways Authority.

Table 5: Playing Pitches and Indoor Built Facilities

ID	Name/Organisation	Document Reference	Main Issues Raised	Response/Amendment Required
03	Sport England	Paragraph 2.1.2	It should be clarified that the Playing Pitch Calculator and the Sport Facility Calculator will be used to estimate the demand for playing pitches and indoor sports facilities that may be generated by a new population as this is the principal purpose of the calculators. The calculator can then also be used for identifying the current capital cost of meeting this demand which can then be used for informing the amount of any financial contributions that are secured. This amendment would help clarify that the main purpose of the calculators is to estimate the demand generated for sports facilities to avoid potential misinterpretation that the sole purpose of the calculators is to determine developer contributions.	It is agreed that an amendment could be made to clarify that the costs associated with the playing pitch and sport facility calculators are associated to new population rather than just associated to developer contributions. The following modification is therefore proposed: <b>AMENDMENT</b> <i>Sport England have a Playing Pitch Calculator and a Sport Facility Calculator. These tools will be used to <u>estimate the demand for playing pitches and indoor sports facilities that may be generated by a new population.</u> <del>clarify the contributions that will be sought from development</del> <u>The calculator can also be used for identifying the current capital cost of meeting the demand associated with the new population from a particular development site which can then be used for informing the amount of any financial contributions that are secured.</u> Based on the net number of dwellings that are being built these tools will calculate the increase in population and generate the costs associated with growth for the various sports.</i>
15	Pegasus on behalf of Redrow Homes	Paragraph 2.1.4	Clarification should be provided in 2.1.4. on the definition of a 'larger family home'.	It is agreed that an amendment could be made to provide greater clarity on where a 2.5 household assumption could be made. Therefore, the following modification is proposed: <b>AMENDMENT</b> <i>For a residential scheme providing <u>a greater mix of homes which include larger family homes of three or more bedrooms</u> a 2.5 person house assumption may be used within the above formula.</i>
16	CODE on behalf of This Land	Sections 2.2. and 2.3	This representation highlighted that it may not be appropriate for all developments to provide on-site provision, where large enough, and highlighted that the SPD could be clearer and more flexible in stating that off-site provision of sports facilities may be appropriate.	It is agreed that an amendment could be made to provide greater clarity on where off-site sport facility provision may be appropriate. Therefore, the following amendment is proposed. <b>AMENDMENT</b> – Paragraph 2.3.1 <i>Where development does not generate a need for new sporting provision on-site <u>or off-site provision is preferred to enhance existing provision and increase capacity</u>, contributions will be sought in accordance with section 2.1 for off-site provision. This could include improvements to existing sporting facilities.</i>
03	Sport England	General comments	Support was stated for the Council's approach to securing playing pitch and indoor sports facility provision in the SPD, including the evidence base, the use of the Playing Pitch and Sport Facility Calculator and other provisions within the SPD.	Support for the SPD is noted.



Castle Point Borough Council

**Developers Contributions Guidance  
Supplementary Planning Document (SPD)  
Cover Document  
March 2023**

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# 1. Introduction

## 1.1. Purpose of this Document

- 1.1.1. This Supplementary Planning Document (SPD) Cover Document has been produced to provide advice to developers on when and how the Council will expect to use Section 106 Agreements alongside the Community Infrastructure Levy (CIL) to secure an acceptable development that is sustainable, contributes towards a high-quality environment and is supported by the services, facilities and infrastructure required to make Castle Point a good place to live, work and visit.
- 1.1.2. This document provides the basis for how contributions will be sought and details the overarching process for developer contributions. Further documents will outline more detailed information for how contributions will be sought for specific infrastructure. The following list is not exhaustive but will include:
- Highways and transportation
  - Flooding and drainage
  - Education and childcare
  - Health facilities
  - Emergency service facilities
  - Sporting and recreational facilities
  - Open spaces
  - Biodiversity
  - Green and blue infrastructure
  - Heritage
  - Affordable housing
- 1.1.3. It is important that developers are made aware at the outset of what will be required by the Council in respect of Section 106 Agreements and CIL so that they are able to incorporate the funding of any required provision into the development process. It also sets out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development.
- 1.1.4. It should be noted that not all the obligation types within this SPD will apply to all types of development. This SPD has been produced to apply to varying scales of development, but proposals will be assessed on a site-by-site basis with the individual circumstances of each site being taken into consideration.

## 1.2. How have we got to this point?

- 1.2.1 As a Supplementary Planning Document (SPD) this document has been prepared in accordance with relevant planning legislation. Engagement was undertaken on a draft version of this guidance from November 2022 to January 2023. Amendments were made to this document as a result of consultation comments and this document was ultimately approved by the Council in **March 2023**.

## 2. Policy Background

### 2.1. National Planning Policy Overview

- 2.1.1. The government is clear that new development should provide infrastructure to meet the demands it creates through the growth of that development. New development creates demands on infrastructure. It has long been government policy, that where that is the case, investment in infrastructure should be secured via developer contributions. Without the investment, there is reason to refuse planning permission as the development would not be acceptable in planning terms.
- 2.1.2. There are three main mechanisms used to secure infrastructure funding and provision from developers, these include:
- The Community Infrastructure Levy (CIL) as set out in the CIL Regulations 2010 were formed under the Planning Act 2008;
  - Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (as amended); and
  - Agreements made with Essex County Council (ECC), as highway authority, under Section 278 of the Highways Act, whereby the works are incumbent on the developer to fund and deliver.
- 2.1.3. In some circumstances, planning conditions attached to planning permissions may also be used to secure non-financial mitigation, to define timing or apply standards.
- 2.1.4. As set out in CIL Regulation 122 (2), Section 106 obligations should only be used to secure infrastructure where the following tests are met:
- They are necessary to make the development acceptable in planning terms;
  - They are directly related to the development; and
  - They are fairly and reasonably related in scale and kind to the development.

### 2.2. The National Planning Policy Framework (NPPF)

- 2.2.1. The NPPF advises that local planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions.
- 2.2.2. The national Planning Practice Guidance (PPG) offers a web-based resource to support the NPPF and provides further information on [planning obligations](#) and how they are used.

2.2.3. The Planning Act 2008 (as amended) identifies various infrastructure types, in addition to this the NPPF highlights where further infrastructure could be secured to make a development appropriate in planning terms. The Council will therefore seek planning obligations for the following infrastructure:

- Highways and transportation,
- Flood protection and water management (including SuDS),
- Education, childcare and school transport,
- Health,
- Emergency service facilities
- Sporting and recreational facilities,
- Open spaces,
- Biodiversity,
- Blue and Green Infrastructure,
- Heritage,
- Affordable Housing.

#### *Highways and Transportation*

2.2.4. The NPPF prioritises walking, cycling and then high-quality public transport in new developments. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF states that development should not cause an unacceptable impact on highway safety or cause severe residual cumulative impacts on the road network.

2.2.5. All development proposals will need to be assessed on their own merits regarding impact on the highway and transportation network and are all subject to highway infrastructure obligations. Development proposals will be required to be supported by a Transport Statement/Assessment as set out in Section 5.5.2 of the ECC Developers' Guide to Infrastructure Contributions (2020) or successor document. Mitigation will need to be evidenced and funded in order to make developments acceptable in planning terms. This may be a financial contribution towards new or expanded facilities and the maintenance thereof; on-site provision (which may include building works); off-site capacity improvement works; and or the provision of land.

2.2.6. It is therefore appropriate to seek developer contributions in circumstances where new infrastructure or highway measures are required to make the development acceptable in planning terms.

#### *Flood Protection and Water Management (including SuDS)*

- 2.2.7. The NPPF identifies how flooding and drainage should be managed in new developments. In terms of developer contributions or obligations, development should be directed away from high-risk flood areas and not increase the risk of flooding elsewhere. In some instances it will be necessary for the developer to implement sustainable drainage systems to prevent flooding following advice from ECC, as the Lead Local Flood Authority (LLFA) and consistent with the [Sustainable Drainage Systems Design Guide for Essex](#).
- 2.2.8. In compliance with the CIL Regulations, such measures will be required to make development appropriate in planning terms.
- 2.2.9. The NPPF requires the use of a Sequential and Exceptions test where necessary. Where land with existing flood risk is developed following an initial sequential test, the developer must demonstrate that the development will provide wider sustainability benefits to the community that outweigh flood risk. One example of how a developer could demonstrate that the wider sustainability benefits to the community outweigh delivery on a site with existing flood risk, would be to deliver an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure.
- 2.2.10. In some instances it may be appropriate for development to contribute towards flood defences where projects have been identified, such as within the Thames Estuary 2100 Plan. The Environment Agency has the Flood and Coastal Resilience Partnership Funding Defra Policy Statement, which applies to such infrastructure that would seek grant aid to help obtain additional funding where shortfalls have been identified. Developer contributions may be sought in appropriate circumstances to help funding of such initiatives.

#### *Education and Childcare*

- 2.2.11. The NPPF is clear that there should be a sufficient choice for school places to meet the needs of existing and new communities accessible by attractive, safe and direct walking and cycling routes.
- 2.2.12. As of 2022 Essex County Council assess all planning applications of 20 or more dwellings with regards to the anticipated pupil and early years and childcare places generated, checks against current capacity of the relevant school or setting and the potential solution is identified, which may be a contribution towards expansion or the provision of serviced land and contribution towards a new school, nursery or pre-school. No contribution is sought where sufficient existing surplus capacity exists to meet the demand from specific development. This is consistent with the NPPF in achieving sustainable locations providing greater choice of education opportunities for existing and new residents.

#### *Health*



- 2.2.13. The NPPF requires protection of community facilities where they help create healthy and safe communities and provide local services that enhance the sustainability of communities and social needs.
- 2.2.14. In promoting healthy lifestyles the planning system should provide the social facilities and services the community needs. It should take into account and support the delivery of local strategies to improve health and social wellbeing for all sections of the community, and ensure an integrated approach to considering the location of housing and community facilities and services.
- 2.2.15. Medical facilities provide for the needs of communities and are essential to meeting local need. It is therefore fair and reasonable to seek developer contributions where development will increase the demand for medical facilities and there is not enough identified existing capacity in the local area.

#### *Sporting and Recreational Facilities*

- 2.2.16. The NPPF is clear of the importance of sporting and recreational facilities and seek to promote and enhance facilities where appropriate. Up to date assessments should be used to determine what sport and recreational provision is needed.
- 2.2.17. In terms of sports and recreational facilities a Playing Pitch Strategy Action Plan and Indoor Built Facilities Needs Action Plan has been prepared and have been kept up to date. This highlights the demand and supply of key sporting and recreational facilities.
- 2.2.18. Where demand is likely to increase through development, it is reasonable to seek developer contributions to contribute towards improvements or provide new facilities where appropriate and justified through the Playing Pitch Strategy Action Plan and Indoor Built Facilities Needs Action Plan.

#### *Open Spaces*

- 2.2.19. The NPPF recognises and seeks to protect the benefits that access to high quality open spaces can provide, including opportunities for physical activity which is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 2.2.20. Up to date assessments should be used to determine what level of open space provision is needed. There are various national standards that set out accessible green space standards, which are reasonable to expect in new development. It is therefore appropriate to expect provision of new open spaces on development sites. Where that is not possible improvements to access or improvements to existing open spaces will be sought in close proximity of the development site as appropriate.

#### *Biodiversity*

- 2.2.21. The NPPF seeks to conserve and enhance the natural environment and highlights that decisions should contribute and enhance the natural and local environment. It states that development should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 2.2.22. In accordance with the NPPF, the Council will follow the biodiversity mitigation hierarchy of Avoidance; Minimisation, Rehabilitation/ Restoration and Offsetting. Any residual impacts will need to be compensated for on-site or off-site with long term management/stewardship secured, and appropriate enhancements included to ensure biodiversity net gain for at least 30 years via obligations/ conservation covenant.
- 2.2.23. In compliance with the CIL regulations and the NPPF, to make a development acceptable in planning terms then it is reasonable to expect development contributions where the developer cannot avoid harm to biodiversity in the first instance.
- 2.2.24. This is reiterated in the Environment Act 2021 where a requirement for a 10% biodiversity net gain is required as mitigation for harm to biodiversity.

