

APPEAL BY TELEREAL TRILLIUM, TELE PROPERTY INVESTMENTS LTD

Wye College Land and Buildings Site WYE 3, Olantigh Road, Wye

Full planning permission for the residential development of 40 dwellings with associated access road, car park and open space

**CIL COMPLIANCE STATEMENT**  
**ASHFORD BOROUGH COUNCIL**

PINS Reference: APP/E2205/W20/3259462

Local Planning Authority Reference: 19/01327/AS

January 27 2021

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# 1. INTRODUCTION

## 1.1 Background

**1.1.1** Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2011(as amended) set tests in respect of planning obligations. Obligations should only be sought where they meet the following tests:

- 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.

**1.1.2** Ashford Borough Council is not a “charging authority” for the purposes of the Regulations and currently does not have CIL Charging Schedule.

**1.1.3** This statement therefore considers compliance in respect of each of the obligations comprising the obligations proposed to the Local Planning Authority proposed in the s106 Agreement agreed between the Applicants and the Local Planning Authority.

**1.1.4** The Kent County Council is the Adult Social Care, Education, Highways and Libraries Authority and has filed their own CIL Justification Statement for their contributions and their justifications will therefore not be replicated below.

## 1.2 Policies

**1.2.1** The development plan for the Borough is the Ashford Local Plan 2020 which was formally adopted in February 2019.

**1.2.2** The relevant policies for each contribution are referred to in the table under paragraph 2 as a summary and the justification for the obligations are at paragraph 1.3.

## 1.3 Proposed Planning Obligations

The proposed planning obligations included in the draft Unilateral Undertaking which is being negotiated, cover the following areas of infrastructure:

### **1.3.1 Informal/Natural Green Space**

This provision is **Necessary** as informal/natural green space is required to meet the demand that would be generated by new residents. Public Rights of Way do not count towards this typology as they are a route, not a destination space. They do not fit the requirement of informal/natural public open space, which

should be a viable space of minimum 0.25 ha, which is genuinely useable for informal recreation. Page 16 of the Public Green Spaces SPD provides more detail. This provision must be maintained in order to continue to meet that demand pursuant to the following Policies of the Ashford Local Plan:

SP1 Strategic Objectives including the requirement to deliver development supported by social, community, and physical infrastructure to promote healthier lifestyles as well as conserving and enhancing the Boroughs natural environment through green infrastructure.

COM1 Meeting the community's needs including infrastructure and facilities including open space and play areas.

COM2 Recreation Sport Play and open Spaces seeking a quantum of development of recreation sport play and open spaces provision consistent with the standards established in the Public Green Spaces and Water Environment SPD,

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development

IMP2, Flexibility Viability and Deferred Contributions seeks to ensure that where proposals do not meet the policy and infrastructure requirements that this is supported by evidence establishing the reason. Where a deficit in infrastructure is deemed acceptable a deferred conditions approach will be adopted to claw back as much of any deficit as possible should market conditions improve.

Public Green Spaces and Water Environment SPD Green spaces and the water environment provide multi-functional spaces which have significant health, environmental, economic and social benefits for those who live work and enjoy recreational facilities within the Borough. This SPD identifies at page 12 that Informal/Natural Green Space should be provided at the level of 2.0 hectares per 1000 persons. This SPD is attached at **Appendix 1**

<https://www.ashford.gov.uk/media/1qonshe4/public-green-spaces-water-spd-july-2012.pdf>

Guidance within the NPPF, Paragraphs 91-101 in particular.

This site falls beneath the threshold for on-site provision (50 units) and therefore a financial contribution is sought to contribute towards provision within the Parish Council area. That must be equivalent to a cost of £362 per dwelling for capital costs and £325 per dwelling for a commuted sum for maintenance.

With regards deficiencies in open space for Wye, as per the Green Space SPD calculation the parish has existing provision of 3.12 ha – Recreation Ground 1.88 ha, and Churchfield Way Green 1.24ha. For the estimated population of 2563, 5.13 ha of informal open space is required; there is a deficiency gap of 2.01 ha.

The new development will put further stress on this deficiency. The Parish Council have identified both quantitative and qualitative improvements for the village.

Project(s) will be agreed with the Parish Council for projects within the Parish Council area.

