

WARRINGTON BOROUGH COUNCIL
PLANNING AND COMPULSORY PURCHASE ACT 2004
TOWN AND COUNTRY PLANNING (LOCAL
DEVELOPMENT) (ENGLAND) REGULATIONS 2012
Consultation Statement
(incorporating Response Schedule)

Planning Obligations Supplementary Planning Document
(Jan 2017)

This statement sets out the formal consultation undertaken on the draft Planning Obligations Supplementary Planning Document (SPD), in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. This consultation statement provides a summary of the representations received; the Council's response to those representations and any modifications made to the draft SPD, pursuant to section 23(1) of the Planning and Compulsory Purchase Act 2004

Consultation

The document was made available for consultation in line with the Council's Statement of Community Involvement (2014) for a period of six weeks, between 22nd July and 5th September 2016. The consultation included the following:

- Notification to consultants, agents, developers and landowners, infrastructure providers, government departments, local amenity groups, Parish Councils, adjoining local authorities and a number of local residents.
- The Council placed details of the draft SPD and other supporting consultation documentation on the Warrington Borough Council website.
- The Council made copies of the SPD and other consultation documentation available at the main Council offices (New Town House) and the Customer Contact Centre.

The Council's Executive Board considered a report from Councillor J Guthrie, Executive Board Member, Environment and Public Protection (including Climate Change) on 16th January 2017, which presented the Planning Obligations SPD for approval and adoption following public consultation.

The report indicated that the SPD had been prepared as part of Warrington's Local Development Framework and recommended that the Executive Board –

1. approved the final Planning Obligations Supplementary Planning Document following amendments made as a result of the public consultation; and
2. adopted the Supplementary Planning Document as a material consideration in the consideration of planning applications.

The report was approved as recommended.

Organisations consulted on the draft SPD

All the organisations consulted when preparing the SPD are listed in Appendix 1, attached to this statement. In addition to the organisations listed a number of local residents, who had specifically requested to be consulted were notified.

Summary of main issues raised and how these have been addressed in the final version of the SPD

A summary of the main issues raised and the Council's response to them can be found in the 16th January 2017 [Executive Board Report](#).

A full list of all of the responses to the draft SPD, the Council's response to those representations and any changes made as a result of the representations is attached as Appendix 2 to this statement.

The adopted version of the SPD, along with all the associated documents can be viewed on the Council's website at:

https://www.warrington.gov.uk/info/200564/planning_policy

For any further information telephone the Planning Policy Team on Tel: 01925 442826 or e-mail: ldf@warrington.gov.uk.

