



Tandridge District Council

Town and Country Planning Act 1990 (As Amended)

Land at Chichele Road, Oxted, Surrey, RH8 0NZ.

Planning Appeal

Appeal Reference: APP/M3645/W/24/3345915

Community Infrastructure Levy Compliance Statement

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1. Background

1.1 Paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where the following tests are met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2. Policies

2.1 The development plan for Tandridge District Council is the Tandridge District Council Core Strategy (Core Strategy) adopted October 2008 and the Tandridge Local Plan Part 2 Detailed Policies 2014 – 2029 (Local Plan) adopted July 2014.

2.2 The following policies within the Core Strategy and Local Plan are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Core Strategy

Policy CSP 2: Housing Provision

Policy CSP 4: Affordable Housing

Policy CSP 11 Infrastructure and Services

Policy CSP 12: Managing Travel Demand

Policy CSP 13 Community, Sport and Recreation Facilities and Services

Local Plan

Policy DP 5: Highways Safety & Design

Policy DP 7: General Development Policy

Policy DP18: Community Sport and Recreation Facilities

3. Proposed Planning Obligations

3.1 The proposed planning obligations, included within the Section 106 Agreement (s106), cover the following:

- **Affordable Housing** – means the provision of affordable housing as part of the proposed scheme. The proposed residential (Class C3) element of the scheme would include 50% of the total number of units proposed to be affordable housing. A mix of 75% will be social rented and 25% will be shared ownership.
- **Travel Plan Auditing Contribution** – means the sum of £4,600.00 Index Linked to be used by the County Council for monitoring the Travel Plan to be submitted for approval pursuant to the conditions attached to the Planning Permission.
- **Open Space, Play Area Management Provision and Ancient Woodland Management Plan** – means the management of the Open Space, Play Areas and Ancient Woodland within the Development by a Management Company with responsibility to perform such obligations.
- **Management Company** - means the Management Company to be established by and at the choice of the developer which shall be under an obligation to clean, maintain and repair as necessary the communal areas of the site and ensure the terms of requirements of the the Open Space Management Plan and the Play Area Detailed Specification and the Ancient Woodland Management Plan.
- **Traffic Calming Measures:** means the traffic calming, measures on Chichele Road, Silkham Road, Central Way, Eastlands Way, Chalkpit Wood, Barnett's Shaw, Memorial Close, Oakshaw, Woodland Court, Field Court, Downs Way and Greenacres and including a zebra crossing adjacent to St Mary's Primary School.
- **Traffic Regulation Orders (TROs):** costs incurred in securing the necessary TROs for the speed limit reductions on Chichele Road, Silkham Road, Central Way, Eastlands Way, Chalkpit Wood, Barnett's Shaw, Memorial Close, Oakshaw, Woodland Court, Down's Way and Greenacres.

- **Pedestrian and Cycle Access Improvements from Bluehouse Lane:**
provision of an additional pedestrian/cycle access on the southern boundary of the Site onto Bluehouse Lane (with Bluehouse Lane).

4. CIL Tests

4.1 The following table explains how the above s106 planning obligations comply with the three tests set out in paragraph 56 of the Framework and Regulation 122 and Regulation 121 of the Community Infrastructure Levy Regulation 2010 (as amended) (“CIL Regulations”):

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Provision of affordable housing	The provision of affordable housing is required for the proposal to comply with the provisions of the Policy CSP4 of the Tandridge District Core Strategy and to demonstrate very special circumstances. 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 district and area in general and would therefore be contrary to the provisions of paragraphs NPPF 62 to 66.	The provision of on-site affordable housing as a proportion of the housing development means the obligation is directly related to the proposed development.	The level of affordable housing exceeds the requirements of Core Strategy Policy CSP4I (34%) and is offered as a Very Special Circumstance for allowing this appeal. The provision of affordable housing is therefore considered fair and reasonable as the proportion advocated under the development plan policy.	The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Travel Plan Auditing Fee	A financial contribution for appraising and monitoring the Travel Plan for the Development is required to comply with development plan Part 2: Detailed Policies Policy DP5 and Section 9 (Promoting Sustainable Transport) of the Framework to encourage and achieve sustainable transport choices for people living at the development.	The financial contribution is necessary to ensure the measures are complied with to promote the use of the most sustainable forms of transport and movement for residents of the proposed Development. As such the obligation is directly related to the proposed development.	. The fee has been calculated in accordance with the County Highway Authority’s standard method for calculating the auditing fee. There is provision within the obligation for the repayment of any unspent part of the contribution after 10 years.	The obligation meets the three tests of paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Open Space, Play Area and Ancient Woodland Management Plan Management Provision	The provision of appropriate open space and play areas to serve the Development is necessary to comply with Core Strategy Policy CSP13 and Part 2 Detailed Policies Policy DP18 and NPPF paragraphs 97 and 102.	The provision of open space and play areas is necessitated by the proposed Development and the requirement for that Development to be planning policy compliant and will be provided on-site and serve future residents of the development.	The Developer has proposed the open space provision of a reasonable scale and kind.. The Developer has proposed, and the District Council has agreed, that the management of open space and play areas within the Development should be undertaken by a Management Company set up for that purpose and this is provided for by this obligation in the s106.	The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE INTERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Management Company	A mechanism is necessary to secure the future management of the communal areas and the Ancient Woodland. A Management Company mechanism has been proposed by the Developer and is considered appropriate. The Management Company to be established at the choice of the Developer shall manage, clean, maintain and repair as necessary the communal areas the site and the area of ancient woodland, and ensure the terms the Open Space Management Plan, the Play Area Detailed Specification and the Ancient Woodland Management Plan are complied with.	The Management Company will take on management responsibilities for the site including to clean, maintain and repair as necessary the proposed communal areas of the site and to manage the area of ancient woodland in accordance with the approved scheme.	No more limited mechanism has been presented by any party to achieve the purposes of the management company.	The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

Traffic calming measures	In order to provide the off-site highway works necessitated by the development in the interest of highway safety Part 2: Detailed Policies Policy DP5.	The off-site highway works are specific to the proposed development.	The off-site works have been identified to mitigate the specific impacts of the development and are reasonable in scale and kind.	The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).
PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Traffic Regulation Orders	In order to support the off-site highway works and highways controls necessitated by the development in the interest of highway safety as recommended by the County Highway Authority (CHA).	The TROs are specific to the proposed development.	The TROs have been identified to mitigate the specific impacts of the development and are reasonable in scale and kind.	The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

<p>Pedestrian and cycle access from Bluehouse Lane.</p>	<p>Necessary to secure the proposed limited access over Bluehouse Lane. This obligation has been proposed by the Developer.</p>	<p>The restrictions will limit access over part of the application site.</p>	<p>The mechanism is an appropriate and reasonable way to achieve the goal of preventing vehicular access on Bluehouse Lane.</p>	<p>The obligation meets the three tests of paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).</p>
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