



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

Field Reference Number 7108, Eakring Road, Bilsthorpe

## <u>Introduction</u>

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.

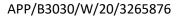
## Relevant Legislation and Policies

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



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

boarding kerbs.



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



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Contribution	Contribution Detail	Necessary to make the	Directly related to the	Fairly and reasonably
		development acceptable in	development	related in scale and kind to
		planning terms		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 1,854m² to be	The provision of onsite open	The provision of onsite open	The provision of onsite open
	provided on site	space, including natural and	space is directly related to	space is fairly and reasonably
		semi-natural green spaces,	the development as	related in scale and kind to
		provision for children and	occupiers will need access to	the development by virtue of
		young people, and amenity	open spaces in the	the fact that the contribution
		green space is necessary to	immediate locality.	is derived from the
		comply with the provisions		standards identified within
		of the Amended Core		the Newark & Sherwood
		Strategy Spatial Policy 6,		Green Spaces Strategy which
		Policy DM3 and the		forms part of the supporting
		Developer Contributions &		evidence to the
		Planning Obligations SPD.		Development Plan. The
				standards are being carried
				forward, into the draft Open
				Space Strategy (2021).



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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.	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.  Maid Marian play park requires new perimeter fencing as well as a full suite of equipment. Crompton Road play park also requires new fencing.	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.