

community infrastructure levy  
february 2015

southend on sea borough council  
local development framework





# Contents

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<b>1.</b>	<b>Introduction</b>	<b>3</b>
<b>2.</b>	<b>Consultation</b>	<b>5</b>
<b>3.</b>	<b>Development Plan</b>	<b>6</b>
<b>4.</b>	<b>Setting of the CIL rates</b>	<b>10</b>
	Striking the appropriate balance	10
	Viability evidence	11
	Infrastructure evidence	11
	Projected income and S.106 analysis	13
	CIL in the context of other costs and values	17
	Residential charging zones and buffer	17
	Why charge a nominal, rather than a 'nil' rate	19
	Supermarkets/superstores and retail warehousing rate	19
<b>5.</b>	<b>What are our neighbours charging?</b>	<b>21</b>
<b>6.</b>	<b>CIL in operation</b>	<b>22</b>
	Position on discretionary relief	22
	Instalment policy	23
	What happens to Section 106 agreements?	23
	Proposed Governance Framework	24

## Appendices

Appendix 1:	Infrastructure providers contacted as part of IDP consultation
Appendix 2:	IDP information request email - external 24 July 2013
Appendix 3:	IDP information request letter - external 24 July 2013
Appendix 4:	IDP information request letter - internal 23 July 2013
Appendix 5:	IDP pro-forma
Appendix 6:	IDP Summary Note v3
Appendix 7:	Representations made to Revised Supplementary Planning Document 2: Planning Obligations and the Council's response
Appendix 8:	Grocer Convenience Supermarket retail analysis Jan 2015
Appendix 9:	Proposed Governance Framework for CIL (as at October 2014)
Appendix 10:	Affordable housing achieved through S106 (agreements completed 2013 and 2014)
Appendix 11:	Details of amendments made to the September 2014 version of the Infrastructure Delivery Plan



# 1. Introduction

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- 1.1 This document, referred to as the Overview Report, has been prepared in support of Southend Borough Council's Community Infrastructure Levy (CIL). It sets out the considerations that the Council has taken into account in determining the appropriate rate at which to set CIL, and incorporates much of the background information that was previously included in the Preliminary Draft Charging Schedule (PDCS). The document sits alongside the CIL Viability Study (May 2014, updated December 2014) and Viability Addendum Note (July 2014) produced by BNP Paribas Real Estate acting on behalf of the Council, and the Infrastructure Delivery Plan (IDP) as updated 2015 as part of the evidence base for CIL.
- 1.2 The Community Infrastructure Levy Regulations 2010 ("the CIL regulations") came into force on 6 May 2010 and set out how CIL is to be introduced into an area. Subsequently, amendment regulations came into force in February 2011, November 2012, April 2013 and February 2014.
- 1.3 The CIL (as set out in the Planning Act 2008) allows local authorities to raise funds from new local development to make a financial contribution towards the infrastructure needed as a result of that development. The Council will use CIL alongside a range of other funding to continue to invest in a portfolio of infrastructure projects that are vital to delivery of the Development Plan.
- 1.4 Delivery of infrastructure to support growth is a key part of the Development Plan for without the delivery of infrastructure to support development, the Development Plan cannot achieve the identified levels of growth. Most development will have an impact on infrastructure needs within an area in some way or another, whether it is on education, utilities, community facilities, health, transport or open space etc. Without improvements and/or new provision, additional development could place undue pressure on existing facilities and services. Therefore, it is reasonable that development should partly contribute towards these costs as part of a complex blend of funding including Local Government Grants and Council Capital Funding to ensure that development is sustainable.
- 1.5 In the past, development contributions towards infrastructure have been secured largely through Section 106 agreements (S.106) as part of planning permissions. Although limited use of S.106 will continue alongside CIL (as set out in the revised SPD2: Planning Obligations, which formed part of the CIL consultation Round 2 and is intended to be adopted by the Council concurrently with adoption of a CIL Charging Schedule), the Government has restricted how S.106 can be used. The Council believes that introducing CIL as the main mechanism to raise funding for strategic infrastructure is essential in Southend's circumstances. This has a number of benefits:
  - The cost of funding infrastructure will be shared across a wider range of development;
  - CIL receipts can be pooled to pay for strategic infrastructure – this will no longer be possible with S.106;

- It will provide certainty for developers – they will know from the outset how much they have to pay;
- It is a simpler and quicker process for both the Council and developer – it will not delay development;
- Part of the funds raised can be used by local communities to address the impacts of new development in their neighbourhood.

## 2. Consultation

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- 2.1 The following consultations were taken into account in preparing the Draft Charging Schedule (DCS):
- As part of the “Combined Policy Viability Study” produced for Southend Borough Council (SBC) in September 2013 a workshop was held on 20 February 2013 with key stakeholders to provide opportunity to comment on the appraisal methodology and inputs to the study. These comments were reflected in the September 2013 study, which has informed the CIL Viability Study. The Combined Policy Viability Study, together with the Workshop Presentation, is available at:  
[http://www.southend.gov.uk/downloads/download/268/combined\\_viability\\_study](http://www.southend.gov.uk/downloads/download/268/combined_viability_study)
  - [CIL consultation Round 1](#): CIL Preliminary Draft Charging Schedule (28th July to 8th September 2014)
  - [CIL consultation Round 2](#): CIL Draft Charging Schedule and revised SPD2: Planning Obligations (3rd November to 15th December 2014)
  - [CIL consultation Round 3](#): Amended Section 3 and 6 of the CIL Draft Charging Schedule (7th January to 19th February 2015)
- 2.2 In addition, during the PDCS consultation local developers were invited to a Developers Forum on 13 August 2014 and Leigh Town Council Members were invited to a workshop session on 14 August 2014. These sessions included a presentation of the consultation documents and, in respect of developers, an opportunity for one-to-one meetings with BNP Paribas Real Estate (acting as advisers to the Council on viability issues) and Council officers to discuss viability assumptions etc.
- 2.3 In relation to the Infrastructure Delivery (IDP), which covers a full range of categories of infrastructure, key stakeholders/ infrastructure providers were given the opportunity to provide information relating to infrastructure projects during the document’s drafting. Appendix 1 includes details of the infrastructure providers contacted as part of IDP consultation; appendix 2, 3 and 4 include a copy of the email/letter sent to these providers in July 2013; and appendix 5 and 6 include the two documents appended to the information requests. Following the initial requests for information in July 2013, chaser emails/letters were sent in August 2013 followed by a targeted information gathering exercise undertaken by Navigus Planning (acting on behalf of the Council), which commenced in November 2013 and culminated in a draft IDP being produced in April 2014.
- 2.4 The representations received in response to the consultation on the PDCS and DCS are included in the separate ‘Statement of Representations and Summary of Main Issues’ document, which also includes the Council’s response. In addition, this Overview Report seeks to deal with key issues relating to the introduction of CIL in Southend-on-Sea, some of which have been raised in the representations.
- 2.5 The representations received in response to the consultation on the revised SPD2, and the Council’s response, are included in Appendix 7.





### 3. Development Plan

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- 3.1 CIL Guidance sets out that councils must have an up to date development strategy for the area in which they propose to charge CIL. And a Charging Authority must demonstrate how the proposed levy rates will contribute towards the implementation of the Development Plan.
- 3.2 Southend-on-Sea has an adopted Core Strategy Development Plan Document (DPD1) that was published in December 2007 and for the purposes of CIL is considered to be relevant and up to date. Preparation of the Council's Draft Charging Schedule (DCS) has been based on the proposed levels of growth and development set out in DPD1 for the plan period up to 2021. Policy KP1 of the Core Strategy sets out the Council's spatial strategy relating to growth and states that the primary focus for regeneration and growth within Southend is the Town Centre and Central Area, with appropriate additional regeneration and growth being focussed on the seafront and Shoeburyness.
- 3.3 The Core Strategy sets out the strategic priorities, including delivery of housing in Southend to 2021. This housing demand was tested at the strategic level before an allocation for the period (2001 to 2021) was agreed for Southend by a planning inspector, taking account of any adverse impacts and protected sites as well as moderating it against other relevant constraints. This is consistent with the approach outlined in the National Planning Policy Framework (NPPF). National Planning Practice Guidance (NPPG) acknowledges in paragraph 036 (Reference ID: 3-036-20140306) that *"housing requirement is set at the starting point of the plan, which can be earlier than the date the plan is adopted"*. It also states that *"for a plan to be found sound it would have to be based on an objectively assessed need for housing."*
- 3.4 The Core Strategy was found sound at examination and its preferred approach was selected by the community above all other reasonable alternatives; this being to deliver regeneration of the existing urban area with a focus on the town centre, where a significant proportion of housing will be delivered over the plan period. The delivery of this housing is being taken forward through the Southend Central Area Action Plan (SCAAP), which includes site allocations. In addition, saved policies in the Borough Local Plan include proposals sites for delivery of housing both within the central area and wider Southend.
- 3.5 The NPPF states in paragraph 211 that *"for the purposes of decision-taking, the policies in the Local Plan should not be considered out of date simply because they were adopted prior to the publication of this Framework [in March 2012]"*. It is considered that the policies within the Core Strategy are consistent with the NPPF, seeking to deliver sustainable development that reflect the vision and aspirations of the local communities and was prepared using adequate, up to date and relevant evidence about economic, social and environmental characteristics and prospects of the area. Specifically in relation to viability, the Combined Policy Viability Study (referred to in paragraph 2.1 above) has assessed the cumulative economic impact of the Council's adopted and emerging policies; and its conclusions found that

although some development typologies tested were identified as unviable in certain circumstances, this is due to market factors rather than the impact of the Council's existing and proposed policy requirements and standards. As such, the Council has proceeded with the implementation of CIL. Even so, it is acknowledged, and in accordance with policy and guidance in the NPPF and NPPG, that a review is required and this has commenced.

- 3.6 Southend published a Local Development Scheme 'Full Review' document in 2014 (LDS), which provides a 'live' timetable for preparation and review of the Southend Development Plan. The document outlines that it is now an appropriate time to commence a review of the Core Strategy and the process and milestones for this are outlined in the LDS timetable, which is currently dated June 2014. This review will include the preparation of an updated evidence base, which will include an update to the Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) to address the NPPF requirement to establish an objectively assessed need (OAN) within the TGSE housing market area. This process will require co-operation of TGSE authorities under the duty to co-operate. It is noteworthy that when assessing future sites against the OAN the NPPG states in Paragraph: 034 (Reference ID: 3-034-20140306) that *"unmet housing need (including traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt"*. This will need to be taken into account when considering new housing requirements for Southend and within the wider TGSE area.
- 3.7 Core Strategy policies will also be complimented by policies in the London Southend Airport Joint Area Action Plan (JAAP adopted 16 December 2014) and the emerging Development Management Development Plan Document (DPD), which is at an advanced stage of preparation (Inspector's report for fact checking in relation to the DPD expected March 2015). These documents are in conformity with the NPPF and will form a significant part of the development plan for Southend. In addition, the Council is progressing the SCAAP, which will help deliver a meaningful proportion of housing delivery required by the Core Strategy through site specific proposals.
- 3.8 In regard to Borough wide housing delivery the Core Strategy states that this growth will be phased over three periods, outlined in Policy CP8. The evidence used to inform this phased growth was based on an examination of existing sites with planning permission, as well as future and potential supply sites. This phasing has been derived in order to meet needs and ensure that a balance remains, and can be suitably monitored between housing, employment and infrastructure provision, thereby contributing to the government aim of delivering sustainable development. Front loading of housing delivery was, therefore, agreed by the planning inspector at the examination in public of the Core Strategy and this has been reflected in the higher delivery in the first phase.
- 3.9 A lower rate of delivery has occurred in the most recent years, although a lower delivery was planned for in the second period of the Core Strategy housing

allocation. This period has also been affected by recession since 2007 i.e. a 'trough', which of course was not isolated to Southend and additionally is a recognised phenomenon in the housing cycle. During this period it has not been evident that the local planning authority has not granted sufficient planning permissions for housing development to continue along or close to past trends, evidenced by the quantity of outstanding permissions; rather it may be that developers have had a reduced build out rate or may have not been able to, or have chosen not to, develop a site during this recessionary period. It is noteworthy that Southend has a good record and history of housing delivery, especially during positive market conditions i.e. 'peaks' and this is reflected by the authority being ahead of its Core Strategy minimum housing delivery target, illustrated in the [Southend Annual Monitoring Report \(AMR\)](#). It is likely that this will be revived as more favourable market conditions resume in the near future as developers and buyers have more confidence. And the latest [TGSE Housing Market Trends Quarterly Update Report](#) (Jan 2015) shows that house prices have increased in Southend, which should only have a positive impact on housing delivery.

- 3.10 NPPG states in Paragraph 035 (Reference ID: 3-035-20140306) that *"the assessment of a local [housing] delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle"*. It also states that *"the approach to identifying a record of persistent under delivery of housing involves questions of judgement for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing"*. In addition, it emphasises that *"the factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term"*.
- 3.11 When considering the meaning of "persistent under delivery", reference should also be made to recent case law. In *Cotswold District Council v Secretary of State for Communities and Local Government and Fay and Son and Hannick Homes and Development Limited (2013)* the judge explained that where there has been "a record of persistent under delivery of housing" local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 3.12 In addition, the judge stated that in the context of paragraph 47, the reference to "persistent" under delivery of housing is a reference to a state of affairs, under delivery of housing, which has continued over time. A decision maker would need to have regard to a reasonable period of time measured over years rather than looking at one particular point, to ensure that the situation is one of persistent under delivery rather than a temporary or short lived fluctuation. The precise period of time would be a matter of judgement of the decision maker. There has to be a 'record' of under delivery of housing. That points towards assessing previous performance. The need to establish a record of under delivery indicates there will need to be some measure of what the housing requirements were, and then a record of a failure to deliver that amount of housing persistently, i.e. a failure continuing over a relevant period of time.

- 3.13 In the context of the NPPG and this key judgement on the meaning of “persistent under delivery” it is considered to be justified for Southend Borough Council to approach its five year housing supply by applying a buffer of 5% rather than a buffer of 20% as there is not a persistent record of under delivery of housing over the longer term, when peaks and troughs in the housing market are taken into account; there is also realistic prospects of achieving the planned supply. It is noteworthy, therefore, that the authority is ahead of its planned housing supply also.
- 3.14 The approach taken to demonstrating a 5 year supply with, therefore, a buffer of 5% is detailed in the Southend on Sea Borough Council Strategic Housing Land Availability Assessment Update Report 2013. This document outlines the method of assessment, NPPF context, windfall allowance justification and also considers supply over the longer term. It details the sites, benefiting from planning permission and deemed viable and deliverable according to existing evidence, which, as such, meet the NPPF requirement for inclusion in the Council’s 5 year supply for housing. The document also provides a commentary of windfall and establishes that there is a strong and consistent historic delivery of windfall sites over the plan period to date; and outstanding planning permissions highlight that these sites will continue to provide a reliable source of supply in the future.
- 3.15 The latest [Southend Annual Monitoring Report \(AMR\)](#) dated December 2013 also states the following at page 41 in respect of evidencing a 5 year housing land supply:
- The implementation of all outstanding residential planning permissions would result in an additional 1,976 net additional dwellings, of which 1,512 are predicted to be delivered in the next 5 years, meeting the 5 year housing supply target + 5% of 1,659. In addition, past performance and delivery of windfall sites indicates that a windfall allowance on small sites (i.e. Less than 5 units) of 179 can be applied to the housing delivery in Southend for the next 5 year period, resulting in a supply of 1,691 net additional dwellings. This information demonstrates that Southend has a good supply of readily available housing sites to meet a five year housing supply and beyond.*
- According to the above a 5.35 year housing land supply can be demonstrated for Southend.*
- Supply in Years = Total Supply of Deliverable Sites / Annual Target*  
*[1,691 / (1580/5) = 5.35].*
- 3.16 This supply will also be complemented by the allocation of proposals sites in the Site Allocations DPD, Shoebury Area Action Plan, SCAAP and those established by the planned review of the Core Strategy. As such, windfall will still be a reasonable percentage of housing supply for Southend; however, it will sit alongside future housing allocations established through the plan making process.

## 4. Setting of the CIL rates

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- 4.1 In setting the rate of CIL, regard has been had to the Planning Act 2008; Community Infrastructure Regulations 2010 (as amended) and National Planning Policy Guidance relating to the Community Infrastructure Levy. The CIL proposals have their basis in the Core Strategy (2007).
- 4.2 The Draft Charging Schedule is informed by an appropriate evidence base, which identifies the infrastructure required to support the growth outlined in the Local Plan, the infrastructure funding gap (i.e. the amount of funding still to be found as of the date of the IDP after actual and expected sources have been identified) and an assessment of the likely impact of CIL on the viability of development across the Borough. The evidence base documents include:
- Development Plan – Core Strategy (DPD1) available at: [www.southend.gov.uk/corestrategy](http://www.southend.gov.uk/corestrategy)
  - Infrastructure Delivery Plan (IDP) 2015 available at: [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)
  - CIL Viability Study (December 2014) and Viability Addendum Note (July 2014) available at: [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)

### Striking the appropriate balance

- 4.3 The proposed CIL rates have been determined by considering, on the one hand, the cost of required infrastructure and, on the other, the viability of development. The infrastructure requirements are based on the Core Strategy and Infrastructure Delivery Plan (September 2014) assessment of what is needed to support planned development.
- 4.4 The Council has sought to strike an appropriate balance between the need for CIL to fund the infrastructure necessary to support the development of Southend, taking into account other actual and expected sources of funding; and the economic effects (taken as a whole) of the imposition of CIL on the economic viability of development across the Borough.
- 4.5 It is acknowledged that CIL is not the answer to the deficit in infrastructure funding but will make an important contribution. It is also recognised that if rates are set higher, in the interests of generating more income to fund infrastructure this could put at risk development in the Borough, which might in turn threaten the delivery of the Development Plan and growth. In this context, the viability evidence has tested the types of development that are likely to arise in Southend and taken into account policy requirements set out in the Core Strategy and other Local Development Framework documents.
- 4.6 The proposed rates are considered to be fair and viable, reflecting land values in the Borough as outlined in the viability evidence such that the charging rates will not threaten the delivery of the Development Plan. The Council has adopted appropriate buffers to ensure the rates are not set at the margins of viability, in line

with best practice set out in the DCLG's CIL Planning Practice Guidance. The cumulative impact of the Council's planning policies has been taken into consideration in assessing the viability testing relating to CIL. And in accordance with the CIL Planning Practice Guidance and the Planning Act 2008 (as amended by the Localism Act 2011), it is considered that the Council has used appropriate available evidence, to support the proposed CIL rates.

### **Viability evidence**

- 4.7 See Section 2 of the PDCS for a summary of the findings of the Viability Study (May 2014) and Viability Addendum Note (July 2014). Subsequently, in response to Savills' and Planning Potential's representations in relation to the PDCS and DCS, further comments have been sought from BNP Paribas Real Estate as a number of viability related issues were raised (see separate 'Statement of Representations and Summary of Main Issues' document for details of the representations and BNP Paribas Real Estate's response). The representations received from Savills include comments in relation to the proposed nominal rates, the 'trade-off' between funding infrastructure and affordable housing, the viability buffer, benchmark land values, level of professional fees and developer's profit, and the draft Instalments Policy.
- 4.8 In the interests of ensuring that the proposed CIL rates are based on up to date information in relation to viability, the Viability Study has included a sensitivity analysis which varies the base sales values and build costs, with values increasing by 18.5% and costs by 8.5% over the next couple of years as it is not practical to completely refresh the Viability Study prior to examination or shortly after adoption. The Land Registry index database identifies that sales values have increased in Southend on Sea by 12.4% between January 2013 and December 2014 and the BCIS database General Building Cost Index identifies a 4.37% increase and BCIC All-in tender Price Index a 8.97% increase over the corresponding period. BNP Paribas Real Estate have also undertaken further sensitivity testing at a higher level of build cost inflation to deal with Savills' latest representation to consultation Round 3 (see comments from BNP Paribas Real Estate in the 'Statement of Representations and Summary of Main Issues' for further details). This clearly identifies that residential value growth in the Borough is higher than the growth in build costs over the intervening period and in this regard viability will have improved.

### **Infrastructure evidence**

- 4.9 CIL Guidance requires local authorities to determine the size of its infrastructure funding gap and, in doing so, should consider known and expected infrastructure costs and other possible sources of funding to meet those costs. This process is to help the Charging Authority identify a levy funding target and justifies the introduction of CIL to provide an additional funding source.
- 4.10 In 2007 an infrastructure assessment was undertaken as part of preparing the Development Plan, which identified the scale and type of infrastructure needed to

deliver the area's local development and growth needs. As a period of time has passed since the Core Strategy's adoption it was deemed appropriate to commission an updated Infrastructure Delivery Plan (IDP) to ensure that the infrastructure planning underpinning the Core Strategy accurately reflects the Council's latest priorities. This will also help inform the Core Strategy review process. Section 2 of the PDCS included further details in relation to the findings of the IDP. The IDP should be read in conjunction with the DCS. It has been updated as at February 2015 to reflect the latest position in respect of the Local Growth Fund Bid (see Appendix 11 for details of amendments since its last publication as part of the Round 2 consultation in September 2014).

