

APP/22/00669 LAND AT KINGSCROFT FARM - S106 HEADS OF TERMS

- 1.1 In addition to the provision of a range of benefits as outlined in the submitted Planning Statement, as well as the payment of the Council's Community Infrastructure Levy (CIL), the applicant will enter into a S106 agreement with the Council to secure site-specific mitigation. This will ensure the infrastructure is provided in support of the proposed development and ensure compliance with policy CS21: Developer Requirements of the adopted Havant Borough Core Strategy and the Havant Borough Council Developer Contributions Guide.
- 1.2 Any planning obligations sought by the Council will be subject to S106 negotiations during the planning application process. All obligations sought must comply with the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). This requires that 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.
- 1.3 The Council has published an Infrastructure Funding Statement which explains that although the change to the CIL Regulations on 1 September 2019 means a Regulation 123 List is no longer required, it provides an aid to understanding the interaction between CIL and S106 and is still used by the Council¹ under a renamed list called "Indicative List of Infrastructure Projects that may be wholly or partly funded by CIL". Those that are not included on the list denote infrastructure for which S106 contributions may be sought. Taking this into account, it is envisaged that the following Heads of Terms will apply:
- Provision of affordable housing.
 - Site-specific infrastructure/highway works.
 - Provision and management of open space.
 - Implementation and monitoring of the travel plan.
 - Achieving nutrient neutrality.
 - Avoiding recreational impacts on Chichester and Langstone Harbours Special Protection Area (SPA) through the Solent Recreation Mitigation Strategy.

¹ Paragraph 1.14 of the Infrastructure Funding Statement (December 2021)