#### *Blue and Green Infrastructure*

- 2.2.25. Blue and Green Infrastructure acts as a recurring theme throughout the NPPF, not only can it provide a basis and create essential links for habitats, assisting in reaching biodiversity net gain, it can also manage flood water and create spaces for recreation and active and sustainable modes of travel. Trees make an important contribution to the character and quality of urban and rural environments, and can also help mitigate and adapt to climate change, contributing greatly to green infrastructure. Where possible, the Council will seek to secure multi-functional benefits.
- 2.2.26. The RAMS provides a mechanism for local planning authorities to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017. Measures required to mitigate the impacts of recreational disturbance on European Protected Sites will be delivered as detailed in the RAMS and the Essex Coast RAMS SPD, which was adopted by the Council in 2020.
- 2.2.27. The Essex Coast RAMS SPD provides the scope of RAMS; the legal basis for RAMS; the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions.
- 2.2.28. Blue and Green Infrastructure therefore promotes the objectives of the NPPF and may be necessary to make a development acceptable in planning terms.

#### *Heritage*

- 2.2.29. Heritage assets extend from sites and buildings of local historic value to those of the highest significant, such as World Heritage Sites. Castle Point has heritage assets ranging from non-designated locally listed buildings, Grade I, II and II\* Listed Buildings, Conservation Areas and Scheduled Monuments.
- 2.2.30. Conserving and enhancing the historic environment is a key theme within the NPPF. The NPPF highlights that plans should set out a positive strategy for the conservation and enjoyment of the historic environment Where proposals may cause harm to a heritage asset and the contribution made by their setting there are certain criteria that needs to be met to ensure that harm is first of all avoided and then mitigated.
- 2.2.31. In some instances where proposals may impact a heritage asset it may be appropriate to for the development to provide infrastructure or management to ensure that the heritage asset is preserved and where appropriate enhanced.

#### *Affordable Housing*

- 2.2.32. As identified in the South Essex Strategic Housing Market Assessment (SHMA) 2016, the Council has a substantial affordable housing requirement. The needs identified in the evidence therefore supports provision of affordable housing within developments. National guidance also identifies that affordable housing should meet the needs of groups with different needs, such as older persons or those with disabilities and specialist needs.
- 2.2.33. As identified in the NPPF, where affordable housing is identified it is expected to be met on site, in this instance a Section 106 will be essential to set out the specific requirements.
- 2.2.34. Where affordable housing cannot be met on site, off -site provision or an appropriate financial contribution in lieu of this will be required unless an agreed approach with the Council has been arranged, this is consistent with the NPPF.

### **2.3.Section 106 Planning Obligations**

- 2.3.1. As identified in paragraph 2.1.4 the basis for collecting Section 106 Agreements is set out in CIL Regulation 122.
- 2.3.2. Section 106 Agreements and deeds are used to secure infrastructure/services required to mitigate the impact of a particular development and/or to meet specific planning policy requirements. Developer contributions through Section 106 Agreements can be:
- Financial contributions
  - Affordable housing provision
  - The provision of land or the restriction on the use of land
  - The direct delivery of facilities or infrastructure

- 2.3.3. A planning obligation is usually an agreement between interested parties (e.g. a developer, landowner, the Borough Council and the County Council). However, it can also take the form of a Unilateral Undertaking (where the developer makes an unconditional promise) that is made to the Borough Council and/or County Council to make a planning application acceptable in planning terms.

## 2.4. Community Infrastructure Levy (CIL)

- 2.4.1. CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas.
- 2.4.2. CIL will be utilised by the Council to secure infrastructure projects which are necessary to support growth which cannot be secured through a Section 106 Agreement.
- 2.4.3. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area.
- 2.4.4. Castle Point Borough Council approved its CIL Charging Schedule on (DATE – to be added) with an effective date of (DATE – to be added). The charging schedule sets out the CIL charge required for different types of development.
- 2.4.5. Further details of the CIL Charging Schedule can be found here (LINK – to be added).

## 2.5. Local Planning Policy

- 2.5.1. The relevant plan for the purposes of this document is the Castle Point 1998 Adopted Local Plan, hereon in known as the 1998 Local Plan. The housing and economic strategies in the 1998 Local Plan are no longer relevant. However, the policies of the 1998 Local Plan set development parameters which continue to enable development within the existing urban areas year after year. A schedule of the policies saved under direction under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004 identifies the policies within the 1998 local plan that continue to apply.
- 2.5.2. Essex County Council is the Minerals and Waste Authority for Castle Point Borough and is responsible for the production of mineral and waste local plans. The Development Plan therefore also comprises of the Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017. These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.

## 2.6. Infrastructure Delivery Plan (IDP)

2.6.1. The Castle Point Infrastructure Delivery Plan (IDP) has been undertaken to identify the infrastructure needed to support growth in the Borough. The IDP is a 'live' document which is regularly reviewed and updated as required to present the best and most up to date information on infrastructure requirements throughout the Borough. The IDP provides the following information:

- Baseline information, providing background information on the infrastructure item and current provision in the Castle Point Borough.
- Determines infrastructure needs throughout the Borough to support identified growth.
- Estimates the costs of delivering identified infrastructure needs and considers potential funding sources.
- Allocates infrastructure contributions to appropriate development sites where the identified needs are directly related to the proposed development in accordance with the CIL Regulations.
- Identifies key bodies and organisations with responsibility for delivering identified infrastructure improvements, and outlines what actions may be required now and in the future to support infrastructure delivery.
- Identifies if there are any gaps in information or funding which needs to be addressed.

2.6.2. Information contained within the IDP is produced in collaboration with relevant infrastructure providers such as the NHS, Essex County Council, the Environment Agency, the East of England Ambulance Service NHS Trust and Anglian Water, and is therefore subject to change and regular updates as the various organisations undertake further assessment work and produce new information.

## 2.7. Essex Developer's Guide to Infrastructure Contributions

2.7.1. Essex County Council published a revised Developers' Guide for Infrastructure Contributions in 2020. This document sets out the scope and range of contributions that the County Council, within its statutory remit, may seek from developers. This document addresses the County Council's approach to seeking planning obligations for services for which it is responsible, and should be read in conjunction with this document. A copy of the Guide can be found here:

[www.essex.gov.uk/planning-advice-guidance/guidance-for-developers](http://www.essex.gov.uk/planning-advice-guidance/guidance-for-developers)

2.7.2. Other relevant ECC documents that should be utilised are linked below:

[ECC Local and Neighbourhood Planners Guide to School Organisation](#)  
[Garden Communities and Planning School Places Guide.](#)

### 3. Approach to Securing Developer Contributions

#### 3.1.Planning Obligations and CIL

- 3.1.1. Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development, therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth. It should be noted that Essex County Council (ECC) implements its own thresholds for planning obligations and therefore regard should be had to Table 2 – Developer Contributions Reference Table in the ECC Developers' Guide to Infrastructure Contributions in determining thresholds for specific infrastructure types.
- 3.1.2. There will be instances where a development may generate a need for infrastructure due to its size or location. For example, a large residential development may generate a need for a new co-located primary school with early years to specifically serve that development. In this instance the developer will be expected to provide serviced land and the necessary financial contribution consistent with the ECC Developer's Guide. Other sites that benefit from this new provision may also be required to contribute towards build costs as pooled Section 106 contributions.
- 3.1.3. There may also be instances where a development will put specific pressures on a location that would not otherwise exist, for example a new housing development may have an adverse impact on a particular road or junction that would therefore require improvements. This would need to be funded and delivered directly by the developer, preferably by entering into a S278 Agreement with ECC, the highway authority, thereby making permanent alterations or improvements to the public highway. Further details are contained in the ECC Developers Guide, Section 5.5.3.
- 3.1.4. Planning obligations will be used in addition to CIL to mitigate these types of direct impacts of development on infrastructure and to ensure that the development is acceptable in planning terms. In order to ensure that proposed developments do not reduce the existing capacity of existing infrastructure to serve existing residents. These types of obligations will usually be sought through Section 106.
- 3.1.5. Additionally, it should be recognised that planning obligations can be used to secure requirements that are not infrastructure related. For example, they may be used to secure affordable housing and ecological mitigation. The role of planning obligations is to ensure that development is acceptable in all areas, delivering sustainable developments that secure economic, social and environmental benefits for the community and manage the impacts of development on all aspects of the environment.
- 3.1.6. A guide to the spending split of Section 106 and CIL contributions is set out in Appendix 1.

## 3.2.Planning Obligation Process

- 3.2.1. The Council's [Statement of Community Involvement \(SCI\)](#) encourages applicants and agents to discuss development proposals with planning officers before submitting a planning application. Discussions with a Council planning officer, assisted where appropriate by officers representing various service areas or other public bodies, will highlight the likely impact of the development and suggest ways to mitigate them. Applicants will be advised of any known infrastructure requirements specific to their site, and the appropriate process for securing the mitigating infrastructure needed together with the parties likely to be involved in the obligation. An indication will also be given as to whether it is appropriate to use a Section 106 Agreement or a Unilateral Undertaking.
- 3.2.2. Applicants will be expected to discuss and agree draft heads of terms of the planning obligations at the pre-application stage and submit this with the application. A questionnaire, requesting background information on the application, interest in the land, proof of title, mortgages on the land, legal representative and an undertaking to pay the Council's legal costs of preparing the draft agreement, once the application has been received and validated, will be given to the developer at the pre-application stage.
- 3.2.3. Planning officers will present in their report to Development Management Committee on the application and key aspects of the proposed obligations. The Council requires applications involving planning obligations to be decided within eight or 13 weeks of submission, depending on the size and nature of the proposed development. Those applications accompanied by an Environmental Impact Assessment should be decided within 16 weeks. If the applicant fails to enter into an agreement or delays completion of the obligation. the application may be refused, or recommended for refusal, as it is unlikely to be acceptable in planning terms.
- 3.2.4. Applicants may also have legal obligations to Essex County Council (ECC) as the highway and transport authority, including responsibility for the development and delivery of the Essex Local Transport Plan; the lead authority for education including early years and childcare (EYCC), Special Education Needs and Disabilities, and Post 16 education; Minerals and Waste Planning Authority; Waste Disposal Authority; Lead Local Flood Authority; lead advisors on public health; and responsibilities for adult social care in relation to the securing the right housing mix which takes account of the housing needs of older people and adults with disabilities. Where appropriate applicants should refer to ECC's Developers Guide to Infrastructure Contribution 2020, or succeeding documents [www.essex.gov.uk/planning-advice-guidance/guidance-for-developers](http://www.essex.gov.uk/planning-advice-guidance/guidance-for-developers). If a planning obligation is sought for contributions covering these matters, then ECC should be party to any Section 106 Agreement.
- 3.2.5. Developers will be encouraged to use Unilateral Undertakings when the requirements relate solely to Borough Council or County Council functions. For the purposes of a Unilateral Undertaking developers need to evidence that they have title to the land to which it applies. The legal agreement questionnaire highlighted

in paragraph 3.2.2 still needs to be completed and submitted with any application that officers have indicated requires a financial contribution. Unilateral Undertakings or Section 106 Agreements may be required under the planning appeal process.

- 3.2.6. A single Section 106 Agreement or Unilateral Undertaking would normally be used to cover the full range of requirements for a particular development. However, some areas of community infrastructure, such as education, libraries, health facilities and most transport infrastructure are provided by the County Council and other outside agencies. Their requirements may be the subject of separate agreements to those entered into by the Borough Council, although joint agreements will be used wherever possible.

### 3.3.Master Plans

- 3.3.1. Where a master plan has been prepared, the Council would expect them to set out all infrastructure requirements including any necessary and related land requirements. Such master plans will take account of the matters relating to thresholds, standard charges, and formulae, pooling of planning obligations within the site or with other sites nearby, and the phasing of development.

### 3.4.Outline Applications

- 3.4.1. When dealing with outline planning applications, where all or some of the details of the proposal are reserved for a subsequent application, it will be necessary to frame the Section 106 Agreement to ensure that any planning obligations likely to be required are identified with the precise details to be assessed on the basis of subsequent details.
- 3.4.2. As an example, where the principle of housing development is agreed through an outline application but the precise number of homes to be provided is reserved, the requirement for affordable housing will be expressed as a proportion allowing the eventual requirement to be scaled up or down depending on the overall number of homes provided.

