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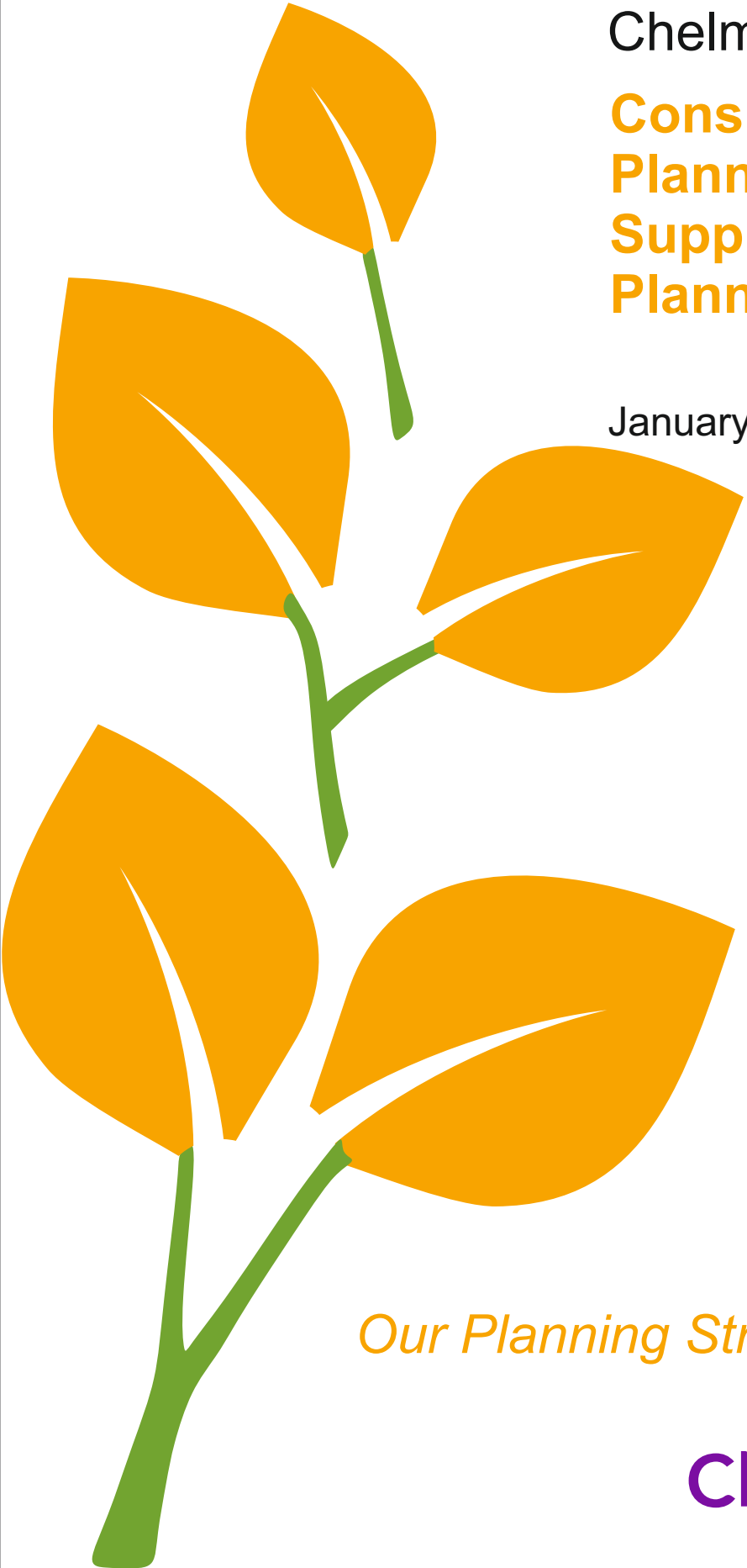
Chelmsford Local Plan

**Consultation Draft  
Planning Obligations  
Supplementary  
Planning Document**

January 2026

*Our Planning Strategy 2022 to 2041*

**Chelmsford**  
Local Plan 





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## I- Introduction

### Purpose of this Document

**1.1** This consultation Planning Obligations Supplementary Planning Document (SPD) sets out the City Council's approach towards seeking planning obligations which are needed to make development proposals acceptable in planning terms. It will replace the Planning Obligations SPD published in January 2021.

**1.2** This SPD identifies topic areas where planning obligations may be applicable depending on the scale of development and sets out the required obligations or contributions.

**1.3** It should be noted that not all the obligation types within this SPD will apply to all types of development. This SPD has been produced to apply to varying scales of development, but proposals will be assessed on a site-by-site basis with the individual circumstances of each site being taken into consideration.

**1.4** The combination of this SPD and the Council's Community Infrastructure Levy (CIL) Charging Schedule set out a clear position to developers, landowners and stakeholders, of the scope and scale of planning obligations applicable to different scales and types of development.

**1.5** The implementation guidance provided in this document supplements the requirements set out in the Local Plan.

### How have we got to this point?

**1.6** This draft of the SPD was published for six weeks public consultation in February 2025 alongside the Pre-Submission Local Plan documents. It will be submitted as an evidence base document supporting the Independent Examination of the Local Plan.

**1.7** The SPD has been revised to reflect changes to national planning policy guidance, proposed modifications to the Local Plan following a review that commenced in 2022, and new local strategies and policy guidance. Any references to Local Plan policies relate to the Pre-Submission (Regulation 19) Local Plan and Focused Consultation Additional Sites (Regulation 19) Document.



## 2- Policy Background

### National Planning Policy Overview

**2.1** The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraphs 56 to 59 of the National Planning Policy Framework (NPPF) December 2024, set out the Government's policy on planning obligations.

### The National Planning Policy Framework (NPPF)

**2.2** The NPPF advises that planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions.

**2.3** Community Infrastructure Levy Regulation 122 (2) sets out what a planning obligation can constitute and paragraph 58 of the NPPF re-iterates that planning obligations should only be sought where they meet all the following tests:

- they are necessary to make a development acceptable in planning terms;
- they are directly related to a development;
- they are fairly and reasonably related in scale and kind to a development.

**2.4** National Planning Practice Guidance (PPG) offers a web-based resource to support the NPPF.

### The Community Infrastructure Levy (CIL)

**2.5** The CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area. An infrastructure item can be funded using both Section 106 Planning Obligations and CIL receipts where necessary or required.

### Chelmsford City Council Community Infrastructure Levy (CIL)

**2.6** The City Council approved its CIL Charging Schedule on 26 February 2014 with an effective date of 1 June 2014. The Charging Schedule sets out a levy of £125 per sq.m for residential development, and £87 and £150 per sq.m for retail development, and a zero rating for all other types of development. The rate of CIL has increased each year since it was approved in line with an index of inflation.

## Infrastructure Delivery Plan

**2.7** The Chelmsford Infrastructure Delivery Plan (IDP) has been undertaken by independent consultants to inform Chelmsford's Local Plan and will be updated annually by the Council. The Chelmsford IDP shows what infrastructure is required and how it will be provided; who is to provide the infrastructure; and when the infrastructure could be provided. Due to the scale of the Garden Communities Development, they will have standalone IDPs developed in partnership with the land promoters. Any reference to an IDP in this document incorporates the Garden Community IDP's and the Chelmsford IDP for all other allocated development sites.

**2.8** The infrastructure needed to support the Local Plan is split into three funding categories:

- Direct developer funding such as Section 106 agreements (or Section 278 agreements for highway matters) with developers for infrastructure investments necessary to make development acceptable on individual sites, or which are necessary on a cumulative basis because of development arising on a combination of sites.
- CIL paid by developers based upon the floorspace of their development for infrastructure of a more general and/or lower-scale nature, which is not directly linked to growth or for which a need already exists.
- External funding sources such as from Government through national programmes (e.g. Housing Infrastructure Fund) or funding delivered by Essex County Council for infrastructure of a higher scale or more strategic nature, too extensive to be solely funded through new development.

**2.9** The IDP is a living document, where assessment of costs, funding, delivery, indexation and phasing will continue to be updated in conjunction with further work being undertaken with site promoters, ECC and funding partners to ensure the best and most up to date information is available.

**2.10** The funding categories of items of infrastructure required to support the Local Plan are set out in the latest published IDP.

## Chelmsford City Council Local Plan

**2.11** Development proposals should be considered in line with the City Council's Local Plan. Proposals which require planning obligations should be considered in accordance with the relevant policies. This SPD supports and supplements the Local Plan and is an important material planning consideration in the decision-making process.

**2.12** The overarching reasoning and justification for requiring planning obligations are set out in the Strategic Policies that underpin and guide the Council's Spatial Strategy in the Local Plan.

**2.13** The site policies are within three Growth Areas, with a policy for each site allocation. These policies set out the amount and type of development provided within each site allocation. They also set out what specific supporting infrastructure and other requirements are needed for each site.

**2.14** Other policies within the Local Plan provide specific and detailed justification for various types of planning obligations e.g. Policy DM2 - Affordable Housing and Exception Sites, such policies are referred to in the relevant sections of this SPD.

## Corporate Objectives

**2.15** 'Our Chelmsford, Our Plan, is a strategy for creating a fairer, greener and more connected community so we can shape Chelmsford as a leading place in the East of England. The provision of planning obligations, through this SPD, seeks to address the priorities of Our Chelmsford, Our Plan' by:

<b>A fairer and more inclusive place</b>	Promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and provide more homes of all types.
<b>A greener and safer place</b>	Creating a distinctive sense of place, making the area more attractive, promoting its green credentials, and ensuring that people and communities are safe.
<b>A more connected place</b>	Bringing people together and working in partnership to encourage healthy, active lives, building stronger, more resilient communities so that people feel proud to live, work and study in the area.

**2.16** The Plan can be downloaded here:

<https://www.chelmsford.gov.uk/your-council/our-chelmsford-our-plan/>



### 3- Obligation Types

**3.1** The following sections of this document set out the obligation types which may be required as part of any Section 106 Agreement. Each section sets out the policy background to requiring such obligations, when the obligation is expected to be provided, any exceptions and any other relevant information.

**3.2** The Council is required to publish an Infrastructure Funding Statement each year setting out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. Infrastructure Funding Statements also report on CIL and planning obligations revenue received, allocated and spent; as well as reporting on progress of works that have received funding. Essex County Council (ECC) is also required to publish an annual Infrastructure Funding Statement, primarily with regards education; highways and transportation; Public Rights of Way; libraries and monitoring.

**3.3** ECC's Developer's Guide to Infrastructure Contributions (Revised 2024) provides details of the impacts that development may have on ECC services and infrastructure, and guidance to developers regarding how Section 106 agreements and CIL may be used to secure works, finance and/or land to mitigate these impacts. A copy of the Guide can be found here:

[Planning advice and guidance: Guidance for developers | Essex County Council](#)

**3.4** Planning obligations should be clearly identified as early as possible in the planning process. This includes the Masterplan process, the pre- application process which is encouraged for all forms/scales of development and planning performance agreements to ensure all parties are clear what is required of them at each stage of the planning application process.

**3.5** Due to the scale and complexity of delivering the infrastructure required for the Chelmsford Garden Community (Location 6) and East Chelmsford Garden Community (Location 16), bespoke infrastructure delivery mechanisms may be appropriate and will be considered through the garden community governance structures and consulted upon separately.

## 4- Housing

### Policy Background

**4.1** The NPPF states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

**4.2** Strategic Policy S6 demonstrates the Council's commitment to plan positively for new homes and to help significantly boost the supply of housing to meet the needs of the area.

**4.3** To ensure the provision of an appropriate mix of dwelling types and sizes that contribute to current and future housing needs and create mixed communities, Table I below will be used to inform the mix of market housing proposed as part of new residential development in accordance with Policy DMI.

**Table I Size and Mix of New Market Housing**

<b>Size of new owner-occupied and private rented accommodation required in Chelmsford up to 2041</b>	
<b>Dwellings Size</b>	<b>Mix Required</b>
One Bedroom	5 – 10 %
Two Bedroom	30 – 35 %
Three Bedroom	35 – 40 %
Four or more bedrooms	20 – 25 %
<b>Total</b>	<b>100%</b>

**4.4** Policy DM26 provides information on the design specifications for dwellings, which includes a requirement for all new dwellings to comply with the Nationally Described Space Standards. As this applies to all new dwellings, evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.

**4.5** Policy DMI (Aii) and Policy DMI (Bi) describe the development thresholds and proportions of new dwellings that will be required to meet the enhanced access and adaptability standards set out in Part M, Category 2 (Accessible and adaptable dwellings) M4(2) and Part M, Category 3 (Wheelchair user dwellings) M4(3) (2) (b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended). These requirements will be secured through planning conditions and/or legal agreement.

**4.6** Further information on the implementation of Policy DMI (Bi) is provided in Section 5 Affordable Housing.

**4.7** Policy DMI (Ci) requires, within all new developments of more than 100 dwellings, 5% self-build homes, which can include custom house building. This requirement will be secured through a planning obligation.

**4.8** Policy DMI (Cii) requires all new development of more than 100 dwellings to provide Specialist Residential Accommodation (including Gypsy and Traveller needs), taking account of local housing needs. This requirement will also be secured through a planning obligation.

**4.9** Policy DMI (D) requires all new development of more than 500 dwellings to provide 10% of market housing for Older Persons. Evidence of compliance with this requirement will need to be provided prior to the validation of a planning application.

## **Build to Rent**

**4.10** The NPPF defines Build to Rent housing as that which is typically 100% rented out. The Strategic Housing Needs Assessment (SHNA) 2023 does not attempt to estimate the need for additional private rented housing, including Build to Rent housing, because it is likely that the decision of households as to whether to buy or rent a home in the open market is dependent on several factors which means demand can fluctuate over time.

**4.11** The 2024 SHNA Addendum Report reviewed new lettings and showed much higher market rents are charged on new lettings in the private rented sector than those which cover the whole private rent sector. Consequently, lettings associated with new Build to Rent dwellings are likely to be much higher than those in the private rented sector as a whole.

**4.12** All market rented homes in Build to Rent schemes are expected to reflect the indicative mix set out in the latest SHNA. For ease of reference the 2023 SHNA considered the below mix to provide a reasonable starting point for Build to Rent housing:

1 bedroom homes	25%
2 bedroom homes	45%
3 bedroom homes	25%
4 bedroom homes	5%

**4.13** The NPPF states that Build to Rent homes should offer longer tenancy agreements of three years or more and should be on the same site or contiguous with the main development of a wider multi-tenure development.

**4.14** Schemes proposing Build to Rent homes will be considered on their merits, which will include consideration of the level of the market rents, the proportion of Build to Rent homes provided as part of a multi-tenure development, mix of housing proposed and the proportion of affordable private rent homes to be provided. Further guidance on the level and mix of affordable private rent homes expected from Build to Rent proposals is set out in Section 5.



## Definition of Self-Build and Custom Housebuilding

**4.15** The Self-build and Custom Housebuilding Act 2015 (as amended) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where individuals, an association of individuals, people working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

**4.16** In considering whether a home is self-build or a custom build home, local authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not include the building of a house or plot acquired from a person who builds the house mainly to plans or specifications decided or offered by that person. The 2015 Act also requires custom and self-build homes to be occupied as a sole or main residence. There are various types of self-build and custom build projects including:

- Individual self/custom build - individuals purchase a serviced plot of land and build a house to live in. They may do some or all the build themselves (Do-It-Yourself) or employ a builder, architect or project manager to oversee the build (self-commissioned).
- Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project (see Community-led and cohousing below).
- Developer-led custom build - a developer divides a larger site into individual serviced plots and provides a design and build service to purchasers through a choice of pre-approved designs. This gives people a chance to customise existing designs to suit their needs. Self-finish/shell homes – housing built as a watertight shell by a developer, the internal layout of which is then designed and finished by the initial occupant.

**4.17** Community-led housing is development taken forward by or with a not-for-profit organisation that is primarily for the purpose of meeting the needs of its members or the wider local community. A [Community Led Housing Planning Advice Note](#) promotes greater understanding of Community Led Housing and shows the enhanced role that communities can have in influencing increased provision of Community Led Housing. It also provides further information on the different approaches in which a community group or organization can own, manage, or steward homes.

**4.18** A cohousing project involves a legally recognised group of people creating their own neighbourhood of homes, with shared facilities such as a communal house. This is different to Co-living Housing, which also contains significant communal space but is provided by a commercial entity. Further advice on Co-Living Housing can be found in the Co-Living Housing Planning Advice Note.

## What is the method of calculation for the quantum of Self-Build and Custom Housebuilding?

**4.19** The Self and Custom Housebuilding Act 2015 (as amended) places a duty on the Council to keep a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Council's area for their own self-build and custom housebuilding.



**4.20** The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the authority's area, plot sizes and type of housing intended to be built. This information is updated each year in the Self-Build and Custom Housebuilding Monitoring Report.

**4.21** At the time a formal pre-application is submitted, the Council will review the requirements to provide 5% self-build and custom housebuilding against its register. It will not be necessary to review the requirements again if a full or detailed planning application is submitted within six months of the pre-application advice being provided. The Council would not seek more than 5% self-build and custom housebuilding.

**4.22** The calculation of the self-build and custom housebuilding requirement will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of self-build and custom housebuilding sought does not result in whole numbers of units, the number of self-build and custom housebuilding dwellings or plots will be rounded up.

**4.23** In this guide, reference to a 'serviced plot' means one self-build and custom housebuilding dwelling, regardless of the type of self-build and custom build project.

### **What is the definition of a Serviced Plot of Land?**

**4.24** A serviced plot of land must have legal access to a public highway and electricity, water, wastewater, telecommunications including fibre optic broadband and sewer connections at least to the plot boundary.

**4.25** Legal access to a public highway can include sections of private or unadopted road, it does not mean that the plot is immediately adjacent to the public highway just that there is the guaranteed right of access to the public highway.

**4.26** Connections for electricity, water and wastewater means that the services must either be provided to the boundary of the plot, so that during construction connections can be made, or adequate alternative arrangements are possible, such as the use of a cesspit rather than mains drainage.

### **Mix of Self-Build and Custom Housebuilding**

**4.27** At the time a planning application is submitted, the Council will review the preferences of the people on the register as reported in the latest published Self-Build and Custom Housebuilding Monitoring Report, to advise developers and landowners on the type of self and custom housebuilding required.

**4.28** At application stage, all Self-Build/Custom Build areas are to be shown on the indicative layout plan and relevant parameter plans.

**4.29** Providers should provide a mix of serviced plots to meet the range of demand and affordability evidenced by local demand on the register, as annually updated in the Self-Build and Custom Housebuilding Monitoring Report.



**4.30** Where there is evidence of local demand for serviced plots, but they are not possible e.g. flatted schemes, the Council will require the provision of self-finish/shell homes where the purchaser can then define internal layouts, finishes and fixings as well as any exterior landscaping for flats with private gardens.

## **Section 106 Agreement**

**4.31** The Section 106 agreement will secure self-build or custom build homes that meet the legal definition of self-build and custom housebuilding in the Self-build and Custom Housebuilding Act 2015 (as amended). To ensure that self-build and custom housebuilding provision are delivered in a way that meets local demand, the Council will seek to secure a Section 106 obligation which sets out the location, phasing, build programme, amount, type, mix, marketing strategy and priority mechanisms that the self-build or custom housebuilding must achieve.

