

WOKING BOROUGH COUNCIL



CIL COMPLIANCE STATEMENT

Appeal Site: Land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking, Surrey, GU22 9PF

Appellant: Goldev Woking Ltd

PINS Appeal Ref: APP/A3655/W/20/3265969

Woking Borough Council Ref: PLAN/2019/1176

1. INTRODUCTION

1.1. The Community Infrastructure Levy (CIL) was adopted by Woking Borough Council on 23 October 2014 and came into effect on 1 April 2015. Woking Borough Council has a [CIL Charging Schedule](#) in place (available through the hyperlink). The original [Regulation 123 List](#) is available through the hyperlink, as is the [latest Infrastructure Funding Statement](#).

1.2. Regulation 122(2) of The Community Infrastructure Levy Regulations 2010 (as amended) sets out the tests for the use planning obligations. Obligations should only be sought where they meet the relevant 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.*

1.3. Paragraph 56 of the National Planning Policy Framework (NPPF) reiterates the Regulation 122 test.

2. DEVELOPMENT PLAN POLICIES AND OTHER MATERIAL CONSIDERATIONS

2.1. The Development Plan for Woking Borough consists of (relevant in this case):

- Woking Core Strategy (2012);
- Development Management Policies Development Plan Document (DM Policies DPD) (2016); and
- Saved policy NRM6 of the South East Plan.

2.2. The following policies of the Development Plan, SPD's and other material considerations are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Woking Core Strategy (2012)

- CS8 – Thames Basin Heaths Special Protection Areas
- CS12 – Affordable Housing
- CS17 – Open space, green infrastructure, sport and recreation
- CS18 – Transport and accessibility
- CS19 – Social and community infrastructure

Development Management Policies Development Plan Document (2016)

- DM17 - Public realm

South East Plan (saved policy)

- NRM6 – Thames Basin Heaths Special Protection Areas

Supplementary Planning Documents (SPD's)

- Parking Standards (2018)
- Climate Change (2013)
- Affordable Housing Delivery (2014)

Other material considerations

- Thames Basin Heaths Special Protection Area Avoidance Strategy
- The Conservation of Habitats and Species Regulations 2017

3.0 PROPOSED PLANNING OBLIGATIONS

3.1 The proposed planning obligations cover the following matters:

Affordable housing

- Block One - being 191 dwellings - to be Shared Ownership affordable dwellings;
- Block Two - being 277 dwellings - to be rented affordable dwellings; and
- Blocks One and Two to be constructed and capable of occupation before any other residential dwellings within Blocks Three, Four and Five are occupied.

Replacement stadium

- Restriction on occupation of no more than 606 dwellings (which must include Blocks 1 & 2) until the replacement stadium construction is complete and capable of use for its intended purpose(s), including the medical centre and retail / flexible use areas being constructed at least to 'shell and core' level; and
- The new Stadium will be completed within two years of start on site and at this present time, WFC will vacate May 2022 and return May 2024. If the planning approval is delayed then the date of vacant possession will be delayed until the following May 2023 or later if needed, so a clear two year period is available to allow the new stadium to be constructed, while WFC ground share at a different location.

Travel plan

- Submit a travel plan for the stadium and a travel plan for the remainder of the development to the Council for approval prior to the first occupation of the relevant building(s);
- To implement the approved plans prior to the first occupation of the relevant building(s); and
- Pay a travel plan monitoring contribution.

Highway works

- Requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by the Highway Authority (Surrey County Council), including:
 - Improvements to the Site Access Junction to Woking FC stadium (Kingfield Road);
 - Works to provide access to the undercroft car parks from Westfield Avenue in two locations;
 - The provision of a pedestrian crossing on Westfield Avenue, close to the Westfield Avenue / Kingfield Road Junction;
 - Improvements to the pedestrian environment at Vicarage Road / High Street / Kingfield Road Roundabout.

Bus services contribution

- A bus services contribution to provide the following:
 - A 20 minute frequency service between the site and Woking town centre and Guildford, with 3 buses per hour operating in each direction. The hours of operation would be 6am – 7pm, Mondays to Saturdays (inclusive), with a reduced level of service after 7pm. The level of service on Sundays would be less, but still enhanced from the existing arrangement to better than 1 bus per hour.
 - On matchdays, duplicate bus services between Woking rail station and the site to provide ‘appropriate capacity’. Pre-match, a duplication of all Max 34 services (including the diverted Max 35 i.e a 20 minute frequency service) operating for circa 90 minutes prior to the match and 60 minutes after a match. For example, for a Saturday 3pm kick-off, all services operating and serving the site between 1:30pm – 2:45pm and 4:30pm – 5:30pm would be duplicated. For a 7:45pm kick-off, it would be 6pm – 7:30pm and 9:15pm – 10pm.