### 3.5.Using Thresholds, Standard Charges and Formulae

- 3.5.1. The Council and County Council along with other infrastructure providers have been developing means by which it is possible to calculate the impacts of new development on the need for community infrastructure. The supporting Infrastructure Delivery Plan (IDP) to this SPD sets out guides and standards for contributions and how they are calculated.
- 3.5.2. With regard to services provided by the County Council, thresholds, standard charges and formulae are set out in the Essex Developers' Guide to Infrastructure Contributions. This document should be considered when preparing a planning application for submission to the Council. Where a developer believes that there



may be a need for a planning obligation in relation to a County service, the developer should contact that service directly to determine their requirements.

- 3.5.3. With regard to services provided by other organisations including the Borough Council, details of thresholds, standard charges and formulae are provided in the supporting infrastructure documents to this SPD. Details are also provided on requirements surrounding non-infrastructure related matters such as affordable housing, ecology and other environmental matters.
- 3.5.4. It should however be recognised that each development proposal is unique and may give rise to a matter that is less common and not addressed specifically by this SPD or supporting infrastructure documents. In such cases, as with all planning obligations, it is necessary to refer back to the three tests in the CIL Regulations to check that a planning obligation is an appropriate means by which the matter can be addressed. The three tests are:
- They are necessary to make the development acceptable in planning terms;
  - They are directly related to the development; and
  - They are fairly and reasonably related in scale and kind to the development.
- 3.5.5. The Council considers development that would produce 10 or more dwellings as major and consequently would require a Section 106 Agreement. Developers should refer to the ECC Developers' Guide, Table 2 which sets out the developer contribution requirements by type and scale of development and Section 6 of that document which provides further advice on key infrastructure issues.

### 3.6. Calculating Change

- 3.6.1. When calculating the impact of development using thresholds, standard charges and formulae, it is important that the net change in the number of homes, bedspaces, the amount and use of floorspace and the net change in the demand for services is considered. In appropriate circumstances, some consideration may be had to vacant building credits.

### 3.7. Pooled Contributions

- 3.7.1. It may be appropriate to pool financial contributions towards infrastructure from different sites. For example, where multiple sites within close proximity to each other generate the need for new primary school provision, pooled contributions, proportionate to the size of the individual sites will be collected through Section 106 Agreements. Pooled contributions may also be used to fund capital works, for example the necessary expansion to a new school.

### 3.8. Phasing

- 3.8.1. The phasing of planning obligations is important for two reasons. The first is to ensure that the impacts of development are mitigated in a timely manner. The

second is to ensure that the viability of development is not unduly affected by the particular planning obligation.

- 3.8.2. Some planning obligations will need to be delivered early on in a development. For example, a planning obligation related to drainage is likely to be required before a development commences to ensure that it is appropriately integrated into the development. Sustainable transport requirements meanwhile will be required during an early phase in the occupation of the site so that early residents of the site do not develop a reliance on car borne travel.
- 3.8.3. Planning obligations do however cost money, and will potentially increase the financing costs of a development when sought early on in a development scheme. This may have implications for development viability and the overall amount of contributions that can be sought. Therefore, the Council will only seek to secure planning obligations at the appropriate time to avoid unnecessary impacts on viability. However, the Council is mindful that a developer may seek to avoid delivering a planning obligation by not completing the development. To this end, the following phasing limits will be applied unless otherwise agreed by the Council:
- For residential developments, all planning obligations will need to be delivered before more than 80% of the market dwellings can be occupied.
  - For non-residential developments, all planning obligations will need to be delivered before the development is used for the first time.

### 3.9. Management Arrangements and Maintenance Contributions

- 3.9.1. Where development results in the need for new infrastructure for the benefit of the occupiers of the associated development such as open space or sustainable drainage systems, then the Council would normally expect the developer to put in place management arrangements which ensure the good management and maintenance of that infrastructure in perpetuity.
- 3.9.2. There will be cases where the Council, County Council or another service provider will agree for infrastructure to be transferred into their ownership. In such cases, the County Council or other service providers will require a maintenance contribution, usually as a one-off payment. This contribution would be to cover the physical upkeep of the infrastructure for a period of no less than 10 years with the timeframe and terms set out in a Section 106 Agreement. Further information on maintenance matters are available in Essex County Council's Developers' Guide to Infrastructure Contributions (Revised 2020) in Section 5.5 – Highways and 5.11 – Flood and Water Management and SuDS.

### 3.10. Development Viability

- 3.10.1. The Council has tested the development viability of a range of site types that are most likely to come forward over the next few years.

- 3.10.2. The CIL Viability Study 2021 and preceding work uses Residual Value Methodology to assess the impact of meeting all the Council's policy requirements and developer contributions on a range of development typologies. The residual value is the combined value of the complete development less the cost of creating the asset, including a target profit margin. If the residual value exceeds the existing use value by a satisfactory margin, a scheme is judged to be viable.
- 3.10.3. The results of the Viability Study show that in most of cases, the residual value exceeds the existing use value by a satisfactory margin indicating that most development likely to come forward under the sites tested is viable and will be able to bear the range of developer contributions at the adopted, and subsequently indexed, rate.
- 3.10.4. The use of further viability assessments at the decision-making stage should not be necessary.
- 3.10.5. Where a viability assessment is submitted to accompany a new planning application this should be based upon, and refer to, the Council's latest Viability Study. The applicant should provide evidence of what has changed since the Viability Study was conducted. A full viability report prepared by the applicant should be enclosed as part of the submission of the planning application.
- 3.10.6. Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the Council and an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant.
- 3.10.7. Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.
- 3.10.8. Essex Planning Officers Association (EPOA) has produced a [Viability Protocol](#) that sets out overarching principles for how Essex Local Planning Authorities will approach development viability. The protocol does not alter Local Plan policies or the guidance in this SPD but does provide additional advice and guidance on the information requirements and approach taken when assessing viability at the decision-making stage.
- 3.10.9. The assessment will define land value for any viability assessment based on the existing use value of the land, plus a premium for the landowner. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant Council policies.
- 3.10.10. The weight to be given to a viability assessment is a matter for the Council, having regard to all circumstances, including any changes since the Council's Viability Study was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

- 3.10.11. If the viability report submitted by the Applicant fails to satisfy the Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, then the planning application will be refused.

### 3.11. Index Linking

- 3.11.1. Where a planning obligation is in the form of a financial payment, then the value of the required payment will be index linked from the date used in the cost estimate for the specific infrastructure in order to ensure that the financial payment reflects the true costs of providing a specific piece of infrastructure at the time development occurs. The indices used will differ according to the type of infrastructure that the financial payment is required for and will be agreed with the developer. The date of the cost estimate will be clearly shown in the cost estimate document.
- 3.11.2. The Council will set out in the planning obligation the most appropriate indices to be applied in respect of the infrastructure required, as set out in each individual infrastructure related SPD.

## 4. Drafting of Section 106 Agreements

- 4.1.1. Section 106 Agreements will normally be issued by the Council's Legal Services team, or by external solicitors acting on behalf of the Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement or the costs of external solicitors acting on behalf of the Council, where relevant. In most cases Essex County Council (ECC) provide a first draft of the clauses required to deliver contributions it has requested. A template agreement is provided in Appendix A of Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020).
- 4.1.2. In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership during the application process. These should be copies of the title document and plan obtained within the preceding three months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.
- 4.1.3. In the preparation of the Section 106 agreement, the Council will undertake due diligence on the developer and landowner parties. This will be in the form of Company House and or credit agency references. This is to provide reassurance to the Council that the parties are able to fulfil their obligations. In addition, a guarantors provision will be included – please see sub-section 4.3.

### 4.2. Financial Obligation

- 4.2.1. Where a financial obligation is necessary, trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent.
- 4.2.2. It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest-bearing account. The payment of contributions will be linked to the provision of infrastructure, the trigger points for which will be set out in the Section 106 Agreement. Those financial contributions (excluding commuted payment relating to maintenance) that are paid to the Council and remain unspent at the minimum of ten years from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements, unless they relate to infrastructure items that are required beyond a ten-year period.

### 4.3. Guarantors

- 4.3.1. Where a contribution is required, in all cases the Council will include a guarantor provision in the Section 106 Agreement. As a Section 106 Agreement is to ensure that a development is acceptable in planning terms, a guarantee that payments will be made will provide that assurance. Without guarantees, the Council cannot guarantee that a Section 106 Agreement will be signed and delay the issue of the planning permission.

- 4.3.2. How the guarantee is provided will be dealt with on a case-by-case basis but could include parent company guarantees, a company director's guarantee or a bond. Please note that where a Section 106 Agreement includes other financial obligations on the developer, the guarantee must also include those obligations.

#### 4.4. Bonds

- 4.4.1. Section 106 Agreements often require the payment of deferred financial contributions, which are triggered after the implementation of the corresponding development. As these financial contributions have been identified as necessary to allow the development to proceed, it is reasonable for the Council to take steps to secure their delivery in the event of unforeseen circumstances resulting in the under/non-payment of the obligations.
- 4.4.2. Occasionally, a development will require the provision of a facility of substantial value, such as a school, protection may be required to ensure that delivery is sought. Consequently, the Council may require appropriate security in the form of a bond to be provided by the developer and this requirement will initially be identified in the advice from the Council following the submission of a planning application.
- 4.4.3. Developers should refer to the Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions for bond requirements specific to ECC.

#### 4.5. Monitoring and Enforcement of Obligations

- 4.5.1. Monitoring of obligations will be undertaken by the Council to ensure that all obligations entered into are complied with by both the developer and the Council, these are set out in section 5.
- 4.5.2. The Council will take enforcement action if a party does not comply with the obligations. If enforcement of financial obligations fails then the Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the Council.

## 5. Charges for Planning Obligations and Monitoring Fees

### 5.1.Planning Obligations

- 5.1.1. The Council's legal service reserves the right to a fee for the preparation of planning obligations, this is set out in the Council's schedule of fees and charges.

### 5.2.Monitoring Fees

- 5.2.1. Monitoring of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with by both the developer and the Council.
- 5.2.2. The Council will seek a charge towards the monitoring and administration of the relevant obligations in a Section 106 Agreement, this will cover the following:
- Implementing the administration of the planning obligations in the monitoring system;
  - The monitoring of trigger points and development progress;
  - Liaison between the Council and infrastructure providers in respect of financial contributions requested and held for such providers;
  - Dealing with the discharge of planning obligations;
  - Reporting on the operation and outcome of developer contributions.



- 5.2.3. The charge will usually be charged at a rate per obligation and will be payable on commencement of the development. All monitoring fees will be subject to indexation.
- 5.2.4. A fee of £576.45 will usually be charged per obligation. This fee has been calculated at an officer cost of £27.45 and hour. This has been calculated based on the estimated time that the Monitoring Officer and other staff will spend on monitoring, identifying and notification of triggers as well as following up with the developer and discharging the obligation.
- 5.2.5. Larger sites that are delivered over multiple phases are more complex by nature and as they usually cover a longer time period they will take more time to monitor. The Council therefore may require a higher amount of monitoring fees than that set out in paragraph 5.2.4. This will be dealt with on a case-by-case basis.
- 5.2.6. Additionally, where there is a requirement for an annual assessment of planning obligations such as biodiversity monitoring, there may be an additional annual monitoring fee set out in the relevant planning obligation.

### 5.3. Affordable Housing Monitoring Fees

- 5.3.1. A monitoring fee will also be charged per affordable housing unit, this will be at a rate of £100 per affordable housing unit.
- 5.3.2. The fee includes monitoring, conducted on a plot-by-plot basis, of the completion and initial occupation of affordable dwellings.
- 5.3.3. In respect of affordable housing for rent, monitoring this obligation includes the time and costs associated with entering into nomination agreements with Registered Providers, this excludes the cost of the Council's legal service team.

### 5.4. Essex County Council Monitoring Fees

- 5.4.1. Essex County Council charge separate monitoring fees for Section 106 obligations that they are responsible for such as highways and education. Further information on the fees charged can be found at Essex Developers Guide to Infrastructure Contributions on the link below:

[www.essex.gov.uk/planning-advice-guidance/guidance-for-developers](http://www.essex.gov.uk/planning-advice-guidance/guidance-for-developers)

## 6. Monitoring and Review

### 6.1. Monitoring

- 6.1.1. The Council is required to publish an Infrastructure Funding Statement each year setting out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. Infrastructure Funding Statements will also report on CIL and planning obligations revenue received, allocated and spent, as well as reporting on progress of works that have received funding.