**4.32** The Marketing Strategy will be expected to detail the proposed marketing of the self-build and custom build plots which shall not exceed 15 units at a time and include details of the sale price of the plots with supporting valuation methodology from a RICs qualified valuer, how, where and when the plots are to be offered to the market, plot passport details for each plot, marketing materials, promotional methods, on-site signage, promotional information for persons on the Council's Self Build and Custom Build Register, and any alternative or additional marketing in the event that the interest is low, the marketing periods of plots and priority mechanisms

**4.33** The priority mechanism will include a restrictive marketing period of 3 months. In this 3-month period a household on Part 1 of the Self-Build and Custom Housebuilding Register will be given priority over other potential purchasers.

**4.34** Custom and self-build developments will be required to deliver Biodiversity Net Gain (BNG) in accordance with national mandatory requirements, other than where the national custom and self-build exemption applies. The exemption will not apply to the application of the 5% obligation under Policy DMI C as the 5% requirement is only triggered for development proposals of 100 or more dwellings. Arbitrarily dividing up development proposals to apply the exemption will not be acceptable. Where developments are exempt from mandatory BNG requirements, they are encouraged to deliver biodiversity gain proportionate to the scale of development. To qualify for BNG exemptions, planning applications must clearly demonstrate that the development meets the custom and self-build legal definition, and planning permissions must be secured as custom and self-build housing.

**4.35** The Section 106 agreement will seek to ensure that self-build and custom housebuilding provision will need to be made available and actively marketed before occupation of 50% of market housing provision.

**4.36** Providers of self-build and custom housing building will be required to market appropriately in accordance with an approved marketing strategy serviced plots and ensure they remain available for at least 12 months at a price which accounts for income and saving levels of those on Chelmsford's Self-Build and Custom Housebuilding Register (as detailed in the Self-Build and Custom Housebuilding Monitoring Report), and which is comparable to other serviced plots marketed in the administrative area of Chelmsford in the same 12-month period. If after 12 months a serviced plot has been made available and actively marketed in accordance with the approved marketing strategy but has not sold, the plot can either remain on the open market or



be built out by the Developer in accordance with the Design Code and other relevant Local Plan policies. The Council will release the owner from its obligations set out in the section 106 agreement when the owner has provided the Council with a satisfactory record of sale enquiries. Plot providers reverting self-build and custom housebuilding back to market housing will be responsible for the full CIL liability.

**4.37** Self-build and custom housebuilding will not be considered as part of the affordable housing obligations set out in Policy DM2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it meets a different identified housing demand.

## Design Requirements

**4.38** To ensure that self-build and custom housebuilding is of high-quality design, sites with multiple serviced plots (5 or more) or other forms of self-build and custom housebuilding provision, will be required to be supported by a Design Code unless secured through pre-approved plans. The implementation of a Design Code will be secured through a planning obligation.

**4.39** A Design Code should normally be submitted by the provider at the outline planning stage and should set out a clear set of design rules and parameters that future development will comply with. Design Codes will vary depending on the amount of development proposed and the context of the site. They will need to be agreed with the Council.

**4.40** A Design Code should include the information set out in the [‘Design Code Template for Self-Build and Custom Housebuilding’](#) which has been published alongside this SPD.

**4.41** Pre-approved designs must be configured in a manner that secures as much design freedom for the initial occupant as possible and only fixes design parameters where demonstrably necessary. Pre-approved design options should show design freedom with a least three options offered to initial occupants over each of the matters listed below:

- Size and shape of the home, including outbuildings;
- Position, size and shape of all windows and doors across every elevation;
- Materials across every elevation and roof;
- Internal layout e.g. location, size and shape of rooms;
- Build specification e.g. insulation, heating configuration, heat pumps;
- Sustainability features e.g. solar panels, solar hot water, triple glazing; and
- Finishes e.g. kitchen, bathroom, flooring, lighting.

**4.42** Plot Passports provide potential plot purchasers with a simple and concise summary of the design and development parameters for a specific plot. They should clearly show the plot size, any design and siting parameters, access arrangements, separation distances to adjacent sites, the cost of the site, developable footprint, building height, refuse storage areas, servicing infrastructure, CIL exemption, car parking provision, access to site wide survey information, site constraints and construction compound, materials storage area and location of plots. Plot passports can also contain information relating to the plot sales process and planning application process if applicable. Plot passports must be available to potential plot purchasers before plots are marketed and approved as part of the marketing strategy submitted to the Council.



The Council recognises that modular housing, which is built off-site, can help deliver custom house building that is more cost effective than traditional house building methods. The Council will support modular housing where it complies with design codes, policies and standards in the Local Plan.

**4.43** All residential development, including self-build and custom housebuilding must comply with the relevant Local Policies set out in the Local Plan. Each serviced plot will need to submit a full or reserved matters application where the design and appearance of an individual home will be considered.

## **CIL Exemptions**

**4.44** The self-build exemption from CIL is applicable for all homes built or commissioned by individuals for their own use, either by building the home on their own or working with builders, so long as the home is occupied by that person as their sole or main residence for the duration of the claw back period (3 years).

**4.45** Qualifying self-builders will be eligible to apply for CIL relief for self-build. Self-builders seeking relief are required to declare that their development is intended to be self-build, prior to commencement of development. The self-builder must remain as the occupant of the dwelling for a minimum of 3 years after completion. If the dwelling is sold or let within three years of completion, the Council will clawback the CIL liability from the self-builder.

**4.46** On schemes delivering multiple self-build and/or custom housebuilding plots, to ensure that the self-builder of each plot can claim for CIL exemption for Self-Build, the developer bringing the scheme forward must submit a clearly marked 'phasing plan' and accompanying schedule with each phase (or plot) clearly listed. This information should be submitted with the planning application or submitted in response to a pre-commencement condition imposed by the planning permission. This is to prevent a CIL charge being triggered for all plots within the wider development as soon as development commences on the first dwelling. This will also ensure that if a disqualifying event occurs affecting one unit, it does not trigger a requirement for all to repay the exemption.

## **Definition of Specialist Residential Accommodation**

**4.47** Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community, including older people; students; people with disabilities; people with support needs, looked after children and Gypsy and Travellers and Travelling Showpeople.

**4.48** Disabilities can include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs, which may generate a range of housing requirements which can change over time.

**4.49** National Planning Practice Guidance recognises that local planning authorities may also wish to consider groups outside of the scope of the definitions in paragraphs 4.47 and 4.48 above, to meet specific needs within their communities.

**4.50** The Specialist Residential Accommodation required by these groups varies from independent self-contained accommodation with limited support to non-self-contained nursing homes for

people with more complex needs who need medical support.

**4.51** Accommodation with support can be delivered in a range of settings, including individual flats or houses, shared accommodation or clusters. The term ‘Supported Living’ refers to the way support is organized, rather than specifying one type of accommodation that is required.

**4.52** ECC defines supported living schemes as clusters of single occupancy units with a shared core support for all service users, or tenants living in a shared house or bungalow with their own room and shared communal area. ECC has published Supported Living Accommodation Standards which set out the standards for any supported living properties.

**4.53** Specialist Residential Accommodation does not necessarily have associated support requirements but could cater to the specific needs of the groups requiring it through the built form of the accommodation provided, such as purpose-built student accommodation or pitches for Gypsy and Travellers.

### **What is the method of calculation for the quantum of Specialist Residential Accommodation?**

**4.54** Any Specialist Residential Accommodation for older people is expected to be predominantly delivered within the 10% market housing requirement specified in Policy DMI (D) on greenfield developments of more than 500 dwellings.

**4.55** The demand and housing need for Specialist Residential Accommodation is very diverse and calculated in different ways. The Chelmsford Housing Strategy 2022-2027 identifies a need for over 60 supported accommodation units for homeless households and those in temporary accommodation (as of March 2022). The Gypsy and Traveller Accommodation Assessment (GTAA) (2023) identifies a need for 27 new pitches across the period 2023-2041 for Gypsies and Travellers who do not meet the PPTS definition. The Strategic Housing Needs Assessment (SHNA) (2023) estimates a potential need for 11 additional children requiring care and accommodation provided by ECC across the plan period. The SHNA 2023 also calculates that the Council could seek 5% of new market homes to be compliant with Part M, Category 3 (Wheelchair user dwellings) M4(3) (2) (a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) to meet the needs of older and disabled people.

**4.56** ECC has published a ‘Supported and Specialist Housing and Accommodation Needs Assessment’ (August 2025), which estimates the need for supported and specialist housing and accommodation in five-year intervals from the base year of 2024 where possible.

**4.57** Using the local housing need for Specialist Residential Accommodation identified in the Chelmsford Housing Strategy, GTAA and SHNA (excluding older person’s housing demand) there is an identified local housing need for just over 100 Specialist Residential Accommodation dwellings. As this figure includes identified housing needs that have not been calculated across the whole plan period, it is anticipated that the local housing need for Specialist Residential Accommodation will be higher across the plan period.

**4.58** In anticipation of a higher level of local housing need across the plan period, the quantum of Specialist Residential Accommodation sought to meet the local housing needs requirement of Policy DMI (Ci) will be calculated at a ratio of one specialist residential dwelling per 100 residential

dwellings on sites of more than 100 dwellings. Using this ratio, and the forecast supply on development sites of more than 100 dwellings, it is anticipated the Specialist Residential Accommodation supply over the plan period will deliver approximately 165 dwellings.

**4.59** Some Specialist Residential Accommodation requires additional revenue funding to provide support services. Where these costs cannot be met by residents of the accommodation, additional subsidy will need to be secured. In these circumstances, it might be more appropriate to secure a capital contribution towards the Specialist Residential Accommodation as a commuted payment in lieu of on-site provision. A commuted payment in lieu of on-site provision also allows flexibility to meet the range of identified local housing need for Specialist Residential Accommodation and flexibility in the location of the Specialist Residential Accommodation.

**4.60** Whilst the local housing need for Specialist Residential Accommodation encompasses a range of accommodation sizes, for the purposes of calculating a capital contribution in lieu of on-site provision, it is assumed the local housing need is for one bed, two-person occupancy dwellings.

**4.61** Table 2 below calculates the capital value of these dwellings using the assumptions / sources noted in the table:

**Table 2 Specialist Residential Accommodation Capital Value Calculation**

Item	Assumption/Source	Amount (£) per annum
Gross rent	Local Housing Allowance One Bed Rate April 2024	9,513.96
Service Charge	£25 per week	1,300
On cost	10% of gross rent	951.40
Management and Maintenance Cost		500
Void and bad debts	3% of gross rent	285.41
Net rent		6,477.15
Capitalised Value	Payback period 30 years	194,314.50
Value per sqm	Nationally Designed Space Standards for one bed two person flat – 50sqm	3,886.29



**4.62** Using the average value per sqm in Table 41.5 of the Local Plan Viability Update (2023) of £4,734 per sqm, the contribution in lieu of on-site Specialist Residential Accommodation will be:

£42,400 per net new dwelling = (£4,734 - £3,886 = 848) x 50 sqm

**4.63** The Specialist Residential Accommodation contribution on developments of more than 100 dwellings will therefore be:

i. in respect of on-site Specialist Residential Accommodation, 1% of the total new net residential dwellings; or

ii where there is a contribution in lieu of on-site provision the contribution will be £42,400 per Specialist Residential Accommodation dwelling.

**4.64** The 1% applies to the whole development; it does not only apply to the part of the development above the threshold.

**4.65** The Specialist Residential Accommodation requirement of Policy DM1 (Ci) is in addition to the requirements set out in Policy DM2, as Policy DM2 does not identify the specific housing needs of households requiring Specialist Residential Accommodation.

**4.66** The Specialist Residential Accommodation requirement of Policy DM1 (Cii) applies to all new developments of more than 100 dwellings. It does not apply to standalone developments containing solely Specialist Residential Accommodation.

### **Mix of Specialist Residential Accommodation**

**4.67** At the time a formal pre-application is submitted, the Council will consider the published Specialist Residential Accommodation local housing needs to provide advice on how best the local housing need for this type of accommodation can be met.

**4.68** The Council will also consult ECC to seek advice on their priority Specialist Residential Accommodation local housing needs

**4.69** The Council will provide advice on the affordability of on-site Specialist Residential Accommodation as demonstrated by evidence base documents. Where affordability information is not provided in these statements / strategies, the default need is set out in Section 5 of this SPD.

### **Section 106 Agreement**

**4.70** To ensure that Specialist Residential Accommodation is delivered in a way that meets local need, the Council will seek to secure a Section 106 obligation which sets out the amount, type, mix and tenure and priority mechanisms of the Specialist Residential Accommodation to be provided in perpetuity.

**4.71** Where Specialist Residential Accommodation is meeting local housing needs a priority mechanism for households that reside, work or have strong family connections with people living in the administrative area of Chelmsford City Council from whom they require support, will be prioritised for a period of three months.



**4.72** The Section 106 agreement will seek to secure that Specialist Residential Accommodation is made available before occupation of 50% of market housing provision, to ensure timely delivery of the Specialist Residential Accommodation. The Specialist Residential Accommodation obligation could be met through the provision of a suitable serviced site, on-site completed dwellings or a contribution in lieu of on-site provision calculated in accordance with paragraph 4.62 above.

**4.73** Where Specialist Residential Accommodation is required to be delivered under Policy DMI, it will not be considered to count towards the affordable housing requirement set out in Policy DM2, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it meets a different identified housing need.

**4.74** Specialist Residential Accommodation required under Policy DMI is in addition to any residential requirements set out in site policies in the Local Plan.

**4.75** To ensure that Gypsy and Traveller and Travelling Showpeople Sites are delivered in a way that meets local needs the Council will secure a Section 106 obligation that sets out the number of plots, tenure, uses on site and prioritisation mechanism for the accommodation to be provided in perpetuity. Also, for Travelling Showperson plots the Section 106 agreement will include a mechanism for determining the 'market value' of a site.

**4.76** The prioritisation mechanism will ensure that each pitch/plot shall only be occupied by persons who form part of a Gypsy and Traveller or Travelling Showperson household, they (one of them if the household consists of more than one person) are aged 18 or over, and can adhere to the 'Plot Eligibility and Allocation Prioritisation Policy' as defined at the time to reflect identified need in the latest published Gypsy and Traveller Accommodation Assessment.

## **Design Requirements**

**4.77** Specialist Residential Accommodation can cater to the specific needs of a variety of people within the community and design requirements will consequently vary significantly.

**4.78** Accessible and adaptable housing enables people to live more independently while also saving on health and social costs in the future. Accessible and adaptable housing will provide safe and convenient routes into and out of the home and outside areas, suitable circulation space and suitable bathrooms and kitchens within the homes.

**4.79** Wheelchair user dwellings include additional features to meet the needs of occupants who use wheelchairs or allow adaptations to meet such needs.

**4.80** Inclusive design should not only be specific to the building but also include the setting of the building in the wider built environment, for example the location of the building on the plot; the gradient of the plot; the relationship of adjoining buildings; and the transport infrastructure. Further guidance on inclusive design of public spaces and the wider built environment is provided in the 'Making Places SPD'.

**4.81** Design principles such as those set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places.

## Gypsy, Traveller or Travelling Showperson sites

**4.82** Gypsy, Traveller or Travelling Showperson sites, both allocated and non-allocated sites, will need to provide a suitable living environment for the proposed residents, with safe and convenient access to the local highway network. Mains water, electricity supply, drainage and sanitation should be available on-site or be made available on-site. Sewerage should normally be through mains systems, however, in some locations this may not always be possible and in that case suitable alternative arrangements can be made. All sanitation provision must be in accordance with current legislation, regulation and British Standards.

**4.83** Surface drainage (which may take the form of Sustainable Drainage Systems), gigabit broadband and mobile infrastructure should be provided where possible.

**4.84** The Site design and layout need to appropriately consider ways of 'Designing out Crime' and it is recommended that the applicant seek early engagement with Essex Police to help achieve this.

**4.85** Provision of amenity green space should be made on Gypsy, Traveller and Travelling Showperson sites in accordance with Table 3 below.

**Table 3 Amenity Space Provision on Gypsy, Traveller or Travelling Showperson Sites**

Private/Communal Amenity Green Space	Form	Amount
Where amenity green space can be delivered on pitch/plot	<ul style="list-style-type: none"> <li>Grassy and/or woodland space without hardstanding.</li> <li>Within boundary of plot.</li> <li>Not accessible to motorised vehicles.</li> </ul>	80 sqm minimum private green amenity space
Where amenity green space cannot be delivered in full on pitch/plot*	Demarcated private zone on each pitch/plot capable of use as a clothes drying area. Within boundary of plot. Not accessible to motorised vehicles.	10 sqm minimum demarcated private zone.
	Communal space, overlooked by other plots on site to promote safety through surveillance. Within site boundary. Grassy and/or woodland space without hardstanding – with exception being the presence of children's play equipment if appropriate. Not accessible to motorised vehicles.	20 sqm minimum per-pitch/plot communal green amenity space.

\*Both demarcated private zone and communal space to be provided in this instance.

**4.86** Spaces need to feel safe and be accessible to all intended users. It is advisable to consider the boundary treatment of the amenity green space provision to protect its users – particularly children – from the surrounding vehicular traffic.

**4.87** All new Gypsy, Traveller and Travelling Showperson sites should seek the planting of three trees per net new pitch/plot. In line with the Environment Act 2021, all development proposals (except where exemptions apply) will be required to provide a minimum of 10% biodiversity net gain above the ecological baseline for the application site. Where it is possible to achieve, the Council will encourage delivery of a greater than 10% biodiversity net gain.

**4.88** Each site should have a site office provided on-site, where a site manager can be based and residents on site can reasonably access. The site office would serve as a hub for residents to report and discuss issues and where appropriate facilitate site health, safety and well-being sessions. It is expected that the site owners/other residents of the site would collectively own and manage the office building. Planning conditions will be put in place to retain the use of a site office for site management in perpetuity.

**4.89** To promote safety and security on site, consideration must be given towards the design, layout, and positioning of the site office. This site office must be situated within a suitable distance of the residential plots to provide security for the site without being intrusive and should be clearly visible to visitors entering the site. The site office must be designed to ensure it is easily accessible to all residents on site and suitably accommodate all abilities and stages of life. A site office must have connections to all on-site services. As a minimum, the building must include a WC with sink basin, kitchen, and lounge area. Provision of a site office should include at least two bays to accommodate a standard car. At least one bay for the site office must be suitable to accommodate drivers/ passengers who are wheelchair users.

**4.90** All new Gypsy, Traveller and Travelling Showperson sites should provide a suitable living environment for the proposed residents. The perimeter of any site should be suitable bounded to help achieve this and provide safety and security to the site residents, deterring unauthorized entry.

**4.91** Site boundaries should be clearly marked, and materials chosen should be sympathetic to the character of the area. Consideration should be given towards location of access points in the boundary to ensure connectivity between the site and the surrounding amenities can still be achieved.

**4.92** Each pitch or plot within a site should have a clear boundary defining the area each individual household occupies to protect the living and amenity space of individual households.

