BROXTOWE BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78 (as amended)

Appeal by **Bloor Homes** against the non-determination of a planning application

By

Broxtowe Borough Council for

"Outline Planning Application for the construction of a residential development of up to 420 residential dwellings and associated open space and infrastructure (With some matters reserved). The proposed development is classified as EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017"

at Land West of Stapleford Lane, Stapleford, Nottinghamshire

Planning Inspectorate Reference:	6006412
Council Reference:	25/00371/OUT

CIL Compliance Statement

13.08.2026

Broxtowe Borough COUNCIL

1. Background

1.1 The NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, set out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development, and; c) Fairly and reasonably related in scale and kind to the development.

2. Relevant Policies

2.1 Policy 19 of the Aligned Core Strategy and Policy 32 of the Part 2 Local Plan 2019 state that financial contributions should be sought towards the maintenance of facilities and the provision of necessary infrastructure to support provision. Paragraph 58 of the NPPF advises that only those contributions which are necessary, reasonable and directly related to the scale of the proposals should be sought.

2.2 Policy 15 of the Part 2 Local Plan 2019 requires 30% affordable housing on the Toton allocations and this would equate to 126 units. The Council's Housing Officer requests that the mix of this should include 20% social/affordable rent, 2.5% low cost homeownership (discount market sale or our preference, shared ownership), 7.5% First Homes.

2.3 The site forms part of the Toton Strategic Location for Growth (SLG) allocated under Policy 3.2 of the Broxtowe Local Plan Part 2. Policy 3.2 describes the key development requirements for the SLG, including infrastructure, and this is supplemented by the Toton and Chetwynd Strategic Masterplan SPD which provides the framework and vision for Toton and Chetwynd Barracks.

2.4 The County Council has an adopted Developer Contributions Strategy (April 2024) which provides further guidance on how planning obligations will be determined in relation to its services, including public transport on behalf of EMCCA. This supplements the local plan documents.

3. Planning Obligations

3.1 During the life of the planning application the Council entered into detailed discussions with the applicant over the Heads of Terms for the S106 Agreement. The applicant agreed to full policy compliant obligations which fully mitigated the impacts of the development. Since the appeal was submitted there have been further discussions and the Heads of Terms remain as agreed as part of the application.

3.2 The planning obligations included within the S106 Agreement that would be made/payable to Broxtowe Borough Council are summarised as follows:

- Affordable Housing – on site provision of 30% site specific development plan requirement;
- Public Open Space – on site provision and financial contributions of £338,986 off-site capital contribution towards nearby parks to be necessary to make the development acceptable in planning terms, and £442,613 maintenance contribution.

3.3 The proposed planning obligations included within the Section 106 Agreement that would be payable to Nottinghamshire County Council are summarised as follows:

- Primary Education – financial contribution;
- Secondary Education – financial contribution ;
- Secondary Education Needs and Disabilities (SEND) – financial contribution;
- Library Contribution – financial contribution;
- Bus Service Contributions – financial contribution;
- Bus Stop Infrastructure Contribution – financial contribution;
- Local Community Transport Scheme – financial contribution;
- Pedestrian and cycling improvements along the LCWIP routes – financial contribution;
- Travel Plan Monitoring fee.

3.4 Justification for the Nottinghamshire County Council planning obligations highlighted above are set out in the Nottinghamshire County Council (NCC) and East Midlands Combined Authority (EMCAA) document dated 13th August 2026.

3.5 Planning obligations have only been sought where there is a proven need due to increased demand from the development that cannot be accommodated in existing facilities. Any financial contributions are to be spent on named pieces of infrastructure or facilities that can serve the development. The contributions are also all time limited, so that if the Council does not spend the contributions in a reasonable time frame, they are paid back to the party who originally paid them.

3.6 The table below sets out the planning obligations required from this development, made payable to the Council and the justification for them. As this is an outline application the planning obligations are all drafted as per unit type contributions so that the precise mitigation for the end development are secured. The table also explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 58 of the National Planning Policy Framework.

Planning Obligations	Justification
Affordable Housing - Part 2 Local Plan Policy 15 applies a specific 30% requirement to newly allocated Toton sites. The application generates the opportunity and need to secure that policy-compliant component as part of the same development. Without a binding obligation, the outline permission would not guarantee the quantity, tenure, distribution, delivery or long-term availability of affordable homes and would not be in accordance with the adopted development plan.	**Necessary:** It secures compliance with the site specific 30% development plan requirement and ensures the proposal contributes to identified affordable housing needs. Conditions cannot adequately secure tenure, provider transfer, nominations, phasing and enduring affordability. **Directly related:** The homes are provided within the development, for the residential scheme itself, and are calculated as a percentage of the final number of dwellings.

	Scale and Kind: 30% is the adopted policy rate for Toton, At a maximum quantum 420 x 30% = 126 homes. The tenure mix should reflect the Housing Officer's evidence based on housing need.
Public Open Space - The proposal includes on-site public open space and children's play provision. In light of that provision, the Council no longer considers the previously requested £338,986 off-site capital contribution towards nearby parks to be necessary to make the development acceptable in planning terms. The only financial open-space obligation now sought is the £442,613 maintenance contribution, and that contribution is required only if the on-site open space is transferred to and adopted by the Council. If the open space is instead retained and maintained by a management company or another approved non-Council body, the Council maintenance contribution will not be payable.	**Necessary:** The maintenance contribution is necessary only where the on-site open space is transferred to and adopted by the Council. In those circumstances, the contribution covers the initial five-year maintenance period and enables the Council to establish and maintain the open space to an appropriate standard. The contribution is not necessary, and will not be payable, where the open space is retained and maintained by a management company or another approved non-Council body. **Directly related:** Where payable, the contribution relates solely to the maintenance of the on-site open space serving the development. The contribution arises only if responsibility for that land is transferred to the Council. **Scale and Kind:** The contribution is £442,613 for five years of maintenance following Council adoption. The completed section 106 agreement should define the relevant land, maintenance specification, transfer arrangements, payment trigger and indexation.

4. Conclusion

4.1 Conclusion It is considered that the obligations sought are all necessary, directly related to the development and fairly and reasonably related in scale and kind to the appeal scheme. They are considered to comply with the CIL Regulations, as well as with National and Local Policy, for the reasons set out above.