Appeal by **Fairfax Aspire Ltd** against the refusal of planning permission by

Epsom and Ewell Borough Council of

"Outline application for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road)."

at Farm View, Langley Vale Road, Epsom, Surrey, KT18 6AP

Planning Inspectorate Reference: 6006971

Council Reference: 25/00846/OUT

CIL REGULATION 122 COMPLIANCE STATEMENT ADDENDUM

11 November 2026

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1.0 Introduction

1.1 This Regulation 122 Compliance Statement has been prepared in respect of the public inquiry appeal concerning Farm View, Langley Vale Road, Epsom KT18 6AP. The proposal seeks outline planning permission for up to 110 dwellings, including affordable homes, with all matters reserved except access. The purpose of this statement is to demonstrate that the planning obligations sought through a Section 106 Agreement satisfy the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended.

1.2 Regulation 122 provides that a planning obligation may only constitute a reason for granting planning permission if it 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.

1.3 Epsom and Ewell Borough Council is a 'Charging Authority' for the purposes of the Regulations and has an adopted CIL Charging Schedule that was implemented on 29 April 2014. Development permitted from 1 July 2014 onwards is liable to pay the Levy as set out in the CIL Charging Schedule. The CIL Charging Schedule imposed a rate of £125 per square metre of new residential development. In accordance with Regulation 121C of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the CIL rates are subject to annual indexation based on the Index is based on the BCIS All-in Tender Price Index (BCIS TPI).

1.4 All eligible development must pay CIL, as well as contribute to any direct site- specific infrastructure that is required to make a development acceptable in planning terms and is directly linked to the development.

1.5 A s106 agreement is being progressed with the intention of it being produced in advance of the appeal decision in order to secure appropriate planning obligations.

2.0 Additional Policy Context

2.1 Policy DM6 of the National Planning Policy Framework 2026 provides the national policy framework for the use of planning conditions and planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

2.2 In respect of monitoring, the Community Infrastructure Levy Regulations 2010 (as amended) make specific provision through Regulation 122(2A) for a planning obligation requiring payment to an authority towards the costs of monitoring, including reporting on, planning obligations.

2.3 Regulation 122(2A) provides that such a monitoring contribution may be secured where:

a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and
b. the sum does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

2.4 Accordingly, the monitoring contributions secured through the Section 106 Agreement have been considered having regard to Policy DM6 of the National Planning Policy Framework 2026 and the specific statutory requirements of Regulation 122(2A). This Statement considers whether each monitoring contribution is proportionate to the development and whether it reflects, and does not exceed, the relevant authority's estimated costs of monitoring the associated obligations over their lifetime.

3.0 Amended/Additional Financial Contributions

3.1 The additional/amended planning obligations are to be secured through the Section 106 Agreement are as follows:

Obligation	**Amount**
Biodiversity Net Gain Monitoring Fee	£6,480
Surrey County Council Section 106 Monitoring Fee	£4,530

4.0 Biodiversity Net Gain Monitoring Fee Addendum

Obligation sought

4.1 A financial contribution of £6480.00 is sought by the Local Planning Authority to secure the delivery of the works within the Habitat Creation and Management Plan.

Necessity

4.2 The obligation is necessary to secure and monitor the delivery of the habitat creation, enhancement and management measures set out in the Habitat Creation and Management Plan, which are required to mitigate the biodiversity impacts of the development and achieve the required biodiversity net gain. The law requires biodiversity gain habitat to be secured and maintained for a minimum period of 30 years, and the Local Planning Authority has a statutory responsibility to monitor the implementation and effectiveness of significant on-site and relevant off-site biodiversity net gain during that period. The financial contribution is therefore necessary to enable the Local Planning Authority to undertake the monitoring required to ensure that the biodiversity mitigation and enhancement measures are delivered, maintained and remain effective throughout the relevant management period.

Directly Related to the Proposed Development

4.3 The contribution is directly related to the proposed development as it will fund the monitoring of the biodiversity net gain habitat and associated management measures required to mitigate the impacts of the development. The need for monitoring would not arise but for the development and is therefore directly related to it.

Fairly and Reasonably Related in Terms of Scale and Kind

4.4 The financial contribution is calculated based on the size of the development (5.21ha) and the technical difficulty of the habitat creation and habitat enhancement over the over the 30 year monitoring period (low difficulty), as set out in the Council's Fees and Charges. The Council's Fees and Charges have been were agreed at the Council's Licensing and Planning Committee on 10 March 2026, the agenda of which can be found at **Appendix 1**.

5.0 Surrey County Council Section 106 Administration and Compliance Fees

Obligation sought

5.1 A financial contribution of £4,530 is sought towards Surrey County Council's administrative costs of monitoring compliance with the deed.

5.2 The contribution is required to enable Surrey County Council to monitor compliance with those obligations within the Section 106 Agreement for which the County Council is responsible. There are 5 payment triggers in this agreement: the Travel Plan Audit Contribution and the first tranche of the Bus Service Contribution are payable on first Occupation with the remaining four tranches of the Bus Service Contribution are payable on each of the first, second, third and fourth anniversaries of payment of the first tranche.

Directly Related to the Proposed Development

5.3 The contribution directly relates to Surrey County Council achieving proactive monitoring of agreements to ensure compliance with the obligations and payment of all financial contributions at the appropriate time. Paragraph: 036 Reference ID: 23b036-20190901 of the NPPG clarifies that Authorities can charge a monitoring fee to cover the costs incurred by the Council in monitoring and reporting on the delivery of the obligations set out in a Section 106 Agreement,

Fairly and Reasonably Related in Terms of Scale and Kind

5.4 The obligation is in proportion to the scale of the development and reflects the County estimated costs for monitoring a Section 106 Agreement, as set out in paragraph 2.6 of the Surrey County Council Developer Contribution Guide March 2025, which identifies the cost of monitoring each trigger to £905.87.