

JOB002007/DM/BD/LED

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PLANNING PORTAL REF. PP-14085407

Dear Sir / Madam,

**S106 PLANNING OBLIGATIONS – DRAFT HEADS OF TERMS
LAND AT MOUNT AVENUE, CHALDON, CR3 5BB**

Under S106 of the Town and Country Planning Act 1990, as amended, Local planning authorities have the power to enter into planning obligations with any person interested in their land for the purpose of restricting or regulating the development or use of the land.

Regulation 122 (*Limitation on use of planning obligations*) of The Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Paragraph 56 of the NPPF states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 57 states that planning obligations should be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 59 states that where up to date policies have set out the contributions, planning applications that comply with them should assume to be viable and it's up to the applicant to demonstrate where circumstances justify the need for a viability assessment.

The specific s106 requirements associated with the planning will be determined alongside the planning application. However, we anticipate the following HoTs, having regard to the guidance published by Tandridge District Council regarding Planning Obligations and CIL. In this context, it is important to note that TDC have an adopted CIL charging schedule which applies to the development and sets CIL rates across the District. The CIL contribution from the Proposed Development would be pooled to fund infrastructure improvements in the District such as those relating to education, healthcare and highway improvements:

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- Affordable Housing: 50% of the total number of homes to be provided as Affordable Housing.
 - The tenure split will be determined following discussions with TDC.
- Travel Plan Monitoring Fee.

Yours faithfully



MONTAGU EVANS LLP