- 4.11 During the PDCS and DCS consultations, Sport England made representations raising concerns that the evidence in the IDP for indoor and outdoor sports facilities is inadequate due to the theoretical assessments not being robust. Navigus Planning, who drafted the IDP on behalf of the Council, have commented on this representation and have noted that the details in the IDP were based on the information available at the time, which the Council's acknowledges is limited and dated in this area. The Council will endeavour to commission a detailed indoor and outdoor sports strategy to ascertain the extent of these needs and inform later versions of the IDP and CIL Charging Schedule; however, in the meantime the Council has opted not to delay the implementation of CIL whilst such a study was carried out.
- 4.12 In response to Sport England's representation the Council has made an amendment to Table 13.1 of the IDP (Summary of infrastructure costs) to clearly show that the costs stated for outdoor and indoor sports facilities are only based on theoretical assessments and not recent local evidence of need at this time. The comments do not weaken the justification for CIL based on the funding gap as the Council still has a sufficiently large funding gap (approx. £99.5m) after the £1,195,000 stated as required for indoor/outdoor sports facilities is deducted. As there is no detailed evidence in relation to need or project costs, indoor/outdoor sports provision has not been included on the Council's draft Regulation 123 Infrastructure List at the present time although it may be added at a later date, once the evidence is available and the IDP reviewed.
- 4.13 As stated at paragraph 3.19 of the IDP, expansion will be required at some point at one of the three secondary schools that have land capacity to expand (it is estimated that this could be in the region of £5m) but further work is required to assess this requirement. Hence, as there are no specific identified projects for secondary provision at this time, secondary education facilities have not been included in the IDP costs summary for the purposes of identifying a funding gap and they do not fall within the remit of draft Regulation 123 Infrastructure List. It is intended that secondary education needs will be absorbed within existing infrastructure capacity until 2018 when this will be reviewed. SPD2 will also be reviewed and revised as necessary at the time of reviewing the IDP and Regulation 123 Infrastructure List to ensure consistency.

- 4.14 The priorities shown in Table 13.2 of the IDP are based on individual infrastructure providers' judgements; and not the Council's current priorities as a whole. Therefore, the projects listed in the Council's draft Regulation 123 Infrastructure List do not necessarily reflect the priorities set out in this table. As currently drafted, the Regulation 123 Infrastructure List only excludes projects proposed by external infrastructure providers (for as CIL funds are limited, the Council is likely to wish funds to be directed to projects that Southend Borough Council are seeking to deliver before offering funds externally); and those with no information in relation to costs (as it is seen to be sensible to direct CIL funding to projects that are more advanced in terms of their delivery plan). This is seen to be more sensible than including every project identified within the Infrastructure Delivery Plan (IDP). Alternatively, a list including only a few projects could be published but the Council has chosen not to take this option as priorities are continually changing. It is considered that the advantage of producing a Regulation 123 Infrastructure List that is not too specific is that it will need less frequent revisions that would cause delay to infrastructure delivery due to the need for public consultation each time it is amended. In addition, as significant CIL receipts will not be realised immediately upon adoption of a CIL Charging Schedule it is considered more appropriate to produce a more specific list of prioritised projects (selected from the Regulation 123 Infrastructure List) that are to benefit from CIL receipts in an annual Infrastructure Business Plan (IBP), which would be agreed by the Council each year together with the CIL Annual Monitoring Report.
- 4.15 The IDP shows that there is a funding gap for 2015-21 of approximately £100.6million (based on known and expected costs and sources of funding as at the date of the IDP). Such a substantial funding gap is not unusual among local authorities; for example, Thurrock identified an infrastructure funding gap of £446.14m (as at 31st March 2013) and Chelmsford identified an infrastructure funding gap of £113m ("Updated Infrastructure Planning and Funding Gap Assessment, February 2013", Chelmsford City Council).

#### **Projected income and S.106 analysis**

- 4.16 It is difficult to accurately estimate the likely income from CIL as development can be unpredictable particularly as the majority of development will be on brownfield sites within the Borough. Any estimate is highly sensitive to multiple assumptions and variables such as exemptions and deductions, and therefore the projections represent maximum income. However, the Council's Annual Monitoring Reports monitor residential, Use Class B1-B8, A1 and A2, and D2 development. Information available in relation to these uses over a four year period, including 2009/10, 2010/11, 2011/12 and 2012/13, has been analysed to allow the following projections should development continue in a similar pattern to the last 4 years:



**Residential:**

Completions 2009/10 = 144; 2010/11 = 204; 2011/12 = 354; 2012/13 = 254  
(Average 239/year)

Deducting 20%<sup>1</sup> affordable housing as CIL exempt = Average 191/year

Average dwelling size of 72sqm

Average proposed CIL rate of £30<sup>2</sup>/sqm

Projected annual CIL income **£412,560**

Projected monthly CIL income **£34,380<sup>3</sup>**

**B1-B8:**

There was a loss of this floorspace during this period so there would have been no CIL income.

**A1 and A2:**

There was a loss of this floorspace during this period so there would have been no CIL income.

**D2: 2012/13**

Net gain in floorspace 2009/10 = 150sqm; 2010/11 = 3,792sqm; 2011/12 = 689sqm; 2012/13 = 654sqm (Average of 1,321sqm/year)

Proposed nominal CIL rate of £10/sqm

Projected annual CIL income **£13,210**

Projected monthly CIL income **£1,101**

4.17 Based on average S.106 income from the last six financial years (see Table 1) and assumptions as detailed above, the following outlines the projected annual/monthly income from CIL and S.106 planning obligations (site specific obligations only that will continue after April 2015):

**2008/9 – 2013/14 actual S.106 income:**

Average total annual S.106 income £531,782

Average total monthly S.106 income £44,315

Average annual S.106 income (excluding pooled contributions) £313,653

Average monthly S.106 income (excluding pooled contributions) £26,138

**Projected income:**

Projected annual CIL income £425,770

Projected monthly CIL £35,481

Projected annual S.106 and CIL income **£739,423**

Projected monthly S.106 and CIL income **£61,619**

<sup>1</sup> 20% affordable housing policy used (larger schemes will require 30% AH and some schemes may be 100% affordable housing) to illustrate the maximum estimated CIL income.

<sup>2</sup> Average proposed CIL rate used as difficult to predict if residential development will come forward in high or low value areas.

<sup>3</sup> The 2013 AMR states that "The implementation of all outstanding residential planning permissions would result in an additional 1,976 net additional dwellings, of which 1,512 are predicted to be delivered in the next 5 years, meeting the 5 year housing supply target + 5% of 1,659." This shows that a significant number of dwellings will pay no CIL having secured permission prior to the introduction of CIL. Hence, the projected CIL income may not be realised for 3 years i.e. until new permissions granted subject to CIL are implemented.

Table 1: Section 106 income

Type of contribution	April 2008 - March 2009	April 2009 - March 2010	April 2010 - March 2011	April 2011 - March 2012	April 2012 - March 2013	April 2013 - March 2014	TOTAL	AVERAGE £/year
<b>Education contributions</b>	<b>295,267</b>	<b>117,233</b>	<b>1,044</b>	<b>50,144</b>	<b>581,803</b>	<b>132,937</b>	<b>1,178,428</b>	<b>196,405</b>
Public realm works (e.g. parks and open space provision and associated facilities, landscaping/trees, streetscape improvements)	32,000	725	22,000	18,808	928,262	0	1,001,795	166,966
Site specific highway works	92,650	66,859	105,770	39,400	10,000	14,842	329,521	54,920
CPZ contributions	0	0	0	166,907	15,000	10,000	191,907	31,985
Affordable housing	11,000	661	0	120,000	69,641	80,000	281,302	46,884
Cycle routes	0	50,289	0	0	0	0	50,289	8,382
Bus infrastructure	0	10,058	0	0	0	0	10,058	1,676
Other public transport contributions	0	0	70,000	0	0	0	70,000	11,667
Public art	0	12,500	0	0	0	0	12,500	2,083
CCTV	0	0	23,000	10,000	0	0	33,000	5,500
S106 admin and monitoring fee	0	0	10,000	4,800	9,956	7,138	31,894	5,316
<b>Total annual S106 receipts (£):</b>	<b>430,917</b>	<b>258,325</b>	<b>231,814</b>	<b>410,059</b>	<b>1,614,662</b>	<b>244,917</b>	<b>3,190,694</b>	<b>531,782</b>
<b>Excluding pooled contributions (rows highlighted yellow):</b>	<b>135,650</b>	<b>80,745</b>	<b>160,770</b>	<b>359,915</b>	<b>1,032,859</b>	<b>111,980</b>	<b>1,881,919</b>	<b>313,653</b>

4.18 If a Charging Schedule were to be in place by the start of FY 2015/16 then six years would remain of the plan period up to 2021, and based on the above projections, this could generate £2,554,620 in CIL income. However, this figure simply reflects a projected maximum sum and does not take into account the 'lag' period, mentioned above, or the neighbourhood allocation that will need to be deducted.

4.19 Taking into account the emerging growth targets for the area and economic viability, CIL could potentially raise £2.5million towards the £100.6million funding gap identified up to 2021, leaving £98.1million to be found through other means and/or by prioritising infrastructure provision.

4.20 The funding gap outlined above is based on known sources at this point in time so does not mean that in the Development Plan period up to 2021 other sources of funding will not come forward. Once all outstanding planning permissions subject to Section 106 agreements have been implemented (as CIL is not retrospective and only applies to permissions granted post-implementation) and those with a CIL liability start to be implemented, it is estimated that CIL could potentially make a contribution of £425,770 per year (£35,481/month) towards infrastructure funding.

4.21 As outlined above, the funding gap is of such significance that it is highly unlikely that CIL income will exceed the identified funding gap. It has been recognised at numerous CIL examinations that the receipts from CIL would never be sufficient to meet the identified funding gap, and would at most be able to fund circa 20% of this gap. However, it is the ability to use the funds collected to leverage in further funding that is critical in CIL making an important contribution to infrastructure funding. Based on the evidence relating to the infrastructure funding gap it is

considered that Southend Borough Council can demonstrate a requirement to charge CIL at the rates proposed.

- 4.22 The development appraisals forming part of the Viability Study supporting Southend’s proposed CIL have factored in an allowance of £1,012 per residential unit and £19/sqm for commercial uses (included as a potential developer cost) to address any S.106/S.278 costs of site mitigation that may still be sought once CIL is in place. Together with the viability buffer (as discussed elsewhere in this report and the ‘Statement of Representations and Summary of Main Issues’ document), this average allowance will ensure that the combined total impact of requests for developer contributions does not threaten the viability of sites and scale of development identified in the Development Plan. As affordable housing (required by Core Strategy policy CP8) will continue to be secured by planning obligations, this requirement has also been factored into the appraisals as have base costs including Code for Sustainable Homes Level 4. These assumptions are reflected in the proposed levy charge rates and are based on the analysis in Table 2.

Table 2: Analysis of Section 106 records April 2008-December 2013 (inclusive)<sup>4</sup>

Total amount requested for residential only schemes (excluding pooled contributions other than affordable housing in lieu payments <sup>5</sup> ):	£950,072
If analyse residential only schemes (939 units) and exclude pooled contributions: total amount requested on those schemes/no. of open market and affordable housing residential units = average £ contribution /residential unit	<b>£1,012</b>
Total amount requested for commercial only schemes (excluding pooled contributions):	£873,970
If analyse commercial only schemes and exclude pooled contributions: total amount requested on those schemes/total sqm (46,159sqm) = average £ contribution /sqm	<b>£19</b>

- 4.23 Although Savills, in their consultation response dated December 2014, make reference to an allowance of £850 per unit for S106 obligations that is referred to in paragraph 3.3 of the revised SPD2, this latter figure related only to an example of highway contributions being sought. There may be other S106 contributions required; hence, the allowance in the Viability Study was based on available evidence relating to average receipts (excluding pooled contributions, which will no longer be sought) over the last few years. If the allowance in the Viability Study is found to be generous in future years this can be reviewed, and in the meantime this will add an additional buffer in terms of ensuring CIL does not have an adverse impact upon delivery of development.

<sup>4</sup> Full breakdown of the analysis of S106 contributions secured April 2008 –December 2013 (extracted from the Council’s S106 monitoring database) available upon request.

<sup>5</sup> The Council currently pools contributions relating to general education or public realm or public transport improvements from a number of developments. However, from April 2015 the pooling restriction will apply. Therefore, any contributions that are currently pooled have been excluded from the analysis to accurately reflect the residual S.106 payment that may be due in addition to CIL (with the exception of affordable housing as this is not included in CIL).

- 4.24 In support of the DCS the Council has also undertaken an analysis of what has been achieved in relation to affordable housing through S106. There is flexibility within the policy to ensure delivery of the required growth in the Borough (including consideration of a range of tenures and types of affordable housing); and supporting paragraph 10.17 of the Core Strategy comments on how the Council will take a balanced approach taking on board, amongst other things, the scale of need and issues of financial viability. The Council has undertaken appropriate viability testing, based on the adopted Core Strategy policy relating to affordable housing and the associated costs, and has adopted reasonable rates which have sought to allow for an appropriate buffer so that the rates are not set at the margins of viability such that they would have a detrimental effect upon the delivery of affordable housing.

### **CIL in the context of other costs and values**

- 4.25 For residential schemes, the application of CIL is unlikely to be an overriding factor in determining whether or not a scheme is viable. When considered in the context of total scheme value, CIL will be a modest amount, typically accounting for between 0.9% and 1.6% of gross development value (GDV, defined as the total current market value of the completed scheme).
- 4.26 For commercial schemes, the suggested nominal charge of £10 per square metre is a marginal factor in a scheme's viability i.e. less than 1% of GDV in terms of the uses tested. In addition, it is considered that the suggested £70 per square metre rate, at 66% of the maximum viable rate and 2.1% of GDV for supermarkets, superstores and retail warehousing meets the 'appropriate balance' test.
- 4.27 BNP Paribas Real Estate's Viability Study and Addendum Note, together with the additional comments in the separate 'Statement of Representations and Summary of Main Issues' document, has further details.

### **Residential charging zones and buffer**

- 4.28 The CIL Guidance states that: *"A Charging Authority that plans to set differential rates should seek to avoid undue complexity."* (Paragraph: 021 Reference ID: 25-021-20140612). On this basis, and on the basis of the viability evidence, only **three residential charging zones** have been drafted in the DCS to divide the Borough between those areas where residential schemes generally have been found to be more viable than elsewhere.
- 4.29 Consideration has been given to setting differential residential rates based on the **affordable housing threshold** in Core Strategy policy CP8. However, this has not been pursued at this time in the interests of avoiding undue complexity in the Charging Schedule and to be consistent with Government guidance relating to the delivery of small scale development.
- 4.30 The Council has reached the proposed rates set out in the DCS based on the viability and infrastructure evidence prepared to support the CIL Charging Schedule as well as the Council's working knowledge of the development expected to come forward across the Southend area during the life of a charging schedule, which will

meet the growth envisaged in the Development Plan. This ensures that the rates *“will contribute towards the implementation of the relevant Plan”* (CIL Guidance Paragraph: 018 Reference ID: 25-018-20140612).

- 4.31 It should be noted that the CIL regulations and guidance **do not prescribe a percentage buffer**; this is entirely a matter for the Charging Authority’s judgement. The CIL Guidance simply identifies that, *“A charging authority’s proposed rate or rates should be reasonable, given the available evidence, but there is no requirement for a proposed rate to exactly mirror the evidence. For example, this might not be appropriate if the evidence pointed to setting a charge right at the margins of viability. There is room for some pragmatism. It would be appropriate to ensure that a ‘buffer’ or margin is included, so that the levy rate is able to support development when economic circumstances adjust”*.
- 4.32 BNP Paribas Real Estate sets out further commentary on the setting of CIL rates at paragraphs 6.3 and 6.4 of Viability Study. They also identify at paragraph 3.3 of the Viability Addendum Note (July 2014) that other authorities have set their rates at a discount (buffer) to the maximum rate, with discounts ranging from circa 20% to 50%. With this in mind BNP Paribas Real Estate recommended that the Council set their rates at a discount of circa 30% to the maximum.
- 4.33 In adopting a more simplified approach to a charging schedule the Council has chosen to combine market areas to form three charging zones across its area. This results in differing buffers being adopted (see Table 3 below). These are all above 30% with the exception of the Thorpe Bay market area, which at 25% is still within a reasonable buffer range. The Council considers the merging of market areas 7 and 8 to be a reasonable approach to setting rates on the basis that there is only a small amount of development expected to come forward from the Thorpe Bay area (as referred to in paragraph 3.2 above, the primary focus for growth in the Borough within the central area of Southend, which includes the town centre and the seafront, and Shoeburyness ) and in this regard a slightly lower buffer is considered unlikely to have an impact on the delivery of the growth envisaged by the Development Plan over the life of the charging schedule.

Table 3: Proposed residential charging rates and buffers

Market Areas	Maximum CIL indicated by appraisals (£s per sqm)	CIL after buffer (£s per sqm)	DCS Proposed CIL rates (£ per sq m)	Buffer adopted from Max rate
1 - North central area, Airport, Westborough, Victoria and Prittlewell	N/A	Nominal rate of around £20	£20	N/A
2 - Southchurch	N/A	Nominal rate of around £20	£20	N/A
3 - Mid central area	N/A	Nominal rate of around £20	£20	N/A
4 - Shoeburyness	£30	£21	£20	33%
5 - Eastwood, Belfairs and Blenheim	£30	£21	£20	33%
6 - South central area (below railway)	£50	£35	£30	40%
7 - Thorpe Bay	£80	£56	£60	25%
8 - Leigh-on-Sea and Chalkwell	£100	£70	£60	40%

### Why charge a nominal, rather than a 'nil' rate

- 4.34 Some may consider that if a use is deemed to be unviable then additional charges should not be imposed. However, the viability evidence demonstrates that the proposed nominal rates are unlikely to be the determining factor in relation to viability and to have an impact on a developer's decision making as to whether to bring forward a development or not. Beneficially though, the proposed nominal rates will help provide funding towards the supporting infrastructure for growth should such developments come forward. This approach is not uncommon, having been accepted at numerous CIL examinations, and is the Council's proposed approach.
- 4.35 The CIL Guidance identifies that Charging Authorities do not have to set a nil rate; they can set a low rate in instances where developments appear to be unviable. It is the Charging Authority's prerogative to establish the appropriate balance between raising money from CIL to deliver much needed infrastructure to support development in their area and not putting development across the Charging Authority area at risk. In this regard it is noted that the CIL Guidance identifies that *"there is no requirement for a proposed rate to exactly mirror the evidence... There is room for some pragmatism."* It is considered that a rate of only £20/sqm is unlikely to render a viable scheme unviable when considered as a percentage of build costs and land values per sqm.

### Supermarkets/superstores and retail warehousing rate

- 4.36 Aldi Stores have objected to the proposed rate for this type of use. A detailed response on behalf of the Council has been prepared by BNP Paribas Real Estate and this is included in the 'Statement of Representations and Summary of Main Issues'. In addition, the Council has undertaken an analysis of existing uses that could fall within this category, namely 'Grocers and Convenience Stores' and

'Supermarkets' listed in Southend-on-Sea on [www.yell.com](http://www.yell.com) as at January 2015 (See Appendix 8) and based on floorspace figures listed in the Valuation Office Agency's rating information.

Table 4: Summary of retail analysis Jan 2015

No. stores (including 18 'unknowns' <sup>6</sup> ): 143	No. national stores	No. local stores
Total: 66,513.64sqm (Average: 465.13sqm)		
No. stores >280 = 108	9	99
Average floorspace = 106.44 <sup>7</sup>		
No. stores 281-2500 = 30	26	4
Average floorspace = 740.98 <sup>8</sup>		
No. stores >2501 = 5	5	0
Average floorspace = 6,558 <sup>9</sup>		

- 4.37 The summary of the retail analysis shown in Table 4 clearly shows a trend of local operators tending to occupy units under the 280sqm Sunday Trading threshold (92% of total no. units), whilst the majority of supermarkets/superstores over the Sunday Trading threshold are occupied by national operators (83% of total no. units). Based on local knowledge it is considered that retail warehouses over 280sqm are also more likely to be provided by national operators. Based on the fact that national operators have greater covenant strength than local operators and thus can achieve lower yields, it is considered that retail stores such as Aldi and others over 280sqm would be able to viably support the proposed CIL charge. The proposed £70/sqm rate is not therefore likely to have an adverse effect upon the delivery of larger retail units in the Borough.
- 4.38 Some minor modifications have been made to the DCS since consultation that are consistent with observations made during the London Borough of Bexley Council CIL examination. The words 'convenience based' have been deleted within Table 1 of the DCS (Proposed CIL rates) for clarity and to assist implementation. The £70/sqm rate now applies to 'Supermarkets/superstores and retail warehousing (280sqm and over)'. Further definitions have also been added to the DCS in relation to this development type for clarity. These minor modifications to the DCS have been included in the Council's 'Statement of Modifications'.

