

CIL Compliance Statement – APP/B3030/W/20/3265876 (20/00873/FULM)

Field Reference Number 7108, Eakring Road, Bilsthorpe

Introduction

This statement addresses the planning obligations sought by the Council in association with the appeal scheme. This statement is provided without prejudice to the Council's case to have the appeal dismissed.

Relevant Legislation and Policies

Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, and;
- c) Fairly and reasonably related in scale and kind to the development.

This is reflected in the National Planning Policy Framework (NPPF) at paragraph 56.

Spatial Policy 6 (Infrastructure for Growth) of the adopted Amended Core Strategy (March 2019) sets out that local infrastructure including facilities and services that are essential for development to take place on individual sites or which are needed to mitigate the impact of development at the site or neighbourhood level will be secured by Planning Obligations in line with policies of the Core Strategy, Policy DM3 (Developer Contributions and Planning Obligations) and supported by a Developer Contributions & Planning Obligations Supplementary Planning Document.

The following table explains how the planning obligations contained in the draft S106 comply with the three tests set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) (“CIL Regulations”):

Contribution	Contribution Detail	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
Affordable Housing	Not less than 10% on site affordable housing units	The provision of affordable housing is required for the proposal to comply with Core Policy 1 (Affordable Housing Provision) which seeks to secure 30% of new housing development on qualifying sites as Affordable Housing.	Directly related to the development in that Policy CP1 requires new housing development on qualifying sites to contribute to affordable housing and the appeal site is located in an area where there is a need for affordable housing. Provision of onsite affordable housing as a proportion of the housing development means the obligation is directly related to the development.	The level of affordable housing is a reflection of the viability case presented by the applicant. The provision of affordable housing is therefore considered fair and reasonable as the proportion reflects what the development can afford (albeit falls short of the policy requirement of 30%). The viability study demonstrates that additional money is available but would not secure the cost of an additional affordable unit. It has therefore been agreed that the surplus money

Contribution	Contribution Detail	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
				should be directed towards community facilities. See below.
Bus Stop Infrastructure	£18,500 for the provision, maintenance repair or enhancement of bus stop infrastructure in the vicinity of the site	The provision of a contribution towards bus stop infrastructure is necessary in order to encourage use of sustainable modes of travel and comply with the Spatial Policy 7 (Sustainable Transport) and the Developer Contributions and Planning Obligations SPD as well as section 9 Promoting sustainable Transport of the NPPF.	The requested contribution toward bus stop infrastructure is directly related to the development given that the occupants of the development would increase the use of the existing bus service. The contribution would facilitate improvements to the bus stop NS0908 Eakring Road including the installation of real time bus stop pole and displays including associated electrical connections, polycarbonate bus shelter, solar lighting and raised boarding kerbs.	The level of contribution has been calculated by Nottinghamshire County Council Transport and Travel Services as being reasonable for the level of bus infrastructure required to serve the development using a standard model and applied on a pro rata basis.

Contribution	Contribution Detail	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
Community Facilities	£191,600 towards the provision, maintenance, repair or enhancement of the Village Hall complex in Bilsthorpe	The provision for a contribution towards community facilities is necessary as the development generates a need for improved community facilities as the inhabitants of the scheme will make additional demands on existing community facilities. It is also necessary to comply with Spatial Policy 6 (Instructure for Growth), Policy DM3 (Developer Contributions and Planning Obligations) and the Developer Contributions & Planning Obligations SPD which seek to ensure that adequate community	<p>The requested contribution is directly related to the development insofar as there will be an increased demand for community facilities locally generated by new residents in the area and the contribution will be spent on the renovation and improvements to the existing Village Hall.</p> <p>Improvements required include the cost of replacement to the roof as well as various internal works.</p>	The requested contribution is fairly and reasonably related in scale and kind to the development. The Parish Council has specific costings of some of the required repair works to the Village Hall. Costings for the re-roofing of the village hall are still to be obtained but the necessary work can only be costed once the roof has been stripped off and the internal structure and condition are revealed.

Contribution	Contribution Detail	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
		facilities are provided in Newark & Sherwood. The SPD would generate a requirement for £142,559 towards community facilities.		
Open Space	Not less than 1,854m ² to be provided on site	The provision of onsite open space, including natural and semi-natural green spaces, provision for children and young people, and amenity green space is necessary to comply with the provisions of the Amended Core Strategy Spatial Policy 6, Policy DM3 and the Developer Contributions & Planning Obligations SPD.	The provision of onsite open space is directly related to the development as occupiers will need access to open spaces in the immediate locality.	The provision of onsite open space is fairly and reasonably related in scale and kind to the development by virtue of the fact that the contribution is derived from the standards identified within the Newark & Sherwood Green Spaces Strategy which forms part of the supporting evidence to the Development Plan. The standards are being carried forward, into the draft Open Space Strategy (2021).

Contribution	Contribution Detail	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
Play Parks	£47,900 to be used towards the provision, maintenance repair or enhancement of play parks in the vicinity of the site	The provision of onsite open space, including natural and semi-natural green spaces, provision for children and young people, and amenity green space is necessary to comply with the provisions of the Amended Core Strategy Spatial Policy 6, Policy DM3 and the Developer Contributions & Planning Obligations SPD.	<p>The requested contribution is directly related to the development insofar as there will be an increased demand for play facilities locally generated by new residents in the area and the contribution will be spent on the existing play parks in the vicinity of the site.</p> <p>Maid Marian play park requires new perimeter fencing as well as a full suite of equipment. Crompton Road play park also requires new fencing.</p>	The requested contribution is fairly and reasonably related in scale and kind to the development since the level of contribution is derived from specific costings of required improvement works.