TOWN AND COUNTRY PLANNING ACT 1990

COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

CIL COMPLIANCE STATEMENT

Appeal by Boningale Developments Ltd

against the Non-determination by Shropshire Council of Planning Application 24/04176/FUL for Residential development of 70 dwellings including access, open space, landscaping and associated works.

at **Land to the East of Tilstock Road**

Tilstock

Whitchurch

Shropshire

Planning Inspectorate Reference:	**APP/L3245/W/25/3362414**
Shropshire Council Reference:	**25/03362/NONDET**
Prepared by:	**Ollie Thomas BA(Hons) MSc MRTPI**
Date:	**7th October 2025**

This statement is submitted by Shropshire Council in support of the S106 Agreement relating to the above site. It demonstrates compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which requires that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

Paragraph 58 of the National Planning Policy Framework ('NPPF') reiterates the Regulation 122 test.

Shropshire Council is the Local Planning Authority in respect of this application. Shropshire Council is a 'Charging Authority' for the purposes of the Regulations and currently has an adopted CIL Charging Schedule. Shropshire Council adopted a CIL Charging Schedule on 1st January 2012. The CIL Charging Schedule imposed a rate of £80 per square metre of new residential development for the Appeal Site's location. The CIL rates are subject to annual indexation using the RICS CIL Index from 2020 onwards – the indexation for 2025 has resulted in a 74.55% increase of the CIL rates charged from 2012.

The policies of the development plan relevant to the planning obligations to be secured, that would constitute a reason for granting planning permission, are as follows:

- Core Strategy CS11: Type and Affordability of Housing
- SAMDev MD2: Sustainable Design

These policies are supported by the following Supplementary Planning Documents:

- The Type and Affordability of Housing SPD
- Developer Contributions SPD

Summary of S106 Obligations

The S106 Agreement secures the following principal obligations:

1. **Affordable Housing**
    - Provision of 10 Affordable Housing Dwellings (7 Social Rent, 3 Shared Ownership) on-site.
    - Payment of an Affordable Housing Contribution of £45,000 (with 5% for administration).
2. **Public Open Space**
    - Provision, layout, and maintenance of Public Open Space (POS) at 30m^2 per bedroom, in accordance with policy MD2.
    - Transfer of POS to the Parish Council or a Management Company, with a commuted sum if transferred to the Parish Council.
    - Approval and implementation of a Maintenance Scheme.

3. **RAMSAR Contribution**
    - Payment of £20,200 to mitigate recreational impacts on Cole Mere and Brown Moss RAMSAR Sites.
4. **Biodiversity Net Gain (BNG)**
    - Submission and implementation of a Habitat Management and Monitoring Plan (HMMP).
    - Payment of a Biodiversity Gain Land Monitoring Contribution of £20,613.77.
    - Maintenance of BNG land for at least 30 years.
    - Step-in rights for the Council in the event of breach.

Assessment Against CIL Regulation 122

1. Affordable Housing

- **Necessity:**
  Required to meet Shropshire Council's adopted policy for affordable housing provision (Core Strategy CS11, Type and Affordability of Housing SPD). The Appeal includes units of open market housing, to which CS11 required all new open market housing to make appropriate contributions to the provision of local needs affordable housing.
- **Direct Relationship:**
  The affordable housing is provided on-site as part of the development, with a commuted sum for any shortfall.
- **Scale and Kind:**
  The number, tenure, and mix of affordable dwellings, and the commuted sum, are calculated in accordance with adopted policy and SPD. The Appeal Site lies within an area where affordable housing target rate is 10%.

2. Public Open Space

- **Necessity:**
  Required to meet policy MD2 of the Site Allocations and Management of Development DPD (2015) for open space provision in new residential developments.
- **Direct Relationship:**
  The POS is provided within the development site, serving future residents.
- **Scale and Kind:**
  The quantum (30m^2 per bedroom), specification, and maintenance arrangements are proportionate to the scale of the development.

3. RAMSAR Contribution

- **Necessity:**
  Required to mitigate increased recreational pressure on designated RAMSAR sites, in line with the Conservation of Habitats and Species Regulations 2017 and the Council's adopted mitigation strategy.

- **Direct Relationship:**
  The payment is directly linked to the impact of the new dwellings on nearby sensitive ecological sites.
- **Scale and Kind:**
  The amount is calculated based on the scale of the development and the mitigation measures required.

4. Biodiversity Net Gain (BNG)

- **Necessity:**
  Required to comply with Schedule 7A of the Town and Country Planning Act 1990 (as amended) and national policy for BNG.
- **Direct Relationship:**
  The BNG land and associated management/monitoring are provided as part of the development, delivering measurable biodiversity improvements.
- **Scale and Kind:**
  The extent of BNG, the monitoring contribution, and the 30-year management period are proportionate to the development and statutory requirements.

Conclusion

Each obligation secured by the S106 Agreement is:

- **Necessary** to make the development acceptable in planning terms;
- **Directly related** to the development;
- **Fairly and reasonably related in scale and kind** to the development.

The S106 Agreement therefore complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).