

WOKING BOROUGH COUNCIL



CIL COMPLIANCE STATEMENT

Appeal Site: Land south of Hoe Valley School and east of Railway Tracks, Egley Road, Woking, Surrey, GU22 0HN

Appellant: Goldev Woking Ltd

PINS Appeal Ref: APP/A3655/W/20/3265974

Woking Borough Council Ref: PLAN/2019/1177

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); 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
- CS18 – Transport and accessibility

South East Plan (saved policy)

- NRM6 – Thames Basin Heaths Special Protection Areas

Supplementary Planning Documents (SPD's)

- 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

- All dwellings (i.e. x36 dwellings) to be rented affordable dwellings.

Travel plan

- Prior to first occupation a travel plan for the Health Club will be submitted to and approved in writing by the Council to promote non-car modes of travel. The approved travel plan will be implemented prior to first occupation of the Health Club centre and thereafter maintained and developed to the satisfaction of the Council.

Highway works

- Requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by the Highway Authority, including pedestrian crossing improvements on Egley Road.

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).

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 100% (i.e. x36 dwellings) on-site affordable housing exceeds the requirement for the proposal to comply with Policy CS12 of the Woking Core Strategy (2012) and SPD Affordable Housing Delivery (2014) although is put forward by the appellant as forming part of the 'Very Special Circumstances (VSC)' for this inappropriate Green Belt development.</p> <p>The provision of x36 rented affordable dwellings 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 means the obligation is directly related to the proposed development.	The level of affordable housing exceeds the requirement for the proposal to comply with Policy CS12 of the Woking Core Strategy (2012) and SPD Affordable Housing Delivery (2014) although is put forward by the appellant as forming part of the 'Very Special Circumstances (VSC)' for this inappropriate Green Belt development. The provision of affordable housing is therefore considered fair and reasonable in terms of scale and kind.

Travel plan	The appellant has submitted a draft Travel Plan for the Health Club centre element of the proposal as part of their submission, the aim of which is to reduce vehicle trips associated with this element of the proposed development. It identifies a range of initiatives which will be implemented by targets, details and other matters. A 'Final' Health Club centre Travel Plan is 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).	The implementation and monitoring of a 'final' Health Club centre Travel Plan, the aim of which will be to reduce vehicle trips associated with this element of the proposed development, means the obligation is directly related to the proposed development.	Given the scale and nature of the Health Club centre element of the proposed development a 'final' Travel Plan is fair and reasonable in this case. Once agreed the 'final' Travel Plan will need to set out targets to reduce travel for certain years after first occupation of the Health Club centre. Such monitoring would be carried out by the County Highway Authority (Surrey County Council). Proper monitoring will be necessary to ensure the 'final' Travel Plan provides the appropriate mitigation.
Highway works	The County Highway Authority (Surrey County Council) has assessed that the required 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 are 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	The mitigation of the urbanisation and recreational pressure effects	The relevant SAMM tariff would be calculated in accordance with the

	<p>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 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</p>	<p>of the proposed development upon the Thames Basin Heaths SPA means the obligation is directly related to the proposed development.</p>	<p>Thames Basin Heaths SPA Avoidance Strategy and therefore would be fair and reasonable in terms of scale and kind.</p>
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	<p>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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