

Planning Obligations

1. Policy CLT1 of the Rochford District Council Core Strategy 2011 requires developers to enter into legal agreements in order to secure 'planning obligations'. Planning obligations are things a developer must do to address specific issues relating to a development.
2. Planning obligations may include providing, or making a contribution towards, infrastructure and affordable housing. In addition, the Council applies some standard charges to developments to secure financial contributions towards off-site infrastructure.
3. Between 1st April 2020 and 31st March 2021, the Council has agreed a number of new planning obligations through legal agreements under Section 106 of the Town and Country Planning Act 1990. Section 106 of this Act sets the legal basis for the payment of money to an authority by a landowner or developer in relation to development.
4. At the current time, Rochford District Council does not operate a Community Infrastructure Levy (CIL) scheme. Until such time that CIL is in place, the Council will continue to secure its planning obligations through legal agreements.
5. The NPPF sets out the tests that should be met before a planning obligation can be sought from a developer; these ensure any obligations are:
 - necessary to make the development acceptable in planning terms.
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
6. Planning obligations secured through a Section 106 agreement may include:
 - Requiring a proportion of new homes to be of a certain type or size, including affordable housing
 - Requiring community, play or youth facilities or open spaces to be provided on-site
 - Requiring the developer to make financial contributions towards education, healthcare, or transport infrastructure improvements in the vicinity of the site.
7. Whether an obligation is required, and the size or value of that obligation, is usually decided by the public body responsible for providing that service. For example, Rochford District Council in the case of local community facilities, Essex County Council in the case of education and transport, or the NHS in the case of healthcare facilities. The size and value of the obligations must have regard to the size and location of the development being proposed.

8. Developers are able to appeal against planning obligations they consider to be unnecessary or unreasonable. It is therefore important that the planning obligations put in place are justified and based on 'real world' considerations.
9. Revisions made to the Community Infrastructure Levy Regulations in 2019 introduced a requirement for local planning authorities to publish Infrastructure Funding Statements. These regulations also set out the information that local authorities should include in such Statements.
10. Many planning obligations relate to 'county matters' including education, early years and childcare, sustainable transport and highways improvements. Essex County Council's will be publishing its own Infrastructure Funding Statement to provide an overview of planning obligations on these matters. These matters are not included within this Infrastructure Funding Statement.
11. Furthermore, whilst the Council acts as a 'middleman' for contributions towards local healthcare services on behalf of the NHS, it does not decide how this funding is used. Therefore, whilst this funding will be included in the tables and figures below, these references are only included on a factual basis and queries should be sent to the local NHS body.
12. The matters summarised below are set out in greater detail in the Council's Section 106 monitoring table which is included at Appendix C of the Council's Authority Monitoring Report.

Monetary and Non-Monetary Planning Obligations Agreed in Monitoring Period

13. Between 1st April 2020 and 31st March 2021, two Section 106 agreement was agreed in relation to approved housing developments within the District. The main details of these agreements are provided in Table 1.
14. **The total value of new monetary planning obligations agreed in the year is up to £78.911.** This obligation relates to a potential payment towards affordable housing that is only payable should the developer's profit exceed that stated at the time of planning permission being granted.
15. The only non-monetary planning obligations agreed in the year relate to the provision of the resurfacing of the vehicular and pedestrian access beyond the adopted highway.

Table 1 – Summary of Planning Obligations Agreed in 2020-21

Development details	Contributions Agreed
Land Rear Of 98 To 128 High Street, Rayleigh	Nil monetary contributions. Resurfacing of vehicular and pedestrian access beyond the public highway
Land at 12 to 26 Eastwood Road, Rayleigh	A potential overage payment towards affordable housing that is only payable should the profit shown on a submitted development account exceed that which was indicated on a viability appraisal at the time of planning permission being granted. The overage payment is capped at £78,911.00

Monetary and Non-Monetary Planning Obligations Received in Monitoring Period

- 16. **Between April 2020 and March 2021, no monetary planning obligations were received by the Council from Section 106 agreements.**
- 17. **In addition to this, a total of £12,803 was received in the monitoring period** from various planning applications relating to the Essex Coast Recreational disturbance and Avoidance Mitigation Strategy (RAMS) tariff.
- 18. For the avoidance of doubt, miscellaneous costs associated with Section 106 agreements, including legal and monitoring costs, are not included.

Table 2 – Summary of Planning Obligations Received in 2020-21

Development details	Contributions Received
No developments this period	£0

Monetary Planning Obligations Allocated in Monitoring Period

- 19. The Planning Practice Guidance defines the ‘allocation’ of a planning obligation as a decision to commit funds to a particular item of infrastructure or project. In this context, it is not considered that any specific decisions were made in the monitoring period to allocate a planning obligation to a specific project. However, when planning obligations are imposed clauses are set out relating to how a certain obligation can be used. In some cases, these details and clauses can be relatively specific and, in being so, effectively ‘allocate’ the funds.
- 20. For the purposes of this statement, **the total value of planning obligations allocated in the monitoring period is recorded as £0.**

21. However, the Council has included a comprehensive Section 106 monitoring spreadsheet at Appendix C of its Authority Monitoring Report. This spreadsheet includes an up-to-date position on the planning obligations required by active Section 106s, and the clauses and terms which apply to each.

Monetary Planning Obligations Spent in Monitoring Period

22. The Council did not spend or release to the NHS any of the planning obligations it held within the monitoring period.
23. The Council has included a comprehensive Section 106 monitoring spreadsheet at Appendix C of its Authority Monitoring Report which includes an up-to-date position on the planning obligations required by active Section 106s, and timescales for their expenditure.

