

Planning Obligations Supplementary Planning Document

January 2017



Growing a Strong Warrington

WARRINGTON
Borough Council



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1. Introduction

Background

1.1 The aim of this Supplementary Planning Document (SPD) is to provide guidance to support policies set out within Warrington's Development Plan (the Local Plan Core Strategy) and relevant national guidance. It forms part of a package of documents within the Local Planning Framework that will assist the Council in delivering the local, sub-regional and national objectives in respect of sustainable development. It has been prepared to supplement the following Local Plan Core Strategy (LPCS) policies:

- CS1 Overall Spatial Strategy – Delivering Sustainable Development
- CS4 Overall Spatial Strategy – Transport
- PV3 Strengthening the Borough's Workforce
- SN2 Securing Mixed and Inclusive Neighbourhoods
- SN7 Enhancing Health and Wellbeing
- QE1 Decentralised Energy Networks and Low Carbon Development
- QE3 Green Infrastructure
- QE4 Flood Risk
- QE5 Biodiversity and Geodiversity
- QE6 Environment and Amenity Protection
- MP4 Public Transport
- MP7 Transport Assessments and Travel Plans
- MP10 Infrastructure

1.2 The SPD sets out Warrington Borough Council's approach to seeking planning obligations for the provision of affordable housing, biodiversity, education, flood risk, green infrastructure/open space, pitch sports/recreation, health, local job/employment opportunities, and transport/travel infrastructure required as a result of new development.

1.3 The Council has commenced the work to introduce a Community Infrastructure Levy (CIL), but this has been delayed to enable the introduction of CIL to be undertaken in parallel with the review of the Local Plan. The SPD will be used by the Council up to the point that CIL becomes operational, following which time the SPD will need to be revised.

1.4 The purpose of this SPD is to:

- Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
- Explain the circumstances under which the Council will secure planning obligations to mitigate the impacts of a development on the borough's infrastructure;
- Improve transparency in the priority and calculation of planning obligations;
- Provide applicants with greater certainty on when planning obligations will be sought;
- Take into account the cumulative impact of development in the borough and explain how this will be dealt with through the use of planning obligations

Status of this Supplementary Planning Document

1.5 This Supplementary Planning Document will be one of a number of documents constituting important material considerations in the determination of planning applications. Proposals for development will need to take into consideration the guidance set out in this SPD, wherever relevant, within the context of the policies that are identified in the Local Plan Core Strategy, other relevant SPDs and national guidance.

1.6 It replaces the Planning Obligations and Open Space and Recreation Provision Supplementary Planning Documents, which were both adopted in September 2007.



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How to use this Supplementary Planning Document

1.7 The Supplementary Planning Document is divided into 4 sections, dealing with the following matters;

1. Introduction – status, how to use it, policy context, planning obligations
2. When will a Planning Obligation be required
3. Standard obligations and charges
4. Management and monitoring of planning obligations

Policy Context

1.9 The legislative basis for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by later legislation including Section 12 of the 1991 Planning and Compensation Act and the Planning Act 2008. Paragraphs 203 to 206 of the National Planning Policy Framework (NPPF) set out the Government's policy on planning obligations. These paragraphs reiterate the tests for planning obligations set out in the CIL Regulations; restate the principle that planning conditions are preferable to planning obligations; require local authorities to take into account changes in market conditions over time in policies and planning obligations and make sure they are sufficiently flexible to prevent planned development from being stalled. The circumstances for the use of planning obligations, which are laid out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and reiterated in paragraph 204 of the NPPF, are as follows:

1.10 "Planning obligations should only be sought where they meet all of 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."

In addition, Regulation 123 of the CIL Regulations 2010 (as amended) further requires that, from 6th April 2015, the pooling of contributions towards a specific type or piece of infrastructure will be limited to not more than five planning obligations. As outlined in the national planning practice guidance this limit on pooled S106 contributions does not apply to contributions for affordable housing ([NPPG: Paragraph: 099 Reference ID: 25-099-20140612](#)).

1.11 Section 11 (Paragraphs 11.24 to 11.32) of the Local Plan Core Strategy describes Warrington's policy approach to the provision of infrastructure. Policy MP10 seeks to ensure that developers make reasonable provision or contribution towards appropriate infrastructure to mitigate the impact of development.

1.12 As the Local Highway Authority, Warrington Borough Council may also use Section 278 of the Highways Act 1980 to secure works to the public highway where necessary to facilitate or serve the proposed development.

What is a Planning Obligation

1.13 All development has the potential to impact on the environment and place pressure on local infrastructure and services. The planning system can be used to ensure that new development contributes positively to the local environment, and helps to mitigate any adverse impacts on infrastructure, the local environment and services. This is normally achieved through the use of conditions placed on a grant of planning permission by the local planning authority. These conditions permit development to go ahead only if certain circumstances are satisfied. Conditions are the usual mechanism for essential on-site design requirements and critical infrastructure such as street lighting, sewers, roads, landscaping and amenity space.



1.14 However, Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) allows the drafting of legal agreements with the Council. These agreements control the impacts of development, which cannot otherwise be achieved via planning conditions. They also ensure that development proposals are compliant with the Council's LPCS policies. Section 106 Agreements are an established mechanism to secure the delivery of services or facilities needed as a result of new development. They are referred to as "planning obligations". Contributions to infrastructure can be delivered by way of physical works on or off-site, land transfer or financial contributions. In general obligations fall into one of three categories:

- (i) Prescribe the nature of the development (e.g. by requiring that a given proportion of housing is affordable);
- (ii) Secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or
- (iii) Mitigate a development's impact (e.g. through increased public transport provision).

1.15 A planning obligation runs with the land, so may be enforced against the original person who entered into the agreement and anyone acquiring an interest in the land from them.

1.16 A planning obligation can be secured either by means of unilateral undertaking by a developer or through an agreement between the developer and the Council. A unilateral undertaking will place obligations simply on the shoulders of the developer whereas an agreement will place obligations on both the Council and the developer (for example the developer will be obliged to pay the Council a sum of money but the Council will be obliged to use that money for a specific purpose within a specified timeframe). In either case, the Council will only enter into a planning obligation with a developer when it meets the key tests as set out in regulation 122 of the CIL Regulations 2010 (as amended) that a planning obligation should be:

- (i) necessary to make a proposal acceptable in planning terms;
- (iii) directly related to the proposed development; and
- (iv) fairly and reasonably related in scale and kind to the proposed development.

1.17 There may be situations when either a planning obligation or a planning condition could be used to overcome an objection to a development proposal. In such situations it is better for local authorities to impose a condition, rather than dealing with the matter by using a planning obligation ([NPPG: Paragraph: 011 Reference ID: 21a-011-20140306](#)). A "grampian condition" can be used in certain circumstances. These conditions preclude the implementation of development permitted by planning permission in whole or in part, until agreed works or schemes have taken place. Such a condition can be used to secure benefits across the whole spectrum of environmental and infrastructure improvements. The Council will endeavour to use conditions wherever possible in preference to planning obligations. However, there are a number of general circumstances in which planning obligations may be more appropriate; for example, where a developer is to make a financial contribution.

1.18 Where planning obligations are required, planning permission will not usually be granted until the S106 legal agreement has been entered into by all relevant parties and has been completed.



2. When will a Planning Obligation be required?

Site size, Thresholds and Range of Obligations

2.1 Obligations will normally only be sought by the Council where development sites exceed a certain size.

2.2 The Council is concerned that development sites should not be subdivided or developed in phases to create separate development schemes which fall below site size thresholds where obligations may be sought. Where this is the case the Council will consider sites in their totality. This principle will apply even where applications are not submitted at the same time.

2.3 In some cases where outline planning permission for residential development is applied for, it may not be clear whether the thresholds will be exceeded. In these cases obligations will be negotiated on the presumption that the site exceeds the relevant threshold. However, conditions and legal agreements will be worded to allow an alternative approach if it later turns out that less than the threshold number of units are proposed.

2.4 The exact type and range of works or contributions likely to be considered for an individual site will depend upon the particular development proposed, and its impact upon local services and facilities. Although developers will not be required to rectify existing shortfalls of provision or resolve existing problems, obligations will be sought relative to the scale of impact of the proposed development where an existing constraint is materially exacerbated by a proposal.

2.5 The Council has an up-to-date [Infrastructure Delivery Plan \(IDP\)](#) for the purposes of identifying the key infrastructure required during the plan period. The IDP will be used to inform what projects contributions will be sought for and to facilitate negotiations with developers, although it does not provide an exhaustive list of all required infrastructure.

2.6 Large developments of a strategic nature may generate a level of demand that requires new infrastructure to be provided on site as part of the development proposal. For example, a residential development of 500 homes may result in the need to provide a new primary school on site. There is not a specific threshold for when the Council will require infrastructure to be provided on site. It will depend on the location of the site, the nature of the development proposal and existing infrastructure provision within the area. The mechanism for delivering on site infrastructure will need to be agreed with the Council and any relevant service provider as part of the pre-application process. This will then be reflected in the S106 agreement.

2.7 Where on-site infrastructure is serving a wider need than just the need arising from the development itself, the Council may treat this as a 'credit' in considering the overall planning obligations sought from the development.

2.8 In line with the NPPG ([Paragraph: 005 Reference ID: 23b-005-20140306](#)) planning obligations may be sought for permitted development but only for matters requiring prior approval.

2.9 Table 2.1 (below) summaries the nature of different obligations that may be sought from developments in the Borough, the types of development that they will apply to and the thresholds above which they will apply. Unless otherwise specified the definition of major developments will be taken as the definition of major development in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 <http://www.legislation.gov.uk/uksi/2010/2184/article/2/made>.