**4.93** In designing pitch and plot boundaries, consideration needs to be given towards achieving a balance of preventing overlooking onto individual households to provide privacy and retaining a level of natural surveillance across the site for resident safety.

**4.94** Access into and within the site needs to be able to accommodate the turning space required by large trailers as well as emergency vehicles, refuse collection, without compromising the safety of residents nor the function of the connecting strategic highway. Early consultation with Essex Highways is advisable to ensure this is achieved.



**4.95** Bays allocated for static mobile homes or touring caravans must be at least two metres away from any road. On each pitch or plot, at least one bay allocated for use by private car must be suitable to accommodate drivers/passengers who are wheelchair users.

**4.96** All parking provision is to be provided in hardstanding areas and clearly designated to deter unsafe or obstructive parking. These areas must be constructed with material suitable to sustain large weight and regular movement attributed to the range of vehicles on site.

**4.97** Each pitch or plot will be required to provide electric vehicle EV charging points at a rate of at least one EV charging point per pitch/plot. The EV charging point provided must be on the pitch/plot and accessible to vehicles parked within the allocated bays for cars and/or static mobile home and/or touring caravan. Provision of at least one EV charging point to serve the site office parking bays is also required. Provision of any additional EV charging points on pitch/plot will be welcomed.

**4.98** For fire safety reasons, no bay allocated for static mobile home or touring caravan should be placed within three metres of the site boundary; and the distance between bays allocated for static mobile homes or touring caravans needs to be at least six metres.

**4.99** Allocated bays for private cars ought to have a separation distance of at least six meters from a touring caravan or static home. Where this is not achievable, a separation distance of at least three meters can be allowed so long as the private cars would not obstruct entrance to the touring caravan or static home.

**4.100** All separation distances must also be clear of any combustible structures. Early consultation with the Fire and Rescue Services is advisable.

**4.101** An amenity building must be provided on each pitch/plot with connections to all on-site services. As a minimum, the building must include a WC with sink basin, a shower and utility room, kitchen, lounge, and a dining area.

**4.102** The amenity building should suitably accommodate residents of all abilities and stages of life. In designing the amenity building, consideration must be given towards accessibility and adaptability provision. Consideration must also be given towards resident privacy in the siting and orientation of the amenity building. In accordance with Appendix B of the Local Plan, all habitable rooms must have at least one window in a wall allowing outlook and ventilation. Walls which form a boundary with another plot or a boundary to the site should not have windows.

**4.103** Any amenity building provided on sites shall meet the Building Regulations optional requirement for water efficiency of 90 litres/person/day.

**4.104** An external shed should be provided to serve as residential storage, and a secure enclosure to be provided for the storage of metal gas bottles.

**4.105** Recycling and waste provisions are to be provided in the same manner as are expected for any other residential development. Space to store recycling and waste receptacles and ability for refuse collectors to reach these needs to be considered. See Appendix B of the Chelmsford Local Plan for details.



**4.106** Infrastructure facilitating on-site energy generation and sustainable living will be supported. This may take the form of solar PV/solar thermal, rainwater harvesting, heat pumps, etc.

**4.107** Where sites are allocated as part of a wider strategic site, certainty surrounding Local Plan Policy compliance and elements of the Scheme will also be required at earlier stages of the planning process.

**4.108** All sites should be indicated on a site plan with high level consideration in the Masterplan submission to size of the site and number of plots to be provided, identification of any protected natural feature on the site and the impact upon the character of the area, historic or natural environmental assets and flood risk.

**4.109** At outline planning application stage, all sites should be shown on an indicative layout plan and relative parameter plans. A Section 106 agreement will secure the delivery of pitches and plots. There should be detailed consideration given to vehicle access into the site and connectivity to the highway network, provision for the supply of all on-site services into the site boundary, provision of adequate community services and facilities within reasonable travelling distances as well as pitch/plot boundaries.

**4.110** Whilst there are no prescribed standards for the design and layout of Gypsy and Traveller sites, site location and design should take into account the Ministry of Housing, Communities and Local Government's Designing Gypsy and Traveller sites: good practice guide and where appropriate, relevant legislation.

**4.111** The term 'pitch' refers to the space required on a site to accommodate a Gypsy and Traveller household. There is no set size for an individual pitch. They can vary like house sizes depending on the number of family members. To help sites integrate into existing communities, new Gypsy and Traveller sites should seek to provide a maximum of 10 pitches. A pitch should, however, be large enough to provide at least all the following:

- hardstanding for one static caravan;
- hardstanding for one travelling caravan;
- two parking bays for larger vehicles;
- an amenity building containing a kitchen, lounge and dining area, shower and utility room; and separate toilet facilities;
- an external shed;
- a secure enclosure for metal gas bottles; and
- clothes drying area.

**4.112** To help sites integrate into existing communities and to ensure sites are suitable for an extended family unit, new travelling Showperson sites should normally seek to provide up to 15 plots.

**4.113** The term 'plot' refers to the space required on a site to accommodate a household of Travelling Showpeople. A number of plots are also sometimes referred to as 'yards'. The Local Plan expects 0.2 hectares per plot to be provided. This is considered an appropriate size to accommodate the proposed number of caravans, vehicles and ancillary areas to enable the storage, repair and maintenance of equipment as well as account for turning space required by large vehicles and amenity space for residents. Larger plots may be acceptable to facilitate future

sub-division of plots to accommodate any anticipated rise in need.

**4.114** The area of land set aside for accommodation by one family unit and the area of land set aside for the storage and maintenance of equipment collectively forms a single plot. The storage and maintenance space can sometimes be a communal area, however, for security reasons there may be a preference for them to form part of individual plots.

**4.115** Travelling Showpeople sites need to accommodate a range of vehicles including cars, vans, lorries, trailers, mobile homes, and caravans and be accessible to emergency vehicles and refuse collection vehicles. Access is required both onto the site as a whole and into individual plots.

**4.116** The following parking provision is suggested for each plot as a minimum:

- 2 bays to accommodate private cars
- 1 bay to accommodate a static mobile home
- 1 bay to accommodate a touring caravan
- 4 bays to accommodate lorries and/or trailers

**4.117** A maintenance/storage workshop of at least 100m<sup>2</sup> floor space is to be provided on each plot. Water and electricity provision must be available as a minimum. Where feasible, the height should be around 1.5 stories to accommodate the height of a standard lorry/trailer.

**4.118** If site constraints prevent delivery of maintenance/storage workshops on each plot, provision of these can be within communal areas. It is expected in this instance that at least 100m<sup>2</sup> floor space per plot is still achieved. The maintenance/storage workshops should be positioned at a distance of at least six metres away from any amenity building, or parking bay for static or touring caravans to minimise the impact of visual, noise and odour pollution on residents. Conditions may be required to establish permissible activities/use classes and set operation times to reduce risk of nuisance.

**4.119** For fire safety, the amenity building, site office, maintenance/storage workshop and any other storage units should be constructed from non-combustible materials such as masonry brick. Strict adherence to the Fire Safety Order and relevant Building Regulations will be sought and it is recommended that the applicant seek early engagement with the Essex County Fire & Rescue Service

**4.120** Though not prescriptive, the following figures provide indicative layout designs of Travelling Showpeople sites that would be acceptable:

**Figure 1: Indicative Travelling Showperson site example layout with separate provisions**



**Figure 2: Indicative Travelling Showperson site example layout with shared provisions**





## Older Persons

**4.121** The NPPF sets out that Older People are those over or approaching retirement age, including the active, newly retired through to the very frail elderly.

**4.122** The 2024 SHNA Addendum Report reviews the housing needs of older people in terms of those aged 65 and over. It estimates the need for specialist older people's accommodation, which for market housing equates to 7% of the Housing Requirement.

**4.123** This does not include the estimated need for other forms of housing that benefits older people such as wheelchair user housing, which the 2024 SHNA Addendum Report estimates to be 637 homes to meet current and future need to 2041.

**4.124** The combined need for specialist market housing for older people and wheelchair user homes across the plan period in the 2024 SHNA Addendum Report is 2,299 homes, which equates to 10% of the Housing Requirement across the Plan Period.

**4.125** The 2023 SHNA recommends that the Council seeks a proportion (up to 5%) of all new market homes to be M4(3) compliant to meet the identified need. The 2023 SHNA demonstrates a clear correlation between the age of a household reference person and the likelihood of there being a wheelchair user in the household therefore it is logical that this need is met through older persons housing.

**4.125** The 10% requirement for older persons market housing is applied to sites of more than 500 dwellings in Policy DMI D to enable a critical mass of Specialist Residential Accommodation to be achieved if that is the form of housing needed.

### **What is the method of calculation for the quantum of Older Person's housing?**

**4.126** In order to reflect the need, 10% should be calculated from the total number of dwellings and provided within the 65% market proportion. For example, a site providing a total of 1,500 residential units will be required to provide 150 older person residential units or bed spaces, or a combination of both, totaling 150. This will need to be provided as part of the 975 market residential units.

### **Mix of Older Persons Housing**

**4.127** Older persons housing to meet the requirements of Policy DMI D can be provided as age restricted adaptable general needs housing that meets the requirements of Part M, Category 3 (Wheelchair adaptable dwellings) M4(3)(2)(a) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) and/or Specialist Residential Accommodation for Older People, including housing with support, housing with care, residential care bedspaces and/or nursing care bedspaces.

### **Section 106 Agreement**

**4.127** The amount, age restriction and form of the Older Person residential provision will be secured through a Section 106 agreement, but this will not contain any priority mechanisms set out in the Specialist Residential Accommodation section above when secured as market housing under Policy DMI D.

## **Design Requirements**

**4.128** The NPPF notes that mixed tenure sites, including housing designed for specific groups, provide a range of benefits, creating diverse communities.

**4.129** The Design principles set out in the Housing our Ageing Population Panel for Innovation (HAPPI) Report (2009) are applicable for older people and age-friendly places, so will apply to all older person's dwellings required by Policy DMI D.



## 5 Affordable Housing

### Policy Background

**5.1** The NPPF states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need.

**5.2** Paragraphs 20, 35, 63-6 of the NPPF and Strategic Policy S6 and Policy DM2 of the Local Plan set out the justification for requiring planning obligations in respect of securing affordable housing.

**5.3** Strategic Policy S6 sets out the Council's housing requirement. This is evidenced by the Council's SHNA (2023) and SHNA Addendum Report (2024), which identifies the need for new affordable homes.

**5.4** Policy DM2 (A) requires the provision of 35% of the total number of residential units to be provided and maintained as affordable housing within all new residential development sites which comprise of 10 or more residential units.

**5.5** Planning obligations will be used to secure the following elements related to the provision of affordable housing:

- 5.5.1 the number of units;
- 5.5.2 the type of units;
- 5.5.3 tenure of units;
- 5.5.4 location of units;
- 5.5.5 space standards, accessibility and parking provision;
- 5.5.6 commuted sums in lieu of provision (where appropriate).

**5.6** All affordable housing provided in areas covered by The Housing (Right to Acquire or Franchise) (Designated Rural Areas in the East) Order 1997 (SI 1997/623) and The Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 (SI 2009/2098) will be subject to the retention restrictions imposed by these Orders.

**5.7** The statutory right of tenants to acquire their affordable homes for rent (the "Right to Acquire") does not apply to any affordable dwellings for rent which are situated within a Designated Rural Area.

**5.8** Where shared ownership leases of dwellings in Designated Protected Areas are concerned, the Registered Provider must ensure that all shared ownership leases contain a provision which either restricts staircasing to no more than 80%; or in instances where the leaseholder is permitted to acquire more than 80% (i.e. staircase to 100%), enables and obliges the Registered Provider to repurchase the property when the leaseholder wishes to sell.

**5.9** These Orders currently include the whole Parishes of Chignal; East Hanningfield; Good Easter; Great and Little Leighs; Great Waltham; Highwood; Little Baddow; Little Waltham; Margaretting; Mashbury; Pleshey; Rettendon; Roxwell; Sandon; South Hanningfield; Stock; West Hanningfield and Woodham Ferrers and Bicknacre. A significant part of the Parish of Writtle is also included.



## Definition of Affordable Housing

**5.10** The definition of affordable housing is set out in Annex 2 of the NPPF. This includes social rent, other affordable housing for rent, discounted market sales housing and other affordable routes to home ownership.

## What is the method of calculation of the quantum of Affordable Housing?

**5.11** Policy DM2 requires 35% of the total number of residential units on sites of 10 or more residential units to be provided and maintained as affordable housing.

**5.12** The calculation of the affordable housing obligation will be undertaken in terms of the gross number of self-contained dwellings. Where the percentage of affordable housing sought does not result in whole numbers of units, the number of affordable dwellings will be rounded up to achieve the required 35% provision.

**5.13** 35% applies across the whole development; it does not only apply to the part of the development above the threshold.

**5.14** Where there is a proposal to increase the number of residential units on a site following grant of permission, for example a non-residential ground floor use subsequently secures planning permission for additional residential dwellings, the Council will apply Policy DM2 (A) to the total number of residential dwellings on the site, if the increase in the number of units take the total on site to 10 units or more.

**5.15** In instances where the initial proposal has been built, the additional proposed dwellings would be required to 'offset' the affordable housing requirement across the whole site.

**5.16** Once the affordable housing requirement amount has been calculated, all other parts of this section of this SPD will apply.

## Affordable Private Rent

**5.17** The NPPF also includes a definition of Affordable Private Rent for Build to Rent schemes. National Planning Policy Guidance (NPPG) states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided in any build to rent scheme and that a minimum rent discount of 20% for affordable private rent homes relative to local market rents.

**5.18** The SHNA Addendum Report (2024) clearly sets out how the private rented sector has been playing a role in meeting the needs of households who require financial support in meeting their housing needs. Legislation through the 2011 Localism Act allows Councils to discharge their "homelessness duty" through providing an offer of a suitable property in the Private Rented Sector.

**5.19** Given the notable need for affordable housing set out in the SHNA (2023) and SHNA Addendum Report (2024), where Build to Rent housing is proposed the Council will seek 24.5% of the total Build to Rent units to be provided as affordable private rent homes capped at Local Housing Allowance levels.

**5.20** NPPG states that eligibility to occupy affordable private rent homes should be agreed



between the local authority and the scheme operator but with regard to criteria set out in planning guidance. It goes on to advise that where authorities maintain an ‘intermediate housing list’ they may wish to suggest names from this or potentially even their Statutory Housing list. The Council does not maintain an intermediate housing list and given the significant level of housing need that cannot be met, the Council will suggest names from the Statutory Housing register and developers of affordable private rent will be expected to have regard to the Council’s housing allocation policies and prioritise potential candidates from the Statutory Housing list.

### Vacant Building Credit

**5.21** A Ministerial statement issued on the 28 November 2014 stated that where a vacant building is brought back into lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of the relevant vacant building when the local planning authority calculates any affordable housing contribution. Affordable housing contributions will be required for any increase in floorspace.

**5.22** The vacant building credit applies where the vacant building has not been abandoned. The reference to abandonment is the applicable planning test for the vacancy credit and is already recognised in law.

**5.23** Where there is an overall increase in floorspace in a proposed development that includes a vacant building, the Council will apply the following formula to calculate the affordable housing contribution:

- Revised Affordable Housing =  $35 \times 1 - (\text{existing vacant gross internal area/proposed gross internal area})$

**5.24** In practice this means that if an existing vacant building has a gross internal area of 3,000 sqm and the gross internal area of the proposed 60 dwellings is 4,500 sqm, the revised affordable housing percentage that will be required is 11.667% and the revised affordable housing contribution will equal 7 dwellings.

**Table 4 Example of calculating the Vacant Building Credit**

Number of Dwellings	Vacant Building Gross Internal Area	Proposed Gross Internal Area of Residential Dwelling
60	3,000 sqm	4,500 sqm
Coefficient based on existing versus proposed areas	$3,000/4,500 = 0.667$	$1 - 0.667 = 0.333$
Revised Affordable Housing Percentage	$35 \times 0.333 = 11.655\%$	
Affordable Dwellings	Market Dwellings	Total Dwellings
7.00	53	60

**5.25** For wholly residential schemes the total proposed Gross Internal Area (GIA) will be the GIA of the sum of all dwellings. Where flatted development is proposed the GIA will include all communal and circulation areas. For mixed use schemes, only the GIA of the proposed residential elements will be included.

**5.26** The number of affordable dwellings will be calculated to two decimal points and rounded to the nearest whole number. It will be provided as affordable housing for rent.

### Mix of Affordable Housing

**5.27** To ensure new affordable provision is weighted to make a proportionate contribution to the assessed need, the Council expects the affordable housing to include 24.5% of the total number of dwellings within the development as either social or affordable rented accommodation.

**5.28** Where the calculation of 24.5% of the total number of dwellings to be provided as affordable housing for rent does not result in whole numbers, it should always be rounded up to achieve the required 24.5%.

**5.29** The balance, 10.5% of the total number of dwellings, should be provided as shared ownership housing.

**5.30** The affordable housing provision for rent should proportionately reflect the needs identified in the latest SHNA and shortages relative to supply, in determining the optimum affordable housing mix by size and type.

**5.31** The affordable housing provision for rent should reflect the 'Need requirement' in the Table 5 where possible. The Council will report on the size (by bedrooms) of new affordable housing for rent that achieves completion each year in the Authority Monitoring Report.

**Table 5 Bedroom Size of Affordable Housing for Rent (general needs)**

<b>Size of additional units required to meet housing needs in Chelmsford</b>	
Size of home	Need requirement
	As a % of net annual total
One Bedroom	25%
Two Bedrooms	35%
Three Bedrooms	30%
Four or more Bedrooms	10%
<b>Total</b>	<b>100.0%</b>

Source: Paragraph 5.34, page 115, SHNA.

**5.32** When the quantum of residential accommodation sought is above the level identified in the Local Plan and there is a shortfall in the supply of new three and four bedroom affordable homes to rent recorded through the monitoring of planning permissions in the latest published Annual Monitoring Report, the Council will apply a revised affordable housing for rent mix that seeks to reduce the proportion of one-bedroom dwellings to zero, in favour of increasing the proportion

of larger family homes, as households requiring one bedroom accommodation are most likely to have their need met from the current supply.

**5.33** This revised requirement will only apply to the quantum of residential housing above the total number identified in the Local Plan, so as not to affect the viability of the residential housing mix tested in the Local Plan, with the additional housing being a windfall to the developer/landowner.

### Worked Example

The latest Annual Monitoring Report demonstrates that only 20% of three bedroom and 5% of four-bedroom affordable homes for rent have been secured on threshold sites in a monitoring year.

A notional site with a residential ‘allocation’ of around 100 dwellings in the Local Plan that when master-planned can demonstrate that it can sustainably accommodate 135 dwellings would be required to provide the following affordable housing for rent:

**Table 6 Affordable Housing for Rent Additionality**

	24.5%	1 Bed	2 Bed	3 Bed	4 Bed
SHNA Mix on 100 dwellings	25 dwellings	6	9	7	3
Revised Mix on 35 Dwellings	9 dwellings	0	3	5	1
<b>Total</b>	<b>34</b>	<b>6</b>	<b>12</b>	<b>12</b>	<b>4</b>

**5.34** The Council’s Housing Strategy will provide additional information on the size and type of affordable housing required to meet priority housing needs. The Council does not specify the mix of homes needed to meet demand for affordable home ownership dwellings. The SHNA Addendum (2024) notes that there was no evidence of need for First Homes or discounted market housing more generally. Shared ownership housing is likely to be suitable for households with more marginal affordability as it has the advantage of a lower deposit and subsidized rents.