With regards deficiencies to open space for Wye, as per the Green Space SPD calculation, the parish has existing provision of 3.12 ha – Recreation Ground 1.88 ha, and Churchfield Way Green 1.24ha. For the estimated population of 2563, 5.13 ha of informal open space is required: there is a deficiency gap of 2.01 ha. The new development will put further stress on this deficiency. The Parish Council have identified both quantitative and qualitative improvements for the village.

*These are **Directly related*** to the development as occupiers would be expected to use informal/natural green space within the surrounding area and the facilities to be provided would be available to them.

*These are **Fairly and reasonably related in scale and kind*** considering the extent of the development, the number of occupiers and the extent, location and nature of the facilities to be provided, which would be provided locally in accordance with adopted policies and to be maintained for a limited period of 10 years and are proportionate to the number of future residents of the scheme.

### 1.3.2 Affordable Housing

The provision of Affordable Housing is **necessary** to accord with the Council's 2014 Strategic Housing Market Assessment (SHMA) and Development Plan policies. The SHMA established that around 50% of all future houses delivered in the Borough should be affordable to meet our full objectively assessed housing needs. However, as part of the Local Plan, it is assessed that this figure is unlikely to be delivered mainly due to the housing market's inability to deliver it.

Whole plan viability testing has been carried out to support the Local Plan which tested various levels of affordable housing requirement. The policy has been set at a level which is considered deliverable in terms of viability when tested alongside all other policies set out in the Local Plan, balanced against the need to maximise potential affordable housing delivery to meet the identified need. This requirement is specified in Policies SP1 and HOU1 of the Ashford Local Plan 2030, the Affordable Housing SPD and the provisions of the NPPF:

*Policy SP1 Strategic Objectives* includes the objective to provide a mix of housing types and sizes including affordable homes.

*Policy HOU1 Affordable Housing* seeks a total affordable housing contribution on this site of 40%, with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership.

*Affordable Housing SPD (see **Appendix 2**)*: This references the previous Development Plan and to that extent is not relevant to the application of

current affordable housing targets. However, it contains a significant level of supporting information about matters such as design and quality standards, integration of affordable housing into a scheme, alternatives to on site provision, etc. and is therefore a relevant document.

Viability evidence supporting the Local plan demonstrated variation in the viability of residential development across the Borough and the Local Plan identifies different levels of contribution across the district. This is identified in Map 2 of the Local Plan (**Appendix 3**), whilst Policy HOU1 itself sets out the different levels of provision sought across these areas.

For this scheme, Policy HOU1 results in 16 dwellings being provided for affordable housing. The applicant has however submitted a case indicating that the floorspace created by existing green houses and other buildings on site is such, when considering Vacant Building Credit, as to largely offset the requirement for the provision of affordable housing. This amounts in this case to a requirement of 1.43 units (included in the SoCG).

The appellant has offered, and the Council has agreed to, 2 units for shared ownership. If constructed, these would be required to be constructed and transferred to a registered provider. The provision should include one 2 bedroom and 1 three bedroom unit and these have been agreed as being within plots 8 and 9. The size of the units is considered to represent the need of some of those on the Council's housing list for the type of accommodation available, in this case, shared ownership. Their provision would be dependent upon a Registered Provider being identified to oversee these units, and failing that, the s106 allows provision of a sum in lieu of two delivery on-site to an equivalent to the difference between the open market value of the Shared Ownership Unit(s) and 70% of that open market value, instead of the two units on site.

The scheme would be **Directly related** to the development as all new residential developments of this scale are required by Policy HOU1 to make an affordable housing contribution appropriate to their scale to ensure the provision of a mixture of housing types across the district.

It is **Fairly and reasonably related in scale and kind** to the proposed scheme, taking account of the impacts of Vacant Building Credit upon the application of Local Plan Policy HOU1. If a Registered Provider cannot be found then a commuted sum would be acceptable according with the Council's approach to flexibility in order to secure appropriate contributions and the scale of provision is proportionate to the scale of development.

### **1.3.3 Custom/Self Build**

The Council supports the provision of self and custom

build developments as **necessary** to bring choice to the housing market and enable local people to design and build their own homes to meet bespoke needs. The establishment of the Ashford Self and Custom Build Register has taken place, available to register on line, and evidence gained from future

SELASs and SHMAs will continue to inform the level of need for self-build plots.

