



Town and Country Planning Act 1990 (As Amended)

Planning Appeal

HM Prison Wymott Moss Lane Ulnes Walton Leyland PR26 8LW

Appeal Ref: APP/D2320/W/22/3295556

Community Infrastructure Levy Compliance Statement

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1. Background

1.1 Paragraph 57 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.

2. Policies

2.1 The development plan for Chorley Borough is the Central Lancashire Core Strategy adopted in July 2012 and the Chorley Local Plan 2012 – 2026 adopted July 2015.

2.2 The following policies within the Core Strategy and Chorley Local Plan are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 22: Biodiversity and Geodiversity

Policy 24: Sport and Recreation

Local Plan

ST1 – ST1.7 Cycle link from Croston, Ulnes Walton to Leyland. This is set out in the June 2021 Infrastructure Funding Statement

although no further detail is provided.

BNE1: Design Criteria for New Development a) – h)

BNE9: Biodiversity and Nature Conservation

BNE10: Trees

BNE11: Species Protection

HW1: New Open Space, Sport and Recreational Facilities

HW2: Protection of Existing Open Space, Sport and Recreation Facilities

HW6: Community Facilities

3. Proposed Planning Obligations

3.1 The proposed planning obligations, included within the Section 106 Agreement, cover the following areas of infrastructure:

- **Biodiversity Net Gain Monitoring** – 20% biodiversity net gain is being aimed for at the site. Once this is delivered, annual monitoring will take place for 5 years, followed by monitoring at 5 year intervals for 30 years.

- **Replacement Bowling Green and Club House**

The proposed development requires the relocation of an existing bowling green and club house facilities, used by Wymott Bowling Club. The proposed bowling green and new club house approved as part of this application will be relocated to nearby land in the applicant's ownership. The new facility approved as part of this application shall be constructed and made available for use by Wymott Bowling Club before the existing facility is no longer available to use.

- **LCC Highways contribution**

The appellant has proposed the provision of on-site amenity greenspace including an on-site equipped play area and a financial contribution towards playing pitches in line with the requirement as set out below:

- £100,000 per annum for a period of 5 years to fund the enhancement of existing bus service provision as described above.
- £50,000 for improvement of the surface condition of Nixon Lane and provision of signage to facilitate cyclists access from School Lane to the proposed site. Further changes are required, not forming part of this contribution, as indicated earlier to ensure that a developer delivered route is delivered to enable the improved cycle route to be integrated within the site environment.
- £18,000 to enable LCC to provide the following services in relation to travel plan:
 - Appraise the Workplace Travel Plan submitted to the Council pursuant to the planning permission and provide constructive feedback.
 - Oversee the progression from Interim to Full Workplace Travel Plan in line with agreed timescales.
 - Monitor the development, implementation and review of the Workplace Travel Plan for a period of up to 5 years.
- £485,834 contribution to mitigate the impact of the proposed development at A581 southport Road/Ulnes Walton Lane. LCC would request the S106 contribution to help support the development of a wider corridor scheme along the A581 to be delivered by LCC. The value of the S106 contribution is to be determined by the level of funding required to deliver the signalised mitigation option proposed by Atkins. This cost is currently being reviewed by LCC.

4. CIL Tests

- 4.1 The following table explains how the above planning obligations comply with the three tests set out in paragraph 57 of the Framework and Regulation 122 and Regulation 121 of the Community Infrastructure Levy Regulation 2010 (as amended) (“CIL Regulations”):

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Biodiversity Net Gain Monitoring	<p>The provision of 20% biodiversity net gain is being aimed for at the site in order to provide a benefit of the development in consideration of circumstances that would outweigh the harm to the Green Belt through inappropriate development.</p> <p>Biodiversity enhancements are required due to the impact of the development on habitats that are present on the site and are therefore required in line with policy 22 of the Core Strategy and policy BNE 9 and 11 of the Local Plan.</p> <p>Without securing the monitoring of habitat proposed to be created it would not be possible to ensure that the 20% net gain target has been achieved and established.</p>	<p>Biodiversity enhancements are required due to the adverse impact of the development on habitats that are present on the site. are therefore required in line with policy 22 of the Core Strategy and policy BNE 9 and 11 of the Local Plan.</p>	<p>The 20% improvement has been offered up by the appellant as a benefit of the development in seeking to outweigh the harm to the Green Belt. The net gain improvement has been informed by the Ecological Impact Assessment and Net Gain calculations and identified as being deliverable in the comprehensive landscaping masterplan. The proposed 20% improvement therefore has a reasonable prospect of being delivered. The Metric used by the appellant is in line with all the emerging Government guidance and modelling that is required to demonstrate a 10% uplift. The emerging guidance currently would require habitats to be secured for at least 30 years. The level of monitoring is therefore considered fair and reasonable in this context.</p>	<p>The Council's Infrastructure Funding Statement June 2021 does not make provisions for Biodiversity Net Gains from development. The development is subject to a £0 per sqm charge under the Chorley Council Community Infrastructure Levy Charging Schedule for 2022.</p>