**5.35** The SHNA (2023) suggests the following mix of affordable home ownership would be appropriate although it notes that to make shared ownership affordable, very low equity shares would need to be sold for three + bedroom homes. Even then, four-bedroom shared ownership housing cannot be made affordable.

**Table 7 Bedroom Size of Affordable Home Ownership**

Size of home	
One Bedroom	25%
Two Bedroom	45%
Three Bedroom	25%
4+ Bedroom	5%
Total	100%

**5.36** Policy DM26 of the Local Plan requires all new dwellings to achieve appropriate internal space through adherence to the Nationally Described Space Standards.

**5.37** To accommodate the full range of bedroom requirements and associated occupancy guidelines set out in the Council's Housing Needs Register and Allocation Policy; and reflect the fact that a significant proportion of households assessed on the Council's Housing Register as requiring each size of accommodation will be at the maximum occupancy level; the Council will require affordable homes for rent to achieve appropriate internal space and number of bed spaces through adherence to the minimum defined levels of occupancy set out in Table 8.

**5.38** Three-bedroom, six-person affordable housing for rent could be acceptable in lieu of four-bedroom, six-person dwellings, when they comply with the minimum gross internal floor areas and storage requirements set out in Table 1 of the Nationally Described Space Standards and two separate reception rooms are provided.

**Table 8 Minimum Gross Internal Floor Areas and Storage (sq.m) for Affordable Housing for Rent**

Number of bedrooms	Number of bedspaces	1 Storey	2 Storey	3 Storey	Built-in storage
1 bed	2 persons	50	58		1.5
2 bed	4 persons	70	79		2.0
3 bed	5 persons	86	93	99	2.5
4 bed	6 persons	99	106	112	3.0
5 bed	7 persons	112	119	125	3.5

### Wheelchair Accessible Homes

**5.39** Policy DMI (Bi) states that within developments of 30 or more dwellings, the Council will require 5% of new affordable dwellings to be built to meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4 (3) (2) (b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended), or subsequent government standard.

**5.40** Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) dwellings.



**5.41** Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. They will need to be provided in a range of sizes as set out in the Wheelchair Accessible Homes Planning Advice Note, which is updated annually.

**5.42** Wheelchair accessible homes should only be provided in ground floor flatted accommodation where it is possible to ensure an occupant can facilitate their own escape unassisted in the event of a fire. Wheelchair users should have access to all parts of a dwelling. Within all wheelchair accessible homes, the principal living areas, i.e. the living, dining and kitchen space should be within the entrance storey, as well as a wet room (including an installed level access shower). All bedrooms should be accessible to a wheelchair user with various minimum dimensions and space clearance zone set out in the regulations.

**5.43** For wheelchair accessible homes, the occupancy levels for each person should allow for one additional person per bedroom size than those stated in Table 8 above with the corresponding increase in sqm set out in the Nationally Described Space Standards. Ideally, this will be provided in the form of an additional reception room on the ground floor.

**5.44** The Council will apply a planning condition that ensures that 5% of all new affordable homes on developments of 30 or more dwellings meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4(3)(2)(b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended) to ensure that the planning permission, under which the building works is carried out, meets the needs of occupants of the affordable housing for rent that use a wheelchair at the point of completion.

**5.45** Where the 5% requirement does not result in whole numbers of units, the number of affordable dwellings for rent that meet the requirements of Part M, Category 3 (Wheelchair user dwellings) M4(3)(2)(b) of Schedule 1 (para 1) to the Building Regulations 2010 (as amended), will be rounded up.

## **Location of Affordable Housing**

**5.46** Affordable housing is an integral element of any market-led residential or mixed used development and is expected to be provided in-kind and on-site. The NPPF states that there is an expectation that the need for affordable housing is met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

**5.47** The Council may consider a financial contribution in lieu of on-site provision of equivalent value on development sites which comprise between 10 and 15 units, to improve the provision of temporary accommodation for homeless households; or meet other affordable housing priorities identified in the Housing Strategy, which cannot be met on-site.

**5.48** The ability to consider a financial contribution in lieu of on-site affordable housing provision will also enable the Council to improve the temporary accommodation offer. The Council has a limited portfolio of accommodation and is currently dependent on the private sector to meet the demand for temporary accommodation. This restricts the Council's ability to respond flexibly to changing patterns in demand for temporary accommodation and manage its statutory duties as a local housing authority.

**5.49** Where the Council agrees to a commuted sum in lieu of an on-site affordable housing contribution, the methodology that will be used is to adopt the most recent new build sales values from the **appropriate typology** and location in the latest published Local Plan Viability Update, and then deduct from that the amount that a Registered Provider would pay for those units as affordable units, also using assumptions applied in the latest published Local Plan Viability Update. The difference is the commuted sum. For ease of reference, the relevant market values for each typology are listed below:

<b>Local Plan 2024 Price Assumptions</b>		
<b>Typology</b>	<b>Area</b>	<b>£ per sqm</b>
Brownfield	Chelmsford	5,145
	South Woodham Ferrers	4,725
Urban Flats	Chelmsford	5,565
Large Greenfield	Chelmsford	4,906
	South Woodham Ferrers	4,515
Medium Greenfield	South West Area	5,145
	Eslewhere	4,515
Small Greenfield	All areas	5,250

**5.50** The calculation of the commuted sum will be based on the proposed mix of market housing and will assume the affordable housing proportionately reflects the market mix of housing in terms of the bedroom size of the proposed market housing and the mix of flats and houses. If the proposed housing consists of maisonettes, the calculation will apply either the values of flats or houses, whichever is closest in square meters to the size of the maisonette of the relevant bedroom size. The floor area in sq.m for each property size will reflect the floor areas in Table 8.

**5.51** The only exception to the above is where a calculation in lieu of on-site provision of affordable housing is sought from Co-living Housing. In this instance the commuted sum will be calculated based on the average size in sqm of the proposed Co-living Housing unit, rather than assign a floor area from those set out in Table 8. Otherwise, the calculation will be the same and based on market values less the amount a Registered Provider could pay for them (affordable rental value) using values in the latest published Local Plan Viability Update.

**5.52** The calculation of the commuted sum will reflect all other requirements in this section of

the SPD, except where an application benefits from a vacant building credit. Where a vacant building credit also applies, the calculation of the commuted sum will reflect an affordable housing contribution consisting of affordable housing for rent only.

**5.53** An example of the calculation of a commuted sum in lieu of on-site affordable housing based on a market proposal consisting of 5 two-bedroom flats and 10 three-bedroom houses, is provided in Table 9. The mix of affordable homes for rent in the example in Table 9 reflects the need for affordable homes for rent set out in Table 5 and that the demand for affordable homes for shared ownership is predominantly for smaller dwellings.

**5.54** If a commuted sum in lieu of on-site affordable housing is agreed by the Council, the commuted sum will need to be paid at commencement of the development.

**5.55** Outline planning applications that include a commuted sum in lieu of on-site affordable housing will include the formula for calculating the commuted sum in the Section 106 agreement, using this guidance. Full planning applications, where the market mix of residential dwellings is agreed, will state the commuted sum amount and be index linked. An example showing the commuted sum calculation for a 15-unit scheme is set out in Table 9 below.

**Table 9 Example Calculation of a Commuted Sum in Lieu of Affordable Housing on-site**

Size (Bedrooms)	Size sq.m (Flats/Houses)	Market Housing Mix		Affordable Housing Mix				Market Value	Affordable Value	Commuted Sum
				Affordable Rent		Affordable Home Ownership				
				Flat £5,145 sq.m	House £4,906 sq.m	Flat £2,830 sq.m	House £2,698 sq.m			
1	50/58									
2	70/79	5				2		2 x 70 = 140 x £5,145 = £720,300	2 x 70 = 140 x £3,602 = £504,280	£216,020
3	86/93		10		4			4 x 93 = 372 x £4,0906 = £1,825,032	4 x 93 = 372 x £2,698 = £1,003,656	£821,376
4	99/106									
5	112/119									
Total		15		4		2		£2,545,332	£1,507,936	<b>£1,037,396</b>

## Layout

**5.56** To achieve mixed, inclusive and sustainable communities the Reasoned Justification for Policy DM2 sets out that affordable housing should:

- Be provided in more than one single parcel except in schemes where the overall number of residential dwellings is below 15 units.
- On sites incorporating 30 or more residential dwellings, affordable housing should be provided in groups of no more than 15% of the total number of dwellings being provided or 25 affordable dwellings, whichever is less.



**5.57** If the Council accepts that there are legitimate concerns relating to the management or maintenance of predominantly flatted development, which prevents pepper potting in strict accordance with this SPD, the Council will expect the provider of the affordable housing to be given an option to opt out of any management arrangements and costs associated with the remainder of the site.

**5.58** Detailed plans submitted to the Council for planning consideration should clearly show the location and layout of all affordable dwellings within the development. The affordable housing provision should not be disproportionately concentrated above any non-residential uses.

**5.59** Where possible the Council requires the same level, design and layout of car parking provision to apply to affordable and market housing. As a minimum, parking provision for affordable housing must comply with Policy DM27.

## **Green Belt**

**5.60** The NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the NPPF lists some exceptions where development could be appropriate, which includes limited affordable housing for local community housing needs such as a rural exception site.

**5.61** Paragraph 155 of the NPPF describes the circumstances in which development in the Green Belt should not be regarded as inappropriate and this includes:

- 5.61.1 The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- 5.61.2 There is a demonstrable unmet need for the type of development proposed;
- 5.61.3 The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF; and
- 5.61.4 Where applicable the development proposed meets the Golden Rules requirements set out in paragraphs 156-157 of the NPPF.

**5.62** As part of the 'Golden Rules' for Green Belt development set out in paragraphs 156-157 of the NPPF, a specific affordable housing requirement should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt, or which may be permitted within the Green Belt.

**5.63** The affordable housing requirement for development proposals of 10 or more dwellings on land within or released from the Green Belt will be at least 50% of housing must be affordable. The affordable housing must include 15% social rent housing, and 24.5% affordable rent capped at Local Housing Allowance levels to address priority housing needs. The remaining 10% can be provided as shared ownership housing.

**5.64** Small sites which comprise less than 10 dwellings and/or sites of less than 0.5 hectares within Designated Rural Areas that are located within the Green Belt and adjacent to a Defined Settlement Boundary and accessible to local services and facilities will be required to comply with Policy DM2 (B).



## Rural Exception Sites

**5.65** In the circumstances described in Policy DM2 (B), small affordable housing developments to meet local needs will be permitted within Designated Rural Areas which would not otherwise be released for housing. These will only be permitted if it can be demonstrated that there is a proven need for the number, type and tenure of dwellings proposed, and the Council is satisfied that the affordable housing will remain affordable and exclusively available for local needs in perpetuity.

**5.66** The Reasoned Justification for Policy DM2 (B) identifies the Designated Rural Areas to which Policy DM2 (B) applies.

**5.67** All Rural Exception Site applicants must be accompanied by a local housing need survey which should contain the information set out in the Reasoned Justification for the Policy DM2 (B). In addition, the survey analysis should identify types of local connection that households in housing need have with a Parish to inform the proposed method for prioritising and allocating the dwellings.

**5.68** If a survey of local housing need supporting an application under Policy DM2 (B) has been conducted more than four years prior to a planning application being submitted, the Council will require the housing need and affordability data to be updated to ensure the continued suitability of the proposed housing to meet local needs.

**5.69** Any local housing needs survey which has been conducted more than five years prior to a planning application being submitted, will not be considered adequate to support a development proposal under Policy DM2 (B).

**5.70** The Council's Housing Register provides supplementary information on households in housing need that would prefer to live in a specific Parish. The Council can also provide information on the number of existing affordable homes and vacancies that have occurred in a Parish. If requested, this information can supplement a local housing needs survey but will not substitute it.

**5.71** To ensure future occupancy from within the parish-wide survey area, applicants should plan to meet, in aggregate, 50% of the identified local housing need for affordable housing.

**5.72** The Rural Community Council of Essex (RCCE) employs a Rural Housing Enabler to advise and assist Parish Councils and rural communities on conducting effective local housing need surveys. The Council expects all applicants proposing Rural Exceptions Sites to work in partnership with the Rural Housing Enablers and Parish Councils to identify the local housing need.

**5.73** The Council encourages all applicants proposing affordable housing on Rural Exception Sites to work with a Registered Provider that supports the work of the Rural Housing Enabler employed by the RCCE. These Registered Providers have experience in delivering affordable housing in rural areas and work within an agreed framework.

## First Homes Exception Sites

**5.74** On 24 May 2021, the Government published a Written Ministerial Statement that set out plans for delivery of First Homes. First Homes are a specific kind of discounted market sale housing which must:

- 5.74.1 be discounted by a minimum of 30% against market values;
- 5.74.2 can only be sold to a person or persons meeting the First Homes eligibility criteria;
- 5.74.3 after the discount has been applied, the first sale must be no higher than £250,000 outside of London;
- 5.74.4 on the first sale, a First Home will have a restriction registered on the title of the property at HM Land Registry to ensure the discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer.

**5.75** The First Homes eligibility criteria is set out in NPPG and advises that a purchaser (or, if joint purchase, all purchasers) of a First Home should be a first-time buyer as defined in paragraph 6 of schedule 6Za of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyer. Purchasers of a First Home, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 in the tax year immediately preceding the year of purchase. A purchaser of a First Home should also have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.

**5.76** As part of Section 106 agreements, local authorities can apply eligibility criteria in addition to the national criteria described above. In Chelmsford, the following additional local criteria will apply to all First Homes on initial sales and resales for a period of three months from when a home is first marketed:

- 5.76.1 Households with an adult that at the time of marketing the First Homes lives or works in the administrative area of Chelmsford City Council; or
- 5.76.2 Households with an adult that at the time of marketing the First Home is an essential local worker (as defined in the NPPF) working in the administrative area of Chelmsford.

**5.77** For an adult to meet the requirement of working in Chelmsford, they must be contracted to work with a company based in Chelmsford on either a full or part-time basis.

**5.78** Annex 2 of the NPPF (2023) defines Essential Local Workers as public sector employees who provide frontline services in areas including health, education and community safety such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

**5.79** If a suitable buyer has not reserved a home after three months, the eligibility criteria for First Homes will revert to the national criteria to widen the consumer base.

**5.80** In accordance with NPPG, the local eligibility criteria will be disapplied for all active members of the Armed Forces, divorced/separated spouses or civil partners of current members of the Armed Forces, spouses or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their services) and veterans within 5 years of leaving

the armed forces.

**5.81** A First Homes exception site is a housing development that comes forward outside of local or neighbourhood plan allocation to deliver primarily First Homes as set out in the First Homes Written Ministerial Statement.

**5.82** First Homes exception sites must include at least 25% of the homes proposed as affordable housing for rent to meet the most acute housing needs identified on the Council Housing Register at the time a planning application is submitted. The SHNA (2023) and SHNA Addendum Report (2024) note that there is an acute need for affordable housing in the administrative area of the Council and most of the need is from households who are unable to buy or rent and therefore points particularly towards a need for rented affordable housing.

**5.83** The First Homes Exception Site policy in Policy DM2 (C) cannot be applied in the Green Belt.

**5.84** In the circumstances described in Policy DM2 (C), planning permission will be granted for First Homes Exception sites.

### **Community-led Exception Sites**

**5.85** National Planning Policy states that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites and on land which is not already allocated for housing.

**5.86** In the circumstances described in Policy DM2 (D), planning permission will be granted for Community-led Exception sites.



## 6 Physical Infrastructure - Highways, Access and Transport

### Policy Background

**6.1** Section 9 of the NPPF requires a planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development.

**6.2** Strategic Policy S9 sets out the infrastructure required to facilitate the development set out in the Local Plan. Priorities for infrastructure provision or improvements are also contained within relevant Strategic Policies and Site Allocation policies.

**6.3** Strategic Policy S10 sets out that infrastructure must be provided in a timely and, where appropriate, phased manner to serve the occupants and users of the development. Where development proposals require additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Council and the appropriate infrastructure providers. Such measures can include:

- financial contribution towards new or expanded facilities and the maintenance thereof;
- on-site provision (which may include building works);
- off-site capacity improvement works; and/or
- the provision of land.

**6.4** In negotiating planning obligations, the Council will consider local and strategic infrastructure needs.

**6.5** Chelmsford benefits from good road accessibility to London and the wider region including Braintree, Stansted, Cambridge, and South Essex. The IDP summarises the capacity issues on the current road network which cause incidents, congestion and issues with journey reliability.

### Possible Section 106 Obligations

**6.6** ECC is the Highway and Transportation Authority for the Chelmsford City area. Chelmsford City Council consults ECC on planning proposals that affect the highway network. ECC provides advice on the scope of obligations for highway infrastructure works where it is considered that there is a need to mitigate the impact of new development(s) on the highway network.

**6.7** All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network. There are no types of development which are exempt from necessary highway infrastructure obligations. There are several proposed interventions to improve active travel in Chelmsford, and it will be important to ensure alignment with these as the Local Plan progresses. Cycle and walking network routes that promote active travel and a viable alternative to the car will be a key consideration for new development. The list of possible Highways, Access and Transport contributions may include:



- Access road from the highway into the site
- Bus Priority/Chelmsford Rapid Bus Transit (ChART) Bus services, Park and Ride and infrastructure
- Contribution to Car Clubs/Care Sharing schemes
- Active and Sustainable travel routes (Walking, Cycling and Public Transport links/improvements/crossing) and other infrastructure (e.g. seating, poles, real time passenger information)
- Multimodal Cycle, Pedestrian and Public Transport bridges
- Cycle parking on-street
- Link roads
- Mobility Hubs
- New junctions and capacity improvements
- New roads
- Pedestrian crossings
- Public Right of Way
- Raised kerbs
- Signage
- Traffic Regulation Orders e.g. to impose waiting restrictions
- Traffic lights
- Travel Planning (residential, workplace, school etc)
- Electric vehicle charging point infrastructure

### **Timing/Trigger for payment or provision of works**

**6.8** The developer is required to implement the agreed highway infrastructure works in such a way that the works can be adopted by the Highway Authority once it has been agreed that they are built to an adoptable standard. In general, the developer is obliged to submit suitable detailed engineering drawings to the Highway Authority prior to any commencement of the development on site, for the Highway Authority's approval.

**6.9** Unless otherwise agreed, before occupation of a development, the developer is usually obliged to implement the approved scheme, and the Highway Authority will issue a certificate of practical completion. The developer will still have responsibility for maintaining the highway works for a minimum of 12 months and to carry out any remedial works required since the issue of the certificate of practical completion. After the 12-month period, or when the remedial works have been satisfactorily completed, a certificate of adoption will be issued, and the works adopted by the Highway Authority.

