

## **CIL COMPLIANCE STATEMENT**

**PRODUCED BY WELWYN HATFIELD BOROUGH COUNCIL (WHBC).**

**Appeal By: HG Group**

**LPA Ref: 6/2020/3420/MAJ**

**PINS Reference: APP/C1950/W/22/3294860**

**Site: BioPark, Broadwater Road, Welwyn Garden City, Hertfordshire, AL7 3AX**

**Date: 28 June 2022**

### **A. Description:**

- A.1 Demolition of existing buildings and construction of 289 residential units (Use Class C3) and community hub (Use Class E/F.2), with public realm and open space, landscaping, access, associated car and cycle parking, refuse and recycling storage and supporting infrastructure.

### **B. Background**

- B.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 Statutory Instrument 2010/948 makes it unlawful for any planning obligation to be taken into account as a reason to grant a planning permission if it does not meet the three tests set out in the Regulation.
- B.2 The National Planning Policy Framework 2021 (NPPF) sets out at paragraph 57, three policy tests which mirror the tests in the Regulations.
- 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.

### **C. Relevant Policy**

- C.1 The policies for seeking the contributions sought by Hertfordshire County Council are set out in Hertfordshire County Council Guide to Developer Infrastructure Contributions 2021. See statement submitted at this appeal by Hertfordshire County Council in support of planning obligations sought towards Hertfordshire County Council (non-highways) services (Core Document E2)
- C.2 The policies for seeking the contributions sought by WHBC are set out in the WHBC Planning Obligations Supplementary Planning Document February 2012 (Planning Obligations SPD)(Core Document B9); Welwyn Hatfield District Plan 2005 (District Plan) policies IM2, M3, M4, M5, OS2, OS3, R7, R10 and H7 (Core Document B1); Emerging Local Plan policy SP7 (Core Document B2); and the NPPF (Core Document A1).
- C.3 Relevant policies in relation to specific contributions are referenced as appropriate below.

## **D. Justification for the contributions**

D.1 Justification set out as follows. Sums are subject to indexation as set out in the S106.

### **1. County Council Contributions**

#### **1.1 Primary Education Contribution**

1.1.1 See Core Document E2

#### **1.2 Secondary Education Contribution**

1.2.1 See Core Document E2

#### **1.3 Special Educational Needs and Disabilities Contribution**

1.3.1 See Core Document E2

#### **1.4 Nursery Services Contribution**

1.3.1 See Core Document E2

#### **1.5 Childcare Services Contribution**

1.5.1 See Core Document E2

#### **1.6 Youth Services Contribution**

1.6.1 See Core Document E2

#### **1.7 Library Services Contribution**

1.7.1 See Core Document E2

#### **1.8 Waste Services Contribution**

1.8.1 See Core Document E2

#### **1.9 Monitoring fee**

1.9.1 See Core Document E2

#### **1.10 Travel Plan Evaluation and Support Contribution**

1.10.1 Travel plans are an essential tool for enabling development by creating sustainable transport access to, from and around the site. They are effective in managing travel demand, with the potential to contribute to significant reduction in national and local traffic. The NPPF requires in paragraph 113 that:

*“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

- 1.10.2 Travel Plans are also a requirement under Policy M3 of the Welwyn Hatfield District Plan 2005.
- 1.10.3 In March 2020 the County Council formally adopted updated Travel Plan Guidance entitled “Hertfordshire County Council Travel Plan Guidance” (<https://www.hertfordshire.gov.uk/media-library/documents/highways/development-management/travel-plan-guidance.pdf>), supporting the Highway Authorities policy on Travel Plans as set out in its Local Transport Plan 4 (<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/transport-planning/local-transport-plan.aspx>) and Roads in Hertfordshire – Highways Design Guide ([https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager\\_1\\_Anchor\\_6](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#DynamicJumpMenuManager_1_Anchor_6)).
- 1.10.4 For residential developments, the Highway Authority requirement for a full Travel Plan has been set at more than 80 dwellings. A Travel Plan Statement is required for developments between 51 and 79 dwellings. These thresholds are based on ‘Good Practice Guidelines, Delivering Travel Plans through the Planning Process’ (DCLG 2009). Whilst it is recognised that this document has recently been revoked, it is still considered to represent a good basis for determining trigger points.
- 1.10.5 Concurrent with the obligation for a Travel Plan, the Highway Authority considers a contribution towards the ongoing cost of monitoring and supporting the Travel Plan is appropriate.
- 1.10.6 The requirement for a Travel Plan evaluation and support contribution is included in the updated Travel Plan Guidance and is set at £1,200 per annum. The monitoring fee was introduced to enable the County Council to be proactive in ensuring that approved Travel Plans are being complied with. The cost includes assessment of the annual monitoring, annual site visits and annual monitoring meetings with the Travel Plan Coordinator. Ongoing engagement with the Travel Plan Coordinator of changes relevant to the site is also included. Planning Practice Guidance states that authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation (Paragraph: 036 Reference ID: 23b-036-20190901).
- 1.10.7 Ensuring monitoring is gathered by new developments can assist Hertfordshire County Council and the individual districts to assess the impact that individual developments, or developments over a specific area, are having on the road network, and the take up of sustainable modes. The monitoring engagement also allows for developments (businesses, residential, community, educational) to feed back to the council their needs with regards to better understanding where people are travelling from/to, by what mode, and for what reason.
- 1.10.8 The monitoring of Travel Plans is not a statutory function of the County Council. The Travel Plan contribution is not a single payment towards monitoring/administrative costs of the Travel Plan but is a cost to enable active engagement of the County Council in the Travel Plan implementation. It enables ongoing reviews of the Travel Plan and engagement between the County Council and the Developer to take place as any travel plan will require continuing management and review. The contribution value has been calculated on such basis.

1.10.9 A full travel plan will be required for the site to be in place from first occupation to 5 years post full occupation. A £1,200 per annum Evaluation and Support Fee should be secured by section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme. Residential developments are also required to provide Residential Travel Vouchers for each unit (£100 per house/£50 per flat) to encourage the take up of sustainable modes.

1.10.10 It follows that this contribution is:

- a) necessary to make the development acceptable in planning terms, to ensure compliance with para 111 NPPF and Policies M3 and IM2 of the Welwyn Hatfield District Plan 2005;
- b) directly related to the development, because it relates to the direct impact of the development in terms of the amount of movements that will be generated and maximising the use of sustainable modes; and
- c) fairly and reasonably related in scale and kind to the development because of the approach to thresholds adopted by the Highway Authority and explained in this note.

## **1.11 Off-site highway works**

1.11.1 Off-site highway works may be required for a number of reasons associated with new development, and to comply with paragraph 110 to 112 of the NPPF. Paragraph 110 states:

*"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

1.11.2 Policy M4 outlines that development necessitating the provision of new transport infrastructure or services will be granted only if those works are environmentally acceptable and if the applicant agrees to meet, or where appropriate contribute to, the cost of the works or services.

1.11.3 Policy M5 outlines that, wherever possible and practical, the Council will seek improvements in facilities for the safe and convenient movement of pedestrians and that developers may be required to provide or contribute towards off-site pedestrian facilities where this would be necessary to integrate it with surrounding areas.

1.11.4 Policy IM2 requires off-site improvements to mitigate any possible adverse environmental impact arising from the development and that developers will be required to provide or finance the cost of all such provision which is fairly and reasonably related in scale and kind to the development.

1.11.5 In this case, the Highways Authority has identified a requirement for the following:

- Public Transport Improvements - Bus service for two years (£100,000)
- Packages PK14 of the South Central Growth and Transport Plan (£98,772)

1.11.6 These obligations are considered to be:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policies M4, M5 and IM2 of the Welwyn Hatfield District Plan 2005 and the NPPF
- b) Directly related to the development, by virtue of the fact they are directly required to mitigate for highways impacts, encourage travel by sustainable modes from the site, and ensure a safe access.
- c) Fairly and reasonably related in scale and kind, for the reasons outlined above.

