

**TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL**

**by**

**Wates Developments**

**AGAINST**

**The refusal of the Maidstone Borough Council to grant outline planning consent for the erection a building for storage and distribution (Class B8 use) with a floorspace up to 10,788sqm (Gross External Area), ancillary offices, associated car parking, HGV parking, landscaping and infrastructure  
(All matters reserved except for access).**

**at**

**Land North of the A20, Ashford Road, Hollingbourne, Kent, ME17 1XH**

**REFERENCES:**

**Planning Inspectorate: APP/U2235/W/23/3329481**

**Local Planning Authority: 23/500899/OUT**

**Planning Obligations CIL Compliance Statement**

**January 2024**

## Compliance Statement with Regulation 122 of the CIL Regulations

Regulation 122(2) (Limitation on use of planning obligations) of the Community Infrastructure Levy Regulations (2010) states:

*(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

*(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.*

The table below sets out the obligations within the legal agreement, their justification, and compliance with Regulation 122.

Obligation	Policy Context	Basis of Need	CIL Compliance
Biodiversity Net Gain Plan	Paragraph 180(d) of the NPPF requires that decisions should contribute to and enhance the natural environment by providing net gains for biodiversity.	In order to provide net gains for 'habitats' the appellant must secure this away from the appeal site.  The legal agreement will secure at least 10% net gain either on the 'Water Lane site', an alternative site, or through statutory credits which would be for at least 30 years.	(a) The provision of off-site habitat net gain is necessary to comply with the NPPF.  (b) The off-site net gain is required due to the loss of habitats as a result of the development at the appeal site.  (c) The level of net gain has been proposed by the appellant and in providing at least 10% is in line with upcoming legislation so considered fair and reasonable.
Biodiversity Monitoring Contribution (£1,344)	Paragraph 180(d) of the NPPF requires that decisions should contribute to and enhance the natural environment by providing net gains for biodiversity.	The legal agreement secures the submission of 7 monitoring reports for the 30 year period.  The contribution will cover the costs of the LPA (via Kent County Council Ecological Advice Service) reviewing and advising on these reports.  The justification for the costs is set out below.	(a) The provision of off-site habitat net gain is necessary to comply with the NPPF and monitoring for 30 years is required to ensure compliance.  (b) The off-site net gain and its monitoring is required due to the loss of habitats as a result of the development at the appeal site.  (c) The contribution covers the costs of reviewing and advising on the 7 monitoring reports.

<p>Travel Plan Monitoring Contribution (£1,422)</p>	<p>Policy DM21 of the Maidstone Local Plan under criteria 1(ii) states: <i>Development proposals must: Provide a satisfactory Transport Assessment for proposals that reach the require threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Councils' Guidance on Transport Assessment and Travel Plans and in Highways England guidance.</i></p>	<p>The contribution will cover the costs of the Highway Authority (Kent County Council) monitoring the Travel Plan.  The justification for the costs is set out below.</p>	<p>(a) A travel plan is required to comply with policy DM21 of the Local Plan and monitoring is required to ensure it achieves its aims.  (b) The contribution covers the costs of monitoring the travel plan for the operation of development.  (c) The contribution covers the costs of reviewing and monitoring the travel plan.</p>
<p>Section 106 Monitoring Fee (£1,530)</p>	<p>N/A This is a fee to cover the costs of monitoring the Section 106 itself.</p>	<p>N/A This is a fee to cover the costs of monitoring the Section 106 itself.  The justification for the costs is set out below.</p>	<p>N/A This is a fee to cover the costs of monitoring the Section 106 itself.</p>

## **Costs Breakdowns**

### **Biodiversity Monitoring Contribution**

KCC Ecological Advice Service have stated: To review and advise on each BNG monitoring report would take 3 to 5 hours with an hourly rate of £48.

Therefore assume an average of 4 hours for each report:  $(4 \times 48) \times 7 = \mathbf{£1,344}$

### **Travel Plan Monitoring Contribution**

KCC Highways have stated: Predicted 45 hours at £31.60 per hour to cover initial checks and set up, and auditing in years 0, 1, 3 and 5.

$45 \times 31.60 = \mathbf{£1,422}$

### **Section 106 Monitoring Fee**

Monitoring fees are set out on the Council's website:

Non-residential development: First obligation £1,020 & Subsequent obligations £510

First obligation (BNG provisions) + Travel Plan = **£1,530**