

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010 Town
and Country Planning (Inquiries Procedure) (England) Rules 2000

Planning Obligations CIL Compliance Statement

Planning Inspectorate Ref: APP/M1520/W/22/3310483
LPA Ref: 21/1137/FUL

Demolish existing building and stables and construct 44. affordable dwellings including open space, playspace, landscaping and
associated access, infrastructure and parking arrangements

Location: Land Rear of 248 Hart Road, Thundersley, Benfleet, Essex, SS7 3UQ.

1.0 Introduction

1.1 This statement addresses the planning obligations sought by Castle Point Borough Council in association with the above appeal scheme. This statement is provided without prejudice to the Council's case to have the appeal dismissed. This CIL compliance note addresses the contents of the agreed S106 Obligation.

2.0 Relevant Legislation and Policies

2.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, and;
- c) Fairly and reasonably related in scale and kind to the development.

2.2 The following policies of the Development Plan are referred to in support of the case that the proposed planning obligations meet these tests:

POLICY RE4 - PROVISION OF CHILDREN'S PLAYSPACE AND PARKS

The Council will seek to provide and facilitate the provision of additional children's playspace and parks in areas of identified need. Where possible and appropriate, such provision shall be made in association with new development.

POLICY H7 - AFFORDABLE HOUSING

Where appropriate the Council will seek to negotiate a proportion of affordable housing for rent, shared ownership, or outright sale, where appropriate to the scale of development schemes. The number of affordable dwellings to be provided will be dependent upon the size of the site, its location, and any substantial costs associated with the provision of other necessary infrastructure, and will be determined by the council, following negotiation with the applicant.

POLICY EC14 - CREATION OF NEW WILDLIFE HABITATS

The Council will encourage proposals for further nature reserves. It will also promote the creation of new wildlife habitats in conjunction with development proposals. In considering planning applications, the council will take into account the potential for the

creation of wildlife habitats, particularly where these would enhance and complement existing elements of nature conservation on adjoining land.

POLICY CF1 - SOCIAL AND PHYSICAL INFRASTRUCTURE AND NEW DEVELOPMENTS

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

- (i) appropriate highway and drainage improvements; and
- (ii) appropriate improvements to social infrastructure to serve the needs of the new development.

Supplementary Planning Documents:

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

Essex Coast RAMS SPD

3.0 Planning Obligation

3.1 The planning obligation covers the following issues:

- (i) 100% affordable housing provision on the site with nomination rights provided to the Council in respect of the rented properties being passed the Local Authority and affordable market properties being subject to eligibility criteria to ensure that local needs are, where possible, prioritised over the needs of non-local parties and
- (ii) Appropriate financial contributions towards:
 - highway improvements
 - healthcare provision
 - educational facilities
 - indoor sports facilities
 - improved bus facilities
 - provision of an off-site Multi-Use Games Area and

- Recreation Avoidance and Mitigation Strategy (RAMS).
- (iii) Travel Packs for new residents of the Site.
- (iv) An Open Space Management Plan suitable to secure the management of land for recreational and ecological purposes in perpetuity
- (v) A SUDS Maintenance Plan
- (vi) On-site children's play equipment and management plan and
- (vii) The provision of access rights up to the boundaries of the site, to ensure the potential for access to adjoining land, without ransom strips
- (viii) Provision, maintenance and management of land within the site to secure 10% Biodiversity net gain
- (ix) Payment of monitoring fees to Castle Point Borough Council
- (x) Payment of monitoring fees to Essex County Council

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

OBLIGATION S106	POLICY CONTEXT	Regulation 122 Test 1	Regulation 122 Test 2	Regulation 122 Test 3
		Necessary to make the development acceptable in planning terms	Directly related to the development;	Fairly and reasonably related in scale and kind to the development.
Schedule 2 S106				
INDOOR SPORTS FACILITIES	<p>NPPF Chapter 8</p> <p>Adopted Local Plan (1998) Policy CF1</p> <p>The Castle Point Built Facilities Strategy and Action Plan (2022)</p>	<p>The Castle Point Indoor Built Facilities Strategy and Action Plan identifies that growth associated with the development of this site will place additional demand on swimming pool provision, indoor bowls provision and sports/community hall provision. A contribution towards built sports facilities is therefore required.</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.</p>
MUGA CONTRIBUTION	<p>NPPF Chapter 8</p> <p>Adopted Local Plan (1998) Policy CF1</p>	<p>The Castle Point Playing Pitch Strategy identifies that growth associated with the development of this site will generate a need for additional</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and</p>