This approach is enshrined in Local Plan Policy:

*HOU6 Self and Custom Built Development* – requires sites in the villages and rural areas delivering more than 20 dwellings to supply no fewer than 5% of serviced dwelling plots for sale to self or custom builders. This provision is predicated on the fact that where plots have been marketed for sale to self or custom builders for at least 12 months and have not sold, that they can return to the developer to be developed or be sold as open market housing and that development proposals must be of a high quality design and provide sustainable development.

This approach supports the approach of the *NPPF* which specifically at paragraphs 61 and 64 reference the need to provide for self and custom builders.

The *Community Infrastructure Levy Regulations* provide an exemption to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor providing the person benefitting from the exemption owns and occupies the property as their principal residence for a minimum of 3 years after works are completed.

In accordance with Policy HOU6, the site comprises more than 20 dwellings and is in a village/rural area. 5% of dwellings should be provided as Custom/self-build which equates to 2 Dwellings, and these are to be disposed to a self-build & custom house builder no later than 3 months prior to the anticipated date of Occupation of the last open market dwelling.

This scheme is **Directly related** to the development since the scheme would provide two such homes for self or custom builders to occupy, being the number identified by Policy HOU6.

It is **Fairly and reasonably related in scale and kind** being proportionate to the scale of development proposed, in accordance with policy insofar as the number and an alternative means of disposal in the event that a self or custom builder does not purchase the plots.

#### **1.3.4 Adult Social Care**

KCC require £148.88 per dwelling towards Extra Care provision in the Borough to meet the demand created by the site generated by the estimated number of users. Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.

Kent County Council have submitted their own evidence to support this infrastructure request.

#### **1.3.5 Allotments**

A contribution is **necessary** to accord with the following policies of the Ashford Local plan 2030:

SP1 Strategic Objectives includes the objectives to conserve and enhance the Borough's natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature and to ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services and to promote healthier lifestyles.

COM1 Meeting the community's needs including infrastructure and facilities including allotments

COM2 Recreation Sport Play and open Spaces seeking a quantum of development of recreation sport play and open spaces provision consistent with the standards established in the Public Green Spaces and Water Environment SPD,

COM3 Allotments Are an increasingly popular leisure activity providing wildlife and species rich habitats and attractive areas of green space as well as making a contributions to the planning and promotion of healthy communities encouraging physical activity and social interaction. Where existing allotments meet the quantitative standards identified in the SPD referred to below, then monies can be spent to ensure the allotments comply with the design standards established in the Public Green Spaces and Water Environment SPD, as is the case in this instance.

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development

Public Green Spaces and Water Environment SPD also referred to above in the Informal Green Spaces contribution. Green spaces and the water environment provide multi-functional spaces, including allotments, which have significant health, environmental, economic and social benefits for those who live work and enjoy recreational facilities within the Borough. This SPD identifies at page 12 that Allotments should be provided at the level of 02.hectares per 1000 population This SPD is attached at Appendix 1 above.

The NPPF at Section 8 addresses the importance of promoting healthy and safe communities referencing allotments in particular at paragraph 91.

In this instance, whilst the number of allotments in Wye meet the identified provision standard, the Wye Parish Council have identified that the quality of the allotments does not comply with the standards and design principles. The Parish Council have identified projects to improve the quality of provision, which will contribute towards alleviating the burden of increased demand on the existing provision, and raise the quality more in line with that detailed in the Public Green Space SPD.. A contribution is considered necessary at the rate of £258 per dwelling for capital costs and

£66 per dwelling for maintenance to be applied in the event or receipt towards the provision of:

- Improved fencing (including rabbit);
- 'Grass guard' type surfacing for all-year round user parking areas,
- Improved access and construction of raised beds for wheelchair users;
- Water supply provision;
- Conservation allotment plot mapping and boundary marking;
- Other land management measures at Beanfield (Occupation road) and/or Churchfield allotments (between Churchfield Way and Bridge Street, Wye);
- The extension of Beanfield allotments to meet the demand generated by the site to be paid upon occupation of 75% of the dwellings.

These projects have been identified in agreement with the Wye and Hinxhill Parish Council and agreed with the Borough Council. The provision of private garden space as part of the development is not relevant in terms of contributing towards the allotment typology. The Parish Council have identified projects to improve the quality of provision, which will contribute towards alleviating the burden of increased demand on the existing provision, and raise the quality so that it is more in line with that detailed in the Public Green Space SPD.