Infrastructure Type	Sub-Group	Type of Development obligation will apply to	Thresholds
Affordable Housing	On-site provision Off-site provision Commuted sums in lieu of on/off-site provision	Residential	11 units (or with a maximum combined gross floorspace of more than 1,000 sqm)
Biodiversity	Biodiversity measures and/or enhancements to meet the needs of development sites	Residential and Non-residential	Where impact on protected sites, key habitats or protected species.
Education facilities	Additional primary school places Additional secondary school places	Residential	11 units (or with a maximum combined gross floorspace of more than 1,000 sqm) where the demand from new homes cannot be met by existing schools
	Specific on-site requirements to meet the needs of major development sites	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing schools
Energy	Specific on-site carbon reduction measures to meet the needs of developments	Non-residential	Commercial developments with a gross floorspace of 1,000 sqm (gross internal area) or more or a site area of 1 hectare or more.
	Decentralised renewable and low carbon energy measures	Residential and Non-residential	Major development in Strategic Locations, Proposals and Opportunities
Flood Risk	Specific on-site flood management, mitigation and prevention measures to meet the needs of developments	Residential and Non-residential	Where development is at risk of flooding
	Strategic flood management, mitigation and prevention measures	Residential and Non-residential	Major development sites of a strategic nature and sites where development would benefit from proposed strategic flood defences
Green Infrastructure and Open Space	Site specific open space and green infrastructure requirements (including allotments, equipped play, green corridors, incidental space, informal play, natural and semi-natural greenspace, outdoor sports and parks & gardens) to meet the needs of developments	Residential	40 units where there is an identified deficit in the provision of defined categories of open space
Pitch Sports & Recreation	Pitch Sports and built sports facilities provision	Residential	40 units where the demand from new homes cannot be met by existing sports pitches and facilities.
	Specific on-site requirements to meet the needs of major development sites	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing sports pitches and facilities.
Health facilities	Primary Health care provision/places	Residential	50 units where the demand from new homes cannot be met by existing health facilities.
	Specific on-site requirements to meet the needs of major development sites	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing health facilities.
Local Job/Enterprise Opportunities	Interview guarantee schemes Skills training Tender Event Schemes	Residential	11 units (or with a maximum combined gross floorspace of more than 1,000 sqm)
	Interview guarantee schemes Skills training Tender Event Schemes	Non-residential	Commercial developments with a gross floorspace of 1,000 sqm (gross internal area) or more or a site area of 1 hectare or more.
Transport and travel measures/facilities	Strategic transport and highway infrastructure Public transport Pedestrian and cycling infrastructure	Residential and non-residential	Major development sites of a strategic nature
	Site specific transport requirements Public transport Cycle/walking/highway improvements that form part of Section 278 Agreement Travel Plans	Residential and non-residential	Where impact on the transport network

Table 2.1:- Summary of potential obligations and the types of development they apply to, together with the thresholds.



2.10 The priority areas for Section 106 Agreements as set out in this document are not exhaustive and the Council may wish to negotiate other forms of planning obligations depending on the individual circumstances of a site and proposal, where obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development in question.

Negotiating and Securing Planning Obligations

2.11 The Council will assess the need for planning obligations in negotiation with developers. It is the Council's strong preference that discussion is undertaken at the pre-application stage, with the clear intention to identify potential impacts of the proposed development that would require compensation or mitigation and where possible, agree the nature and scope of obligations prior to submission of any application. A record of key points discussed relating to potential obligations will be agreed with developers and maintained by the Council.

2.12 All negotiations will involve close consultation between the Council's Planning and Legal Departments. With other Departments and external organisations being consulted where relevant; for example, where affordable housing is to be sought, the involvement of the Council's Housing Officers will be required.

2.13 The issues that negotiations between the Council and developers will seek to resolve include:

- the range of impacts to be addressed
- whether provision will be required on-site, off-site, or through financial contributions
- amount of provision or financial contribution required
- location of provision within the site
- agreed points by which provision should be completed or when financial payments are required (Trigger Points)
- details of how financial contributions will be used
- time limits by which the Council must use financial contributions.

2.14 Different trigger points for each obligation may be required. The trigger points will be set by reference to the nature of the obligation and the stage at which the mitigation is required and take account of development viability.

2.15 Details of any planning obligations likely to be required to mitigate the impacts of a development should be submitted as a draft "Heads of Terms" document alongside any pre-application submission documentation, to allow officers sufficient time to consider the details contained within the draft "Heads of Terms". As a minimum, the heads of terms of Section 106 Agreements will be identified and referred to in Committee Reports where applications are to be determined by Development Management Committee, and specifically recorded when an application is approved under delegated powers. This information enables a proposal to be approved subject to the Agreements being legally drawn up and signed. In the interests of speeding up the process of securing planning obligations, the aim should be that a draft agreement is prepared by the time a resolution to determine the application is made, however this will not always be possible in practice but every effort should be made by the council to finalise the S106 agreement as swiftly as possible.

2.16 Section 106 Agreements may be drawn up by legal representatives from either the developer or the Council's Legal Department. These legal documents should include reference to the points, where relevant, listed in paragraphs 2.13 and 2.14 above. In order to enter into a planning obligation through a legal agreement, applicants will be required to provide the following:



- Details of the applicant's solicitor
- Proof of title ownership of the site
- An undertaking to meet the council's legal costs of drawing up the agreement.

All landowners and parties holding an interest in the land will also need to be party to the legal agreement, and if the site is subject to a mortgage then the mortgagee will also need to enter into the legal agreement.

Viability

2.17 To ensure the planning obligation requirements set out in this SPD will not unduly impact on the viability of development in the borough, the Council has taken into account the most recent viability evidence that was commissioned as part of the Council's Community Infrastructure Levy work, in preparing the SPD.

2.18 Nevertheless, the Council recognises that in certain cases it may not be feasible for the proposed development to meet all planning obligations and still be economically viable. The impacts of a development that may lead to the need for a planning obligation must be weighed together with all other material considerations, including any positive benefits of the development, in determining whether planning permission should be granted.

2.19 Where a developer raises concerns over the financial viability of a development proposal the Council will consider whether the benefits from the development so outweigh the need to provide infrastructure or services that the level of contributions normally expected may be prioritised, reduced or waived. This consideration will be based on negotiation and financial viability information provided by the developer on a strictly confidential basis.

2.20 In these circumstances, developers will be expected to show evidence that they have taken known development costs into account in agreeing realistic land values.

2.21 Where it is considered that the full range of planning obligations cannot be met it is recommended that applicants seek pre-application advice from the Council.

2.22 At the planning application stage, proposals where the full range of planning obligations cannot be met must be accompanied by a full Viability Assessment (VA) which contains sufficient evidence to enable the Council to properly assess a scheme. The scope of any VA should be discussed at pre-application stage. The assessment of a VA will be undertaken in accordance with: the recommended practice set out in the Royal Institution of Chartered Surveyors (RICS) Financial Viability in Planning Guidance Note (1st Edition); the National Planning Policy Framework; and where appropriate the Viability Testing Local Plans (Harman) Report. Such assessments will have regard to RICS professional standards and valuation practice statements.

2.23 The applicant will be required to meet the Council's cost of evaluating any appraisals which will include the appointment of a qualified independent assessor.

Pooled Contributions

2.24 Where the combined impact of a number of developments creates the need for the provision of a specific infrastructure project or type of infrastructure or sustainable transport initiative the Council may pool the associated developer contributions to allow the infrastructure to be secured in a fair and equitable way subject to the five obligations pooling restriction imposed by the CIL Regulations 2010 (as amended). The pooling restriction relates to contributions within S106 agreements entered into from 6th April 2010.



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2.25 To ensure compliance with the CIL regulations the Council will be clear in the S106 agreement the specific infrastructure project(s) that the contribution will be used for.

Contacts for further information

2.26 Whilst, this document aims to provide clarity regarding various aspects of planning obligations, the Council encourages applicants to seek pre-application advice with both officers and external consultees prior to the submission of a planning application. For advice on the Council's pre-application advice service please see the Council's website:
https://www.warrington.gov.uk/info/200557/planning_and_building_control/2026/pre-application_advice

2.27 For advice on submitting a planning application please see the Council's website:
https://www.warrington.gov.uk/info/200557/planning_and_the_environment/1876/planning

2.28 For general planning policy advice please see the Council's website:
http://www.warrington.gov.uk/homepage/465/planning_policy



3. Standard Obligations and Charges

Affordable Housing

Summary of contribution requirements

Planning obligations relating to affordable housing will be sought for residential developments of 11 or more units.

In accordance with Policy SN2 qualifying sites will be required to provide a minimum of 20% affordable housing on-site. This target increases to 30% on sites of 15 or more dwellings outside of Inner Warrington or on greenfield sites anywhere in the borough.

50% of the affordable housing should be for rented and 50% intermediate provision. Starter Homes will be considered as intermediate provision. In the event future regulations under the Housing and Planning Act 2016 require a minimum provision of Starter Homes equating to over 50% of provision, the Council will seek any balance of affordable housing to be rented.

In each case the provision to be made will be based on negotiation and agreement on a site by site basis subject to viability, other policy and planning obligation requirements and any vacant building credit. A lower proportion and /or different tenure split may be permitted where it can be demonstrated that development would otherwise not be viable.

In accordance with Local Plan Core Strategy Policy SN2, affordable housing should normally be provided on-site. Only where exceptional circumstances exist and where the Council is satisfied that it would deliver a better outcome, will off-site provision be accepted.

Where exceptionally, housing cannot be provided on or off-site, a commuted sum will be required in lieu of provision to secure delivery of affordable housing on sites elsewhere in the borough.

3.1 There is a requirement for more affordable housing within Warrington to meet identified local need. This need provides the basis for the Council's approach to securing new affordable housing in Local Plan Core Strategy Policy SN2. Affordable housing is also a priority of the Council Strategy for 2015-18 which aims to ensure housing needs are met and that everyone has access to a decent and affordable home.

3.2 The most recent evidence of Warrington's affordable housing need is provided by the [Mid-Mersey Strategic Housing Market Assessment \(SHMA\) January 2016](#). The Council is committed to ensuring that it keeps its housing evidence base up to date.

3.3 Policy SN2 requires provision of affordable housing on sites of 5 or more dwellings. The level of provision (between 20% and 30% on-site), being dependent upon the nature of the site and its location within the borough.

3.4 The Policy also requires 50% of affordable housing to be for rent and 50% to be intermediate. In line with the NPPF, the Policy stipulates that affordable housing should usually be delivered on site.

3.5 Since the LPCS was adopted, updates to the NPPG mean the Council is no longer able to secure affordable housing on sites of 10 or fewer homes. The NPPG also requires the Council to give credit for vacant buildings which are either being brought back into use or redeveloped in considering the amount of affordable housing to be provided on a site.

3.6 The Housing and Planning Act 2016 has also been published following the adoption of the Local Plan Core Strategy. The Act places a duty on the Council to promote the supply of Starter Homes in carrying out its relevant planning functions. Forthcoming regulations may require provision of a proportion of Starter Homes on all sites above a certain threshold.



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3.7 Therefore this SPD elaborates on how Policy SN2 will be applied in practice, taking into account this new legislation and guidance.

Thresholds and Level of Provision

3.8 Following revisions to the NPPG the Council can no longer seek affordable housing from sites up to and including 10 homes and which have a maximum combined gross floorspace of no more than 1000sqm.

3.9 The threshold will now be 11 residential units with qualifying sites required to provide a minimum of 20% affordable housing on-site. In accordance with Policy SN2 this target increases to 30% on sites of 15 or more dwellings outside of Inner Warrington or on greenfield sites anywhere in the borough.

3.10 In considering whether a development meets the threshold for providing affordable housing, the Council will take into account the net increase in the number of dwellings on a site. The policy applies to the conversion of any building, whether already in residential use or not. The artificial sub-division of a site will not be permitted to circumvent this policy.

