

Kirklees Council

CIL Regulation 122 Compliance Statement

Appeal reference: APP/Z4718/W/25/3375000

Application reference: 2024/91242

Site: Land north east of, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW

Description of development: Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure

Appellant: Newett Homes

Date: 6th February 2026

INTRODUCTION

This statement is prepared on behalf of the local planning authority to explain how the planning obligations identified in the draft Section 106 Agreement for this appeal meet the tests in Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) (the CIL Regulations).

Regulation 122 (2) of the CIL Regulations states that:

“A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (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”*

Obligation	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind to the development
<p>Affordable housing:</p> <ul style="list-style-type: none"> • 10 affordable housing units on-site (20% of total) 	<p>Affordable housing is required as part of new housing developments of more than 10 homes, in accordance with Local Plan Policies LP4 (providing infrastructure) and LP11, and relevant guidance in the Kirklees Affordable Housing and Housing Mix Supplementary Planning Document (SPD).</p>	<p>The need for the affordable housing arises from this proposed residential development, consistent with the requirements of Local Plan Policy LP11.</p>	<p>10 affordable homes is 20% of the total number of dwellings proposed (50 dwellings), consistent with the requirements of Local Plan Policy LP11.</p> <p>The proposed mix (5 units for affordable rent and 5 'intermediate' units (of which 3 are proposed to be First Homes) is consistent with the recommended affordable housing mix for this area (Kirklees Rural East) in the Affordable Housing and Housing Mix SPD.</p>
<p>On-site open space:</p> <ul style="list-style-type: none"> • Delivery of amenity greenspace, natural & semi-natural greenspace and provision for children and young people 	<p>Open Space is required in association with new residential developments in accordance with Local Plan Policy LP4 (providing infrastructure), Policy LP63 which states that: <i>"New housing developments will be required to provide or contribute towards new</i></p>	<p>The need for new and/or enhanced open space provision arises from this proposed new housing development, consistent with the requirements of Local Plan Policy LP63.</p>	<p>The on-site open space is proposed to fall within 3 of the typologies identified in the Open Space SPD: amenity greenspace; natural & semi-natural greenspace; and provision for children & young people.</p> <p>Required areas for each open space typology are calculated based on the number of dwellings</p>

<p>(Local Area of Play) on site;</p> <ul style="list-style-type: none"> • Inspection fee – £918.76 • Management and maintenance of on-site open space. 	<p><i>open space or the improvement of existing provision in the area...</i>”, and the further guidance in the Kirklees Open Space SPD.</p>	<p>The Inspection fee is required towards the Council’s costs in inspecting the on-site open space once it is completed.</p> <p>The requirement for the management and maintenance of the on-site open space is necessary to ensure that the open space is maintained as such for the lifetime of the development.</p>	<p>proposed, in accordance with the methodology in the Open Space SPD. Those calculations are set out in CD 8.19.</p> <p>The requirement for a Local Area of Play is consistent and proportionate to the scale of the development proposed (50 dwellings).</p> <p>The proposed areas of on-site amenity greenspace and natural & semi-natural greenspace exceed the required areas calculated in accordance with the Open Space SPD.</p> <p>Inspection fee – This is based on the open space proposed on-site and is as set out in the Council’s <i>Site visit & inspection of newly created Public Open Space (POS) with planning approval, as per LP63, when it is to be transferred to a private management company (or similar)</i> document January 2026 (CD 6.34).</p>
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			The requirement for the management of the open space for the lifetime of the development is proportionate and, as this is required for the lifetime of the development, the use of a planning obligation in a Section 106 Agreement to secure this is considered reasonable.
<p>Contribution to off-site open space:</p> <ul style="list-style-type: none"> £58,839.14 	<p>Open Space is required in association with new residential developments in accordance with Local Plan Policy LP4 (providing infrastructure), Policy LP63 which states that: <i>“New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area...”</i>, and the further guidance in the Kirklees Open Space SPD.</p>	<p>The need for new and/or enhanced open space provision arises from this proposed new housing development, consistent with the requirements of Local Plan Policy LP63.</p>	<p>Three of the open space typologies identified in the Open Space SPD are not proposed to be provided on-site, specifically: Parks & Recreation Grounds; Allotments; and Outdoor Sports Facilities. Commuted sum contributions have therefore been calculated for these three typologies, based on the number of dwellings proposed and in accordance with the methodology in the Open Space SPD, to be used towards the provision and/or enhancement of those open space types in the vicinity of the site.</p> <p>The calculations are set out in CD 8.19.</p>
<p>Contribution to Education provision in the local area:</p>	<p>Contributions towards education provision are required in association with proposals for</p>	<p>The need for the additional education provision in the area</p>	<p>The contribution is calculated based on the number of dwellings proposed (counting only dwellings with 2 or more bedrooms), and taking into account</p>