The contribution is **Directly related to the development** insofar as future residents of the scheme could use the local allotments.

The contribution sought **is Fairly and reasonably related in scale and kind** by virtue of the fact that the contribution is derived from the standards identified within the Public Green Spaces and Water Environment SPD which forms part of the supporting evidence to the Adopted Ashford Local Plan 2030. They are proportionate to the number of future residents of the scheme.

### 1.3.6 Cemeteries

The contributions *are necessary* to comply with the following policies of the Ashford Local plan 2030:

COM1 Meeting the community's needs including infrastructure and facilities including cemeteries

COM4 Cemetery Provision advises that proposals for new provision will be supported subject to provision of suitable land, no adverse impacts upon the water table and sympathetic impacts upon the wider landscape.

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development.

Public Green Spaces and Water Environment SPD also referred to above in the Informal Green Spaces contribution. Green spaces and the water environment provide multi-functional spaces, including cemeteries, which

have significant health, environmental, economic and social benefits for those who live work and enjoy recreational facilities within the Borough. This SPD identifies at page 12 that Cemeteries should be provided at the level of 0.6hectares per 1000 population This SPD is attached at Appendix 1 as referenced previously.

In accordance with the above SPD, the scheme is required to provide a contribution of £284 per dwelling and £176 per dwelling for commuted maintenance for Churchfield Burial Ground, Wye. This would be applied in the event of receipt towards:

- The creation of direct and accessible access;
- A new garden of remembrance;
- Hard and soft landscaping;
- Signage;
- Seating and related works at the Cemetery (including the cost of the preparation of any necessary landscape design and management plan).

The contribution is to be paid upon occupation of 75% of the dwellings.

For the estimated population of 2,563, 1.54 ha of cemetery provision is required in accordance with the standards specified in the Green Space SPD calculation; 1.31 ha is currently provided, leaving a deficiency gap of 0.23 ha. Further development will increase this deficiency and put pressure on existing provision.

The contributions are **Directly related to the development** insofar as the cemetery provision would be available for use by future residents.

It is **Fairly and reasonably related in scale and kind** to the proposed development insofar as the contributions are compliant with the scale identified in the relevant SPD which forms part of the supporting evidence for the Ashford Local Plan 2030 and are proportionate to the number of future residents of the scheme.

### 1.3.7 Children's and Young People's Play Space -

The contribution is **necessary** to ensure compliance with the following policies of the Ashford Local Plan 2030:

COM1 Meeting the community's needs including infrastructure and facilities, including play space.

COM2 Recreation Sport Play and open Spaces seeking a quantum of development of recreation sport play and open spaces provision consistent with the standards established in the Public Green Spaces and Water Environment SPD.

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development.

The Public Green Spaces and Water Environment SPD is also referred to above. Green spaces and the water environment provide multi-functional spaces, including Children's and Young Peoples Play Space, which have significant health, environmental, economic and social benefits for those who live work and enjoy recreational facilities within the Borough. This SPD identifies at page 12 that Children's and Young Peoples Play Space should be provided at the level of 0.5hectares per 1000 population This SPD is attached at Appendix 1.

The NPPF at Section 8 identifies the importance of achieving healthy, inclusive and safe places which promote social interaction, safely, to enable and support healthy lifestyles. Paragraphs 96-101 consider access to a network of high quality open space and opportunities for sport and physical activity.

In accordance with the Green Space SPD calculation, current play provision totals 0.38 ha, provided by the two play sites at the recreation ground and primary school field, and the MUGA at the recreation ground. For the estimated population of 2563, 1.28 ha of play is required; there is a deficiency gap of 0.9 ha. Further development will increase this deficiency and put pressure on existing provision.

The Parish Council have identified additional land for play provision which will increase play quantity in terms of ha, as well as additional quality improvements to expand existing provision.

Provision offered by an educational establishment such as Wye School is normally considered private and as part of the education offer, and does not typically count towards public provision of formal sport facilities. We are not aware of a community use agreement regarding the facilities at Wye School, and therefore as such they do not count towards parish provision of formal sport.

