

6 January 2023

Appeal [APP/H1840/W/22/3305934] Land North of Droitwich Spa, Droitwich WR9 0NU – W/22/00201/OUT. Additional information requested by the Inspector further to roundtable discussion on S106/CIL matters held on 21/12/2022

Appended to this note are copies of the Infrastructure Funding Statements (IFS) published by Wychavon District Council to date:

Infrastructure Funding Statement – December 2020

Infrastructure Funding Statement – December 2021

Infrastructure Funding Statement – December 2022

In addition, the following bullet points are included in this note to support the submission of the IFS which also reflect the detailed discussion at the roundtable session on this matter of 21 December 2022.

- IFS are required to identify projects that CIL monies will support. The series of attached documents include a statement that projects have yet to be identified by Wychavon because the governance arrangements for doing so have not been put in place. The latest 2022 IFS (p.4) set out an undertaking that *“projects will go through the internal governance process early in 2023 and the identified projects for CIL spending will be published as an addendum to this IFS as soon as is practicable”*.
- The South Worcestershire CIL charging schedule Regulation 123 list (Appendix A1) and accompanying table (Appendix A2) were produced during the time of pooling and double dipping restrictions. Due to the low projections for CIL takings (as discussed at the session of approx. £5-6million for the whole of the SWDP plan period), the Regulation 123 list was kept deliberately broad, and that CIL may only be spent on these areas, with S106 contributions (and other funding streams) being seen as providing the main source of any contribution.
- The 2019 CIL Regulations clearly state that Regulation 123 (i.e., the Reg 123 list) has been revoked and projects to be identified for CIL funding are to be covered through the Infrastructure Funding Statement (albeit Wychavon have yet to identify these projects as above).
- Further, post the changes to the 2019 CIL Regulations, local authorities can now pool and double dip funds obtained from CIL and S106 to fund the same infrastructure. On this point, although pooling is now allowed this needs to be specified in the IFS. The IFS include no such statement i.e., the intention to allocate CIL towards education. As this has not been done, by its omission it is sufficient to demonstrate that S106 is only being collected in this instance as a source of funding towards education, and that national policy is wholly supportive of the need to do this.
- CIL is collected to support infrastructure requirements from the level of development generated by the adopted SWDP (2016) as set out in the Infrastructure Delivery Plans. This appeal site, as it has been put forward outside of the development plan, in terms of

infrastructure requirements it may generate should be assessed against the 2010 CIL Regulations para. 122 i.e., in summary necessary; directly related; and fair and reasonable and any S106 contribution requested accordingly.

Appendices

Appendix 1 - Wychavon Infrastructure Funding Statement 2021/22

Appendix 2 - Wychavon Infrastructure Funding Statement 2020/21

Appendix 3 - Wychavon Infrastructure Funding Statement 2019/20