Andy Farrall
Executive Director
Economic Regeneration, Growth and Environment

Appendix 1 – List of organisations consulted

| | | | | | |
|--|---|---|--|---|---|
| 5 Boroughs Partnership NHS Trust | Cheshire Probation Trust | Forster and Company | Manweb PLC | Persimmon Homes (North West) | The Mersey Forest Team |
| Adactus Housing | Cheshire West and Chester Council | Frank Marshall | Marine Management Organisation | Peter Brett Associates | The Oil and Pipelines Agency |
| Aecom Infrastructure & Environment UK Limited | Cheshire Wildlife Trust | Freight Transport Association | McDyre | Places for People | The Ramblers Association |
| Affinity Sutton | Cheshire, Halton & Warrington Racial Equality Council (CHAWREC) | Friends of the Earth (North West) | Mersey Care NHS | PLANT WRIGHT | The Showmen's Guild of Great Britain |
| Agden Parish Council | Church Commissioners | Garden History Society | Miller Developments | Planning Issues Ltd | The Society for the Protection of Ancient Buildings |
| Age UK | Citizens Advice Bureau | Geraint John Planning Ltd | Miller Homes | Planning Potential | The Theatres Trust |
| AGMA | Civil Aviation Authority | GL Hearn | Ministry of Defence (Defence Estates) | Planware Ltd | The Victorian Society |
| Anchor Trust | CLA Midlands Office | Gladman | Moore Parish Council | Plus Dane Housing Group | The Warrington Partnership (LSP Partnership Board) |
| Antrobus Parish Council | Commission for Architecture and the Built Environment (CABE) | Golden Gates Housing Trust | Morris Homes | Quays Community Centre | The Woodland Trust |
| Arcus Division | Communities and Local Government | Goodwin Planning Services Ltd | Muir Housing Group | Redrow Homes | Thomas Jones and Sons |
| Arriva North West Ltd | Cottrell Commercial | Great Places | National Disability Council Secretariat | Redwater Developments | T-Mobile (UK) Ltd |
| Ashall Property | Council for British Archaeology | Greater Manchester Passenger Transport Executive (GMPTEx) | National Grid | Redwater Developments | Trafford Council |
| Aston by Budworth Parish Council | Countryside Properties | Groundwork Cheshire | National Trust | Regenda | Trafford Metropolitan Borough Council |
| Baily Garnre LLP | CPRE Warrington | Guide Dogs for the Blind Association | Natural England | Renewable Energy Association | Turley Associates |
| Banks Group | Crabtree Homes Ltd | Gypsy Council | Neighbourhood Forums | Resident | Twentieth Century Society |
| Barbers Rural | Croft Residents Action Group | Haigh Housing | Network Rail Infrastructure Limited | rg&p Ltd | Unipen |
| Barratt Homes | Culcheth & Glazebury Parish Council | Halton Borough Council | Network Warrington | Riverside | United Utilities |
| Barratt PLC | Cushman & Wakefield | Halton Housing | NHS Cheshire, Warrington and Wirral Area Team | Road Haulage Association | Urban Roots |
| Barton Willmore | Daresbury Parish Council | Harris Lamb | NJL Consulting | Roman Summer Associates | Victoria Park Residents Association VIPRA |
| Bell Ingram Limited | David Wilson Homes | HBF House | NLP Planning | Rowland Homes | Virgin Trains |
| Bellway Homes | De Pol Associates Ltd | Health and Safety Executive (HSE) | O2 - Telefonica UK Ltd Core Strategy Team | Royal Commission of Historic Monuments | Viridor |
| Berrys | Deafness Support Network | Health PCT | One to One | Royal Mail Property Holdings | Visit North West |
| Berrys | Deloitte LLP | Helena Partnership | Open Spaces Society | Royal Society for the protection of Birds | Vodafone |
| Bloor Homes | Department for Business, Innovation and Skills | Henderson Homes | Orange | RSPB Midlands Regional Office | Wainhomes |
| Bloor Homes North West | Department for Environment, Food and Rural Affairs (DEFRA) | High Legh Parish Council | Oughttrington Community Centre | Russell Homes | Wallace Land |
| BNP Paribas Real Estate | Dickman Associates | Highways England | Owens Garside | Ruth Jackson Planning | Walton Parish Council |
| Bold Parish Council | Diocesan Board Of Finance | Historic England | Parish Council - Appleton Parish Council | Salford City Council | Warrington & Co |
