

Email from Tim Stansfeld CMS-CMNO on behalf of the Appellant to PINS 10/11/22

RE: [EXTERNAL] 3289748 Vastern Court [CMCK-UK.FID15237041]



Tim Stansfeld <Tim.Stansfeld@cms-cmno.com>

To ● Palmer, Leanne; ● Henry Parkinson; ● Amoah, Alison

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Thu 10/11/2022 17:04

Further to my email of 7 November 2022, all of the outstanding points on the S106 agreement have now been agreed between the Appellant and the Council and I attach the final agreed draft and its annexures.

I should be most grateful if you would please pass these documents to the Inspector.

In respect of the shared access road obligations sought by the Council:

1. These are now incorporated into the agreed draft at Schedule 14;
2. As recorded at paragraph 1.6 of the Council's CIL Compliance Statement (as sent to you yesterday by Alison Amoah (CD10.13)) the Appellant's position is that the requirement for the shared access road is not a policy requirement, not a requirement within the Local Plan and is not reasonably required to make the application acceptable in planning terms and accordingly fails to meet the tests in CIL Regulation 122 for planning obligations;
3. As a result, the provisions of Schedule 14 have been agreed without prejudice to the Appellant's position as mentioned above;
4. Clause 23 of the S106 provides that if in the Secretary of State's decision letter on the appeal he concludes that any of the obligations in the S106 Agreement do not comply with any one of the tests set out in CIL Regulation 122 then the relevant obligation shall cease to have effect; and
5. The Appellant's case is that the Secretary of State should reach that conclusion in respect of the obligations in Schedule 14.

Kind regards

Tim

Tim Stansfeld
Senior Associate