### 6.2. Review

- 6.2.1. A review of this SPD will be considered if:
- There is a significant change in national planning guidance; or
  - The SPD is insufficiently effective in enabling developer contributions

## 7. Appendix 1: Indicative Split on Developers Contributions Spending between Section 106 and CIL Contributions

<b>Section 106 Contributions</b>	<b>CIL Contributions</b>
<b>Schools and other education facilities</b>	
<ul style="list-style-type: none"> <li>Education (including early years and childcare, primary, secondary and post-16)</li> <li>Hadleigh Library – redevelopment and enhancement</li> </ul>	<ul style="list-style-type: none"> <li>Education (including early years and childcare, primary, secondary and post-16) where not secured through S106</li> <li>Adult employment, skills and training facilities in Castle Point</li> <li>Other Library provision and/or enhancements in Castle Point</li> </ul>
<b>Medical Facilities</b>	
<ul style="list-style-type: none"> <li>On-site provision of healthcare facilities</li> <li>Contributions towards off-site facilities that would serve the proposed development</li> </ul>	NHS Estates Plan for Castle Point where not secured through S106
<b>Open Spaces and green infrastructure</b>	
<ul style="list-style-type: none"> <li>On-site open space provision, management and maintenance</li> <li>Local off-site open space in lieu of on-site provision</li> </ul>	<ul style="list-style-type: none"> <li>Strategic level open space provision and enhancement</li> <li>Green connectivity to and between open spaces</li> </ul>
<b>Sports and Recreation Facilities</b>	
<ul style="list-style-type: none"> <li>Local Football Facilities Plan (Appleton School, Deanes School, Waterside Leisure Centre, King George’s playing field)</li> <li>On site indoor sports provision</li> <li>Reprovision or compensatory provision of lost playing pitches</li> </ul>	<ul style="list-style-type: none"> <li>Playing Pitch Strategy – non football elements</li> <li>Built Facilities Strategy where not secured through S106</li> </ul>
<b>Flood defences</b>	
On-site SUDS and other measures to deliver site level drainage strategy	<ul style="list-style-type: none"> <li>South Essex Surface Water Management Plan Projects in Castle Point</li> <li>Infrastructure projects in the Canvey Six Point Plan</li> <li>Infrastructure projects within the Thames Estuary 2100 Plan</li> </ul>
<b>Roads and other transport facilities</b>	
<ul style="list-style-type: none"> <li>Any transport schemes required to deliver any site</li> <li>Any public transport schemes required to deliver any site</li> <li>On-site cycle, bridleway and walking network infrastructure, and connections into wider network</li> </ul>	<ul style="list-style-type: none"> <li>Strategic Transport Projects</li> <li>Strategic Sustainable Transport Projects</li> </ul>

<ul style="list-style-type: none"> <li>• Other measures as identified as necessary through a site level Transport Assessment</li> </ul>	
<b>Other matters – list is not exclusive but is indicative of common requirements</b>	
<ul style="list-style-type: none"> <li>• Affordable housing</li> <li>• Biodiversity Net Gain</li> <li>• Essex Coast RAMS (as set out in the <a href="#">Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document</a>)</li> <li>• Landscaping provision, maintenance and management</li> <li>• Heritage Assets – enhancement, protection, maintenance and management</li> <li>• Emergency service facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency Service Estate Improvements</li> </ul>



Castle Point Borough Council

**Developers Contributions Guidance  
Supplementary Planning Document (SPD)**

**Affordable Housing**

March 2023

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# 1. Introduction

## 1.1. Purpose of this Document

- 1.1.1. 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.
- 1.1.2. This document should be read alongside the [Developers Contributions Guide Cover Document](#), which sets out in greater detail the process the Council expects planning obligations to be sought and implemented.



## 2. Policy context

### 2.1. What is Affordable Housing

- 2.1.1. The government defines affordable housing in the Glossary (Annex 2) of the National Planning Policy Framework (NPPF) as:

*‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

- **Affordable housing for rent:** *meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*
- **Starter homes:** *is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*
- **Discounted market sales housing:** *is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*
- **Other affordable routes to home ownership:** *is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement. ‘*

- 2.1.2. The affordable housing market evolves over time depending on the private sales market, rented market and the availability of funding. The government often introduce new schemes to assist people into homes and to purchase a property. New schemes such as ‘First Homes’, was introduced by the government in 2021 to provide a new type of affordable housing. The Planning Practice Guidance defines First Homes as discounted market sale units which:

*a) must be discounted by a minimum of 30% against the market value;*

*b) are sold to a person or persons meeting the First Homes eligibility criteria;*

*c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,*

*d) after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).'*

(Paragraph: 001 Reference ID: 70-001-20210524)

- 2.1.3. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 2.1.4. The Council will accept First Homes as a form of affordable home ownership product in the Council's affordable housing mix in line with government policy.

### 3. National Planning Policy Framework (NPPF) 2021

- 3.1.1. The NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF seeks to significantly boost the supply of homes and ensure that the number of affordable homes required are assessed within the overall housing needs.
- 3.1.2. The NPPF expects affordable housing to be provided on site unless *'off-site provision or an appropriate financial contribution in-lieu can be robustly justified'* and *'the agreed approach contributes to the objective of creating mixed and balanced communities.'* (NPPF 2021, paragraph 63)
- 3.1.3. It is clear that affordable housing should be sought wherever possible. This includes sites of 10 units or more dwellings. However, to encourage the use of brownfield land the NPPF also indicates that where vacant buildings are used affordable housing provision can be reduced by a proportionate amount, this is explained in greater detail in section 5.10 'Vacant Building Credit'.
- 3.1.4. The government sets out that a minimum of 10% of the total number of homes to be affordable unless this exceeds overall requirement for the borough (NPPF 2021, paragraph 65). This means that developments should provide affordable home ownership products such as 'Help to Buy', 'Shared Ownership' and 'First Homes', as well as properties for affordable rent, with a preference for on-site provision. There are exemptions however: development that provides solely for Build to rent homes; provides specialist accommodation; provide for self-build; or is solely for affordable housing (so additional provision is required) or an exception site.
- 3.1.5. In order to provide a sufficient supply of the right type of homes local planning authorities should provide a variety of size, type and tenures in order to meet local needs. Such needs have been identified within the borough through Strategic Housing Market Assessments, as well as the specific needs of those on the Council's housing register. This requirement includes the right mix for affordable homes.

## 4. Affordable Housing Needs and Priorities

### 4.1. Strategic Housing Market Assessments (SHMA)

- 4.1.1. A South Essex Strategic Housing Market Assessment (SHMA) was completed in 2016 and a further SHMA Addendum was completed in 2017. A borough wide SHMA Addendum focusing on housing mix was also completed in 2020. This evidence largely defines market-led housing needs, although does provide some detail on affordable housing needs. The Council holds specific information on the Council's housing register.
- 4.1.2. The 2017 SHMA Addendum updated the housing need figure projections using the 2014 updated population figures. Similarly, to the 2016 SHMA the Addendum predicted outcomes from market signals, household formation rates, natural change, migration and employment assumptions to form an objectively assessed housing need (OAN). This concluded that an OAN of 311 dwellings per annum was required in Castle Point from 2014-2037.
- 4.1.3. To reflect the increased number of newly forming households anticipated under the updated demographic projection in 2017, the net annual affordable housing need of 353 dwellings per annum was assumed in Castle Point over the 2014-2037 period.
- 4.1.4. The SHMA report clearly identifies an affordable housing need within Castle Point that is greater than the OAN assumed in 2017. In 2018 the government implemented a standard methodology for calculating housing needs. This formula indicates a higher OAN than what was previously assessed in 2017, to 355 new homes per within the borough per annum. This further increase and under delivery of housing in Castle Point highlights the sustained under delivery of affordable homes within the borough.
- 4.1.5. Affordability issues and backlog can be associated with a range of household needs, this includes those in urgent need or housing (without a current home) or those in overcrowded or substandard homes (who are currently housed).
- 4.1.6. In identifying the different type of affordable housing needs it creates a picture of the size, type and tenure of affordable homes that are required in the borough. For example those on the Council housing register may require family housing in the order of three-bedroom homes, whereas a proportion of the local need may require affordable home ownership products to enable first time buyers into the housing market.
- 4.1.7. The SHMA 2016 indicates that there will be significant demand from young people who cannot access the housing market due to issues with the availability of first-time homes and wider issues in the housing market associated with mortgage availability. Diversification of the housing stock to include a greater number of smaller properties and the government's mechanisms to support first time buyers will assist these people in accessing the general housing market.
- 4.1.8. The Castle Point SHMA Addendum 2020 reviewed the need for different house sizes and types to meet the changing needs of the borough's population. This Addendum concluded that there will be demand from a range of different household types, although demand will

be particularly strong from families with children and people of retirement age. This means that there is a strong demand for 3-bedroom properties reflecting the needs of growing families in the general population. It is important that these homes are provided as they will help to attract more professional and working aged people to live in the area. This is particularly important for both business growth and in sustaining public services, such as healthcare.

- 4.1.9. The SHMA 2020, in identifying a housing pressure arising from the growing population of older people, highlights the desirability of bungalows in Castle Point. Bungalows make up 29% of the housing stock currently and it is expected that there will be demand for additional bungalows, reflecting the characteristics of the local housing stock. It also identifies the need for specialist accommodation for older people, suggesting a need for around 45 units per annum of sheltered housing types. In addition to this, around 20 additional bedspaces are required each year in residential care/nursing accommodation.

## 4.2. Viability Assessment

- 4.2.1. A 2021 Viability Assessment and preceding work took into account a number of factors affecting development viability including infrastructure required to make development acceptable (as set out in the Council's latest Infrastructure Delivery Plan), development costs and tested thresholds for affordable housing ratios.
- 4.2.2. In 2022 there were 544 households on the Council's housing register. In addition, the SHMA 2016 highlighted that there were 449 concealed households and 1,005 overcrowded households in 2011. Although these fields may overlap and does not represent a true need for affordable housing, it does highlight that there is a potential increase of need for those looking to leave overcrowded or concealed households that do not have access to suitable affordable housing. Therefore, the Viability Assessment tested various affordable housing provisions on different site typologies. The aim of this was to identify the highest level of affordable housing provision that could be achieved, without rendering development unviable.
- 4.2.3. As a consequence of the viability testing different affordable housing thresholds became apparent for different types of development and locations within the borough. In the case of Canvey Island higher development costs combined with lower property values mean that for some forms of development there are challenges in relation to the commercial viability of development.

### 4.3. Why is this document important?

- 4.3.1. The borough has one of the largest gaps in Essex between incomes from those that work within the borough and those that do not. This means that it is more likely that homes on the open market will be affordable to those who work outside the borough, than to those who live and work in the borough. Demand for affordable housing in the borough therefore outstrips existing and planned supply, particularly for local people who live and work in the area.
- 4.3.2. As of 2022, there were 544 individuals or families on the Council's housing register, of those 544, 233 fall within categories A and B which are considered priority bands Within that need there is the greatest demand for 1 and 2-bedroom properties.
- 4.3.3. As demonstrated in table 4.1 since 2011/12, only 169 affordable homes have been developed in the borough. The SHMA Addendum 2017 indicates that there is a need for up to 353 homes per annum to be affordable. This highlights the high need for affordable housing within the borough and therefore it is imperative that development maximises the number of affordable homes that can be delivered.

Table 4.1: Number and type of affordable homes delivered in Castle Point (gross)

Year	Social Rent	Intermediate	Affordable Rent	Total
2011/12	17	0	0	17
2012/13	22	0	0	22
2013/14	0	0	0	0
2014/15	25	15	15	55
2015/16	0	0	19	19
2016/17	0	4	12	16
2017/18	0	18	7	25
2018/19	2	0	0	2
2019/20	0	0	0	0
2020/21	7	0	6	13
Total	73	37	59	169

- 4.3.4. In accordance with national policy, the Council completed a Viability Assessment in 2020. This highlighted that although the levels of affordable housing identified in the SHMA cannot be viably achieved, a level of affordable housing can be reasonably delivered on development sites to significantly boost the supply within the borough. This SPD sets out those requirements.

## 5. Affordable Housing Requirements

### 5.1. Which developments may require affordable housing?

- 5.1.1. Affordable housing will be sought from all proposals for residential development, and mixed-use proposals that include an element of housing, resulting in 10 or more net additional homes.