<sup>6</sup> Where retail units were defined as 'unknown' this relates to exact floorspace figures being unavailable from VOA but average size applied based on local knowledge

<sup>7</sup> Applied av. floorspace 106sqm to 13 'unknowns'

<sup>8</sup> Applied av. floorspace 741sqm to 4 'unknowns'

<sup>9</sup> Applied av. floorspace 6,558sqm to 1 'unknown'





## 5. What are our neighbours charging?

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- 5.1 The proposed rates compare to other authorities in Essex as follows:
- Thurrock – Residential £0/£38 in two zones; Commercial Class A uses £0/£25/£150 in two zones
  - Rochford – no published CIL documents to date (N.B. Very limited brownfield development opportunities so unless developing on Green Belt developers unlikely to be pushed from Southend to Rochford as a result of CIL)
  - Castle Point – Residential £30/£120 in two zones; Retail £40/£60/£140 in three zones
  - Colchester – Residential £120; Retail £90 comparison, £240 convenience
  - Chelmsford – Residential £125; Retail £150 convenience, £87 other retail



## 6. CIL in operation

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### Position on discretionary relief

- 6.1 The CIL Regulations allow Charging Authorities to permit discretionary relief from CIL (e.g. where a reduced or nil payment may be accepted). These cases are likely to be rare but could include the following:
- Development by charities for investment activities (as defined by Regulation 44)
  - Development by charities where relief would normally constitute State Aid (as defined in Regulation 45)
  - Provision of affordable housing by someone other than the local authority or a Registered Provider (as defined in Regulation 49A)
  - Where the Council considers there are exceptional circumstances to justify relief (as defined in Regulation 55).
- 6.2 It is not the intention of the Council to offer discretionary charitable or social housing relief at present. At this stage the need for discretionary relief in addition to the mandatory relief is not considered justifiable and moreover, discretionary relief will only add uncertainty for developers in relation to infrastructure contributions, which is a situation not dissimilar to the current system of planning obligations where lengthy planning application negotiations, particularly on viability grounds, are time consuming and costly to both developer and the Council. A policy of this kind could be introduced at any stage though if considered necessary (subject to appropriate public consultation) and this position will be kept under review.
- 6.3 In addition, Regulation 55 of the CIL Regulations permits a Charging Authority to grant relief from liability to pay CIL in 'exceptional circumstances'. This may only happen if a planning obligation has been entered into in respect of the planning permission that permits the chargeable development and the Charging Authority considers that payment of the levy would have an unacceptable impact on the economic viability of development. In such cases a developer would be expected to demonstrate this (as set out in Regulation 57) via an 'open book' approach with an agreed independent valuer (paid for by the developer). Relief can also only be granted if it does not constitute 'notifiable state aid' (as defined in European Law).
- 6.4 It is not the intention of the Council to offer discretionary exceptional circumstances relief at present. The circumstances in which a policy of this nature would be likely to be used would be extremely rare given that the CIL rate that will be set is based on viability evidence; and as stated above, will add undesirable uncertainty for developers. This approach is consistent with comments made by the Inspector within Bristol City Council Examiners Report dated 10<sup>th</sup> July 2012, which states the following at paragraph 45:
- In accord with the national CIL regulations "exceptional circumstances" are intended to be exactly that and therefore I fully endorse the Council's stance that it would be inappropriate and unhelpful to try to define those very rare circumstances in advance in some sort of policy statement alongside the*

*introduction of the CIL. This is also consistent with the position adopted by the Mayor of London and other Councils.*

Subject to appropriate public consultation, a policy of this kind could be introduced at any stage though if considered necessary and if circumstances arose that would warrant such a change; however, such a change is unlikely to be within the life of the Charging Schedule. The Council's position in respect of an Exceptional Circumstances policy will be kept under review.

### **Instalment policy**

- 6.5 Consistent with a number of other Charging Authorities it is proposed to have an Instalment Policy as it is considered reasonable to allow for phased payments, particularly when the CIL liability is substantial.
- 6.6 Further details in respect of representations made relating to the Instalment Policy and the Council's response can be found in the separate 'Statement of Representations and Summary of Main Issues' document.
- 6.7 Essex County Council supports the proposed Instalment Policy as it involves a lesser number of instalments than some other Charging Authorities in Essex have offered. However, Savills consider that payments should be later and in more instalments.
- 6.8 The advice of the Council's viability consultant is that the Council's proposed Instalments Policy is not unreasonable given the likely scales of development that the identified liability would relate to. The majority of schemes coming forward in the Borough will be schemes of less than 50 units and given that the CIL applies to net additional floor area and that the large majority of schemes in the Borough will be delivered on brownfield sites, the CIL liability is likely to be relatively low. In addition, if larger schemes do come forward then such planning permissions may also be implemented in phases, in which case charges may be payable over an extended period of time as each phase would be treated as a separate chargeable development, to which the Council's Instalments Policy would then apply, thereby allowing a further extension to the timing of payments.
- 6.9 The Council considers it appropriate to proceed on the basis of the draft Instalment Policy published to date. This has been based on the majority of development types likely to come forward in the Borough. If at any point a large scheme comes forward that is experiencing cashflow issues and the policy is found to be problematic, the Council may consider a fourth level of CIL liability and corresponding instalments in a revised Instalments Policy (subject to appropriate public consultation).

### **What happens to Section 106 agreements?**

- 6.10 To ensure that local authorities do not charge twice by seeking contributions through S.106, S.278 and CIL, CIL Regulation 123 states that planning obligations cannot be entered into where it would fund or provide relevant infrastructure listed

on the Council's website that may be funded through CIL. The potential infrastructure projects that CIL will contribute funding to have been set out in the Council's draft 'Regulation 123 Infrastructure List' (revised to include more detail since the PDCS consultation) and a planning obligation will not be sought for any item of infrastructure included in this list.

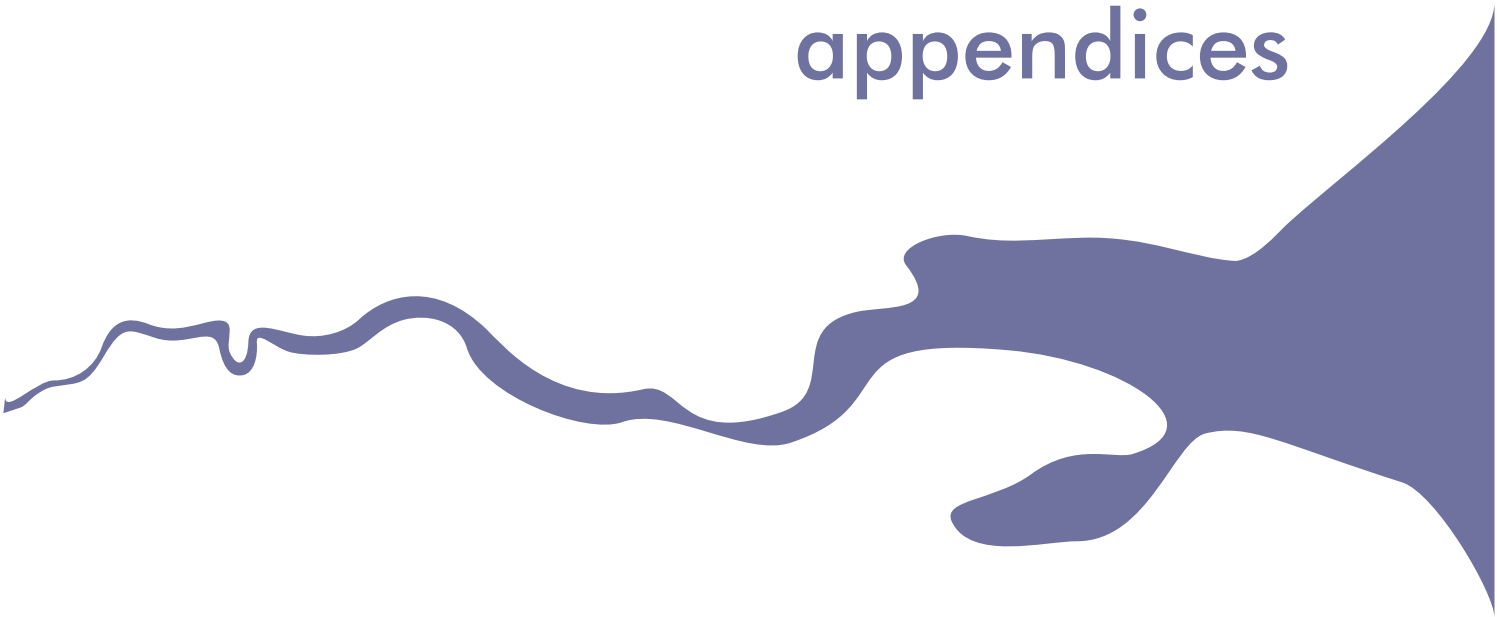
- 6.11 Supplementary Planning Document 2 (SPD2): Planning Obligations has been revised to reflect the Council's proposals in respect of CIL, and the draft document formed part of the CIL consultation Round 2 and is intended to be adopted by the Council concurrently with adoption of a CIL Charging Schedule.
- 6.12 Appendix 7 includes the representations made to the Revised Supplementary Planning Document 2: Planning Obligations and the Council's response.

### **Proposed Governance Framework**

- 6.13 Appendix 9 includes the Proposed Governance Framework for CIL that was agreed by Full Council on 23<sup>rd</sup> October 2014.



appendices







## Appendix 1: Infrastructure providers contacted as part of IDP consultation

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### External

Water:	Essex & Suffolk Water; Thames Water Property Services
Sewerage:	Anglian Water Services Ltd
Gas:	National Grid Gas; Fulcrum Connection; British Gas Plc
Energy:	EDF Energy
Electricity:	UK Power Networks
Telephone:	Openreach
Cable TV:	Virgin Media
Highway:	Highways Agency
Rail:	Greater Anglia; c2c Rail; Network Rail Infrastructure Ltd
Bus:	First Group; Arriva; Stephensons of Essex Ltd
Coach:	National Express
Air:	London Southend Airport Co
Lifeboat:	RNLI
Police:	Essex Police
Fire:	Essex County Fire & Rescue
Ambulance:	East of England Ambulance Service NHS Trust
Health:	Southend Clinical Commissioning Group; NHS England (Essex Area Team), c/o Lawson Planning Partnership; Southend University Hospital NHS Foundation Trust
Environment:	Environment Agency; Natural England; Essex Wildlife Trust
Sport:	Sport England East
Other:	Essex County Council Kent County Council Leigh Town Council TGSE Planning & Transport Board; Thames Gateway South Essex Partnership; South East Local Enterprise Partnership (includes Local Transport Body)

### Internal

#### Department for People

- Social and Community Infrastructure - Early Years Childcare
- Social and Community Infrastructure - Children's Social Care
- Social and Community Infrastructure - Adult Care
- Social and Community Infrastructure - Adult Social Care
- Social and Community Infrastructure - Social Care Housing
- Social and Community Infrastructure - Schools

#### Department for Place

- Strategic Infrastructure - Transport
- Strategic Infrastructure - Coastal Defence and Unstable Ground
- Strategic Infrastructure - ICT (CCTV)
- Strategic Infrastructure (Economy, Regeneration and Tourism)
- Strategic Infrastructure - Waste
- Social and Community Infrastructure - Town centre
- Green Infrastructure - Parks and open spaces, play areas, youth, allotments  
etc.

- Social and Community Infrastructure - Leisure and Sports
- Social and Community Infrastructure - Libraries
- Social and Community Infrastructure - Museums and Galleries
- Social and Community Infrastructure - Culture
- Social and Community Infrastructure - Culture - arts and heritage
- Social and Community Infrastructure - Other community facilities e.g. community centres, cemeteries and crematoria

Department for Public Health

- Social and Community Infrastructure - Health and social wellbeing
- Department for Corporate Services

**Amanda Rogers**

---

**From:** Amanda Rogers  
**Sent:** 24 July 2013 09:51  
**Subject:** \*\*IMPORTANT INFORMATION REQUIRED for the Council's Infrastructure Delivery Plan (IDP) and Community Infrastructure Levy (CIL) funding\*\*  
**Attachments:** IDP Summary Note v3.doc; IDP pro-forma.doc

Dear Sir/Madam,

The Council is currently in the process of preparing an Infrastructure Delivery Plan (IDP) in the context of CIL (Community Infrastructure Levy) and imminent changes to Section 106 planning obligations. The IDP will identify the community infrastructure that will be required over the Development Plan period up until 2021 to support the projected growth within the Borough of Southend.

Your organisation/company has been identified as one of the external providers of infrastructure that supports development within Southend. As such, details of what needs your organisation/company foresee will arise as a result of anticipated growth are requested. The attached documents are requesting information for the IDP to provide the evidence base for CIL and identify infrastructure projects that could potentially benefit from CIL funding.

If you are not the correct point of contact in respect of strategic planning for growth then it would be much appreciated if you could forward this correspondence on to an appropriate colleague to respond.

The IDP needs to be drafted in August/September 2013. With this in mind, it would be much appreciated if response(s) could be returned to me by email (using the attached pro-forma), together with any supporting documents/other additional information that is considered important, by **Tuesday 20<sup>th</sup> August 2013**. To assist completion of the pro-forma, attached is a summary note relating to the IDP including details of the projected growth and anticipated housing requirements for the remaining Development Plan period up until 2021.

Many thanks for your assistance with this critical project. Please do not hesitate to contact me should you require any further details or if you would like to meet to discuss the requirements.

If I do not hear from you by the above deadline then I will presume that you do not have any strategic infrastructure projects relating to forecast growth at this time that could benefit from CIL funding.

Yours faithfully,

**Amanda Rogers** – Section 106 Officer (Development Control) – **Southend-on-Sea Borough Council**

*Creating a Better Southend*

☎ 01702 215371 (Direct) | ✉ [amandarogers@southend.gov.uk](mailto:amandarogers@southend.gov.uk) | Department for Place | Southend-on-Sea Borough Council | 12th Floor Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ZQ | 🌐 [www.southend.gov.uk](http://www.southend.gov.uk)

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# Southend-on-Sea Borough Council

## Department for Place



### Peter Geraghty Head of Planning & Transport

Date: 24<sup>th</sup> July 2013  
 Contact Name: Amanda Rogers  
 Telephone: 01702 215371  
 E-mail: amandarogers@southend.gov.uk

Southend CCG  
 FREEPOST RTBZ-GAKR-AECG  
 Suffolk House  
 102-104 Baxter Avenue  
 Southend on sea  
 SS2 6HZ

Dear Sir/Madam,

The Council is currently in the process of preparing an Infrastructure Delivery Plan (IDP) in the context of CIL (Community Infrastructure Levy) and imminent changes to Section 106 planning obligations. The IDP will identify the community infrastructure that will be required over the Development Plan period up until 2021 to support the projected growth within the Borough of Southend.

Your organisation/company has been identified as one of the external providers of infrastructure that supports development within Southend. As such, details of what needs your organisation/company foresee will arise as a result of anticipated growth are requested. The attached documents are requesting information for the IDP to provide the evidence base for CIL and identify infrastructure projects that could potentially benefit from CIL funding.

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Many thanks for your assistance with this critical project. Please do not hesitate to contact me should you require any further details or if you would like to meet to discuss the requirements.

If I do not hear from you by the above deadline then I will presume that you do not have any strategic infrastructure projects relating to forecast growth at this time that could benefit from CIL funding.

Yours faithfully,

Amanda Rogers – Section 106 Officer (Development Control)



**Amanda Rogers**

---

**From:** Amanda Rogers  
**Sent:** 23 July 2013 09:50  
**To:** Sally Holland; Simon Leftley; Andrew Lewis; AndreaAtherton  
**Cc:** Rob Tinlin; Joanna Ruffle; Joe Chesterton; John Williams (Chief Executive and Town Clerks); Nick Corrigan; Sue Hadley; Mike Boyle; Jane Theadom; Jacqui Lansley; Peter Geraghty; Dipti Patel; Anita Thornberry; Nick Harris; JamesWilliams  
**Subject:** \*\*URGENT INFORMATION REQUIRED for the Council's Infrastructure Delivery Plan (IDP) and Community Infrastructure Levy (CIL) funding\*\*  
**Attachments:** IDP Summary Note v3.doc; IDP pro-forma.doc  
**Importance:** High

**Tracking:****Recipient****Read**

Sally Holland

Simon Leftley

Andrew Lewis

AndreaAtherton

Rob Tinlin

Joanna Ruffle

Joe Chesterton

John Williams (Chief Executive and Town Clerks)

Nick Corrigan

Sue Hadley

Mike Boyle

Jane Theadom

Jacqui Lansley

Peter Geraghty

Dipti Patel

Anita Thornberry

Read: 23/07/2013 09:51

Nick Harris

JamesWilliams

Phillip McIntosh

Paul Mathieson

Matthew Thomas

Mark Sheppard

Amy Roberts

Helen Fox

Dear colleagues,

Further to the report approved by Council on 18<sup>th</sup> July in respect of CIL, it would be much appreciated if you could forward the attached documents to the appropriate managers/officers within your Directorate as soon as possible. This is a request for information for the IDP to provide the evidence base for CIL and identify infrastructure projects that could potentially benefit from CIL funding.

The IDP needs to be drafted in August/September 2013. With this in mind, it would be much appreciated if response(s) from your department could be returned to me (completing parts A and B of the attached pro-forma), together with any supporting documents/other additional information that is considered important, by **Tuesday 20<sup>th</sup> August 2013**. To assist completion of the pro-forma, attached is a summary note relating to the IDP including details of the projected growth and anticipated housing requirements for the remaining Development Plan period up until 2021.

Many thanks for your assistance with this critical corporate project. Please do not hesitate to contact me should you require any further details or if you would like me to attend any department meeting(s)/hold a workshop session to discuss the requirements.

Kind regards,

**Amanda Rogers** – Section 106 Officer (Development Control) – **Southend-on-Sea Borough Council**

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☎ 01702 215371 (Direct) | ✉ [amandarogers@southend.gov.uk](mailto:amandarogers@southend.gov.uk) | Department for Place | Southend-on-Sea Borough Council | 12th Floor Civic Centre, Victoria Avenue, Southend-on-Sea, Essex SS2 6ZQ | 🌐 [www.southend.gov.uk](http://www.southend.gov.uk)

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## Southend Borough Council Infrastructure Delivery Plan (IDP) and the Community Infrastructure Levy (CIL) – Summary Note

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### Background

In April 2010 Central Government introduced the Community Infrastructure Levy (CIL), a levy that local authorities can choose to charge on new development in their area. As a supplement to other sources of funding, CIL will help pay for infrastructure that the Council, local community and neighbourhoods require to support new development, and will largely replace planning obligations (Section 106 contributions) from April 2014.

On 18<sup>th</sup> June 2013 a report on CIL from the Director for Place was agreed by Members of the Cabinet (report available on our website – see [minutes for The Cabinet](#) meeting 18<sup>th</sup> June 2013 – Item 51), which was subsequently agreed by Members of the Council on 18<sup>th</sup> July 2013. Members agreed that investigations should proceed into the viability of taking a Southend Borough Council CIL forward; and at the same time authorised the preparation of the following documentation:

- Infrastructure Delivery Plan (IDP)
- CIL Charging Schedule
- Draft Regulation 123 List (list of infrastructure projects to be funded by CIL)
- Revised Supplementary Planning Document: Planning Obligations (SPD2)

One of the most critical documents forming part of the evidence base for CIL is the Infrastructure Delivery Plan (IDP) as it will demonstrate the Council's aggregate funding gap in relation to our infrastructure needs. The IDP is a living document, largely because of the nature of its content and its liability to change, and requires input across the Council and beyond to external infrastructure providers. The IDP will continue to be updated periodically to ensure that the infrastructure planning process is up-to-date. Southend's [Annual Monitoring Reports](#) will be central to this process and ensure achieved and anticipated growth directly informs the IDP.

CIL can only be sought if it can be evidenced at an Examination in Public that there is a gap in funding for infrastructure thus threatening delivery of growth in the town as outlined in the Core Strategy. The IDP will also provide supporting evidence for any future site-specific Section 106 contributions and emerging planning policy documents.

### Development Plan

Development management decisions are currently based on the Council's Development Plan (including [Core Strategy](#) adopted in December 2007). The Development Plan document is based on a plan period from 2001 to 2021 and page 14-15 of the Core Strategy includes a number of Strategic Objectives, many of which are linked to infrastructure

needs. To ensure that the infrastructure evidence submitted for any CIL examination is as robust as possible, infrastructure providers (within the Council and external to the Council) are being contacted to ascertain the infrastructure needs solely for the 2014-2021 period based on the population and housing projections as set out in the Core Strategy.

**Any infrastructure requirements identified in your response to this information request must be consistent with and intrinsically linked to the growth identified in the following documents:**

- [Core Strategy](#)
- [Southend Central Area Action Plan](#)
- [London Southend Airport Joint Area Action Plan](#)

Infrastructure delivery is intrinsically aligned to growth and the necessity to mitigate the impacts arising from development. It is imperative that the phasing of infrastructure represents current development agreements and anticipated trajectories moving forward. The [Core Strategy](#) sets the strategic spatial planning framework for Southend, detailing a development strategy up to 2021 and the local context for considering the long-term social, economic, environmental and resource impacts of development.