| Bovis Homes | Disability Information Bureau | Hollins Strategic Land | Parish Council - Birchwood Parish Council | Salvation Army Housing Association | Warrington & Halton Hospital Foundation Trust (WHHFT) |
| British Telecom (O2) | Disability Rights Commission | Hollins Strategic Land | Parish Council - Burtonwood and Westbrook Parish Council | Sanctuary Housing North West | Warrington & Halton Hospitals NHS Foundation Trust |
| British Energy Association | DPP Planning | Hollisvincent | Parish Council - Croft Parish Council | Satnam | Warrington Borough Council |
| British Gas | DTM Legal | Home Builders Federation | Parish Council - Cuerdley Parish Council | Savills | Warrington CCG |
| British Telecommunications PLC | DTZ | Homes and Communities Agency (HCA) | Parish Council - Grappenhall & Thelwall Parish Council | Scottish & Southern Energy | Warrington Chamber of Commerce & Industry |
| British Waterways | E.ON Energy Solution Limited | House Builders Federation | Parish Council - Great Sankey Parish Council | Seddon | Warrington Civic Society |
| Cambrian Homes | Elan Homes Ltd | Housing 21 (North) | Parish Council - Hatton Parish Council | South Area Team | Warrington Clinical Commissioning Group (CCG) |
| Campaign for Better Transport | Emerson | How Planning | Parish Council - Lymm Parish Council | Spawforths | Warrington Community Transport |
| Campaign for Protection of Rural England | Emery Planning | Iba Planning | Parish Council - Penketh Parish Council | Sport England | Warrington Council of Faiths |
| Campaign for Real Ale | English Heritage | Indigo Planning | Parish Council - Poulton-with-Fearnhead Parish Council | Sports Council (North West Region) | Warrington Credit unions |
| Canal and River Trust | Enviro Watch | Inland Waterways Association | Parish Council - Rixton-with-Glazebrook Parish Council | SSA Planning Limited | Warrington Cycle campaign |
| CARE - Appleton Thorn | Environment Agency | James A Baker | Parish Council - Stockton Heath Parish Council | St Helens Borough Council | Warrington Disability Partnership |
| CB3 Design | Epsom Gardens Residents Association | Jones Lang Lasalle | Parish Council - Stretton Parish Council | St Vincents Housing Association | Warrington Ethnic Communities Association |
| Central Area Team | Equality and Human Rights | Keepmoat Homes | Parish Council - Winwick Parish Council | Steven Abbott Associates LLP | Warrington Federation of Tenants |
| Cheshire & Warrington Local Enterprise Partnership (LEP) | Euan Kellie Property Solutions | Keppie Massie | Parish Council - Woolston Parish Council | Story Homes Ltd | Warrington Housing Association |
| Cheshire Alliance of Disabled People (CHAD) | Eye Society | Knights LLP | Partington Parish Council | Strategic Land Group | Warrington Nature Conservation Forum (Agenda 21) |
| Cheshire Brine Subsidence Compensation Board | Fairfield & Howley Neighbourhood Project | Knowsley Council | Paul Butler Associates | Strutt and Parker | Wasingham Planning |
| Cheshire Constabulary | Fairfield Community Association | Langtree | Peacock and Smith | Taylor Wimpey | West Area Team |
| Cheshire East Council | Family Housing Association | Live Wire and Culture Warrington | Peel | The Ancient Monuments Society | Westby Homes |
| Cheshire Fire & Rescue Service | First Ark | Liverpool City Region LEP | Peel Hall Kennels | The Bridgewater Canal | Whitley Parish Council |
| Cheshire Fire Service | First Group | Liverpool Housing Trust | Peel Holdings (Land and Property) Limited | The Coal Authority | Wigan Council |
| Cheshire Gypsy and Travellers Voice | Fisherman German | Liverpool John Lennon Airport | Pegasus Planning | The Georgian Group | William Sutton Housing Association |
| Cheshire Landscape Trust | Footprint | Longbarn Residents Association | Penketh Hall Farm | The Highways Agency | Wyevale Garden Centres |
| Cheshire Partnership (G & T) | Forestry Commission | Manchester Airport | Persian Cottage | The Marine Management Organisation | WYG |
| | | | | | Your Housing Group |