**6.10** Developers will be required to pay fees to cover ECC's costs incurred in approving the detailed engineering drawings, processing and advertising Traffic Regulation Orders, and for inspecting the highway works and issuing the relevant certificate. Details of these fees are to be included in the Section 106 Agreement. A Section 278 Agreement under the Highways Act 1990 between the developer and the Highway Authority is the preferred mechanism for securing alterations or improvements to the public highway and is separate to a Section 106 Agreement. The full details of the processes will be set out in any relevant Section 106 or Section 278 Agreements.



**6.11** ECC has published the 'Transport Assessment Guide for Large-Scale Developments and Garden Communities: A Guide for Developers' and a 'Travel Plan Guide for Large-Scale Developments and Garden Communities: A Guide for Developers'. These Guides relate to large-scale development of 1,000 residential units and/or 250+ employees delivered by one individual developer or delivered cumulatively by multiple residential developers and/or developments of high complexity/high potential highway and transport impacts (determined by the Highway Authority) A Transport Assessment Inception Meeting and Scoping Fee is required to be paid by the developer at the very outset of the process, once the need for a Transport Assessment has been established. The fees cover ECC's staff time in supporting the Pre-Application / Scoping Phase.

**6.12** ECC staff time in supporting the Travel Plan process will be secured through developer contributions with set fees to be paid by the Developer, to ECC, with regards to the scoping; evaluation; and monitoring and support of Travel Plans.

## **Maintenance Payments**

**6.13** Where the infrastructure includes items with the possibility of a major maintenance requirement e.g. traffic signals or where the works are beyond the usual ECC specification, the Highway Authority requires a commuted sum from the developer to maintain that infrastructure. Where the Highway Authority takes assets from developers, there is a requirement for maintenance costs for the life of the assets, and replacement costs at the end of their useful life. Further information on this matter is available in ECC's Guide to Infrastructure Contributions (Revised 2024, Section 5.5).

## **Further Information**

### **Insurance**

**6.14** Where a developer intends to carry out works to/in the public highway they will be required to provide third party insurance.

### **Bonds**

**6.15** Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary depending on the work required. The bond can be a formal bond with an approved third-party surety, or it can be a deposit in cash to ECC as the Highway Authority.

**6.16** Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in value.



## **7 Physical Infrastructure - Flood Protection and Water Management/Efficiency**

### **Policy Background**

**7.1** Section 14 of the NPPF deals with the challenge of climate change, flooding and coastal change. It states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

**7.2** Strategic Policy S2 states that the Council will require that all development is safe, considering the expected life span of the development, from all types of flooding and appropriate mitigation measures are identified, secure and implemented. New developments should not worsen flood risk elsewhere.

**7.3** Strategic Policy S4 sets out that new development will be expected to incorporate well connected, multi-functional network of green and blue infrastructure that protects, enhances and restores ecosystems and allows nature recovery across the Council's area. It also sets out that the Council will ensure that new development does not contribute to water pollution and where possible enhance water quality and water-related biodiversity taking account of Water Framework Directive objectives and River Basin Management Plan actions.

**7.4** Strategic Policy S9 confirms that new development should be safe from all forms of flood risk and that strategic and/or site-specific measures may be needed to achieve this. As part of the Flood Resilience Partnership, the City Council and the Environment Agency are working together to devise main river, city centre and catchment-wide measures to safeguard Chelmsford City Centre.

**7.5** Strategic Policy S10 clarifies that planning permission will only be granted if it can be demonstrated that there is enough appropriate infrastructure capacity to support that development or that such capacity will be delivered by a proposal and that such capacity is sustainable over time.

**7.6** Strategic Policy S11 recognises the important function of the areas around the main river valleys both in terms of distinctive landscape qualities as well as flood storage. Policy DM18 sets out that planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding and the development does not worsen flood risk elsewhere. It also provides detailed flood protection and water management requirements where development is proposed within areas of flood risk. It also states that planning permission for all types of development will only be granted where it can be demonstrated that the site is safe from all types of flooding. All major developments will be required to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risk elsewhere.

**7.7** In considering proposals for development the Council will follow a sequential risk-based approach, including the application of the 'exception test' which should consider flood risk from all sources when considering whether development in that location is appropriate.

**7.8** Policy DM25 requires all new dwellings to achieve a water efficiency standard of 90 litres/person/day and to provide integrated water management techniques to optimise rainwater harvesting on site to minimise overall water consumption and maximise its reuse.

**7.9** Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) for Chelmsford was published in February and May 2024 respectively. Some new and updated Level 2 site assessments were also published in January 2025 and November 2025. The Level 1 SFRA states that the main sources of flood risk in Chelmsford are fluvial (rivers), sea and surface water. There are numerous recorded flooding incidents across Chelmsford, predominantly in the vicinity of the City Centre.

### **Possible Section 106 Obligations**

**7.10** Areas of flood risk include risk from all sources of flooding such as rivers and the sea, directly from rainfall onto the ground surface and rising groundwater, overwhelmed sewers and drainage systems and from other water bodies. The agencies responsible for different sources of flooding are set out in the Infrastructure Delivery Plan.

**7.11** In Chelmsford the principal sources of flood risk are from its rivers, the tidal River Crouch at South Woodham Ferrers, ground water and storm rainfall giving rise to extreme levels of surface water run-off.

**7.12** The development strategy for Chelmsford seeks to avoid development in areas which are prone to flooding. Flood risk mitigation will need to be considered on a site-specific basis and respond to the conclusions of the Level 2 Strategic Flood Risk Assessment work for Chelmsford. The Level 2 Strategic Flood Risk Assessment includes detailed assessments of the site allocations in the Pre-Submission Local Plan and Focused Consultation Additional Sites Document.

**7.13** In relation to fluvial flooding, the main watercourses associated with fluvial risk to the sites are the River Chelmer, River Can, River Crouch, and Sandon Brook. There are also other smaller watercourses and drainage channels presenting a fluvial risk to sites across Chelmsford - developers are likely to need to undertake detailed modelling to inform site-specific Flood Risk Assessments for these sites.

**7.14** As part of the Flood Resilience Partnership, the Council and the Environment Agency are working together to devise main river, city centre and catchment-wide measures to safeguard Chelmsford City Centre. A series of flood resilience interventions along the main rivers, within the city centre and wider river catchment area are proposed. The precise locations of interventions are not yet determined however this has been included in the IDP and an indicative cost estimate has been identified based on discussions with the Environment Agency.

**7.15** New development is likely to increase the risk of surface water flood risk, as the extent of built-up areas and the area of impermeable hard surfacing increases, meaning that mitigation measures such as Sustainable Drainage Systems (SuDS) are essential to reduce and manage the surface water flood risk. Additionally, the increase in runoff may result in more flow entering watercourses, increasing the risk of fluvial flooding downstream. In addition, climate change predictions indicate that the likelihood and frequency of surface water flooding will increase and this increase in risk must be considered when planning for new development within the administrative area. This is particularly important in those locations identified as Critical Drainage Areas.



**7.16** As the Lead Local Flood Authority, ECC has produced a Surface Water Management Plan for the urban area of Chelmsford (2018). The Essex SuDS Design Guide (February 2020) sets out practical guidance for new development to promote SuDS. SuDS are most viable when considered early in the design process, so developers are required to engage in pre-application discussions with ECC (as Lead Local Flood Authority), and refer to ECC's SuDS Design Guide, and any future updates, when preparing applications incorporating SuDS schemes. ECC only adopts SuDS in exceptional circumstances and further guidance is contained in ECC's SuDS adoption policy.

**7.17** All development proposals will be required to incorporate sustainable drainage principles and best practice for surface water management. This provides wider opportunities to propose flood alleviation schemes together with SuDS and green infrastructure inclusion to promote further green areas, strong green links to existing environment and benefit the community with use of multifunctional space.

**7.18** There may be instances where individual sites come forward for development, which in turn raises issues of flood risk or water management. If these cannot be addressed on site or by way of condition, it is anticipated that a Section 106 Agreement may be needed. These may need to alleviate any/all forms of flood risk and such techniques could include:

- Flood alleviate controls - new or enhanced provision such as flood plains, levees, reservoirs
- Bio-retention areas
- Wetlands Channels Detention
- Basins ponds
- Infiltration/filtration
- Green roofs
- Permeable paving
- Rainwater harvesting

### **Timing/Trigger for payment or provision of works**

**7.19** There is no general rule for the timing of payments as each scheme will be judged on a case-by-case basis. Should off-site work be required, it is expected these would be in place prior to the first occupation or completion of the development.

### **Maintenance Payments**

**7.20** Where ECC is not the SuDS adoption body, the Council will work with developers to identify an alternative SuDS adoption body which could include a Water Authority or private management company. The Council will work with the developer to secure the long-term maintenance of all flood risk protection and water management through a combination of planning obligation, planning condition and commuted sum payment, guaranteeing their long-term maintenance.

## 8 Green and Blue Infrastructure - Recreation and Leisure

### Policy Background

- 8.1** The NPPF states that the planning system has an important role in facilitating social interaction and creating healthy, inclusive and safe places. Safe and accessible green infrastructure and sports facilities make an important contribution to the health and well-being of communities. The Council recognises the important role community facilities such as social, sports and leisure, parks and green spaces, have in existing and new communities. These forms of infrastructure are highly valued and play a key role in the administrative area's sense of place and identity.
- 8.2** Strategic Policy S4 requires a well-connected multifunctional network of green and blue infrastructure that enhances the natural environment and improves water-related biodiversity, as well as providing amenity interest.
- 8.3** Strategic Policy S5 states that new facilities will be accessible to the community and secured by a range of funded measures, including planning obligations.
- 8.4** Strategic Policy S9 sets out that infrastructure necessary to support new development must provide or contribute towards ensuring a range of green and natural infrastructure. It also details a range of community facilities required to support new development, including sport leisure and recreation facilities.
- 8.5** Strategic Policy S10 describes some of the mitigation measures that will be required where additional infrastructure capacity is required. Strategic Policy S14 sets out how health and wellbeing can be encouraged and improved through high quality planning, design and management of the environment, including through the provision of open spaces.
- 8.6** Strategic Policy S17 sets out how City Centre developments should provide areas of functional open and green spaces for residents in the area.
- 8.7** When delivering new community facilities, Policy DM20 seeks to ensure that these facilities are accessible by sustainable modes of transport, physically compatible in form and appearance with their surroundings and cater for people with disabilities.
- 8.8** Policy DM24 embeds requirements for multifunctional public open space, to provide opportunities to promote healthy living and improve health and wellbeing and create attractive multi-functional public realm in the design and place shaping of new major developments.
- 8.9** Policy DM26 and Appendix B of the Local Plan provide further requirements for the provision of open space that applies to all new dwellings.



**8.10** As part of the evidence base for the Local Plan, the Council has undertaken:

- Chelmsford City Council Open Space Study 2024, which covers all types of open space. It includes new open space standards which are set out in Appendix B of the Local Plan.
- Chelmsford City Council Playing Pitch and Outdoor Sports Assessment and Strategy 2024 which covers all outdoor sports requirements for both winter and summer sports. Sport England's Playing Pitch Calculator and Sports Facility Calculator are used alongside this strategy to help estimate the demand that may be generated for the use of playing pitches and outdoor sports facilities by a new population.
- Chelmsford City Council /Indoor Sports Assessment and Strategy 2024, which covers the indoor needs assessment and indoor sports strategy. Alongside the Assessment, Sport England's Playing Pitch Calculator and Sports Facility Calculator have been used to arrive at the recommendations in the Strategy.

## Possible Section 106 Obligations

### Open Space

**8.11** Local Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix B of the Local Plan. It may include:

- Allotments
- Children's play and youth facilities
- Cycle and footway links and improvements
- Informal local open space or amenity green space.

**8.12** Strategic Open Space in its entirety should be provided in accordance with the requirements of the site policies and Appendix B of the Local Plan. It may include:

- Country Park
- Natural green space
- Outdoor sport and changing facilities
- Parks, Sport and Recreation grounds

**8.13** New facilities should seek to offer flexible uses and combine facilities and services which might have historically been provided on a separate basis.

**8.14** Access and quantity standards for the study for different types of open space are summarised in table 14 of Appendix B of the Local Plan and table 15 of Appendix B provides the quantity standard for accessible Local Open Space and Strategic Open Space.



**8.15** Paragraph B.29 of Appendix B of the Local Plan converts the quantity of standards in table 15 to a dwelling requirement of 29 sqm per dwelling for Strategic Open Space, 43 sqm of Natural and Semi-natural open space, and a Local Open Space requirement of 22 sqm per dwelling, producing a total requirement of 94 sqm per dwelling. The proportions of different types of open space within the overall quantum should reflect the proportions contained within the quantity standards unless a different approach is agreed with the Council.

**8.16** Table 16 of Appendix B of the Local Plan provides the thresholds for on or off-site provision of open space and is replicated below in Table 10:

**Table 10 Thresholds for on or off-site provision of open space**

<b>Size of Scheme</b>	<b>Provision</b>
Less than 10 dwellings	No provision required on site
10-29 dwellings	Accessible Local Open Space required at 22 sqm per-dwellings
30 dwellings or more	Accessible Local Open Space required onsite at 22 sqm per-dwelling Strategic Open Space required on-site at 29 sqm per-dwelling Natural and Semi-natural greenspace required on-site at 43 sqm per-dwelling

**8.17** Where provision is not required on-site, or the Council considers a commuted sum in lieu of on-site provision is acceptable, the following calculations will apply:



**Table 11 Local Open Space Formula – commuted sum in lieu of on-site provision**

Type of Open Space	Description	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space						
Allotments	Opportunities to grow own produce	0.30	1,450,966.50	435,289.95	435.29	1,044
Amenity Green Space	Opportunities for informal activities close to home, work or enhancement of the appearance of residential or other areas	0.53	251,660.25	133,379.93	133.389	320
Play Space (children)	Areas designed primarily for play and social interaction involving children	0.05	139,259.25	13,925.93	13.93	33
Play Space (youth)	Areas designed primarily for play and social interaction involving young people	0.05				
Total		0.93	£1,841,886	£582,595.81	£582.61	£1,397

**8.18** The Local Open Space formula is based on the 'Chelmsford Open Space Study 2024', the Spens External Works, Landscape Price Book, Council Maintenance DATA, Valuation Office, Play Equipment Manufacturers. A maintenance contribution is set out in each of the rates per hectare based on the cost of maintaining all the categories of open space set out above where a commuted sum in lieu of on-site provision of local open space is acceptable. The rate per hectare has been re-based to 2024 rates and will be inflated annually in accordance with the BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.

**8.19** In all cases the calculations are based upon an occupancy rate of 2.4 people per dwelling (Census 2021).

**8.20** Where a proportion of on-site provision is made, a pro-rata reduction will be made in calculating the level of the off-site contribution.

**8.21** Financial contributions in lieu of on-site provision for Local Open Space may be spent on one or more of the infrastructure items listed in the above table as 'Accessible Open Space'.

**Table 12 Strategic Open Space Formula – commuted sum in lieu of on-site provision**

Type of Open Space	Description	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Contribution per 1000 population (A x B)	(D)Rate per per person (C/1000)	(E) Rate per dwelling (D x 2.4)
Parks and Recreation Grounds	Parks, formal gardens and recreation grounds, open to the general public. Accessible, high-quality opportunities for informal recreation and community events.	1.23	£293,391.49	£360,871.53	£361	£866
Natural and Semi-natural greenspace	Woodland (coniferous, deciduous, mixed) and scrub, grassland (e.g. down-land, meadow) heath or moor, wetlands (e.g. marsh, fen) wastelands (including disturbed ground), barerock habitats (e.g. quarries), commons and Local Nature Reserves. Many sites are intentionally without ancillary facilities to reduce misuse/inappropriate behaviour whilst encouraging greater flora and fauna. A site threshold of 0.2ha is generally applied.	1.80	£251,660.25	£452,988.45	£453	£1,087
Total						£2,051

**8.22** The Natural Green Space formula is based on the 'Chelmsford Open Space Study 2024 the Spans External Works, Landscape Price Book and Council Maintenance Data.

**8.23** The contribution for 'Park and Recreation Grounds' is based on average capital costs (excluding land acquisition) incurred by the Council for new parks and informal recreation facilities at 2025, excluding playing pitches and outdoor sports facilities, which are separately calculated using Sport England's Playing Pitch Calculator and Sports Facility Calculator and identified in the IDP.

**8.24** The dwelling rate is based on the calculation of how much strategic open space is required per dwelling, as set out in the Local Plan, using the quality standard for accessible local open



space and strategic open space identified in the Chelmsford Open Space Study 2024.

**8.25** Early engagement with the Council is recommended to ascertain the exact type of open space required if not set out in the IDP.

## Waterways

**8.26** Where development has a direct impact upon, or a close connection with the main waterways in the City area, particularly the Chelmer and Blackwater Navigation System, contributions may be required to improve facilities and access to the rivers. Such contributions will be considered on a case-by-case basis and could include:

- 8.26.1 the extension of riverside walks and cycle paths to improve accessibility;
- 8.26.2 additional greenspaces adjoining rivers and waterways;
- 8.26.3 the provision of boat portorage facilities, to enable canoes etc. to access the rivers;
- 8.26.4 improvements to moorings, towpaths and other navigational infrastructure such as bridges and locks;
- 8.26.5 ensuring better access to the waterways;
- 8.26.6 creating attractive river frontages and/or riverside terraces;
- 8.26.7 greening the engineered canalized sections of the river
- 8.26.8 increasing local connections to the footpath and cycle way network; removal of non-native invasive species;
- 8.26.9 removal of hard ban reinforcement/revetment or replacement with soft engineering solution.

## Indoor Sports Facilities

**8.27** Indoor sporting facilities are not a statutory service that local authorities are required to provide, however provision must still be ensured through the plan-making process for sports and leisure facilities.

**8.28** The 2024 Indoor Sports Assessment and Strategy will be used to determine how existing provision needs to be improved or expanded and where new provision is required because of new development. Sport England's Facility Calculator has been used to estimate the likely quantity of badminton courts and swimming lanes required to meet additional demand generated by new development and the cost associated with additional facilities. These requirements are set out on a site-by-site basis in the IDP using Appendix 2 of the 2024 Indoor Sports Assessment and Strategy and Action Plan.

**8.29** New secondary schools should include sports halls that are upgraded for community use and with secure community access.



**8.30** For indoor facilities other than swimming pools and sports halls, the calculation of facility requirements including dedicated sports facilities arising from new housing development relies on the finding of the Chelmsford 2024 Indoor Sports Assessment. The identified need for dedicated sports facilities including a new indoor tennis facility, enhanced gymnastics facilities and improved indoor bowls facilities will be identified in the IDP when a strategy to meet these needs has been developed and costed.

## **Outdoor Sports Facilities**

**8.31** The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy will be used to determine how existing provision needs to be improved or expanded and where new provision is required because of new development.

**8.32** The 2024 Playing Pitch and Outdoor Sports Assessment and Strategy uses Sport England's Playing Pitch Calculator to estimate the additional pitch and tennis court requirements generated by housing sites in the Local Plan and the likely developer contribution generated. Where available, site-specific information has been incorporated into the IDP and will be kept under review.

