

# Section 106 Legal Agreements Process

# When are they needed?

- Required where development will have significant impacts on the local area & infrastructure that cannot be moderated by conditions attached to a planning decision.
- Balance impact: infrastructure improvement to local area and community

# How else is infrastructure delivered?

- Government funding sources e.g. RIS
- S38 & S278 highway contributions
- Community Infrastructure Levy

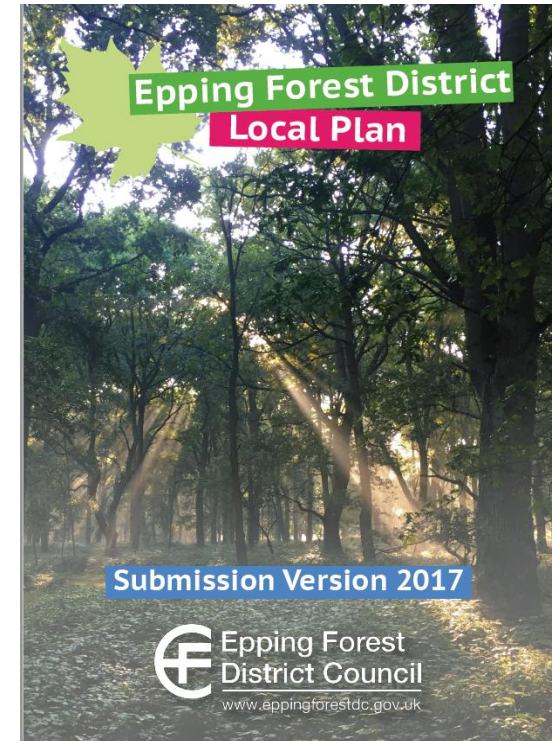


# What will they cover?

- Vary, depend on need & nature of the development - Most common:-
  - Public Open Space
  - Affordable Housing
  - Education
  - Highways
  - Town Centre Improvements
  - Health
  - Air Quality of Epping Forest (SAC)

# Adopted Local Plan 2023

- Proposals that require s106 be considered in accordance with Local Plan
- Appendix 6 – sets out site specific requirements for non-strategic allocated sites
- Policy D 1 – D 6 Policy framework for infrastructure<sup>5</sup>



# Infrastructure Delivery Plan

- Policy D 1 introduces the Epping Forest District Infrastructure Delivery Plan (IDP):
  - ..development must be served and supported by appropriate infrastructure and services identified through the IDP
  - Where development requires additional infrastructure capacity, measures must be agreed with the Council and the appropriate infrastructure provider

# What the IDP sets out

- includes what infrastructure might be expected dependant on type of development coming forward on strategic/non strategic sites and Harlow and Gilston Garden Town.
- identifies development contribution to site related and wider infrastructure needs to deliver the planned level of housing and employment growth in the district to 2033.

# Updating the IDP

- IDP is a 'live document' allowing updated.
- IDP topic paper and Addenda on infrastructure delivery.
- a high-level framework for apportionment and pooling arrangements to be taken forward for key infrastructure.
- Viability – Current Plan



# Affordable Housing

- Policy H 2 - on development sites which provide 11 or more homes, the Council will require 40% of those homes to be for affordable housing provided on site
- expect planning applications to include proposals to meet the Local Plan requirements for the provision of affordable housing in full, but subject to viability

# Education

- Policy D 2 – ‘provide or improve the essential facilities and services required to serve the scale of the proposed development’
  - IDP Topic paper & addenda.
  - Essex County Council - 25 or more dwellings to mitigate impact on education facilities. On sites smaller than 25 dwellings will not be sought.
- ‘Essex County Council Developers’ Guide to Infrastructure Contributions (2016).

# Epping Forest Special Area of Conservation ('SAC')

- Interim Approach to Managing the Recreational Pressures on the SAC adopted by Cabinet on the 18 October 2018
- Cabinet approved an Air Pollution Mitigation Strategy (APMS) in April 2019
- material consideration in the determination of planning applications for residential development resulting in net increase in new homes

# How the Council will deliver infrastructure

- Stage 1: Masterplanning/Concept framework/Pre-applications
- Stage 2: Submission of the planning application; and
- Stage 3: Approval and agreement of a planning obligation.

# Reporting

- Reports to Planning Committees will identify requirements for the delivery of infrastructure/appropriate agreements – Heads of Terms;
- NOT a sweet shop
- NOT seen to be buying a permission
- Drafted by Lawyers
- Permission issued when its signed.

# Infrastructure Funding Statement

- Annual report that show:-
- Monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure
- Subsequent use of those contributions
- Reported to Cabinet 4<sup>th</sup> December 2023