### 5.2. Exemptions

- 5.2.1. Affordable housing will not be sought for the following:
- Householder applications (e.g. house extension or a garage) and self-build development as defined by the CIL Regulation 2014;
  - Residential Annexes, staff accommodation or extension to an existing home which is incidental to the main dwelling;
  - Listed building, conservation area, advertising or tree preservation order applications (although contributions may be sought from the overarching scheme);
  - Replacement dwellings;
  - Residential institutions providing specialist housing for the elderly (excluding self-contained units – like Sheltered or Extra Care schemes).
  - Purpose built hostel or holiday accommodation which are incapable of occupation for general residential purposes because of their layout, ownership, management or occupancy restrictions; and
  - Gypsy and Traveller accommodation.

### 5.3. Affordable Housing Requirement

- 5.3.1. In the Adopted Local Plan, policy H7 states the following:

***‘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 dependant 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.’*

- 5.3.2. As demonstrated within this SPD there is an identified need for affordable housing within the borough. Consistent with historic practice, where residential development results in a net increase in dwellings, 35% affordable housing has been sought on development sites. Evidence collected in the withdrawn Local Plan (CIL Viability Study 2020 [[DV-005](#)]) found that this requirement is acceptable in most cases.
- 5.3.3. The Council will therefore seek 35% affordable housing on development sites proposing 10 or more units.



- 5.3.4. In those cases where the affordable housing requirement does not generate a whole number, a financial contribution will be sought equal to the value of the partial unit. Alternatively, the number can be rounded up to the nearest whole number and all units can be provided on site.
- 5.3.5. The affordable housing provision in this SPD will be reviewed in a plan review.

## 5.4. Affordable Housing Tenure

- 5.4.1. As identified in section 5.3 the Council will seek 35% affordable housing on development sites. The Council will expect 25% of the site to be affordable housing for rent products, the remaining 10% should be made up of affordable home ownership products.
- 5.4.2. Where the calculation of 25% of the total number of affordable dwellings to be provided as affordable housing for rent does not result in whole numbers, it should always be rounded up in order to achieve the required 25%.
- 5.4.3. The balance of the total number of dwellings, should be provided as affordable home ownership products. This can include rent to buy schemes, discounted market sale housing (including First Homes), shared ownership and other routes to affordable home ownership as defined by the NPPF.
- 5.4.4. Where a dwelling under the First Home scheme is implemented a Section 106 Agreement will be required securing the necessary restrictions on the use and sale of the property, as

well as a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale.

- 5.4.5. As highlighted in the PPG (Paragraph: 001 Reference ID: 70-001-20210524) First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.
- 5.4.6. The affordable housing provision for rent should proportionately reflect the needs identified by the Council, in determining the optimum affordable housing mix by size and type. This will be considered on a case-by-case basis.
- 5.4.7. On site provision of affordable homes are the preferred delivery of affordable housing in the borough, only in exceptional circumstances will financial contributions in lieu of affordable housing be allowed, this is set out in section 7. In order to increase the level of affordable housing provided on sites there may be some instances where the Council may consider a variation in the level of affordable housing tenure mix than that set out in paragraph 5.4.2. In particular urban flatted schemes that have difficulties in delivering on site provision of affordable rented products, for example where leasehold agreements prohibit on site provision, the Council may consider a variation in tenure mix, this will be considered on a site-by-site basis.

## 5.5. Affordable Housing Mix

- 5.5.1. The evidence base (SHMA 2016, SHMA Addendum 2017 and SHMA Addendum 2020) indicates that there is a clear need for a diverse mix of house sizes and types in Castle Point. By securing an appropriate mix of homes on development sites, these needs can be met.
- 5.5.2. The Council expects a suitable mix of housing in both the market and affordable sectors to enable a better flow of existing housing stock and to meet the needs of different demographics within the borough.
- 5.5.3. The Council may consider a different mix, for example, if local housing needs would benefit from an alternative, the location does not support the delivery of a particular size or type of homes or a revised mix would help to redress the balance of existing affordable homes in an area. This should be discussed with the Council's Housing Team at the pre-application stage.
- 5.5.4. The housing mix on any site should reflect the local context of the site, as it will be recognised that it will not be possible to secure a full mix of house sizes and types on all sites. Very small sites will be constrained by site capacity and the existing street scene. However, larger sites will be able to make an increasingly more significant contribution to the mix within the local housing market. In taking the local context into account it is recognised that some sites may

provide mainly flatted developments, whilst others will potentially provide more houses and bungalows. Consideration will be made on an individual site basis.

#### *Affordable Housing for Rent*

- 5.5.5. The Council reviews its housing register annually. As of January 2022, the housing mix highlighted in table 5.1 is the existing housing mix requirements. This provides a guide for the types of dwellings required for affordable housing for rent products, the Council would expect delivery against the percentages set out below, or consultation with the Council's Housing team for latest demand requirements.
- 5.5.6. Bands A and B are the highlight priority bands for the Council and the needs identified within those bands will be given the greatest consideration when defining housing mix requirements for affordable housing for rent products. This usually has the greatest need in the form of 1- and 2-bedroom properties with some need for 3+ bedroomed properties.

Table 5.1: Housing Mix Requirements for Affordable Housing for Rent November 2022

Breakdown of Housing Need						
Band	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Total
A	37	43	22	2	1	105
B	47	36	38	7	0	128
C	115	83	51	2	0	251
Sheltered	60	0	0	0	0	60
Total	259	162	111	11	1	544
Dwelling Type Need as a Percentage of Total Need						
Band	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom	Total
A	35%	41%	21%	2%	1%	19%
B	37%	28%	30%	5%	0%	24%
C	46%	33%	20%	1%	0%	46%
Sheltered	100%	0%	0%	0%	0%	11%
Total	48%%	30%	20%	2%	0%	100%

#### *Affordable Home Ownership*

- 5.5.7. There is a demand for different property sizes in the borough. A Strategic Housing Market Assessment (SHMA) was completed in 2020 to reflect private housing market needs. The Council expects affordable home ownership products delivered in accordance with private housing market needs, as set out in table 5.2. Alternatively, market survey data to justify a deviation from this mix will be required. The following housing mix is therefore the most up to date assessment:

Table 5.2: SHMA 2020 Housing Need by Size

Size of Accommodation Required			
1-bed	2-bed	3-bed	4 or more bed
6%	22%	43%	29%

## 5.6. Specialist Accommodation

- 5.6.1. The Council will support specialist or supported accommodation where there is an identified need in the borough, such as for older people and people with disabilities. This may be provided as solely affordable housing or sought as part of a market housing scheme.
- 5.6.2. The Council will consult other relevant agencies to ensure that the provision does not place any unnecessary burdens upon the borough's infrastructure, such as health and social care. This may include Essex County Council who has responsibilities for adult social care and may have specific specialist accommodation requirements.
- 5.6.3. The Council will encourage the delivery of affordable homes to meet the M4(2) requirements of the Building Regulations 2015 to enable homes to be adaptable to users. In some instances where there is a need on the Council's housing register, the Council may request specialist accommodation e.g. in the form of a fully wheelchair accessible property. Where the addition of specialist features may cause a disproportionate cost to the developer the Council may consider adjusting affordable housing provision, this should be discussed at the pre-application stage.

## 5.7. Mixed-Use Schemes

- 5.7.1. Where a scheme proposes non-residential development alongside an element of housing, affordable housing will be required for all qualifying residential development.
- 5.7.2. Where planning permission is granted for a mixed use-scheme and there is a proposal to change the use of the non-residential element to residential, a full re-assessment of the affordable housing provision will be required.

## 5.8. Loss of Affordable Housing

- 5.8.1. Given the acute demand for affordable housing in the borough, the loss of affordable housing will not normally be acceptable unless this is to enable the provision of an equivalent or greater number of affordable homes.
- 5.8.2. The only exceptions would be:
  - where wider housing benefits would outweigh the loss of units in that particular location by providing the type of affordable housing that cannot be provided elsewhere;
  - the condition of stock is so poor that it is not viable to refurbish; and
  - it is not feasible to develop the same amount, for example for design reasons.
- 5.8.3. In these cases, to compensate for any loss it is expected that the Council would require the on-site affordable housing tenure and mix to meet identified local needs.
- 5.8.4. The approach should be agreed at the pre-application stage.

## 5.9. Artificial Sub-Division of Sites

- 5.9.1. Proposals which seek to circumvent the affordable housing requirement set out in this SPD by developing at a low density, through phased or piecemeal development, by re-drawing the boundary of a larger site or by sub-dividing land will not be acceptable.
- 5.9.2. The Council will base the affordable housing requirement on the gross number of dwellings that can be accommodated on a site. In reaching a view on this, the Council will take into account such issues as land ownership, planning history, topography, site constraints and the natural boundaries of the site.

## 5.10. Vacant Building Credit

- 5.10.1. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution. Affordable housing contributions will be sought for any increase in floorspace.
- 5.10.2. The vacant building credit applies where the vacant building has not been abandoned. The reference to abandonment is the applicable planning test for the vacancy credit and is recognised in law. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- The condition of the property
  - The period of non-use
  - Whether there is an intervening use
  - Any evidence regarding the owner's intention
- 5.10.3. The intention of vacant building credit is to incentivise brownfield development and the re-use of vacant buildings so only relevant buildings will be considered as being able to generate vacant building credit. For example, a brownfield site containing a scrap yard with few buildings would not be relevant because the amount of credit that could be applied would be limited and would do little to incentivise development.
- 5.10.4. Where a proposal provides a reasonable return to the landowner, a competitive profit to a developer and is policy compliant, vacant building credit should not be applied as the development would be sufficiently incentivised and viable. Applying vacant building credit at the outset would reduce the affordable housing contributions and potentially increase the financial returns to both landowner and developer. If a developer considers vacant building credit should be applied, sufficient evidence will be required to ensure that an application can be considered appropriately. This may include a viability assessment (see [Developer Contributions Cover Note SPD](#)). The vacant building credit will be taken from the residual land value.
- 5.10.5. National policy states that vacant building credit should not apply to every vacant building, therefore the Council will be mindful to a building being made vacant for the sole purposes of re-development and/or the wilful neglect of properties with the intention of securing redevelopment. Therefore, applicants must demonstrate that the relevant vacant buildings

have been actively marketed on realistic terms based on the current or any permitted use for at least 12 months continuously in the previous two years. The Council may also use Council Tax, Business Rates or Electoral Register records in their vacant building credit assessment.

- 5.10.6. Where the Council considers that vacant building credit applies where there is an overall increase in floorspace in a proposed development that includes a vacant building, the Council will apply the following formula to calculate the affordable housing contribution, an example of how this could be used is below:

Elements of the scheme	Floorspace (sqm)
Existing floorspace	500
<i>Existing floorspace to be retained</i>	<i>300</i>
<i>Existing floorspace to be demolished</i>	<i>200</i>
Proposed	1500
Increase in floorspace	1000
<b>Vacant building credit calculation example</b>	
35% (example affordable housing requirement) of 20 units = 7	
1000sqm as a percentage of the overall development of 1500sqm = 66.67%	
66.67% of 7 units = 4.66 units	

- 5.10.7. In this case the Council will require 4 affordable units on site and the 0.66 units as a financial contribution. Alternatively, the figure can be rounded up to the nearest whole number and 5 affordable units can be delivered on site.
- 5.10.8. For wholly residential schemes the total proposed Gross Internal Area (GIA) will be the GIA of the sum of all dwellings. Where flatted development is proposed the GIA will include all communal and circulation areas. For mixed use schemes, only the GIA of the proposed residential elements will be included.
- 5.10.9. For outline planning applications it may not be clear how many dwellings are proposed or the size of those dwellings. In these cases, it will be difficult to identify the vacant building credit. A Section 106 Agreement will ensure that the issue can be dealt with at Reserved Matters stage. All requests for vacant building credit will be included in the Planning Committee report.

#### *Vacant Building Credit and the relationship with CIL Credit*

- 5.10.10. In terms of CIL, existing 'in-use buildings' can act as a credit, or can be used to off-set the 'chargeable development' liable for CIL payment. Each square metre of existing buildings on the site reduces the CIL charge by one square metre.
- 5.10.11. The CIL Regulations define the credit as applying to 'in- use buildings', these buildings are defined as buildings which are:

- Present on the day that planning permission first permits the development; and

- Contain a part that has been in lawful use for a continuous period of at least six months within the period of three years ending before the planning permission first permits the chargeable development.