	Castle Point Playing Pitch Strategy and Action Plan (2022)	football pitch provision. A contribution towards the provision of additional pitches, to be delivered through the Football Association's Local Football Strategy for Castle Point, is therefore required. Such provision will be made at the Deanes School.	considered directly related to the proposed development	reasonably related in scale and kind to the development.
ECOLOGICAL MITIGATION	<p>The Habitats Regulations Assessment 2020.</p> <p>Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>This is a pooled contribution that is wholly in line with the Essex Coast RAMS SPD. Every new residential unit in the Borough contributes to the</p>	<p>Consideration of the proposal within the context of the Habitats Regulations Assessment 2020 identified that release of the site for development purposes had the potential for likely significant effects (LSE) on the designated areas.</p> <p>The RAMS identifies that within Castle Point any new residential development will be likely to generate recreational activity within designated areas.</p>	As the contribution is required to mitigate the impact of future occupiers of the proposed development, the contribution is considered directly related to the proposed development	As the contribution is required to mitigate the impact of future occupiers of the proposed development, the contribution is considered fairly and reasonably related in scale and kind to the development.

	<p>RAMS project. The RAMS identifies a detailed programme of strategic mitigation measures which would be funded by contributions from residential development schemes. The SPD contains details of the full mitigation package. The overall cost for the mitigation package is £5921.53</p> <p>Policy EC 14 of the Castle Point Adopted Local Plan.</p>	<p>The RAMS identifies however that such impact can be mitigated through investment in the management, education and control of visitor numbers.</p> <p>In order to fund such investment every net dwelling provided within the Borough is required to make a financial contribution based on a tariff which has been established county-wide.</p>		
Schedule 3 S106				
<p>AFFORDABLE HOUSING</p> <p>Affordable Housing is excluded from the definition of infrastructure for the purposes of CIL</p>	<p>NPPF Chapter 5</p> <p>Policy H7 of the Adopted Local Plan (1998)</p> <p>Developer Contributions SPD</p>	<p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing the proposal would fail to meet the housing needs of the borough, contrary to paragraphs 63 and 65 of</p>	<p>Para 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing</p>	<p>It is considered that the provision of 35% affordable housing across the site is fair and reasonably related in scale and kind to the development.</p>

	(2008). Chapter 6 and Appendix A	the NPPF and Policy H7 of the adopted Local Plan.	<p>requirements are addressed. Housing need assessments have identified a significant requirement for affordable housing in the Borough. Paragraph 63 of the NPPF identifies that where a need for affordable housing is identified planning policies should specify the type of housing required and expect it to be met on site.</p> <p>Para. 65 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.</p> <p>The adopted SPD identifies that in Major</p>	It is noted that the appellant is offering 100% affordable housing.
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Schedule 4 S106				
Access	<p>NPPF Paras 8(b), 92(b) and (c), 104(e), 112, 125(c) and (e), 126, 130,</p> <p>Adopted Local Plan (1998) Policies EC2 T3, RE12</p>	<p><u>Pedestrian Access</u></p> <p>The provision of pedestrian links from the site to adjoining land and facilities to the south of the site, if adjoining land has been developed to facilitate such access, will secure the permeability of the area and create safe pedestrian routes to local community facilities including the Council Offices, recreational facilities and schools. The provision of such access would be of benefit to he</p>	<p><u>Pedestrian Access</u></p> <p>Whilst the relevance and immediate benefit of such provision to the future occupiers of this site is limited, safeguarding the opportunity that the retention of pedestrian access to the south represents a positive benefit of the proposal and constitutes good, sustainable design, consistent with the provisions of the NPPF</p>	<p>The requirement seeks to safeguard the potential for access to adjoining land and if implemented will secure benefits or e future occupiers of this site. As such, the requirement is considered fairly and reasonably related in scale and kind to the development.</p>

		<p>future occupiers of this site and future and existing occupiers of adjoining land.</p> <p>.</p> <p><u>Vehicular Access</u> Development of adjoining land is considered likely to lead to pressure for the provision of additional access points onto Hart Road, to the detriment of highway safety and traffic flow. Securing vehicular access through the appeal site to the land to the east will have a positive impact on highway safety and traffic flow.</p>	<p><u>Vehicular Access</u> Retention of the opportunity to secure vehicular access to the land to the east has no direct relevance to the appeal proposal but is considered to represent good design as encouraged by the NPPF</p>	
Schedule 6 S106				
<p>EDUCATION CONTRIBUTION</p> <p>A formula based contribution.</p>	<p>NPPF Chapter 8</p> <p>Adopted Local Plan (1998) Policy CF1 and CF2</p> <p>The Castle Point Primary Group 2 -</p>	<p>The NPPF identifies that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.</p>	<p>As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development</p>	<p>As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.</p>