Appendix 2 – Response Schedule

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|--|--|---|---|
| 01/1 | Environment Agency | General | Thank you for referring the above document to the Environment Agency for consultation. No comments to make at this time. | Noted | No change |
| 02/1 | Canal & River Trust | General | Thank you for the consultation on the Draft Planning Obligations SPD, having reviewed the document and our interests in the authority area. No comments to make. | Noted | No change |
| 03/1 | Historic England | General | Thank you for consulting Historic England on the Draft Planning Obligations SPD. At this stage we have no comments to make on its content. | Noted | No change |
| 04/1 | Satnam Millennium Ltd | Section 1 Background Para 1.3 | We note the introduction of CIL has been delayed in the councils area (para 1.3) and this SPD is required to give clarity in the interim pending the introduction of CIL. a) In these circumstances the policy changes brought forward under this SPD should be minimal, and major changes held till the process of CIL has commenced. This is the appropriate forum for major changes to current guidance, as SPD is not the appropriate vehicle for making new or significantly modified policy. b) A more definite indication of timescale for the preparation of CIL should be set out in the SPD. | Noted – The SPD is confirming the Council's approach to negotiating planning obligations in the context of the CIL Regulations 2010 as amended. It is replacing the existing SPD which pre-dates these regulations. It is not introducing new policy and it is not seeking additional obligations to those already sought by the Council. The timescale for introducing CIL has been set out in the Council's updated LDS published in October 2016. | No change |
| 04/2 | Satnam Millennium Ltd | Section 1 Policy Context Para 1.9-1.11 | The changes to the policy basis for S106 and planning obligations is set out at paras 1.9-1.11. These affect all S106 agreements, whether this SPD is continued or not. | Noted. | No change |
| 04/3 | Satnam Millennium Ltd | Section 2 | The thresholds for whether certain obligations are required differ for the same land use, for instance residential use has trigger points of 11, 40, 50 and 100 dwellings, with unspecified "major developments of a strategic nature". The need for the different trigger points needs to be set out and | The thresholds of 'major' and '11 units' are defined by Government policy. The threshold of 40 units for on-site open space was set out in the 2007 SPD and has been successfully applied by the Council | Replace second part of 1 st sentence in the summary box after "existing health facilities where" with " <u>there is insufficient capacity to meet the needs of the increase in population generated by the development</u> " |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|---------------------------------|--|--|---|
| | | | clarified. | <p>over a number of years. It is not possible to provide a specific definition for “major sites of a strategic nature”. These will generally be of at least 500 homes but this will be dependent on the capacity of existing infrastructure serving the site. It is anticipated that such sites will formally allocated as part of the current review of the Local Plan.</p> <p>It is accepted that the approach to securing health contributions in the draft SPD is overly complex. An amendment has therefore been made so that there is a single threshold of 50 homes where there is insufficient capacity in local health facilities to meet the needs of the increase in population generated by the development.</p> | <p>Delete paragraphs 3.121 and 3.124.</p> <p>Replace para 3.122 with “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.”</p> |
| 04/4 | Satnam Millennium Ltd | Section 3 Affordable Housing | Affordable housing seeks to be specific as to mix of tenure and dwelling size. Requirements differ over time, as does grant availability and government policy and focus. There appears to be a focus on rented affordable housing in the document, whereas the current direction of Government policy is towards supporting home ownership. The document needs to be less specific as to tenure and size of accommodation required on residential schemes. Otherwise the SPD runs the risk of being out of date following from Government policy announcements. | <p>The SPD elaborates on Policy SN2 of the LPCS which is clear that in each case affordable housing provision will be based on negotiation and agreement on a site by site basis. The wording of the 4th para in the summary box has been amended to improve clarity in this respect.</p> <p>The SPD emphasises the ongoing importance of securing affordable rented housing in meeting Warrington’s needs - reflecting the findings of the Council’s latest SHMA - whilst acknowledging the Council’s duty to promote Starter</p> | <p>Amend 1st sentence of summary box to read: <u>“In accordance with Policy SN2 qualifying sites will be required to provide a minimum of 20% affordable housing on-site”</u>.</p> <p>Add new sentence to end of 3rd paragraph of summary box <u>“In the event future regulations under the Housing and Planning Act 2016 require a minimum of Starter Home provision equating to over 50% of provision, the Council will seek the balance of affordable housing to be rented.”</u></p> <p>Amend 4th paragraph of summary box to read “The level, tenure and mix of</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---------------------------|---|---|