3.11 In the case of outline applications where it is not possible to specify the precise amount of affordable housing, a statement of intent should be submitted outlining how affordable housing will be provided in line with Policy SN2.

Vacant Building Credit

3.12 The NPPG states that where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Council calculates the affordable housing contribution which will be sought.

3.13 The NPPG gives discretion to Councils in how the Affordable Housing Credit is operated, subject to ensuring the operation is consistent with the Government's policy intention to incentivise brownfield development.

3.14 For the purposes of establishing whether the vacant building credit will apply, the Council will require the applicant to demonstrate that there are building(s) on the application site which are genuinely vacant. The Council will assess each site on a case by case basis but it will expect that a building has been vacant for a minimum of 12 months and will require the developer to demonstrate that extensive efforts have been made to market the building at a value that is considered reasonable for the building's particular use and location.

3.15 If the building is covered by an extant or recently expired planning permission for the same or substantially the same development then the credit will not apply.

3.16 The Council will credit the existing floorspace of a vacant building against the floorspace of the new development. For example, where a building with a gross floorspace of 1,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, the required affordable housing contribution will be reduced by 10 percent.

Tenure

3.17 In accordance with Policy SN2, the Council will seek 50% of affordable housing provision to be for rent and 50% to be intermediate. Rented housing will normally take the form of Affordable Rent which is up to 80% of market rents or Local Housing Allowance – whichever is lower – inclusive of service charges. In Warrington, intermediate housing is normally provided as shared ownership.



3.18 A Starter Home is defined in the Housing and Planning Act 2016 as a new dwelling to be made available for purchase either as a freehold or leasehold interest to a first time buyer under the age of 40 for a discount of at least 20% below the Open Market Value of the property. Its value is capped at up to £250,000 outside of London.

3.19 For the purposes of Policy SN2, Starter Homes will be considered to be an intermediate form of affordable housing. This is because Starter Homes are intended to provide low cost ownership and will meet needs of people who would otherwise be seeking intermediate housing rather than a rented affordable home.

3.20 The Council will continue to seek to secure 50% of provision as affordable rented housing as well as fulfilling its duty to promote Starter Homes. The latest SHMA has reconfirmed rented affordable as the tenure for which there is most acute need in Warrington. As Government affordable housing funding is now primarily focused on low cost home ownership, securing rented affordable housing through the planning system will remain important. The Council does, however, acknowledge there are viability implications for provision of rented affordable housing due to the rent reductions imposed on Registered Providers by Government.

3.21 The Council is aware that the forthcoming Starter Homes Regulations may require provision of a certain percentage of Starter Homes on-site. Given the need for rented affordable housing, the Council will still seek the balance of affordable housing provision to be rented, in the event that the regulations require over 50% of affordable housing provision to be for Starter Homes. Therefore, in the event the regulations require 20% Starter Homes to be provided on site, for sites with a requirement to provide 30% affordable housing, the Council will seek the remaining 10% as affordable rented provision.

Housing Mix

3.22 The Council will have regard to the most up to date information on housing needs in negotiating the dwelling mix on new housing developments.

3.23 The 2016 Mid-Mersey SMHA indicates for Warrington that approximately 75% of affordable housing need is for 1 and 2 bedroom affordable homes and approximately 25% for 3 bedroom properties. There is only a very small residual need for larger properties.

Forms of Planning Obligations

3.24 On-site provision can be made in several ways and should be agreed with the local planning authority on a site by site basis.

Conventional Affordable Housing

3.25 The following are on-site delivery options for developers:

- Build the housing and then transfer to a Registered Provider to provide either rented or intermediate housing.
- Transfer the land to a Registered Provider at discounted value and the Registered Provider develops the housing to provide either rented or intermediate housing.
- Build the housing and then sell at below market price to eligible households. This will usually require a marketing strategy to be agreed between the Council and the Developer.
- Build the housing and then rent at an affordable rent with the property managed in accordance with the standards set by the HCA or its successor.

3.26 The preferred method of delivery is for the transfer of the affordable units to a Registered Provider.



3.27 The Council will need to be satisfied that any agreement reached between a developer and Registered Provider for the on-site provision of affordable housing will ensure that rental levels or shared ownership costs will be affordable initially and in the long term. Where affordable rented properties are concerned, rental charges should be calculated in line with the prevailing Homes and Communities guidance.

3.28 Service charges and ground rent charges for dwellings should be set at levels which do not exceed the amounts needed to manage and maintain the properties to registered providers' association standards and should be fully transparent in their contents and calculation methods.

3.29 Where affordable housing is to be owned and retained (as opposed to managed) by a body other than a Registered Provider, equivalent safeguards concerning its long term nature and recycling of benefit will need to be secured by way of a legal agreement.

Starter Homes

3.30 Starter Homes will normally be built and then sold by the developer for up to 80% of market value. Given the importance of ensuring the successful delivery and management of Starter Homes, obligations on the developer will be secured through a S106 Agreement. A key provision within the agreement will be to ensure that the affordability of the dwellings is defined in relation to local market conditions.

3.31 Further details on restrictions around Starter Homes, in particular the length of time before a homes can be sold for full market value, will be set out in forthcoming regulations.

Off-site Provision

3.32 Where exceptional circumstances exist and where the Council is satisfied that it would deliver a better more sustainable outcome, off-site provision will be considered. Only where it is not possible to provide affordable housing on or off-site will a commuted sum in lieu of on-site provision be acceptable.

3.33 Where it is agreed that circumstances exist to justify the use of a commuted sum, the money will be spent on the provision of new affordable housing on suitable sites elsewhere in the borough. The Council may also use commuted sums in the form of bridging funds to subsidise the provision of rented units by a Registered Provider.

3.34 The level of commuted sum sought will reflect the developer subsidy which would have been required had provision been made on site. This will ensure that there is no difference in the level of contribution towards affordable housing between on and off-site provision.

3.35 It will be the responsibility of the developer to calculate the value of the commuted sum in agreement with the Council. The developer will first be required to establish what would have been the value of a policy compliant provision of on-site affordable housing within the planning application site, based on what a Housing Association would reasonably expect to pay. The calculation of these values will need to be based on Warrington's Local Housing Allowance for the rented proportion of the affordable housing and take into account local market values for the intermediate proportion. The commuted sum can then be calculated as the difference between the open market value and the discounted value of the affordable housing units.



Viability Appraisals

3.36 If a lower level of provision is proposed that is below the policy requirements it should be supported by a financial viability appraisal of the scheme as set out in Section 2.



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Biodiversity

Summary of Contribution Requirements

Biodiversity measures/enhancements will be sought from development where there is an impact on protected sites, key habitats or protected species and would normally be expected to be provided on-site and secured through appropriate planning condition(s).

Planning obligations relating to biodiversity will be sought from development where the Council is satisfied that off-site provision (or a financial contribution in lieu of off-site provision) would deliver a better outcome and/or support strategic proposals set out in the Infrastructure Delivery Plan.

3.37 There are a number of protected sites of recognised nature and geological value within the borough. Policy QE5 of the LPCS sets out the formal designations active within the borough, ranked in order of their importance.

3.38 In accordance with Policy QE5 all development proposals affecting protected sites, wildlife corridors, key habitats or priority species (as identified in Local Biodiversity Action Plans) should be accompanied by information proportionate to their nature conservation value.

3.39 The Council will work with partners to protect and where possible enhance sites of recognised nature and geological value. These efforts will be guided by the principles set out in national planning policy and those which underpin the strategic approach to the care and management of the borough's Green Infrastructure in its widest sense.

3.40 Under Policies QE5 and QE6 the protection of habitats such as hedgerows, trees and ponds are of importance for wildlife flora and fauna and should be retained. Certain species of animals and plants receive additional special protection under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended). If development proposals are likely to affect sites important to wildlife habitat, landscaping and/or protected species then the Council will attach a condition to any permission to achieve implementation of mitigation measures. This may involve the creation of other sites of at least equal nature conservation value, or the creation of adequate alternative habitats for the protected species.

3.41 Where it is considered unfeasible for a development to provide adequate on-site biodiversity enhancements, or where projects in nearby open spaces, or enhancements to nearby rivers or water bodies, offer better opportunities to enhance biodiversity and/or access to nature, the Council will seek to secure off-site provision or an equivalent financial contribution towards off-site provision/enhancements, along with appropriate management measures (subject to the five obligations pooling restrictions imposed by the CIL Regulations 2010 (as amended) and the limitations of tariff-style Section 106 Contributions outlined in the planning practice guidance - [Paragraph: 031 Reference ID: 23b-031-20160519](#)). This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.



Education

Summary of Contribution Requirements

Residential developments of 11 or more units (or with a maximum combined gross floorspace of more than 1000sqm) will be required to provide a contribution in order to secure delivery of appropriate enhancements to existing education facilities in the local area where there is insufficient capacity to meet the increase in school age children generated by the development.

The contribution will be calculated by multiplying the number of school age children arising from a development for which capacity does not currently exist against the cost of providing primary and secondary school places.

For large scale development proposals where the unmet need justifies the delivery of a new school, the Council will seek to secure land as part of the overall development proposal.

3.42 The objectives of the Local Plan Core Strategy include; reducing unemployment and inequalities in the borough through developing a qualified and skilled workforce (Objective E2) and ensuring the timely and co-ordinated provision of high quality infrastructure that supports future growth (INF2). Policy MP10 of the LPCS seeks to ensure that future growth is supported and enhanced through the timely delivery of the necessary infrastructure required to support both strategic and site-specific development, as set out in the Infrastructure Delivery Plan.

3.43 Increase in demand for school places is placing significant pressures on existing levels of provision, particularly at primary school level but also increasing at secondary school level. New development in the borough will place further pressure on the borough's education facilities.

3.45 It is particularly important for families with children of primary school age to be able to access a school place for their children locally without having to travel significant distances and there will be a general presumption that the need for any education provision of this type arising out of new development will be provided within the immediate local area.

3.46 Within Warrington specific school areas have been identified for the purposes of pupil place planning which will be used when assessing available capacity and the need to provide for any increased provision arising from proposed new residential development.

3.47 There are two elements of planning obligations relating to education provision. Firstly, to mitigate the impact of development on the existing level of education provision in the area local to the site; and secondly where there is the need to secure land for a new school as part of a large scale development of a strategic nature.

Enhancing Existing Education Provision

3.48 Planning contributions will be sought in connection with proposed housing developments of 11 or more units (or with a maximum combined gross floorspace of more than 1000sqm) where the new housing will generate a need that cannot be met by existing local facilities.

3.49 Consideration of the following two factors will indicate the degree of any shortfall of provision:

- (i) The number of pupils expected to be generated by the proposed development. In order to calculate this figure, the Council uses the following child yields, based on the most recent census data:



- Primary School child yield – 0.30 pupils per family home (2 bed dwelling and above);
- Secondary School child yield – 0.18 pupils per family home (2 bed dwelling and above).