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Replacement Bowling Green and Club House	The existing bowling green and club house would be lost in order to develop the proposed prison. Sports facilities are protected by the Framework, policy 24 of the Core Strategy and policy HW2 of the Chorley Local Plan. It is therefore necessary to offset the loss of these facilities through the provision of new ones. These would need to be secured prior to any loss of facilities in order to sustain their continued availability.	The bowling green and club would be lost to the proposed development and therefore must be replaced in order to offset this loss. Furthermore the new facilities are advanced by the appellant as a benefit that would help outweigh the harm to the Green Belt through inappropriate development.	The standard of bowling green and extent of the facilities proposed are equivalent to those that would be lost. The necessity to provide these is entirely commensurate and therefore fair and reasonable in consideration of the complete loss of the existing facilities.	No direct financial contributions are required by this obligation.
Bus Service Provision	The existing bus service does not route through the application site and therefore in order to support public transport provision so that sustainable transport options can be provided and that a wider catchment of employees and visitors can access the site funding is require to divert the existing nearby service into the site. This is in line with policy 2 and 3 of the Core Strategy.	Additional journeys to the site would not occur without the proposed development.	The proposed development is within the suggested 5km acceptable cycling distance of the Croston Railway Station and can be used by cyclists from the prison sites.	The Council's Infrastructure Funding Statement June 2021 sets out that the use of S106 agreements will extend to strategic infrastructure such as highway and transportation improvements if they are needed as part of the development. The development is subject to a £0 per sqm charge under the Chorley Council Community Infrastructure Levy Charging Schedule for 2022.

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Cycle Path Improvements	To support sustainable transport options in line with the county council's long term cycle strategy for the area, and in line with policy ST1 of the Chorley Local Plan and policy 3 of the Core Strategy.	Additional journeys to the site would not occur without the proposed development.	The cycle path improvements would link the site with the closest residential areas and rail provision.	<p>The Council's Infrastructure Funding Statement June 2021 specifically references the Cycle Link from Croston to Ulmes Walton to Leyland. This would be funded partly by CIL but is identified as requiring external grant funding to deliver. In the absence of any external grant funding the developer would meet this gap so that the element of the cycle link connected to the application site can be delivered.</p> <p>The development is subject to a £0 per sqm charge under the Chorley Council Community Infrastructure Levy Charging Schedule for 2022.</p>

PLANNING OBLIGATION	Regulation 122 TEST 1 – NECESSITY	Regulation 122 TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	Regulation 122 TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND	Regulation 121 CIL COMPLIANCE
Travel Plan development and monitoring	To support and encourage sustainable transport options and to oversee amendments and monitoring to ensure that the most appropriate plan is agreed and implemented in order to encourage the widest range of travel choices and effective take up rate. In line with policy 3 of the Core Strategy.	The travel plan is specifically required and designed to support the proposed development, which would attract a significant increase in journeys to the site.	The costs reflect the level of involvement that would be necessary from the Local Highway Authority to ensure that and appropriate travel plan is developed and delivered.	<p>The Council's Infrastructure Funding Statement June 2021 sets out that the use of S106 agreements will extend to strategic infrastructure such as highway and transportation improvements if they are needed as part of the development.</p> <p>The development is subject to a £0 per sqm charge under the Chorley Council Community Infrastructure Levy Charging Schedule for 2022.</p>

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A581 Southport Road / Ulnes Walton Lane improvements	The forecast trip generation figures and assumptions made in respect of visitor trips identified impacts on the junction of the A581 Southport Road and Ulnes Walton Lane, which will exceed capacity in the opening year of 2025, thus requiring measures to improve network operation. This is in line with policy BNE1 (d) of the Chorley Local Plan and policy 2 of the Core Strategy.	Without the proposed development the identified increase in trips would not occur. Therefore it is the development that instigates the need for the highway upgrades.	The level of funding required is equivalent to that identified to deliver the signalised mitigation option proposed by Atkins.	The Council's Infrastructure Funding Statement June 2021 sets out that the use of S106 agreements will extend to strategic infrastructure such as highway and transportation improvements if they are needed as part of the development. The development is subject to a £0 per sqm charge under the Chorley Council Community Infrastructure Levy Charging Schedule for 2022.