| | | | | <p>Homes.</p> <p>It is recognised that the Government requirements to reduce rental levels has viability implications for Registered Providers and an amendment has been made to the SPD to acknowledge this.</p> <p>It also noted that there has been a delay in the introduction of the Starter Home regulations and a number of minor amendments have been made to the SPD to reflect this and ensure flexibility.</p> | <p>affordable housing will be considered on <u>In each case the provision to be made will be based on negotiation and agreement</u> on a site by site basis, subject to viability, other policy and planning obligation requirements <u>and</u> any vacant building credit and forthcoming regulations under the Housing and Planning Act 2016. <u>A lower proportion and/or a different tenure split may be permitted where it can clearly be demonstrated that development would otherwise not be viable.</u></p> <p>Replace “will” with “<u>may</u>” in second sentence of paragraph 3.6 and first sentence of paragraph 3.21.</p> <p>Add new sentence to end of paragraph 3.20 “<u>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.</u>”</p> <p>Amend 2nd sentence of paragraph 3.21 to read: “...the Council will still seek the balance of affordable housing provision to be rented, once the regulations come into force in the event the regulations require over 50% of <u>affordable housing provision to be Starter Homes</u>”.</p> <p>Amend 3rd sentence of paragraph 3.21 to read: “Therefore assuming in the</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|-------------------------|---|--|---|
| 04/5 | Satnam Millennium Ltd | Section 3 Education | <p>Education requirements on strategic development sites, the SPD states, could result in a new school being required on the site. The document should make clear that sites secured for such purposes will be safeguarded against alternative uses and acquired at fair value.</p> | <p>Where the scale of a development is such that the unmet demand for school places can only be met by providing a new school on the proposed development site, then the Council will require land to be provided by the developer as part of their development proposal at no cost to the Council.</p> <p>The Government is clear that the Council is responsible for providing the site and meeting the associated capital costs where there is a requirement for a new school (Departmental advice for local authorities and new school proposers, Department for Education, February 2016.)</p> <p>Government Basic Needs funding falls well short of what is required to provide for the additional school places required in Warrington and the DfE has clear expectations that councils will maximise S106 contributions from developers arising out of new residential development.</p> <p>The Council will therefore also seek a contribution in line with the methodology set out in the SPD for the capital cost of constructing the school. Nevertheless, the Council recognises this is subject to viability.</p> | <p>event the regulations require....”.</p> <p>Replace paragraph 3.54 with Replace paragraph 3.54 with “<u>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 meet unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.</u>”</p> <p>Add new paragraph after 3.55 “<u>Where land is being provided the Council will still seek to secure a financial contribution for its 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.</u>”</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|-------------------------|--|---|---|
| | | | | <p>The Council also recognises that where the land provided will accommodate a school which is larger than the demand generated from the development, the value of the additional land should be offset against the financial contribution sought.</p> <p>Additional text has been included in the SPD for clarification.</p> | |
| 04/6 | Satnam Millennium Ltd | Section 3 Education | It should also be stressed that flexible and forward thinking management techniques for the use of schools and their facilities will be used in the decision to expand existing or create new schools, and reliance on out of date accommodation schedules will be reduced as is the case with applications for Free Schools under current guidance. | The Council has consistently demonstrated innovation in expanding and improving existing school facilities and follows the last guidance provided in the Education Funding Agency's Building Bulletins. | No change |
| 04/7 | Satnam Millennium Ltd | Section 3 Health | <p>Health requirements are proposed to be assessed on two separate basis, one for Central East, Central North, South and West Warrington and another for elsewhere (not listed out in the document).</p> <p>a) There are no plans showing these areas in the SPD. These should be added.</p> <p>b) There is no explanation or rationale as to why the areas are differentiated save for the barest detail in para 3.120. The full basis for this should be set out.</p> <p>c.) Health requirements and provision do not relate to set areas or boundaries, with personal choices playing a major part of which GP surgery, dentist, A&E and so on people chose to use. Therefore the use of small areas for different approaches is not supported. A borough wide approach is preferred.</p> | <p>It is accepted that the approach to securing health contributions in the draft SPD is overly complex. An amendment has therefore been made so that there is a single threshold of 50 homes where there is insufficient capacity in local health facilities to meet the needs of the increase in population generated by the development.</p> <p>The contribution sought is for primary care facilities which serve local catchments. A purely borough wide approach would not meet the tests set out in the 2010 CIL Regulations (As amended).</p> | <p>Replace second part of 1st sentence in the summary box after "...existing health facilities where" with "<u>there is insufficient capacity to meet the needs of the increase in population generated by the development</u>"</p> <p>Delete paragraphs 3.121 and 3.124.</p> <p>Replace para 3.122 with "<u>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.</u>"</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|---|--|--|--|