The Strategic Objectives and Spatial Strategy of the Core Strategy include securing sustainable regeneration and growth focused on the urban area; providing for not less than **13,000 net additional jobs (distributed as outlined in Core Strategy policy CP1) and 6,500 net additional dwellings (distributed as outlined in Core Strategy policy CP8) in the period 2001 to 2021 within Southend**; together with securing a 'step change' in the provision of transport infrastructure as an essential concomitant to new development. As of the last Annual Monitoring Report (December 2012) there has been a decline in jobs between 2007 and 2011 from 63,500 to 60,800; but an additional 3,779 dwellings have been completed since 2001, which exceeds the phased target at this stage. The published Census population of Southend at 2011 was 173,700 and it is expected that at least 300 additional dwellings are to be completed per annum in Southend up to 2021 in accordance with Core Strategy targets as outlined in policy KP1, CP1 and CP8.

As part of the evidence to support the [Core Strategy](#), a range of strategies, studies and reports were prepared in 2007 and in the years immediately preceding (majority available [on-line](#)). In various forms and in a piecemeal manner this documentation has been updated. However, this has not been done comprehensively and corporately within a single document to date. Hence, the need for an Infrastructure Delivery Plan (IDP) that will ensure the on-going co-ordination of jobs, dwellings and infrastructure and detail the strategic, social, community and green infrastructure needed to support the growth as outlined in the Core Strategy up to 2021. As such, the IDP will form a critical part of the evidence base for the Community Infrastructure Levy (CIL) should the Council opt to adopt such a levy.

## Spatial Strategy

Development in Southend is expected to comply with the Spatial Strategy as set out in policy KP1 of the Core Strategy (page 27 for full details of policy), which includes the following:

As a principal basis for sustainable development in the town, development and investment will be expected to build on and contribute to the effectiveness and integration of the key transport corridors and interchanges.

The primary focus of regeneration and growth within Southend will be in:

- Southend Town Centre and Central Area

In addition, appropriate regeneration and growth will be focussed in the following locations:

- Seafront
- Shoeburyness
- Priority Urban Areas – these comprise:
  - a) The District Centres of Westcliff (Hamlet Court Road) and Leigh (Leigh Broadway, Elm Road and Rectory Grove), the Southchurch Road shopping area, and the West Road/Ness Road shopping area of Shoebury;
  - b) The main industrial/employment areas as identified on the Key Diagram (page 28), and
  - c) The Cluny Square Renewal Area.

The relocation of Southend United Football Club stadium to Fossetts Farm area will be supported in principle.

Successful regeneration and growth on the scale planned will require substantial improvements to transport infrastructure and accessibility in the Borough.

Successful regeneration and growth on the scale planned will require substantial improvements to transport infrastructure and accessibility in the Borough.

Where the Environment Agency's Flood Zone Maps or other considerations, including the South Essex Strategic Flood Risk Assessment, indicate that a risk of flooding may remain, all development proposals shall be accompanied by a detailed flood risk assessment appropriate to the scale and nature of the development and the risk. Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.

The successful delivery of the Strategic Objectives, Spatial Strategy, and the regeneration of the town and Thames Gateway as a whole will depend on how effectively the provisions of the Core Strategy can be delivered. Policy KP3 of the Core Strategy outlines how the spatial strategy will be implemented and resourced including focussing on the following key areas of opportunity and change:- Town Centre, Southend Seafront, Shoeburyness and London Southend Airport.

## CIL funding

In terms of CIL funding you are advised that whilst the IDP will incorporate all types of infrastructure, **not all types of infrastructure can be funded by CIL and CIL funding will only represent a small proportion of the overall funding required for the identified infrastructure projects** (allocated according to corporate priorities). For the purposes of potential CIL funding the definition of infrastructure is outlined in section 216(2) of the Planning Act 2008 (as amended) and the CIL can therefore be spent on the provision, improvement, replacement, operation or maintenance of the following:

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces.

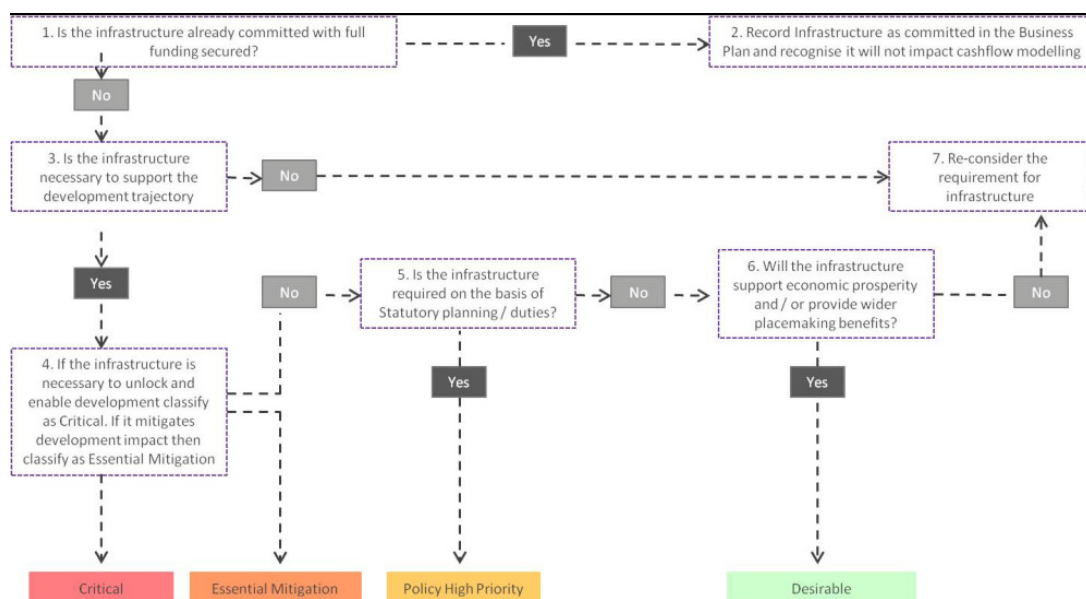
Any infrastructure projects, which fall within these categories could appear in a list of “relevant infrastructure” for the purposes of Regulation 123 of the Community Infrastructure Levy Regulations 2010. Infrastructure projects falling outside of these categories may potentially still be capable of securing Section 106 funding subject to the following statutory tests as set out in Part 11 Section 122 (2) of the CIL Regulations 2010 (as amended) namely that planning obligations must be:

- (a) necessary to make the development acceptable in planning terms; and
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## Completing the pro-forma

Please complete Parts A and B of the pro-forma. The [Southend Annual Monitoring Report 2012](#) will be of particular assistance in completion of Part A of the pro-forma. Within the IDP the infrastructure requirements will be set out in schedules in the following four categories; therefore, within Part B you have been asked to confirm which of these categories you consider the identified project to fall within (although it should be noted that projects may later need to be re-categorised in the context of other corporate priorities):

Table: Infrastructure Prioritisation Categories	
<b>Critical Infrastructure</b>	This defines infrastructure that must happen to enable growth, i.e. they are the first element required to unlock any future works and without them development cannot proceed. These infrastructure items are known as 'blockers' or 'showstoppers', they are most common in relation to transport and utilities infrastructure and are usually linked to triggers controlling the commencement of development activity. It also includes Essential Services that are required to facilitate growth or be delivered in advance of residential / commercial development, i.e. connection to the potable water and wastewater network.
<b>Essential Infrastructure</b>	This defines infrastructure that is essential and considered necessary in order to mitigate impact arising from the operation of the development. These are projects which are usually identified as required mitigation in EIA/SEA/TIA testing. These projects are necessary to make the proposed development acceptable in planning terms and are directly related to the proposed development. These items are most common in relation to trip and population generated by the development (including school places, health requirements and public transport (service) projects), and are usually linked to triggers controlling the occupation of development sites. This will largely be secondary infrastructure that is profiled subsequent to Critical Infrastructure.
<b>Policy High Priority Infrastructure</b>	This defines infrastructure that is required to support wider strategic or site specific objectives which are set out in planning policy or is subject to a statutory duty, but would not necessarily prevent development from occurring. This type of infrastructure has a less direct relationship of addition population creating additional need, and is more influenced by whether a person chooses to use this facility or service (including use of community facilities and libraries and use of sports facilities), and are usually linked to triggers controlling the completion of development sites.
<b>Desirable Infrastructure</b>	This defines infrastructure that is required for sustainable growth but is unlikely to prevent development in the short to medium term. This is often aligned to placemaking objectives and is infrastructure that does not require previous enabling.



\*\* At all stages consideration must be given towards alternative funding sources / options for consolidated delivery

You have also been asked to confirm when the identified project is to be delivered, with the following options:

Short term (within 1 year of potential CIL adoption in January 2015) – F/Y 2015/16

Medium Term (within 2 years of potential CIL adoption ) – 2015/16 + 2016/17

Long Term (remaining Development Plan period) – 2016/17 - 2021

As an aide mémoire, and to assist in your response, included is a comprehensive list of all types of infrastructure that could potentially be covered within the IDP on the following pages.

If you require further details in respect of CIL legislation, case studies, FAQs etc. the [Planning Advisory Service](#) have a useful and informative website.

Deadline for return of the pro-forma: **20<sup>th</sup> August 2013**

Please contact **Amanda Rogers** by email or phone (x5371) if any further queries/assistance required.



## Infrastructure Delivery Plan Categories

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### **STRATEGIC INFRASTRUCTURE – Transport (including sustainable options)**

- Road
- Rail
- Bus
- Taxis
- Travel management
- Airports
- Ports/harbours
- Cycle/pedestrian facilities
- Car parking
- Vehicle testing stations
- Driving tests

### **STRATEGIC INFRASTRUCTURE – Water & Drainage, Flood Defences, Waste, Energy, Managing impact unstable land, ICT (including sustainable options)**

- Water and drainage
- Waste
- Energy
- Flood defences
- Managing impact of unstable land
- Information and Communications Technology (ICT) infrastructure

### **SOCIAL AND COMMUNITY INFRASTRUCTURE**

- Schools and other educational facilities
  - Nursery and pre-school
  - Primary
  - Secondary
  - Further education
  - Higher education
  - Adult education
- Health and social wellbeing
  - Hospitals
  - Health centres/GP surgeries
  - Public health and prevention
  - Social services/over 50s/support
  - Community Safety
  - Economic Wellbeing
- Leisure and recreational facilities
  - Sports centres
  - Swimming pools
  - Festivals and town centre programmes
  - Markets
  - Museums/galleries
  - Historic Legacy
  - Theatres

**Cinemas**  
**Libraries**  
**Other community facilities/services**  
**Emergency Services**  
**Community centres**  
**Youth**  
**Gypsies and travellers**  
**Cemeteries and crematoria**  
**Courts**  
**Hostels**  
**Places of worship**  
**Employment**

## **GREEN INFRASTRUCTURE**

**Parks and open spaces**  
**Country parks**  
**Public realm**  
**Children's play areas**  
**Sports pitches and courts**  
**Allotments**  
**Footpaths**  
**River corridors**  
**Littoral (shoreline and coast)**  
**Historic landscapes**  
**Preserving biodiversity**

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	Policy, Para, Section	Rep No	Object/Support	Representation	Respondents suggested Change to Plan	Response to Representation
<b>Respondent</b>	<b>Sports England (East office) Mr Roy Warren</b>					
<b>Full Submission</b>	<p>While the securing the delivery of sports facilities through planning obligations as part of the wider community facility provision is welcomed, there is a significant concern that the evidence base to justify securing provision for sport (through section 106 agreements or CIL) from new developments is not robust. A clear understanding of current and future community sports facility needs is essential for informing a local plan policy including the Planning Obligations SPD. The Council's current evidence base for sport is the 2004 Playing Pitch Strategy and there is no evidence base for sports facilities other than playing pitches. The data collected on the supply and demand for playing pitches which informed the assessment in this strategy is now over 10 years old and is therefore considered to be substantially out-of-date for informing and justifying sports facility needs for the purposes of implementing this SPD. Sport England's advice is that assessments of sports facility needs (both indoor and outdoor) should be prepared every three years to ensure that they remain up-to-date and robust (or every five years if supply and demand monitoring takes place on an annual basis). The reasons that assessments of need should be based on up-to-date data are as follows:</p> <ul style="list-style-type: none"> <li>* The supply of facilities changes significantly over time. As well as new facilities opening and existing ones closing, access to facilities can change (e.g. on school sites), the quality of facilities changes over time as facilities become older (which influences the ability of facilities to meet the expectations of the community) and the format of facilities can change (e.g. the number and type of pitches marked out on a grass playing field can change over time in response to needs).</li> <li>* The demand for facilities changes significantly over time. Demand for sports facilities is affected by a number of factors including population growth, sports participation changes (both general and sport specific), local sports club infrastructure and local sports development initiatives. The nature of the demand will also change over time (e.g. growth in participation by children, women and disabled groups) and the type of facilities required in response to changes in demand will have implications (e.g. the increase in demand for artificial grass pitches for football use for meeting competitive and training needs).</li> </ul> <p>The 2004 strategy will not have accounted for the significant changes in supply and demand that Sport England is aware have taken place in Southend-on-Sea district since the data for the strategy was collected. This strategy will also not have accounted for current projections of population and sports participation growth in the area which will have changed. Furthermore, the lack of recent consultation with stakeholders such as sports clubs, sports governing bodies, schools, etc on supply and demand issues could result in current and future needs not being identified.</p> <p>Since the previous assessment was prepared, it is also advised that the tools and guidance available for collecting data and undertaking assessments with respect to sports facilities has advanced considerably and Sport England has published a range of recent guidance to help local authorities. Detailed guidance on the importance of having robust and up-to-date assessments of sports facility needs for underpinning local plan policies is set out in Sport England's 'Planning for Sport - Forward Plan...</p> <p>Without prejudice to our separate comments made on the evidence base for sport that justifies new development providing for sport, Sport England would wish to make comments on the content of section 2.26 of the SPD in its current form. Notwithstanding the evidence base issue, concern is raised about the proposal to secure sports facilities required on or close to a development site as a result of the need generated directly and solely by that development by section 106 agreements.</p> <p>Unlike play facilities and informal open space, sports facilities such as sports halls, swimming pools, playing pitches etc are relatively strategic facilities which serve a relatively large catchment, in some case the whole of a district. The majority of residential developments, especially those in a dense urban area such as Southend-on-Sea, are unlikely to be large enough to justify the need to provide on or off site sports facility provision to meet needs directly and solely generated by an individual development. The majority of developments would be expected to make provision for sport through developer contributions which would be pooled towards the delivery of strategic or local sports facility projects e.g. new leisure centres, enhancements to playing fields etc. With the exception of major urban extensions it would</p>					

	Policy, Para, Section	Rep No	Object/Support	Representation	Respondents suggested Change to Plan	Response to Representation
				<p>be considered unlikely that any development would be large enough to justify providing new facility provision directly that is of a scale and nature to respond to local needs and be sustainable. Even the smallest community sports facilities would usually require a residential development of at least a few hundred dwellings to justify direct provision being made by a development.</p> <p>Due to the restriction that will come into place on pooling section 106 contributions from March 2015, there is therefore a significant concern that if the SPD proposal is implemented in its current form, the ability to secure contributions to sports facilities will be prevented as the pooling limit will quickly be reached if it has not been already due to it being backdated to 2010. The implication of this would be that there would not be a mechanism for securing community sports provision from any development and therefore the additional needs generated by new development would not be met, placing additional pressure on existing facilities which may already be operating at capacity. This would not meet the Council's objectives for new development providing for community infrastructure that are set out in paragraphs 2.24/2.25 of the SPD.</p> <p>The absence of an up-to-date and robust evidence base for sport in this regard does not help as this would be expected to identify sports facility needs and prioritise projects to be delivered to address the needs. A sports facility strategy would support the delivery of the SPD and it would be clear from such a strategy that priority projects are likely to be strategic in nature and therefore not of a scale/nature that relatively small residential developments would directly provide for meeting their own needs.</p> <p>The proposals for the provision and management of on or off-site open space if required to offset a loss that would otherwise result from the development to be secured through section 106 is welcomed as this would be expected to apply to open space that provides sports facilities such as playing fields. However, it would be helpful if the scope of "open space" could be defined to provide clarity on what types of open space this applies to as open space covers a number of typologies and is open to interpretation. Including playing fields within open space for the purpose of offsetting the loss of existing provision would accord with paragraph 74 of the NPPF because a section 106 agreement can sometimes be the only mechanism available to ensure that outdoor sports facilities affected by development are replaced off-site in practice. This could not be delivered through CIL.</p>		
<b>Reps</b>	2.26	1704	<b>Object</b>	<p>While the securing the delivery of sports facilities through planning obligations as part of the wider community facility provision is welcomed, there is a significant concern that the evidence base to justify securing provision for sport (through section 106 agreements or CIL) from new developments is not robust as it is substantially out-of-date. It is therefore considered to be vulnerable to being challenged by developers when the SPD is applied in practice.</p> <p>To address this, an up-to-date assessment and strategy for indoor and outdoor sports facilities should be prepared to support the implementation of the SPD.</p>	<p>To address these concerns, it is requested that the Council prepares an up-to-date sports facility strategy (indoor and outdoor sports) incorporating a comprehensive assessment of needs which will provide the robust evidence to support this policy and which may also assist with delivering wider Council objectives e.g. assisting with the health and well-being agenda, reviewing the future of Council owned facilities, sports development, influencing investment on school sites, external funding bids etc. As set out in separate representations on the Council's Draft CIL Charging Schedule, a robust evidence base for sport will also be needed to support the identification of strategic priority projects in the Council's Infrastructure Delivery Plan.</p>	<p>Noted and addressed in paragraphs 4.10 and 4.11 of the Overview Report (Feb 2015).</p>

	Policy, Para, Section	Rep No	Object/ Support	Representation	Respondents suggested Change to Plan	Response to Representation
					Detailed advice on the preparation of such strategies/assessments can be found on Sport England's website at <a href="http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/">www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/</a> and further advice can be provided upon request on matters such as good practice strategy examples, project briefs, consultants, costs, timescales etc. Sport England would be willing to provide advice and support to the Council on the development of such strategies.	
	2.26	1705	<b>Object</b>	<p>Concern is raised about the proposal to secure sports facilities required on or close to a development site as a result of the need generated directly and solely by that development by section 106 agreements. Sports facilities are generally strategic in nature and are secured through developer contributions being pooled towards the delivery of off-site projects. The proposed restriction on pooling s.106 contributions may prevent the Council from securing provision for sport therefore.</p> <p>This should be addressed through securing sports facilities through CIL rather than s.106 although an evidence base for sport will need to be prepared.</p>	To address this concern, it is requested that sports facilities are separated from play facilities (where there may be a case for developments to make direct provision on-site or off-site in the local area) and secured through CIL instead of section 106 agreements although no objection would be made to an exception to this approach being made for any large developments in the Borough that would justify making direct provision. However, as set out in separate representations on the CIL draft charging schedule, there is no evidence base in place at present to support the identification and justification of sports facility projects in the Council's IDP which would provide the basis for the Regulation 123 list. Consequently, there is a concern that provision for sport would not be secured through CIL in practice as there would be no identified sports facility projects. The evidence base issue therefore needs to be addressed regardless of the approach taken in the SPD to securing sports facility provision in new developments.	Noted and addressed in paragraphs 4.10 and 4.11 of the Overview Report (Feb 2015). Suggested amendments to be considered in future reviews of SPD2, at which point the Council will hopefully have commissioned/drafted a detailed indoor and outdoor sports strategy to ascertain the extent of these needs and inform later versions of the IDP and CIL Charging Schedule.
	2.26	1706	<b>Support</b>	The proposals for the provision and		Noted and suggested amendments to be

	Policy, Para, Section	Rep No	Object/ Support	Representation	Respondents suggested Change to Plan	Response to Representation
				management of on or off-site open space if required to offset a loss that would otherwise result from the development to be secured through section 106 is welcomed. However, it would be helpful if the scope of "open space" could be defined to provide clarity on what types of open space this applies to as open space covers a number of typologies and is open to interpretation. Including playing fields within open space for the purpose of offsetting the loss of existing provision would accord with paragraph 74 of the NPPF.		considered in future reviews of SPD2.
<b>Respondent</b>	<b>NHS England (NHSE) Essex Area Team (Ms Kerry Kavanagh)</b>					
<b>Full Submission</b>	<p>Thank you for consulting NHS England on the above emerging Local Development Plan (LDP) Document.</p> <p>NHS England (NHSE) has previously given advice and guidance in its consultation response in respect of the Infrastructure Delivery Plan (IDP) and within the response on the Preliminary Draft Charging Schedule Consultation that completed on 8 September 2014.</p> <p>The Charging Schedule proposes a CIL charge of £0 per square metre for all new healthcare floorspace. This is wholly endorsed and welcomed by NHSE, as healthcare infrastructure should not be liable to pay CIL since it is a key component contributing to an area's well-being and sustainability.</p> <p>Appendix 2 of the Draft Charging Schedule contains the Draft Regulation 123 List. Within the list, it states that the CIL contributions will be payable towards the "provision, improvement, replacement, operation or maintenance of Primary Healthcare Facilities" across the Borough. In the corresponding SPD2 in relation to planning obligations, it states that "obligations will not be sought for any item of infrastructure included on the list." This is further clarified in the table that is provided on page 19 of SPD2, confirming that Section 106 Agreements will only be sought for healthcare provision where specifically required to meet a need generated directly and solely by a development (i.e. site specific need).</p> <p>It is therefore acknowledged that all future funding for NHSE projects will be supplied by CIL. This is taken as read to have included those projects that NHSE identified within its consultation response on the Preliminary Draft Charging Schedule (Shoebury Health Centre and St Luke's Healthcare Centre).</p> <p>The clarifications in respect of healthcare infrastructure for the purposes of CIL are acknowledged. NHSE wishes to be contacted in respect of any review of the Infrastructure Delivery Plan and/or the Regulation 123 list at the relevant and appropriate time, to ensure continuity in delivering sustainable primary healthcare provision. NHSE does not wish to comment on the chargeable rates on other floorspace that Southend Council has set, except for requesting that these are assessed appropriately and are directly costed against the likely infrastructure costs across the borough during the plan period, and are proportional to assist in the smooth delivery of services.</p>					
<b>Reps</b>	2.26	1817	<b>Comment</b>	In the corresponding SPD2 in relation to planning obligations, it states that "obligations will not be sought for any item of infrastructure included on the list." This is further clarified in the table that is provided on page 19 of SPD2, confirming that Section 106 Agreements will only be sought for healthcare		Noted

