

Land off Henthorn Road, Clitheroe
Ribble Valley Borough Council

CIL COMPLIANCE STATEMENT

**Proposed development for up to 110 dwellings with associated open space with
all matters reserved saved for access**

APP/T2350/W/19/3221189



Ribble Valley
Borough Council

ribblevalley.gov.uk

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CONTENTS

1	INTRODUCTION.....	2
1.1	Background.....	2
1.2	Policies.....	2
1.3	Proposed Planning Obligations	3
2	CIL TESTS	5

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.

1.2 Policies

1.2.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014.

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

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI1 – Planning Obligations

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMH1 – Affordable Housing Criteria

Policy DMG3 – Transport and Mobility

Policy DMB4 – Open Space Provision

Policy DME6 – Water Management

1.3 Proposed Planning Obligations

1.3.1 The proposed planning obligations, included within the signed Unilateral Undertaking, cover the following areas of infrastructure:

- **Affordable Housing** - The provision of a proportion of affordable housing as part of the proposed scheme. The proposed residential (Class C3) element of the scheme would include up to 33 affordable houses. This represents 30% of the total number of units proposed. A mix of 50% Affordable Rented Housing units and 50% Affordable Home Ownership units is proposed.
- **Over 55s Accommodation** - The provision of a proportion of over 55s accommodation as part of the proposed scheme. The proposed residential (Class C3) element of the scheme would include up to 17 bungalows specifically for persons over the age of 55. Half (50%) of the over 55s accommodation units shall be included within the affordable units and the other half in the open market dwellings.
- **Education** – The provision of a financial contribution in respect of the additional demand for primary and secondary school places as a result of the proposed development. The financial contribution is calculated using a formula based on the housing mix (number of bedrooms) which will be finalised at reserved matters stage. The appellant however has provided an indicative housing mix and on the basis of these indicative figures, and at the time of calculation, the contribution would be £299,312.89 in respect of 19 primary school places and £213,635.52 in respect of 9 secondary school places (combined total £512,948.41), although this is subject to change.
- **Off-site leisure** - The provision of a financial contribution in respect of the demand for off-site sport and leisure facilities that would be generated by the increase in population associated by the proposed development. The financial contribution is calculated using a formula based on the housing mix (number of bedrooms) which will be finalised at reserved matters stage, however the appellant has provided an indicative housing mix and on the basis of these indicative figures the contribution would be £56,567.52.
- **On-site open space** – Given that the number of houses proposed exceeds 100 it is considered that the provision of on-site areas of public open space, including a children's play area, are necessary to provide suitable amenities for the future residents. The scheme can be designed in such a way to allow the play area to have a degree of separation from the nearest houses and to include amenity green space to provide opportunities for informal activities close to home and enhance the appearance of the development.

- **Public Transport** – The provision of a financial contribution £200,000.00 to be used to promote and sustain public transport provision within the Henthorn Road are to enable residents of the proposed development to access a public transport service.
- **Sustainable Urban Drainage** – The provision of an agreed sustainable urban drainage scheme to be constructed and implemented on site within an agreed timescale.
- **Travel Plan** – The provision of a financial contribution of £6,000 towards the cost of monitoring the Travel Plan.
- **Railway Station Contribution** – The provision of a financial contribution of £10,000 towards the cost of providing cycle storage, lockers, associated lighting and works at Clitheroe Railway Station.

2 CIL TESTS

2.1.1 The following table explains how the above planning obligations comply with the three tests set out in paragraph 204 of the Framework:

PLANNING OBLIGATION	COMPLIANCE WITH REGULATION 122			REGULATION 123 COMPLIANCE
	TEST 1 – NECESSITY	TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	
Provision of affordable housing	The provision of affordable housing is required for the proposal to comply with the provisions of Key Statements DMH3 and DMI1, as well as Policy DMH1 of the Ribble Valley Core Strategy. Without a planning obligation securing the provision of an adequate proportion and mix of affordable housing the proposal would fail to meet the housing needs of the district and area in general and would therefore be contrary to the provisions of paragraphs 20, 34, 62	The provision of on-site affordable housing as a proportion of the housing development means the obligation is directly related to the proposed development.	The level of affordable housing proposed accords with the requirements of Key Statement DMH3. The provision of 30% affordable housing, within the stipulated timescales, is therefore considered fair and reasonable as the proportion advocated under the development plan policies.	Affordable housing is excluded from the definition of infrastructure for the purposes of the CIL regulations and therefore falls outside the scope of regulation 123(3).

	and 64 of the Framework, as well as the Ribble Valley Core Strategy.			
Over 55s Accommodation	The provision of on-site older persons (over 55) accommodation is required for the proposal to comply with the provisions of Key Statement DMH3 of the Ribble Valley Core Strategy. Without a planning obligation securing the provision of an adequate proportion of older person's accommodation the proposal would fail to meet the housing needs of the district and area in general and would therefore be contrary to the provisions of paragraph 61 of the Framework, as well as the Ribble Valley Core Strategy.	The provision of on-site older person's accommodation as a proportion of the housing development means the obligation is directly related to the proposed development.	The level of older person's accommodation proposed accords with the requirements of Key Statement DMH3. The provision of 15% older persons accommodation is therefore considered fair and reasonable as the proportion advocated under the development plan policies.	This obligation is site specific. On this basis there have not been any previous such planning obligations in respect of this development nor any prospective obligations in respect of the development.
Education	The provision of a financial contribution in respect education is	The financial contribution for education is determined by a formula based on the scale of	The financial contribution accords with the requirements of Key Statement DMI1. The	Since April 2010 the number of obligations containing this