## **2. Welwyn Hatfield Borough Council Contributions**

### **2.1 Community Healthcare Contribution**

2.1.1 Policy IM2 of the Welwyn Hatfield District Plan 2005 provides for off-site improvements, services and facilities necessary as a result of developments in order to avoid placing an additional burden on the existing community.

2.1.2 The NHS request £182.03 per dwelling, equating to £52,607.00, to be invested in Queensway Health Centre in Hatfield town centre toward the evolving expansion, re configuration and refurbishment project including the installation of a lift. Community Services for the Welwyn Hatfield area are centralised from Queensway Health Centre in Hatfield Town Centre. The figure of £182.03 per dwelling is calculated through capital costs, estimated ten year population growth and estimated number of new dwellings over this period.

2.1.3 This contribution is therefore:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policy IM2;
- b) Directly related to the development, by virtue of its proximity and the likelihood that the new residents will use and have an impact on this community health facility; and
- c) Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.

### **2.2 General Medical Service Contribution**

2.2.1 Policy IM2 of the Welwyn Hatfield District Plan 2005 provides for off-site improvements, services and facilities necessary as a result of developments in order to avoid placing an additional burden on the existing community.

2.2.2 The proposed development will have an impact on several GP practices, which are either at capacity or operating in cramped conditions and therefore their ability to absorb any increase in patient population is very limited.

- 2.2.3 For this reason a contribution would be sought to make this scheme favourable to the NHS services commissioner and provide additional GP facilities in the area.
- 2.2.4 The NHS request £204,612.00 (rounded up to £708 per dwelling) toward expanding, reconfiguring existing or realising an additional site for the Peartree Group of practices of which there are currently three. This calculation is based on the number of dwellings proposed and recently updated build costs.
- 2.2.5 The site is located within the Peartree ward of Welwyn Garden City. It is therefore expected that residents of the proposed development would use these GP Practices.
- 2.2.6 It follows that this contribution is therefore:
- a) Necessary to make the development acceptable in planning terms, by virtue of Policy IM2;
  - b) Directly related to the development, by virtue of its proximity and the likelihood that the new residents will use either GP Practice; and
  - c) Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.

### **2.3 Mental Health**

- 2.3.1 Policy IM2 of the Welwyn Hatfield District Plan 2005 provides for off-site improvements, services and facilities necessary as a result of developments in order to avoid placing an additional burden on the existing community.
- 2.3.2 Based on recent cost impact forecasting calculations, the cost impact of this development going ahead on mental healthcare would amount to £58,306.00 (£201.75 per dwelling).
- 2.3.3 Mental Health Services for the Hatfield and Welwyn Garden City area are centralised at Roseanne House in Welwyn Garden City. The financial contribution would go toward the evolving expansion, reconfiguration & refurbishment project on that site by taking on additional space with the building.
- 2.3.4 It follows that this contribution is therefore:
- a) Necessary to make the development acceptable in planning terms, by virtue of Policy IM2;
  - b) Directly related to the development, by virtue of its proximity and the likelihood that the new residents will use and have an impact on this mental health service; and
  - c) Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.
- 2.3.5 Calculations and further details of all of the above NHS contributions are set out in Core Document G7.

## **2.4 Outdoor and Indoor Sports Facilities Contributions**

- 2.4.1 Policy IM2 of the Welwyn Hatfield District Plan 2005 provides for off-site improvements, services and facilities necessary as a result of developments in order to avoid placing an additional burden on the existing community.
- 2.4.2 The Planning Obligations SPD applies the 2011 Welwyn Hatfield Sports Facilities Study to assess and identify need for indoor and outdoor sports facilities in the borough up to 2026. That Study was replaced in January 2020 by the Welwyn Hatfield Borough Council Playing Pitch Strategy and Built Facilities Strategy (2020 Sport Strategy)(Core Document G6)
- 2.4.3 The Sport Strategy provides a clear evidence base and guides future provision and management of new sports pitches, outdoor and indoor sports facilities in the Welwyn Hatfield area in the context of national policy and local sports development criteria.