	Policy, Para, Section	Rep No	Object/Support	Representation	Respondents suggested Change to Plan	Response to Representation
				<p>provision where specifically required to meet a need generated directly and solely by a development (i.e. site specific need).</p> <p>It is therefore acknowledged that all future funding for NHSE projects will be supplied by CIL.</p>		
<b>Respondent</b>	<b>Natural England</b>					
<b>Full Submission</b>	We are pleased to see and would be supportive of Open Space provision, as per the proposed schedule.					
<b>Rep</b>	2.26	1818	<b>Comment</b>	We are pleased to see and would be supportive of Open Space provision, as per the proposed schedule.		Noted
<b>Respondent</b>	<b>Essex County Council</b>					
<b>Full Submission</b>	In respect of the Supplementary Planning Document 2, Planning Obligations, the inclusion of the revisions to clarify and distinguish between CIL projects and other planning obligations is noted.					
<b>Reps</b>	1.21	1819	<b>Comment</b>	In respect of the Supplementary Planning Document 2, Planning Obligations, the inclusion of the revisions to clarify and distinguish between CIL projects and other planning obligations is noted.		Noted
<b>Respondent</b>	<b>Cogent Land</b>					
<b>Full Submission</b>	<p>Savills is instructed by Cogent Land LLP to submit representations to Southend Borough Council's (SBC) Supplementary Planning Document 2 "Planning Obligations: A Guide to Section 106 and Developer Contributions 2014", hereinafter referred to as SPD2. Savills is part of the Home Builders Federation CIL initiative and represents house builders and landowners nationwide in respect of CIL matters. Regulation 123 of the CIL regulations restricts the use of planning obligations, including S106. Under regulation 123 a CIL charging authority is expected to publish a list of infrastructure that it intends to be delivered through CIL. The SPD2 and CIL Draft Charging Schedule are therefore inextricably linked in terms of their approach and content.</p> <p>Savills is submitting separate representations to the SBC CIL Draft Charging schedule Consultation. Savills has made every effort to ensure a holistic and consistent approach between these and the representations on SPD2. This representation has been prepared to influence the emerging SPD2.</p> <p>This representation is submitted as a response to SBC's consultation on SPD2 which commenced on the 3rd November 2014. The consultation runs until the 15th December 2014 and runs alongside concurrently with a consultation on SBC's Community Infrastructure Levy (CIL) Draft Charging Schedule. The representation highlights areas which require amendment or review to ensure the production of a practical and deliverable solution to Planning Obligations to support the strategic objectives of SBC and ensure best possible outcomes for its residents.</p> <p>Relevant Plans</p> <p>SBC is reliant on the following documents which make up its development plan:</p> <p>*Core Strategy (DPD1) 2007</p> <p>*Saved Policies of the SBC Local Plan 1994</p>					

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	<p>*Essex and Southend Waste Local Plan 2001 *Southend Central Area Action Plan 2011</p>			<p>SBC is currently in the examination stage of a Development Management DPD and producing planning policy for Southend Airport. Within section 1 of SPD2 SBC sets out the local policy framework for this SPD and SBC's strategic objectives that SPD2 seeks to address. Comment on SBC's website currently states: "The Core Strategy will be reviewed in due course to ensure that the policies are up to date and conform to the national planning policies contained in the National Planning Policy Framework (NPPF)."</p> <p>It is clear therefore that SBC's Development Plan has not been developed having regard to the policy framework set out in the NPPF. There is no evidence therefore that the policies contained within SBC's development plan are compliant with the NPPF. Guidance contained within the NPPG 2014 indicates CIL should be brought forward with a 'relevant' local plan. "Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place."</p> <p>Whilst it is understood that the SPD2 is being brought forward as a guide to developers and having regard to the 6th April 2015 deadline for the pooling of S106 contributions by Local Planning Authorities the SPD is not being brought forward in line with an up-to-date, NPPF compliant Development Plan and as such a number of requirements within SPD2 are considered outdated and unreasonable. In light of this we suggest the Core Strategy should be reviewed as a matter of urgency and any set out within SPD2 must be based on current National Legislation, Policy and Guidance and not Local Policy. SPD2 should therefore be revised to reflect this change in approach.</p> <p>Fair &amp; Reasonable</p> <p>SPD2 outlines the current basis for planning obligations as policy KP3 of the SBC Core Strategy DPD 2007 and that further guidance is set out in policies CP3, CP6, CP7 and CP8 of that document and policies C11, L5, R1, R2, R5 and U1 of the SBC Local Plan 1994. Elements of these policies contradict with legislation set out within the CIL Regulations, the NPPF and NPPG.</p> <p>Policy KP3 and C11 provide reference to public art being delivered through planning obligations. Guidance set out in the NPPG 2014 states: "Planning obligations should not be sought - on for instance, public art - which are clearly not necessary to make a development acceptable in planning terms"</p> <p>Public art is neither necessary nor reasonable and therefore fails the statutory tests for planning obligations set out in the CIL Regulations 2010. The Government is clear in its approach that all planning obligations must be: "necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind."5</p> <p>All references to delivery of public art through planning obligations should therefore be removed from SPD2 to comply with National Planning Policy Guidance.</p> <p>Conditions &amp; S106</p> <p>The NPPG 2014 sets out that: "It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation."</p> <p>It is clear therefore that conditions should be used wherever possible and that a hierarchical approach should be employed by SBC where planning obligations should only be imposed as a last resort. Whilst the Government's position is acknowledged in paragraph 1.22 of SBC's Draft SPD2, SBC's commitment to this approach and the process for SBC and developers to follow in regards this is not clear. Furthermore within section 3.5 of SPD2 reference is made to "whether conditions will suffice instead of an obligation". This statement and SBC's approach in general should be revised to clearly identify the use of Planning Obligations as a last resort and a clear process for establishing where they are required when conditions that satisfy the six tests set out in paragraph 206 of the NPPF cannot be imposed.</p> <p>Development Viability</p>		



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				<p>Paragraph 2.13 of SPD2 indicates that "in most instances viability should not be a matter requiring further discussion at the planning application stage". Whilst it is acknowledged that decision taking on individual applications does not normally require consideration of viability, paragraph 173 of the NPPF states "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking". Given the NPPF sets out the policy framework it is considered to take precedence in this regard. Furthermore the NPPF goes on to say that: "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable." Viability considerations are considered vital therefore to ensure the delivery of development and to meet SBC's strategic objectives. It is requested therefore that this point is revised to refer to viability being considered as necessary to ensure the needs of the borough are met and deliver the strategic objectives set out in SBCs development plan.</p> <p>Regulation 122 Compliance</p> <p>Regulation 122 of the CIL sets out the tests that planning obligations are required to meet. These are:  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.</p> <p>In paragraph 2.23 SPD2 suggests secondary education will not be brought forward through CIL contributions. No indication however is given that secondary education will be brought forward through S106 obligations. This section therefore needs review to ensure that developers can adequately mitigate the impact of their development. Care also needs to be taken to ensure that any proposed option meets the tests of Regulation 122 of the CIL Regulations. Similarly it is unclear how the section in relation to local skills and training provision can be seen to meet regulation 122.</p> <p>Public Art has been commented on previously in this representation. In addition to Public Art failing to meet the tests of regulation 122 however, paragraph 2.28 refers to community facilities including toilets and collection of funding for such items through S106. It is unclear how these items can be considered directly related to the development and meet the tests of Regulation 122. It is suggested that section 2 of SPD2 is carefully reviewed to ensure compliance with regulation 122 and provide clear and deliverable solutions. Having raised a number of points grounded in planning policy matters further consideration now needs to be given to the processes set out within SPD2. These are set out below:</p>		<p>Clarity</p> <p>It is acknowledged that the legislative framework surrounding planning obligations is both significant and complex, however it is considered that SPD2 would benefit from a general review paying due regard to the needs of the user and the order of the document. Section 1 begins with the status of the guide and statutory basis for the SPD2. The purpose of the document appears at page 11. The statutory basis, whilst important at this stage, and to the authority in developing SPD2 is not likely to be of significant importance to the end user: This could be included as an appendix. In addition it is advised that care should be taken to follow plain English guidelines and reduce jargon wherever possible to increase usability and accessibility of the SPD.</p> <p>Flexibility</p> <p>Paragraph 205 of the NPPF 2012 set out that: "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled."  Opportunities for flexibility within the process should therefore be built in from the outset. Often sites that require the most flexibility will be those that require a significant up front infrastructure cost or significant mitigation which by default are likely to be the large strategic sites that SBC may be reliant on to meet identified housing need and deliver its strategic objectives for the benefit of residents.</p> <p>Within paragraph 2.10 of SPD2, SBC set out requirements for developers in respect of viability appraisals, if required. The level of information required by developers is significant and the accompanying text states this 'must' be provided. This does not provide significant flexibility to ensure requirements are proportionate and flexible. It is recommended that this section be reworded to allow flexibility and meet the requirements of the NPPF.</p> <p>Within paragraph 2.7 SBC's affordable housing policy is set out. At no point within the document is it acknowledged that provision of affordable housing should be</p>

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						<p>subject to viability. The NPPF states within paragraph 173 that: "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."</p> <p>Increased flexibility should therefore be shown within SBCs approach to affordable housing set out in SPD2 to account for valid viability arguments and so as not to threaten development viability or the delivery of the plan. This is an area where the Development Plan conflicts with the NPPF and would benefit from review.</p> <p><b>Burden on Developers</b></p> <p>By increasing the ability for flexibility in line with the NPPF the potential burden on developers would be reduced. Under paragraph 173 of the NPPF authorities are required to ensure that "the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."</p> <p>SPD2 represents part of the policy burden, in addition to the CIL charging schedule and the development plan. The requirements on developers as part of this document are significant and numerous. By removing those elements non compliant with national policy and guidance such as public art and by simplifying and improving flexibility the burden would be reduced, however the SPD requirements and the timing of those requirements still provide a significant policy burden.</p> <p>Section 3 of SPD2 requires developers to:</p> <ul style="list-style-type: none"> <li>* Pay for a pre application enquiry</li> <li>* Agree Draft Heads of Terms at the Pre- Application Stage Confirm agreement with SBC's Model Agreement</li> <li>* Submit proposed Heads of Terms with the planning application</li> <li>* Provide proof of owners title at submission stage</li> <li>* Provide names and addresses of any charges at submission stage</li> <li>* Provide a solicitors undertaking at submission stage</li> <li>* Provide solicitor contact details at the submission stage</li> <li>* Progress matters as far as possible prior to committee</li> <li>* Agree precise nature and scale of matters for inclusion prior to committee</li> <li>* Draft legal agreement prior to committee</li> </ul> <p>The requirement for heads of terms to be agreed at the pre-application stage is unreasonable. Infrastructure providers may not have responded and this cannot reasonably be enforced in any way. In addition the Heads of Terms are very much reliant on a clear steer from SBC to inform developers of their potential obligations. As such SBC should make a commitment within SPD2 to support this process and to set out expected Heads of Terms within its pre-application response letters to developers.</p> <p>All of the above list is required to be submitted by a developer at their cost prior to any certainty of a positive recommendation from officers and prior to determination by members at committee. No flexibility currently exists in this approach and no consideration is given to the way development is funded or other ways of SBC achieving its statutory targets for determining planning applications. Consideration should be given to revising this approach and utilising Planning Performance Agreements to secure funding and resource to realistically achieve planning permission and comply with the requirements of the NPPF. This applies to the inflexible and extensive viability demands the council also imposes on developers within section 2 of SPD2.</p> <p>SBC does not have an up-to-date plan and some policies conflict with current national policy set out in the NPPF which has lead to a lack of flexibility and clarity in approach and the inclusion of obligations on some items which do not meet the fair and reasonable tests.</p> <ul style="list-style-type: none"> <li>* Care needs to be taken to ensure obligations are only used where necessary and as a last resort</li> <li>* Development viability is a vital part of the planning process and SPD2 should allow flexibility for its adequate consideration so as not to threaten the delivery of the development plan.</li> <li>* Clarity of approach could be improved by simplifying and slimming down SPD2 and ensuring a clear focused approach based around sound aims and objectives following national policy and guidance</li> <li>* The flexibility of the approach and mechanisms contained therein must be improved to ensure NPPF compliance, and that development in Southend is not</li> </ul>

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	<p>threatened, especially in relation to affordable housing and development viability</p> <p>* The SPD in its current form would place an unreasonable level of burden on developers too early on in the development process at a stage where certainty was low. This needs to be addressed to ensure delivery of development and the requirements of the development plan is realised.</p> <p>*This representation is submitted on behalf of Cogent Land LLP with the intention of providing realistic and constructive advice to SBC to ensure a fair and reasonable position for all parties.</p>					
Reps	1.6	1820	Comment	<p>Whilst it is understood that the SPD2 is being brought forward as a guide to developers and having regard to the 6th April 2015 deadline for the pooling of S106 contributions by Local Planning Authorities the SPD is not being brought forward in line with an up-to-date, NPPF compliant Development Plan and as such a number of requirements within SPD2 are considered outdated and unreasonable. In light of this we suggest the Core Strategy should be reviewed as a matter of urgency and any set out within SPD2 must be based on current National Legislation, Policy and Guidance and not Local Policy. SPD2 should therefore be revised to reflect this change in approach.</p>		Addressed in Section 3 of the Overview Report (Feb 2015).
	2.27	1821	Comment	<p>Fair &amp; Reasonable</p> <p>SPD2 outlines the current basis for planning obligations as policy KP3 of the SBC Core Strategy DPD 2007 and that further guidance is set out in policies CP3, CP6, CP7 and CP8 of that document and policies C11, L5, R1, R2, R5 and U1 of the SBC Local Plan 1994. Elements of these policies contradict with legislation set out within the CIL Regulations, the NPPF and NPPG.</p> <p>Policy KP3 and C11 provide reference to public art being delivered through planning obligations. Guidance set out in the NPPG 2014 states: "Planning obligations should not be sought - on for instance, public art - which are clearly not necessary to make a development</p>		<p>The Council considers it reasonable to seek public art to a limited extent and is satisfied that it meets the CIL Regulations test for planning obligations. Paragraph 2.2 of the revised SPD2 states: <i>"The Council may also seek an obligation in pursuit of adopted policy, such as the provision of public art on large sites in the Southend Central Area, which seeks to provide for quality natural and built environments and sustainable communities."</i>. Hence it was the Council's intention to only require public art within development in the Southend Central Area (as defined within the DM DPD and as will subsequently be defined in the SCAAP). Unfortunately, this intention was not</p>

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				acceptable in planning terms"		reflected in the table at paragraph 2.28 – this amendment to the SPD2 can be made prior to adoption to be consistent with the Development Plan.
	2.27	1822	<b>Comment</b>	Public art is neither necessary nor reasonable and therefore fails the statutory tests for planning obligations set out in the CIL Regulations 2010. The Government is clear in its approach that all planning obligations must be: "necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind."5 All references to delivery of public art through planning obligations should therefore be removed from SPD2 to comply with.		See above.
	1.22	1823	<b>Comment</b>	National Planning Policy Guidance. Conditions & S106 The NPPG 2014 sets out that: "It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation." It is clear therefore that conditions should be used wherever possible and that a hierarchical approach should be employed by SBC where planning obligations should only be imposed as a last resort.		As stated in paragraph 1.22 of SPD2 the Council will <i>"consider whether planning conditions can adequately control all the direct and indirect impacts of the development and secure the desired planning obligations, before it decides that a legal agreement is necessary."</i> Therefore, no amendment to SPD2 is deemed necessary.
	1.22	1824	<b>Comment</b>	Whilst the Government's position is acknowledged in paragraph 1.22 of SBC's Draft SPD2, SBC's commitment to this		See above.

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				<p>approach and the process for SBC and developers to follow in regards this is not clear. Furthermore within section 3.5 of SPD2 reference is made to "whether conditions will suffice instead of an obligation". This statement and SBC's approach in general should be revised to clearly identify the use of Planning Obligations as a last resort and a clear process for establishing where they are required when conditions that satisfy the six tests set out in paragraph 206 of the NPPF cannot be imposed.</p>		
	2.13	1825	<b>Comment</b>	<p>Development Viability Paragraph 2.13 of SPD2 indicates that "in most instances viability should not be a matter requiring further discussion at the planning application stage". Whilst it is acknowledged that decision taking on individual applications does not normally require consideration of viability, paragraph 173 of the NPPF states "Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking". Given the NPPF sets out the policy framework it is considered to take precedence in this regard. Furthermore the NPPF goes on to say that: "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."</p>		<p>SPD2 paragraph 2.2 states that <i>"The precise scale and scope of a planning obligation will be determined, by negotiation, in relation to the specific circumstances of the development, including viability."</i> Paragraph 2.12 also states that <i>"In assessing the precise nature of on-site and off-site planning obligations to be required on individual sites, the Council will take into account viability considerations."</i> Therefore, it is considered that the fact that viability will be taken into account in planning obligation negotiations is adequately noted and no amendment to SPD2 is deemed necessary.</p>
	2.13	1826	<b>Comment</b>	<p>Viability considerations are considered</p>		<p>See above.</p>

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				vital therefore to ensure the delivery of development and to meet SBC's strategic objectives. It is requested therefore that this point is revised to refer to viability being considered as necessary to ensure the needs of the borough are met and deliver the strategic objectives set out in SBCs development plan.		
	1.4	1827	<b>Comment</b>	Regulation 122 Compliance Regulation 122 of the CIL sets out the tests that planning obligations are required to meet. These are: 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.		Noted
	2.23	1828	<b>Comment</b>	In paragraph 2.23 SPD2 suggests secondary education will not be brought forward through CIL contributions. No indication however is given that secondary education will be brought forward through S106 obligations. This section therefore needs review to ensure that developers can adequately mitigate the impact of their development. Care also needs to be taken to ensure that any proposed option meets the tests of Regulation 122 of the CIL Regulations. Similarly it is unclear how the section in relation to local skills and training provision can be seen to meet regulation 122.		Secondary education needs addressed in paragraph 4.13 of the Overview Report (Feb 2015). And, as stated in paragraph 2.2 of SPD2 <i>"In all instances, planning obligations will only be sought where they satisfy the tests set out in The Community Infrastructure Levy Regulations 2010 (as amended)"</i> ; therefore, should a development give rise to a need for "Site specific contributions to local skills and training provision, including improved recruitment and access to jobs locally", this will be sought through S106.
	2.27	1829	<b>Comment</b>	Public Art has been commented on previously in this representation. In addition to Public Art failing to meet the		As stated in paragraph 2.2 of SPD2 <i>"In all instances, planning obligations will only be sought where they satisfy the tests</i>

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				tests of regulation 122 however, paragraph 2.28 refers to community facilities including toilets and collection of funding for such items through S106. It is unclear how these items can be considered directly related to the development and meet the tests of Regulation 122. It is suggested that section 2 of SPD2 is carefully reviewed to ensure compliance with regulation 122 and provide clear and deliverable solutions. Having raised a number of points grounded in planning policy matters further consideration now needs to be given to the processes set out within SPD2.		<i>set out in The Community Infrastructure Levy Regulations 2010 (as amended)</i> "; therefore, should a development give rise to a need for "Community facilities that contribute to the quality of the public realm that are required as a direct consequence of the development (e.g. public toilets)", this will be sought through S106.
	1.1	1830	<b>Comment</b>	Clarity It is acknowledged that the legislative framework surrounding planning obligations is both significant and complex, however it is considered that SPD2 would benefit from a general review paying due regard to the needs of the user and the order of the document. Section 1 begins with the status of the guide and statutory basis for the SPD2. The purpose of the document appears at page 11. The statutory basis, whilst important at this stage, and to the authority in developing SPD2 is not likely to be of significant importance to the end user: This could be included as an appendix. In addition it is advised that care should be taken to follow plain English guidelines and reduce jargon wherever possible to increase usability and accessibility of the SPD.		Noted and will be taken into consideration in future reviews of SPD2.
	2.10	1831	<b>Comment</b>	Flexibility Paragraph 205 of the NPPF 2012 set out that: "Where obligations are being sought or revised, local planning authorities		It is considered that Core Strategy policies and SPD2 are sufficiently flexible to take into account viability issues on a site by site basis if necessary.