In accordance with the provisions of the Public Green Spaces and Water Environment SPD the scheme should deliver a contribution of £649 per dwelling for capital costs and £663 commuted sum per dwelling for the acquisition of any of the following:

- Additional land adjacent to Lady Joanna Thornhill Endowed Primary School playing field;
- Clearance design and implementation of infrastructure works;
- The installation and maintenance of play equipment; and/or
- The installation of an all-weather surfaced area in the vicinity of the play equipment; and/or
- Improvements to and maintenance of the existing play facilities (0 – 13 years) at the village hall recreation ground.

In order to meet the demand generated by the development to be paid upon occupation of 75% of the dwellings.

These projects have been identified as necessary by Wye and Hinxhill Parish Council and form part of the Council's strategy for the area

The contributions are **Directly related to the development** insofar as the scheme provides for family housing where future residents are likely to have children who would use the facilities provided within the local area.

**It is Fairly and reasonably related in scale and kind** by virtue of the fact that the contribution is derived from the standards identified within the Public Green Spaces and Water Environment SPD which forms part of the supporting evidence to the Adopted Ashford Local Plan 2030. The contribution is proportionate to the number of future residents of the scheme.

#### **1.3.8. Libraries**

KCC require £55.45 per dwelling for additional bookstock for Wye Library for new borrowers generated by the development. Half the contribution to be provided upon 25% occupation and the balance on 50% occupation.

Kent County Council have submitted their own evidence to support this infrastructure request.

#### **1.3.9 Primary School**

KCC require £4,535.00 per dwelling towards a new Conningbrook primary School and £2,363.00 per dwelling to be provided for the acquisition of the new 2 form entry Primary School site at Conningbrook as children of occupiers will attend the primary school and the facilities to be funded would be available to them. Half the contribution to be provided upon 25% occupation and the balance on 50% occupation.

Kent County Council have submitted their own evidence to support this infrastructure request.

#### **1.3.10 Secondary School**

KCC require £4,115.00 per dwelling towards the Norton Knatchbull School Expansion as children of occupiers will attend the secondary school and the facilities to be funded would be available to them. Half the contribution to be provided upon 25% occupation and the balance on 50% occupation.

Kent County Council have submitted their own evidence to support this infrastructure request.

#### **1.3.11 Community Learning**

KCC require £34.45 per dwelling towards IT Equipment for new learners at Ashford Adult Education Centre as occupiers could attend Ashford Adult Education Centre. Half the contribution to be provided upon 25% occupation and the balance on 50% occupation.

Kent County Council have submitted their own evidence to support this infrastructure request.

### 1.3.12 Strategic Parks

This contribution is considered to be **necessary** to comply with the following policies of the Ashford Local Plan 2030:

COM1 Meeting the community's needs including infrastructure and facilities including strategic park provision

COM2 Recreation Sport Play and open Spaces seeking a quantum of development of recreation, sport, play and open spaces provision consistent with the standards established in the Public Green Spaces and Water Environment SPD.

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development

Public Green Spaces and Water Environment SPD is also referred to above in the Informal Green Spaces contribution. Green spaces and the water environment provide multi-functional spaces, including strategic parks, which have significant health, environmental, economic and social benefits for those who live work and enjoy recreational facilities within the Borough. This SPD identifies at page 12 that Strategic Parks should be provided at the level of 0.3 hectares per 1000 population This SPD is attached at Appendix 1 above and identifies that across the Borough that 5 hectares of strategic park space is sought. This is a target as only major developments will be required to deliver a proportion of these provisions.

The NPPE at Section 8 identifies the importance of achieving healthy, inclusive and safe places which promote social interaction, safely, to enable and support healthy lifestyles. Paragraphs 96-101 consider access to a network of high quality open space and opportunities for sport and physical activity.

Pursuant to the identified SPD, the scheme should contribute £146 per dwelling for capital costs and £47 per dwelling towards a commuted sum for maintenance is required for Hub Projects under Policy COM2 at Discovery Park and Conningbrook Park. Discovery Park is a 142 ha strategic park lying to the south of Ashford within a new garden village at Chilmington whilst Conningbrook Lakes Country Park lies to the north east of Ashford, to the south west of Wye.

The contributions are to be to be paid upon occupation of 75% of the dwellings.

Discovery Park is a new major open space and recreational area proposed to include a number of sports pitches, a large indoor sports building, strategic play space and managed outdoor recreational space. Conningbrook Park is a new large water based recreational resource and facilities at Conningbrook Lakes and significant indoor sports provision in the form of the existing Julie

Rose Stadium. Complementary provision in the form of strategic play space and informal space will also be provided here.