(ii) The projected position in relation to the supply and demand situation for school places within a reasonable distance of the proposed development in the case of primary school provision, or in relation to schools where the educational needs of a any secondary pupils are likely to be met.

3.50 The level of contribution sought will then be calculated by multiplying the number of primary and secondary school pupils for whom capacity does not currently exist against the cost of providing a primary and secondary school place.

3.51 The Council will only consider variation from the child yields above where there is compelling evidence to do so, for example where new homes will be restricted for occupation by elderly people.

3.52 The Council uses the Department for Education’s cost multipliers (updated by applying the most up to date construction cost indices and a regional adjustment factor) to establish the cost of providing school places in Warrington. Currently this equates to £12,439 per primary school place and £16,171 per secondary school place. The Council are committed to ensuring that these costs are regularly updated and will publish updated figures annually ahead of the start of each new school year.

3.53 In assessing the pressure on school places the council will consider the likely supply and demand situation to coincide with the next school year intake following the grant of planning permission taking account of any unimplemented planning permissions for new family dwellings. The payment of the contribution will be timed to allow for the provision of the necessary infrastructure when it will be required, and will take account of the construction period for the development, any future variation in school rolls and the implementation of any extant planning permissions.

3.54 Contributions will relate only to the capital cost of education provision. In order to ensure compliance with CIL Regulations and the five obligations pooling restrictions, the Council will identify a specific education project(s) for which the contribution will be used. This methodology ensures that contributions sought are directly, fairly and reasonably related in scale and kind to the development proposed.

Strategic Development Requirements

3.55 The Council will seek to secure the land necessary to deliver a new school as part of an overall development proposal, at no cost to the Council, where a development proposal is of such a magnitude that unmet demand would justify the delivery of a new school and where there are no alternative deliverable options to unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.

3.56 The mechanism for delivering a new school will need to be agreed with the Council’s Family and Wellbeing Directorate as part of the pre-application process, taking into account development viability. This will then be reflected in the S106 agreement.

3.57 Where land is being provided the Council will seek to secure a financial contribution for the school’s construction in line with the methodology set out above, subject to viability. Where the land provided will accommodate a school which is larger than the demand generated from the development the value of the additional land will be offset against the financial contribution sought.



Summary of Contribution Requirements

Planning obligations relating to energy efficiency will be sought for:

- Commercial developments with a gross floorspace of 1,000 sqm (gross internal area) or more (or a site area of 1 hectare or more) in all locations.
- Major commercial and residential development on sites in the strategic locations, proposals and opportunities identified in the Overall Spatial Strategy and shown on the Key Diagram.

In accordance with Policy QE1 major commercial development proposals in all locations are required to demonstrate what efficiency measures and low-carbon technologies have been considered and the reductions that can be achieved. These will be measured against the current building regulations at the time that the application is submitted, with an expectation that the carbon reductions will exceed the requirements of the current regulations.

In the Strategic Locations, Proposals and Opportunities identified in the Overall Spatial Strategy (Policies CS7, CS8, CS9, CS10 and CS11) and on the Key Diagram the Council will encourage proposals that seek to maximise opportunities for the use of decentralised renewable and low carbon energy. In these areas major commercial and residential development will be required to;

- seek to meet a proportion of their energy needs from renewable or low carbon sources based on an assessment of the feasibility and viability of such sources. Initially this proportion will continue the former RSS target of 10% but the Council is committed over the plan period to increase this figure subject to appropriate evidence to justify such an increase; or
- establish, or connect to an existing decentralised energy network where appropriate and available, or
- make provisions to enable future connectivity in terms of site layout, heating design and site-wide infrastructure design.

3.58 In order to help combat the impacts of climate change and to ensure energy security the Council supports the development of energy efficient development and the use of renewable and low carbon energy infrastructure.

3.59 Policy QE1 of the LPCS requires development proposals in all locations to seek to minimise carbon dioxide emissions and the impacts of climate change by adhering to the energy hierarchy (i.e. reduce the need for energy consumption; use energy as efficiently as possible; use renewable and low carbon energy where possible). However, the forthcoming commencement of the amendments to the Planning and Energy Act 2008 (implemented as part of the Government's Review of the Housing Standards Review through the Deregulation Bill 2015) means that this policy can no longer be applied to residential development. It can, however still be applied to commercial development.

3.60 However, the Government's Ministerial Statement dated 25th March 2015 makes clear that the amendments to the Planning and Energy Act 2008 outlined in the Deregulation Bill 2015 do not modify the NPPF policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks. Therefore, major commercial and residential development sites within strategic locations and areas of opportunity (as defined on the LPCS Key Diagram) are required to seek to maximize opportunities for the use of decentralized renewable and low carbon energy or meet a proportion of the developments energy needs from renewable or low carbon sources (based on an assessment of feasibility and viability).



Energy Statements

3.61 The Council will require an Energy Statement to be submitted with all types of major commercial development proposals that demonstrates how the scheme will seek to minimise carbon dioxide emissions and the impacts of climate change by adhering to the energy hierarchy. Development proposals are required to demonstrate what efficiency measures and low-carbon technologies have been considered and the reductions that can be achieved. These will be measured against the current building regulations at the time that the application is submitted, with an expectation that the carbon reductions will exceed the requirements of the current regulations. Details of the format of an Energy Statement and what information it should contain may vary dependent upon the nature of the scheme and advice will be provided at the pre-application stage.

Forms in which contributions should be made

3.62 In accordance with Local Plan Core Strategy Policy QE1, energy efficiency measures would normally be expected to be provided on-site and secured through appropriate planning condition(s). However, in line with Local Plan Core Strategy Policies QE1, QE2 and MP10, where the Council is satisfied that it would deliver a better outcome and/or support strategic proposals set out in the Infrastructure Delivery Plan, off-site provision may be accepted and will be secured through S106 Agreement. Where development is proposing to establish or connect to an existing decentralised energy network this will be secured through appropriate conditions and/or S106 Agreement.



Flood Risk

Summary of Contribution Requirements

In accordance with Policy QE4 all development in areas at risk of flooding will be required to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location.

Flood risk mitigation and management measures would normally be expected to be provided on-site and secured through appropriate planning conditions. However, planning obligations will be required where; a Sustainable Urban Drainage System (SuDs) is required off-site; or where a financial contribution is required to deliver a SuDs or other flood risk alleviation or management scheme.

3.63 There are extensive areas within the borough that have been identified as being at risk of flooding. Flood risk in the borough arises from many different sources. The majority of Warrington is built on the floodplain of the River Mersey, with about three quarters of the urban area lying between 5 and 12 metres above sea level (AOD). The main source of flooding is the River Mersey and its five key tributaries, which flow through the centre of the borough. The Manchester Ship Canal, although principally a navigation canal, contributes towards reducing the incidence of flooding from fluvial flows.

3.64 Surface water flooding is also a key flood risk consideration in Warrington. Surface water flooding includes surface water runoff (pluvial flooding) and sewer flooding. Whilst pluvial flooding from heavy rain fall can occur anywhere in the borough, there are certain locations in Warrington where the probability and consequences of these mechanisms are more prominent.

3.65 The interaction between these sources of flooding has helped to inform the identification of Critical Drainage Areas in Warrington's Strategic Flood Risk Assessment (SFRA) and has informed the Surface Water Management Plan (SWMP) which provides further evidence to support the management of surface water discharges from new developments. The findings of the SWMP identify that the level of risk across the borough is higher than the strategic evaluation of surface water flooding and therefore the policy approach suggested in the SFRA should be applied across the borough, rather than being confined to the Critical Drainage Areas as identified by the SFRA.

Policy Requirements

3.66 Site specific impacts that would result from new development will be required to be directly addressed through the development itself. Policy QE4 of the LPCS requires developers to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location. Policy QE4 also requires developers to manage surface water run-off and reduce it by at least 30% on previously developed land (PDL), rising to a minimum of 50% in Critical Drainage Areas or areas susceptible to intermediate or high risk of surface water flooding; and use Sustainable Drainage Systems (SUDs) that incorporate natural drainage in new developments unless it can be demonstrated that such techniques are impractical or would present an unacceptable pollution risk. The Council will support development proposals where the risk of flooding has been fully assessed and justified by an agreed Flood Risk Assessment.

3.67 The use of SUDs - 'soft' drainage techniques, such as green open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development and will be required if assessed to be needed for site specific measures. However, the use of 'hard' drainage techniques, such as embankments, walls, weirs, underground storage tanks and pumping stations, may also be required in certain circumstances. A comprehensive drainage strategy might use a combination of such measures, making use of both natural processes and engineering solutions to bring wider



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benefits to the local community in terms of habitat creation and provision of recreational opportunities. Source control should be considered first. There may be opportunities to deliver SUDs through integrated solutions for a collection of sites. Guidance on when a sustainable drainage system should be used and when it may be inappropriate can be found in the NPPG ([Paragraphs: 079 Reference ID: 7-079-20150415](#) and [082 Reference ID: 7-082-20150323](#)).

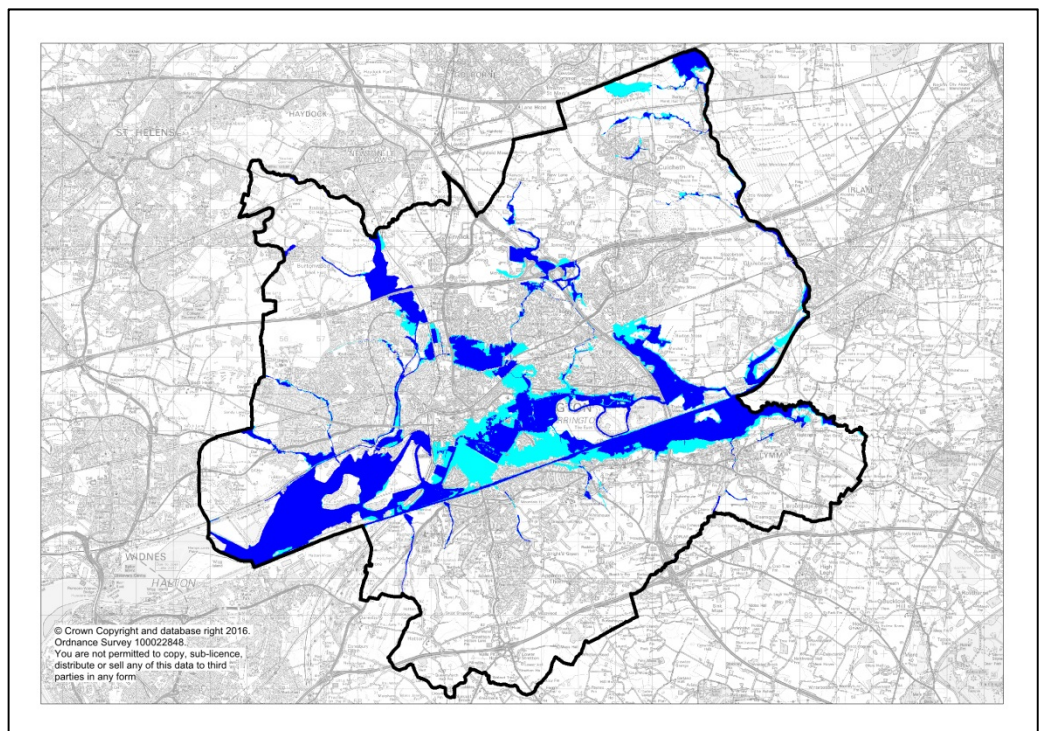
3.68 The future ownership and maintenance of such SUDs should be discussed at the planning application stage with the relevant sections of the local authority (including Planning, Highways and Engineering & Flood Risk), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact will be caused by the development elsewhere and why it is not feasible.

