

Planning Obligations CIL Compliance Statement

Wychavon District Council

15 December 2022

Appeal Reference: APP/H1840/W/22/3305934

Land to the north of Droitwich Spa, Droitwich, WR9 0NU

Outline planning application for the erection of up to 102 dwellings, new vehicular and pedestrian access, and associated works. All matters reserved except for access

1.0 Introduction

Community Infrastructure Levy Regulations 2010 (as amended)

1.1 The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area. The levy only applies in areas where a local authority has consulted on and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.

1.2 The South Worcestershire Development Plan (SWDP) is a partnership between Wychavon District Council, Malvern Hills District Council and Worcester City Council, notwithstanding this, each of the Councils are charging authorities in their own right and are required to prepare separate charging schedules for the Community Infrastructure Levy (CIL or "the Levy").

The Wychavon CIL charging schedule was adopted on 26 April 2016 and commenced on 5 June 2017 (Appendix 1). In accordance with the Council's charging schedule only the open market dwellings would be CIL liable. The affordable housing would be exempt

1.3 Where planning applications are capable of being charged the levy, they must comply with the tests set out in the Regulation 122 of the CIL Regulations. These tests are as follows:

- (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.

1.4 As a result of these regulations, Local Authorities and applicants need to ensure that planning obligations are genuinely 'necessary' and 'directly' related to the development'. As such, the regulations restrict Local Authorities ability to use Section 106 Agreements to fund generic infrastructure projects, unless the above tests are met. Where planning obligations do not meet the above tests, it is 'unlawful' for those obligations to be taken into account when determining an application.

Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

1.5 Amendments to the Community Infrastructure Levy Regulations 2010 were introduced on 1 September 2019. The most noticeable change of the amendment is the 'lifting' of the 'pooling restriction' as a result of the deletion of Regulation 123. Any development granted planning permission on or after 1 September 2019 may now be subject to a section 106 agreement contributing to infrastructure that has already benefited from contributions from five or more planning obligations since 2010. However, the tests in Regulation 122 continue to apply.

1.6 The information below provides evidence to demonstrate that each obligation meets the tests in CIL Regulation 122 and the guidance in paragraph 55 and 57 of the NPPF (2021).

1.7 Separate CIL Statements are provided in respect of County Highways (Appendix 2), Education (Appendices 3a/b/c/d/e/f/g) and NHS Primary Care Contributions (Appendix 4) by relevant external consultee's.

Planning Obligation – Affordable Housing

The NPPF 2021 sets out under Part 5 'Delivering a sufficient supply of homes' that to support the Government's objective of significantly boosting the supply of homes, it is important, that amongst other things the needs of groups with specific housing requirements are addressed (para.60).

SWDP Policy 15 (2016) seeks to ensure affordable housing need is met. The number, size, type, tenure and distribution of affordable dwellings to be provided will be subject to negotiation, dependent on recognised local housing need, specific site and location factors and development viability and having regard to the sliding scale approach set out below:

i. On sites of 15 or more dwellings on greenfield land, 40% of the units should be affordable and provided on site.

The Affordable Housing SPD (2016) confirms the above policy requirements and sets out further detail.

SWDP Policy 62 (2016) indicates planning obligations through Section 106 agreements will continue to be sought to provide funding to mitigate negative impacts relating to specific developments.

Worcester City Council, Wychavon District Council and Malvern Hills District Councils' formal position with respect to affordable housing and tariff style developer contributions following the publication of National Planning Policy Framework (2019) also confirms the above policy requirement with other detail.

First Homes Government Initiative - 25% of all affordable housing through developer contributions must be delivered as First Homes (with at least a 30% discount on open market value). Planning Practice Guidance and a Written Ministerial Statement sets out how First Homes are to be delivered. [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/first-homes) and [Written statements - Written questions, answers and statements - UK Parliament](https://www.parliament.uk/business/committees/committees-a-z/commons-select/written-questions-and-statements/)

Affordable Housing Provision

Forty percent (40%) of the Dwellings to be constructed as part of the Development shall be Affordable Housing Units in accordance with policy. A tenure split of 73% social rented units (30 units) and 27% first homes (11 dwellings) has been agreed between policies having regard to the First Homes Government Initiative.

Basis of Need

The provision of affordable housing on site is directly related to the development. It is explicitly excluded from the definition of infrastructure for the purposes of the Community Infrastructure Regulations 2010 and therefore falls outside the scope of regulation 123(3).