The scheme would be **Directly related to the development** insofar as future residents could use the strategic park facilities.

The contribution is **Fairly and reasonably related in scale and kind** since the level of contribution is derived from the formula identified in the relevant SPD which is proportionate to major developments across the Borough and future residents on the site.

### 1.3.13 Voluntary Sector

This contribution is **necessary** pursuant to the following policies of the Ashford Local Plan 2030:

Policy SP1 Strategic Objectives includes the objective to provide a mix of housing types and sizes including affordable homes.

COM1 Meeting the community's needs including infrastructure and facilities including strategic park provision

IMP1 Infrastructure Provision seeking the delivery of infrastructure to support new development

KCC Voluntary and Community Sector 2015 which identifies the importance of the voluntary and community sector in the provision of services building capacity and resilience in local communities. It provides a framework to guide engagement with the sector, to provide consistency regarding the funding approach to enhance the commitment to volunteering and clarify the offer of support to the sector. ( Attached at **Appendix 4**).

The NPPF at Section 8 considers the need to provide the social, recreational and cultural facilities and services the community needs. This should include taking into account the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community, guarding against the loss of valued facilities and services and ensuring that an integrated approach is taken to considering the location of community facilities and services.

In accordance with the usual practice of the Ashford Borough Council, a payment of £87 per dwelling is required towards groups active within the vicinity of the development. To be paid upon occupation of 75% of the dwellings.

The contributions are **Directly related to the development insofar as** future residents of the development proposed could use the local voluntary services to which the monies would contribute.

The contribution is **Fairly and reasonably related in scale and kind** insofar as the monies would be proportionate to the scale of development being based upon a payment per dwelling.

#### 1.3.14 Youth Services

KCC require £65.50 per dwelling towards additional resources to the youth service operating in the vicinity of the Development. Half the contribution to be provided upon 25% occupation and the balance on 50% occupation.

Kent County Council have submitted their own evidence to support this infrastructure request.

#### 1.3.15 Public Art

This contribution is considered **necessary** to comply with the following policies of the Ashford Local plan 2030:

*Policy SP1 Strategic Objectives* includes the objective to provide a mix of housing types and sizes including affordable homes.

*Policy SP6 Promoting High Quality Design* Development proposals must be of high quality, design and demonstrate a careful consideration of the character, distinctiveness and sense of place, quality of public spaces and richness of detail, taking account of national and local design policies and guidance. Specific reference is made to contributions that can be made to public spaces by public art.

*COM1 Meeting the community's needs* including infrastructure and facilities including strategic park provision

*IMP1 Infrastructure Provision* seeking the delivery of infrastructure to support new development

Ideally such a contribution would be made towards a local art installation, being commissioned specifically as a result of the contributions arising from the three Wye Appeals.: (references 17/00567, 19/01327 and 19/01330). However in the absence of an identified contribution within the village of Wye, Conningbrook Lakes Country Park is identified as a potential recipient of the contribution having been identified as a location for up to seven art installations. (**Appendix 5 A Public Art Strategy for Conningbrook Lakes**). Attached at **Appendix 6** is the Art and Cultural Industries Strategy Report which identifies at page 16 the rationale for the contribution being sought.

£141 per person, (multiplied by an assumed occupation rate of 2.4 persons per household) multiplied by the number of dwellings, is required to be applied in the event of receipt towards the cost of conceptualising, commissioning and delivery of a project, a project to be agreed in association

with the Parish Council. This amounts to £13,536.00 to be paid upon Occupation of 75% of the dwellings.

A household figure of 2.4 has been assumed for this contribution. This mirrors the approach being used by KCC for determination of primary and secondary school places, and is also standard practice for other calculations, such as Sports England to determine sports needs in an area. This relates to the provision of houses, as flats derive a different variation (1.7 persons per flat) reflecting their different needs. The dwellings assumed relevant to this specific request are broadly what could be termed as family type accommodation and it therefore follows that a figure of 2.4 persons per dwelling is proportionate and appropriate in the circumstances. This figure is also used in the Public Green Spaces and Water Environment SPD at page 13 so a consistent approach is taken here.

