

## Background

The Council have been charging CIL since their Charging Schedule was implemented on 1 August 2013. The Charging Schedule is viewable: [www.havant.gov.uk/community-infrastructure-levy-charging-schedule](http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule)

Prior to the change in CIL Regulations (1 September 2019), the Council had a Regulation 123 List as required by the Regulations, provided in Appendix A.

The Council has kept the Regulation 123 List on its website and this will be replaced by the 'Indicative List of Infrastructure Projects that may be wholly or partly funded by the CIL' (essentially the Reg 123 List retitled). This will be published in the Infrastructure Funding Statement by 31 December 2020.

The Council has maintained this list as it reports on the infrastructure projects or types of infrastructure that the Borough Council intends to fund either wholly or partly using the CIL and other planning obligations. When drawing up the Regulation 123 List consideration was given to the viability evidence underpinning the Charging Schedule. Section 106 obligations will continue to be used for site-specific requirements, where they are needed to make a development acceptable e.g. Affordable Housing.

The Council also publishes a 'Developer Contributions Guide' to support the collection of CIL and S106, this was last updated November 2020:

[www.havant.gov.uk/sites/default/files/documents/Update%20Nov%202020.pdf](http://www.havant.gov.uk/sites/default/files/documents/Update%20Nov%202020.pdf)

## Detail of S106 Contributions

**1. Affordable Housing** - on site provision 30%. This is a policy requirement for the adopted Local Plan Policy CS9.

**2. S106 monitoring fee** - means the sum of £10,000 as a contribution towards the costs incurred by the Council in the provision of a suitably qualified and experienced person whose function is to monitor, coordinate and enforce the obligations contained within this Agreement. The amended CIL Regulations effective 1/9/19 'legitimise' the collection of S106 monitoring fees. We have a schedule of charges agreed as part of the annual budget setting process. Current Fees are:

|                                                                                                                                                                                                                                                                                             | Prices<br>2020/2021                    | VAT | Comments                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----|----------------------------------------------------------------------------|
| S106 Monitoring Fees<br><br>The Council charges a fee to monitor all planning obligations as set out in the CIL Regulations and this is decided at a cost per head of term contained within the obligation and is in addition to the legal charge for drafting and checking the obligation. | £739.00 per non-financial head of term | O   | Monitoring fee capped at a maximum of £10,670 <sup>1</sup> per application |
|                                                                                                                                                                                                                                                                                             | 5% of cost per financial head of term  | O   |                                                                            |

O = Outside the scope of VAT

Hampshire County Council in their letter to the Council of 19 November 2020 wrote to advise that they have introduced S106 Monitoring Fees of £500 per head of term. When the S106 is reviewed we would anticipate that these will be required and consequently a review of the Havant Borough Council Monitoring Fee may be needed.

3. Open Space, orchard, children's allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan. Including measures to ensure that the open space is managed in a Nutrient Neutral manner. These are site-specific matters, which do not fall within the remit of CIL and should form covenants within the S106 Agreement. This is a policy requirement for the adopted Local Plan, Policy DM1 (Recreation and Open Space) and the emerging Local Plan, Policy H20 (Land South of Lower Road) and E9 (Provision of public open space in new development).

4. Solent Recreation Mitigation Strategy contribution currently £33,975.70. This is a charge necessary to make development acceptable under the Habitats Regulations and is therefore a separate requirement. This is a policy requirement for the adopted Local Plan, Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Rationale taken from Officer's Report to Development Management Committee of 23 January 2020:

*'The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs. In line with Policy DM24 of adopted Havant Borough Local Plan (Allocations), Policy E16 of the Draft Havant Borough Local Plan 2036 and the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development is likely. As such, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures. The applicant has proposed a mitigation package based on the methodology in the Developer Contributions Guide. The scale of the proposed mitigation package would remove the likelihood of a significant effect. The applicant has confirmed that they would be willing to enter into a legal agreement to secure the mitigation package in line with the requirements of the Habitats Regulations and Policy DM24.'*