	Thundersley & Benfleet): forecasts, set out in the Essex School Organisation Service's Ten Year Plan 2021-2030,	The Castle Point Primary Group 2 - Thundersley & Benfleet): forecasts, set out in the Essex School Organisation Service's Ten Year Plan 2021-2030, suggests the proposed development will generate a requirement for an additional 13.5 primary places which cannot be met within existing primary school facilities. Such provision is necessary to make the proposal acceptable in planning terms.		
Schedule 7 S106				
LIBRARY CONTRIBUTION	Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020)	The suggested population increase brought about by the proposed development is expected to create additional usage of the local library. In accordance with the Essex County Council Developers'	As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development	As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.

	Adopted Local Plan (1998) Policy CF1 and CF5	Guide to Infrastructure Contribution (Revised 2020), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services provided at the nearest library, and thus make the proposal acceptable in planning terms.		
Schedule 8 S106				
RESIDENTIAL TRAVEL INFORMATION PACK	Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.	The suggested population increase is considered likely to increase the number of vehicles using the local highway network. Provision of a residential travel information pack incorporating the provision of six one day travel vouchers for bus travel approved by Essex County Council, is considered likely to encourage a reduction in travel by car and promote sustainable development and transport use.	As the contribution is required to satisfy the needs of future occupiers of the proposed development, the contribution is considered directly related to the proposed development	As the contribution seeks to fund only those facilities required to satisfy the needs of the future occupiers of the proposed development, it is considered fairly and reasonably related in scale and kind to the development.

Other matters not identified in the Schedules S106				
NHS CONTRIBUTION	Adopted Local Plan (1998) Policy CF1 and CF7	<p>Existing GP practises do not have capacity to accommodate the additional growth resulting from the proposed development. The development will generate approximately 110 new residents and subsequently increase demand upon existing constrained services</p> <p>The contribution is required to fund the provision of additional floorspace at the Hart Road Surgery.</p> <p>The proposed contribution is considered necessary to make the development acceptable in planning terms.</p>	<p>The capacity of primary healthcare facilities in this area already below the recognised standards of provision for the existing population. Any additional population growth in the area resulting from new development will add to the deficit. If the impact on existing services is unmitigated the development will impose an unsustainable burden on local healthcare services.</p> <p>The additional floorspace is required as a direct result of the proposed increase in population arising from the proposed development</p>	<p>Using the capital cost calculation adopted by NHS England the additional population generated by the proposed development will require an additional 7.5 square metres of facility floorspace, the capital cost for which will be £17,300.</p> <p>The level of provision is considered reasonably related in scale and kind to the development proposed.</p>
Schedule 11				

BIODIVERSITY NET GAIN	<p>Environment Act 2021</p> <p>NPPF</p> <p>Policy EC 14 of the Castle Point Adopted Local Plan</p>	Without mitigation the development would not provide a BNG uplift as is required by the Environment Act 2021	The clause will mitigate the impact of the development	The clause is proportionate to the development and the scale is consistent with Government guidance as set out in the Environment Act 2021 and the NPPF.
County Council; Monitoring Fee	A fee of £550 per each obligation due to the County Council under this Agreement towards the County Council's reasonable and proper administration costs of monitoring the performance of the planning obligations that the Owner is required to observe and perform pursuant to the terms of this Agreement	<p>Without appropriate monitoring, full compliance with the revisions of the S106 is uncertain.</p> <p>The required fee is necessary to ensure that appropriate monitoring can be undertaken.</p>	As the monitoring fee is required to fund the appropriate discharge of the provisions of this Agreement the fee is considered directly related to the proposed development	As the monitoring fee is required to fund the monitoring of the specific provisions within the S106, the level of provision is considered reasonably related in scale and kind to the development proposed.
Castle Point Borough Council; Monitoring Fee	The payment of one thousand pounds (£1000) due to the Borough Council under this	Without appropriate monitoring, full compliance with the revisions of the S106 is uncertain.	As the monitoring fee is required to fund the appropriate discharge of the provisions of this Agreement the fee is	As the monitoring fee is required to fund the monitoring of the specific provisions within the S106, the level of provision is

	<p>Agreement towards the Borough Council's reasonable and proper administration costs of monitoring the performance of the planning obligations that the Owner is required to observe and perform pursuant to the terms of this Agreement</p>	<p>The required fee is necessary to ensure that appropriate monitoring can be undertaken.</p>	<p>considered directly related to the proposed development</p>	<p>considered reasonably related in scale and kind to the development proposed.</p>
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