This contribution **Directly related to the development** insofar as future residents of the development proposed could use and enjoy the local area where this artwork would be situated.

The contribution is **Fairly and reasonably related in scale and kind** connected to the local area that residents could use and being proportionate to the scale of development proposed.

### 1.3.16 Public Rights of Way

This contribution is **necessary** to accord with Policies SP1, TRA5 of the Ashford Local Plan 2030 and Policy WNP10 of the Wye Neighbourhood Plan 2016:

Policy SP1 Strategic Objectives includes the objective to promote access to a wide choice of easy to use forms of sustainable transport including....walking to encourage as much non car based travel as possible and to promote healthier lifestyles.

Policy TRA5 Planning for Pedestrians refers to development proposals demonstrating safe and accessible pedestrian access and movement routes being delivered and opportunities being taken to connect with and enhance public rights of way whenever possible.

WNP Policy WNP10 Density and Layout: Development will be encouraged to provide links to safe walking and cycling routes to the village centre facilitating access to schools, the surrounding countryside and minimising the need for the car.

KCC require a contribution of £12,688 towards improvements to the surface of the AE112 in the vicinity of the site and upgrading of the surface of the Bridleway AE109 through the site to be paid to KCC prior to Occupation of 50% of Dwellings.

Kent County Council have submitted evidence regarding the costings associated with the works proposed and this is attached at **Appendix 7**.

This contribution is **Directly related to the development** insofar as residents would live in close proximity to the proposed works and have the opportunity to use the improved public right of way to access the surrounding area.

This contribution is **Fairly and reasonably related in scale and kind** since it is related to and proportionate to the scale of the development and would constitute a scheme capable of use by the future residents promoting sustainable modes of transport in accordance with the Walkable village concept of the Wye Neighbourhood Plan.

### 1.3.17 Monitoring Fee

A contribution is **necessary** to generate the funds to allow the Council to monitor the provisions contained within the S106 Obligation and pursuant to the identified policies of both local and national planning policy. This would accord with the considerations of the Planning Committee who considered this matter, including the matter of monitoring costs in September 2020.

A fee of £1000 per annum is sought until the development has been completed towards the cost of monitoring compliance with the undertaking. The first payment to be paid upon commencement of the development and on the anniversary thereof each year subsequent.

The payment is **Directly related** to the development insofar as it provides specifically for the monitoring of the planning obligation which relates to this site and proposed development.

It is **Fairly and reasonably related in scale and kind** to the development being considered on an individual basis and in consideration of the scale and complexity of the monitoring exercise required.

All contributions are indexed in accordance with national price indices in accordance with the following

<https://www.ashford.gov.uk/media/wy5hm0ut/national-price-indices.pdf>

**Appendix 8.**

## 2. CIL TESTS

2.1.1 The following table summarises the above planning obligations and how they comply with the three tests set out in the Regulation 122 Assessment:

Planning Obligation	Compliance with Regulation 122 Assessment
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Detail	Amounts (s)	Trigger Points (s)	
<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: To be informed with reference to the Parish council</p>	<p>£362 per dwelling for capital costs</p> <p>£325 commuted maintenance cost per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF. The request for this allocation of space refers to the identified need for schemes of 50 units or more and refers to the other Wye College site for 20 units, (ADAS Site) providing a shared space. Each of these applications proposes less than the identified trigger of 50 units but would meet the demand generated by the developments. It must be maintained for 10 years in order to meet the demand generated by the development.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on-site 20% of all units.</p>	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>	<p><b>Necessary</b> as would provide accessible housing pursuant to policies SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as accessible homes for those with reduced mobility would be provided on-site.</p> <p><b>Fairly and reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
<p><b><u>Affordable Housing</u></b></p>	<p>40% unless a reduction is justified under the Vacant</p>	<p>Affordable units to be constructed and transferred to a registered provider upon</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to Policies SP1 and HOU1 of Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF. Under Policy HOU1 on this site, the Council seeks a total affordable housing contribution of 40%,</p>