3.69 Planning applications will generally be refused where applicants are unable or unwilling to provide the necessary improvements. The scope of any off-site works required to mitigate site specific impacts of a development will be secured under either a S106 or S278 agreement and should be carried out by the developer under the supervision of the Council with the developer responsible for meeting all costs associated with the design and implementation of schemes.

Strategic Development Requirements

3.70 The Council has been involved in partnership working with developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.

3.71 The Council may seek contributions from sites towards strategic flood risk management schemes where these offer better opportunities to provide or enhance flood risk management than on-site provision. The level of contribution will be negotiated on a case by case basis taking into account the nature of the development and the level of risk associated with it.



Forms in which contributions should be made

3.72 In accordance with Local Plan Core Strategy Policy QE4, flood risk mitigation measures would normally be expected to be provided on-site and secured through appropriate planning condition(s). However, in accordance with Local Plan Core Strategy Policies QE4 and MP10, where the Council is satisfied that it would deliver a better outcome and/or support strategic proposals set out in the Infrastructure Delivery Plan, off-site provision will be accepted and secured through S106 Agreement.

3.73 Agreement with Warrington Borough Council, as the Lead Flood Authority on the timing of any infrastructure improvements will also be secured as part of the S106 agreement.

3.74 Where exceptionally, mitigation cannot be provided on or off-site, a commuted sum may be required in lieu of provision to secure delivery of appropriate mitigation where projects in nearby open spaces, enhancements to nearby rivers or water bodies, or contributions to strategic flood risk management schemes offer better opportunities to provide or enhance flood risk mitigation (subject to the five obligations pooling restrictions imposed by the CIL Regulations 2010 (as amended) and the limitations of tariff-style Section 106 Contributions outlined in the planning practice guidance [\(Paragraph: 031 Reference ID: 23b-031-20160519\)](#). This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.



Green Infrastructure and Open Space

Summary of Contribution Requirements

Planning obligations relating to open space will be sought for residential developments of 40 units or more.

The Council will seek to secure provision on site, based on Warrington's open space standards and taking into account the existing quantity and quality of different categories of open space in the surrounding local area.

Where it is not possible to provide sufficient open space on site, or where there is sufficient quantity of open space but it is not of a high enough quality, the Council will seek a financial contribution to provide off-site open space or improve existing open space. The level of contribution will be related to the scale of the development proposals and the opportunities to provide or improve open space in the surrounding area.

3.75 Green Infrastructure is the term that refers to the borough's collective network of green spaces and environmental features. For green infrastructure to keep pace with development it is important that those proposals which will place increased demand on assets contribute to upgrading the capacity of the network. In order to provide a range of facilities which meet the recreational needs of the borough's residents, the Council will have regard to the need to make the best use of existing social and environmental infrastructure within existing settlements and ensure additional provision where needed to support development.

3.76 The guidance in this section primarily supports Local Plan Core Strategy Policy CS1 (Overall Spatial Strategy - Delivering Sustainable Development), Policy CS6 (Overall Spatial Strategy – Strategic Green Links), Policy QE3 (Green Infrastructure), Policy SN7 (Enhancing Health and Well-being) and Policy MP10 (Infrastructure). Policy QE3 seeks to:

- protect the existing level of provision and the functions that it performs,
- improve the quality of existing provision, including local networks and corridors, specifically to increase its attractiveness as a sport, leisure and recreation opportunity and its value as a habitat for biodiversity, and
- secure new provision in order to cater for anticipated increases in demand arising from development particularly in areas where there are existing deficiencies assessed against standards set by the Council.

3.77 In line with these policies new housing developments will be required to provide sufficient recreation and amenity open space and facilities in order to cater for the anticipated increase in demand arising from the development. The type of provision that is required will vary with the nature, scale and location of the development but may involve the provision of formal open space, informal amenity space (including, for example, dog walking areas), children's play areas, allotments or improvements to the public realm.

3.78 This section sets out the Council's approach to planning for open space and removes the necessity for a separate Green Infrastructure and Recreation Provision SPD, as originally envisaged in the LPCS.

3.79 It addresses the requirements of paragraph 73 of the NPPF and defines the Council's updated quantitative, qualitative and accessibility standards, as well as more detailed and specific advice on the process which should guide any assessment of open space requirements in relation to the provision of public open space in new residential developments.



Local Assessment (Open Space and Recreation Provision Standards in Warrington)

3.80 The [Open Space Audit \(OSA\) 2016](#) will be used to determine what open space, sports and recreational provision is required in the borough.

3.81 The OSA provides an assessment of the quantity, quality and accessibility of open space provision across the borough on a ward basis and details of surpluses and deficits of the various types of open space based on the standards set out in the table below. It also provides Ward profiles that detail the types/locations/amount/size of open space provision within each ward.

Typology	Open Space Audit 2016		
	Fields in Trust (FIT) Planning and Design for Outdoor Sports & Play (2008)		
Typology	General Standard	Standard per person	Accessibility Standard
Equipped Play	0.25 Ha per 1,000 population	2.5m ² per person	LAP – 60m Straight Line LEAP – 240m Straight Line NEAP – 600m Straight Line
Informal Play	0.55 Ha per 1,000 population	5.5m ² per person	300m Straight Line
Outdoor Sports	1.6 Ha per 1,000 population	16m ² per person	Not applicable
Parks & Gardens	1.6 Ha per 1,000 population	16m ² per person	District Park – 1200m (15-25Ha) Local Park – 600m (2-15Ha) Small Park – 400m (0.4-2Ha) Pocket Park – 300m (<0.4Ha)
Natural / Semi-Natural Greenspace	2 Ha per 1,000 population	20m ² per person	2000m for 20Ha> 300m for <20Ha
Allotments	0.07 Ha. Per 1,000 population (2006 Open Space Review Report)	0.7m ² per person	1000m Straight Line

Table 3: Open Space Typology Standards

Forms of development that will be required to make a contribution towards Open Space provision

3.82 The Council has used a threshold of 40 dwellings for on-site public open space contributions for a number of years, since the adoption of the UDP in 2006. This has worked well in practice and there is no more recent evidence indicating that the threshold should be changed.

3.83 Developments of any type (residential or non-residential) that would lead to a loss of an existing open space will be required to make replacement provision available, of at least an equivalent quantity, quality and accessibility to that which is lost. The only instances where this will not be the case will be where the development is in an area of overall surplus provision (after the completion of the development).



Assessment of Open Space Requirements

3.84 The Process for determining whether public open space provision or contributions will be required is outlined in the diagram below.

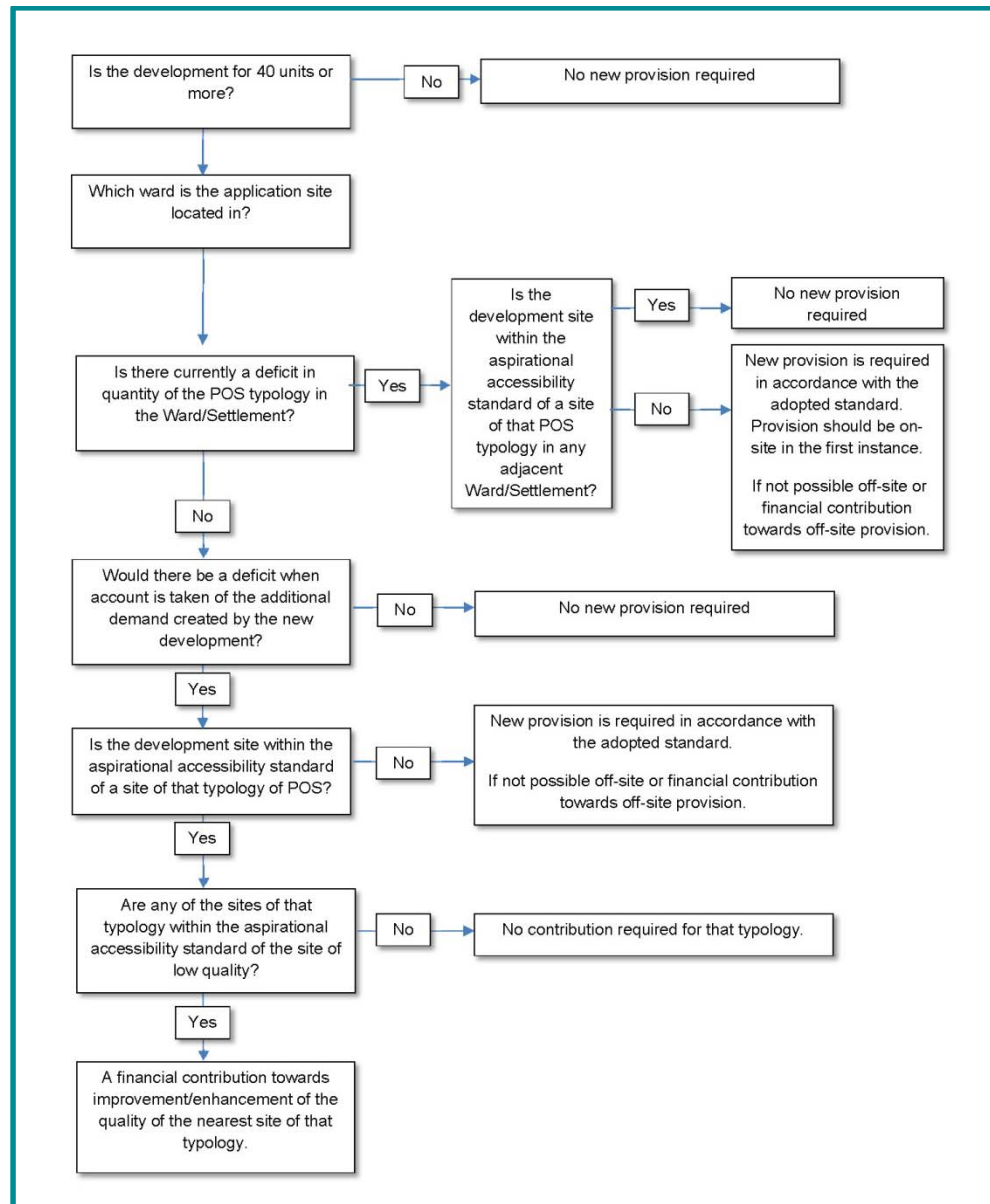


DIAGRAM 3 : Process for determining whether POS provision or contributions will be required.