The current charges (last updated 1/4/20) are set out below, based on the maximum number of dwellings and bedroom sizes; contribution will be indexed (RPI), these rates may be updated 1/4/21: <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

| No of Bedrooms | Amount | Monitoring Fee                                                                  |
|----------------|--------|---------------------------------------------------------------------------------|
| 1              | £356   | Plus 5% of total (sum may be included in 'Monitoring Fees' outlined at point 2) |
| 2              | £514   |                                                                                 |
| 3              | £671   |                                                                                 |
| 4              | £789   |                                                                                 |
| 5+             | £927   |                                                                                 |

## 5. SUDS Bond.

As the SuDS are not being adopted by Southern Water and a bond will be required as the development will, from site clearance and throughout its life, not deliver significantly increased permeable area within the development 'red line' over that which applied prior to the proposed development. This is a policy requirement for the adopted Local Plan, Policies CS19 Effective Provision of Infrastructure and CS21 Developer Requirements, and emerging Local Plan, Policy E20 Land South of Lower Road.

6. A contribution towards Health of £8,000 as a contribution towards increasing the capacity of existing health care facilities in the vicinity of the Land to accommodate the increased demand for such services as a result of the Development. 'Health' payments are not identified on the former Regulation 123 List and/or the retitled replacement document and are therefore not intended to fall within the scope of CIL This is a site-specific S106 requirement arising out of the development of 50 new homes in this area; needed for practices impacted by this increase in patients 'to make suitable building adaptations to facilitate this growth'. This is a policy requirement for the adopted Local Plan, Policies CS19 Effective Provision of Infrastructure and CS21 Developer Requirements.

8. Mitigation Payment to the Brent Goose and Wader Strategy (October 2018) (SWBGS of £329,036.40 for loss of secondary support Habitat. This is a charge necessary to make development acceptable under the Habitats Regulations and is therefore a separate site-specific requirement. The submitted Ecological Assessment suggests the development proposals will contribute to appropriate avoidance measures through a Section 106 agreement. This is a policy requirement for the adopted Local Plan DM23 (Sites for Brent Geese and Waders) and the emerging Local Plan, Policies H20 Land at Lower Road and E17 Solent wader and Brent Goose feeding and roosting sites

7. Permissive paths – This is a site-specific requirement, as the road are not being offered up for adoption.

8. A contribution towards a Community worker of £12,500 500 as a contribution towards the provision of a suitably qualified and experienced person employed by the Council to assist in the establishment of a successful and cohesive local community within the Development and to promote integration with existing communities in the vicinity of the Development. This refers to emerging Policy DR2 and is a site-specific requirement arising out of a consultee response from the Community Team. £250 per property is required by occupation of the 5<sup>th</sup> property to facilitate funding of a Community Working to assist in the integration of new residents of the site with the wider community.

9. Delivery of site access works via a S278 agreement, prior to commencement of development. S278 agreements operate outside the CIL regime, but often form a S106 obligation to ensure timely delivery, with regards both to the signing of the agreement and the subsequent works involved. This is a policy requirement for the adopted Local Plan, Policies CS19 Effective Provision of Infrastructure and CS21 Developer Requirements

10. Financial contribution to highway works of £23,489 to be paid towards the route to school improvements identified in drawing number ITB12174-GA-007 Rev A prior to occupation of any dwelling i.e. for improvement works to the junction of Bedhampton Road with Kings Croft Land and at the junction to Brookside, Bidbury Lane and such other improvement works required as a consequence of the Development as shown on drawing ITB12174-GA-007 A attached as Appendix 5 to this Agreement. The former Regulation 123 List and/or the retitled replacement document comments on 'Local and strategic transport improvements' and specifically excludes from CIL 'site specific matters needed to mitigate the impact of the

*development and to make it acceptable in planning terms.*’. This is a policy requirement for the adopted Local Plan, Policies CS19 Effective Provision of Infrastructure, CS20 Transport and Access Strategy and CS21 Developer Requirements