The basis of need for the provision of on-site affordable housing is in accordance with the following:

The Strategic Housing Market Assessment (SHMA) (2021 Update) which shows a minimum net imbalance of 117 affordable units per year over the next 5 years

[Malvern Hills, Worcester City and Wychavon Strategic Housing Market Assessment 2021 Update \(swdevelopmentplan.org\)](https://www.swdevelopmentplan.org/)

Housing Register (Housing for you)

[Worcester Scheme \(housingforyou.co.uk\)](http://housingforyou.co.uk)

Housing for You data showed that there were 2475 households registered with a banding which indicates that they have a local connection to the Wychavon District.

These households have the following bedroom need:

- 1 bed – 1299
- 2 bed – 703
- 3 bed – 359
- 4 bed – 109
- 5 bed – 5

The Town of Droitwich is adjacent to Hampton Lovett parish

As of 28/11/2022 there were 520 households registered with a local connection to Droitwich. They have the following bedroom need:

- 1 - 257
- 2 - 161
- 3 - 71
- 4 – 29
- 5 – 2

Currently there are no households identified with a connection to Hampton Lovett parish.

CIL Compliance tests

- *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*

The provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy.

The provision of affordable housing on site is directly related to the development and the provision of 40% on site is considered to be fairly and reasonably related in scale and kind to the development.

Planning Obligations - Formal Sports and Built Leisure s106 contributions

The South Worcestershire Development Plan (SWDP) ensures that new developments set out high quality formal and informal recreational opportunities and makes a contribution to enhancing sporting facilities in order to encourage healthy lifestyles. Furthermore, the South Worcestershire Developer Contributions Supplementary Planning Document (July 2018) confirms the basis with which both on-site and/or off-site contributions will be sought against all developments within the district.

Strategic Evidence:

Paragraph 96 of the NPPF states:

Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The South Worcestershire Open Space Strategy (OSA) 2019, South Worcestershire Playing Pitch and Outdoor Sports Strategy (PPOSS) 2021-41 and Built Sports Facility Strategy (BSF) 2021-41 have been completed in accordance with Sport England's Guidance: *Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities* (ANOG) and the PPG17 companion guidance '*assessing the needs and opportunities*'. These strategies ensure the evidence is sound, robust and up-to-date for the purposes of assessing the needs for playing pitches, open spaces and built facilities in accordance with National Planning Policy Framework (NPPF).

This response confirms the council's position and the level of developer contributions required as permitted within SWDP policies:

SWDP39	Provision for Green Space and Outdoor Community Uses in New Development
SWDP37	Built Community Facilities
Additional Policies	Additional contributions that are felt necessary to make the development acceptable i.e. SWDP7: Infrastructure and SWDP9: Creating and Sustaining Vibrant Centres

1. Formal Sport Contribution

1.1 Needs Assessment

The PPOSS 2021-46 clearly identifies a need for additional facilities and enhancements to existing facilities, specifically from Page 9 of the PPOSS Action Plan (which has been supplied to the applicant): -

Sport	Analysis area	Current demand		Future demand (2041)
		Pitch type	Current capacity total in MES ^[1]	Future capacity total in MES
Football (grass pitches)	Droitwich	Adult	Shortfall of 2	Shortfall of 4.5
		Youth 11v11	Spare capacity of 2	Shortfall of 0.5
		Youth 9v9	Shortfall of 1.5	Shortfall of 3.5
		Mini 7v7	At capacity	At capacity
		Mini 5v5	At capacity	Shortfall of 3.5
	Evesham	Adult	Spare capacity of 7.5	Spare capacity of 6.5
		Youth 11v11	Shortfall of 0.5	Shortfall of 3
		Youth 9v9	Spare capacity of 0.5	Shortfall of 1
		Mini 7v7	Spare capacity of 0.5	Spare capacity of 0.5
		Mini 5v5	Spare capacity of 1	Shortfall of 0.5
	Pershore	Adult	Spare capacity of 0.25	Shortfall of 0.25
		Youth 11v11	Shortfall of 0.5	Shortfall of 3.5
		Youth 9v9	Spare capacity of 0.5	At capacity
		Mini 7v7	Spare capacity of 0.5	Spare capacity of 0.5
		Mini 5v5	Spare capacity of 1.5	At capacity
Football (3G pitches) ^[2]	Droitwich	Full size / small size, floodlit	Shortfall of 1	Shortfall of 1
	Evesham		Shortfall of 1	Shortfall of 2
	Pershore		Shortfall of 2	Shortfall of 2
Cricket	Droitwich	Saturday	Shortfall of 18	Shortfall of 48
		Sunday	Shortfall of 18	Shortfall of 34
		Midweek	Shortfall of 18	Shortfall of 30
	Evesham	Saturday	Shortfall of 3	Shortfall of 33