3.85 The first step in determining whether a contribution/provision is required is to identify whether there is a deficit in quantity of that typology in the settlement or ward as identified in the OSA. In the main urban area of Warrington the quantity is assessed on a ward basis whereas in the outlying settlements it may be more appropriate to assess the quantity of provision on a settlement basis. For residential developments falling outside of any of the defined settlements and in the Green Belt, the quantity for the ward will be used. Where there is an existing deficit in quantity in the settlement/ward in relation to the standards (taking into account accessibility to provision in adjoining wards/settlements and new development), new provision will be required in accordance with the standards.



3.86 If there is no deficit in quantity in the settlement/ward then the accessibility of existing provision should be assessed against the aspirational accessibility standards for the relevant typology that are expressed in the OSA. If there is existing provision within the relevant distance of the proposed development then new provision will not be required. If not then new provision will be required in accordance with the adopted standards.

3.87 If there is no deficit in quantity and accessibility then a financial contribution will be required for the improvement of any of the sites within the accessibility catchment that are identified as being of low quality and/or low value for each typology.

3.88 Development proposals involving the creation of new equipped play provision, or resulting in enhancements to existing provision should follow the design guidance contained in Appendix 2 of the OSA. Such provision should be carefully incorporated with the overall design of the residential scheme with the onus being on developers to avoid simply utilising 'left over space' and instead ensure that the site is well laid out, accessible and has a reasonable separation distance from dwellings both on and adjacent to the site to avoid harm to residential amenity. Where there is the potential for generation of significant provision of various typologies, it may be appropriate to look at splitting the provision across the development site to ensure all residents have access to open space provision. On site provision should be of a size and shape to enable it to hold recreational value rather than simply landscape value.

3.89 Further design guidance on natural and semi-natural Green Space is set out in the [Mersey Forest Plan – Refresh \(2013\)](#).

3.90 In addition to its recreational benefits open space could be designed to allow for flood storage purposes. Provision of open space within new developments should explore opportunities for incorporating sustainable drainage where appropriate/necessary. For example, by creating a wetland, retention pond or simply an area that provides flood storage during extreme events.

Forms in which contributions should be made

3.91 Any necessary on-site provision for new development will be expected to be incorporated within the development proposals and will be secured by condition.

3.92 Where a financial contribution is being sought to provide off-site open space or improve existing open space this will be secured through a S106 Agreement.

3.93 The Council's preference is for the developer to take on the responsibility for the management and maintenance of any new open space. Where a developer is proposing to manage/maintain POS this will be secured through appropriate conditions and/or S106 Agreement. Where the Council will be adopting the open space, the Council may seek to secure a contribution for ongoing maintenance through a S106 Agreement.



Pitch Sports Provision and Recreation Provision

Summary of Contribution Requirements

Planning obligations relating to pitch sports and built sports facilities will be sought on residential developments of 40 units or more where existing facilities have insufficient capacity to serve the increase in population arising from the development.

Where a contribution is sought for upgrading existing sports pitches, this will be defined based on the specific improvement the Council is seeking to implement and the scale of increased use likely to arise from the development proposal using information set out in the Playing Pitch Strategy (PPS) and secured by S106 Agreement.

Where a contribution is sought for upgrading indoor sports and recreation provision, this will be defined based on the specific improvement the Council is seeking to implement and the scale of increased use likely to arise from the development proposal using information set out in the Sports Facilities Strategic Needs Assessment (SFSNA) and secured by S106 Agreement.

For strategic development proposals where the unmet need justifies the delivery of new pitches or built leisure or recreation facilities, the Council will seek to secure these facilities as part of the overall development proposal.

3.94 The objectives of the Local Plan Core Strategy include; providing sport, recreational and cultural facilities in sustainable locations which are accessible for all by modes of transport other than the private car (Objective HP4) and ensuring the timely and co-ordinated provision of high quality infrastructure that supports future growth (INF2).

Policy Requirements

3.95 The guidance in this section primarily supports Local Plan Core Strategy Policies QE3 (Green Infrastructure), SN7 (Enhancing Health and Well-being) and MP10 (Infrastructure). In respect of pitch sports and recreation provision: Policy QE3 of the adopted LPCS seeks to;

- improve the quality of existing provision, specifically to increase its attractiveness as a sport, leisure and recreation opportunity, and
- secure new provision in order to cater for anticipated increases in demand arising from development particularly in areas where there are existing deficiencies assessed against standards set by the Council.

3.96 Policy SN7 seeks to reduce health inequalities within the borough by supporting the development of new, or the co-location of existing, health, social, cultural and community facilities. In the areas where health and well-being inequalities are at their greatest development proposals are required to give full and proper consideration to ensuring good and convenient access to essential social and community facilities. Whilst, Policy MP10 seeks to ensure that future growth is supported and enhanced through the timely delivery of the necessary infrastructure required to support, both strategic and site-specific development, as set out in the Infrastructure Delivery Plan.

Playing Pitch Strategy

3.97 An updated Playing Pitch Assessment is currently being prepared in line with paragraph 73 of the NPPF and in accordance with Sport England's "Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy" to reflect current best practice for the analysis of provision of sports facilities.



3.98 The Playing Pitch Strategy (PPS) will assess existing pitch provision for both natural and artificial grass playing pitches and where new provision is needed on a Neighbourhood basis¹. It will also provide recommendations relating to individual sites that have issues and a framework for the maintenance and improvement of existing provision and ancillary facilities for the life of the Local Plan.

3.99 The assessment will identify and assess the provision of the following sports:

- Football
- Rugby Union
- Rugby League
- Cricket
- Hockey

3.100 Whilst, the study has not yet been completed initial indications are that there are shortfalls of pitch provision across the Borough. In particular there are pressures on junior football and rugby league pitches as well as pressures on senior football pitches. In most areas of the Borough, there was a significant issue in relation to the quality of the pitches, in terms of facilities (i.e. changing rooms) and drainage.

Sports Facilities Strategic Needs Assessment

3.101 The Sports Facilities Strategic Needs Assessment (2014)(SFSNA) provides a clear understanding of facility needs locally, taking into consideration all the provision that currently exists in Warrington (supply) and cross-referencing this with the current and future needs of the boroughs population (demand). It also provides an Action Plan for addressing any identified deficiencies on a borough wide basis for specific facility types. The Action Plan focuses only on sports facilities currently owned by the Council, many of which are currently operated by external organisations through management arrangements.

3.102 The assessment identifies and assesses the provision of the following sports facility types:

- Indoor swimming pools
- Sports halls
- Health and fitness suites
- Tennis facilities
- Cycling facilities
- Athletics facilities

3.103 The key general findings can be summarised as follows:

- There is a need to ensure investment is sought to support retention of viable existing sports facilities that provide or could provide for community use in particular where needs may not meet demand or may not do so in the future.
- There is a need to focus on improving the sustainability of sports facility sites.
- There is a need to influence new housing developments to contribute towards the development and enhancement of sports facilities to meet identified need and any increased demand generated by such developments (particularly in the West and South Neighbourhoods).
- There is a need to ensure appropriate investment is sought to maintain quality levels and assist with the retention of current, and recruitment of new, participants/users.

¹ The Council operates four Neighbourhood Area Boards to support the delivery of the Corporate Plan, Active Warrington Strategy, Health and Wellbeing Strategy and specifically the Neighbourhood Area Plans, Tier 1 Action Plans, Closing the Gap Plans and local community action plans. Each Board constitutes a partnership of organisations including the council, health, police, community, faith and voluntary groups, businesses and residents.



- There is a need to improve accessibility to sports facilities, in particular for people with disabilities, in order to encourage greater participation by all segments of the community
- There is a need to provide regularly review levels of supply and demand to identify any surpluses or deficiencies in the future.

3.104 Section 4 of the SFSNA outlines in more detail the key findings and resultant actions required for the specific facility types.

Forms of development that will be required to make a contribution towards Pitch Sport and Built Sports Facilities

3.105 Given the overlap with the assessment process for open space provision, the Council will use the same threshold of 40 dwellings for assessing whether a contribution is required towards sports facilities.

Assessment of Pitch Sport and Built Facility Requirements

3.106 The general approach to assessments of both pitch and built sport facility requirements resulting from development proposals is the same as for open space provision.

3.107 The Council's playing pitch assessment (PPS) and assessment of indoor/non-pitch sports (SFSNA) are currently being finalised. The Council is working with Sport England to identify the additional demand from population and housing growth and what the impact on both existing pitch and non-pitch sports provision will be. A developer contributions methodology using information set out in the PPS and SFSNA will be developed to help establish:

- What the additional demand for sports will be from individual or cumulative housing development;
- Which existing sites need to be improved or new facilities provided to increase capacity to cater for the additional demand; and
- What an appropriate financial contribution should be.

Whilst, the latest PPS and SFSNA's will form the basis of any assessment, account will also be taken of any more recently secured provision from other nearby developments.

3.108 Playing Pitch Provision - Additional new pitch provision will not necessarily be required to be provided on-site as it may be that it could be provided in existing open space that is under utilised. Where this is the case or where improvements to existing provision would best serve the demand a financial contribution will be sought and secured through S106 Agreement. The contribution will be defined based on the specific improvement the Council is seeking to implement taking into account the scale of increased use likely to arise from the development proposal. Where sports pitch provision is to be located on site, the Council's preference is for the developer to take on the responsibility for the management and maintenance. In exceptional circumstances where the Council agree to take over the responsibility for the management and maintenance of the provision a financial contribution will be required. Where a developer is proposing to manage/maintain sports pitches, this will be secured through appropriate conditions and/or S106 Agreement.

3.109 Built Facility Provision - Where an improvement is required to an existing facility, the level of financial contribution sought will be defined based on the specific improvement the Council is seeking to implement taking into account the scale of increased use likely to arise from the development proposal and secured through S106 Agreement. Where major development sites of a strategic nature would result in an increase in demand which could not be accommodated within an existing facility(s) and is of such a level that it would require the delivery of a completely new facility, the Council will seek to secure the delivery of the new facility as part of the overall development proposal. The mechanism for delivering a facility will need to be agreed with the Council as part of the pre-application process. This will then be reflected in the S106 agreement. **30**



Health

Summary of Contribution Requirements

Residential developments of 50 or more units will be required to provide a contribution in order to secure delivery of appropriate enhancements to existing health facilities where there is insufficient capacity to meet the needs of the increase in population generated by the development.

