



Appeal by Boningale Developments Ltd

Appellant's CIL Compliance Position Statement

Patshull Road Albrighton Shropshire

LPA Reference: 24/02108/OUT

PINS Ref: 6007402

September 2026



1. Introduction

- 1.1. This CIL Compliance Position Statement is submitted by Marrons on behalf of Boningale Developments Limited (the Appellant) in connection with its appeal against Shropshire Council's refusal of outline planning permission for the development described below. It sets out the Appellant's position on the planning obligations sought in relation to the appeal.:

Outline application to include access for a mixed-use development comprising up to 800 no dwellings, a care home of up to 80 units, a secondary school and local centre with associated access, infrastructure, landscaping and drainage

- 1.2. This statement has been prepared at the request of the Planning Inspector and sets out the Appellant's position in respect of the obligation being sought in respect of the Appeal proposals. In preparing this Statement, the Appellant has had regard to the Council's CIL Compliance Statement of July 2026 [CD14.2] along with the associated appendices A through E. Additionally, the Appellant has reviewed and had regard to the Council's Addendum to the CIL Compliance Statement dated 25th September 2026.
- 1.3. The Appellant has identified the obligations set out below for which the Council has not provided sufficient evidence to demonstrate that the contributions sought satisfy the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant remains willing to secure any contribution that is shown to meet those tests through a legal agreement.
- 1.4. In respect of the contribution being sought for Bus Service, the Appellant, through evidence before the Inquiry has sought to offer an alternative financial obligation which is considered to meet the tests in Regulation 122(2).

2. Appellant's Position on Obligations

2.1. The following table sets out the Appellant's Position on the identified Obligations.

Obligation	Appellant's Position Regulation 122
Affordable Housing	
Affordable housing	The Appellant considers that <u>sufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Education	
SEND Education Transport - £184,800.00 or £129,360.00	As discussed through evidence, the Appellant considers that an obligation totalling £129,360.00 is justified and meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulation 2010.
Healthcare	
Primary care - £777,027.00 total	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant acknowledges that the ICB has discussed expanding the existing surgery. However, no evidence has been provided demonstrating: (i) That the expansion required to accommodate demand arising from the development is capable of being delivered within the surgery site, (ii) No costings have been provided for those works. Consequently, insufficient justification has been provided to demonstrate that the £777,027 contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it.
Public Transport	
Bus Service Contribution - £1,100 per dwelling, £25,000 per retail unit	The Council has not provided sufficient justification to demonstrate that its requested contribution satisfies Regulation 122(2). The Appellant instead proposes a contribution of <u>£1,862,690</u>, equivalent to five years of the evidenced annual cost of operating the entire service (£372,538). The contribution is <u>necessary</u> to secure a public transport option serving the site for residents It is <u>directly related</u> to the development because it funds the service serving the appeal site and is <u>fairly and reasonably related in scale and kind</u> because it reflects the evidenced cost of that service for a defined period.



	Taken together, the interim service and the five years of funded operation would provide bus service coverage through to the end of build-out. The Appellant therefore considers that the obligation satisfies all three tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Bus stop - £1,500 per asset	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant considers that the financial contribution sought and the supporting costings (i) Have not been sufficiently particularised as a genuinely estimated cost and justified. (ii) In particular, the evidence does not explain how the sum sought reflects the cost of provision required to mitigate the effects of the appeal development. Consequently, it has not been demonstrated that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Bus shelter - £10,000 per asset	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant considers that the financial contribution sought and the supporting costings (i) have not been sufficiently particularised as a genuinely estimated cost and justified. (ii) In particular, the evidence does not explain how the sum sought reflects the cost of provision required to mitigate the effects of the appeal development. Consequently, it has not been demonstrated that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Real Time Passenger Information Display - £7,000 per asset	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the



	tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant considers that the financial contribution sought and the supporting costings (i) Have not been sufficiently particularised as a genuinely estimated cost and justified. (ii) In particular, the evidence does not explain how the sum sought reflects the cost of provision required to mitigate the effects of the appeal development. Consequently, it has not been demonstrated that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Local Interchange - £150 per dwelling	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant considers that the financial contribution sought and the supporting costings (i) Have not been sufficiently particularised as a genuinely estimated cost and justified. (ii) In particular, the evidence does not explain how the sum sought reflects the cost of provision required to mitigate the effects of the appeal development. (iii) The sum sought appears as a “roof tax” whereas any “need” for a Local Interchange is not a function of the number of dwellings permitted or constructed. Consequently, it has not been demonstrated that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Offsite Highways Improvement	
Offsite Highways Works	The Appellant considers that <u>sufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Sustainable Transport	
Sustainable Transport Contribution – Interchange Element, £120,000	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the



	tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Appellant is further unclear in respect of the relationship between the Local Interchange and Sustainable Transport contribution, both of which appear to relate to the same provision. The Appellant considers that the financial contribution sought and the supporting costings (i) Have not been sufficiently particularised as a genuinely estimated cost and justified. (ii) In particular, the evidence does not adequately explain how the sum sought reflects the cost of provision required to mitigate the effects of the appeal development. Consequently, it has not been demonstrated that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it, as required by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
Cycle Infrastructure, £10,000	The Appellant notes that the Council have sought to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The obligation responds to the Inspector's request for a note considering cycle infrastructure provision in Albrighton. ID6 identifies 3 locations for a total of 8 Sheffield cycle stands (providing cycle parking for 16 cycles) at destinations within the village that residents of the appeal development would be expected to use. The development will generate additional cycle trips to those destinations. Providing secure cycle parking at the end of those journeys is <u>necessary</u> for cycling to be a practical means of accessing them. The stands are <u>directly related</u> to the development because they serve destinations accessible by cycle from the site and address the additional demand generated by its residents. The limited number of stands, confined to the locations identified in ID6, is <u>fairly and reasonably related in scale and kind</u> to that demand. The Appellant therefore considers that the obligation satisfies all three tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.



	Costings for the stands are detailed in ID6 and the Appellant accepts the figure recorded as a genuine estimate of the likely cost.
Travel Plan monitoring - £60,000 for school, £10,000 per retail unit, £20,000 per residential phase.	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Whilst a need for a monitoring sum is, in principle, accepted the sums sought are not particularised as costs likely to be incurred as part of monitoring nor considered to be justified and reasonable.
Sports Facilities	
Outdoor sports - £1,795,653.00 total	The Appellant considers that <u>insufficient</u> justification has been provided to demonstrate that the obligation meets the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Council has not: (i) Identified the specific costed projects or improvements towards which the £1,795,653 contribution would be applied and over what timescale, or (ii) Demonstrated how those works would address demand for outdoor sport provision arising from the appeal development. (iii) The extent to which credit has been given in the sum sought to the on-site facilities to be provided and contributing to meeting the need for outdoor sports. Without that information and a justified apportionment of the associated costs, insufficient evidence has been provided to demonstrate that the contribution is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to it.



 **Marrons**