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				<p>should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled."</p> <p>Opportunities for flexibility within the process should therefore be built in from the outset. Often sites that require the most flexibility will be those that require a significant up front infrastructure cost or significant mitigation which by default are likely to be the large strategic sites that SBC may be reliant on to meet identified housing need and deliver its strategic objectives for the benefit of residents.</p>		
	2.10	1832	<b>Comment</b>	<p>Within paragraph 2.10 of SPD2, SBC set out requirements for developers in respect of viability appraisals, if required. The level of information required by developers is significant and the accompanying text states this 'must' be provided. This does not provide significant flexibility to ensure requirements are proportionate and flexible. It is recommended that this section be reworded to allow flexibility and meet the requirements of the NPPF.</p> <p>Within paragraph 2.7 SBC's affordable housing policy is set out. At no point within the document is it acknowledged that provision of affordable housing should be subject to viability. The NPPF states within paragraph 173 that: "To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of</p>		<p>The information outlined is based on what independent valuers have previously required to inform a detailed and robust viability assessment associated with a planning application. Core Strategy paragraph 10.17 acknowledges the fact that issues of financial viability are an important factor in delivering housing. Also, SPD2 paragraph 2.2 states that <i>"The precise scale and scope of a planning obligation will be determined, by negotiation, in relation to the specific circumstances of the development, including viability."</i>; and paragraph 2.12 states that <i>"In assessing the precise nature of on-site and off-site planning obligations to be required on individual sites, the Council will take into account viability considerations."</i> Therefore, it is considered that the fact that viability will be taken into account in planning obligation negotiations is adequately noted and no amendment to SPD2 is deemed necessary.</p>



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				development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."		
	2.10	1833	<b>Comment</b>	Increased flexibility should therefore be shown within SBCs approach to affordable housing set out in SPD2 to account for valid viability arguments and so as not the threaten development viability or the delivery of the plan. This is an area where the Development Plan conflicts with the NPPF and would benefit from review.		See above.
	1.7	1834	<b>Comment</b>	Burden on Developers By increasing the ability for flexibility in line with the NPPF the potential burden on developers would be reduced. Under paragraph 173 of the NPPF authorities are required to ensure that "the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened."		Noted.
	2.1	1835	<b>Comment</b>	SPD2 represents part of the policy burden, in addition to the CIL charging schedule and the development plan. The requirements on developers as part of this document are significant and numerous. By removing those elements non compliant with national policy and guidance such as public art and by simplifying and improving flexibility the burden would be reduced, however the SPD requirements and the timing of those requirements still provide a significant policy burden.		A residual S106 allowance has been factored into the viability appraisals for CIL. This has been based on what has previously been sought through S106 and what may continue to be sought through S106 to ensure the policy burden is not too great such that it will hinder delivery of the Development Plan.
	3.1	1836	<b>Comment</b>	Section 3 of SPD2 requires developers to: * Pay for a pre application enquiry * Agree Draft Heads of Terms at the Pre-		Noted

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				<p>Application Stage Confirm agreement with SBC's Model Agreement</p> <ul style="list-style-type: none"> <li>* Submit proposed Heads of Terms with the planning application</li> <li>* Provide proof of owners title at submission stage</li> <li>* Provide names and addresses of any charges at submission stage</li> <li>* Provide a solicitors undertaking at submission stage</li> <li>* Provide solicitor contact details at the submission stage</li> <li>* Progress matters as far as possible prior to committee</li> <li>* Agree precise nature and scale of matters for inclusion prior to committee</li> <li>* Draft legal agreement prior to committee</li> </ul>		
	3.2	1837	<b>Comment</b>	<p>The requirement for heads of terms to be agreed at the pre-application stage is unreasonable. Infrastructure providers may not have responded and this cannot reasonably be enforced in any way. In addition the Heads of Terms are very much reliant on a clear steer from SBC to inform developers of their potential obligations. As such SBC should make a commitment within SPD2 to support this process and to set out expected Heads of Terms within its pre-application response letters to developers.</p>		<p>As outlined in paragraph 3.2 and 3.3 of SPD2, the Council consider it appropriate to discuss planning obligations, and agree <b>proposed</b> (i.e. draft) heads of terms for a S106 agreement at pre-application stage to improve efficiency in the determination of planning applications. This is consistent with National Planning Policy Practice Guidance and the Government's desire to encourage detailed pre-app discussions to front load the planning system to give greater clarity to developers in respect of the material planning considerations and likely cost of planning obligations. This intention is reflected in the Government's recent consultation (Section 106 Planning Obligations – speeding up negotiations Feb 2015), which states at paragraph 13 that guidance will be amended to “set</p>

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						<i>expectations for earlier engagement at pre-application stage by all parties to front-load discussions about the about the scope of the Section 106 “ask”</i> ). To allow for instances where it is not practical/feasible to provide the submission requirements outlined in paragraph 3.4 of SPD2, the guidance allows for “exceptional circumstances”.
	3.4	1838	<b>Comment</b>	All of the above list is required to be submitted by a developer at their cost prior to any certainty of a positive recommendation from officers and prior to determination by members at committee. No flexibility currently exists in this approach and no consideration is given to the way development is funded or other ways of SBC achieving its statutory targets for determining planning applications. Consideration should be given to revising this approach and utilising Planning Performance Agreements to secure funding and resource to realistically achieve planning permission and comply with the requirements of the NPPF. This applies to the inflexible and extensive viability demands the council also imposes on developers within section 2 of SPD2.		There is a cost and risk in making any planning application and, in this context, SPD2 paragraph 3.4 requirements are not considered to add a significant additional cost. Although not stated in this SPD, the Council does where necessary extend timescales for complex applications in accordance with NPPG; however, it is still considered preferable to engage with solicitors at the earliest opportunity and this level of information is necessary to ensure these discussions are productive thus avoiding delays to the determination of planning applications caused by completion of S106 agreements.
	1.9	1839	<b>Comment</b>	SBC does not have an up-to-date plan and some policies conflict with current national policy set out in the NPPF which has lead to a lack of flexibility and clarity in approach and the inclusion of obligations on some items which do not meet the fair and reasonable tests.		See Overview Report (Feb 2015) Section 3.
	1.22	1840	<b>Comment</b>	Care needs to be taken to ensure obligations are only used where necessary		Noted

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				and as a last resort		
	2.2	1841	<b>Comment</b>	<p>Development viability is a vital part of the planning process and SPD2 should allow flexibility for its adequate consideration so as not to threaten the delivery of the development plan.</p> <p>Clarity of approach could be improved by simplifying and slimming down SPD2 and ensuring a clear focused approach based around sound aims and objectives following national policy and guidance</p>		Noted and will be considered in future reviews of SPD2.
	2.2	1842	<b>Comment</b>	The flexibility of the approach and mechanisms contained therein must be improved to ensure NPPF compliance, and that development in Southend is not threatened, especially in relation to affordable housing and development viability		Noted
	3.2	1843	<b>Comment</b>	<p>The SPD in its current form would place an unreasonable level of burden on developers too early on in the development process at a stage where certainty was low. This needs to be addressed to ensure delivery of development and the requirements of the development plan is realised.</p> <p>*This representation is submitted on behalf of Cogent Land LLP with the intention of providing realistic and constructive advice to SBC to ensure a fair and reasonable position for all parties.</p>		See above.

Grocers and Convenience stores/supermarkets in Southend-on-Sea Borough Council area	Total rateable floor area (sqm)	<a href="http://www.yell.com/ucs/UcsSearchAction.do?find=Y&amp;atoz=true&amp;keywords=grocers%20and%20convenience%20stores&amp;location=southend%20on%20sea">http://www.yell.com/ucs/UcsSearchAction.do?find=Y&amp;atoz=true&amp;keywords=grocers%20and%20convenience%20stores&amp;location=southend%20on%20sea</a> <a href="http://www.2010.voa.gov.uk/rli/en/basic/find">http://www.2010.voa.gov.uk/rli/en/basic/find</a>	Local or National
<b>A.R Biggys</b> 121 The Broadway, Leigh-On-Sea, SS9 1PG Tel: <b>01702 478122</b> 2.2 miles away	58.46		Local
<b>ABI Food Ltd</b> 375 Southchurch Rd, <b>Southend-On-Sea</b> , SS1 2PQ Tel: <b>01702 601899</b> 1 miles away	66.4		Local
<b>Abi Foods</b> 11-13 Elmer Approach, SOUTHEND-ON-SEA, SS1 1NE Tel: <b>01702 826212</b> 0.2 miles away	106	Unknown floorspace: <280	Local
<b>Aga Sklep</b> 15 West Road, WESTCLIFF-ON-SEA, SS0 9AU 0.8 miles away	83.9		Local
<b>Amman Tropical</b> 815 Southchurch Road, SOUTHEND-ON-SEA, SS1 2LR 0.4 miles away	88.1		Local
<b>Arcadia Convenience</b> 27a, Talza Way, <b>Southend-On-Sea</b> , SS2 5BG Tel: <b>01702 617700</b> 1.3 miles away	30.04		Local
<b>Around a Pound</b> 407 London Rd, Westcliff-On-Sea, SS0 7HU Tel: <b>07892 401564</b> 0.8 miles away	71.2		Local

<b>Best-One</b>	81.02	Local
815 Southchurch Road, SOUTHEND-ON-SEA, SS1 2LR		
0.4 miles away		
<b>Best-One Xpress</b>	47.5	Local
24 Southchurch Road, SOUTHEND-ON-SEA, SS1 2ND		
0.2 miles away		
<b>Big News &amp; Mini Market</b>	50.7	Local
1352 London Rd, Leigh-On-Sea, SS9 2UH		
Tel: <b>01702 476989</b>		
3.2 miles away		
<b>Bkam News</b>	56.2	Local
15 Station Rd, Westcliff-On-Sea, SS0 7RA		
Tel: <b>01702 392821</b>		
0.7 miles away		
<b>Boxall News</b>	63	Local
2 St. Benets Rd, Southend-On-Sea, SS2 6LF		
Tel: <b>01702 300065</b>		
0.7 miles away		
<b>Broadway Convenience Store</b>	78.5	Local
101 Broadway West, LEIGH-ON-SEA, SS9 2BU		
Tel: <b>01933 371000</b>		
2.6 miles away		
<b>Clarks Convenience</b>	107.3	Local
181 Hamstel Rd, Southend-On-Sea, SS2 4LA		
Tel: <b>01702 468187</b>		
1.1 miles away		
<b>Connoisseurs Convenience Store</b>	61.7	Local (Premier Stores franchise)
4 Manners Corner, Manners Way, Southend-On-Sea, SS2 6QR		
Tel: <b>01702 349952</b>		
1.5 miles away		
<b>Costcutter</b>	113.54	Local (Costcutter franchise)
57 Lonsdale Road, SOUTHEND-ON-SEA, SS2 4LX		

Tel: <b>01702 467831</b> 1 miles away		
<b>Costcutter</b> 415-419 London Road, WESTCLIFF-ON-SEA, SS0 7HU Tel: <b>01702 349115</b> 0.8 miles away	135.8	Local (Costcutter franchise)
<b>Costcutter</b> 361 Westborough Road, WESTCLIFF-ON-SEA, SS0 9TS Tel: <b>01702 344664</b> 1.3 miles away	74	Local (Costcutter franchise)
<b>Costcutter</b> 149-153 Southbourne Grove, WESTCLIFF-ON-SEA, SS0 9UN Tel: <b>01702 349292</b> 1.5 miles away	101.4	Local (Costcutter franchise)
<b>Costcutter Supermarkets</b> 326-328, Bridgewater Drive, Westcliff-On-Sea, SS0 0EZ Tel: <b>01702 526255</b> 2.4 miles away	227.98	Local (Costcutter franchise)
<b>Costcutter Supermarkets</b> 546 Rayleigh Rd, Leigh-On-Sea, SS9 5HX Tel: <b>01702 524909</b> 3.8 miles away	106	Unknown floorspace: <280 Local (Costcutter franchise)
<b>D &amp; C Convenience Store</b> 179 Elmsleigh Drive, LEIGH-ON-SEA, SS9 4JH Tel: <b>01702 478963</b> 2.6 miles away	50.7	Local
<b>D &amp; G Baltic Foods Shop Store</b> 380 London Road, WESTCLIFF-ON-SEA, SS0 7HZ 0.7 miles away	40.97	Local
<b>Day 1</b> 85 Southchurch Avenue, SOUTHEND-ON-SEA, SS1 2RS 0.6 miles away	122.5	Local

<b>Dilbar Convenience Store</b>	106.4	Local
80 Eastbourne Grove, Westcliff-On-Sea, SS0 0QF		
Tel: <b>01702 349066</b>		
1.6 miles away		
<b>Dollys Convenience Store</b>	30.7	Local
514 Fairfax Drive, Westcliff-On-Sea, SS0 9RL		
Tel: <b>01702 348320</b>		
1.5 miles away		
<b>Drincup</b>	47.5	Local
24 Southchurch Road, <b>Southend-On-Sea</b> , SS1 2ND		
Tel: <b>01702 826963</b>		
0.2 miles away		
<b>East Street Convenience Store</b>	72.6	Local
139 East St, <b>Southend-On-Sea</b> , SS2 5EB		
Tel: <b>01702 462537</b>		
0.6 miles away		
<b>Elmsleigh Convenience</b>	92.4	Local
217 Elmsleigh Drive, LEIGH-ON-SEA, SS9 4JH		
Tel: <b>01702 474217</b>		
2.6 miles away		
<b>Essex Convenience</b>	191	Local
107-109 Southchurch Road, SOUTHEND-ON-SEA, SS1 2NL		
0.2 miles away		
<b>Eurobite</b>	81.3	Local
258 Southchurch Road, SOUTHEND-ON-SEA, SS1 2NP		
0.5 miles away		
<b>Fine Foods</b>	42.4	Local
488 Sutton Rd, <b>Southend-On-Sea</b> , SS2 5PN		
Tel: <b>01702 614828</b>		
0.7 miles away		
<b>Flavour Bazaar</b>	21.4	Local
7 Farringdon Service Rd, <b>Southend-On-Sea</b> , SS1 1NN		



Tel: <b>07972 491005</b>		
0.1 miles away		
<b>Gilroys</b>	63.6	Local
400 Sutton Rd, <b>Southend-On-Sea</b> , SS2 5EY		
Tel: <b>01702 465380</b>		
0.5 miles away		
<b>Hari Food &amp; Wine Ltd</b>	40	Local
174a, London Rd, <b>Southend-On-Sea</b> , SS1 1PH		
Tel: <b>01702 333557</b>		
0.4 miles away		
<b>International Supermarket</b>	100.66	Local
40 York Road, SOUTHEND-ON-SEA, SS1 2BD		
0.4 miles away		
<b>Jemi's African Food &amp; Cosmetics</b>	67.7	Local
413 London Road, WESTCLIFF-ON-SEA, SS0 7HU		
0.8 miles away		
<b>Londis</b>	203.2	Local (Londis franchise)
236-240 London Road, WESTCLIFF-ON-SEA, SS0 7JG		
Tel: <b>07815 928759</b>		
0.5 miles away		
<b>Londis</b>	255.5	Local (Londis franchise)
749 Southchurch Rd, <b>Southend-On-Sea</b> , SS1 2PP		
Tel: <b>01702 615150</b>		
1.1 miles away		
<b>Londis</b>	132.2	Local (Londis franchise)
101 Rochford Road, SOUTHEND-ON-SEA, SS2 6SR		
1.5 miles away		
<b>Londis</b>	57.3	Local (Londis franchise)
92 The Ridgeway, WESTCLIFF-ON-SEA, SS0 8NU		
Tel: <b>01702 475029</b>		
1.6 miles away		
<b>Londis Convenience Store</b>	61.1	Local (Londis franchise)

75 Newington Avenue, **Southend-On-Sea**, SS2 4RD

Tel: **01702 465578**

1.4 miles away

**Londis Ltd**

Victoria Railway Station, Victoria Avenue, **Southend-On-Sea**, SS2 6AE

Tel: **01702 612272**

< 0.1 miles away

**Longstaffs**

59 West Rd, **Southend-On-Sea**, SS3 9DT

Tel: **01702 292369**

3 miles away

**Lonsdale Road P.O & Convenience Store**

57 Lonsdale Rd, **Southend-On-Sea**, SS2 4LX

Tel: **01702 467831**

1 miles away

**Mace Express**

The Fairway, LEIGH-ON-SEA, SS9 4QR

3.2 miles away

**MAK Pound**

1737 London Road, LEIGH-ON-SEA, SS9 2SW

3.4 miles away

**McColl's**

21 The Renown, SOUTHEND-ON-SEA, SS3 9UU

Tel: **01702 295267**

3.5 miles away

**Naz Continental Food Store**

349 London Rd, Westcliff-On-Sea, SS0 7HT

Tel: **01702 342264**

0.7 miles away

**Nisa Extra**

188-192 The Broadway, SOUTHEND-ON-SEA, SS1 3EU

Local (Nisa franchise)

106 Unknown floorspace: <280 Local (Londis franchise)

93.8 Local

113.54 Local

106 Unknown floorspace: <280 Local (Mace franchise)

74.1 Local

172 Local (McColls franchise)

78 Local

106 Unknown floorspace: <280 Local (Nisa franchise)

2.2 miles away		
<b>Nisa Local</b>	107.9	Local (Nisa franchise)
219-221, Woodgrange Drive, <b>Southend-On-Sea</b> , SS1 2SG		
Tel: <b>01702 611411</b>		
1 miles away		
<b>Nisa Local</b>	59.4	Local (Nisa franchise)
229 Leigh Rd, Leigh-On-Sea, SS9 1JA		
Tel: <b>01702 478096</b>		
2.2 miles away		
<b>Nobles Convenience Store</b>	223.59	Local
15-17 Eastern Esplanade, SOUTHEND-ON-SEA, SS1 2ER		
Tel: <b>01702 600308</b>		
0.9 miles away		
<b>One Stop Community Stores Ltd</b>	207.82	National
5-9, Cluny Square, <b>Southend-On-Sea</b> , SS2 4AF		
Tel: <b>01702 467060</b>		
0.9 miles away		
<b>One Stop Stores</b>	126.2	National
662 Southchurch Road, <b>Southend-On-Sea</b> , SS1 2PS		
Tel: <b>01702 817483</b>		
0.9 miles away		
<b>Orchid</b>	221.8	Local
488-490 London Road, WESTCLIFF-ON-SEA, SS0 9LD		
1 miles away		
<b>Premier</b>	92.4	Local (Premier franchise)
217 Elmsleigh Drive, Leigh-On-Sea, SS9 4JH		
Tel: <b>01702 474217</b>		
2.6 miles away		
<b>Premier Store</b>	146.3	Local (Premier franchise)
74 Southchurch Avenue, <b>Southend-On-Sea</b> , SS1 2RR		
Tel: <b>01702 463388</b>		
0.7 miles away		

<b>Premier Stores</b>	60.6	Local (Premier franchise)
295 Sutton Road, SOUTHEND-ON-SEA, SS2 5PF		
Tel: <b>01702 613694</b>		
0.4 miles away		
<b>Premier Stores</b>	107.3	Local (Premier franchise)
181-183 Hamstel Road, SOUTHEND-ON-SEA, SS2 4LA		
Tel: <b>01702 468187</b>		
1.1 miles away		
<b>Premier Stores</b>	73.3	Local (Premier franchise)
255 Fairfax Drive, WESTCLIFF-ON-SEA, SS0 9EN		
Tel: <b>01702 436948</b>		
1.1 miles away		
<b>Premier Stores</b>	114.3	Local (Premier franchise)
308 Westborough Road, WESTCLIFF-ON-SEA, SS0 9PX		
Tel: <b>01702 436797</b>		
1.2 miles away		
<b>Premier Stores</b>	93.8	Local (Premier franchise)
59 West Road, SOUTHEND-ON-SEA, SS3 9DT		
Tel: <b>01702 292369</b>		
3 miles away		
<b>Premier Stores</b>	105.1	Local (Premier franchise)
130 High Street, SOUTHEND-ON-SEA, SS3 0ET		
Tel: <b>01702 219331</b>		
4 miles away		
<b>Queens Convenience Store</b>	113.5	Local
95 Queens Road, SOUTHEND-ON-SEA, SS1 1PX		
Tel: <b>01702 344000</b>		
0.3 miles away		
<b>R &amp; A Convenience Store</b>	40.7	Local
99 Leigh Rd, Leigh-On-Sea, SS9 1JL		
Tel: <b>01702 476979</b>		
1.9 miles away		