A standard charge of £771 per residential dwelling has been defined based on average household size and the catchment and cost of a new health facility.

For large scale development proposals, which will generate a level of population increase which justifies the delivery of a new health facility, the Council will seek to secure a new facility as part of the overall development proposal.

3.110 The objectives of the Local Plan Core Strategy include; improving access to quality healthcare through the ongoing provision of new and improved healthcare facilities that are accessible by public transport (Objective HP1) and ensuring the timely and co-ordinated provision of high quality infrastructure that supports future growth (INF2). Policy MP10 of the LPCS seeks to ensure that future growth is supported and enhanced through the timely delivery of the necessary infrastructure required to support, both strategic and site-specific development, as set out in the Infrastructure Delivery Plan.

3.111 The Council has been working closely with its NHS Partners in preparing the NHS Strategic Estates Plan for Warrington. The Estates Plan provides an overview of existing NHS facilities, details committed improvements and provides an overview of capacity of health facilities against planned future housing development across the borough. Through this work it has been identified that there are parts of the borough which already have insufficient capacity to provide primary care for new residents and further areas will become progressively more constrained in the period to 2030 with new development.

3.112 A copy of the [Strategic Estates Plan](#) can be found on the Warrington Clinical Commissioning Group's web site together with the wider [Warrington Health & Social Care Transformation Programme](#) which sets out the vision for integrating health and social care services in the borough, based on seven geographic 'collaborative clusters'.

3.113 There are two elements of planning obligations relating to health provision. Firstly, to mitigate the impact of development on the existing level of health provision in the area local to the site; and secondly where there is the need to secure a new health facility as part of a large scale development of a strategic nature.

Enhancing Existing Health Provision

3.114 The Council will seek to secure a contribution from new residential development of 50 units and above where there is insufficient capacity to meet the needs of the increase in population generated by the development.



3.115 The threshold has been agreed with NHS Partners and is based on an assessment of population generated from new development, the impact of that population on health facilities and an understanding of the restrictions on pooling contributions as set out in the CIL Regulations.

3.116 The Council and NHS Partners have calculated a standard charge per residential dwelling using the methodology set out below. This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.

3.117 Based on the National GP Contract each GP should serve 1800 patients on average. The NHS's preference is for GP services to be provided as health centres with a minimum of 4 GP's plus support services. This equates to a surgery serving 7,200 patients.

3.118 Similarly each General Dental Practitioner should serve between 1,300 and 1,500 patients on average. Consequently 5 GDP's will service an equivalent patient population as 4 GP's.

3.119 The indicative capital cost for a health centre of sufficient size to meet NHS requirements and to provide some shared community space is estimated to be £2,414,305 based on the latest guidance from by NHS Estates. This is based on a health facility of approximately 500 sq.m. with an additional 250 sq.m. of shared community space to enable integration health and wider local service provision. Based on this estimate and using a household population figure of 2.3 people per dwelling the estimated capital cost per dwelling is calculated as follows:

Population served by surgery = 7,200
Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,130
Total cost of providing a health centre = £2,414,305
Cost per dwelling = £771

3.120 Depending on the scale of development and the nature of local health facilities serving the area this contribution may be made towards either the provision of new facilities or the extension of existing facilities.

3.121 Contributions will relate only to the capital cost of health provision. In order to ensure compliance with CIL Regulations and the five obligations pooling restrictions the Council, working with its NHS Partners, will identify a specific health project(s) for which the contribution will be used.

Strategic Development Requirements

3.122 Where a development proposal is of such magnitude that it would result in an increase in population which cannot be accommodated by existing health provision and is of a level that it would justify the delivery of a health centre, the Council will seek to deliver a new facility as part of the overall development proposal.

Forms in which contributions should be made

3.123 Where a financial contribution is being sought to enhance existing GP and Dental practices this will be secured through a S106 Agreement.



3.124 The mechanism for delivering a new health centre will need to be agreed with the Council and its NHS Partners as part of the pre-application process, taking into account development viability. This will then be reflected in the S106 agreement.



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Local Job/Employment Opportunities

Summary of Contribution Requirements

Planning obligations relating to employment and skills training and local enterprise opportunities will be sought for:

- Residential developments of 11 units or more, (or with a maximum combined gross floorspace of more than 1,000 sqm)
- Commercial developments with a gross floor space of 1,000 sqm or more (or a site area of 1 hectare or more).

The Council will seek to negotiate a proportion of the total jobs, created by the construction and end-user phases of new development, to be provided to local residents. A minimum target of 20% will be sought. It is expected that all reasonable endeavours are to be used to ensure that a meaningful level of employment of local residents is achieved in both the construction and end-user phases.

The Council will seek to negotiate a proportion of the total value of contracts, which procure goods and services during the construction phase of the development, to be achieved using firms located within the borough. This will be subject to competition rules. Again a minimum target of 20% will be sought. The developer will be expected to work with the Council, the Warrington Partnership or other organisations it may choose to nominate, in order to maximise the opportunities for local firms to win contracts through established procurement procedures.

3.125 One of the objectives of the Local Plan Core Strategy is to reduce unemployment and inequalities in the borough through developing a qualified and skilled workforce (Objective E2). Whilst, Warrington has a relatively low unemployment rate some areas of the Borough fall within the worst 20% most deprived areas in England and it is essential to maximise opportunities for the disadvantaged and economically inactive. Support packages to enable this are extremely limited. Equally there is a shortage of support packages to enable disabled people into sustained work. Unless positively addressed, the impact of development can be to reduce or even remove employment opportunities for these disadvantaged groups, whether the opportunities are related to the construction of major projects or the end use in the case of any form of commercial development.

3.126 In addition, one of the aims of the Council's Strategy for 2015-18 is to grow a strong economy through:

- Levering investment into the borough and promoting Warrington as the place to do business in the North of England
- Using local investment to increase access to job opportunities in Warrington.
- Working to retain jobs and provide employment opportunities to those who have struggled to get into work, for example older workers, young people, those with low skills, and people with disabilities, and
- Improving existing employment opportunities for Warrington residents through training and skills

3.127 Policy PV3 of the LPCS seeks to maximize the social benefits from development proposals, which contribute to the Council's "Closing the Gap" agenda by securing local employment opportunities associated with the construction and subsequent operation of new development.

3.128 The impact that major development proposals may have on employment opportunities will be assessed during pre-application discussions by the Council's Urban Regeneration Partner (Warrington & Co) in association with Job Centre Plus and the Warrington Partnership. Where a development could provide sustainable opportunities for those disadvantaged groups living nearby to move towards a working environment, the Council will seek to negotiate training or opportunities for those groups through a package of supported employment schemes such as interview guarantee schemes.



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This will help to reduce the need for longer, more unsustainable journeys to work, which are considered less acceptable in planning terms.

3.129 In addition, in order to support local businesses to benefit from new development within the borough, the Council will seek to negotiate a commitment from developments to engage local businesses through the supply chain.

Employment and Skills Training

3.130 For all new development in the borough the construction phase provides opportunities for local employment, apprenticeships and work experience placements. Commercial developments within the borough also bring new employment, apprenticeship and work-experience opportunities for residents during the end-user phase. This adds increased pressure on the Council to provide access for residents to appropriate employment and skills training. Apprenticeships and work experience placements will enable residents to develop an appropriate skill-set for existing and future employment opportunities within the borough, from an early age.

3.131 The Council will seek to negotiate a proportion of the total jobs created by a new development to be provided for local people, both in the construction phase of development and by the end-users, where appropriate. A minimum target of 20% will be sought. To enable local people to benefit from development growth the Council, with its partners, has introduced a number of programmes to support job brokerage, employer-led training, construction skill training and apprenticeships, and traineeship and work experience placements at no cost to a developer. Where appropriate the Council may consider whether a developer's in-house training programme can be utilised, on the basis that the local residents achieve a minimum requirement as secured through an in-kind obligation.

3.132 The developer will be requested to supply the Programme of Works for the scheme to allow Warrington & Co to forecast the training needs of residents, to be work ready as the development progresses through the various construction phase and to supply employment monitoring forms in an agreed format.

Local Enterprise

3.133 In order to support local businesses to benefit from new development within the borough, the Council will request a commitment from developments to engage local businesses through the supply chain. The Council will seek to negotiate a proportion of the total value of contracts, which procure goods and services during the construction phase of the development, to be achieved using firms located within the borough. Again a minimum target of 20% will be sought. This will allow local businesses to compete in the local market and also encourage sustainable supply systems.

3.134 The Developer will be requested to submit to Warrington & Co a list of packages being offered for competitive tender including time frames, values of packages and framework agreements in the supply chain.



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3.135 All information supplied to Warrington & Co will be treated as private & confidential and not passed to any third parties.

Forms in which contributions should be made

3.136 A scheme outlining the means of delivering a local employment agreement and/or local enterprise opportunities will usually be secured through a planning condition.



Summary of Contribution Requirements

Planning obligations relating to site specific highway and transport works will be sought for all types of developments where there is an impact on the transport network.

Planning obligations to address the cumulative impacts of a development on the wider transport network will be sought for town centre and major development sites of a strategic nature where necessary.

Highway Infrastructure

The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations could include:

- the provision or alteration of an access to a site;
- improved cycle and pedestrian access;
- the provision of controlled pedestrian and cycle crossings;
- the upgrading of roads through reconstruction and resurfacing (though not continued maintenance if the facility is for the wider public benefit);
- the provision of traffic management features to control traffic;
- the provision of improvements to bridleways and greenways or other highway improvements that would ensure the safe and efficient flow of traffic.

Public Transport Infrastructure

The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations could include:

- the provision of new facilities such as bus shelters, stops or real time passenger information to improve public transport access within the vicinity of the site;
- meeting the costs of the re-routing of an existing bus service;
- where there is no existing provision nearby and it is not viable to reroute an existing service, an obligation will be sought to provide a new public transport service.

Influencing Travel Behaviour

The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations could include:

- sustainable transport initiatives;
- funding for the monitoring of a Travel Plan;
- provision of a service to prepare an appropriate Travel Plan;
- working with occupiers of the site to implement the Travel Plan.

3.137 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the borough. The Council is committed to promoting high quality public transport services and delivering an attractive, well-designed street network that reduces the need for travel by private modes of transport.

3.138 New development in the borough will place additional stress on the borough's transport and highway networks including public transport infrastructure, bus services and local cycle routes. New development also increases the need for measures to reduce travel demand, such as pedestrian and cycle safety education and training, travel awareness publicity, sustainable freight activities and interchange accessibility improvements.