^[1] MES – match equivalent sessions per week (per season for cricket)

^[2] Based on accommodating 38 teams on one full size pitch

Sport	Analysis area	Current demand		Future demand (2041)
		Pitch type	Current capacity total in MES ^[1]	Future capacity total in MES
		Sunday	Spare capacity of 33	Spare capacity of 25
		Midweek	Spare capacity of 61	Spare capacity of 53
	Pershore	Saturday	Shortfall of 73	Shortfall of 103
	Sunday	Shortfall of 65	Shortfall of 65	
	Midweek	Shortfall of 57	Shortfall of 77	
Rugby union	Droitwich	Senior	Shortfall of 7.5	Shortfall of 10.5
	Evesham	Senior	Shortfall of 3	Shortfall of 4
	Pershore	Senior	At capacity	Shortfall of 1.5
Hockey (sand AGPs)	Wychavon	Full size, floodlit	Shortfall due to quality.	Shortfall due to quality.

In this case the Council is seeking investment in Droitwich Rugby Football Club. The Council has been worked closely with in the past, e.g., funding LED lighting to improve capacity for training and, looking to the future at both the potential expansion of the site and improving existing provision to cater for existing and future demand. Anecdotally, pre Covid the club did have a waiting list for some age categories and would potentially be exacerbated with the future population growth within the area.

The PPOSS considers only the allocated housing developments to calculate future demand, as such any unallocated 'windfall' sites will exacerbate the 'future capacity' figures contained within the table.

1.2 Calculation

SWDP39 Table 10 sets out area standards for a range of open space typologies, although not for formal pitches. But SWDP39 C is clear in the requirement for formal pitches, with the amount/cost being looked at on a case-by-case basis using the most up-to-date available evidence. The South Worcestershire Councils consider the 2015 '6 Acre Standard' (1.2 hectares of pitch provision per 1,000 residents (423 homes) as an appropriate evidence basis for calculating the on-site provision or off-site financial contributions.

As the application site is not accommodating the required amount of on-site provision, an off-site contribution towards formal pitches is required from this development calculated on the following basis:

Worked Example – for information only

Purchase cost (1.2 x £20,000)	£24,000
Natural Turf Pitch provision (for football and Rugby)	£100,000*
Pitch Maintenance (5% of capital cost per annum, 20 years)	£100,000
Pavilion Provision (2 changing rooms)	£275,000*
Pavilion Maintenance (5% of capital cost per annum, 20 years)	£275,000

Example Total: £774,000

* Sport England Facility Costs February 2016

As this is an application is for up to 102 dwellings with 61 open market dwellings the contribution for the market dwellings is apportioned as detailed below:

Each 1 Bed Unit =	£1,548
Each 2 Bed Unit =	£2,322
Each 3 Bed Unit =	£3,096
Each 4 or 4+ Bed Unit =	£3,870

As there is no breakdown of housing mix the total contribution expected will be between **£94,306 and £236,070.**

As has been noted by the agent this has changed from the initial planning consultation response, requesting a contribution to 3G provision in Droitwich as one pitch has been delivered and further artificial football provision was not identified in the action plan for the PPOSS which was received post planning application. Subsequently, and following the significant investment in Football facilities through s106 and external grants, the contribution has been sought for Droitwich Rugby club, which has also been highlighted within the PPOSS action plan.

It should be noted that the failure to secure a s106 Built Formal Sports contribution will result in exacerbating an identified shortfall of Sports and Leisure provision in the specific area.

2. Built Sports Facilities Contribution

2.1 Needs Assessment

The following relevant elements have been identified from the Built Sports Facilities Strategy (BSF) 2021-46 recommendations: -

- Work with schools to improve the standard of the two poor and one below average community available sports halls and maintain the quality of those which are currently above average.
- There is sufficient water space in the area, however, new provision may be required in the future to accommodate an increase in demand caused by projected population growth. Further analysis/feasibility will be required to investigate this further – at the appropriate time.
- Maintain a watching brief in respect of the scale of health and fitness provision within Droitwich (and provision made outside the Authority). Should the upward participation trend continue, look to invest in expanding the volume of provision available at public leisure centres.
- Support other developments (via planning, developer contributions and officer expertise) which may assist in increasing sport and physical activity within the wider community.
- Develop a system to, as early as possible, identify and tackle ongoing investment, maintenance, and refurbishment requirements to protect and improve existing sports facilities.