**Roddy's Superstore**

204-206 Southchurch Road, SOUTHEND-ON-SEA, SS1 2LS

Tel: **01702 614151**

0.4 miles away

**Roson Newsagent**

146 Station Rd, Westcliff-On-Sea, SS0 7SB

Tel: **01702 332055**

0.9 miles away

**Royals News**

302 Station Rd, Westcliff-On-Sea, SS0 8DZ

Tel: **01702 430598**

1 miles away

**Sanjessha Stores**

4 Park Rd, Westcliff-On-Sea, SS0 7PE

Tel: **01702 432959**

0.4 miles away

**Shop'N Drive**

The Fairway, LEIGH-ON-SEA, SS9 4QR

3.4 miles away

**South Church Convenience Store**

829 Southchurch Road, SOUTHEND-ON-SEA, SS1 2PP

Tel: **01702 467554**

1.1 miles away

**Southend AM 2 PM**

3B London Road, SOUTHEND-ON-SEA, SS1 1TJ

&lt; 0.1 miles away

**Spar**

116-118 Sutton Road, SOUTHEND-ON-SEA, SS2 5ER

0.3 miles away

**Spar**

515-517 London Road, WESTCLIFF-ON-SEA, SS0 9LJ

Tel: **01702 340977**

106 Unknown floorspace: &lt;280 Local

102.9 Local

96.5 Local

17.3 Local

106 Unknown floorspace: &lt;280 Local

76.55 Local

106 Unknown floorspace: &lt;280 Local

138.2 Local (Spar franchise)

179.72 Local (Spar franchise)

1 miles away		
<b>Spar</b>	117.9	Local (Spar franchise)
60 Bridgwater Drive, WESTCLIFF-ON-SEA, SS0 0DH		
1.9 miles away		
<b>Supa Value Mini Market</b>	217	Local
157 Rayleigh Rd, Leigh-On-Sea, SS9 5XE		
Tel: <b>01702 525920</b>		
2.8 miles away		
<b>The Co-operative</b>	222	National
493-495, Southchurch Rd, <b>Southend-On-Sea</b> , SS1 2PH		
Tel: <b>01702 461550</b>		
0.7 miles away		
<b>The Co-operative Food</b>	212.5	National
84-86, Leigh Rd, Leigh-On-Sea, SS9 1BZ		
Tel: <b>01702 475719</b>		
1.9 miles away		
<b>The Co-operative Food</b>	223.7	National
268-270, Eastwood Rd North, Leigh-On-Sea, SS9 4LS		
Tel: <b>01702 525360</b>		
3 miles away		
<b>The Co-operative Food</b>	252.3	National
22-26, High St, <b>Southend-On-Sea</b> , SS3 0EQ		
Tel: <b>01702 219271</b>		
4.2 miles away		
<b>The Corner Shop</b>	71.5	Local
27 Eastwood Boulevard, Westcliff-On-Sea, SS0 0BY		
Tel: <b>01702 349669</b>		
1.8 miles away		
<b>The One Store</b>	65.5	Local
12 Earls Hall Parade, Prince Avenue, <b>Southend-On-Sea</b> , SS2 6NW		
Tel: <b>01702 433594</b>		
1.1 miles away		

<b>The Premier Convenience Store</b>	135.8	Local (Premier franchise)
415 London Rd, Westcliff-On-Sea, SS0 7HU		
Tel: <b>01702 349115</b>		
0.8 miles away		
<b>The Tuck Box</b>	60.6	Local
295 Sutton Rd, <b>Southend-On-Sea</b> , SS2 5PF		
Tel: <b>01702 468959</b>		
0.4 miles away		
<b>The Warwick</b>	29.9	Local
84 Lonsdale Rd, <b>Southend-On-Sea</b> , SS2 4LR		
Tel: <b>01702 308958</b>		
1 miles away		
<b>Westcliff Minimart</b>	48.9	Local
343 London Rd, Westcliff-On-Sea, SS0 7HT		
Tel: <b>01702 345509</b>		
0.7 miles away		
<b>Westcliffe News</b>	106	Unknown floorspace: <280 Local
153 Southbourne Grove, Westcliff-On-Sea, SS0 9UN		
Tel: <b>01702 349272</b>		
1.6 miles away		
<b>Woolpack News</b>	116.3	Local
34-36, Woolpack, <b>Southend-On-Sea</b> , SS3 9PY		
Tel: <b>01702 588666</b>		
2.8 miles away		
<b>York Superstore</b>	67.6	Local
56 York Road, SOUTHEND-ON-SEA, SS1 2BD		
0.4 miles away		
<b>Costcutter</b>	158.01	Local (Costcutter franchise)
198 Leigh Rd, Leigh-On-Sea, SS9 1BS		
Tel: <b>01702 482238</b>		
2 miles away		
<b>Foods of Asia</b>	221.8	Local

490 London Rd, Westcliff-On-Sea, SS0 9LA

Tel: **01702 348811**

1 miles away

**Innergo Ltd**

106 Unknown floorspace: <280 Local

37 Commercial Rd, Westcliff-On-Sea, SS0 0QJ

Tel: **01702 339898**

1.4 miles away

**Jays Supermarket**

68.5 Local

72 Bournemouth Park Rd, **Southend-On-Sea**, SS2 5LP

Tel: **01702 468943**

0.5 miles away

**Jays Supermarket**

71.36 Local

954 London Rd, Leigh-On-Sea, SS9 3NF

Tel: **01702 475096**

2.2 miles away

**Kim Quang**

78.9 Local

52 York Rd, **Southend-On-Sea**, SS1 2BD

Tel: **01702 463055**

0.4 miles away

**Kings Express Mart**

75.4 Local

402 Sutton Rd, **Southend-On-Sea**, SS2 5EY

Tel: **01702 460155**

0.5 miles away

**Leigh Road Supermarket**

207.3 Local

91-93 Leigh Road, LEIGH-ON-SEA, SS9 1JL

Tel: **01702 480221**

1.9 miles away

**Londis Superstore**

189.9 Local (Londis franchise)

69 West Rd, Westcliff-On-Sea, SS0 9AY

Tel: **01702 340231**

0.7 miles away

**Marks & Spencer Simply Food**

106 Unknown floorspace: <280 National



50 West Street, SOUTHEND-ON-SEA, SS2 6HJ		
Tel: <b>01702 390310</b>		
0.6 miles away		
<b>Marks &amp; Spencer Simply Food</b>	106	Unknown floorspace: <280 National
600 London Road, WESTCLIFF-ON-SEA, SS0 9HS		
Tel: <b>01702 608679</b>		
1.1 miles away		
<b>Morris &amp; Sons Supplies</b>	106	Unknown floorspace: <280 Local
Unit 3-10, Rear of 30, Progress Rd, Leigh-On-Sea, SS9 5LE		
Tel: <b>01702 521308</b>		
3.5 miles away		
<b>Poets Corner</b>	129.1	Local
56 Lonsdale Rd, <b>Southend-On-Sea</b> , SS2 4LX		
Tel: <b>01702 612891</b>		
1 miles away		
<b>Premier Supermarket</b>	103.7	Local (Premier franchise)
282 Eastwood Rd North, Leigh-On-Sea, SS9 4LS		
Tel: <b>01702 526278</b>		
3 miles away		
<b>Southend Supermarket</b>	122.5	Local
85-87, Southchurch Avenue, <b>Southend-On-Sea</b> , SS1 2RS		
Tel: <b>01702 611644</b>		
0.6 miles away		
<b>Spar</b>	112.8	Local (Spar franchise)
151 Woodgrange Drive, <b>Southend-On-Sea</b> , SS1 2SF		
Tel: <b>01702 467023</b>		
1 miles away		
<b>Vrajlal Kataria (Mini-Market) Off Licence</b>	74	Local
361 Westborough Rd, Westcliff-On-Sea, SS0 9TS		
Tel: <b>01702 344664</b>		
1.3 miles away		
<b>Waitrose</b>	147.76	National

1231-1241, London Rd, Leigh-On-Sea, SS9 3JA		
Tel: <b>0800 188884</b>		
2.5 miles away		
<b>99p Stores Ltd</b>	1493.1	National
113 High St, <b>Southend-On-Sea</b> , SS1 1LQ		
Tel: <b>01702 342659</b>		
0.2 miles away		
<b>Aldi</b>	1399.7	National
1-3 Eastern Avenue, SOUTHEND-ON-SEA, SS2 5YB		
Tel: <b>0844 406 8800</b>		
0.9 miles away		
<b>Aldi</b>	1549.19	National
684-686 London Road, WESTCLIFF-ON-SEA, SS0 9HQ		
Tel: <b>0844 406 8800</b>		
1.4 miles away		
<b>Budgens (Fire - deleted)</b>	741 2500	Local (Budgens franchise)
127-129, Hamlet Court Rd, Westcliff-On-Sea, SS0 7EW		
Tel: <b>01702 335485</b>		
0.7 miles away		
<b>Byford's Foodhall</b>	321.1	Local
114-118, Eastwood Old Rd, Leigh-On-Sea, SS9 4RY		
Tel: <b>01702 525903</b>		
3.5 miles away		
<b>Costcutter Southend Ltd</b>	470.6	Local (Costcutter franchise)
700 London Rd, Westcliff-On-Sea, SS0 9HQ		
Tel: <b>01702 474200</b>		
1.3 miles away		
<b>Farmfoods Freezer Centres</b>	455.2	National
Unit 3b, Greyhound Trading Estate, Greyhound Way, <b>Southend-On-Sea</b> , SS2 5PY		
Tel: <b>01702 469265</b>		
0.3 miles away		

<b>Honeycomb Supermarket</b>	741 2500	Local
188-192, The Broadway, Thorpbay, <b>Southend-On-Sea</b> , SS1 3EU		
Tel: <b>01702 588197</b>		
2.2 miles away		
<b>Iceland</b>	971.3	National
Unit 3d, Greyhound Way, <b>Southend-On-Sea</b> , SS2 5PY		
Tel: <b>01702 618874</b>		
0.3 miles away		
National	774.2	National
4-9, York Rd, <b>Southend-On-Sea</b> , SS1 2BD		
Tel: <b>01702 602386</b>		
0.4 miles away		
<b>Iceland Foods Ltd</b>	931	National
984 London Rd, Leigh-On-Sea, SS9 3NF		
Tel: <b>01702 712299</b>		
2.2 miles away		
<b>Morrisons</b>	1544.2	National
90 High St, <b>Southend-On-Sea</b> , SS1 1JN		
Tel: <b>01702 811768</b>		
0.3 miles away		
<b>Morrisons</b>	2373.2	National
Western Approaches, <b>Southend-On-Sea</b> , SS2 6SH		
Tel: <b>01702 525651</b>		
2.5 miles away		
<b>Morrisons</b>	316.8	National
1663-1669, London Rd, Leigh-On-Sea, SS9 2SH		
Tel: <b>01702 811769</b>		
3.3 miles away		
<b>Sainsbury's Local</b>	335.5	National
535 Southchurch Rd, <b>Southend-On-Sea</b> , SS1 2AY		
Tel: <b>01702 282300</b>		

0.8 miles away			
<b>Sainsbury's Local</b>	440.7		National
113-115, Hamlet Court Road, Westcliff-On-Sea, SS0 7ES			
Tel: <b>01702 330343</b>			
0.8 miles away			
<b>Sainsbury's Local</b>	741	Unknown floorspace: 281-2500	National
1355-1369 London Road, LEIGH-ON-SEA, SS9 2AB			
Tel: <b>01702 572200</b>			
2.7 miles away			
<b>Tesco Express</b>	741	Unknown floorspace: 281-2500	National
Heygate Avenue, <b>Southend-On-Sea</b> , SS1 1DX			
Tel: <b>03450 269750</b>			
0.5 miles away			
<b>Tesco Express</b>	437.64		National
The Kursaal, Eastern Esplanade, <b>Southend-On-Sea</b> , SS1 2ZG			
Tel: <b>03456 719498</b>			
0.8 miles away			
<b>Tesco Express</b>	298.94		National
156-158, Hamlet Court Rd, Westcliff-On-Sea, SS0 7LJ			
Tel: <b>03450 269748</b>			
0.6 miles away			
<b>Tesco Express</b>	327.12		National
667-673, London Rd, Westcliff-On-Sea, SS0 9PD			
Tel: <b>03450 269746</b>			
1.3 miles away			
<b>Tesco Express</b>	450.1		National
162-164, The Broadway, <b>Southend-On-Sea</b> , SS1 3ES			
Tel: <b>03450 269023</b>			
2.2 miles away			
<b>Tesco Express</b>	347.6		National

1017 London Rd, Leigh-On-Sea, SS9 3JY

Tel: **03456 719337**

2 miles away

**The Co-operative**

333.7

National

85-87, West Rd, **Southend-On-Sea**, SS3 9DT

Tel: **01702 290679**

3 miles away

**The Co-operative Food**

533.2

National

165-169, Hamlet Court Rd, Westcliff-On-Sea, SS0 7EL

Tel: **01702 342904**

0.7 miles away

**The Co-operative Food**

801.6

National

467-473, London Rd, Westcliff-On-Sea, SS0 9LG

Tel: **01702 332791**

0.9 miles away

**The Co-operative Food**

854.3

National

109-121, Rochford Rd, **Southend-On-Sea**, SS2 6SY

Tel: **01702 330535**

1.6 miles away

**The Co-operative Food**

418

National

1169-1177, London Rd, Leigh-On-Sea, SS9 3JE

Tel: **01702 470425**

2.3 miles away

**The Co-operative Food**

387.7

National

18 The Broadway, Leigh-On-Sea, SS9 1AW

Tel: **01702 476134**

2.4 miles away

**The Co-operative Food**

699.6

National

367-369, Rayleigh Rd, Leigh-On-Sea, SS9 5PS

Tel: **01702 511986**

3.3 miles away

**ASDA Stores Ltd**

8262.03

National

North Shoebury Rd, **Southend-On-Sea**, SS3 8DA

Tel: **01702 382500**

3 miles away

**Sainsbury's Supermarkets Ltd**

6929

National

45 London Rd, **Southend-On-Sea**, SS1 1PL

Tel: **01702 433389**

0.1 miles away

**Tesco Extra**

6,558 Unknown floorspace: >2501 National

Prince Avenue, Westcliff-On-Sea, SS0 0JP

Tel: **03456 779617**

1.7 miles away

**The Co-operative Food**

2703

National

53-57, Sutton Rd, **Southend-On-Sea**, SS2 5PB

Tel: **01702 613264**

0.3 miles away

**Waitrose**

8337.3

National

Fossetts Way, Eastern Avenue, **Southend-On-Sea**, SS2 4DQ

Tel: **0800 188884**

1.2 miles away

**No. stores (excluding 18 'unknowns'): 125**

Total: 55,613.64sqm (Average: 444.91sqm)

No. stores <280 = 95 (Total: 10117.02sqm, Average: 106.49sqm)

No. stores 281-2500 = 26 (Total 19265.29sqm, Av. 740.97sqm)

No. stores >2501 = 4 (Total 26,231.33sqm, Av. 6,557.83sqm)

**No. stores (including 18 'unknowns'): 143**

Total: 66,513.64sqm (Average: 465.13sqm)

**No. stores >280 = 108**

**Average flo** Applied av. floorspace 106sqm to 13 'unknowns'

**No. stores 281-2500 = 30**

**Average flo** Applied av. floorspace 741sqm to 4 'unknowns'

**No. stores >2501 = 5**

**Average flo** Applied av. floorspace 6,558sqm to 1 'unknown'

**Comments:**

Nationals tend to take units over Sunday trading threshold of 280sqm

## Big '4'

Tesco

Sainsburys

Asda

Morrisons

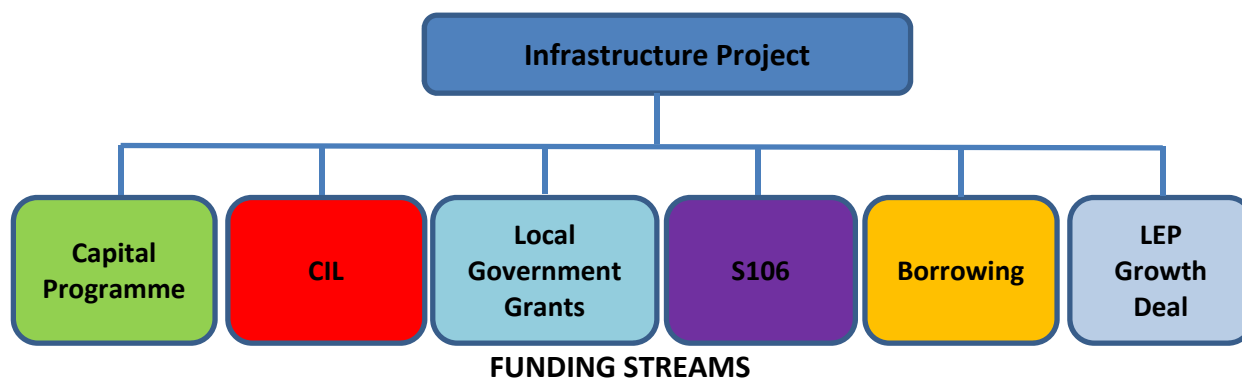




## Community Infrastructure Levy (CIL) Governance Framework

### 1 Context

- 1.1 It is anticipated that Southend Borough Council's CIL Charging Schedule will come into force in June 2015 and therefore the proposed reporting and spending arrangements will be operational from the end of April 2016 onwards (as the reporting year must relate to the financial year).
- 1.2 Development presently being constructed and proposals already with planning permission will not be CIL liable. Therefore, there will be a transitional period between the new and old systems and it is not expected that there will be standard annual CIL receipts until Year 4 of implementation (2018/19).
- 1.3 CIL is just one funding stream that can be used in conjunction with others to fund infrastructure projects. See examples of other funding streams in the diagram below.



- 1.4 Although the priority to date has been to devise the policy and set up processes to collect CIL, there is a need to formalise future governance arrangements for CIL spend/allocation.

### 2 Statutory Requirements

- 2.1 As Charging Authority, Southend Borough Council is responsible for determining CIL spend. The statutory guidance states that Charging Authorities should work closely with County/Town/Parish Councils in setting priorities on how CIL is spent. In the context of Southend, this would include Leigh Town Council.
- 2.2 Each year, 15% of CIL receipts will need to be spent on locally determined infrastructure in areas where development takes place – this is referred to below as the 'Neighbourhood Allocation' (up to a maximum of £100 per existing Council Tax dwelling). This will rise to 25% for those areas with an adopted neighbourhood plan in place but there are currently no Neighbourhood Plans in place in the Borough. As Leigh Town Council (LTC) is a Parished area 15% of CIL receipts from developments within the boundary of the Town Council must be passed to LTC. In the non-Parished areas the Neighbourhood Allocation is held by the Council for spending on local

neighbourhood infrastructure projects. A further 5% of CIL receipts can be retained by Charging Authorities for administrative costs.

- 2.3 As part of producing the CIL Charging Schedule, there is a requirement to produce a list (Regulation 123 Infrastructure List) of infrastructure projects or types that may be funded in whole or in part by CIL (although this list does not apply to the Neighbourhood Allocation). This list will be reviewed annually and can be amended following local consultation.

### **3 Governance Proposals**

- 3.1 The proposed governance framework for CIL is set out in Appendix 1, which shows in diagrammatic form the spending and reporting arrangements that would in place from April 2019 onwards (i.e. at the end of the first financial year that it is anticipated that CIL receipts will be representative of future years' income due to the likely 'lag' period between June 2015 and June 2018 as extant planning permissions granted prior to CIL are implemented).

#### **CIL Annual Report**

- 3.2 There is a requirement for Southend Borough Council (SBC), as a Charging Authority, to prepare an annual report detailing CIL receipts, balances and spend for each financial year. Leigh Town Council (LTC) will also have to produce a similar annual report relating to their Neighbourhood Allocation; however, as this is not required to be provided to SBC until 31<sup>st</sup> December 2016, is proposed that the first SBC CIL Annual Report excludes LTC CIL Annual Report but from April 2017 onwards will be incorporated.

#### **Estimated CIL receipts**

- 3.3 It is anticipated that after the 'lag' period outlined in paragraph 3.1 CIL receipts will average £428,760 per year if development continues at same pace as the last 3 years. Therefore, up until the end of the plan period 2021 the projected CIL income is as follows:

<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	
£428,760	£428,760	£428,760	TOTAL: £1,286,280

#### **Including:**

Neighbourhood Allocation of 15%: £192,942 (£64,314/year)

Administration costs up to 5%: £64,314 (£21,438/year)

These figures are broad estimates based on an average floor area for new dwellings, and affordable housing provided at 20%. CIL receipts will be affected by a number of other factors, which are more difficult to forecast, such as pace of development, new CIL relief for self-build dwellings and windfall development. The estimated annual Neighbourhood Allocation (i.e. projected annual CIL receipts by ward) is shown in Table 1.

**Table 1: Estimated/projected annual CIL receipts by ward**

Ward	% of total Dwelling Completions by Ward between 2001 and 2012 <sup>1</sup> :	Total estimated/projected CIL receipts by Ward (£/year) <sup>2</sup>	15% Neighbourhood Allocation (£/year)
Belfairs	2%	8,078	1,212
Blenheim Park	2%	8,078	1,212
Chalkwell	6%	24,235	3,635
Eastwood Park	2%	8,078	1,212
Kursaal	16%	64,627	9,694
Leigh	5%	20,196	3,029
Milton	12%	48,470	7,271
Prittlewell	5%	20,196	3,029
Shoeburyness	16%	64,627	<b>9,694</b>
Southchurch	7%	28,274	4,241
St Laurence	1%	4,039	606
St Luke's	4%	16,157	2,424
Thorpe	3%	12,118	1,818
Victoria	11%	44,431	6,665
West Leigh	3%	12,118	1,818
West Shoebury	1%	4,039	<b>606</b>
Westborough	4%	16,157	2,424
<b>TOTAL</b>		<b>403,920</b>	<b>60,590</b>

### Neighbourhood Allocation (Leigh Town Council)

- 3.4 15% of CIL receipts from development in Leigh Town Council (LTC) boundary will be transferred to LTC. If agreed with LTC it is proposed to transfer their Neighbourhood Allocation annually at the end of each financial year. However, in the absence of such an agreement, CIL Regulation 59D specifies that the neighbourhood portion of levy receipts must be paid every six months, at the end of October and the end of April.