	<p>Building Credit</p> <p>If no reduction then:</p> <p>2 x 2 and 2 x 3 affordable rent units</p> <p>2 x 2 and Y shared ownership units</p>	<p>occupation of 75% of the open market dwellings.</p>	<p>with 10% being affordable/socially rented accommodation and 30% being affordable homes including a minimum of 20% being in shared ownership. For this scheme, this results in 16 dwellings being provided for affordable housing. The applicant has submitted a case claiming that the floorspace created by existing green houses and other buildings on site is such, when considering Vacant Building Credit, as to largely offset the requirement for the provision of affordable housing. If correct, then the number of units proposed for Affordable Housing would be significantly lower than the number required to be policy compliant. If there is no reduction then 4 would be Affordable Rent and 12 Shared Ownership for those who are not able to rent or buy on the open market, to be provided on-site.</p> <p><b>Directly Related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and Reasonably</b> related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
<b><u>Custom/Self Build</u></b>	<p>5% as serviced dwelling plots</p>	<p>To be disposed to self-build &amp; custom housebuilder no later than 3 months prior to anticipated date of Occupation of last open market dwelling</p>	<p><b>Necessary</b> as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to HOU6 of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations and applies to sites of more than 20 dwellings in villages and rural areas.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
<b><u>Adult Social Care</u></b>	<p>Project: Towards extra care accommodation in the Borough</p> <p>£146.88.00 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>	<p><b>Necessary</b> as enhanced facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. This is subject to any update KCC may have provided.</p> <p><b>Directly related</b> as occupiers will use such facilities and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the</p>

			estimated number of users and is based on the number of dwellings.
<p><b>Allotments</b></p> <p>Project: To be identified with reference to the Parish Council</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers may use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p><b>Cemeteries</b></p> <p>Project: Contribution towards maintenance and ongoing District wide provision</p>	<p>£284 per dwelling</p> <p>£176/unit commuted maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.</p>
<p><b>Children's and Young People's Play Space</b></p> <p>Project: To be informed with reference to the Parish Council</p>	<p>£649 per dwelling for capital costs</p> <p>£663 commuted sum per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock for the Wye Library for the new borrowers generated by this development</p>	<p>£55.45. per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF. This is subject to any update KCC may have provided.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount is calculated based on the number of dwellings.</p>
<p><b><u>Primary Schools</u></b></p> <p>Projects:</p> <p>Primary Education: Towards new Conningbrook primary School</p> <p>Primary Land: Towards the new 2FE Primary School site at Conningbrook</p>	<p>£4,535.00 per house</p> <p>£ To be advised</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF. This is subject to any update KCC may have provided.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
<p><b><u>Secondary Schools</u></b></p> <p>Project:</p> <p>Towards Norton Knatchbull Expansion</p>	<p>£4,115.00 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC’s ‘Development and Infrastructure – Creating Quality Places’ and guidance in the NPPF. KCC refer to this in their CIL Compliance Statement.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

<p><b><u>Community Learning</u></b></p> <p>Project: Towards IT Equipment for the new learners at Ashford AEC.</p>	<p>£34.45. per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as the equipment identified is needed to provide adequate levels of pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF. This is subject to any update KCC may have provided.</p> <p><b>Directly related</b> as occupiers could attend the AEC school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users.</p>
<p><b><u>Strategic Parks</u></b></p> <p>Project: Specific Hub projects (COM2): Discovery Park Conningbrook Park</p>	<p>£146 per dwelling for capital costs  £47 commuted sum per dwelling for maintenance-</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p><b><u>Voluntary Sector</u></b></p> <p>Project: Contribution towards groups active within the village and local area.</p>	<p>£87 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as enhanced voluntary sector services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development as the figure is based on the number of dwellings.</p>
<p><b><u>Youth Services</u></b></p> <p>Project: Towards additional resources for Ashford district Youth Service</p>	<p>£65.50.00 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF. This is subject to any update KCC may have provided.</p>

		balance on occupation of 50% of the dwellings	<p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
<p><b><u>Public Art</u></b></p> <p>Project: Project to be agreed in association with the Parish Council</p>	£141 per dwelling x 2.4	Upon occupation of 75% of the dwellings	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development as the figure is based on the number of dwellings.</p>
<p><b><u>Public Rights of Way</u></b></p> <p>Project: Improvements to the surface of the AE112 in the vicinity of the site</p> <p>Project: Upgrading of the surface of the Bridleway AE109 through the site with a bound surface (specifications to be approved)</p>	£12,688	TBC	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1, KCC Highways guidance and guidance in the NPPF. This is subject to any update KCC may have provided.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>
<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>