	required for the proposal to comply with the provisions of Key Statement DMI1 of the Ribble Valley Core Strategy due to the additional demand the proposed development would create on primary and secondary school places within the catchment area.	development and the identified need for school places within the catchment area which will be exacerbated by the proposed development. As such the contribution is directly related to the proposed development.	payments of the financial contribution are phased to ensure that the money received is appropriate to the scale of the development at the time of the agreed trigger points.	infrastructure type provision is three. Edisford Primary School- two obligations. Bowland High School- one obligation.
Off-site leisure	The provision of a financial contribution in respect of off-site leisure is required for the proposal to comply with the provisions of Key Statement DMI1 and Policy DMB4 of the Ribble Valley Core Strategy due to the additional demand the proposed development would create on sport and recreational facilities within the area.	The financial contribution for off-site leisure is determined by a formula based on the scale of development and therefore this contribution is directly related to the proposed development.	The financial contribution accords with the requirements of Key Statement DMI1 and Policy DMB4. The payment of the financial contribution is due prior to the occupation of 75% of the dwellings so as to ensure that a significant proportion of the dwellings are occupied before the payment is required.	Since April 2010 the number of obligations containing this infrastructure type provision is two.
On-site open space	The provision of on-site open space, including a play area, is required for the proposal to	The provision of on-site open space, including a play area, is directly related to the proposed development and	The provision of on-site open space, including a play area, complies with the provisions of Key Statement DMI1 and	This obligation is site specific. On this basis there have not been any previous such

	comply with the provisions of Key Statement DMI1 and Policy DMB4 of the Ribble Valley Core Strategy due to the requirement to provide adequate and usable public open space on sites measuring over 1 hectare in area.	will directly benefit the future residents of the development proposed.	Policy DMB4 is therefore considered fair and reasonable. The payments of the financial contribution are phased to ensure that the money received is appropriate to the scale of the development at the time of the agreed trigger points.	planning obligations in respect of this development nor any prospective obligations in respect of the development.
Public Transport	The provision of a financial contribution for £200,000 in respect of retaining and promoting public transport improvements is required for the proposal to comply with Section 9 (Promoting Sustainable Transport) of the Framework, and the provisions of Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3 of the Ribble Valley Core Strategy due to the additional demand the proposed development would create on public transport and to provide the future residents with choice in respect of transport.	The financial contribution to promote and sustain public transport provision within the Henthorn Road area to enable residents of the development to access a public transport service is directly related to the proposed development.	The financial contribution of £200,000 accords with the requirements of the Framework and Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3, of the Ribble Valley Core Strategy.	Since April 2010 the number of obligations containing this infrastructure type provision is one.

Sustainable Urban Drainage	The provision of a sustainable urban drainage system (SUDs) scheme is required for the proposal to comply with Key Statement EN3 and Policy DME6 of the Ribble Valley Core Strategy, as well as paragraph 163 of the NPPF.	This is a major housing development on an area of undeveloped greenfield land. The provision of an on-site sustainable urban drainage system (SUDs) scheme will assist in reducing the chance of flood risk elsewhere and is directly related to the proposed development.	The provision of an on-site sustainable urban drainage system (SUDs) scheme will reflect the scale of development proposed to ensure the development does not increase the risk of flooding elsewhere. The requirement accords with the requirements of Key Statement EN3 and Policy DME6 of the Ribble Valley Core Strategy, as well as paragraph 163 of the Framework.	This obligation is site specific. On this basis there have not been any previous such planning obligations in respect of this development nor any prospective obligations in respect of the development.
Travel Plan	The financial contribution of £6,000 towards the cost of monitoring the Travel Plan is required for the proposal to comply with Section 9 (Promoting Sustainable Transport) of the Framework, and the provisions of Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3 of the Ribble Valley Core Strategy in order to promote the use of sustainable modes of transport.	The requirement for a travel plan is suggested to be secured by condition due to the scale of the proposed development and its potential for additional trip generation. A financial contribution to monitor the travel plan is necessary to ensure the measures within the plan are complied with to promote the use of sustainable transport to residents of the proposed development. As such the obligation is directly related to the proposed development.	The financial contribution of £6,000 accords with the requirements of the Framework and Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3 of the Ribble Valley Core Strategy. The financial contribution will be paid prior to first occupation so that the measures agreed within the agreed Travel Plan can be monitored at the appropriate time.	This obligation is site specific. On this basis there have not been any previous such planning obligations in respect of this development nor any prospective obligations in respect of the development.
Town Centre Contribution	The financial contribution of £10,000	The appellant contends that cycle travel between the	The financial contribution of £10,000 accords with the	Since April 2010 the number of obligations

	towards the provision of cycle shelters and lockers in the Town Centre is considered necessary to provide the future residents of the development a realistic opportunity to cycle to the train station/ Town Centre for onward travel. The provision of cycle shelters will enable commuters to cycle to the Town Centre/ train station and safely store their bikes. Provision for alternative transport choices complies with Section 9 (Promoting Sustainable Transport) of the Framework and Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3 of the Ribble Valley Core Strategy.	Appeal Site and local amenities, including those in the town centre, is a viable alternative to the private car. A financial contribution towards the provision of cycle shelters and lockers will provide for the use of modes of sustainable transport to residents of this proposal and is therefore directly related to the proposed development.	requirements of the Framework and Key Statements DS2, DMI1 and DMI2, as well as Policy DMG3 of the Ribble Valley Core Strategy. The financial contribution will be paid prior to first occupation to ensure that all residents have the benefits of these improvements over the whole of the development.	containing this infrastructure type provision is one.
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