5.10.12. The day planning permission first permits the chargeable development is the day the last reserved matter is approved, unless the Council agree within the applicant to defer this until the pre commencement conditions are discharged.

5.10.13. Applicants should not seek to claim 'in-use buildings' for CIL credit in addition to claiming vacancy for vacant building credit. Applicants will need to consider both credits carefully and plan their development accordingly.

## 5.11. Amendments to Planning Permission

5.11.1. When affordable housing is being provided and amendments to a planning permission increase the number of market houses/floorspace, the affordable housing requirement sought will be a percentage of the revised total number of homes across the application site.

5.11.2. Where amendments are sought to a planning permission that is being delivered in phases, the affordable housing requirement will be re-assessed and applied to the total number of units proposed in the remaining phases. If the number of dwellings is increased the Council will expect an increase in affordable housing in accordance with the requirements set out in this SPD.



## 6. Providing Affordable Housing

### 6.1. On-Site Provision

- 6.1.1. Consistent with national policy, the preferred approach in the borough is for the on-site provision of good quality affordable housing.
- 6.1.2. The tenure, phasing and housing mix may be re-considered to improve viability along with the possibility of providing grant or other forms of public subsidy. Only in exceptional circumstances where, a viability assessment shows that it is not feasible to deliver all, or part of the provision on-site and no grant subsidy is likely, will consideration be given to an equivalent financial contribution or the provision of free-serviced land transferred to a Registered Provider.

### 6.2. Public Subsidy

- 6.2.1. So that high quality, affordable homes can be delivered that meet identified needs, the Council expects developers to cover the cost of the affordable homes so that there is no need for public subsidy (including grants, public loans and public land). The expectation is that policy compliant schemes will be viable without the need for grant or other forms of subsidy.
- 6.2.2. Where only a proportion of the required number of affordable homes can be secured as part of a viable scheme, a review mechanism will be incorporated in the Section 106 agreement to ensure that if grant, subsidy or other investment become available at a later date a review of the affordable housing provision can be secured in accordance with a policy compliant scheme.

### 6.3. Design of Affordable Housing

- 6.3.1. To promote integrated communities, affordable housing should be designed to meet the requirements set out in the Council's adopted Residential Design Guidance SPD and be indistinguishable from market housing, in terms of the quality of the homes provided, the adequacy of internal living and the location and quality of outdoor amenity space and parking provision.
- 6.3.2. Homes should be designed in a way that makes them suitable to be taken on by Registered Providers, this includes meeting Nationally Described Space Standards. The Council would encourage a proportion of affordable homes to meet the M4(2) requirements of the Building Regulations 2015 to enable homes to be adaptable to users.
- 6.3.3. Applicants should discuss design requirements with the relevant Registered Provider or the Council's Housing Team especially in regard to the types of items used in the final homes to ensure it fits with the stock used by the provider such as heating systems, kitchen and bathroom types. This ensures the effective ongoing management of such homes.

## 6.4. Management

- 6.4.1. In general, affordable housing should be developed in conjunction with a Registered Provider, approved by Homes England. In exceptional cases, where an alternative provider is involved, they will need to be approved by the Council and will be expected to deliver affordable housing in the same way as a Registered Provider. Evidence of equivalent accountability, funding for the scheme and long-term management and maintenance arrangements will be required.
- 6.4.2. A Section 106 Agreement will be used to confirm the approach and to ensure, where appropriate, that the dwellings will remain available in perpetuity for those in housing need. There may be legitimate circumstances where affordable housing can be sold, for example, through right to buy or staircasing out of shared ownership. The provider will be expected to make every reasonable effort to recycle any subsidy for affordable housing in the borough.
- 6.4.3. In setting affordable rents, Registered Providers should be guided by the Local Housing Allowance (LHA) rates for the borough, as these rates will limit the amount of Housing Benefit available to households. Registered Providers are expected to use these rates as the upper limit in setting affordable rent levels. See the Council's current rates here [www.castlepoint.gov.uk/local-housing-allowance/](http://www.castlepoint.gov.uk/local-housing-allowance/)
- 6.4.4. The location, size and number of bedrooms, occupancy capacity and the tenure and phasing of affordable housing should be agreed at an early stage with the Council and the Registered Provider who will purchase and manage the affordable housing. So that the affordable housing meets all planning requirements, and the rents, service charges and maintenance are affordable to future residents.
- 6.4.5. Developers must ensure the affordable dwellings are transferred as completed units at a price agreed with the Registered Provider, reflecting what they can pay for the dwellings without the need for other public subsidy. The Council expects that delivery of affordable housing will be based upon the provision of free serviced land plus the cost of construction of the units and a reasonable margin based upon current recognised standards. Developers may seek to obtain a value for affordable homes that is higher than this but in so doing should not use the expectation of these higher values as a minimum threshold.
- 6.4.6. Appropriate occupancy and management arrangements should be put in place: a nominations agreement must be signed for affordable rented properties with the Registered Provider or other affordable housing provider so that the Council has 100% nomination rights on the first let of all affordable homes in the borough.
- 6.4.7. Where affordable rented properties are re-let, the Council will seek 100% nomination rights, provided that they can fill the property within 8 weeks from the date it is deemed to be in a suitable condition for re-let.

- 6.4.8. For all Intermediate Accommodation, the Section 106 agreement will normally require the Registered Provider to seek tenants that meet locality eligibility criteria for Castle Point both in the first instance, and during any re-sale / re-let. The Council will relax this requirement if a suitable tenant cannot be identified within 3 months of the property being completed / deemed to be in a suitable condition for re-sale / re-let.

## 6.5. First Homes Eligibility Criteria

- 6.5.1. In accordance with the national Planning Practice Guidance, particular eligibility criteria for people purchasing under the First Homes scheme is applied. Those who are eligible to purchase a First Home includes:

- A purchaser (or, if a joint purchase, all the purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers.
- Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 (or £90,000 in Greater London) in the tax year immediately preceding the year of purchase.
- A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.

- 6.5.2. In addition to the above criteria the Council, through Section 106 Agreements will enforce a local connection test criteria to ensure that local people are given first opportunity for First Homes in the borough. This local eligibility criteria will apply for a maximum of three months from when a home is first marketed. If a suitable buyer has not reserved a home after three months, the eligibility criteria will revert to the nationally set criteria as set out in paragraph 6.5.1.

- 6.5.3. Local connections may include (but are not limited to) current residency, employment requirements, family connections or special circumstances such as caring responsibilities. The applicant should meet one of the following criteria to qualify for a local connection:

- Have been a resident in the Castle Point borough continuously for the last five years
- Have close adult relatives who have been a resident in the borough continuously for the last five years from the date of the application (this includes parents, siblings or children over the age of 18 including step equivalents).
- Have caring responsibilities for someone who is currently a resident in Castle Point and have been for at least the last five years to the date of the application and who they are in receipt of carers allowance in relation to the applicant;
- Have paid permanent contracted employment within the Castle Point borough for 24 hours or more a week (16 hours for single parents with dependent children) and the employment has been for a continuous period of 12 months prior to the application.

- 6.5.4. Exemptions to the local connections listed in 6.5.3 include:

- Applicants who are serving in or have served in the regular or reserve armed forces within the 5 years immediately prior to the date of their application.

- Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
- Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased or will cease to be entitled to reside in services accommodation following the death of their spouse/civil partner.
- Applicants who lived outside the borough for studying or educational purposes but have lived within the borough for six years in the past ten years.
- Applicants living in temporary accommodation outside the Borough who had a local connection at the time they were placed there by Castle Point Borough Council.
- Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme and did have a qualifying local connection to Castle Point through residence in settled accommodation immediately before they moved into their current accommodation.
- Other exceptional circumstances

## 6.6. Delivery of Affordable Housing

- 6.6.1. The expectation is that no more than 80% of the market housing on the application site should be completed before all affordable housing has been constructed, transferred or leased to the Registered Provider.
- 6.6.2. Where land is being transferred it needs to be serviced and transferred before 40% of the market housing has been constructed. This will be set out in the Heads of Terms for the Section 106 Agreement.
- 6.6.3. Where affordable housing is within a phased scheme, the delivery of the affordable housing element of the development will be agreed within the Section 106 Agreement.

## 7. Financial Contribution in Lieu of Affordable Housing

### 7.1. Calculating a Financial Contribution

#### 7.1.1. A financial contribution will only be acceptable where:

- A policy compliant scheme does not generate a whole number. For example, if the percentage requirement generates 3.5 properties, 3 properties should be provided on site and either an additional property is provided to round up to the nearest whole number, or a contribution would be required equivalent to the 0.5; or
- To create a better quality development there are justifiable design and housing reasons for affordable housing to be located off-site. For example, if the site size would result in a design and/or type of homes that would not meet the housing requirements identified by the Council; or
- Due to the type of development, where a freehold cannot be transferred to a Registered Provider; or
- Provision of any affordable homes on site would make a development financially unviable but there is sufficient value from the development to make a financial contribution; or
- The Council agree that the need for affordable homes could be better served through the receipt of financial payment.

#### 7.1.2. The percentage target will be applied to the total number of market dwellings to be provided on the application site, including any increase in market units on the application site resulting from the provision of a financial contribution. Unless the type of affordable housing provided on site indicates otherwise, it should be assumed that this will be for a 2 bedroom, 4 person terraced house: this is the most common type of affordable housing required in the borough.

#### 7.1.3. The contribution will be based upon the average benchmark price to a Registered Provider for a home of that size and tenure (at the time of the application). The Council's Housing Services will provide this information.

#### 7.1.4. All contributions will be based upon the formula below:

***Developer contribution:  $A = B \times C$***

**A:** the affordable dwelling payment

**B:** the average price for an affordable dwelling (by size and tenure)

**C:** policy requirement number of units

For example if 0.1 of a two bed property is required, which a Registered Provider is paying £300,000 for, then the financial contribution would be £30,000 = 300,000 x 0.1.

#### 7.1.5. This approach is considered appropriate and in line with national legislation. The cost is a generally accepted value between Registered Providers and developers because it is directly linked to the cost of providing equivalent affordable homes in the borough without including the cost of land which would be a disproportionate level of contribution for schemes which are struggling with viability. The costs are proportionate and can also be easily updated to

take account of any changes in market conditions so the approach will remain relevant in the long term.

## 7.2. Payment of Contributions

- 7.2.1. Timing of delivery is important and the structure of the Section 106 Agreement will reflect this. The phasing of which payments are made will be agreed in a Section 106 Agreement, however all payments must be made by the date of completion of 80% of the market units on the site, or in the phase that is being completed. The date of completion will be defined by the building control certificate or registration for Council Tax, whichever is earliest.
- 7.2.2. This should be in accordance with a scheme of works to be submitted to the Council for approval. Where a development is being constructed in phases, this will apply to each phase unless it is agreed that the provision of affordable homes can be addressed in subsequent phases. In the case of large financial contributions, it may be possible to negotiate phased payments, particularly where it helps to improve scheme viability.
- 7.2.3. So that a financial contribution keeps its value and reflects changes in inflation costs arising between the date of planning permission and payment, financial contributions will be adjusted in line with an index of inflation, usually the Royal Institute of Chartered Surveyors (RICS) and Building Cost Information Service (BCIS) indices. This will be set out in a Section 106 Agreement.
- 7.2.4. The contribution will be ring-fenced and - because affordable housing is not capable of being funded by the Community Infrastructure Levy - if necessary, pooled:
  - to provide or increase the proportion of affordable housing in the borough;
  - alter the tenure of affordable homes to help deliver affordable housing; or
  - make changes to the existing housing stock to meet an identified housing need; or
  - adjust tenures to meet the need of the borough
- 7.2.5. In some cases, contributions may be sought to enable the provision of affordable housing - e.g. to provide infrastructure, remediation or re-provision of open space to allow the release of a suitable site for affordable housing where this will be the most cost-effective solution and additional affordable homes will be provided.
- 7.2.6. All contributions will be allocated within 10 years of receipt of the funding. This is considered to be a reasonable timescale for the delivery of affordable housing. However, where a more strategic or complex intervention is needed, or resources need to be pooled from several large-scale developments, then a longer time period may be sought (up to a maximum of 15 years). If the contribution is not spent at the end of the agreed contribution period, if requested by the payee, it will be returned.
- 7.2.7. Where a contribution is required, in all cases the Council will include a guarantor provision in the Section 106 Agreement. As a Section 106 Agreement is ensure that a development is acceptable in planning terms, a guarantee that payments will be made will provide that assurance. Without guarantees, the Council cannot guarantee that a Section 106 Agreement will be signed and delay the issue of the planning permission.

