

APP/18/00450 Land at Forty Acre Farm

Erection of 320 dwellings (including a 30% provision of affordable homes), 66 bed care home, provision of public open space, habitat mitigation zone, allotments, closure of existing access and creation of 2 new access points and associated infrastructure following demolition of existing buildings.

Reconsultation Comments – HBC Community Infrastructure Officer

CIL

The CIL rate is set out in our Charging Schedule:

<http://www.havant.gov.uk/sites/default/files/documents/HBC%20CIL%20Charging%20Schedule%20Full%20Document%20Feb%202013.pdf>

The amounts in the Charging Schedule are indexed according to the year in which permission is issued. The current rates can be viewed:

<http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

Contributions would not be sought for the GIA of the Nursing Home.

Only the existing farm building with a GIA currently in use (282sqm) can be 'credited' against the development.

CIL form 2 will be required to be completed and submitted by the developer to allow mandatory social housing relief.

The latest CIL Form 1 (Assumption of Liability) dated 21/6/2019 now states that Barratt Developments PLC are the only liable party, please confirm that the parties mentioned on the previous iteration of this form should be deleted as liable parties. Once we have your confirmation in this respect we will be in a position to officially acknowledge receipt of this form.

In respect of the revised CIL 'Additional Information Requirement Form' dated 21/6/2019, it would be helpful if the developer could provide a schedule of the relevant properties including their GIA in square metres divided between Market and Affordable Housing.

The Developer may wish to consider phasing the development. See Appendix A at the end of this document (and the plan for this should be incorporated into the S106). If the development is phased, a separate Additional Information Requirement Forms and CIL Form 2 will be required for every phase.

Subject to statutory consultee responses we would expect the S106 to include the following with payments being appropriately indexed (and any other site specific obligations necessary):

1. Affordable Housing
2. Monitoring Fees+
3. Management Co
4. Management Plan

5. Open Space, on site play, habitat mitigation zone, allotments and associated infrastructure should be provided by the developer and arrangements for maintenance incorporated in the Management Plan
6. SRMS Payment**
7. SUDS/SUDS Bond
8. Education (HCC)
9. Travel Plan (HCC)
10. Highway Works (HCC)
11. Site Specific Transport Improvements (HCC)
12. Health?
13. Nutrient Neutrality? - See www.havant.gov.uk/nitrogen

SEE THE HBC DEVELOPER CONTRIBUTIONS GUIDE FOR ADDITIONAL INFORMATION:

<http://www.havant.gov.uk/sites/default/files/documents/Havant%20Developer%20Contributions%20Guide%20Oct%202016.pdf>

+Monitoring Fees: It is customary with the S106 to charge an amount for monitoring, these are currently:

	Prices 2018/2019 and 2019/2020 (effective 1/4/18)	VAT	Comments
S106 Monitoring Fees The Council charges a fee to monitor all planning obligations 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.	£693 per non-financial head of term	O	Monitoring fee capped at a maximum of £10,000 per application
	5% of cost per financial head of term	O	
Solent Recreation Mitigation Strategy	Sliding Scale calculated on the number of bedrooms per individual dwelling	O	Payment for management of Internationally protected Habitat. Contribution also includes 5% monitoring and £20 administration charge. Further details: www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy

Notes

O = Outside the scope

****Solent Recreation Mitigation Strategy**

Based on the maximum number of dwellings and bedroom sizes; formula to be incorporated in S106. More information on our website here:

<http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Since our original consultation the fees increased at 1 April 2019 are set out below, based on the maximum number of dwellings and bedroom sizes; contribution will be indexed (RPI):

No of Bedrooms	Amount	Monitoring Fee
1	£346	Plus 5% of total (sum may be included in 'Monitoring Fees' outlined at point 2)
2	£500	
3	£653	
4	£768	
5+	£902	

Draft calculation: £190,281.00 plus £9,514.05 monitoring fee attributable to SRMS, therefore suggest the monitoring fees for this application will be capped at £10K.

SRMS could be payable in respect of the Nursing Home if it incorporates any staff accommodation.

Appendix A: Extracts from Planning Practice Guidance – CIL (08/11/2017)

<https://www.gov.uk/guidance/community-infrastructure-levy>

Where a planning permission is phased, each phase of the development is treated as if it were a separate chargeable development for levy purposes (see [regulation 8\(3A\) as amended by 2014 Regulations](#)). This may apply to schemes which have full planning permission as well as to outline permissions. For further details, see [‘When does a charging schedule come into effect?’](#) and [‘Is there another way to allow phased payments?’](#).

Is there another way to allow phased payments?

Where the planning authority is willing to accept it, a planning application can be subdivided into ‘phases’ for the purposes of the levy (see [‘How does the levy relate to planning permission?’](#)) This is expected to be especially useful for large scale, locally planned development, which is an essential element of increasing housing supply.

Large scale developments which are delivered over a number of years face particular issues in relation to cashflow and the delivery of on-site infrastructure. The regulations allow for both detailed and outline permissions (and therefore ‘hybrid’ permissions as well) to be treated as phased developments for the purposes of the levy. This means that each phase would be a separate chargeable development and therefore liable for payment in line with any instalment policy that may be in force.

The principle of phased delivery must be apparent from the planning permission. Local authorities should work positively with developers to allow such developments to be delivered in phases.