| 04/8 | Satnam Millennium Ltd | Section 3 Local Job & Employment Opportunities | <p>The proposals for local jobs and placing of local contracts is unworkable and overly prescriptive. It could lead to a rise in costs, time delays and uncompetitive situations.</p> <p>a) In the current employment market, it is not feasible to advertise employment opportunities solely on a local basis.</p> <p>b) It is not possible to advertise for a longer than necessary period in order to achieve a local and a non-local approach, the employment market is dynamic and fast moving.</p> <p>c) Joint working with the council's job-brokerage service is supported but this must be linked to a wide advertisement of opportunities to secure the best candidates, in the best time and for market rates.</p> <p>d) The introduction of a target for local employment opportunities created is supported but this needs to be clearly expressed as a target, not a quota or fixed requirement.</p> <p>e) Similarly the requirement to ensure a minimum % of the total value of contracts to be placed with local firms is unworkable. The SPD needs to respect existing supplier contracts, quality of service available locally and lead in times.</p> <p>f) Again, joint working with the council and its partners is welcomed in this regard but this must be with the reality of the commercial situation at the heart of the process.</p> | <p>The SPD does not seek to exclusively advertise jobs on a local basis or for longer periods than necessary in order to secure local job opportunities.</p> <p>It is accepted that the minimum % requirement should not be a fixed requirement but an aspirational target.</p> <p>The Council has updated the wording of the sections relating to the Employment & Skills Training and Local Enterprise and the Summary Box to provide additional clarity.</p> <p>Through making these amendments it is considered that the SPD makes clear the process for seeking local employment opportunities and placing local contracts.</p> | <p>Replace 2nd paragraph of summary box with new paragraph to read: <u>"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"</u>.</p> <p>Amend 1st sentence of 3rd paragraph of summary box to read: "The Council will seek to ensure a minimum of 20% <u>negotiate a proportion</u> of the total value of contracts, which.....".</p> <p>Add new 3rd sentence to 3rd paragraph of summary box to read: <u>"Again a minimum target of 20% will be sought."</u></p> <p>Amend 2nd sentence of paragraph 3.136 to read: ".....the Council will seek to negotiate a planning obligation to secure training or opportunities for those groups....." and delete last sentence entirely.</p> <p>Amend paragraph 3.137 to read: "In addition, in order to support local businesses to benefit from new development within the borough, the Council will require <u>seek to negotiate</u> a commitment from developments to engage local businesses through the</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---------------------------|------------------|--|
| | | | | | <p>supply chain”.</p> <p>Amend paragraph 3.137 to read: “In addition, in order to support local businesses to benefit from new development within the borough, the Council will require <u>seek to negotiate</u> a commitment from developments to engage local businesses through the supply chain”.</p> <p>Amend 1st sentence of paragraph 3.139 to read: “The Council will seek to ensure a minimum of 20% <u>negotiate a proportion</u> of the total jobs created by a new development are to be <u>provided</u> 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 <u>its</u> 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 <u>at no cost to a developer</u>. 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. The appropriateness of the in house training will be assessed by the Council on a case by case basis”.</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---------------------------|------------------|---|
| | | | | | <p>Amend 1st part of paragraph 3.140 to read: “The developer will be required <u>requested</u> to supply the Programme of Works for the scheme to allow the <u>Council’s</u> employment team....”.</p> <p>Amend paragraph 3.141 to read: “In order to support local businesses to benefit from new development within the borough, the Council will require <u>request</u> a commitment from developments to engage local businesses through the supply chain. The Council will seek to ensure a minimum of 20% <u>negotiate a proportion</u> 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. <u>Again a minimum target of 20% will be sought</u>. This will allow local businesses to compete in the local market and also encourage sustainable supply systems”.</p> <p>Amend paragraph 3.142 to read: “The Developer is required <u>will be requested</u> to submit to the Economic Development <u>Council’s employment team</u> their Tender Event Schedule (T.E.S) <u>detailing a</u> list of packages being offered for competitive tender including time frames, values of packages and framework agreements in the supply chain. Any additional health & safety requirements should also be detailed in the T.E.S.”.</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|-------------------------|---|--|---|
| | | | | | Delete paragraphs 3.143 and 3.144 entirely. |
| 05/1 | Culcheth and Glazebury Parish Council | Section 1 Para 1.3 | Agree with the need to delay until the CIL is in place as part of the Core Strategy deliberations as there are concerns that Parish Councils do not have enough control or input into CILs which are surely intended to benefit local residents. | Noted | No change |