In this instance the Council will be seeking a Built Sports contribution towards improvements and enhancements at Droitwich Leisure Centre (who operate Droitwich High School Sports facilities for community use and includes one the 'poor' sports hall referred to above for which the contribution is sought). Sport England's BSF methodology has changed over the years and moved away from simply stating the planning need in terms of new facilities and looks at maximising the use of existing built leisure provision to meet increased demand, for example, by looking at maximising school provision, which is often more economically viable than new facilities. Specifically, the contribution would be pooled used to upgrade facilities to make them more appropriate for community use, focussing on better changing facilities and hall lighting depending on what other funding is available either through s106, grants, etc.

It should be noted that the failure to secure a s106 Built Sports Facilities contribution will result in exacerbating an identified shortfall of Sports and Leisure provision in the specific area.

Similar to the PPOSS, the BFS only takes into account the planned population growth from allocated housing sites to quantify future demand and as such any unallocated 'windfall' sites will again exacerbate the need for Built Sports Facilities.

2.2 Calculation

To calculate the Built Sports Facilities contribution, the council makes use of Sport England's Facilities calculator. This nationally recognised planning tool utilises the projected population growth from any proposed development and calculates the required contribution (assuming an occupancy rate of 2.3, being the Wychavon average). In this case the Council would expect a contribution of **£61,076** towards Built Sports Facilities.

CIL 122 compliance

These contributions have arisen from the development management process and have been considered against Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the 3 tests detailed in the NPPF paragraph 57 which are:

- 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

3.1 Necessary to make the development acceptable in planning terms

The Council has an extensive and comprehensive evidence base for both Formal Sport and Built Sports Facilities, which has been developed using external consultants applying the latest methodology. This establishes the current level of provision and identifies specific actions in relation to both the need for new facilities and the required enhancements to existing facilities to accommodate an increased population arising from housing growth.

3.2 Directly related to the development

The comprehensive evidence base looks at both individual sports and sports facilities, detailing the required enhancements or the provision of new facilities within the catchment area of the proposed development, to ensure the Sports and Leisure needs for the new residents are addressed. Furthermore, it should be noted that a contribution is sought to address the sport and leisure needs arising from the proposed development and not towards any existing shortfall.

3.3 Fairly and reasonably related in scale and kind to the development

For both the Formal Sports and Built Leisure Facilities contributions, the contribution amounts are established using an established methodology for specific needs based on the projected population growth arising from the development and are thus proportionate to the size of the proposed development in both scale and kind. Specifically, the Sport England Facilities calculator uses an occupation rate of 2.3 per dwelling and the Formal Sports contribution is based on the housing mix.

Enclosures

1. Sport England Letter dated 25 Nov 22

Enclosure 1 – Sport England Letter

25th November 2022

Dear Jem,

W/22/00201/OUT: Outline planning application for the erection of up to 102 dwellings, new vehicular and pedestrian access, and associated works. All matters reserved except access at land at Kidderminster Road, Hampton Lovett.

I am writing on behalf of Sport England in respect of the above planning application which I understand is the subject of forthcoming planning appeal inquiry. Sport England have not previously made representations on this application. As the proposal does not affect playing fields we are not a statutory consultee.

We understand that in the event that the appeal is allowed, the Council are minded to seek a section 106 contributions towards provision for formal sports facilities to meet the needs of the development. Sport England would be supportive of securing proportionate contributions to meet the needs of the development, which would be entirely consistent with the Council's planning policies in the South Worcester Development Plan and the Council's evidence base for sport.

In 2020, the Council commissioned both a Playing Pitch and Outdoor Sports Strategy (PPOSS) and a Built Indoor Sports Facilities Strategy (BFS), consistent with the guidance in para 98 of the NPPF. The strategies were produced in line with relevant Sport England's methodology/guidance, and therefore provide an up to date assessment of needs for various sports facilities. The PPOSS identifies that there are various shortfalls of capacity for football, cricket, rugby union and hockey. The PPOSS includes a recommendation to seek section 106 contributions, using Sport England's Facility Calculator Tools as a basis of estimating the demand generated by the proposed development for various grass pitches, AGP's and ancillary facilities. The BFS makes similar recommendations in respect of sports halls, swimming pools, etc, including for instance, the opportunity to improve the quality of existing provision at Droitwich Spa High School and Droitwich Spa Leisure Centre.