### *Outdoor Sport*

- 2.4.4 The Planning Obligations SPD states that in line with policy OS2 of the Welwyn Hatfield District Plan, on sites over 0.4 ha, where there are existing outdoor sports facilities and playing pitches in proximity to the development, that would serve the development, and are shown to be in need of enhancement, then contributions will be sought from developments for this purpose.
- 2.4.5 Sport England's Playing Pitch Calculator (PPC) is applied. This calculator takes the estimated needs for matches and training activity for various sports in an area of interest based on the population of the development and converts this into an estimate of the likely pitch provision required to meet the needs, as well as indicative costs to provide the level of pitch provision. Costs are calculated using estimates of what it typically costs to build modern sports facilities, including fees and external work, taking into account: varying conditions, inflation and regional adjustments.
- 2.4.6 While the calculator provides an indication of what the estimated needs may equate to in terms of new pitches, it does not suggest that this level of new provision is required. The results/costs needs to be looked at alongside a robust and up-to-date assessment of need and related plan/strategy for the area - which in the case of Welwyn Hatfield is the 2020 Sport Strategy.
- 2.4.7 Applying the PPC alongside the 2020 Sport Strategy, the following outdoor sport contributions have been identified:

### *Artificial Grass Pitches (AGP)*

- £34,841 for 3G AGP and £6,383 for sand based AGP toward either of the following:

- a. Building a new facility in Welwyn Garden City at either of the following sites: Ridgeway Academy, Welwyn Garden City FC, Moneyhole Park, King George V playing fields or Monks Walk School; or

- b. Maintenance repairs at either Welwyn Garden City FC, Ridgeway Academy or Monks Walk School

*Natural Grass Pitches*

- £59,464 (adult football) and £55,005 (youth football) - towards either of the following:

- a) Maintenance repairs/improvement works at either King George V pavilion, Welwyn Garden City FC, Ridgeway academy, Stanborough School or Monks Walk School; or
- b) Towards a brand new facility to accommodate grow and demand in Football at a chosen site in WGC (Which could be where the new 3G pitch will be built)

- £3,993 (mini soccer) - towards maintenance repairs at Digswell Park Pitch or Holwell Primary School

- £4,956 and £12,212 (rugby union) – respectively towards supporting Welwyn Rugby Football Club to develop additional pitch provision to accommodate their growing demand; and towards maintenance repairs and or building a women/disability changing room area at Welwyn Rugby Club

- £19,018 (cricket) – towards either of the following:

- a) Non-turf (artificial) wickets at either Welwyn Garden City Cricket Club or Hatfield Crusaders Cricket Club in order to accommodate junior team demand; or
- b) Pitch improvements at Welwyn Garden City Cricket club or Hatfield Hyde Cricket club.

2.4.8 The proximity of the projects/facilities to the site are such that they are likely to be used by occupiers of the development.

2.4.9 These contributions are therefore:

- a) Necessary to make the development acceptable in planning terms, by virtue of Policy IM2 and the Planning Obligation SPD;
- b) Directly related to the development, by virtue of its proximity and the likelihood that the new residents will use such sports facilities;
- c) Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.