**8.33** Where it is determined that new provision is required within a development, priority will be placed on providing facilities that contribute towards alleviating existing shortfalls within the locality using the 2024 Playing Pitch and Outdoor Sports Assessment and Strategy. The preference is for multi-pitch and potentially multi-sport sites to be developed, supported by a clubhouse and adequate parking facilities which consider the potential for future Artificial Grass Pitch development.

## **Maintenance Payments**

**8.34** Maintenance contributions will be required for all open space provided on-site when responsibility for the long-term maintenance resides with Chelmsford City Council. This will be calculated according to the landscape layout and quantified elements to be provided by the developer and will be required for 25 years after completion.

**8.35** The Council's preference is for all open spaces to be transferred to and adopted by the Council with a commuted maintenance sum. If a developer chooses to retain open space, it should be maintained by a recognised not-for-profit management trust. Where appropriate, and following negotiation between the relevant parties, open space can also be transferred to a Parish or Town Council.

**8.36** Adoption of local open space would take place after any construction and development maintenance liability periods have expired. The local open space needs to be safe and fit for public use, in accordance with prevailing safety and public use standards at the time of adoption.

**8.37** Adoption of strategic open space would take place after any construction and development maintenance liability period has expired. The strategic open space needs to be safe and fit for general public use, in accordance with prevailing safety and public use standards at the time of adoption.

**8.38** As part of the adoption process, land ownership will then be transferred to the Council by appropriate conveyancing processes.

**8.39** In the event of handover to the Council, sports turf areas and facilities require the sports turf to be appropriately established, but final sports use layout and preparations for public sports use such as linework and similar will be undertaken by the Council.

**8.40** Should a developer wish to self-manage open space, the Council require public access agreements and an agreed maintenance specification and inspection regime, secured through a legal agreement. In addition, the Council would require a conditional performance bond issued by a reputable financial institution in favour of the Council, to a specified indexed linked amount calculated in reference to Tables 13 and 14. This would enable the Council to call upon the bond in the event of the owner of the open space becoming financially unviable or failing to comply with its management and maintenance obligations under the Section 106 agreement.

**8.41** The financial contribution per dwelling towards the maintenance of Local Open Space transferred to the Council or a Parish or Town Council is set out in Table 14 and the IDP where relevant for developments where no landscaping scheme has been provided to the Council.

**8.42** Where a landscaping scheme has been provided, the Council will provide the maintenance costs for the specific scheme based on the landscape plan showing the layout and functionality of the open space. The calculation will be based on estimate maintenance costs based on similar or equivalent locations and grounds maintenance unit costs at the time the landscape scheme is submitted. The annual maintenance sum will be calculated over a 25-year period including an allowance for inflation based on Bank of England rates and the City Council's investment factors applicable at the time. The commuted sum will be secured in a Section 106 agreement at the consent stage and transferred to the Council upon adoption of the open space.



**Table 13 Local Open Space Formula – commuted maintenance sum**

Type of Open Space	(A) Quantity standards (ha/1,000 population)	(B) Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (D x 2.4)
Accessible Open Space					
Allotments	0.30	£10,855.04	£3,256.51	£3.26	£7.82
Amenity Green Space	0.53	£162,825.70	£86,297.62	£86.30	£207.11
Play Space (children)	0.05	£162,825.70	£8,141.29	£8.14	£19.54
Play Space (youth)	0.05	£162,825.70	£8,141.29	£8.14	£19.54
Total	0.93	£499,332.14	£113,978	£105.84	£254.01

**8.43** The annual maintenance amount varies for each type of open space and has been re-based to 2024 costs.

**8.44** The amount of financial contribution towards the maintenance of Strategic Open Space transferred to the Council or Parish or Town Council is set out in Table 15 and the IDP where relevant for development where no landscaping scheme has been provided to the Council.

**8.45** Where a landscaping scheme has been provided the Council will provide the maintenance costs for the specific scheme calculated in accordance with the relevant paragraphs above. Unless exceptional circumstances apply, no public open space is adopted without a commuted sum for maintenance.



**Table 14 Strategic Open Space Formula – commuted maintenance sum**

Type of Open Space	(A) Quantity standard (ha/1,000 population)	(B) Council Rate per Ha	(C) Contribution per 1,000 population (A x B)	(D) Rate per person (C/1,000)	(E) Rate per dwelling (Dx 2.4)
Parks and Recreation Grounds	1.23	£273,872.83	£336,863.58	£336.86	£808
Natural and semi-natural greenspace	1.80	£28,946.80	£52,104.23	£52.10	£125
<b>Total</b>					<b>£1,054</b>

**8.46** The annual maintenance amount varies for each type of open space and has been re-based to 2025 using average costs incurred by the Council for parks and informal recreation space. The maintenance costs associated with playing pitches will be calculated separately using Sport England’s Playing Pitch Calculator which provides lifecycle costs that are list separately in the IDP where relevant.

**Timing/Trigger for payment or provision of works**

**8.47** In the case of a large-scale development, it may be that the payments or provision would be phased to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

## 9 Green and Blue Infrastructure - Environmental Mitigation

### Policy Background

**9.1** Paragraph 187 of the NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. It seeks for the planning system to recognise the intrinsic character and beauty of the countryside and wider benefits from its natural ecosystems, maintain the character of the undeveloped coast, minimise impacts on and provide net gains in biodiversity. The planning system should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution and land instability. Remediating and mitigating despoiled, degraded, contaminated and unstable land are other ways of enhancing the environment.

**9.2** Paragraph 193 of the NPPF states that where significant harm to biodiversity resulting from a development proposal cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

**9.3** Strategic Policy S1 applies a series of Spatial Principals to ensure the Local Plan focuses growth in the most sustainable locations as well as securing the enhancement and extension of the City's green infrastructure resources.

**9.4** Strategic Policy S2 seeks to mitigate and adapt to climate changes through several measures aimed at enabling future development to move to a net zero carbon future. This includes through protecting and providing opportunities for well-connected multifunctional green and blue infrastructure including city greening, woodland creation, tree planting and new habitat creation.

**9.5** Strategic Policy S4 sets out that new development will be expected to incorporate multi-functional green spaces including providing biodiversity net gain (minimum of 10% and 20% at garden communities) which protects, enhances and restores ecosystems and allows nature recovery. It also includes a requirement for new development to not contribute to water pollution and where possible enhance water quality.

**9.6** New developments will need to maximise opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the Local Nature Recovery Strategy and the Council's Green Infrastructure Strategic Plan. Contributions from qualifying residential developments within the Zones of Influence, as defined in the adopted Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS), will be secured towards mitigation measures identified in the RAMS. Major developments (defined as sites of 10 or more dwellings) may also be required to provide or contribute towards additional recreational mitigation measures to address stand-alone impacts of the proposal as identified in DM16. This will be informed by a review of the RAMS and SPD which is expected to be completed in 2026 and/or project level HRAs.

**9.7** Strategic Policies S9 and S10 require new development to provide or contribute towards a range of multi-functional green, blue and natural infrastructure, nature recovery, net gain in biodiversity and public realm improvements.



**9.8** The protection and promotion of ecology, nature and biodiversity in new developments including mitigation measures identified in the RAMS and biodiversity net gain requirements are set out in Policy DM16.

**9.9** The protection of trees, woodland and landscape features are set out in Policy DM17, as well as the requirement for three new trees per net new dwellings for all new housing development.

**9.10** Policy DM18 specifies that Sustainable Drainage Systems should be multi-functional to deliver amenity, recreational and biodiversity benefit for the built, natural and historic environment as well as providing water management measures.

**9.11** The sustainability requirements the Council expects of dwellings and non-residential buildings is set out in Policy DM25, whilst the requirement for development to avoid unacceptable levels of pollution emissions from noise, light, smell, fumes, vibrations and other issues unless appropriate mitigation measures can be put in place, is set out in Policy DM29.

**9.12** Policy DM31 lists the requirements for development to achieve net zero carbon development in operation.

### **Possible Section 106 Obligations**

**9.13** Any environmental mitigation measures will be considered on a site-by-site basis. Most issues will be localised and are likely to be small scale where it is appropriate to deal with them by way of planning conditions. There may be circumstances where schemes require environmental mitigation measures to be included within a Section 106 Agreement.

**9.14** The Council has declared a Climate and Ecological Emergency to focus attention on reducing carbon and greenhouse gas emissions in the area and to plan for a more sustainable future.

**9.15** The Council's Climate and Ecological Emergency Action Plan includes undertaking a greening programme to significantly increase the amount of woodland and the proportion of tree cover in Chelmsford.

**9.16** The Council requires all residential development to plant at least three new trees for every new home in the Local Plan to assist in the Climate and Ecological Emergency. In most cases the planting of new trees should take place in landscaped areas maintained as part of the public realm. On some sites it may be possible to include trees within large private gardens providing there is sufficient space to allow the tree to grow and flourish during its normal expected lifetime.

**9.17** Where it is not practicable to plant trees on-site, a commuted sum of £300 per dwelling will be used towards the following:

- Woodland planting – 2 square metres per new dwelling, planted as whips on sites identified as suitable for woodland planting; and
- Individual trees – 1 tree per new dwelling planted as heavy standards, generally 12 – 14 cm girth at 1m up the stem. These will be planted as street trees, or in a park or other open spaces including highway verge.



**9.18** The figure of £300 per new dwelling is based on:

- Woodland planting - £4 per sqm for the cost of planting and aftercare for mass woodland planting (excluding land purchase); and
- Individual trees - £292 per semi-mature tree (excluding land purchase). The cost estimate assumes the trees will be staked and equipped with a watering bag and intensive care for, including regular watering for three seasons after planting.

**9.19** The financial contribution of £300 per new dwelling will be sought and can either be paid in advance before planning permission is granted or secured through a planning obligation. When only part of the tree planting provision is achieved on-site, the commuted payment will be calculated based on £100 per missing tree and contributions pooled to deliver tree planting where funding is sufficient and alternative suitable locations available.

**9.20** The Council has a 10-year woodland and tree planting aspiration to plant 192,000 new trees, creating 92 additional hectares of woodland/tree cover. To help meet this aspiration, the Council will seek to use commuted sums in the way described above on land already in the Council's ownership. In exceptional circumstances, the Council will consider a proposal for planting on land not in its ownership, where there is a willing landowner on land that lies adjacent to the development site, and this arrangement would help screen new development and/or enhance existing green infrastructure.

**9.21** Woodland planting will be native species, UK grown and sourced and selected from the following:

Field Maple (*Acer campestre*), Common Alder (*Alnus glutinosa*), Downy Birch (*Betula pubescens*), Hornbeam (*Carpinus betulus*), Hazelnut (*Corylus avellana*), Hawthorn (*Crataegus monogyna*), Wild Privet (*Ligustrum vulgare*), Crab Apple (*Malus sylvestris*), Cherry Plum (*Prunus cerasifera*), Blackthorn or Sloe (*Prunus spinosa*), English Oak (*Quercus robur*), Goat Willow or Pussy Willow (*Salix caprea*), Guelder Rose (*Viburnum opulus*), Dog Rose (*Rosa canina*), Scots Pine (*Pinus sylvestris*), English Yew (*Taxus baccata*), Holly (*Ilex aquifolium*) and Wild service tree (*Sorbus torminalis*).

**9.22** Individual tree species will generally be native with some exceptions to non-native, but in parks settings where a specimen tree is appropriate some more exotic stock may be used. The native stock includes English oak (*Quercus robur*) and lime (*Tilia x europaea*). The non-native stock includes Norway maple (*Acer plantanoides*) and London plane (*Platanus x hispanica*). More exotic stock includes Sweet gum (*Liquidambar styraciflua*), Dawn redwood (*Metasequoia glyptostroboides*), Giant sequoia (*Sequoiadendron giganteum*), Indian bean tree (*Catalpa bignonioides*) and ornamental maple trees (*Acer*).

**9.23** On-site trees will be required by planning conditions to be watered and protected. Council planted trees will be staked and equipped with a watering bag. They will be intensively cared for, including regular watering for at least three seasons after planting, until established.

**9.24** The Council will monitor the number of new trees planted or funded through commuted sums to ensure compliance with the Chelmsford Climate and Ecological Action Plan. Applicants will be asked to complete the template below as part of their proposed landscaping scheme submitted with their planning application:

Category	No. of trees to be removed from the sites (LOSS)	No. of trees to be planted on site (GAIN)	No. of trees on site NET/OTHER
Existing trees			
Proposed tree removals (if applicable)			
Trees planted as compensation for existing tree loss			
New tree planting – individual trees on-site			
Total			
Is there a need for a contribution towards new tree planting off-site (Y?N)			
Is this a partial or full contribution (partial/full)			

**9.25** Planting relating to commuted sums received in lieu of on-site provision will be recorded in the annual Infrastructure Funding Statement, where relevant.

**9.26** Proposals for biodiversity net gain must take into account local priorities set out in the Local Nature Recovery Strategy which guides the delivery of biodiversity net gain projects in Essex, the Essex Green Infrastructure Strategy and Standards, and the Chelmsford Green Infrastructure Action Plan as well as be informed by a comprehensive understanding of habitats and species associated with a site.

**9.27** The Council expects the requirements for biodiversity net gain to be provided within the application site boundary and to be secured for a minimum of 30 years after completion of the development. Where possible the Council will aim to secure biodiversity net gain for the lifetime of development. The Council will only consider off-site provision or the purchase of off-site biodiversity units if it can clearly be demonstrated that biodiversity net gain cannot be adequately achieved onsite. A Habitat Management and Monitoring Plan (HMMP) will be required where there are significant on-site enhancements or where net gain is to be delivered off-site. The HMMP must demonstrate how the land will be managed for a minimum period of 30 years from the completion of the development. The Council would encourage, where possible, securing

biodiversity net gain for the lifetime of development.

**9.28** Off-site measures will be expected to be in reasonable proximity to the development, strategically located for nature conservation and be informed by local and national guidance and data. Early discussions with the Council and Essex Local Nature Partnership are encouraged if off-site provision is necessary.

**9.29** The purchase of statutory Biodiversity Credits as a mechanism to achieve biodiversity net gain will only be considered as a last resort.

**9.30** Biodiversity net gain proposals and where necessary, Habitat Management and Monitoring Plans, will be secured by a condition and/or legal agreement. This will include a requirement to cover the Council's costs associated with the long-term monitoring of the biodiversity net gain proposals.

**9.31** Mitigation measures for protected sites (including SANG) can count towards BNG requirements as long as at least 10% of the biodiversity units come from additional activities other than mitigation and compensation. SANG provision must also demonstrate how through appropriate design and implementation that suitable habitats will be achieved to secure a genuine biodiversity uplift beyond Natural England's minimum SANG standards. Any additional features provided for BNG purposes should not conflict, and ideally complement, with the principal purpose of the SANG.

**9.32** The RAMS provides a mechanism for local planning authorities to comply with their responsibilities to protect habitats and species in accordance with the UK Conservation of Habitats and Species Regulations 2017. Measures required to mitigate the impacts of recreational disturbance on European Protected Sites will be delivered as detailed in the RAMS and the Essex Coast RAMS SPD.

**9.33** The Essex Coast RAMS SPD provides the scope of RAMS; the legal basis for RAMS; the level of developer contributions being sought for strategic mitigation and how and when applicants should make contributions.

**9.34** Environmental matters which may be included in a Section 106 Agreement include, but are not limited to:

- Biodiversity offsetting
- Biodiversity net gain
- Major contamination issues
- Ecological mitigation/remediation
- Climate change mitigation, including tree planting and new woodlands
- Environmental enhancements
- Archeological investigations, access and interpretation
- Repair and re-use of buildings or other heritage assets

**9.35** Further guidance on matters relating to biodiversity, which should be borne in mind when considering a site and preparing a planning application, is set out in ECC's Developers' Guide to Infrastructure Contributions (Revised 2024).

**9.36** Some cases may require payments; other cases may require the details of mitigation measures to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out. Each site will be considered on its own merits.

### **Timing/Trigger for payment or provision of works**

**9.37** The cost of such mitigation measures will normally be covered in full by the developer. Any contamination matters will usually be required to be dealt with fully prior to commencement of any development.

**9.38** Environmental mitigation will largely be required to be carried out prior to the commencement of the development, with some further work being complete prior to first occupation of the development. Some further environmental issues may require ongoing mitigation to take place. Where the development cannot fully mitigate its impact on these environmental matters, compensatory measures may be sought. This will only be sought where all other avenues of mitigation have been exhausted. The appropriate level of contribution will be considered on a case-by-case basis.

### **Further Information**

**9.39** The Chelmsford Green Infrastructure Strategic Plan 2018 – 2036 provides a framework for the planning and management of Chelmsford's Green Infrastructure resources both in terms of the protection of its integrity and enhancement to the benefit of residents, workers and visitors considering the significant scale of growth to be accommodated over the duration of the Local Plan. The Essex Green Infrastructure Strategy (2020) and the Essex Green Infrastructure Standards (2022) champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. from a multifunctional perspective, combining uses such as sustainable drainage, public open space, walking and cycling routes and biodiversity conservation to combine functional uses with amenity benefits



## **10 Community Infrastructure - Early Years, Childcare and Education**

### **Policy Background**

**10.1** As set out in paragraph 100 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Non-statutory guidance for local authorities for education to support housing growth and developers' contributions is provided in the Department for Education publication – 'Securing developer contributions for education,' (August 2023).

**10.2** Strategic Policy S5 recognises that an important element of sustainable development is the provision and protection of community uses such as schools.

**10.3** Strategic Policies S9 and S10 set out the infrastructure required to support new development, including early years education and childcare, primary, secondary, SEND and post 16 education provision and how to secure the infrastructure and mitigate impact.

**10.4** Policy DM20 focuses on the accessibility of new community facilities by sustainable modes of transport and to the multitude of users that will access them. Policy DM22 seeks to protect existing education establishments, support their extension/expansion, and only permit their change of use if they are surplus to educational requirements.

**10.5** Section 106 obligations will include obligations to provide suitable land and/or financial contributions towards additional school places in accordance with Policy S10.

### **Possible Section 106 Obligations**

**10.6** Chelmsford will see significant growth over the plan period. New early years, co-located with primary education, and standalone childcare provision, primary, secondary and SEND education are required to be provided on-site in various strategic locations. In all cases, the developer will provide the land or provision within the built form at the development and a proportion of the build cost generated from the need for places. The remainder of the cost will potentially be covered through pooled Section 106 contributions. If it is not planned to build a new school or nursery, financial contributions will be used to fund capital works to add additional capacity at schools, or existing nurseries in the appropriate area.

**10.7** Where the need for new schools or nurseries is identified against a site, other sites that benefit may be required to contribute towards both land and build costs as pooled Section 106 contributions.

**10.8** The IDP provides details of the contribution form for specific items of early years, childcare and education infrastructure for each site referenced in the Local Plan. It includes pooled Section 106 contributions towards the expansion of existing primary and secondary education in specific locations to address needs arising from sites identified in the Local Plan.