<ul style="list-style-type: none"> £59,573 	<p>new housing development, in accordance with Local Plan Policies LP4 and LP49.</p>	<p>arises directly from the proposed new housing development.</p>	<p>existing capacity in local schools, with contributions only sought where additional capacity would be required as a result of the proposed development. The calculations are set out in CD 8.20.</p>
<p>Travel Plan Monitoring Fee:</p> <ul style="list-style-type: none"> £10,000 (£2000 per year for the first 5 years of the development) 	<p>A Travel Plan is required for the proposed development, in accordance with Local Plan Policy LP20.</p> <p>A Travel Plan Monitoring Fee is required towards the Council's costs in monitoring the Travel Plan.</p>	<p>The need for the Travel Plan monitoring fee arises as a result of the proposed development, which requires a Travel Plan, in accordance with Local Plan Policy LP20.</p>	<p>The Travel Plan Monitoring Fee is based on the scale of the proposed development, in accordance with the Council's Travel Plan Guidance (CD 6.25).</p>
<p>Sustainable Travel Fund:</p> <ul style="list-style-type: none"> £41,618.50 	<p>A Travel Plan is required for the proposed development, in accordance with Local Plan Policy LP20.</p> <p>The Sustainable Travel Fund is necessary to provide a sum of money to be used towards</p>	<p>The requirement the Sustainable Travel Fund, arises in association with the Travel Plan, which is required for the proposed development,</p>	<p>The Sustainable Travel Fund contribution is based on the cost of providing one Residential 'MCard' Travel Pass (Bus and Rail Zone 2-5) per dwelling, and is therefore based on the number of dwellings proposed. However, the contribution could also be applied towards other measures to encourage and promote sustainable travel, to be identified as part of the Travel Plan process.</p>

	identified sustainable transport initiatives.	in accordance with Local Plan Policy LP20.	
<p>Biodiversity Net Gain:</p> <ul style="list-style-type: none"> • Management and maintenance of significant on-site habitat enhancements for at least 30 years 	<p>The application was received as valid after mandatory 10% Biodiversity Net Gain (BNG) was introduced for new major developments.</p> <p>It is considered that the works proposed are likely to include significant on-site biodiversity gains. Consequently, having regard to paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) a planning obligation is considered necessary to secure the maintenance of significant onsite habitat enhancements for at least 30 years.</p>	<p>The need for the obligation arises directly as a result of this proposed major residential development.</p>	<p>It is considered that the works proposed are likely to include significant on-site biodiversity gains. Consequently, having regard to paragraph 9 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) a planning obligation is considered necessary to secure the maintenance of significant onsite habitat enhancements for at least 30 years.</p> <p>Given the length of time that the maintenance of the habitat enhancements are to be secured for, a planning obligation via a Section 106 Agreement is considered necessary and proportionate.</p>

<p>Management and maintenance of on-site drainage infrastructure until and unless adopted by the relevant statutory undertaker</p>	<p>Necessary drainage infrastructure is required to be provided for the development, in accordance with Local Plan Policies LP4 and LP28.</p> <p>Local Plan Policy LP28 states that <i>“It must also be demonstrated that the surface water management solution is designed to meet requirements over the lifetime of the development including evidence that management and maintenance arrangements have been secured to cover that period.”</i></p>	<p>The need for the drainage infrastructure, and thus the requirement for that drainage infrastructure to be appropriately managed and maintained, arises directly as a result of the proposed housing development.</p>	<p>The obligation covers the management and maintenance of the on-site drainage infrastructure until it is adopted by the relevant statutory undertaker (or for the lifetime of the development if it was not adopted), and is therefore considered reasonable and proportionate.</p>
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