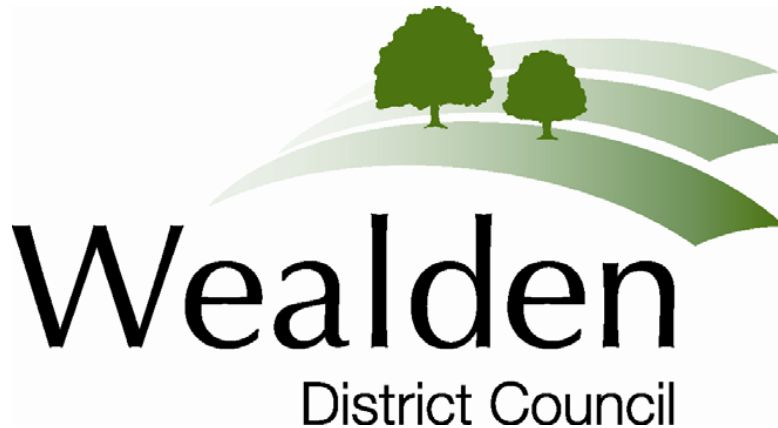




Town and Country Planning Act 1990

Appeal by Danescroft (FREOF V Willingdon) LLP

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS
(EXCLUDING INTERNAL ESTATE ROADS BEYOND THE ACCESS TO SERVE THE
MEDICAL CENTRE PLOT) FOR

DEMOLITION OF EXISTING VACANT DWELLING AND ERECTION OF UP TO 180 NO.
DWELLINGS AND MEDICAL CENTRE TOGETHER WITH ALL PARKING, SERVICING AND
ON-SITE OPEN SPACE.

Land at Hindsland, Eastbourne Road, Lower Willingdon, BN20 9NU

Wealden District Council Ref:

WD/2021/0594/MEA

Planning Inspectorate Ref:

APP/C1435/W/22/3293970

CIL INFRASTRUCTURE COMPLIANCE STATEMENT

INTRODUCTION

- 1.1. The Council has received a draft legal agreement from the appellant and provided comments.
- 1.2. This document sets out the justification for each of the infrastructure contributions which are part of the draft legal agreement which are necessary to mitigate the impacts of the development..
- 1.3. Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provides that planning obligations may only constitute reasons for granting planning permission for development if they are; 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.

2 OVERARCHING POLICY SUPPORT FOR CONTRIBUTIONS/WORKS TO MITIGATE DEVELOPMENT IMPACTS

- 2.1. Saved' Policy CS1 of the adopted Wealden Local Plan (WLP) 1998 and Policy WCS7 of the Core Strategy Local Plan (CSLP). Together these policies are referred to as the development plan policies and provide for contributions to be secured from development towards the costs of providing the infrastructure required to serve the additional needs it will generate.

Affordable Housing

- 2.2 Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016 sets out the requirement for housing developments to make a contribution towards the provision of affordable housing. The policy requires that 35% of new dwellings should be affordable, of which around 80% should be provided for social rented accommodation.

Test 1: Necessity

The provision of affordable housing is required for compliance with Local Plan Policy AFH1. In the absence of the provision of affordable housing the development would not comply with the development plan and would fail to contribute to the affordable housing in the District and to the mix of housing which the district offers.

Test 2: Directly related to the development

The extent of the affordable housing is a percentage specific to the proposed development and the existing site. The obligation is therefore directly related to the development

Test 3: Fairly and reasonably related in scale and kind to the development

The extent of the affordable housing provision is directly related in scale and kind to the development as it represents the amount specific to this development

Open Space and Play Facilities

- 2.3 Policies LR1, LR2, LR3 and LR5 of the WLP set out the requirement for developments to provide adequate levels of children's playspace and informal amenity space within new developments.
- 2.4 The Council's Draft SPG for Open Space sets out how the play/open space standards set out in these policies should be taken forward for individual developments. It is noted that this document is in draft format and that it dates from a number of years ago. However, it is based upon substantial research regarding the cost of provision and maintenance and provides the only methodology for converting the standards within the WLP into live contribution figures.
- 2.5 The total area of the Children's Outdoor Playing Space to be provided not being less than the total areas that are calculated using the following formulae:
- 1 bedroom dwellings:- 17sqm of youth and adult playing space plus 4.5sqm of casual/informal children's playing space plus 2.5sqm of equipped children's playing space per 1 bedroom dwelling
 - 2 bedroom dwellings:- 34sqm of youth and adult playing space plus 9sqm of casual/informal children's playing space plus 5sqm of equipped children's playing space per 2 bedroom dwelling
 - 3 bedroom dwellings:- 51sqm of youth and adult playing space plus 13.5sqm of casual/informal children's playing space plus 7.5sqm of equipped children's playing space per 3 bedroom dwelling
 - 4 bedroom dwellings:- 68sqm of youth and adult playing space plus 18sqm of casual/informal children's playing space plus 10sqm of equipped children's playing space per 4 bedroom dwelling