**10.9** The Essex School Organisation Service's 10 Year Plan, 'Meeting the demand for school places in Essex', is published on an annual basis and sets out the forecasted availability of school places in Chelmsford. The need for additional school places to serve new development may vary over time. It is considered reasonable to take account of the future demand for places as well as



the current picture since: there will be a time lag between the planning application and completion of the development; the peak of additional demand for places generally comes a few years after a development is first occupied and the development will be a permanent feature of the local community and it should not cater just for its immediate impact.

**10.10** ECC's Developer's Guide to Infrastructure Contributions (Revised 2024) provides information on Education contributions, which incorporates early years and childcare, primary, secondary, post 16 and Special Educational Needs. The Guide provides information on how the need for additional school and early years places are assessed; how to calculate demand from new housing development and additional site requirements. The Guide also provides information on ECC's statutory responsibility to make suitable travel arrangements free of charge for eligible children, which depending on the location of a development, may require a developer contribution.

**10.11** A new all-through secondary school, including primary and early years, will be required on-site to support strategic growth at Chelmsford Garden Community (Location 6). New all-through secondary school, or a secondary school co-located with primary school and early years and childcare will be required at East Chelmsford Garden Community (Location 16). New co-located primary schools with early years and stand-alone early years and childcare nurseries are also required and identified in relevant site policies.

**10.12** Site specific contributions for early years, childcare and education are set out in the IDP.

### **Provision of works**

**10.13** Details of the criteria that any new school or pre-school site must meet and requirements for the provision of land for new facilities are set out in the ECC's Developers' Guide to Infrastructure Contributions and the 'Garden Communities and Planning School Places Guide'. This sets out the ECC approach to delivering new schools and ensuring there are sufficient pupil places to serve large new settlements that are planned. The '[Local and Neighbourhood Planners' Guide to School Organisation](#)' explains how ECC will help develop local and neighbourhood plans to ensure there are sufficient school places from new developments.

**10.14** The ECC Developers' Guide to Infrastructure Contributions (Revised 2024) provides details of how school sites should be laid out, including the environment around schools (Appendix D). On Strategic Sites, adherence to an approved Design Code may also be required. The Essex Design Guide (2018) provides a School Design Checklist and criteria, which provides further advice on how schools should be designed to encourage community access outside of school hours.

**10.15** It should be noted that Sport England's Strategy includes goals relating to schools opening up, or keeping open, their sports facilities for local community use. Schools can potentially offer sports halls, studios, activity rooms, fitness facilities, swimming pools (as well as outdoor courts, grass pitches, artificial grass pitches) for community use. It should be recognised that the specification of sports facilities for School use and Community use can differ however, so enhancements may be required on a standard school specification to ensure community use. Consideration of ancillary facilities such as changing, WC, circulation, floodlighting and car parking facilities is also required. Sport England also offers a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites. Where appropriate Section 106 Agreements will seek to secure community use of school facilities, and a

separate contribution will be levied for this purpose

**10.16** The Indoor Sports Assessment and Strategy (2024) produced to support the review of the Local Plan states that new secondary schools should include Sport England design compliant sports halls.



## **11 Community Infrastructure – Health, Community Safety, Cohesion and Social Wellbeing**

### **Policy Background**

**11.1** Paragraph 96 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places by enabling and supporting healthy lifestyles and promoting community safety, cohesion and social interaction.

**11.2** An important element of enabling and supporting healthy, safe and cohesive communities is the provision and protection of community uses, such as health, police, fire and rescue, ambulance and recreation and the access populations have to the environments and infrastructure that supports community health, safety, cohesion and well-being. Strategic Policy S5 requires the protection and enhancement of community assets whilst Strategic Policy S4 requires a well-connected multifunctional green and blue infrastructure network, helping to promote health and wellbeing.

**11.3** Strategic Policies S9 and S10 state that new development must provide a range of infrastructure including essential primary, acute and community healthcare provision and ambulance facilities and wellbeing facilities and measures that mitigate the impact of new development.

**11.4** Strategic Policy S14 seeks to ensure that future development proposals go further to support improvements in health and wellbeing of residents and communities, promote active and healthier lifestyles and reduce health inequalities. The policy also requires certain developments to undertake a Health Impact Assessment, making recommendations on how positive health impacts could be maximised and negative impacts on health and inequalities avoided or mitigated.

**11.5** Strategic Policy S16 seeks to ensure that future development proposals maximise opportunities for active and sustainable travel with well-designed walking and cycling networks.

**11.6** Strategic Policy S17 promotes a City Centre that multifunctional green routes and improvements to the recreational potential of the waterways and their associated green spaces.

**11.7** Policy DM20 provides the requirements for community facilities for planning permission to be granted and Policy DM24 requires the built form and design of new development to provide opportunities to promote healthy living and improve health and wellbeing through the provision of walking and cycling and provision of multifunctional green infrastructure, including open space.

**11.8** The Council implements the ‘Livewell’ accreditation scheme to recognize developers for their contributions to health and wellbeing. This is based on a two-stage assessment using the HIA criteria and a review by the Essex Quality Review Panel.

### **Possible Section 106 Obligations**

**11.9** New healthcare, police, fire and rescue and ambulance infrastructure, which includes health and well-being measures, will be required through Section 106 agreements. This could include investment in existing premises or services if the proposed development generates the need for a new facility or service.

## Primary Healthcare

**11.10** Chelmsford is served by the Mid and South Essex Integrated Care System which provides health and social care across Braintree, Maldon, Chelmsford, Castle Point, Rochford, Southend, Thurrock, Basildon and Brentwood. It is made up of two main committees:

- Mid and South Essex Integrated Care Board – a statutory NHS organisation responsible for developing a plan to meet the health needs of the population, managing the NHS budget and arranging for the provision of health services in Mid and South Essex.
- Mid and South Essex Integrated Care Partnership – a statutory committee concerned with improving health, care and wellbeing of the population.

**11.11** As an upper tier local authority, ECC has a responsibility for public health and wellbeing, to achieve lifestyle enhancements and behavioural change within the local community.

**11.12** The Mid and South Essex Integrated Care Board has identified additional primary healthcare infrastructure and investment required to support delivery of the Local Plan. These projects have been set out in the IDP.

**11.13** Within Growth Area 1, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. The additional capacity required in Growth Area 1 cannot be provided by reconfiguration or extension of existing primary care premises and so there is likely to also be a requirement for a new build facility within this Growth Area. A site and delivery mechanism for this provision will need to be identified and contributions will be sought to meet this need from all development sites located in Growth Area 1.

**11.14** Within Growth Area 2, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. New build facilities are proposed at Location 6 (North East Chelmsford Garden Community), and this is subject to a separate IDP.

**11.15** At Location 7a (Great Leighs – Land at Moulsham Hall), a 1,000m<sup>2</sup> medical centre is proposed as part of the hybrid planning applications which are pending on the site (Ref: 23/01583/OUT and 23/01583/FUL). The Integrated CB has confirmed that the proposed facilities at Location 6 and 7a should provide the capacity to accommodate increases in patient growth in Growth Area 2.

**11.16** Within Growth Area 3, there is an existing deficit of primary care capacity, and this will be increased by proposed growth. The additional capacity required in Growth Area 3 cannot be provided by reconfiguration or extension of existing primary care premises and so there is likely to also be a requirement for a new build facility within this Growth Area. This will be partly required to support the development at Location 16 – East Chelmsford Garden Community although it is noted that the scale of development at this location alone wouldn't alone require a complete new 'full size' (1,000m<sup>2</sup> surgery) but the demand it would create could not be accommodated at existing surgeries.



**11.17** Where a small number of large sites generate the need for a new primary healthcare facility or service, such as a new GP surgery and other new healthcare infrastructure and services, the cost of this provision will be secured through pooled section 106 agreements and the location of the facility identified through the master planning and planning application process.

**11.18** Section 106 resources may also be sought to fund health and wellbeing across the population and encouraging self-care, where there is on-site need. This includes digital and technological approaches.

**11.19** Early contact should be made with Planning and Public Health teams within the council to discuss the application proposed and local Health Impact Assessment requirements.

### **Ambulance Services**

**11.20** Ambulance Services within Chelmsford are provided by the East of England Ambulance Services NHS Trust. They have identified that a new purpose-built Hub is required in Chelmsford before 2040 as there is no room to expand at the current location on Chelmer Valley Road. This requires circa 1ha of land for new build or an existing building 25,000sq ft (2,300sqm), close to Broomfield Hospital and major road links, with sufficient space to accommodate 35 Dual Staffed Ambulances/Rapid Response Vehicles and appropriate staff parking. Off-site contributions of land and/or financial contributions will be calculated on a site-by-site basis across the administrative area.

### **Police Services**

**11.21** Policing for Chelmsford is provided by Essex Police, under the direction of the Police, Fire and Crime Commissioner (PFCC) for Essex. Key priorities for the PFCC are set out in the Police and Crime Plan 2024-2028 which was published in April 2024.

**11.22** Essex Police is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded police infrastructure/facilities will be required to mitigate and manage the increase in crime to persons and property arising from this growth, and to enable an appropriate level of community safety, cohesion and policies to be provided. Contributions are identified on a site-by-site basis in the IDP.

### **Fire and Rescue Services**

**11.23** Essex County Fire and Rescue Service (ECFRS) is an essential social infrastructure provider, whose operational capacity will be impacted by the increased demand on its services arising from planned housing and population growth. Developer funded fire and rescue infrastructure/facilities will be required to mitigate and manage the increase in prevention, protection and response activities, including the increased number of incidents, increased attendance times and changes in the incident risk profile. Contributions are identified on a site-by-site basis in the IDP.

**11.24** The timing for the provision of such healthcare, police, ambulance and fire and rescue facilities or financial mitigation will be considered on a case-by-case basis, with the specific



requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.

### **Timing/Trigger for payment or provision of works**

**11.25** Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 Agreement.

## 12 Community Infrastructure – Social and Community Facilities

### Policy Background

**12.1** Paragraph 98 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

**12.2** Strategic Policies S5, S9 and S10 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including community buildings and space, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision. This includes waste management, particularly in relation to the Chelmsford Garden Village.

**12.3** Strategic Policy S14 requires new strategic scale residential development to consider opportunities for community involvement in the long-term management and stewardship of the new development.

**12.4** Strategic Policy S17 sets out how planning policy can create conditions for resilience to future change and evolution and innovation in retail, leisure, entertainment and cultural development.

**12.5** Policy DM20 sets out the justification for obligations relating to any community facilities that are required because of new development in the Chelmsford City area.

### Possible Section 106 Obligations

**12.6** Chelmsford is served by a broad range of community facilities that are spread across the geography of the authority. The IDP summarises the need for social and community infrastructure to meet demand for youth services, libraries, community halls and cemeteries.

**12.7** Cemetery provision is fairly evenly distributed across the administrative area and the need for additional cemetery provision is driven by the requirement for burial demand and capacity. The existing Chelmsford Cemetery will be full by 2026 and there are ongoing plans to construct a new cemetery and modern crematorium within Chelmsford as outlined in 'Our Chelmsford, Our Plan' (2023). Because this need already exists, the 2022/2023 Chelmsford Infrastructure Funding Statement outlines that £4,000,000 has already been allocated for cemetery/crematorium land with a further £6,800,000 allocated to build a facility as part of the CIL fund.

**12.8** For large scale strategic development of 500+ new residential units the Council may require the provision of indoor space which provides flexible use for the community. Such facilities should consider:



- The inclusion of a multi-use space for community groups and clubs to use, e.g. Village Halls which are sufficiently sized and designed to cater for multi-purpose health and fitness activities. Flooring material and air handling/ventilation are examples of the types of considerations that will enable successful, sustainable activities in a community hall environment. The 2024 Indoor Sports Assessment notes that whilst demand for village hall/community centre space is high, most community centres have some spare capacity.
- A flexible `satellite` service including space for library use may be sought within shared community buildings in the new garden communities. Funding via CIL will be used to enhance and extend existing library services and facilities where required.
- Flexible workspace supporting the creating sector where relevant.
- The ability, or otherwise, of nearby existing facilities to serve the community.
- The individual needs and requirements of the locality.

**12.9** Any community hall provision included as part of these neighbourhood centres will be provided directly on site by the developer as part of the comprehensive masterplanning of relevant sites:

**12.10** As part of the Section 106 Agreement a nominated partner or organisation will be required to be identified as the future operator/manager of the building or space. This can be a Parish Council, Charity, stewardship vehicle or other community group.

### **Timing/Trigger for payment or provision of works**

**12.11** Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 Agreement.

**12.12** Provision of floor space for community facilities will be required to ensure that as the Garden Communities populations grow, there will not be pressure on community buildings' availability when needed the most.

## **I3 Community Infrastructure - Public Realm and Public Art**

### **Policy Background**

**13.1** Section 12 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Planning policies and decisions should ensure that developments function well, are visually attractive, sympathetic to local character, establish a strong sense of place and sustain an appropriate amount and mix of development.

**13.2** Enhancements to public realm, landscaping measures and attention to architectural detail are all important features that the Council wishes to see included in new development. Providing new public realm will continue to be an important catalyst for change as new schemes have been instrumental in the revitalisation of the City Centre. Public art is the principle of involving artists in the conception, development and transformation of a site or location, making an important contribution to the character and visual quality of the area. Artists can deliver public art in many ways, including being part of development teams alongside architects, engineers and designers, and undertaking residencies based in particular locations or with community groups. The Council is committed to the provision of public art within development and in the public realm.

**13.3** Strategic Policies S5, S9 and S10 recognise the important role community assets have in communities, set out the infrastructure required to support new development, including cultural facilities and public art, and require appropriate infrastructure capacity to support new development is secured through several measures including on-site provision.

**13.4** Strategic Policies S16 and S17 recognise that placemaking for all development is at the heart of achieving well connected and sustainable communities. In the City Centre, improvements along opportunity corridors will reinforce and create character or identity and positively contribute to increased footfall, activity and vibrancy.

**13.5** Policies DM20 and DM24 are key policies which set out the justification for obligations relating to Public Art and Public Realm improvements that are required because of new development within the Chelmsford City area.

### **Possible Section 106 Obligations**

**13.6** For developments large enough to have public space within the site, most matters will be covered by planning conditions. Each case will be considered on its individual merits.

### **Public Realm Provision**

**13.7** Section 106 Agreements may require the following issues to be addressed in respect of on-site and off-site public realm improvements:



- Improvements to paving and planting on public highway and other space directly adjoining the site or a financial contribution towards the required off-site improvements
- Bespoke planting and any associated paths and boundary treatment directly relating to the site
- Where a development site is adjacent to a public space and requires direct mitigation e.g. to link the public space into the development or replacement boundary treatment to open space.
- City centre public realm enhancements
- Street lighting in vicinity of development sites
- Community facilities that contribute to the quality of the public realm (i.e. public seating in the city centre, other street furniture, public toilets)
- Conservation restoration and enhancement of the historic environment
- Access and use restrictions/assurances
- Adoption of improvement
- Financial arrangement for their management.

## Public Art

**13.8** On smaller schemes Public Art is likely to be dealt with by way of planning conditions. It may be required to be secured via a Section 106 Agreement in the following circumstances:

- All developments with a threshold of 10 or more dwellings
- All developments with a floor space of 1,000sqm or more

**13.9** Where there is an obligation to deliver public art within a Section 106 agreement, the Council will expect the delivery of public art in accordance with the agreement and for this responsibility not to be transferred to the City Council.

## Timing/Trigger for payment or provision of works

### Public Realm

**13.10** Development will not normally commence until the developer has submitted and received written approval for a Public Realm Scheme from the Council. Developers will be required to illustrate what parts of the scheme are to be offered for adoption. For the parts of the scheme that will be offered for adoption, there is a requirement for a developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm. The Section 106 agreement will also put in place measures to agree the management and maintenance of any unadopted areas. Public realm improvements will usually be required to be completed prior to the first occupation of a development.



**13.11** Once the scheme has been implemented and the Council are satisfied the scheme is acceptable, a Certificate of Practical Completion will be issued, and a 12-month maintenance period will commence. At the end of this maintenance period a Certificate of Adoption will be issued. It will then be transferred to the relevant Council, and a commuted maintenance payment will become payable. The amount will vary from site to site depending on the materials used and cost of maintaining the area of Public Realm. The maintenance period shall cover a period of 15 years with details of the appropriate payment for this being set out in any Section 106 Agreements.

## **Public Art**

**13.12** The commissioning of public art works should involve professional art organisations and include stakeholder and community engagement. A written public art statement, explaining the commissioning process, artist briefs and budget should be in place prior to commencement of the development. The completion date for public art will vary depending on the nature of the development, the type and the location of the art works, but will usually be expected to be completed prior to the first occupation of a development.

**13.13** Place Services lead the delivery of ECC's Public Art Strategy to ensure the work and skills of artists feature in the structures and functioning of new development, either as part of an ECC funded programme, through liaison with Districts, City and Borough Councils, or by acting as expert consultants for privately funded development. As these arrangements range from district to district, early consultation is strongly recommended. Contact Place Services at [www.placeservices.co.uk](http://www.placeservices.co.uk) or email enquiries to [enquiries@placeservices.co.uk](mailto:enquiries@placeservices.co.uk).



## **I4 Community Infrastructure – Waste Management**

### **Policy Background**

**14.1** Section 2 of the NPPF states that to achieve sustainable development the planning system has three overarching objectives – economic, social and environmental. They are interdependent and need to be pursued in mutually supportive ways to secure net gains. The environmental objective includes minimising waste and pollution.

**14.2** The NPPF is clear that there should be sufficient provision for strategic infrastructure such as waste management.

**14.3** Strategic Policy S9 states that new development must be supported by the provision of infrastructure, services and facilities that are identified as necessary to serve its needs. This includes municipal waste and recycling facilities. Policy DM4 states that the Council will seek to retain Class E(g), B2 and B8 Use Classes or other sui generis uses of a similar employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes. Waste management facilities are generally considered as sui generis.

**14.4** A key aim of the Council’s Climate and Ecological Emergency Action Plan includes reducing carbon emissions, lowering energy consumption, reducing waste and pollution as well as improving air quality, greening Chelmsford, increasing biodiversity and encouraging sustainable and active travel.

**14.5** Recycling and waste collection provision for houses, apartments and flats are set out in Appendix B of the Local Plan.

**14.6** New developments should have regard to the Council’s Making Places Supplementary Planning Document (SPD) and be compliant with the Chelmsford City Council Recycling and Waste Collection Policy applicable at the time. This can be found on the Council’s website.

**14.7** Overall, development should seek to reduce waste and increase reuse and recycling in accordance with the waste hierarchy.

**14.8** ECC acts as both the Minerals and Waste Planning Authority as well as the Waste Disposal Authority for Essex. As the Waste Planning Authority for Essex, it has specific responsibilities for strategic and waste land-use planning policy. This includes the preparation of the Waste Local Plan, the determination of planning applications for the management of waste and for ensuring compliance with planning permissions, for the disposal of Local Authority Collected Waste and for places to be provided for households to deposit their household recycling and waste.

**14.9** Chelmsford City Council is the Waste Collection Authority for Chelmsford City and has a statutory responsibility to provide a waste collection service to householders and local businesses. Resource and waste reforms, introduced by Government in 2024 set the national context for waste management policy and activities. These include ‘Simpler Recycling’ and new regulations such as the Separation of Waste (England) Regulations 2024 which set out the requirements for the collection and treatment or disposal of waste materials. These are embodied in the Council’s published Recycling and Waste Collection.