Sustainable transport measures

- Provision of a minimum of 15 car club spaces and vehicles within the development, a car pool database, and the provision of a fold-up bike with every apartment; and
- Prior to the first occupation of the 469th dwelling the mobility Hub, with café, workspace, micro-consolidation centre, a cycle hub, and Community Concierge Team and associated personalised travel planning service, shall be constructed and capable of use for its intended purpose(s). Thereafter the building and its service(s) shall be permanently maintained for the lifetime of the development.

Traffic Regulation Orders

- The funding of consultation and implementation of Traffic Regulation Orders (TRO's) to manage parking on local streets.

Electric vehicle charging points

- All residential parking spaces to have passive electric charging ability at first occupation of the relevant building(s) with the first occupiers of each dwelling

to be able to elect for active electric charging ability, which shall thereafter be provided within one month of first occupation of the relevant dwelling.

Public art

- Goldev Woking with Woking Borough Council will put a strategy in place which provides for the participation in the process and selection of a permanent public work of art which is integral to the Development and permanently affixed to the Site, the precise nature of the work of art and its location on the Site to be approved by the Council prior to First Occupation with an agreed maximum cost.

Thames Basin Heaths Special Protection Area (TBH SPA) mitigation

- Strategic Access Management and Monitoring (SAMM) contribution in line with the Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy tariff (including index linking based on RPI annual inflation).

Replacement Woking Gymnastics Club

- The Woking Gymnastics Club building shall not be demolished until such time as a replacement building has been constructed and is capable of use for its intended purpose(s) on an alternative site.

Replacement David Lloyd facilities

- The David Lloyd facilities shall not be demolished (or otherwise made incapable of use) until such time as replacement facilities have been constructed and are capable of use for their intended purpose(s) on an alternative site.

4.0 CIL TESTS

- 4.1 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 56 of the National Planning Policy Framework.

Compliance with Regulation 122(2)

Planning Obligation	Test 1 – Necessity	Test 2 – Directly related to the proposed development	Test 3 – Fair and reasonable in terms of scale and kind
Affordable housing	<p>The provision of 44.66% (i.e. x468 dwellings) on-site affordable housing is in accordance with the requirement for the proposal to comply with Policy CS12 of the Woking Core Strategy (2012) and SPD Affordable Housing Delivery (2014).</p> <p>The provision of x277 dwellings in the rented tenure (social and affordable) and x191 dwellings at intermediate level (i.e. shared ownership) accords with Policy CS12 of the Woking Core Strategy (2012) and SPD Affordable Housing Delivery (2014).</p> <p>Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing the proposal would fail to meet the housing needs of the Borough and would therefore be contrary to the provisions of Policy CS12 of the Woking Core Strategy (2012) and SPD Affordable Housing Delivery (2014).</p>	The provision of on-site affordable housing as a proportion of the development proposal means the obligation is directly related to the proposed development.	<p>The level of affordable housing accords with the requirements of Policy CS12 of the Woking Core Strategy and SPD Affordable Housing Delivery (2014). The provision of affordable housing is therefore considered fair and reasonable as the proportion required under Development Plan policy.</p> <p>The obligation as proposed requires all affordable housing (i.e. both rented tenure and intermediate level) to be constructed and capable of occupation before any market dwellings are occupied in order to ensure the timely provision of the affordable units.</p>