Policy Requirements

3.139 Policy CS4 of the LPCS sets out the priorities for modes of travel and transport across the Borough. Where new development or redevelopment is proposed, the developer will be required to work together with the Borough Council, and where necessary Highways England, to consider the adequacy of existing transport facilities and services and to assess any emerging need. The Council, as the Local Highways Authority, will be a key source of information and advice on local transport and highway matters, having particular regard to the Local Plan Core Strategy and the Local Transport Plan. Highways England is responsible for operating, maintaining and improving the strategic road network in England. They will be able to give information and advice if any proposed development connects onto, or might generate a material traffic impact on the trunk road network and the likely connection or enhancement works that would be required as a result of traffic generated by a proposed development.

3.140 There are two elements of planning obligations relating to transport and travel. Firstly; the impact of the development in the area local to the site and works required to achieve acceptable access to the development site in particular; and secondly the impact, either directly or cumulatively, that new and changed patterns of travel related to development will have on the borough wide transport network. In all cases planning obligations will only be sought that are directly, fairly and reasonably related in scale and kind to the development proposed.

Transport Assessments, Transport Statements and Travel Plans

3.141 Policy MP7 of the LPCS requires a Transport Assessment (or Transport Statement) and Travel Plan (in accordance with national policy and guidance) to be submitted where developments are likely to have significant transport implications. These documents should be used to:

- demonstrate that the development will not significantly harm highway safety and that trips generated by the development can adequately be served by Warrington's transport network.
- Identify where there are any significant effects on Warrington's Transport Network and/or the environment and identify appropriate mitigation measures; including any necessary transport infrastructure needed before the development is used or occupied or any measures required on occupation to influence travel behavior.

3.142 The thresholds for requiring a Transport Assessment, Transport Statement and Travel Plan can be accessed on the Council's website.

3.143 *Transport Assessments* are a thorough assessment of the transport implications of development and should include information on bus/rail routes, pedestrian and cycling infrastructure, trip generation, distribution, allocation and junction modelling, servicing and deliveries and any other transport issue related to the site.

3.144 *Transport Statements* are a "lighter touch" evaluation to be used where this would be more proportionate to the potential impact of the development. They will often contain sustainable travel information and basic junction assessments as well as information on parking and vehicle routing, however, each document is different and developers are recommended to seek advice if proposing to submit a statement in support of an application.



3.145 Travel Plans are one of a number of ways of Influencing Travel Behaviour (ITB). They are plans produced by a developer or an organisation to manage the transportation needs of users of a site. They aim to reduce car usage, increase the use of public transport, cycling and walking, and deliver sustainable transport objectives. Travel Plans submitted in conjunction with a planning application can be made binding through the use of a planning obligation. More detailed guidance on the form and content of Travel Plans is set out as a Design Guidance Note on Travel Plans and can be found on the Council's website.

3.146 The expectation is that Warrington Borough Council as the Local Highway Authority will undertake the monitoring of approved travel plans within the Borough. Planning obligations will be sought, where appropriate, to fund the monitoring of Travel Plans by the Local Highway Authority. In addition, the Council may also be able to offer a service to prepare an appropriate travel plan, work with occupiers of the site to implement the travel plan and to monitor it. Planning obligations may be entered into, where appropriate, for this comprehensive travel planning service.

Non-strategic Development Requirements

3.147 Planning obligations will be sought to address site specific requirements to provide safe and satisfactory access arrangements which will need to be identified as part of the Transport Assessment/Transport Statement.

3.148 Individual developments may cause site-specific impacts on the network, in the local area of the site, which should be directly addressed through the development itself. Developments should provide the necessary additional transport/highway improvements to mitigate the impact of the travel demand they generate. Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated into the design of a development. Planning applications will generally be refused where applicants are unable or unwilling to provide the necessary improvements.

3.149 Public Transport - In accordance with Policy MP4, the Council is committed to promoting the use of public transport, and will seek to ensure that all development proposals are accessible by public transport. Any development that is likely to create a requirement for significant additional journeys is most likely to be approved if it is located in close proximity of important public transport routes (for the purposes of assessment this is defined as having a public transport service operating at 20 minute frequencies at all times within a distance of about 400m from any part of the site)¹. Where this is not the case, it is likely that the Council will impose an obligation for the provision of a new or improved public transport service upon any grant of permission.

3.150 Subject to local circumstances and existing services, an obligation may include meeting the costs of re-routing of an existing service and/or the provision of new facilities such as bus shelters and stops to improve public transport access within 400m of any part of a development site.

3.151 Where there is no existing provision nearby, and it is not viable to re-route an existing service, an obligation may be sought to provide a new public transport service. The payment of a one off sum or a yearly payment will be required to meet the costs of providing the service for a maximum five-year period (The 2016 average annual cost of providing a single bus service – on a 30 minute frequency where the single journey (end to end) time is no more than 25 minutes is £110,000, however any obligation sought will be based on a negotiated figure taking into account local circumstances). Where such an obligation is required, the new public transport service should be introduced on full occupation of the first property within the development.

1 – Inclusive mobility: A Guide to best practice on access to pedestrian and transport infrastructure (DfT, 2005)



3.152 Cycling, Walking and other Highway Improvements - As set out in Policy MP3, new development proposals may create a need for improved cycle and pedestrian access, improvements to bridleways and greenways or other highway improvements that would ensure the safe and efficient flow of traffic. Planning obligations will be used to secure the provision of, or financial contributions towards, off-site works required as identified through Transport Assessments (or Transport Statements). This may include the provision of controlled pedestrian and cycle crossings, upgrading of roads through reconstruction and resurfacing, or the provision of traffic management features to control traffic. Guidance to help developers with the planning, design and technical details for transport and highways works associated with new developments in Warrington is currently in development and will be found, in due course, on the Council's website.

Strategic Development Requirements

3.153 In addition, where major development sites of a strategic nature are of such a scale there may be a requirement to provide a range of wider transport network improvements in addition to site specific requirements, in order to mitigate the impact of the travel demand generated by the development. This could either be provision of infrastructure by a developer to be transferred to the Council's ownership; provision of land and a commuted sum for the Council to provide the necessary infrastructure/improvements or the provision of a commuted sum for the Council to undertake the necessary works.

Town Centre Sustainable Transport Initiatives

3.154 Recognising limited available space, it is likely that most town centre planning applications will have an under-provision of car parking spaces. If the Local Planning Authority considers it appropriate, sustainable transport initiatives, such as Town Centre Travel Plans, will be used to address this and, in the event of multiple sites being considered, the pooling of S106 contributions towards a generic Town Centre Travel Plan or other sustainable transport initiative will be limited to not more than five planning obligations. The 'Town Centre' boundary is defined in the Local Plan Core Strategy July 2014.

Forms in which contributions should be made

3.155 Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated within the development proposals and will be secured by condition.

3.156 The scope of any off-site works required to mitigate site specific impacts of a development will be secured under a S278 Agreement and will be carried out by the Council, or by the developer under the supervision of the Council, with the developer responsible for meeting all costs associated with the design and implementation of schemes. In line with LPCS Policy MP10, where a S278 agreement is insufficient, mitigation will be secured through a S106 Agreement. This will be particularly relevant to developments that are larger in scale or are associated with intensive or increased travel demand. Agreement with Warrington Borough Council, as the Local Highway Authority on the timing of any infrastructure improvements, or sustainable transport initiatives, will also be secured as part of the S106 or S278 agreement.



4. Management and Monitoring of Planning Obligations

4.1 The Council's Planning Policy and Programmes Team is responsible for the management and monitoring of planning obligations to ensure that they are implemented and enforced in an efficient and transparent way and that contributions are spent on their intended purpose and that the regulations on the pooling of contributions are not breached.

Management of Planning Obligations

4.2 Warrington Borough Council has a dedicated Planning Obligations Monitoring Officer overseeing the Council's Section 106 programme and ensuring the successful delivery of the obligations secured through S106 agreements. All Section 106 Agreements are recorded within a specifically designed database.

4.3 In the interests of transparency an internal, cross-directorate panel (The Capital Improvement Programme Group - CIPG), chaired by the Executive Director of Economic Regeneration, Growth and Environment, has overall responsibility for the governance of S106 planning obligations.

4.4 Where contributions are made towards specific infrastructure improvements and the project (or part of it) is not delivered within the agreed timescales, arrangements will be made for the contributions (or part of) to be returned to the developer or person who entered into the agreement along with any agreed rate of interest as specified in the S106 Agreement.

Monitoring the progress of developments and projects

4.5 The Council will monitor both the progress of individual developments and projects that have been funded (in whole or in part) by money secured by planning obligations. This will include checking of agreements to ensure that none of the contributions sought exceed the pooling restrictions limit of five for a specific type or piece of infrastructure.

4.6 In many cases it will be necessary to monitor the progress of development in order to identify trigger events, which should prompt actions by the developer identified in an obligation. In cases where obligations provide additional or improved transport facilities or infrastructure it may be necessary to monitor annual trip rates. Where obligations involve the payment of financial contributions, monitoring will be required to ensure payments are made in line with trigger events.

4.7 The Planning Policy & Programmes Team will conduct regular site visits to check the progress of each individual obligation/agreement. If a trigger has occurred the Planning Obligations Monitoring Officer will approach the developer for payment of any relevant contribution or the delivery of any in kind obligation. The Planning Policy & Programmes Team will meet with lead Officers from Council Service Areas and the Corporate Finance Team (the CIPG) once a quarter to review the progress of projects being implemented (in full or in part) by S106 funding.

Index Linking Payments

4.8 Financial contributions will be index linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the S106 agreement is signed to the expected date of payment.

4.9 The method of indexation should be specified within the legal agreement and will usually either be the Retail Price Index (RPI) published by the Office of National Statistics (ONS), the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS) or the Consumer price index (CPI) also published by the ONS, depending on the nature of the contribution. In the event that the index shall decrease, the contribution shall not fall below the figure set out in the S106 agreement.



Complying with in-kind contributions

4.10 Where an in-kind obligation is required through a S106 agreement the developer should provide evidence of compliance with the obligation to the Council, as outlined in the terms of the specific clauses. This evidence should be provided to the Council's Planning Obligations Monitoring Officer.

Enforcement

4.11 The Planning Policy & Programmes Team will liaise with the Planning Enforcement Team on a regular basis to provide a status update regarding the individual agreements. Where the Planning Policy & Programmes Team becomes aware of non-compliance with any planning obligations, the matter will be brought to the attention of the Planning Enforcement Team and consideration given to the possibility of immediate formal enforcement action.

4.12 Trigger points will vary for each individual obligation within the S106 agreement. The developer is bound within each S106 agreement to notify the Council upon commencement of the development. Where the Council is not notified and obligations become overdue the Council will seek to enforce the obligation and will activate the penalty clause.

4.13 A clause included in the S106 agreement will ensure prompt payment by inserting a financial penalty requiring interest to be paid where payments are overdue. As a final recourse, where obligations are not subsequently complied with, the Council will take legal action against those in breach of a S106 agreement. Non-financial obligations are also legally binding and where not provided according to the terms of the S106 agreement may be legally enforced by the Council.



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