

Appeal Ref: APP/Y1110/W/21/3270745

LPA Ref: 19/1647/FUL

Appeal relating to Land off Midhurst Road at Scotland Park,

Midhurst Road, Haslemere, Surrey, GU27 3DH

Summary of Draft Planning Obligations as at 30 Nov 2023

1 Introduction

- 1.1 The planning obligations are currently comprised in two documents:
 - 1.1.1 A draft s.106 Agreement with Waverley Borough Council which deals with the Borough level obligations
 - 1.1.2 A draft s.106 Agreement with Surrey County Council which deals with the County level obligations
- 1.2 The draft planning obligations were provided to the Council and the County Council on 20 November 2023. No substantive comments have yet been received on the drafts.
- 1.3 This document summarises the planning obligations contained in each draft s.106 as at 30 November 2023.

2 District Level Obligations

Affordable Housing (Schedule 1)

- 2.1 The s.106 secures the following:
 - 2.1.1 35% Affordable Housing comprising the 30% policy requirement plus an additional 5% voluntary affordable housing provision.
 - 2.1.2 The proposed tenure mix for the 30% policy requirement (as per SPD) is as follows:
 - (a) 60% Affordable Rent
 - (b) 25% First Homes (in line with the NPPF and standard Government model draft s.106 wording)
 - (c) 15% Shared Ownership.
 - 2.1.3 The additional 5% Affordable Housing (over and above policy) will be disposed of either as Shared Ownership or as Discount Market Dwellings at 80% of Market Value in perpetuity.
 - 2.1.4 The size, location and appearance of the Affordable Housing will be approved through the reserved matters process. In addition, an Affordable Housing Plan showing the location, type, bed size and tenure mix of the Affordable Dwellings within the

Development must be submitted to and approved by the Council before any Dwelling can be constructed above damp proof course.

- 2.1.5 The Affordable Dwellings (save for the First Homes) must be Occupied in accordance with a Nominations Agreement between the Council and the AHP. The Nominations Agreement must be entered into before any Affordable Dwelling can be Occupied.

Phasing of Delivery

- 2.1.6 The Affordable Dwellings must be constructed as the Development progresses as follows:
- (a) No more than 50% of the Open Market Dwellings may be Occupied unless and until 50% of the Affordable Dwellings have been Practically Completed, are ready for Occupation and (save for the First Homes and Discount Market Dwellings) have been transferred to an AHP.
 - (b) No more than 75% of the Open Market Dwellings may be Occupied unless and until all of the Affordable Dwellings and the Discount Market Dwellings have been Practically Completed and are ready for Occupation and (save for the First Homes and Discount Market Dwellings) have been transferred to an AHP.

Open Space – Schedule 2

- 2.2 The draft s.106 provides for the delivery of LAP(s), LEAP(s) and Open Space. The number of LAPs and LEAPs and the precise size and location of the LAP(s), LEAP(s) and Open Space will be set out in the relevant Reserved Matters Approval.
- 2.3 Prior to First Occupation:
- 2.3.1 A Management Plan (setting out the way in which the LAP(s), the LEAP(s), the Open Space and the SUDS will be managed) must be submitted for approval; and
 - 2.3.2 The Management Company must be set up, established or appointed.
- 2.4 The LEAP(s), LAP(s) and Open Space must be delivered by 80 Occupations and must thereafter be managed in accordance with the Management Plan and kept open to the public save for in the circumstances outlined in the s.106. Upon completion of the LEAP(s), LAP(s) and Open Space the areas must be transferred to the Management Company.
- 2.5 The SUDS has to be delivered on or before First Occupation of the Dwellings which are served by the relevant part of the SUDS. The SUDS must then be managed and maintained in accordance with the Management Plan. On completion of the SUDS, the SUDS must be transferred to the Management Company.

SANGS and Additional SANGS Capacity (Sch 3)

- 2.6 Prior to First Occupation the SANG must be:

- 2.6.1 Completed; and
 - 2.6.2 Open to the public; and
 - 2.6.3 Transferred to the SANG Management Company. On the transfer of the SANG to the SANG Management Company the SANG Contribution (sum TBC) will be paid to the SANG Management Company.
- 2.7 Following the transfer of the SANG to the SANG Management Company, SANG Monitoring Reports must be provided to the Council:
- 2.7.1 For the first 5 years on the anniversary of the transfer; and
 - 2.7.2 then on a five yearly basis after that.
- 2.8 The SANG has capacity to mitigate the impacts of additional housing development (in excess of the appeal scheme and Phase 1). An Additional SANG Capacity Scheme must be submitted prior to Commencement. The Scheme will set out the detail of the way in which the Additional SANG Capacity will be made available to other developments for purchase including:
- 2.8.1 A system of priority whereby for a period of 5 years starting on the date of the adoption of Local Plan Part 2 the Council shall be entitled to nominate Allocated Developments to purchase the Additional SANG Capacity; and
 - 2.8.2 The price at which the Additional SANG Capacity will be sold to nominated Allocated Developments (which shall not exceed the price charged by the Council in respect of their SANG Capacity at the Farnham Park SANG).
- 2.9 From the date of the completion of the SANG, pedestrian and cycle access shall be maintained to and from the SANG from and to Phase 1¹.
- 2.10 The s.106 for Phase 1 included an obligation to deliver and maintain Permissive Paths and the Circular Walks around the SANG land². Those obligations terminate in the event that they are superseded by:
- 2.10.1 the grant of planning permission for the use of the Circular Walks Land as SANG;
 - 2.10.2 the completion of a section 106 agreement to secure its use as SANG; and
 - 2.10.3 the commencement of the use of the Circular Walks Land as SANG.

For the avoidance of doubt, paragraph 8 of Schedule 3 of the draft s.106 acknowledges that the provisions of the Phase 1 s.106 relating to Permissive Paths and the Circular Walks will terminate on the laying out of the SANG.

¹ The land to the north east of the Site which was granted planning permission pursuant to application reference WA/2020/1213 and appeal reference APP/R3650/W/21/3280136

² See Sch 3 of s.106 Agreement dated 11 January 2022 relating to planning permission ref WA/2020/1213 and appeal reference APP/R3650/W/21/3280136.

Excess Biodiversity Net Gain Units (Sch 4)

- 2.11 The Development will also generate excess BNG Units. The draft provides for these units to be sold in the same manner as the Additional SANG Capacity as summarised above. This includes the submission and approval of an Excess BNG Scheme which will set out a scheme or priority and pricing to ensure that the Excess BNG Units are available to facilitate the delivery of Allocated Sites.

Allotment Land (Sch 5)

- 2.12 The Allotment Land will to be offered to the Town Council prior to Commencement for £1.
- 2.13 The Offer has to stay open for 4 months. If it is not accepted or if it is accepted but no transfer has been completed within 40 Working Days, the Owner must ask the Council to nominate another body to take a transfer of the Allotments.
- 2.14 If no one has taken a transfer after 12 calendar months from the first offer, the provisions of the s.106 relating to the Allotments cease to apply.

Scout Hall (Sch 6)

- 2.15 No more than 80 Dwellings can be Occupied until the Scout Hall has to be completed to shell and core.
- 2.16 Within 20 Working Days of the completion of the Scout Hall, the Scout Hall Land must be offered to the Scout Group for £1.
- 2.17 The Offer has to stay open for 4 months. If it is not accepted or if it is accepted but no transfer has been completed within 40 Working Days, the Owner must ask the Council to nominate another body to take a transfer of the Scout Hall Land.
- 2.18 If no one has taken a transfer after 12 calendar months from the first offer, the Scout Hall Land will be released from the provisions of the s.106 and the Owner shall be entitled to manage the Scout Hall and Scout Hall Land as it sees fit.

Forest School (Sch 7)

- 2.19 No more than 80 Dwellings can be Occupied until the Forest School Building has to be completed to shell and core and the Fences surrounding the Forest School Land have been constructed.
- 2.20 Within 20 Working Days of the completion of the Forest School Building and Fences, the Forest School Land must be offered to the Forest School for £1.
- 2.21 The Offer has to stay open for 4 months. If it is not accepted or if it is accepted but no transfer has been completed within 40 Working Days, the Owner must ask the Council to nominate another body to take a transfer of the Forest School Land.

- 2.22 If no one has taken a transfer after 12 calendar months from the first offer, the Forest School Land will be released from the provisions of the s.106 and the Owner shall be entitled to manage the Forest School Land as it sees fit.

Access to Adjoining Land (Sch 8)

- 2.23 No more than 80 Dwellings can be Occupied unless and until access between the Site and the Adjoining Land for pedestrians, cyclists and emergency vehicles has been completed to the boundary of the Site and is open for use.
- 2.24 Once the Access has been completed it must be retained and maintained to a standard reasonably suitable for its proposed use.

3 County Level Obligations

- 3.1 Prior to the Commencement of Development, the Owner must pay a PROW Contribution of £32,600 to the County Council. The County Council must use the Contribution to carry out works to divert an existing footpath to create a non-stepped route as soon as reasonably practicable following receipt of the PROW Contribution.
- 3.2 The Owner must pay the Demand Responsive Bus Service Contribution of £500,000 to the County Council in five £100k annual instalments starting on the Occupation of the 25th Dwelling.
- 3.3 The County Council will provide the Demand Responsive Bus Service for a period of no less than 5 years from the date of receipt of the first instalment of the Demand Responsive Bus Service Contribution.