### *Indoor sport*

- 2.4.10 The Planning Obligations SPD states that in line with policy OS2 of the Welwyn Hatfield District Plan, on sites over 0.4 ha, where there are existing indoor sports facilities in proximity to the development, that would serve the development, and are shown to be in need of enhancement, then contributions will be sought from developments for this purpose.
- 2.4.11 Sport England's Sport Facility Calculator (SFC) is a planning tool which helps to estimate the amount of demand for key community sports facilities that is created by a given population in an area of interest. The SFC covers Swimming pools, Sports halls, Artificial Grass Pitches and Indoor bowls centres. A cost is generated within the SFC relative to the demand. Capital costs are calculated using estimates of what it typically costs to build modern sports facilities, including fees and external work, taking into account: varying conditions, inflation and regional adjustments.
- 2.4.12 Applying the Sport England's SFC Calculator alongside the 2020 Sport Strategy, the following indoor sport contributions have been identified:
- £2,699 (indoor bowls) – toward building a new facility at King George V Playing Fields
  - £101,439 (sports halls) – toward either of the following:
    - a) Building a new facility at Monks Walk School or Gosling/a new preferred location within Welwyn Garden City; or
    - b) Maintenance at Monks Walk School, Stanborough School or Gosling
  - £106,474 (swimming pools) – toward maintenance works at the Hatfield swim centre or Gosling which includes any changing room/shower facilities.
- 2.4.13 The proximity of the projects/facilities to the site are such that they are likely to be used by occupiers of the development.
- 2.4.14 This contribution is therefore:
- a) Necessary to make the development acceptable in planning terms, by virtue of Policy IM2 and the Planning Obligation SPD;
  - b) Directly related to the development, by virtue of its proximity and the likelihood that the new residents will use such sports facilities;
  - c) Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.

## **2.5 Waste and Recycling Contribution**

- 2.5.1 Policy IM2 of the Welwyn Hatfield District Plan 2005 provides for off-site improvements, services and facilities necessary as a result of developments in order to avoid placing an additional burden on the existing community.
- 2.5.2 The Planning Obligations SPD outlines that the council will employ a standard charge approach to secure planning obligations from residential development in the borough for the delivery of waste and recycling facilities.
- 2.5.3 A standard charge has been developed here on the grounds that the provision of waste and recycling bins is a one-off capital cost which is directly attributable to the impact of a new development.

2.5.4 The scale of the development would require:

- 8 x rubbish bins and 8 x recycling bins (for townhouses) at £75 per house;
- 29 x food waste bins at £27.08 per unit;
- 37 x 1100 litre bins at £345 per unit; and
- 12 mini-recycling bins at £695 per unit.

2.5.5 The above would equate to a £22,490.32 waste and recycling contribution (excluding VAT).

2.5.6 This contribution is therefore:

- a. Necessary to make the development acceptable in planning terms, by virtue of Policy IM2 and the Planning Obligations SPD;
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind, by virtue of the use of the formula approach in this instance, for the reasons outlined above.

## **2.6 Monitoring Fee**

2.6.1 The Borough Council charges Planning Obligation Monitoring Fees on all monetary s106 Agreements/Unilateral Undertaking's. This is sought towards the costs associated with continuous administering, monitoring and ensuring compliance of each agreement. The Fee is equivalent to 5% of the total value of contributions, capped at a maximum of £5,000.

2.6.2 Planning Practice Guidance states that authorities can charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of that section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation (Paragraph: 036 Reference ID: 23b-036-20190901).

2.6.3 The monitoring fees are proportionate and reasonable and reflect the actual cost of monitoring. A cap is set to ensure that any fees are not excessive.

## **2.7 Management of Open Space**

2.7.1 Policy OS3 of the Welwyn Hatfield District Plan 2005 requires the provision of informal open space on substantial new residential developments (of 0.4 hectares or more). The submitted landscaping plans allows for this provision on-site.

2.7.2 However, it is reasonable and necessary to ensure that the management of the open space is secured, to ensure that its provision is sustained over the lifetime of the development. A condition would not be capable of securing all of the provisions required to secure the management company.

2.7.3 The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms, by securing the long term retention and management of open space required by policy;
- b) Directly related to the development, because it relates to provision on site; and
- c) Fairly and reasonably related in scale and kind, because it refers only to the open space as proposed on site by the appellant.