<p>Replacement stadium</p>	<p>The proposal would see the demolition of the existing stadium (a form of sports and recreation facility). As such, for a certain period, Woking Football Club would have to play (and train) at an alternative facility, and the existing sports and recreation facility would be 'lost' for use until such time as the replacement stadium is ready for occupation.</p> <p>Without a planning obligation securing the provision of a replacement stadium within a reasonable timeframe there is the possibility the existing stadium would be demolished and no replacement stadium constructed (or it left unfinished), which would be contrary to Policies CS17 and CS19 of the Woking Core Strategy (2012), Paragraph 97 of the NPPF and Sport England's E4 exception policy.</p>	<p>The existing stadium is on the site and the replacement stadium would be provided on the site; as such the obligation is directly related to the proposed development.</p>	<p>The proposal would see the demolition of the existing stadium (a form of sports and recreation facility). As such, for a certain period, Woking Football Club would have to play (and train) at an alternative facility, and the existing sports and recreation facility would be 'lost' for use until such time as the replacement stadium is ready for occupation</p> <p>Without a planning obligation securing the provision of a replacement stadium within a reasonable timeframe there is the possibility the existing stadium would be demolished and no replacement stadium constructed (or it left unfinished). The obligation is therefore fair and reasonable in terms of scale and kind.</p>
<p>Travel plan</p>	<p>The appellant has submitted draft Travel Plans as part of their submission, the aim of which is to reduce vehicle trips associated with the proposed development. It identifies a range of initiatives which will be implemented by targets, details and other matters. 'Final' Travel Plans are</p>	<p>The implementation and monitoring of 'final' Travel Plans, the aim of which will be to reduce vehicle trips associated with the proposed development, means the obligation is directly related to the proposed development.</p>	<p>Given the scale and nature of the proposed development 'final' Travel Plans are fair and reasonable in this case. Once agreed the 'final' Travel Plans will need to set out targets to reduce travel for certain years after first occupation of the proposed development. Such monitoring would be carried out by the County Highway</p>

	considered to be necessary to support more sustainable travel patterns in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).		Authority (Surrey County Council). Proper monitoring will be necessary to ensure the 'final' Travel Plans provide the appropriate mitigation.
Highway works	The County Highway Authority (Surrey County Council) has assessed that the highway works are required to mitigate the impact of the proposed development upon the local highway network in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).	The highway works are required to mitigate the impact of the proposed development upon the local highway network and are therefore directly related to the proposed development.	The highway works are required to mitigate the impact of the proposed development upon the local highway network and include (i) improvements to the Site Access Junction to Woking FC stadium (Kingfield Road), (ii) works to provide access to the undercroft car parks from Westfield Avenue in two locations, (iii) the provision of a pedestrian crossing on Westfield Avenue, close to the Westfield Avenue / Kingfield Road Junction and (iv) improvements to the pedestrian environment at Vicarage Road / High Street / Kingfield Road Roundabout. The highway works are therefore fair and reasonable in terms of scale and kind.
Bus services contribution	Due to the increase in the capacity of the replacement stadium and the level of residential development proposed the County Highway Authority (Surrey County Council) has assessed that additional bus services are required to mitigate the impact of the proposed	The bus services contribution is required to mitigate the impact of the proposed development upon local bus services and to support more sustainable forms of transport are is therefore directly related to the proposed development.	Due to the increase in the capacity of the replacement stadium and the level of residential development proposed the bus services contribution is fair and reasonable in terms of scale and kind.

	<p>development upon local bus services and to support more sustainable forms of transport in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).</p>		
<p>Sustainable transport measures</p>	<p>Given the level of residential development proposed the provision of x15 car club spaces and vehicles within the development, of a car pool database and the provision of a fold-up bike with every apartment are considered to be necessary to support more sustainable travel patterns in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).</p> <p>Prior to the first occupation of the 469th dwelling the provision of a mobility Hub, with café, workspace, micro-consolidation centre, a cycle hub, and Community Concierge Team and associated personalised travel planning service are necessary to support more sustainable travel patterns, and avoid deliveries to the proposed development from</p>	<p>The measures required are to support more sustainable forms of transport, and to mitigate the impact of the proposed development upon the local highway network, and are therefore directly related to the proposed development.</p>	<p>Due to the level of residential development proposed the measures required are fair and reasonable in terms of scale and kind. SPD Parking Standards (2018) requires the provision of x2 cycle spaces to each dwelling; only x1 space per dwelling is accommodated within the communal cycle store areas, hence the appellant agreed at application stage to provide x1 fold-up cycle per dwelling to be stored within the dwelling.</p>