- 5 bedroom dwellings:- 85sqm of youth and adult playing space plus 22.5sqm of casual/informal children's playing space plus 12.5sqm of equipped children's playing space per 5 bedroom dwelling

2.6 The draft SPG sets out commuted sums for the Open Space Maintenance whereby contributions are calculated on the basis of, Youth and Adult Play space at £8.60 per sq/m, Casual/Informal at £75.00 per sq/m and Equipped at £80.00 per sq/m, all index linked to the RPI from the base date of February 2003. Where off-site sports facilities and recreation space are to be delivered the financial contribution is for the supply, installation and maintenance of the off-site facilities.

Test 1: Necessity

The provision of outdoor playing space comprising youth and adult recreation space, equipped children's play space and informal amenity areas are required under the development plan policies for all large new housing developments. Policy LR3 also requires that a capital sum or other arrangement will be sought for future maintenance. The site is unable to accommodate the necessary youth and adult recreation space therefore a financial contribution is required towards off-site provision in the locality which is for the supply, installation and maintenance of the off-site facilities.

Test 2: Directly related to the development

The offsite contribution for youth and adult recreation space is directly related to the quantum of development proposed and housing sizes.

Test 3: Fairly and reasonably related in scale and kind to the development

The offsite contribution for youth and adult recreation space is in scale and kind to the quantum of development proposed and housing sizes.

Medical Centre

Test 1: Necessity

The site formed part of the Strategic Development Area (SDA) SD4 identified under Policy WCS4 of the Core Strategy Local Plan. The SD4 SDA was to include provision of community facilities and the area had been identified in the withdrawn Submission Local Plan (Policy SWGA38) as being required for a medical centre which was considered as critical infrastructure required to be delivered in the short term. Two practices in Polegate

have been in advanced discussions with the CCG and the appellant regarding the provision of a new primary health care facility on the site.

Test 2: Directly related to the development

The Council has no information on the size of the medical facility that is required on this site and therefore unable to provide a justification of the site size. The appellant has set out proposed sizes in the application. The Inspector should seek further confirmation from the relevant Clinical Commissioning Group as to what size of site would be required. The proposed size of the site seems reasonable having regard to similar medical provision secured on a site in Hailsham

Test 3: Fairly and reasonably related in scale and kind to the development

It is acknowledged that the medical centre will be to service both the existing community and the development. There is a need for a medical centre site acknowledged in the Inspectors decision APP/C1435/W/19/3230484 and the necessary amount of land needs to be safeguarded and provisions for the purchase and transfer of land to a health care provider or developer needs to be included within the legal agreement. In the view of the Local Planning Authority, the provision of land to accommodate a medical centre is justified by the unmet need for such facilities in the local area which would be exacerbated by the development.

Self Build and Custom Build Plots

Test 1: Necessity

The Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016 are significant material considerations.

Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and the Council is required to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period (this comes from Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended)).

The NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

At the end of May there were 170 applicants on the self-build register. Of the 170 applicants, eight had detailed Polegate and two had detailed Willingdon. The number of plots secured to date are 92 plots (although of these 79 plots have yet to be confirmed through the approval of Reserved Matters) across the district. To date no plots have been secured in the Polegate or Willingdon area so the local need is for 10 plots. Based on the 5% provision from the appeal site, 9 plots would be delivered going directly to the local need and not exceeding it.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. In this current case 5% of the number of dwellings secured would be 9 (though it might change if the reserved matters application is for fewer units). 9 custom or self build plots would, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a consideration given that there is evidence of unmet need for serviced plots in the District and within the local area of the appeal site

Test 2: Directly related to the development

The extent of the Self Build and Custom Build Plots is a percentage specific to the proposed development and existing site. The obligation is therefore directly related to the development.

Test 3: Fairly and reasonably related in scale and kind to the development

The extent of the Self Build and Custom Build Plots is directly related in scale and kind to the development as it represents the amount specific to this development.

Bus Service Contribution

The Bus Service Contribution related to the impact of the appeal site have been set out within the Statement of Common Ground between the Appellant and ESCC Highways Authority

Highway Works

Any necessary highways works related to the impact of the appeal site have been set out within the Statement of Common Ground between the Appellant and ESCC Highways Authority