- 7.2.8. How the guarantee is provided will be dealt with on a case-by-case basis but could include parent company guarantees, a company director's guarantee or a bond. Please note that where a Section 106 Agreement includes other financial obligations on the developer, the guarantee must also include those obligations.

## 8. Procedure for Planning Applications and Section 106 Agreements

### 8.1. Pre-Application and Application Negotiations

- 8.1.1. Developers should discuss their proposals with the Council before submitting a planning application. Pre-application discussions enable developers to positively discuss appropriate provision and justify their approach. Pre-application discussions will highlight the likely impact of development, the amount and type of affordable housing required, and level of other developer contributions likely to be sought. This service is intended to help speed up the development process and avoid unacceptable proposals.
- 8.1.2. For pre-application discussions to be productive developers need to ensure that as much information as possible is supplied. This should include, where known, information on:
- Total amount of housing proposed;
  - Total amount of housing proposed in terms of units and habitable rooms;
  - Amount of affordable rented and affordable home ownership housing proposed;
  - Number of bedrooms, floor areas and number of people able to occupy affordable rented and intermediate housing units;
  - For each tenure, the numbers of dwellings of different sizes (i.e. number of bedrooms);
  - Phasing of delivery and the mechanism for handover of affordable homes;
  - Mechanisms for ensuring adequate management of the properties.
- 8.1.3. This information will form the basis of the draft Heads of Terms.
- 8.1.4. If pre-application discussions are not sought, affordable housing requirements will be identified when a planning application is submitted. To reflect current government thinking the Council will expect all relevant applications to submit draft Heads of Terms containing the information identified in paragraph 8.1.2 and proof of title. The applicants' solicitor's details should also be provided.
- 8.1.5. At outline planning application stage it may not be clear how many dwellings are proposed, and potentially this number could change at reserved matters stage. Where the housing mix has not been determined in an outline planning application, the Council will append a planning condition which stipulates that the details of the housing mix are submitted as part of the reserved matters application and should be in accordance with the Council's latest SHMA or based on discussions with the Council's Housing Team as set out in section 5.5 of this document.
- 8.1.6. When submitting an application or through the pre-application process, the applicant should ensure that as much information is submitted in terms of affordable housing to inform a Heads of Terms. Applicants should check the Council's validation checklist to ensure that the correct information is submitted.



## 8.2. Section 106 Agreements

- 8.2.1. Provision of affordable housing will be secured by Section 106 Agreement. This is a deed entered into by the Council and the landowner and/or applicant which outlines the details of a planning obligation, such as affordable housing. It is made under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 8.2.2. Planning obligations will be used to secure the following elements related to the provision of affordable housing, *inter alia*:
- The number of units;
  - Eligibility criteria;
  - Nomination rights;
  - The type of units;
  - Tenure of units;
  - Phasing of units;
  - Location of units;
  - Parking provision;
  - Commuted sums in lieu of provision (where appropriate);
  - Guarantor provisions;
  - A late-stage viability review, if required.
- 8.2.3. Triggers will be used to enable delivery of affordable housing or a financial contribution. Appropriate clauses will be included to secure interest for late payment from the relevant trigger point in the agreement. In exceptional cases, the original Registered Provider may be unable to fulfil their agreement to deliver the housing. To prevent the housing being lost from the affordable stock a standard clause will be used to require the developer to secure a second provider.

## 8.3. Review Mechanism

- 8.3.1. To maximise affordable housing delivery in the longer term and acknowledging the potential for changes in values in the housing market, the Council supports the use of review mechanisms. Where the agreed affordable housing provision is below the 35% required through this SPD, the Council will require a review mechanism.
- 8.3.2. Review mechanisms provide a reappraisal mechanism to ensure that maximum public benefit is secured over the period of a development and can encourage the build out of schemes. These mechanisms recognise the need to maximise affordable housing provision and address the economic uncertainties which may arise over the lifetime of a development proposal. They allow increases in Section 106 contributions to reflect changes in the value of a development from the date of planning permission to specific stages of the development programme. Such approaches are intended to support effective and equitable implementation planning policy while also providing flexibility to address viability concerns such as those arising from market uncertainty.
- 8.3.3. Viability tested schemes should be subject to late reviews which will be applied once 75 per cent of homes are sold, or at a point agreed by the Council. The benefit of this approach is

that the review can be based on values achieved and costs incurred. The review takes place prior to sale of the whole development to ensure that the review and any additional contribution arising from this are enforceable. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision.

## 9. Monitoring and review

9.1.1. The delivery of affordable housing through new development will be monitored annually in the Council's Infrastructure Funding Statement and also in the Council's Authority Monitoring Report (AMR). It will enable the Council to identify and monitor the number of developments that meet identified standards across the borough.

9.1.2. A review of this SPD will be considered if:

- The AMR identifies that this SPD is not effective in delivering the identified level of affordable housing;
- There are significant changes to the local evidence base which indicates that the level of affordable housing set out in this SPD is undeliverable;
- There is a significant change in national planning guidance; or
- This SPD is insufficiently effective in enabling affordable housing.



Castle Point Borough Council

**Developers Contributions Guidance  
Supplementary Planning Document (SPD)**

**Healthcare Facilities**

March 2023

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## 1. Introduction

- 1.1.1. 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.
- 1.1.2. This document should be read alongside the [Developers Contributions Guide Cover Document](#), which sets out in greater detail the process the Council expects planning obligations to be sought and implemented.

### 1.2. Justification

- 1.2.1. The National Planning Policy Framework (NPPF) seeks to promote healthy and safe communities by enabling and supporting healthy lifestyles, especially where it can address local health and well-being needs.
- 1.2.2. An important element of enabling and supporting healthy communities is the provision and protection of healthcare facilities and ensuring that communities have good access to quality healthcare facilities.
- 1.2.3. The provision and commissioning of primary and secondary healthcare services is the responsibility of the Mid and South Essex Integrated Care System (ICS) which was established in 2022. The Mid and South Essex ICS maintain a strategy for the delivery of high-quality healthcare services within the area. Hospital provision is outside of the Borough, with principal locations in Basildon, Chelmsford and Southend. These hospitals are part of the Mid & South Essex University Hospitals Group offering a breadth of acute and specialist services.
- 1.2.4. The Mid & South Essex Sustainability & Transformation Partnership (STP) has indicated that they will seek to deliver capacity improvements to meet existing and future needs within its area through improvements to existing facilities where possible. There may also be a requirement for additional infrastructure to accommodate new modes of care as set out within the NHS Long-Term Plan (2019).
- 1.2.5. New homes will increase pressure of existing provision, creating additional demand for healthcare services. As appropriate, new development proposals will therefore be asked for contributions towards the provision of healthcare facilities. Methodologies for calculating how development will mitigate secondary care, community care and the ambulance service are being developed.

## 2. Possible Section 106 Obligations

- 2.1.1. For sites that are delivering 10 or more units contributions will be sought towards new healthcare infrastructure in the form of Section 106 agreements.
- 2.1.2. Healthcare provision may be required to be provided on-site or off-site. In both scenarios the NHS will identify the type of infrastructure required based on the level of growth through the use of the NHS Estates Locality Plan for Castle Point, which is regularly updated.

- 2.1.3. A contribution of £496 per dwelling will be required. This figure is correct from 2022 and is based on a BCIS costs study updated to 01/01/2022 and rebased for Essex. The cost per dwelling will be regularly kept up to date by the NHS, therefore the cost provided by the NHS at the time of the application will be used when entering into a Section 106 agreement.

## 2.2. On-Site Healthcare Provision

- 2.2.1. Where the NHS has identified a need for a new healthcare facility on site, the developer will be expected to provide land and build the facility. There are two options in how the facility can be delivered:
- The developer can rent the facility back to the service provider on a 20-year lease; Or
  - The developer can sell the facility to a third party provider who will lease the facility to the NHS.
- 2.2.2. In both instances the Section 106 contribution will be calculated based on the number of dwellings as set out in paragraph 2.1.3. This contribution figure will be discounted from the rent of the facility during the first 20 years. Rent after the first 20 years will return to market values.

## 2.3. Off-Site Healthcare Provision

- 2.3.1. Where development does not generate a need for new healthcare facility on-site, contributions will be sought in accordance with paragraph 2.1.3 for off-site provision. This could include improvements to existing healthcare facilities within the vicinity of the development.

## 2.4. Pooled Section 106 Agreements

- 2.4.1. Where a small number of large sites generate the need for a new primary healthcare facility or service, such as a new GP surgery and other new healthcare infrastructure and services, the cost of this provision will be secured through pooled Section 106 agreements and the location of the facility identified through the master planning and planning application process.

## 2.5. Community Infrastructure Levy (CIL)

- 2.5.1. Contributions collected through CIL, where Section 106 contributions have not been made will help deliver improvements to healthcare infrastructure as per the actions set out in the NHS Estates Plan for Castle Point. This will be utilised where those actions address the impacts of any growth arising in the borough.

## 3. Timing/Trigger for payment or provision of works

- 3.1.1. The timing for the provision of such healthcare facilities or financial mitigation will be considered on a case by case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.



Castle Point Borough Council

**Developers Contributions Guidance  
Supplementary Planning Document (SPD)**

**Highways, Travel, Education, Libraries, Flooding  
and Drainage Infrastructure**

March 2023



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## 1. Introduction

### 1.1. Purpose of this Document

- 1.1.1. 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.
- 1.1.2. This document should be read alongside the [Developers Contributions Guide Cover Document](#), which sets out in greater detail the process the Council expects planning obligations to be sought and implemented.

### 1.2. Essex County Council (ECC)

- 1.2.1. Castle Point Borough is a two-tier authority area, with Essex County Council (ECC) providing a range of services and infrastructure including (but not limited to) highways and transportation, education, minerals and waste planning, social services, libraries, and surface water management at a county-wide level.
- 1.2.2. As a service and infrastructure provider ECC also has its own thresholds and processes for planning obligations. As stated in the covering document, developers should read this document alongside the ECC Developer's Guide to Infrastructure Contributions found here [www.essex.gov.uk/planning-advice-guidance/guidance-for-developers](http://www.essex.gov.uk/planning-advice-guidance/guidance-for-developers)

## 2. Planning Obligations

- 2.1.1. Planning obligations may be required for the following service areas:
  - Early years and childcare
  - Schools
  - School transport and sustainable travel
  - Employment and Skills Plans
  - Highways and transportation
  - Sustainable Travel Planning
  - Passenger Transport
  - Public Rights of Way
  - Waste Management
  - Libraries
  - Flood and Water Management and Sustainable Drainage Systems (SuDS)
- 2.1.2. Planning obligations for infrastructure that is provided for by ECC will be sought in accordance with ECC's Developer's Guide to Infrastructure Contributions.
- 2.1.3. As the Lead Local Flood Authority ECC have created [The Sustainable Drainage Systems Design Guide for Essex](#). This resource has in depth guidance on design, evidence gathering, maintenance and what ECC expect from proposals. This should be read alongside this document.



Castle Point Borough Council

**Developers Contributions Guidance  
Supplementary Planning Document (SPD)**

**Playing Pitches and Indoor Built Facilities**  
March 2023

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# 1. Introduction

## 1.1. Purpose of this Document

- 1.1.1. This document specifically sets out the types of developer contributions or planning obligations required for playing pitches and indoor built sporting facilities. It will also highlight the process for how contributions will be sought and delivered.
- 1.1.2. This document should be read alongside the [Developers Contributions Guide Cover Document](#), which sets out in greater detail the process the Council expects planning obligations to be sought and implemented.

## 1.2. Policy Context

- 1.2.1. The National Planning Policy Framework (NPPF) is clear 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.
- 1.2.2. The NPPF highlights the need for up-to-date assessments to calculate the quantitative and qualitative deficits or surpluses. This has been completed and further detail of those assessments can be found under heading 1.3. These evidence base documents identify where there are opportunities for new or improved provision of sporting facilities.
- 1.2.3. The NPPF specifies that existing sports or recreational buildings or land, including playing fields should not be built on unless:
  - An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

## 1.3. Playing Pitch Strategy and Indoor Built Facilities Needs Assessment

- 1.3.1. A [Playing Pitch Strategy \(PPS\)](#) and an [Indoor Built Facilities Needs Assessment](#) were completed in 2018. Both documents have a supporting action plan for the relevant sports active in the borough.
- 1.3.2. The PPS and action plan highlights the current supply and demand of outdoor sports and indicates actions for the sport facilities, such as providing more facilities, enhancing existing facilities or protecting existing facilities. An assessment was undertaken in 2022 with the support of the PPS Implementation Group to help ensure that the actions within the 2018 action plan remains up to date. A 2022 update was therefore prepared to the 2018 report and both reports were endorsed by the Council's Cabinet in 2022 ([Playing Pitch Strategy and Action Plan 2022 Update](#)).

