

## Consent Form for the Payment of Council Related Costs

The purpose of this consent form is to enable the Council to recover all reasonable costs that are incurred in considering your planning application before a decision is made. The circumstances in which the Council may incur these additional costs are set out below. Please ensure that this consent form is completed, signed and submitted with your planning application as validation will not be confirmed without it. The terms outlined below are not subject to variation and any caveats/addendums added by the applicant will not constitute part of the Consent Form and any such amendments will be null and void.

Please note that non-payment of any costs may result in a delay to carrying out a comprehensive assessment or even a refusal of planning permission.

The type(s) of costs and their amount(s) (where stated) are as follows:

### **S106 Legal Fees**

Legal fees for the preparation and completion of Section 106 Agreements will need to be recovered by the Council and Essex County Council\* (\*where applicable) before planning permission is granted. Please note that all legal fees associated to any drafting carried out by Essex County Council will need to be agreed and paid to them directly. In signing the relevant consent form attached you have read and understood the following relevant paragraphs as they may apply:

#### *Bilateral and/or Deed of Variation*

"I understand that the Council and Essex County Council\* (\*where applicable) will seek to recover its reasonable costs in accordance with its time incurred in preparing and completing the Section 106 Agreement. We will respectively advise of all charges/costs on a case-by-case basis at the earliest possible time."

#### *Unilateral Undertaking*

"I hereby acknowledge that a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 binding the application site will be submitted to the Local Planning Authority (LPA) in a form approved by the LPA and entered into by all parties with a legal interest in the land (including Mortgagees) of the Application site, securing the required financial contributions in relation to the Epping Forest Special Area of Conservation (EFSAC), before planning permission can be granted. I understand and agree to pay the Council's legal fee (To be confirmed by the Council's Legal Officer) for completion and registration of a S106 Unilateral Undertaking (no VAT is applicable).

I also understand that in the event that a Unilateral Undertaking includes other financial related planning obligations (other than the EFSAC) or obligations of a non-financial nature, the Council's Legal Officer will confirm its reasonable charges in the earliest possible time."

#### *Monitoring Fees*

"I hereby acknowledge that in accordance with Regulation 122(1) of the Community Infrastructure Levy (as amended) the reasonable cost of monitoring the planning obligations will be paid in advance and/or upon the completion of the S106 Agreement."

The costs of for monitoring planning obligations:

Five percent (5%) of the cost value of the financial planning obligations included in the agreement (up to a maximum of £50,000) and/or a flat rate of £500 per each non-financial obligation. Complex/Major Development will be considered on case-by-case basis. It may be agreed by negotiation, subject to an additional management and administration charge.

### **Financial Viability Assessment**

"If I believe the proposed development is unable to afford the full level of affordable housing contribution set out in the adopted Epping Forest District Local Plan 2011 – 2033 and have submitted a Viability Assessment with the application, I agree to pay an independent assessor for an independent examination of the submitted viability assessment prior to determination of the application. I note that if the fee is not paid, it may prevent the Council from making its recommendation on the application or even refuse the application.

Details of the final amount and how to pay will be confirmed by officers prior to the independent review.

### **Habitats Regulations Assessment (Traffic and Air Pollution Impacts relating to EFSAC)**

In accordance with the adopted **HRA site-specific assessment process note** (which can be viewed on the council's Planning Applications Validations Requirements homepage) where a new development proposal has been identified to require a detailed review of its traffic generating characteristics in order to assess any potential adverse effects on the EFSAC over and above that accounted for in the adopted interim Air Pollution Mitigation Strategy (APMS), you will be responsible for covering the Council's costs to undertake these assessments. The level of cost associated with each site will depend on how many assessment steps the application proceeds through and accordingly will be advised on a case-by-case basis. The costs for carrying out each step assumes one enquiry and the corresponding technical note per site only.

"I agree to pay the Council's costs associated with undertaking assessments under Steps 2 and 3 as follows:

**Step 2:** EFDC internal review (initial appraisal of existing and proposed AADT forecasts) = up to a maximum of £800 per site; and

**Step 3:** EFDC appointed transport consultant (initial assessment of existing and proposed AADT forecasts) = £900 plus VAT per site.

Where the traffic related impacts of development (Steps 2 and 3) are over and above that accounted for in the adopted interim APMS, I agree to pay the Council's costs associated with undertaking an assessment under Step 4 as follows:

**Step 4:** EFDC appointed air pollution consultant (assessment of the effects of traffic forecasts against those presented within the Council's evidence base) = £3,180 plus VAT per site.

### **Landscape & Visual Impact Assessment**

I agree to pay an independent assessor for an independent examination of the submitted Landscape & Visual Impact Assessment prior to determination of the application. I note that if the fee is not paid, it may prevent the Council from making its recommendation on the application or even refuse the application.

Details of the final amount and how to pay will be confirmed by officers prior to the independent review.

### **Other Reviews**

For some complex applications, other independent reviews may be required such as noise assessments or basement impact assessments etc. In such instances, the case officer will confirm the reviews required along with the final amount and how to pay prior to the independent review.

I agree to pay an independent assessor for an independent examination of any document that requires such review as confirmed by the case officer prior to determination of the application. I note that if the fee is not paid, it may prevent the Council from making its recommendation on the application or even refuse the application.

## **Consent Form to Cover Council Costs**

**Please type or complete the form in block capitals. The entire form must be returned to validation officer**

Applicant/Agent Details:

Address of site for which planning application is submitted:

Your signature:

Date of signature:

## **Invoicing - Please confirm where the invoice should be sent**

Debtor name and full address:

Email address for invoice to be sent: