

DRAFT

Planning Obligations – CIL Compliance Statement

Address: Land south of A46 and north of Tirl Brook, Ashchurch

Proposal: Outline planning application (with all matters reserved except access) for proposed garden centre, retail outlet centre and ancillary facilities together with associated infrastructure works including access), car parking and landscaping.

Application Reference: 13/01003/OUT

Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (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.

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) relates to pooling restrictions and provides:

A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that—

(a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and

(b) five or more separate planning obligations that—

(i) relate to planning permissions granted for development within the area of the charging authority; and

(ii) which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.

This came into effect on 6 April 2015 and applies to all S106 obligations entered into since 6 April 2010. Tewkesbury Borough Council has carried out a review of all S106 obligations entered into since April 2010 to identify any infrastructure that may be affected by the pooling restrictions.

The table below assess each obligation against Regulation 122 and Regulation 123.

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
Town Centre Improvements - £802, 800	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Riverside Project (see Programme of works)</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	Since April 2010 the number of obligations containing a contribution to Town centre improvements :1
<p>Marketing Strategy :-</p> <p>£50,000 towards strategy and branding</p> <p>£200,000 towards marketing campaign over 5 year period</p> <p>£50,000 towards website development</p> <p>Total cost - £300,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	Since April 2010 the number of obligations containing a contribution towards marketing strategy :1

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
<p>Economic Development and Tourism Strategy Contribution:-</p> <p>£100,000 towards series of events (all year round)</p> <p>£150,000 towards local shop campaign</p> <p>£50,000 towards public development of public art trails</p> <p>£100,000 towards marketing investment group – shop front initiative and empty shops units.</p> <p>Total cost - £400,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Economic Development and Tourism Strategy :0</p>
<p>Evening Economy Contribution - Voucher scheme £50,000.</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Evening Economy :0</p>

Obligation	Justification (Compliance with Reg 122)	Pooling (Regulation 123)
<p>Tourist Information Provision - Tourist Information Point at retail Outlet Centre £25,000</p> <p>Tourist information centre in Tewkesbury town Centre - £50,000</p>	<p>Local Plan Policy RET6</p> <p>Tewkesbury Town Centre Masterplan – Project Marketing & Investment.</p> <p>The requirement directly relates to the development.</p> <p>Justification is based upon the impact of the proposal on the vitality and viability of Tewkesbury town centre</p>	<p>Since April 2010 the number of obligations containing a contribution towards Tourist information provision: 0</p>
<p>Transport - A contribution of £70,000 towards the provision of GCC Scheme 9172, the footway/cycleway to the east of Northway Lane.</p> <p>A contribution of £289,425 towards the GCC A438/Shannon Way Improvement Scheme.</p> <p>A Travel Plan monitoring fee of £5,000.</p>	<p>County Highways requirements.</p> <p>Local Plan Policies TPT1, TPT3 and TPT5</p>	<p>Since April 2010 the number of obligations containing a contribution towards identified transport improvements/Travel Plan: 0</p>