

S106 Officer
Planning Service
Place and Public Health
Essex County Council
County Hall
Market Road
Chelmsford
CMI IQH

Sent by email only
development.enquiry@essex.gov.uk

17 April 2024

Dear Sir/Madam,

Planning Permission Ref.: FULM/MAL/23/00500

Site Address: Land Bounded By Maldon Road and Creeksea Lane, Burnham-On-Crouch

I write in relation to the above planning permission, approved on 11 April 2024, and in accordance with the associated S106 Agreement, dated 10 April 2024.

Notice of Commencement

The definition of Commencement of Development set out in the agreed S106 is as follows: “A material operation shall not include site clearance, demolition, site survey investigation, archaeological investigations, investigations for the purpose of assessing ground condition, remedial works in respect of contamination or other adverse gravel condition remediation, the diversion and laying out of services (including drainage and media), the erection of fences or hoardings, temporary display of site notices or advertisements, any preparatory groundworks, any structural planting or landscaping, the erection of site compounds or cabins or site offices or other temporary buildings or structures”.

In accordance with Clause 7.5.1 of the S106 Agreement, it is hereby confirmed that the Commencement of Development, as approved under the above planning permission and in line with the specified definition, is scheduled to occur on 17 May 2024.

For clarification, it is advised that mobilising works, preparatory ground works, and relevant survey and investigations associated with the development are due to be undertaken from 22 April 2024. In addition, works to implement access roads and sewer connections from Maldon Road are scheduled to be undertaken the week of 29 April 2024, however please be advised that this relates to development approved under the extant planning permission ref. FUL/MAL/14/00356.

So you are aware, we will issue a letter to surrounding neighbours to advise of the upcoming works.

On the basis of the scheduled date for Commencement of Development, it is advised that the estimated Triggers for each of the Financial Obligations due to be paid to Essex County Council are as follows:



Financial Obligations payable to Essex County Council	Estimated Date of Payment
County Council Monitoring Fee - <i>total contribution</i>	May 2024
Early Years and Childcare Contribution – <i>first instalment of 50% of the contribution</i>	May 2024
Primary Education Contribution – <i>first instalment of 50% of the contribution</i>	May 2024
Secondary Education Contribution – <i>first instalment of 50% of the contribution</i>	May 2024
Early Years and Childcare Contribution – <i>second instalment of 50% of the contribution</i>	March 2025
Primary Education Contribution – <i>second instalment of 50% of the contribution</i>	March 2025
Secondary Education Contribution – <i>second instalment of 50% of the contribution</i>	March 2025
Library Contribution - <i>total contribution</i>	March 2025

Unit Mix

As required under the Fifth Schedule, Part 1, paragraph 3 of the S106 Agreement, the Unit Mix of the development, as approved under Planning Permission Ref.: FULM/MAL/23/00500, is set out below:

Type	As Defined	Number of Units Approved
No. of Qualifying Flats	Flat: <i>Dwelling that occupies a single floor and/or does not benefit from private open space for the exclusive use of the residents of the Dwelling and no other persons;</i> Qualifying Flats: <i>that have 2 or more rooms that may by design be used as bedrooms.</i>	0
No. of Qualifying Houses	House: <i>a Dwelling that does not meet the definition of a Flat;</i> Qualifying Houses: <i>that have two or more rooms that may by design be used as bedrooms.</i>	31
No. of Dwellings not counted as Qualifying Flats or Qualifying Houses	<i>As above</i>	6

Payment Notice

In line with clause 7.5.2 of the S106 Agreement I write to advise of the proposed payment to Essex County Council of the following financial obligations:

County Council Monitoring Fee

In line with the requirements of clause 11.3 of the S106 Agreement, please provide an invoice for the S106 monitoring fee of £2, 800 so that payment can accordingly be made prior to Commencement of Development.

Education Contribution

Based on the Unit Mix as confirmed above, the first instalment of 50% of the Education Contribution (defined as the sum of the Early Years and Childcare Contribution and the Primary Education Contribution and the Secondary Education Contribution) due prior to Commencement of Development is as follows:



Education Contribution payable to ECC Prior to Commencement	
Early Years and Childcare Contribution <i>(first instalment of 50% of the contribution)</i>	<i>£27,098 + £630 Indexation = £27,728</i>
Primary Education Contribution <i>(first instalment of 50% of the contribution)</i>	<i>£90,326 + £2,101 Indexation = £92,427</i>
Secondary Education Contribution <i>(first instalment of 50% of the contribution)</i>	<i>£82,823 + £1,926 Indexation = £84,749</i>

Please provide an invoice for the first instalment of 50% of the Education Contribution (plus indexation), as set out above, so that payment can accordingly be made prior to Commencement of Development in line with the requirements of the Fifth Schedule, Part 1, paragraph 2.1 of the S106 Agreement.

I trust you will find that the details set out above satisfy the relevant prior to commencement requirements of the S106 Agreement. In line with other requirements of the S106 Agreement, notification of commencement has also been duly served to Maldon District Council.

Should you require any other information, or wish to discuss the information submitted, please do not hesitate to contact me.

Yours sincerely,

Libby Hindle

Planning Manager

BDW Eastern Counties

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Tel. 07721 651 889