Monetary Planning Obligations Received and Not Spent

24. **As at 1 April 2021, the Council held a total of £685,715.48 in planning obligations that have not yet been spent or released to the NHS (in the case of healthcare contributions).**
25. Table 3 overleaf provides details of the planning obligations that are recorded as having been received but not spent as of 1st April 2021.

Table 3 – Summary of Monetary Planning Obligations Held by the Council

Application Ref	Site	Developer / Applicant	£ amount	Detail	Date Received	Purpose	Date to be spent by
12/00363/FUL	190 London Road, Rayleigh	Bellway Homes Ltd	71,015.13	Healthcare contribution. Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	Received 17/9/15	NHS - Money to be held by RDC until the PCT (or other NHS body) requests the contribution. The money will be held for 15 years by the Council.	10/08/2030
12/00363/FUL		Bellway Homes Ltd	20,000.00	Rochford District Council Community Facility contribution. To be used on the development of community facilities near the site.	Received 17/9/15	Community Facility near the London Rd Site - No timescales given on spend.	
12/00381/FUL	Land at Thorpe Road, Rectory Road and Clements Hall Way, Hawkwell.	W H Royer Building Contractors	93,378.21	Rochford District Council Sports Facility contribution.	Received 15/10/14	Improvement of Sports Facilities in Hawkwell	No End Date

12/00252/FUL	Star Lane Brickworks, Star Lane, Great Wakering	Taylor Wimpey UK Limited	1,000.00	Rochford District Council monitoring administration fee for healthcare contribution.	Received 22/12/2015		11/11/2031
12/00252/FUL		Taylor Wimpey UK Limited	28,400.00	Healthcare contribution. Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	Received 11/11/16	NHS - Money to be held by RDC until the PCT (or other NHS body) requests the contribution. The money will be held for 10 years by the Council. Any unexpended funds after this anniversary will need to be paid back to Taylor Wimpey.	11/11/2026
12/00252/FUL		Taylor Wimpey UK Limited	25,000.00	Community Facilities contribution to be paid to RDC on occupation of first dwelling. Money to be held for the provision of a multi-use games area in Gt Wakering. Any unexpanded balance to be returned to Taylor Wimpey after the 15th Anniversary	Received 11/11/16	This is to be used for the provision of a multi use games area in Great Wakering. Any unexpended balance is to be returned to Taylor Wimpey on the 15th Anniversary of receipt.	11/11/2031

				of the payment.			
12/00252/FUL		Taylor Wimpey UK Limited	19,488.00	Contribution of £168 per dwelling for the provision of refuse bins. Payment to be made prior to first occupation.	Received 11/11/16		11/11/2031
10/00234/OUT	Land north of Hall Road, Rochford	Bellway Homes Ltd	383,689.00	Healthcare contribution. Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	Received £213817.88 26/06/18 Received £213817.88 07/09/18	The contribution will be received upon occupancy of the 100th, 200th, 300th and 400th dwelling. It will only be used by the PCT or sucessor body.	26/06/2028
15/00075/FUL	90 Main Road, Hawkwell	Marden Homes Developments Limited	37,000.00	A sum of £37,000 to be paid to RDC towards it Affordable Housing Policy. This will be paid upon occupation of the first dwelling.	28/09/2018	Contribution will be used in accordance with the Councils Affordable Housing Policy as detailed in the core strategy.	28/09/2028

15/00075/FUL		Marden Homes Developments Limited	6,048.00	Contribution of £168 per dwelling for the provision of refuse bins. Payment to be made prior to first occupation.	£1513 31/07/17 £2267.50 11/09/17 £2267.50 30/11/17		
15/00599/FUL	Pond Chase Nursery, Hockley	Persimmon Homes Ltd	23,040.00	Healthcare contribution. Money received on behalf NHS England. Monies held in a designated account until an invoice is received for provision of capital project.	01/05/2018	NHS - Money to be held by the Council until requested from NHS England. The funds will be used to improve the capacity of GP surgeries in the vicinity of the site to which residents of the site have reasonable access. Contribution will be kept by the Council until the 10th Anniversary of receipt. The council will have to return any unspent cash at that point.	01/05/2028

15/00781/OUT	Airport Business Park, Southend	Henry Boot Developments	100,000.00	The owner will pay towards a cycleway between Cherry orchard Way and Hall Rd. The Owner, RDC and ECC shall use reasonable endeavours to negotiate with relevant landowners to deliver the cycleway improvements within 5 years	30/01/2017	Works must be implemented within 2 years of receipt of payment. The contribution is for works at the Butterly Bridge Bypass.	No date
16/00733/FUL	Three Acres, Anchor Lane, Canewdon	Dove Jeffery Homes Limited / Anthony Stephen Hines	13,248.00	Contribution will be made towards expansion of local doctors surgeries in respect of increased demand.	16/06/2017	A contribution will be made upon 1st occupation for the provision of capital projects of NHS England specifically relating to the Greensward Surgery and/or Ashingdon Medical Centre.	16/06/2027
17/00582/FUL	Land north of Hall Road, Rochford	Bellway Homes Ltd	12,789.00	Healthcare contribution. Developer to pay RDC a Healthcare Uplift Contribution for the Primary Care Trust, which is to be paid prior to Occupation of	12/09/2018		No date

				the 501st Dwelling. To be paid plus or minus a sum to reflect increase or decrease of RPI			
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