| 05/2 | Culcheth and Glazebury Parish Council | Section 1 | S106 and Grampian conditions should be used where possible to prevent conditions being diluted. | Noted | No change |
| 05/3 | Culcheth and Glazebury Parish Council | General | This SPD should be judged in terms of the way it involves local residents. | Noted | No change |
| 06/1 | Manchester Airport | General | Thank you for consulting and inviting comments from Manchester Airport on your draft Planning Obligations SPD. We have no comments to make in relation to this consultation | Noted | No change |
| 07/1 | National Trust | General | Thank you for your email of 22nd July 2016 notifying National Trust of the above consultation. Having briefly reviewed the draft SPD I can advise you that on this occasion National Trust has no particular comments that it wishes to make upon it. Nonetheless the Trust is grateful to have been given the opportunity to review the draft document and confirms that it does wish to continue to be notified of such consultations in the future. | Noted | No change |
| 08/1 | Natural England | General | Thank you for the consultation on your draft Planning Obligations SPD. Whilst we welcome this opportunity to give our views, the topic of the SPD does not appear to relate to our interests to any significant extent. We therefore do not wish to comment. | Noted | No change |
| 08/2 | Natural England | General | A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. | The Council has screened the SPD to determine the need for; an SEA in accordance with Regulation | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|-------------------------|---|---|---|
| | | | <p>While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> | <p>9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC; and for a HRA in accordance with Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 and European Directive 92/43/EEC.</p> <p>Statements have been produced, which confirm that the SPD is unlikely to have significant environmental effects, and will be published with the final version of the SPD.</p> | |
| 09/1 | NLP on behalf of Taylor Wimpey UK Ltd | General | <p>The Council consulted on its Community Infrastructure Levy [CIL] Preliminary Draft Charging Schedule in December 2015. In June 2016 the Council decided not to progress any further with CIL due to the potential implications of Starter Homes on developer viability. It is now proposed that the Council will introduce CIL in parallel with the review of its Local Plan. This SPD is therefore an interim document until the time at which CIL becomes operational and it will then need to be revised. This is acknowledged in the SPD [§1.3] and will be necessary as it is likely that CIL will address most of the items covered by the SPD.</p> <p>Taylor Wimpey welcome the SPD as an opportunity to provide certainty and clarity as to the level of contributions that will be expected to be made as development is brought forward. As a responsible house builder, Taylor Wimpey recognises the importance of ensuring that any negative impacts associated with new</p> | Noted | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|-------------------------|--|--|---|
| | | | <p>development are mitigated by making appropriate contributions to improvements in local infrastructure.</p> <p>However, as a commercial organisation, it also understands that new development cannot be achieved if it is unviable. Taylor Wimpey is therefore keen to ensure that any requirements that are imposed by the Council are evidenced, justified and do not undermine the deliverability of residential schemes in Warrington.</p> | | |
| 09/2 | NLP on behalf of Taylor Wimpey UK Ltd | General | <p>This representation puts forward our considered approach to the SPD and suggests amendments where necessary to ensure that it is robust, clear and fit for purpose, and reflects guidance set out in Planning Policy Guidance [PPG]. It is structured to follow the content of the SPD; however the summary below sets out Taylor Wimpey's key concerns with the document:</p> <ol style="list-style-type: none"> 1) The SPD does not set out a coherent policy approach for securing planning obligations. In many instances, it is not clear when contributions will be sought, nor how they will be calculated. 2) Planning obligations can only be reasonably required having regard to Regulation 122 of the CIL Regulations and the National Planning Policy Framework [§204] [the Framework]. In particular, there appears to be some confusion over the use of planning conditions and planning obligations. The SPD relates to planning obligations, but in many instances the document refers to planning conditions as the 'form in which contributions should be made'. Much of the document is therefore unnecessary as it relates to specific on-site requirements which are most appropriately dealt with by planning conditions. 3) The thresholds for which a planning obligation | <p>The SPD seeks to formalise how the Council currently negotiates planning obligations, rather than introduce additional requirements. The Council does accept that the thresholds for health contributions were not sufficiently clear and they have been simplified. A number of amendments have been made to confirm where conditions will be used to secure obligations, as opposed to a S106 agreement, but the Council considers it is still important to provide this detail in the SPD. Further amendments have been made to remove duplication with Local Plan Core Strategy policy to streamline the SPD.</p> | <p>Detail of changes set out in response to individual representations below.</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|-------------------------|--|--|---|
