



Woolf Bond Planning
Chartered Town Planning Consultants

Draft Heads of Terms for Section 106 Obligation

Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield

Application by Croudace Homes Ltd and Mr & Mrs Berry

**Outline Planning Application for
up to 290 dwellings, associated landscaping, informal open space and
strategic SANG with access from the B2102**

August 2021

WITHOUT PREJUDICE

Introduction

This document is prepared on a without prejudice basis and sets out the draft Heads of Terms for inclusion within a S106 Agreement to be subsequently prepared in support of this outline planning application for the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2012.

The planning application is in outline, with access to be determined. Appearance, landscaping, layout and scale are reserved.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging schedule was adopted in November 2015. The Application Site is within Charging Zone 1 (Higher) where a rate of £200psqm is applied. However, and as the Application is submitted in outline, the financial sum to be secured through CIL is to be calculated at the reserved matters stage.

A completed CIL form accompanies this application Planning Application.

Planning Obligations: Draft Heads of Terms

The financial contributions to be requested by the Council will need to meet the planning obligations test set out in part 11 Section 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the NPPF. As such, any planning obligations to be imposed as part of the application must be:

- 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.

The below heads of terms give an indication as to the likely matters to be secured through the subsequent Legal Agreement.

The applicants will work with the Council to secure the requisite contributions to be secured through the provisions as set out in Core Strategy Policy WCS7.

Affordable Housing

The applicants will enter into an obligation to secure the provision of up to 35% affordable housing.

The tenure split of the affordable dwellings (having regard to the definitions set out at Annex 2 to the NPPF) is a matter to be negotiated as part of the planning application.

Other Contributions

In accordance with Core Strategy Policy WCS7, financial contributions towards the provision of necessary and directly related infrastructure and services that is fairly and reasonably related in scale and kind to the development will be discussed with the Council through the consideration of the application and will be secured through a s106 legal agreement, subject to the Council providing the requisite justification having regard to the CIL Regulations.

Financial contributions towards the following matters are to be negotiated as part of the application process as appropriate and necessary, based upon evidence to be provided by the Council (and statutory consultees as appropriate) in terms of need.

Obligations and/or contributions may be secured in relation to the following provisions:

- (i) On-site provision of affordable housing (35%)
- (ii) Open Space, Sport and Recreation Facilities
- (iii) Off-site highway works
- (iv) Travel Plan

Council's Costs

The Applicants are willing to pay the Council's reasonable costs to produce the legal agreement, which matter is to be agreed in advance.

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