- 1.3.3. Similarly, the Indoor Built Facilities Needs Assessment focuses on supply and demand for indoor sports and provides an action plan to ensure facilities are provided, protected or enhanced. An assessment of changes to supply to squash and indoor bowls were identified by the Council in 2022, these were included as a 2022 update to the 2018 report and both reports were endorsed by the Council's Cabinet in 2022 ([Indoor Built Facilities Strategy and Action Plan 2022 Update](#)).

## 2. Section 106 Obligations

### 2.1. Calculating Contributions

- 2.1.1. For development sites that are delivering 10 or more residential units contributions will be sought towards new indoor and outdoor sports infrastructure in the form of Section 106 Agreements.
- 2.1.2. Sport England have a Playing Pitch Calculator and a Sport Facility Calculator. These tools will be used to estimate the demand for playing pitches and indoor sports facilities that may be generated by a new population. The calculator can also be used for identifying the current capital cost of meeting the demand associated with the new population from a particular development site which can then be used for informing the amount of any financial contributions that are secured. Based on the net number of dwellings that are being built these tools will calculate the increase in population and generate the costs associated with growth for the various sports.
- 2.1.3. Sport facility provision may be required to be provided on-site or off-site. In both scenarios the Council will identify the type of infrastructure required based on the level of growth through the use of the Playing Pitch Calculator and Sport Facility Calculator. This calculator takes the population growth figures which is estimated at 2.4 or 2.5 persons per household (dependant on the housing mix on the development site) multiplied by the number of new homes that will be built. For example, for a flatted scheme of 10 one or two bedroom flats the following would be applied:

$$2.4 \text{ persons} \times 10 \text{ new units} = \text{population growth of } \underline{24 \text{ people}}$$

- 2.1.4. For a residential scheme providing a greater mix of homes which include larger family homes of three or more bedrooms a 2.5 person house assumption may be used within the above formula.

### 2.2. On-Site Provision

- 2.2.1. Where development is large enough to justify on site provision of sporting facilities this will be sought through a Section 106 Agreement. This requirement should be discussed with the Council and may vary from the outputs of the Playing Pitch Calculator and Sport Facility Calculator.

- 2.2.2. The size and type of facilities should be agreed with the Council in consultation with Sport England and the national governing body for the particular sport the facility is providing for.

## 2.3. Off-Site Provision

- 2.3.1. Where development does not generate a need for new sporting provision on-site or off-site provision is preferred to enhance existing provision and increase capacity, contributions will be sought in accordance with section 2.1 for off-site provision. This could include improvements to existing sporting facilities.

## 2.4. Pooled Section 106 Agreements

- 2.4.1. Where a small number of large sites generate the need for a new sporting facility, such as a new 3G Artificial Grass Pitch, the cost of this provision will be secured through pooled Section 106 Agreements and the location of the facility identified through the master planning and planning application process.

## 2.5. Planning Applications for New or Improved Facilities

- 2.5.1. Where an applicant submits a planning application for a new sporting facility or improvements to existing facilities, the Council will where appropriate require a community use agreement, as set out in section 2.6.
- 2.5.2. The applicant should engage with Sport England and the relevant national governing body of the particular sport that the facility is providing for.
- 2.5.3. New and/or enhanced sporting facilities will be expected to accord with Sport England and the relevant sport national governing body design guidance to ensure that they are fit for purpose.

## 2.6. Community Use Agreements

- 2.6.1. As identified in the Council's Playing Pitch Strategy and Indoor Built Facilities Needs assessments the use of community use agreements can be beneficial to increase the participation levels of sporting facilities by allowing the community to use the facilities. This widens the overall benefit of a new or improved facility.
- 2.6.2. Where appropriate the Council will require community use agreements on development of new or improved sporting facilities. This will be obtained through a Section 106 Agreement or planning condition.

## 2.7. Compensation

- 2.7.1. Where development results in a loss of a playing pitch or indoor sport facility, compensatory measures will be sought in either the form of financial contributions or re-provision of the facility loss in accordance with the NPPF. The loss should be replaced by equivalent or better provision in terms of quantity and quality.

- 2.7.2. Compensatory measures will be sought in addition to financial contributions sought in accordance with the level of growth anticipated because of the development, as set out in section 2.1.
- 2.7.3. Compensatory measures will need to be agreed with Sport England. In order to achieve the best outcome, this should be discussed with Sport England and the Council at the pre-application stage.

### 3. Community Infrastructure Levy (CIL)

- 3.1.1. Some sports such as netball, athletics or various indoor sports currently have no algorithm to accurately identify the cost required for development based on the population growth predicted through that development.
- 3.1.2. Where appropriate, and where there are no specific costed schemes for improvements to playing pitches or indoor sports facilities, CIL contributions will be used where growth is likely to lead to increased need for sporting facilities. The PPS and indoor built facility needs action plans will provide the basis of how CIL contributions will be used, this will be in consultation with Sport England and the sporting national governing body where relevant.

### 4. Timing/Trigger for Payment or Provision of Works

- 4.1.1. The timing for the provision or payment of sporting facilities will be considered on a case-by-case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.
- 4.1.2. Where compensatory measures are required this will usually need to be implemented and operational before any development starts on the existing facility site. This will be set out in the Section 106 Agreement.





## **CASTLE POINT BOROUGH COUNCIL**

### **ADOPTION STATEMENT**

#### **Notice of the adoption of the Developer Contributions Guidance – Cover Document Supplementary Planning Document**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Cover Document Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Cover Document SPD focuses on how developer contributions will be obtained, implemented, monitored and enforced. It provides overarching guidance to how the Council will draft Section 106 Agreements. The DCG – Cover Document SPD is part of the wider DCG SPD Library which provide greater detail to the developer contribution requirements for the specific infrastructure types.

The draft DCG – Cover Document SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Cover Document SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarification/wording changes to align with national policy in respect of flood risk, the biodiversity hierarchy
- Reference to the needs of the emergency services
- Clarifications that reflect the roles and policies of partner organisations
- Other minor typos and corrections

More details on the modifications made to the DCG – Cover Document SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Cover Document SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Cover Document SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Cover Document SPD and this Adoption Statement have been made available to view on the Council's website at [WEBSITE LINK](#). Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Cover Document SPD.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(ADOPTION DATE)**



## **CASTLE POINT BOROUGH COUNCIL**

### **ADOPTION STATEMENT**

#### **Notice of the adoption of the Developer Contributions Guidance – Affordable Housing Supplementary Planning Document**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Affordable Housing Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Affordable Housing SPD focuses on how developer contributions will be calculated, obtained, implemented and monitored for affordable housing. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Affordable Housing SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Affordable Housing SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Minor clarification in respect of the evidence base
- Minor clarification in respect of the application of vacant building credit
- Other minor typos and corrections

More details on the modifications made to the DCG – Affordable Housing SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Affordable Housing SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Affordable Housing SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Affordable Housing SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Affordable Housing SPD.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(ADOPTION DATE)**



## **CASTLE POINT BOROUGH COUNCIL**

### **ADOPTION STATEMENT**

#### **Notice of the adoption of the Developer Contributions Guidance – Healthcare Facilities Supplementary Planning Document**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Healthcare Facilities Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Healthcare Facilities SPD focuses on how developer contributions will be calculated, obtained and implemented healthcare facilities. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Healthcare Facilities SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Healthcare Facilities SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarifications regarding the details and policies of partners
- Reference to the emergency services
- Clarification that S106 will not be collected for projects being funded by CIL

More details on the modifications made to the DCG – Healthcare Facilities SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Healthcare Facilities SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Healthcare Facilities SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Healthcare Facilities SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Healthcare Facilities SPD.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(ADOPTION DATE)**



## **CASTLE POINT BOROUGH COUNCIL**

### **ADOPTION STATEMENT**

#### **Notice of the adoption of the Developer Contributions Guidance – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD focuses on how developer contributions will be obtained for infrastructure provided for by Essex County Council. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will draft Section 106 Agreements.

The draft DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). No modifications have been proposed to the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD in response to the consultation.

More details on the consultation responses made in respect of the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Highways, Travel, Education, Libraries,

Flooding and Drainage Infrastructure SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Highways, Travel, Education, Libraries, Flooding and Drainage Infrastructure SPD.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(ADOPTION DATE)**





## **CASTLE POINT BOROUGH COUNCIL**

### **ADOPTION STATEMENT**

#### **Notice of the adoption of the Developer Contributions Guidance – Playing Pitches and Indoor Built Facilities Supplementary Planning Document**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations 2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally adopted the Developer Contributions Guidance (DCG) – Playing Pitches and Indoor Built Facilities Supplementary Planning Document (SPD) on **DATE**. This document will formally replace the adopted Developer Contributions Guidance 2008.

The DCG – Playing Pitches and Indoor Built Facilities SPD focuses on how developer contributions will be calculated, obtained and implemented for sporting facilities. It should be read alongside the DCG – Cover Document SPD which provides overarching guidance to how the Council will implement developer contributions.

The draft DCG – Playing Pitches and Indoor Built Facilities SPD was published for public consultation between 18 November 2022 and 6 January 2023 in accordance with Regulation 13 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). A number of modifications have been proposed to the DCG – Playing Pitches and Indoor Built Facilities SPD in response to the consultation and to ensure the SPD is up to date. The modifications include:

- Clarification that the calculators reflect to new population as opposed to the development
- Clarification that 2.5 person households will be assumed in relation to developments comprising a high proportion of 3 and 4 bedroom homes
- Clarification around when off-site provision may be acceptable

More details on the modifications made to the DCG – Playing Pitches and Indoor Built Facilities SPD can be found in the **FEEDBACK REPORT LINK**

Any person with sufficient interest in the decision to adopt the DCG – Playing Pitches and Indoor Built Facilities SPD may apply to the High Court for permission to seek a judicial review of that decision.

Any such application to the High Court must be made no later than three months after the date upon which the DCG – Playing Pitches and Indoor Built Facilities SPD was adopted (i.e. three months from (day after adoption date) 2023 – being the day after adoption).

In accordance with Regulation 14 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) the DCG – Playing Pitches and Indoor Built Facilities SPD and this Adoption Statement have been made available to view on the Council's website at **WEBSITE LINK**. Paper copies are also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Adoption Statement will be sent to all parties who have asked to be notified of the adoption of the DCG – Playing Pitches and Indoor Built Facilities SPD.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(ADOPTION DATE)**



## **CASTLE POINT BOROUGH COUNCIL**

### **REVOCATION NOTICE**

#### **Notice of the revocation of the Adopted Developer Contributions Guidance Supplementary Planning Document 2008**

**In accordance with**

**The Planning and Compulsory Purchase Act 2004 (as amended)**

**The Town and Country Planning Act (Local Planning) (England) Regulations  
2012 (as amended)**

Notice is hereby given that (in accordance with the above-mentioned legislation) Castle Point Borough Council formally revoked the Adopted Developer Contributions Guidance Supplementary Planning Document 2008 on **DATE**

In accordance with Regulation 15 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended) this Revocation Statement has been made available to view on the Council's website at **WEBSITE LINK**. A Paper copy is also available to view at the Council Offices at the following address:

Castle Point Borough Council, Kiln Road, Thundersley, Benfleet, Essex, SS7 1TF

You are advised to check the opening hours on the below link:

[Castle Point Borough Council opening hours](#)

A copy of this Revocation Notice will be sent to all parties who have asked to be notified.

For further information please refer to:

- The Council's website: [www.castlepoint.gov.uk/](http://www.castlepoint.gov.uk/)

Or contact Planning Policy:

- By email: [planningpolicy@castlepoint.gov.uk](mailto:planningpolicy@castlepoint.gov.uk)
- By telephone: 01268 882200

**Angela Hutchings**

**Chief Executive**

**(**REVOCATION DATE**)**