

Community Infrastructure Levy Regulation 2010 (as amended)

Regulation 122 Compliance Statement

**TOWN AND COUNTRY PLANNING ACT 1990**

**IPSWICH BOROUGH DISTRICT COUNCIL**

**AND**

**EAST SUFFOLK COUNCIL**

**Appeal by Barratt David Wilson and Hopkins Homes**

**Site at Land north-east of Humber Doucy Lane, Humber Doucy Lane, Ipswich, IP4 3QA**

**Planning Inspectorate's Ref: APP/R3515/W/24/3350674**

**Local Planning Authority Reference: IP/24/00172/OUTFL and DC/24/0771/OUT**

Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended ("CIL Regs) sets out the limitation on use of planning obligations.

Paragraph 2 of Regulation 122 states:

*Subject to paragraph (2A), A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-*

- (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 3 s106 tests'.*

East Suffolk is a CIL charging authority and therefore some infrastructure is funded through CIL. Ipswich Borough Council is not a CIL charging authority and therefore all infrastructure is secured through section 106 agreements. The Section 106 Agreement drafted for the proposed *"development of the Site for means of external access/egress to and from the site and a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works"* which has the following obligations:

East Suffolk Council (ESC)

- On Site Affordable Housing
- Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Contribution
- On Site Open Space

Ipswich Borough Council (IBC)

- On Site Affordable Housing
- Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Contribution
- On Site Open Space
- Healthcare contribution

### Suffolk County Council (SCC)

The section 106 agreement also includes obligations which are payable to Suffolk County Council who will providing a CIL 122 Regulation compliance statement. ESC and IBC reserve the right to update this Statement following receipt of this from SCC and upon conclusion of the S106 agreement, which is currently in draft form.

- Primary Education
- Secondary education
- Sixth form education
- Early years education
- SEND education
- Waste
- Libraries

### **ESC and IBC Obligations**

#### On Site Affordable Housing

In East Suffolk, Policy SCLP5.10 of the East Suffolk Coastal District Local Plan 2020, supported by the Affordable Housing Supplementary Planning Document sets out the affordable housing requirement for residential development. The requirement is 1 in 3 dwellings to be made available as affordable housing and offered to local people who can demonstrate need, at a price which they can afford and remain as affordable housing in perpetuity.

In Ipswich Borough, Policy ISPA4 (Cross Boundary Working to Deliver Sites) requires 30% affordable housing on this allocation site, Policy CS8 (Housing Type and Tenure) sets out affordable housing provision and Policy CS12 (Affordable Housing) sets out the percentage split between 60% affordable rent/affordable home ownership.

The provision of the on-site affordable housing is required and meets the 3 S106s tests:

- (a) The onsite provision is necessary to make the development acceptable in planning terms and in order to meet the requirements of SCLP5.10 and ISPA4 and CS8
- (b) It is directly related to the development
- (c) It is fairly and reasonably related in scale and kind to the development as the requirement is 33%/30% affordable housing in accordance with SCLP5.10 and ISPA4 and CS8

### **Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Contribution.**

- Policy CS17 (Delivering Infrastructure) of the Ipswich Brough Council Local Plan – requires contributions towards the delivery of the mitigation measures identified in the Habitats Regulations Assessment and in the Recreational Disturbance Avoidance and Mitigation Strategy.
- Policy SCLP10.1 (Biodiversity and Geodiversity) of the East Suffolk (Suffolk Coastal) Local Plan sets out that RAMS provides a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation.

The Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) SPD was adopted in May 2021 in East Suffolk and February 2020 in Ipswich Borough which details the requirement for mitigation measures for new residential development. This cross boundary strategy sets out where RAMS applies and where any new residential development within the zone of influence (as detailed in the RAMS Strategy) across East Suffolk, Ipswich Borough and Babergh and Mid Suffolk Council areas. Financial contributions across two zoned areas will be required to mitigate the effect of the proposed development.

- (a) the financial contribution would be provided in accordance with the RAMS Strategy to make the development acceptable in planning terms
- (b) it is directly related to the development as the contribution would be provided to off set the impact of the development
- (c) it is fairly and reasonably related in scale and kind to the development with the contribution reflecting the correct zone of influence contribution amount per dwelling

The site is within both RAMS zones. The Ipswich Borough Council area of the site is within Zone A, where the rate is £142.27 per dwelling (BCIS Index Linked). The East Suffolk Council area of the site is within Zone B, where the rate is £374.29 per dwelling (BCIS Index Linked).

### On Site Open Space

Policy SCLP8.2 of the East Suffolk Coastal District Local Plan 2020 (Open Space) sets out that new residential development will be expected to contribute to the provision of open space and recreational facilities in order to benefit community health, well-being and green infrastructure. Policy DM6 (Provision of New Open Spaces, Sport and Recreation Facilities' of the Ipswich Local Plan 2022 requires the provision of high quality open space to meet the needs of their occupiers. Areas of the site have been designated as open space, the s106 agreement seeks to secure the onsite provision and the open space management of that open space in perpetuity.

- (a) Open Space is required on site to make the development is acceptable in planning terms in order to for the residents of the development to have access to adequate green space
- (b) it is directly related to the development as the proposed open space forms part of the development

- (c) it is fairly and reasonably related in scale and kind to the development as the open space is considered adequate for the proposed residential development

### Health

In Ipswich Borough the following policies seek the mitigation of the effect of new homes on primary healthcare:

- Policy ISPA4 (ix) (Cross Boundary Working to Deliver Sites)– this requires a financial contribution to off-site healthcare facilities.
- Policy CS17 (Delivering Infrastructure) – b)(iii) – health including acute care and emergency services and xv – community facilities including GP surgeries, health centres and key acute inpatient and outpatient facilities.

This is to be secured in the Section 106 agreement as a ‘healthcare contribution’ of £576.06 per Dwelling up to a maximum sum of £380,220 to be paid to IBC and passed to NHS Suffolk and North East Essex Integrated Care Board to increase the capacity of primary healthcare facilities at Two Rivers Medical Centre serving the Development.

- (a) the financial contribution would be provided in accordance with Local Plan policy to make the development acceptable in planning terms
- (b) it is directly related to the development as the contribution would be provided to mitigate the impact of the development
- (c) it is fairly and reasonably related in scale and kind to the development with the contribution reflecting a locally calculated amount per dwelling proportionate to the expansion needs of the medical facility.

In East Suffolk, this mitigation would be secured through CIL contributions and a future CIL bid from the Integrated Care Board or Medical Centre.