	giving rise to harm to the local highway network, in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).		
Traffic Regulation Orders	Due to the increase in the capacity of the replacement stadium the County Highway Authority (Surrey County Council) has assessed that Traffic Regulations Orders would be required to mitigate the impact of stadium related car parking upon the local highway network in accordance with Policy CS18 of the Woking Core Strategy (2012) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).	The measure is to mitigate the impact of replacement stadium related parking upon the local highway network, and is therefore directly related to the proposed development.	Due to the increase in the capacity of the replacement stadium the measure required is fair and reasonable in terms of scale and kind.
Electric vehicle charging points	That all residential parking spaces have passive electric charging ability at first occupation of the relevant building(s) and that the first occupiers of each dwelling are able to elect for active electric charging ability, which shall thereafter be provided within one month of first occupation of the relevant dwelling, is necessary to comply with Policy CS18 of the Woking Core Strategy (2012),	The provision of electric vehicle charging points within the proposed development means the obligation is directly related to the proposed development.	Whilst these provisions exceed the minimum standards which are set out within SPD Climate Change (2013) they were agreed by the appellant at application stage and also allow for advances in electric vehicle charging technology, and increased take-up of electric vehicles, having regard to the build-out period of the proposed development. Given these considerations the measure required is

	SPDs Parking Standards and Climate Change (2013) and the National Planning Policy Framework (Paragraphs 108, 110 and 111).		fair and reasonable in terms of scale and kind.
Public art	The proposed development would represent a significant, high-profile development within the Borough and provide areas of new public realm. The provision of appropriate public art within the proposed development is required to accord with Policy CS21 of the Woking Core Strategy (2012) and Policy DM17 of the Development Management Policies DPD (2016).	The provision of appropriate public art within the proposed development means the obligation is directly related to the proposed development.	Having regard to the significant scale, and high-profile nature of, the proposed development the provision of appropriate public art within the proposed development is fair and reasonable in terms of scale and kind.
Thames Basin Heaths Special Protection Area (TBH SPA) mitigation	The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection, which remains following EU Exit. Policy CS8 of the Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary, as the proposed development would be, to make an appropriate contribution towards the provision	The mitigation of the urbanisation and recreational pressure effects of the proposed development upon the Thames Basin Heaths SPA means the obligation is directly related to the proposed development.	The relevant SAMM tariff would be calculated in accordance with the Thames Basin Heaths SPA Avoidance Strategy and therefore would be fair and reasonable in terms of scale and kind.

	<p>of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL.</p> <p>Without a planning obligation securing the SAMM tariff the Inspector would not be able (all other matters notwithstanding) to determine that the proposed development would not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The proposed development would therefore be contrary to Policy CS8 of the Woking Core Strategy (2012), saved policy NRM6 of the South East Plan, The Thames Basin Heaths SPA Avoidance Strategy and the Habitats Regulations 2017.</p>		
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<p>Replacement Woking Gymnastics Club</p>	<p>The proposal includes the demolition of the existing Woking Gymnastics Club facility (a form of sports and recreation facility).</p> <p>Without a planning obligation securing the provision of an alternative facility for Woking Gymnastics Club (which already benefits from separate planning permission under LPA ref: PLAN/2017/1063) there is the possibility the existing facility would be demolished prior to an alternative facility being made available for use by Woking Gymnastics Club, which would be contrary to Policies CS17 and CS19 of the Woking Core Strategy (2012) and Paragraph 97 of the National Planning Policy Framework.</p>	<p>The existing Woking Gymnastics Club facility is on the site and would be demolished as part of the proposed development; as such the obligation is directly related to the proposed development.</p>	<p>Without a planning obligation securing the provision of an alternative facility for Woking Gymnastics Club there is the possibility the existing facility would be demolished prior to an alternative facility being made available for use by Woking Gymnastics Club. The obligation is therefore fair and reasonable in terms of scale and kind.</p>
<p>Replacement David Lloyd facility</p>	<p>The proposal includes the demolition of the existing David Lloyd facility (a form of sports and recreation facility).</p> <p>Without a planning obligation securing the provision of an alternative facility for the David Lloyd club (subject to the linked appeal in respect of land south of Hoe Valley School) there is the possibility the existing David</p>	<p>The existing David Lloyd facility is on the site and would be demolished as part of the proposed development; as such the obligation is directly related to the proposed development.</p>	<p>Without a planning obligation securing the provision of an alternative facility for the David Lloyd club (subject to the linked appeal in respect of land south of Hoe Valley School) there is the possibility the existing facility would be demolished prior to an alternative facility being made available for use. The obligation is therefore fair and reasonable in terms of scale and kind.</p>

	<p>Lloyd facility would be demolished prior to an alternative facility being made available for use by David Lloyd, which would be contrary to Policies CS17 and CS19 of the Woking Core Strategy (2012) and Paragraph 97 of the National Planning Policy Framework.</p>		
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