## **2.8 Management of Sustainable Urban Drainage Systems (SUDs)**

2.8.1 SUDs are required for this development in line with Policies R7 and R10 of the District Plan and the NPPF. Paragraph 169(c) of the NPPF also requires such systems to have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

2.8.2 It is therefore reasonable and necessary to ensure that the management of the SUDS is secured, to ensure that its provision is sustained over the lifetime of the development. A condition would not be capable of securing all of the provisions required to secure the management company.

2.8.3 The obligation is therefore:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development, because it relates to provision on site; and
- c. Fairly and reasonably related in scale and kind.

## **2.9 Car Park Management**

2.9.1 A Parking Management Strategy has been submitted with the application in order to ensure that car parking spaces are effectively managed (section 7 of the Transport Strategy prepared by i-Transport dated 17 December 2020 with reference NM/MD/AT/ITL161195-004C)(Core Document C4)

2.9.2 It is reasonable and necessary to ensure that the Parking Management Strategy is implemented for all tenants and occupiers (in perpetuity), that annual reviewing and monitoring of the provisions is undertaken (up to 5 years), and that recommendations for amendments or improvements to the Parking Management Strategy through the annual reviews are implemented. A condition would not be capable of securing all of the provisions required.

2.9.3 The obligation is therefore:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, because it relates to provision on site; and
- c) Fairly and reasonably related in scale and kind.

## **2.10 Affordable Housing**

2.10.1 Policy H7 of the District Plan requires that a minimum of 30% subsidised housing should be provided on suitable sites. This is echoed within Policy SP 7 of the emerging Local Plan, which states that subject to viability, 30% of affordable housing will be sought on development sites in Welwyn Garden City.

- 2.10.2 As set out in the Council's Planning Obligations SPD, the Council recognises that in certain market conditions, the overall level of contribution attributed to a scheme can affect the financial viability of a development proposal. In these circumstances an applicant would be expected to submit a viability appraisal and for this to be independently checked and verified.
- 2.10.3 Whilst the proposal has been proven to be unviable, the appellant has agreed to provide 10% affordable housing (through shared ownership tenure only) equating to 29 units and, in addition, has also agreed to further viability reviews being carried out during construction to ascertain whether the development could provide more affordable housing units up to the 30% policy target.
- 2.10.4 It is considered reasonable and necessary to secure the provision of 10% affordable housing by way of the legal agreement given the policy requirement and the level of proposed provision which forms a key part of the Appellant's case.
- 2.10.5 A condition would not be capable of securing the provision and retention of the housing in line with an appropriate tenure mix and other detailed requirements.
- 2.10.6 The obligation is therefore:
- a) Necessary to make the development acceptable in planning terms, since affordable housing is a local policy requirement of WHBC;
  - b) Directly related to the development, because the affordable housing is secured on site; and
  - c) Fairly related in scale and kind because the affordable housing provided for is at the proportion proposed by the appellant.

*Viability Review Mechanism (VRM)*

- 2.10.7 As the submitted scheme would not provide policy-compliant affordable housing due to viability, it is considered necessary and reasonable for a VRM to be required to ensure that if the scheme's viability improves, then any uplift in value is correctly captured and utilised to provide additional on-site affordable housing. This is in the interest of Policy H7 of the District Plan and Policy SP 7.
- 2.10.8 The VRM is set out in the S106 and includes an early stage review, a late stage viability and also a review if the Development is not built out as a single phase and completed within 24 months following demolition and all other site enabling works.
- 2.10.8 Given the shortfall against the affordable housing policies, the obligation is therefore:
- a. Necessary to make the development acceptable in planning terms, since affordable housing is a local policy requirement of WHBC;
  - b. Directly related to the development, because the affordable housing is secured on site; and
  - c. Fairly related in scale and kind because potential additional affordable housing provision will be proportionate to the extent of improvement in viability.