

Waverley Borough Council CIL Compliance Statement

Land off Midhurst Road, Scotland Park, Haslemere, Surrey

PINS Ref: APP/R3650/W/23/3327643

LPA Ref: WA/2022/01887

Date: 17th April 2025

Introduction

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 they 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.

A Monitoring Schedule is appended to provide background to the S106 monitoring fee referred to in the table.

The following table explains how the above planning obligations comply with paragraph 56 of the Framework and Regulation 122 and Regulation 121 of the Community Infrastructure Levy Regulation 2010 (as amended) (“CIL Regulations”)

Contribution / Obligation Requested	Requested By	Justification	Policy Requirement	Agreed by Appellant?	S106 or CIL		
<p><u>Highway and Transport Obligations</u></p> <p>Total of £532, 600</p> <p>Comprised of:</p> <table border="1" data-bbox="210 643 887 1361"> <tr> <td data-bbox="210 643 678 1361"> <p>Demand Responsive Bus Service. Prior to the occupation of the 25th dwelling the developer shall pay to the County Council an index linked sum of £100k for the provision by the County Council of a Demand Responsive Bus Service. a) To pay to the County Council four further index linked sums of £100,000, each payable upon the first, second, third and fourth anniversaries of the payment made pursuant to paragraph 1 above for the provision by the County Council of a Demand Responsive Bus Service. b) The County Council shall provide: (a) The Demand Responsive Bus Service using the contributions paid to it for a period of 5 years.</p> </td> <td data-bbox="678 643 887 1361"> <p>£100,000 x 5 = £500,000</p> </td> </tr> </table>	<p>Demand Responsive Bus Service. Prior to the occupation of the 25th dwelling the developer shall pay to the County Council an index linked sum of £100k for the provision by the County Council of a Demand Responsive Bus Service. a) To pay to the County Council four further index linked sums of £100,000, each payable upon the first, second, third and fourth anniversaries of the payment made pursuant to paragraph 1 above for the provision by the County Council of a Demand Responsive Bus Service. b) The County Council shall provide: (a) The Demand Responsive Bus Service using the contributions paid to it for a period of 5 years.</p>	<p>£100,000 x 5 = £500,000</p>	<p>County Highway Authority (<i>See consultation response dated 23/4/2023</i>)</p>	<p>The contribution towards Rights of Way improvements and a Demand Responsive bus service (DRBS) will promote sustainable modes of travel to/from the site.</p>		<p>PRoW / Travel Plan– Yes.</p> <p>DRBS - No</p> <p>The Appellant wishes this to be a ‘blue pencil’ clause.</p> <p>The S106 between the Appellant / SCC includes the measure.</p>	<p>Surrey CC / Redwood (South West) Limited S106</p>
<p>Demand Responsive Bus Service. Prior to the occupation of the 25th dwelling the developer shall pay to the County Council an index linked sum of £100k for the provision by the County Council of a Demand Responsive Bus Service. a) To pay to the County Council four further index linked sums of £100,000, each payable upon the first, second, third and fourth anniversaries of the payment made pursuant to paragraph 1 above for the provision by the County Council of a Demand Responsive Bus Service. b) The County Council shall provide: (a) The Demand Responsive Bus Service using the contributions paid to it for a period of 5 years.</p>	<p>£100,000 x 5 = £500,000</p>						

<p>d) The County Council shall monitor the usage of the Demand Responsive Bus Service annually to help inform the routing and timetable of the Bus Service.</p> <p>e) In the event that any part of the Demand Responsive Bus Service Contribution remains unspent five calendar years after the date on which the final instalment was paid to the County Council, the unspent element shall be repaid to the Owner.</p> <p>f) All financial contributions due to the Highway Authority shall be index linked using the prevailing Retail Price Index (RPI) from the payment date to the date of any resolution to grant planning consent.</p>							
<p>Public Right of Way Network. A contribution towards the upgrade of the Rights of Way network within the vicinity of the site.</p>	<p>£32,600</p>						