As such, Sport England would support the Council's intention to seek contributions to be used to provide appropriate facility investment to meet the needs of the development, which should be used to fund local priority projects, in line with the evidence in the adopted PPOSS and BFS.

I trust this is helpful to you.

Kind regards

Stuart Morgans, West Midlands Planning Manager

Stuart.morgans@sportengland.org

3. Public Open Space Contribution

Obligation

The Public Open Space contribution means the provision of informal open space and landscaping including a play area for use by the general public to be provided on the site in accordance with an open space works specification.

Policy Context

Paragraph 98 of the NPPF 2021 sets out that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

The South Worcestershire Development Plan (SWDP) ensures that new developments set out high quality formal and informal recreational opportunities and makes a contribution to enhancing sporting facilities in order to encourage healthy lifestyles. Furthermore, the South Worcestershire Developer Contributions Supplementary Planning Document (July 2018) confirms the basis with which both on-site and/or off-site contributions will be sought against all developments within the district.

This response confirms the council's position and the level of developer contributions required as permitted within SWDP policy SWDP39 - Provision for Green Space and Outdoor Community Uses in New Development.

Basis of Need

SWDP Policy 39 states that "Development proposals exceeding 5 dwellings should make provision for Green Space and outdoor community uses as set out in Table 10, together with secure arrangements for its long-term management and on-going maintenance."

Using the figures in Table 10 the below figure demonstrates that 3,707m² of Open Space provision is required on site for this application of 102 dwellings.

Open Space Requirements

Type of Open Space	ha per 1,000 residents	Required ha per 240.72	Required m2 per 240.72
Amenity and Semi-natural greenspace (m2)	1.03	0.24794	2479.42
Equipped Play Space (m2)	0.09	0.02166	216.65
Cemetery (m2)	0	0.00000	0.00
Civic Space (m2)	0.03	0.00722	72.22
allotment (m2)	0.39	0.09388	938.81
Total ha	1.54	0.37071	
Total m2			3707.09

SWDP Policy 39 goes on to say that "In cases where it will be impractical and inappropriate to deliver all the open space typologies on site, developer contributions towards off-site provision will be sought and secured through a legal agreement."

The South Worcestershire Developer Contributions Supplementary Planning Document (July 2018) provides details of contributions per market dwelling to each type of open space as well as the commuted sum required for adoption and future maintenance of the open space. There are some discounts that can be applied to 1 and 2 bedroom properties. However, as this is outline and no specific housing mix has been agreed no discount has been applied in the figure below. The total contribution required for Public Open Space is up to £188,726.12.

Market Dwellings - Developers Contribution

	Contribution Per Dwelling	Dwellings 61
Amenity and Semi-natural greenspace	£ 48.70	£ 2,970.70
Equipped Play Space	£ 139.00	£ 8,479.00
Cemetery	£ -	£ -
Civic Space	£ 23.64	£ 1,442.04
allotment	£ 18.44	£ 1,124.84
Sub total	£ 229.78	£ 14,016.58
land acquisition	£ 127.18	£ 7,757.98
total	£ 356.96	£ 21,774.56
Commuted Sum per dwelling	£ 1,636.78	£ 166,951.56
Total Contribution	£	188,726.12

Contribution to open space provision in lieu of on-site provision is calculated based on the number of market dwellings only.

The commuted sum for maintenance 'commuted sum per dwelling' is calculated based on the total number of dwellings.

CIL Compliance

Necessary to make the development acceptable in planning terms

The NPPF advocates improving the conditions in which people live and take their leisure. A high-quality built environment, including the spaces within it, plays an important social role in the delivery of sustainable development. The NPPF also requires local planning authorities to plan positively for the provision of community facilities and spaces.

Directly related to the development

Where possible open space provision should be provided on site in accordance with the established requirements. Where this is not appropriate the financial contribution is sought in order to provide the necessary open space provision off-site.

Fairly and reasonably related in scale and kind to the development

The contribution amounts are established using a methodology for specific needs based on the projected population growth arising from the development and are thus proportionate to the size of the proposed development in both scale and kind.

Planning Obligation – Biodiversity Net Gain

Legal context:

The Environment Act 2021 includes multiple new duties for Local Planning Authorities including mandating a minimum of 10% Biodiversity Net Gain as part of the national planning processes. It will require developers to ensure habitats for wildlife are enhanced with a demonstrable increase in biodiversity compared to the pre-development baseline and will become fully enacted in November 2023.

