

Victoria Du Croz

From: Victoria Du Croz <Victoria.DuCroz@Forsters.co.uk>
Sent: 28 June 2022 21:30
To: ALISON.BELL@planninginspectorate.gov.uk
Cc: Rob Walker; Benedict King; Sophie Smith
Subject: RE: Biopark Appeal - APP/C1950/W/22/3294860 - s106

Alison,

In terms of the appellant's representations on compliance of the s106 obligations with the CIL Regs tests, as per Ms Patrina Troud's proof of evidence the development is even less viable if the additional County contributions and the affordable housing is provided. We therefore do not consider that those s106 obligations meet the CIL Regs tests (in particular limb 122(2)(c)) given the impact on the viability of the development if both are provided.

Clauses 3.2-3.4 of the s106 are standard s106 clauses for an appeal with the effect that in the event an inspector finds that any obligations do not meet the CIL Regs tests such obligations cease to be binding.

Kind regards

Vicky

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Partner

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