<sup>1</sup> Figures based on Annual Monitoring Report 2012 (if development continues at same pace as last 3 years, an average of 187 dwelling will be completed each year, deducting 20% affordable housing as non-CIL liable); and therefore the estimated/projected annual residential CIL receipts 2018/19 onwards will be **£403,920** based on average dwelling size of 72sqm and average CIL rate of £30/sqm.

<sup>2</sup> Includes **projected annual residential CIL receipts** only as no ward breakdown details for commercial uses; projected annual commercial CIL receipts amount to an additional £24,840.

3.5 Wards that fall, in whole or part, within Leigh Town Council (LTC) boundary are highlighted in Table 1 above; and the annual allocation to LTC is estimated as follows:

Ward	Estimated annual CIL amount allocated to LTC	Estimated annual CIL amount responsibility of SBC Ward Members
Leigh (100% of ward within LTC boundary)	£3,029	£0
West Leigh (100% of ward within LTC boundary)	£1,818	£0
Belfairs (approx. 12% of ward within LTC boundary)	£145	£1,067
Blenheim Park (approx. 21% of ward within LTC boundary)	£255	£957
<b>TOTAL</b>	<b>£5,247</b>	<b>-</b>

3.6 As can be seen from the table above, two wards (Belfairs and Blenheim Park) are not wholly within the LTC boundary. Therefore, any CIL receipts relating to development outside LTC boundary within Belfairs and Blenheim Park will be the responsibility of the relevant SBC Ward Members.

3.7 The Neighbourhood Allocation of the levy can be spent on a wider range of projects than the rest of the levy, provided that it accords with CIL Regulation 59C to “support the development of the local council’s area” by funding:

- a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- b) anything else that is concerned with addressing the demands that development places on an area.

For example, the ‘pot’ could be used to fund environmental improvements or affordable housing.

3.8 CIL guidance recommends that Parish, Town and Community Councils discuss their priorities with the Charging Authority during the process of setting the levy rates. And once the levy is in place, Parish, Town and Community Councils are recommended to work closely with the Charging Authority to agree on infrastructure spending priorities. If the Parish, Town or Community Council shares the priorities of the Charging Authority, they may agree that the Charging Authority should retain the neighbourhood funding to spend on that infrastructure. It may be that this infrastructure (e.g. a school) is not in the Parish, Town or Community Council’s administrative area, but will support the development of the area. If over the next couple of years LTC choose not to manage their Neighbourhood Allocation, this proposed governance framework will be amended accordingly.

3.9 If LTC does not spend its levy share within five years of receipt, or does not spend it on initiatives that support the development of the area, the Charging Authority may require it to repay some or all of those funds to the Charging Authority (see Regulation 59E(10) for details).

**Neighbourhood Allocation (Wards outside LTC boundary)**

3.10 In the non-Parished areas, the 15% Neighbourhood Allocation must be held separately by the Council. As set out in the CIL Charging Schedule, the Council will engage with the relevant communities at ward level to establish local infrastructure priorities.

3.11 The spending criteria referred to in paragraph 3.7 above also apply to the Ward Neighbourhood Allocation across the Borough.

3.12 It is proposed that when the CIL Infrastructure Business Plan (IBP) (see below for further details) is presented to Cabinet each July ward councillors would be delegated authority to agree on neighbourhood project(s) that their Ward Neighbourhood Allocation could be spent on. Upon agreement between themselves, ward councillors would be invited to submit a formal CIL Funding Bid (see Appendix 2) to the Council's Section 106 and CIL Officer.

3.13 If ward councillors cannot agree a Funding Bid for how their Neighbourhood Allocation is to be spent by the end of September following July's Cabinet, the Group Leaders will act as adjudicators in considering the project options and agreeing a Funding Bid. If an agreement can still not be reached then the matter will be reported back to Cabinet to make the final decision. If no decision is made by Cabinet then the funds would be rolled over to the next financial year up to a maximum of 5 years (consistent with the time period LTC have to spend their Neighbourhood Allocation).

NOTE: The Neighbourhood Allocation arrangements will be updated and amended should any Neighbourhood Plans be adopted across the Borough.

**Infrastructure Business Plan**

3.14 It is proposed that the Council produce an Infrastructure Business Plan (IBP) which is updated and agreed annually. The CIL Annual Report would be appended to the IBP, which will:

- Identify the projects from the Regulation 123 Infrastructure List that will benefit from CIL receipts;
- Set out the process and criteria for the prioritisation of infrastructure;
- Set out the process for CIL funding and future updates;
- Identify other funding sources;
- Set out a cash-flow and spending plan;
- Review the infrastructure projects contained within the Regulation 123 Infrastructure List and update if necessary.

- 3.15 It is recommended that each year the IBP prioritise a limited number of key infrastructure projects based on corporate priorities with a focus on using the prioritisation to gain match funding from other funding sources.
- 3.16 The draft IBP to be consulted and considered by Corporate Directors (who will liaise with any external infrastructure providers as necessary). Final agreement of the IBP would be made by Cabinet each July.
- 3.17 Due to the 'lag' period outlined in paragraph 3.1, it is likely that the Council will not receive any significant CIL receipts until 2018. Therefore, it is initially proposed that the first release of funds should not take place until April 2019 (i.e. CIL receipts carried forward each financial year until this point). However, this will be monitored (so that if significant sums are received they can be spent earlier) and reported to Cabinet each July following adoption and may be subject to change.

#### **Updating the IBP**

- 3.18 It is proposed that there is an annual update of infrastructure projects and infrastructure prioritisation within the IBP. The process of agreeing the updated IBP would follow the original IBP process as set out above i.e. agreement of priorities with Corporate Directors (liaising with any partner organisations/external infrastructure providers if necessary) and final agreement of IBP by Cabinet.
- 3.19 The Regulation 123 List is proposed to be reviewed annually alongside the IBP. Any resulting update to the Regulation 123 Infrastructure List would require local consultation in addition to agreement by Cabinet.

#### **Third Party Infrastructure Providers**

- 3.20 If CIL funding is allocated to a third party infrastructure provider, the CIL funding can only be used to deliver the agreed infrastructure type or project. This would be enforced by appropriate infrastructure contracts. A standard procedure will be created for the release of CIL monies for projects that are identified in the IBP.

#### **Infrastructure Payments 'In Kind'**

- 3.21 CIL Regulations 73, 73A, 73B and 74 allow a Charging Authority to accept one or more land payments or infrastructure instead of a financial payment from a developer if they wish. For example, where a Charging Authority has already planned to invest CIL receipts in a project there may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of the levy.
- 3.22 The option to take the provision of infrastructure 'in kind' is discretionary and would require Infrastructure Agreements with developers and independent valuation of the land being offered. It would result in lower overall CIL receipts, but could help ensure timely infrastructure delivery.
- 3.23 SBC as Charging Authority has drafted a policy to confirm that it would accept 'in kind' infrastructure, subject to conditions including the fact that the Council will only accept land or infrastructure as payment of a CIL liability if the offer relates to

infrastructure projects or types of infrastructure included in the Council's published Regulation 123 Infrastructure List.

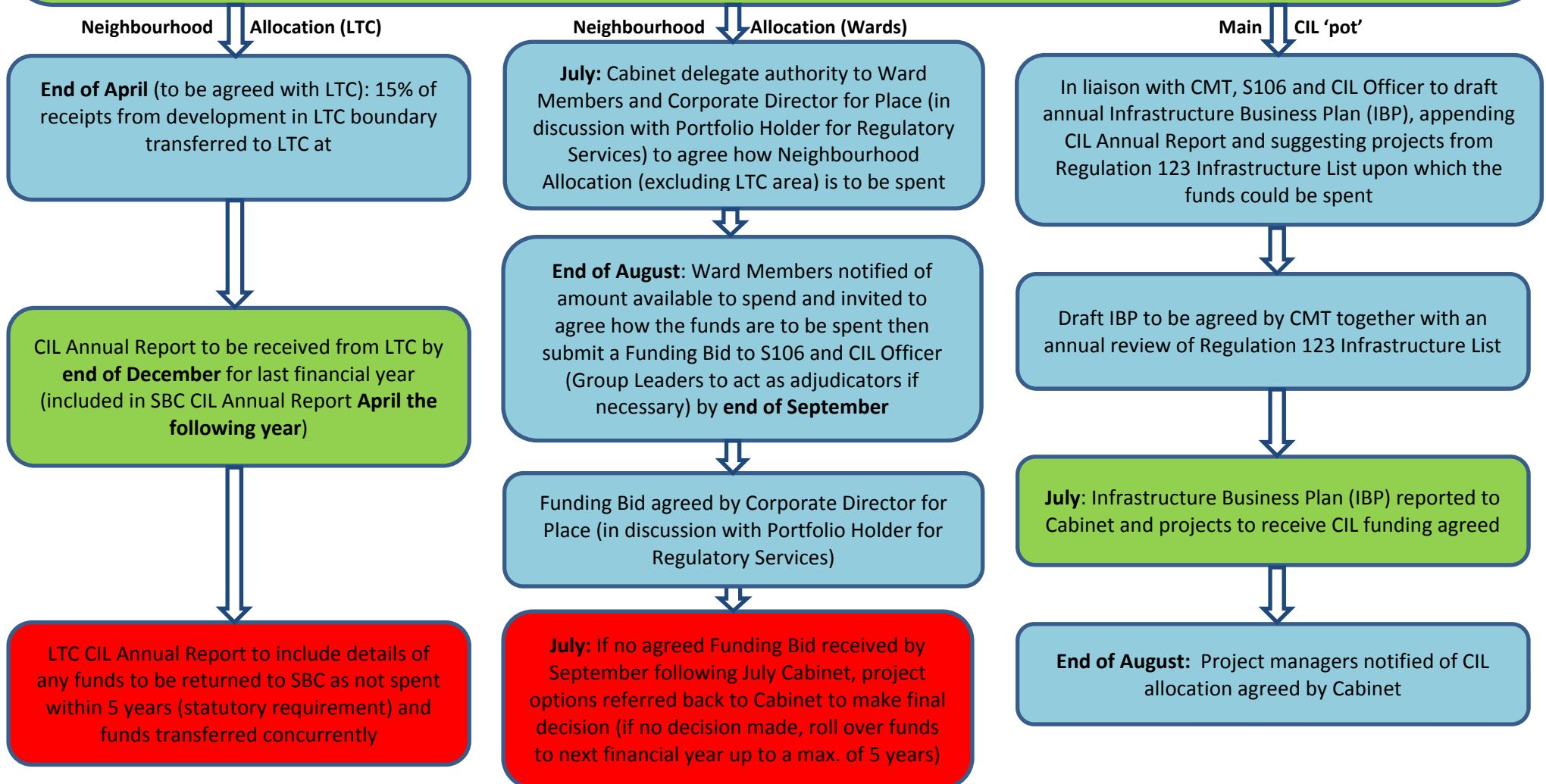
#### **4 Reporting, Monitoring and Review**

- 4.1 The CIL Annual Monitoring Report which sets out CIL receipts, balances and spend will be published at the end of April for each financial year. Subsequently, the IBP will be drafted and reported to Cabinet in July each year to agree on how CIL funds should be spent.
- 4.2 As stated in the CIL Preliminary Draft Charging Schedule, the Council will commence a review of the Charging Schedule in 2018 which includes the CIL rates.

## Appendix 1: CIL Spending and Reporting Arrangements from April 2019 onwards

**End of April:** SBC CIL Annual Report (including LTC CIL Annual Report for financial year) published including the following details:

- Total CIL receipts and details of CIL expenditure for last financial year
- Amount allocated to Leigh Town Council (15% of receipts from developments within LTC boundary)
- Amounts allocated to each ward (15% of receipts from developments within each ward excluding any development within LTC boundary)
- Details of any notice(s) served to Leigh Town Council requiring repayment of any funds not spent within 5 years of receipt
- Total amount of CIL receipts for the last financial year retained at the end of the last financial year
- Total amount of CIL receipts from other years retained at the end of the last financial year





**Appendix 2: Template for Ward Member CIL Funding Bid**

Ward Member Lead/Contact: .....

Project Title: .....

Amount of funding required (i.e. total cost of project including design, installation etc.):  
.....

Project Summary (no more than 150 words):  
.....  
.....  
.....

Who will the project be delivered by? .....

What are the consequences of not carrying out the project?  
.....  
.....  
.....

Briefly describe how the scheme will help support the development of the ward area by funding either: a) the provision, improvement, replacement, operation or maintenance of infrastructure; or b) anything else that is concerned with addressing the demands that development places on an area.  
.....  
.....  
.....

What other funding sources have been identified/explored if not fully funded by the CIL Neighbourhood Allocation?  
.....

Please provide details of any on-going maintenance costs:  
.....

### ***Ward Member CIL Funding Bid template continued***

In accordance with the CIL Regulations 2010 (as amended) the Neighbourhood Allocation **must** be spent on schemes that will help support the development of the ward area by funding either: a) the provision, improvement, replacement, operation or maintenance of infrastructure; or b) anything else that is concerned with addressing the demands that development places on an area.

CIL funds allocated to wards to spend on neighbourhood projects should be for one-off spends i.e. projects that have no on-going revenue consequences for Southend Borough Council. For example:

#### **ELIGIBLE FOR CIL FUNDING**

- Environmental improvements e.g. one-off litter clearance, landscaping or open space improvements
- Public art
- Play equipment
- Street furniture
- One-off community projects or set up of a community group

#### **NOT ELIGIBLE FOR CIL FUNDING**

- Projects that will require a significant amount of Southend Borough Council officer time to implement unless exceptional circumstances can be demonstrated
- Use of the funds to explore feasibility of a scheme for which funds are not yet available
- Projects that only benefit individuals or companies
- Projects that are already funded
- Projects not in line with Southend Borough Council's corporate objectives
- Projects with on-going revenue implications/maintenance costs for Southend Borough Council

**Appendix 10: Affordable housing achieved through S106 (agreements completed 2013 and 2014)**

Address	Application No.	Date of agreement	Contribution secured	20/30% AH provided in accordance with CP8?
Dairy Crest Southchurch Boulevard Southend-On-Sea Essex SS2 4UA	14/00340/AMDT	18/07/2014	£199,754.00	No, reduced based on a viability assessment
The Bell Hotel And Land Adjacent 20 Leigh Hill Leigh-On-Sea Essex SS9 2DN	14/00473/AMDT	17/07/2014	No. of affordable housing units as are assessed as viable should clawback mechanism apply i.e. completion date 24/06/2016 not met, at which point viability to be reassessed.	No, reduced based on a viability assessment
Sunlight Laundry 211 To 213 North Road And 86 - 104 Salisbury Avenue Westcliff-On-Sea Essex (25 dwelling and 2 s/c flats)	14/00411/FULM	10/07/2014	100% affordable housing (3x2bed and 16x3bed rental; 2x2bed and 6x3bed shared ownership)	Exceeded
Eden Point 87 Rectory Grove Leigh-On-Sea Essex SS9 2BF	13/01077/AMDT (Deed of Variation applied provisions relating to 12/00365/OUTM to this permission)	03/10/2013	£154,637	No, reduced based on a viability assessment
257 - 285	13/00576/FULM	06/08/2013	No. of affordable	No, reduced

Sutton Road Southend-On-Sea Essex			housing units as are assessed as viable should clawback mechanism apply i.e. completion date 04/12/2015 not met, at which point viability to be reassessed.	based on a viability assessment
Maybrook Training Centre 303 Southchurch Road Southend-On-Sea Essex	13/00330/FULM	12/06/2013	100% affordable housing (Social Rent or Affordable Rent) including 22 flats and 26 houses	Exceeded
Brookside Works Springfield Drive And 279 Fairfax Drive Westcliff-On-Sea Essex	12/01326/AMDT	24/01/2013	Affordable housing (3x3bed, 1x4bed)	Yes 20%
Land to rear of 161-179 North Road, 2-24 Albany Avenue and 44-68 Salisbury Avenue, Westcliff-on-Sea (21 houses)	12/00056/FULM	04/01/2013	Affordable housing (2x2bed and 2x3bed)	Yes 20%
35 To 47 Milton Road And Land Adjacent 24 Milton	12/01398/FULM	20/12/2012	100% affordable housing (Affordable Rent or Shared Ownership) including 10	Exceeded

Road Westcliff-On- Sea Essex SS0 7JR			houses	
3 Acacia Drive Thorpe Bay Essex SS1 3JU	14/01434/FULM	28/01/2015	Affordable housing (2x2bed rental dwellings and 1x3bed shared ownership dwellings)	Yes 20%
Albany Court, Nelson Road, Leigh And Albany Laundry Eastwood Boulevard Westcliff-On- Sea Essex	13/01842/FULM	20/08/2014	Affordable housing (15x2bed and 4x1bed shared ownership flats)	Yes 30%
British Heart Foundation 3 - 5 High Street Southend-on- Sea Essex SS1 1JE	13/00438/FULM (allowed on appeal 17/12/2014 ref. 14/00015/REF)	17/04/2014	Affordable housing (2 x1bed, 2x2bed including 3 rental and 1 shared ownership)	Yes 20%
Esplanade House Eastern Esplanade Southend-On- Sea Essex	13/00869/EXTM	19/09/2013	Transfer of the decontaminated land fronting Burnaby Road (the subject of the outline application) to a Registered Provider for AH	Yes, demonstrated that land could provide no. of AH units required by policy (30%)
Frankie And Bennys 18 - 20 Southchurch Road Southend-On- Sea Essex	13/00484/FULM	29/07/2013	Affordable housing (1x2bed rented flat, 2x2bed shared ownership flat)	Yes 20%

SS1 2ND				
845 - 849 London Road Westcliff-On- Sea Essex	13/00061/EXTM	18/07/2013	Affordable housing (1 No. one bed flat, 2 No. two bed flats and 1 No. three bed flat)	Initially, yes 20% but reduced to 3 units (14%) at S106BA appeal January 2015
1091 London Road Leigh-On-Sea Southend-On- Sea SS9 3JJ	13/00232/FULM	10/07/2013	100% affordable housing (Social Rent or Affordable Rent) including 13 flats	Exceeded
Balmoral Hotel 30 - 36 Valkyrie Road Westcliff-On- Sea Essex SS0 8BU	13/00018/OUTM	16/05/2013	Affordable housing (2x1 bed, 2x2bed, 1x3bed including 4 rental dwellings, 1 shared ownership dwelling)	Yes 20%
Land at South East Essex College Of Arts and Technology Site, Carnarvon Road, Southend on Sea, Essex, SS2 6EF	12/00825/EXTM	27/03/2013	Affordable housing (9 rental dwellings, 30 shared ownership dwellings)	Yes 30%
Victoria House 47 Victoria Avenue Southend-On- Sea Essex SS2 6DR	12/01094/FULM	08/01/2013	Affordable housing (4x1 bed, 4x2bed)	Yes 20%

## Appendix 11: Details of amendments made to the September 2014 version of the Infrastructure Delivery Plan

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September version of IDP updated to reflect the latest position in respect of the Local Growth Fund (LGF) Bid:

- Text deleted from paragraph 2.40
  - ~~The South East Local Transport Board (LTB) follows the South East LEP boundaries and is run as if it were a sub group of the partnership. LTBs were introduced by the Government in 2012 to provide greater local involvement in the prioritisation and the overseeing of the delivery of major local transport schemes following the Spending Review in 2014/2015. The South East LTB is made up of six local authority representatives and three business representatives (one each from Essex, Southend and Thurrock; Kent and Medway; East Sussex). Other relevant organisations are invited to attend the meetings for specific items as necessary. However, the Department for Transport, Highways Agency, and Network Rail have standing invitations to attend all meetings. The LTB seeks to co-ordinate the collaboration of authorities within the LEP with regards to strategic transport infrastructure.~~
- Additional text added to paragraph 6.5 to confirm latest position in respect of the LGF
- Additional text at end of paragraph 6.6: "The LSTF continues into 15/17, supporting a wide range of revenue based activities."
- Text deleted from paragraph 6.12 ~~subsequent 'deal' which SELEP will negotiate.~~ and replaced with "and the funding allocations."
- Paragraph 6.13 amended to reflect updated LGF position
- Paragraph 6.20 deleted
- Paragraph 6.20 (previously 6.21) updated to reflect LGF position
- Table 6.1 updated to reflect LGF funding allocation
- Transport entry in Table 13.1 updated
  - Funding (known) ~~£25,000,000~~ £27,760,000
  - Funding gap ~~£28,000,000~~ £25,240,000
- Footnote \* in Table 13.1 deleted as updated provision from Local Growth Fund Bid included in table
- Footnote \* (previously footnote \*\*) updated in respect of the funding gap (approx. £102.2m)
- Transport entry in Appendix 3 updated to reflect the above figures
- Paragraph 13.2 updated to adjust funding gap in light of the LGF update – *funding gap now £100,651,400.*
- Paragraph 13.6 updated to reflect the remaining funding bid position in light of the LGF update