The Environment Act also proposes to strengthen Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 (duty to conserve biodiversity) to clearly articulate the need for planning authorities to both conserve and enhance biodiversity in all relevant functions.

Schedule 7A of the Act will require every planning permission granted to include a pre-commencement condition requiring submission by the applicant and approval by the planning authority of a “biodiversity gain plan” which must demonstrate how post-development biodiversity value exceeds pre-development biodiversity value by at least 10%. Additionally, a new duty for planning authorities will require production of a ‘biodiversity report’ within three years of the Bill’s enactment (and then every subsequent five years) to quantitatively describe actions undertaken in compliance with the NERC S.40 biodiversity duty and any biodiversity gains achieved in that period.

Policy context:

Paragraphs 174d, 179b and 180d of the National Planning Policy Framework (July 2021) set out the current expectation for planning policies and decisions to identify, pursue and encourage opportunities which secure measurable net gains for biodiversity.

Policy SWDP22.f. of the South Worcestershire Development Plan (SWDP) (adopted February 2016) encourages developments (wherever practicable) to enhance biodiversity and Policy SWDPR27 of the emerging SWDPR will expect developments to demonstrate delivery of measurable net gains in biodiversity.

SWDP Policy 62 (2016) indicates planning obligations through Section 106 agreements will continue to be sought to provide funding to mitigate negative impacts relating to specific developments.

Biodiversity Net Gain

The applicant is proposing a minimum biodiversity net gain of 20% which would comply with the overall aims and objectives of the above-mentioned legislation and planning policy.

CIL Compliance tests

- *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*

The provision of a biodiversity net gain on-site is necessary to mitigate the impact of the development and provide enhancement which is supported by planning policy and emerging legislation.

The provision of biodiversity net gain on site is directly related to the development and the appellants offer to provide a 20% net gain, as part of the package of benefits associated with

the development is considered to be, overall, fairly and reasonably related in scale and kind to the development.

Appendix 1 - Wychavon CIL Charging Schedule

Appendix 2 – County Highways CIL Statement

Appendix 3a – County Education CIL Statement

The Community Infrastructure Levy Regulations 2010 (“the CIL Regs 2010”) provided a legal mechanism for local authorities to secure funding for infrastructure by way of a charge levied on developments through the introduction of a CIL charging schedule. Wychavon District Council’s CIL Charging Schedule was adopted on 26 April 2017 and implemented from 5 June 2017 and allowed for charges to be levied against development/s where finalised projects (allocated sites) were identified.

Following the deletion of Regulation 123 in the CIL Regs 2010 by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 the mechanism to secure education funding for non-allocated sites has been by way of section 106 agreement. This approach ensures no ‘double dipping’ of requests towards education provision.

SWDP Policy 62 (2016) indicates planning obligations through Section 106 agreements will continue to be sought to provide funding to mitigate negative impacts relating to specific developments.

Education contributions are referred to within the South Worcestershire Developer Contributions SPD adopted July 2018 as contained within the list of core documents at CD4.5 but more specifically, Worcestershire County Council have “Education Planning Obligations Policy Worcestershire’ which was approved and became effective from 1 August 2019 and is at Appendix 3d to this CIL compliance statement.

The County Council at Appendices 3a/b/c set out their evidence to demonstrate the request towards education provision is compliant with the CIL Regulations; and Policy document ‘Education Planning Obligations Worcestershire’ at Appendix 3d sets out the approach the County Council will take in calculating appropriate mitigation from new housing. A supporting table of charges is set out at Appendix 3e.

Pupil Yields

It is understood the appellant has sought further clarification of the County Councils Calculations on Pupil Yields (Appendix 3f – email from Guy Wakefield dated 29.11.22). The County Council have provided further clarification on these matters (Appendix 3g – attached letter dated 14 December 2022).

It is also noted that the County Councils methodology for calculating education contributions has been applied to development proposals across the wider Worcestershire area and has been accepted in a number of appeal decisions including a recent one at Mitton (Appeal Reference APP/H1840/W/22/33011732).

Appendix 3b – County Education Assessment

Appendix 3c – County Education Contribution Justification

Appendix 3d – Education Guidance

Appendix 3e – Table of Charges

Appendix 3f – Appellant Education Queries 29.11.22

Appendix 3g – County Council Response (to matters set out in appendix 3f) dated 14.12.22

Appendix 4 – NHS Primary Care CIL Statement