<p><u>Housing</u></p> <p><u>Affordable Housing</u> 35% Affordable Housing comprising the 30% policy requirement plus an additional 5% voluntary affordable housing provision.</p> <p>The proposed tenure mix for the 30% policy requirement (as per SPD) is as follows: (a) 60% Waverley Capped Affordable Rent (b) 25% First Homes (in line with the NPPF and standard Government model draft s.106 wording) (c) 15% Shared Ownership.</p> <p>The additional 5% Affordable Housing (over and above policy) will be disposed of as Shared Ownership.</p> <p>Payment of an additional Affordable Housing Contribution of £200,000 prior to the Occupation of more than 50% of the Dwellings to be spent to facilitate the delivery of Affordable Housing within the parish of Haslemere.</p> <p><u>Self-Build</u></p> <p>The equivalent of 5% of the Dwellings must be provided as Self-Build/Custom Build Plots.</p>	<p>Waverley Borough Council</p>	<p>Policy AHN1 of the Local Plan (Part 1) 2018 sets out the LPAs needs for affordable housing (AH) and requires 30% AH provision for the appeal proposal.</p> <p>Policy AHN3 sets out tenure targets within the AH provision of 70% for affordable rented housing and 30% intermediate affordable housing.</p> <p>The appellant is proposing 30% with the relevant split. Plus an additional 5% on-site (35% total).</p> <p>A further £200,000 is offered toward off-site provision of affordable housing.</p> <p>The s106 will secure the delivery of this provision which is</p>	<p>Planning Contributions SPD</p> <p>Policy ICS1 of Waverley Borough Local Plan (Part 1): Strategic Policies and Sites (February 2018)</p>	<p>Yes</p>	<p>Affordable Housing provision is included in the s106.</p>
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		<p>necessary to meet identified Affordable Housing needs and to be policy compliant.</p> <p>This contribution therefore complies with Regulation 122.</p> <p>First Homes is allowed via National Policy and therefore does not need local justification.</p>			
<p><u>Recreation and Open Space, Scout Hall and Forest School provision</u></p> <p>The s.106 provides for the delivery and management of of LAP(s), LEAP(s) and Open Space. The draft conditions secured the submission and approval of a scheme for the provision of a LEAP and two LAPs including the timetable for their implementation before the residential development can commence.</p> <p>The precise size and location of the LAP(s), LEAP(s) and Open Space will also be controlled through the determination of the relevant Reserved Matters Approval.</p> <p>Both the Scout Hall and Forest School Building must be completed prior to Occupation of 80 Dwellings and offered to the relevant group (Scout Group or Forest School) for £1 within 20 Working Days of completion.</p>	<p>Waverley Borough Council</p>	<p>To deliver policy requirements</p>	<p>Policy ICS1 of Waverley Borough Local Plan (Part 1): Strategic Policies and Sites (February 2018)</p>	<p>Yes</p>	<p>Provision to secure the facilities and land transfer included in the S106.</p> <p>Land management/ open space management allowed for in S106.</p>

<p>The Offer must stay open for 6 months. If it is not accepted or if it is accepted but no transfer has been completed within 60 Working Days, the Owner will offer to another body nominated by the Council for £1.</p>					
<p><u>S106 Monitoring (excluding SANG)</u> Total of £5,370 (BCIS Index Linked)</p>	<p>Waverley Borough Council</p>	<p>There is a need to monitor the Section 106 in order to ensure that monies are spent on the delivery of the necessary infrastructure and this is carried out by the LPA. This will involve monitoring the trigger points within the s106, requesting payments from the appellant where necessary, liaising with SCC and other bodies regarding the payment of monies and their transfer, and ongoing monitoring of the spending.</p> <p>National guidance on planning obligations sets out that LPAs can charge a monitoring</p>	<p>National Planning Policy Guidance (NPPG)</p>	<p>Yes</p>	

		<p>fee to cover the cost of monitoring and reporting on delivery of s106s.</p> <p>This is considered to be necessary, directly related to the development, and reasonable and proportionate to the nature and scale of the s106.</p>			
<p><u>SANG Provision and Contribution</u></p> <p>SANG Contribution of £698,871 SANG Monitoring Fee of £11,450 (Both sums BCIS Index Linked)</p> <p>Either Detailed SANG (9.6 Ha) or Larger SANG (12 Ha) to be delivered prior to Occupation.</p> <p>The Owner is obliged to submit details for the Larger SANG. Delivery of Larger SANG is conditional on approval of Larger SANG Details by the Council.</p> <p>Completed SANG to be transferred to SANG Management Company and maintained in accordance with SANG Management Plan.</p>	<p>Waverley Borough Council</p>	<p>There is a need to provide and fund the management and maintenance of the SANG in accordance with the SANG Management Plan.</p>	<p>Policy NE3 of Waverley Borough Local Plan (Part 1): Strategic Policies and Sites (February 2018)</p>	<p>Yes</p>	<p>S106 secures both a smaller (c.9ha) SANG and a larger (c12ha) SANG – on the election of WBC. Management also secured.</p>
<p><u>BNG</u></p>	<p>Waverley Borough Council</p>	<p>There is a need to secure BNG management, and also</p>	<p>Policy DM1 of Waverley</p>	<p>Yes</p>	<p>S106 secures the onward</p>

		capture the possibility for off-site credits to be used by other developments in the locality.	Borough Local Plan		management of BNG and also an off-site credit system.
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In summary, it is considered that the obligations sought are all necessary, directly related to the development and fairly and reasonably related in scale and kind to the appeal scheme. They are considered to comply with the CIL Regulations for the reasons set out above.