

UDC PRESS RELEASE

In last week's edition of the Walden Local an editor's note was included at the end of a letter – the note described Uttlesford District Council (UDC) as having a “very poor record when it comes to S106 agreements in Saffron Walden”. This point is entirely without merit or evidence.

As was highlighted in last week's edition, S106 agreements set out the planning obligations that are negotiated with a developer in relation to a planning application. These obligations must meet a number of tests set out in law. They must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Since 2013, developer contributions amounting to approximately £3.4m have been made by developers in relation to planning applications in Saffron Walden. The contributions have been made for various purposes:

- £1.8m towards education provision
- £72,000 towards healthcare provision
- £129,000 towards highways schemes
- £80,000 towards cycle infrastructure
- £415,000 towards public open space maintenance
- £220,000 towards strategic open space contribution
- £360,000 towards bus services
- £370,000 towards affordable housing provision

Each of the S106 agreements will set out how the money can be spent, and all contributions are based on the needs generated by the development, so are proportionate. Generally, education contributions will be spent locally by Essex County Council (ECC) to provide extra school places (early years and childcare, primary and/or secondary) and money for highways will also be spent locally by ECC on schemes to mitigate the effects of increased traffic. Money for healthcare is collected by UDC and passed to the NHS when it has a local scheme to spend it on. Money towards the maintenance of open space provided on new developments will usually be passed to the Town Council if the Town Council is to carry out the maintenance in future years.

UTTLESFORD DISTRICT COUNCIL

R4U analysis of UDC's poor s.106 record that has cost Saffron Walden £Millions in lost community facilities

Figures released by Uttlesford District Council last week show clearly how they have failed Saffron Walden by not requiring housing developers to make proper payments for infrastructure.

Under planning law, local authorities are entitled to require that housing developers make contributions to necessary infrastructure, including for new transport facilities, health and education provision, open spaces, sports provision, community facilities. Most local authorities operate a system called a "Community Infrastructure Levy", which levies a contribution to public infrastructure on every new home built; UDC continues to use an old system (known as Section 106 Agreement contributions), which is much less efficient and much more restrictive.

According to UDC's figures, since 2013 they have required total contributions from developers of some £3.4m. These developer contributions have largely been required by Essex County Council for roads, buses, education and healthcare – a total of £2.4m. Of the remaining just over £1m, £400k has been paid by the developer instead of providing the required affordable housing; £400k is required for ongoing maintenance requirements (developers are usually required to pay for up to 20 years' worth of maintenance for public areas in and around their developments); and only £220k has been provided for community infrastructure, in the form of "strategic open space". UDC has not demanded that developers pay anything else towards community facilities.

UDC's failure is in fact even worse. The £220k contribution comes from one development, Persimmon. Not a single other development in Saffron Walden approved since 2013 has been required to make any contribution to community infrastructure at all. Of the developments approved, Ridgeons are providing a small area to be used as a 5-a-side football pitch, in return for which they have been allowed to develop the much larger area of land at the front of their site which was previously used for sports – in other words it is a poorer like-for-like and no new community infrastructure has been provided. In return for the 800 new homes for where there are s.106 agreements, Saffron Walden has therefore seen a large net loss of sports land and only £220k to be paid in return.

Since 2013 permission has been granted for almost 800 new homes. According to UDC the total contribution was £3.4m, so developers have been asked to pay only £4,250 per new home. Of that just under £3k went to ECC, £500 went to make up the affordable housing shortfall, £500 towards maintenance, leaving only £275 for new local community facilities. Infrastructure contributions required by other district councils show just how much UDC has cost residents. Milton Keynes for example requires contributions of roughly £20k per new home, of which half goes to community infrastructure. That is £10k per house in Milton Keynes vs. £275 in Uttlesford. UDC is giving away 97% of the community infrastructure payments they should be asking for. If UDC applied the same planning policies as Milton Keynes, they would have required developer contributions of £16m, of which £8m would have provided local community infrastructure; their failure has cost us £7.8m in lost local facilities.

In 2014, UDC published a study showing what developer contributions to community infrastructure provision were made by similar councils, and what national guidelines required. The study recommended that UDC require developers to provide, for every 1,000 new residents, or every 500

new homes, 7ha of green space and 1.2ha of new sports fields as well as money for new community centres, swimming pools and other facilities. If UDC had applied these requirements, we would now have 13ha of new open space and sports fields – an area almost the size of the Common. In monetary terms, this is £4,500 per house, not £275.

Even on past developments residents have been badly let down by UDC's practice of not taking enforcement action against developers – it took years for the Bell College developer to provide the Crabtrees pitches, and they have never been built to a decent standard; at the Limetrees and Tudor Park developments, which were approved in 2002, it has taken years of effort by Saffron Walden Town Council to get the small play areas equipped to a safe standard, and the promised green space off Little Walden Road is even now still not satisfactory, years after the last houses have been sold.

UDC is absolutely entitled to require developers to make proper infrastructure contributions. They choose not to – it is not clear why. Other councils choose to require developers to make proper contributions. The sums of money are huge and residents have been appallingly failed by UDC.

Residents for Uttlesford
25 January 2019