**14.10** In 2024 the Essex Waste Partnership (representing the waste disposal authority and the twelve waste collections authorities in Essex) agreed a new Waste Strategy for Essex for the period 2024 to 2054. This replaces the Joint Municipal Waste Management Strategy for Essex previously agreed and reflects the changes in direction and approach driven by the provisions of the Environment Act 2021. Delivery of the Waste Strategy for Essex will be supported by cross Essex action plans focused on short, medium, and long-term plans for the provision of improved waste management services and associated infrastructure, as well as behaviour change. It is not a locational strategy and does not consider the number of facilities required or the capacity of an individual facility. Any plans for new or expanded waste infrastructure will emerge during the detailed action planning phases once the strategy has been adopted.

### **Possible Section 106 Obligations**

**14.11** The current depot facilities, vehicle workshops and waste transfer station operated by the City Council are at capacity. Additional capacity will be required to meet anticipated current demand and planned future growth. The site currently being used is constrained, being unable to increase capacity any further. The preferred approach for the City Council is for the acquisition of a site where a new, larger waste management facility and depot can be constructed to manage both current anticipated demand and planned future growth. Off-site contributions of land and/or financial contributions will be calculated on a site-by-site basis across the administrative area.

**14.12** Early engagement with the waste collection and waste disposal authorities is recommended to ensure that onsite waste management arrangements are designed appropriately.

**14.13** ECC will seek contributions towards improvements at Essex Recycling Centre for Household Waste or municipal waste treatment sites, as per the ECC Developers' Guide to Developers Contributions 2024 or update, to deliver capacity, access or other identified requirements to support usage because of planned growth.

**14.14** Contributions will be required in respect of the new Garden Communities to support development of local waste management infrastructure to deliver the operational integrity of the waste management system. The level of contributions requested will be assessed on a case-by-case basis following evaluation of infrastructure capacity within the locality prior to development, and an operational needs assessment and will be used to mitigate the impact of these large residential sites.

**14.15** The East Chelmsford Garden Community (Location I6) will be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application given its proximity to the Chelmsford Wastewater Treatment Plant. A Site Waste Management Plan is also required to address the key issues associated with sustainable management of waste including waste reduction/recycling/diversion targets and monitoring processes. Waltham Road Employment Area (Location 9a) will also be required to undertake a Waste Infrastructure Impact Assessment as part of a planning application as a metal recycling business operates on the site.



## Timing/Trigger for payment or provision of works

**14.16** On-site waste facilities should be provided before the development is occupied.

**14.17** Off-site contributions towards waste facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development and will be agreed as part of a Section 106 agreement.



## 15 Economic Infrastructure – Employment and Skills

### Policy Background

**15.1** Section 2 of the NPPF states that achieving sustainable development the planning system has three overarching objectives – economic, social and environmental. Skills levels are a key determinant of sustainable local economy. Increased skills and employability will enable residents to take advantage of opportunities created by new development.

**15.2** Strategic Policy S8 demonstrates the Council’s commitment to ensure that the Local Plan balances jobs and housing growth. A key part of this is improving local skills and access to employment opportunities through Employment and Skills Plans.

**15.3** The Council expects all planning applications for 50 or more homes or employment space providing 2,500 sqm (Gross Internal Area) or more floor space to enter an Employment and Skills Plan to provide employment and skills opportunity to benefit the local community.

### Possible Section 106 Obligation

**15.4** Employment and skills plans will normally be secured through a section 106 obligation and be expected to increase employability levels and workforce numbers through:

- Apprenticeships
- Work experience
- Volunteering
- Careers information and training

**15.5** The plan should include options for direct delivery or skills and employability programmes that include school / college engagement.

**15.6** An Employment and Skills Plan will be produced in consultation between the developer, landowner, the Council and ECC. It must be agreed and secured through a Section 106 agreement/planning condition.

**15.7** Further information, including templates for Employment and Skills Plans, are set out in the ECC Developers Guide to Infrastructure Contributions (2024).

### Timing/Trigger for payment or provision of works

**15.8** The Section 106 agreement will set out what the developer will need to do by way of providing information about progress against Employment and Skills Plan objectives. It will also contain a provision for a financial compliance payment that will be required if the Council is satisfied that the developer has not been using reasonable endeavours to deliver the target employment opportunities set out in the Employment Skills Plan. Further details on this penalty clause are provided in the appendix of the ECC Developers Guide to Infrastructure Contributions (2024).



## 16 Implementation of this Planning Obligations SPD

**16.1** The Council has tested the viability of a range of site types that are most likely to come forward over the new plan period.

**16.2** The Local Plan Viability Update 2023), uses Residual Value Methodology to assess the impact of meeting all the Council's policy requirements, including CIL at the current rate, and different levels of developer contributions on a range of development typologies. The Residue Value is the combined value of complete development less the cost of creating the asset, including a target profit margin. If the residual value exceeds the existing use value by a satisfactory margin, a scheme is judged to be viable.

**16.3** The results of the Viability Study show that in most cases, the residual value exceeds the existing use value by a satisfactory margin indicating that most development likely to come forward under the Local Plan is viable and will be able to bear the range of developer contributions and CIL at the adopted, and subsequently indexed, rate.

**16.4** Typically, the use of further viability assessments at the decision-making stage should not be necessary. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.

**16.5** Where an applicant formally requests the Council to consider a reduced level of planning obligations for a scheme it will need to demonstrate that either:

- The development proposed is wholly different in type to those used in the latest Local Plan Viability Update
- Further information on infrastructure or site costs is required
- Types of development are proposed which significantly vary from standard models of development for sale, or
- A recession or similar significant economic change has occurred since the latest Local Plan Viability Update.

**16.6** Where a viability assessment is submitted to accompany a new planning application this should be based upon and refer to the typologies of development tested and the standardised inputs in the latest Local Plan Viability Update. The applicant must:

a) Explain and provide evidence of any changes since the latest Local Plan Viability Update was conducted.

b) Explain and provide full supporting evidence to substantiate any departures from the standardised inputs of the latest Local Plan Viability Update – in the case of build costs this will require a detailed breakdown of costs provided by an appropriate professional.

**16.7** Failure to provide a – b above, will result in the Council giving no weight to the applicants' viability assessment. A full viability report prepared by the applicant should be submitted with the planning application.

**16.8** Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the Council and an independent viability advisor appointed by the Council with reasonable agreed costs borne by the applicant.

**16.9** Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.

**16.10** Essex Planning Officers Association (EPOA) has produced a Viability Protocol that sets out overarching principles for how Essex Local Planning Authorities will approach development viability. The protocol does not alter Local Plan policies or the guidance in this SPD but does provide additional advice and guidance on the information requirements and approach taken when assessing viability at the decision-making stage. The EPOA Viability Protocol is available to download at <https://www.essexdesignguide.co.uk/supplementary-guidance/essex-planning-and-viability-protocol/>

**16.11** The assessment will define land value for any viability assessment based on the existing use value of the land, plus a premium for the landowner. Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the Local Plan.

**16.12** The weight to be given to a viability assessment is a matter for the Council, having regard to all circumstances, including any changes since the Local Plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

**16.13** If the viability report submitted by the Applicant fails to satisfy the Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, then the planning application will be refused.

**16.14** Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, the development will need to wait until development values improve, land values can be re-negotiated, or alternative funding sources can be secured. If delayed development is not an option, applicants will be encouraged to consider their profit margins to see if the development could proceed with slightly reduced returns.

**16.15** If the Applicant can demonstrate, to the satisfaction of the Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas. In these circumstances, the Council will seek to protect and prioritise contributions for affordable housing for rent to address the critical need for this tenure of accommodation to tackle rising levels of homelessness, as identified in the housing crisis declared in February 2022. When a reduced level of contribution is accepted, measures will be included in the Section 106 agreement to ensure that the Council will benefit from improved contributions if viability improves over time.

**16.16** The Council will apply the following formula as part of a review mechanism to calculate the surplus profit available for reduced contributions. A worked example is also provided below:



Surplus profit calculation:

X = Review Contribution

$$X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$$

**Where:**

**A** = Actual Gross Development Value (£)

**B** = Estimated Gross Development Value (£)

**C** = Application Stage Gross Development Value (£)

**D** = Actual Build Costs (£)

**E** = Estimated Build Costs (£)

**F** = Application Stage Build Costs (£)

$$P = (A + B - C) * Y$$

**Y** = Owner's Profit as a percentage of Gross Development Value as determined at the time the Planning Permission was granted being seventeen point five per cent (17.5 %)

**G** = Deficit (£)

**Notes:**

(A + B - C) represents the change in Gross Development Value from the date of the Planning Permission) to the Review Date.

(D + E - F) represents the change in Build Costs from the date of the Planning Permission to the Review Date.

P represents Owner's Profit on change in Gross Development Value (£)

0.6 represents sixty per cent (60%) of any Surplus to be used by the Council for the reduced contributions, after the Owner's Profit (P) and Deficit has been deducted.

Worked Example for Surplus Profit Calculation

X = Review Contribution

$$X = (((((A + B) - C) - ((D + E) - F)) - P) - G) * 0.6$$



Where:		
A =	Actual GDV (£)	6,774,600
B =	Estimate GDV (£)	1,090,000
C =	Application Stage GDV (£)	-7,452,000
D =	Actual Build Costs (£)	3,000,000
E =	Estimate Build Costs (£)	760,000
F =	Application Stage Build Costs (£)	3,660,111
P =	(A + B – C) * Y	72,205
Y =	Owner’s Profit as a percentage of GDV as determined at the time the planning permission was granted being 17.5%	
G =	Deficit (£)	226,408
		<b><math>X = (((((6,774,600 + 1,090,000) - 7,452,000) - ((3,000,000 + 760,000) - 3,660,111)) - 72,205) - 226,408) * 0.6</math></b>
		<b><math>X = (((((7,864,600 - 7,452,000) - (3,760,000 - 3,660,111)) - 72,205) - 226,408) * 0.6</math></b>
		<b><math>X = (((412,600 - 99,889) - 72,205) - 226,408) * 0.6</math></b>
		<b><math>X = ((312,711 - 72,205) - 226,408) * 0.6</math></b>
		<b><math>X = (240,506 - 226,408) * 0.6</math></b>
		<b><math>X = 14,298 * 0.6</math></b>
		<b><math>X = 8,458.80</math></b>

## Drafting of Section 106 Agreements

**16.17** Section 106 Agreements will be drafted by the Council's Legal Services team, or by external solicitors acting on behalf of the Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement or the costs of external solicitors acting on behalf of the Council, where relevant. In most cases ECC provides a first draft of the clauses required to deliver contributions it has requested. A template agreement is provided in Appendix A of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024).



**16.18** Straightforward obligations which normally require only a financial contribution and/or planning obligations on one party only will be the subject of a Unilateral Undertaking. A Unilateral Undertaking will be prepared or approved by the Planning Contributions Officer or, where appropriate, the Council's Legal Service team. Applicants will be expected to meet the Council's reasonable costs incurred in preparing or approving an Undertaking.

**16.19** In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership at the beginning of the application process. These should be copies of the Title document and plan obtained within the preceding three months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.

## **Financial Contributions**

**16.20** Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent. Section 3.2 of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024) provides further guidance for larger, phased development regarding contributions requested by ECC.

**16.21** It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest-bearing account. Those financial contributions (excluding commuted payment relating to maintenance) that are paid to the City Council and remain unspent at the end of 10 years from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements, unless they relate to infrastructure items that are required beyond 2036.

## **Index Linking**

**16.22** The quantum of Section 106 financial contributions will be re-assessed at the point of planning application and fixed from the point of planning permission. All Section 106 financial contributions that are subject to indexation, will be calculated from the point of planning permission and end with the date each payment becomes due. The indices to be used are the BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices and BCIS All-in Tender Price Index for contributions relating to housing. The calculation will be based on the published index (indices) at the point of calculation as set out in the planning obligation. If a commuted sum is required for maintenance purposes, this will be assessed at the point of planning application and fixed from the point of planning permission.

**16.23** The CIL charging rate is fixed in the CIL Charging Schedule and indexed on the 1st of January each year based on the RICS Community Infrastructure Levy (CIL) Index, published in the preceding November.

**16.24** A summary of whether indexation applies, and the index used for the most common financial contributions is set out in Table 15 below:



**Table 15 Indexation Applied to Section 106 Contributions**

Contribution Type	Index Linked Y/N	Index Applied/Notes
Affordable Housing	Y	BCIS All-In Tender Price Index
CCC Monitoring Fees	N	
CIL	Y	Charging Schedule and indexed on the 1st of January each year based on the RICS Community Infrastructure Levy (CIL) Index, published in the preceding November.
ECC Monitoring Fees	N	
Education	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.
Healthcare	Y	Retail Price Index.
Maintenance (of any kind)	N	
Open Space	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.
Public Realm	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.
RAMS	N	Latest published tariff as at the date of the Section 106 Agreement OR such higher amount as may be applicable at the date of payment in line with the published increased tariff
Specialist Residential Accommodation	Y	BCIS All-In Tender Price Index



Travel Plan Monitoring Fee/Smarter Choices Monitoring	Y	Consumer Price Index (CPI) (see latest published ECC developers guide).
Tree Planting	Y	BCIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.
* <b>ECC</b> applies different indexation indices to different types of infrastructure. Further guidance is provided in Section 3.3 of ECC’s Developers’ Guide to Infrastructure Contributions (Revised 2024).		

### Monitoring and Enforcement of Obligations

**16.25** Monitoring obligations will be undertaken by the Council's Planning Contributions Officer to ensure that all obligations entered are complied with by both the developer and the Council.

**16.26** In cases where developers have difficulty making payments at the appropriate times as required by the legal agreement, the Council will work with the developer to find a solution. This may involve the payment of an obligation at a later stage in the development, or payment by installments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligation to fund it will always become payable on commencement.

**16.27** If enforcement of financial obligations fails then the Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the Council.

### Monitoring Fees (excluding affordable housing obligations)

**16.28** A monitoring fee will be charged where Section 106 agreements include covenants to the Council. A charge of £350 per obligation type will be levied for each phase of the development containing the obligation. For example, a charge of £350 will be applied to monitoring planning obligations securing local open space. If the local open space is provided in three phases on a new development site, a total monitoring fee of £1,050 will apply to the local open space provisions secured through a Section 106 agreement. These charges exclude affordable housing obligations, which are subject to a separate monitoring fee.

**16.29** The fee includes collection of information from the developer and other relevant internal and external sources, appropriate site visits, officer action associated with non-compliance, maintenance of the monitoring database and reporting on delivery of obligations.



## Monitoring Fee (affordable housing obligations)

**16.30** A monitoring fee of £100 per affordable housing unit will be charged. This fee will not be applied to commuted sums in lieu of on-site affordable housing.

**16.31** The £100 monitoring fee includes monitoring, conducted on a plot-by-plot basis, of the completion and initial occupation of affordable dwellings. In respect of affordable housing for rent, monitoring this obligation includes the time and costs associated with entering into nomination agreements with Registered Providers (excluding the cost of the Council's Legal Services). Where relevant, it also includes monitoring housing costs.

**16.32** In the event of a review mechanism being agreed as justified for a development proposal, a separate fee of £1,000 per review will be applied to meet the Council Officers' costs in reviewing the information. This is in addition to the Council's legal costs (where relevant) and the costs of the Council appointing independent viability experts to review the financial information submitted. All such costs will be met by the developer / landowner proposing the development

## Monitoring Fees (Essex County Council)

**16.33** ECC charge separate monitoring fees for Section 106 obligation types that they are responsible for, for example education and highways. Further guidance is provided in Section 3.3 of ECC's Developers' Guide to Infrastructure Contributions (Revised 2024). ECC staff time in supporting the Travel Plan process will be secured through developer contributions with set fees to be paid by the Developer, to ECC, with regards the monitoring and support of Travel Plans.

**16.34** All ECC's monitoring fees will be subject to indexation and payable on commencement of the development.

## Fees for Deeds of Variation to a Section 106 agreement

**16.35** In respect of Section 106 Agreements the Planning Fee covers the cost of involvement of the Housing Policy Team (Spatial Planning Services), however where a Deed of Variation (DoV) to a Section 106 Agreement is required and the involvement of the Housing Policy Team is needed, a fee of £1,200 will be charged per agreement. This fee must be paid upfront, and the Housing Policy Team will not commence work on a DoV until payment is received. Should the DoV not be executed within three months of receipt of the initial fee a further fee of £1,200 will become due in respect of any work to be undertaken by the Housing Policy Team. For the avoidance of doubt a Housing Policy Team Fee of £1,200 will be due every three months until completion of the DoV. The Housing Policy Team Fees will be reviewed on a regular basis.

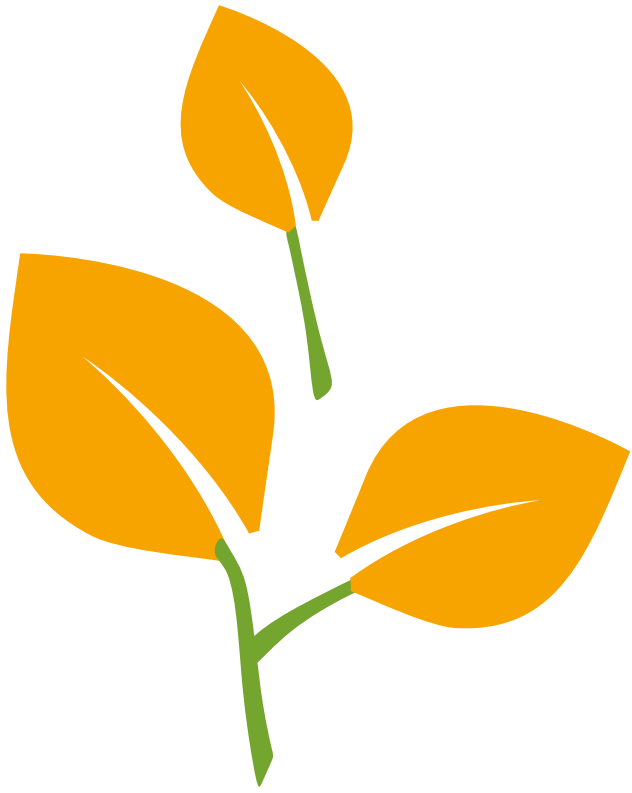
**16.36** Legal Fees will also be due in respect of a DoV to a Section 106 Agreement and are reviewed on a regular basis. Legal work cannot commence on a DoV until an undertaking has been provided that the Council's legal fees will be met in full.

## Reporting on the use of Section 106 Obligations

**16.37** Infrastructure Funding Statements are required to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by CIL or planning obligations.



**16.38** Infrastructure Funding Statements need to be published annually from 31 December 2020 (for the preceding financial year 2019/20) reporting on CIL and planning obligations revenue received and allocated. ECC is also required to publish an annual Infrastructure Funding Statement, primarily with regards education; highways and transportation; Public Rights of Way; libraries and monitoring.



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