| | | | <p>is required are arbitrary and differ for each of the categories set out in the SPD. None of the thresholds adopted appear to be justified or based on any evidence, particularly those for developments of a strategic nature, which the Council does not define.</p> <p>In preparing these representations we do not provide a detailed critique on the Community Infrastructure Levy Viability Review prepared by BNP Paribas Real Estate which we understand has been used by the Council to consider the viability implications of the SPD. It is noted that the viability evidence does not have regard to the costs associated with some of the topic areas covered by the SPD. On that basis, it does not provide any meaningful evidence which supports the deliverability of the requirements.</p> | | |
| 09/3 | NLP on behalf of Taylor Wimpey UK Ltd | Section 1 Introduction | <p>Taylor Wimpey reiterates the importance of any planning obligation meeting the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 [the CIL Regulations]. It must be demonstrated that planning obligations are:</p> <ol style="list-style-type: none"> 1) necessary to make the development acceptable in planning terms; 2) directly related to the development; and 3) fairly and reasonably related in scale and kind to the development. <p>These tests are set out as statutory tests in the CIL Regulations and as policy tests in the Framework.</p> <p>Having regard to these tests, it would be beneficial for the SPD to build upon §1.16 to make clear that the level of contributions sought will not be</p> | The SPD is consistent with the CIL Regulations 2010 (as amended) | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|--|---|---|---|
| | | | <p>disproportionate to the scale and value of infrastructure that is demonstrated to be required.</p> <p>As noted in the SPD [§1.10], the CIL Regulations have imposed a restriction on the pooling of S106 contributions post 6 April 2015. Whilst it is clarified later in the document, Taylor Wimpey wishes to reiterate that this restriction counts retrospectively to all obligations signed by a local authority after 6 April 2010.</p> | | |
| 09/4 | NLP on behalf of Taylor Wimpey UK Ltd | Section 2 Site size, Thresholds and Range of Obligations | <p>Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms, and should only be used where it is not possible to address unacceptable impacts through a planning condition. The SPD should highlight that most planning applications will not require the developer to enter into a planning obligation. In most cases, planning conditions can adequately deal with on-site works and even the provision of works or facilities outside the application site.</p> <p>As set out previously, the thresholds set out in Table 2.1 are arbitrary and the majority do not have any policy basis. In particular, there should be a definition of 'major development sites of a strategic nature' to provide developers with further clarity on the scale of contributions that may be sought.</p> <p>It should also be recognised at §2.6 that strategic sites are likely to require the provision of extensive social and physical infrastructure which will have significant cost implications for delivery. In such instances, it will be important to ensure that the balance between a well-planned development with the right level of impact mitigation and infrastructure is achieved along with scheme</p> | <p>Paragraph 1.17 of the SPD makes clear that the "Council will endeavour to use conditions wherever possible in preference to planning obligations".</p> <p>The SPD seeks to formalise how the Council currently negotiates planning obligations, rather than introduce additional requirements. The Council does accept that the thresholds for health contributions were not sufficiently clear and they have been simplified.</p> <p>The SPD is clear that all obligations will be subject to consideration of viability. This includes sites of a strategic nature.</p> <p>It should also be noted that the Council is currently progressing the review of its Local Plan and this will provide the opportunity to consider specific strategic sites in more detail.</p> | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---|-----------------------------------|--|---|---|
| | | | viability. This is not fully addressed in the SPD. | | |
| 09/5 | NLP on behalf of Taylor Wimpey UK Ltd | Section 2 Viability | <p>This section of the SPD is generally supported in that it recognises (in line with the Framework [§173] and the PPG) that the requirement for planning obligations can impact on the viability of development.</p> <p>The SPD [§2.19] completely disregards the presumption in favour of sustainable development set out in the Framework which is described as a “golden thread” running through plan-making and decision taking. It is therefore not the case of weighing the benefits against the need to provide infrastructure as suggested in this paragraph. The Framework [§186 & 187] requires a positive and pro-active approach and this is not found within the wording in this section. Likewise the approach of the Framework [§173] needs to be fully reflected in the approach to viability.</p> | <p>The SPD is clear that all obligations will be subject to consideration of viability. This includes sites of a strategic nature.</p> <p>The SPD also does not seek to duplicate the Local Plan Core Strategy which contains a policy on the presumption in favour of sustainable development.</p> | No change |
| 09/6 | NLP on behalf of Taylor Wimpey UK Ltd | Section 2 Pooled Contributions | <p>It is suggested that the wording of §2.24 is amended to make it clear that the Council's approach to planning obligations is considered (by the Council) to be fully compliant with the CIL Regulations and PPG as the current drafting of this paragraph is vague. For the avoidance of doubt, and the reasons set out elsewhere in this letter, Taylor Wimpey currently do not believe this to be the case.</p> <p>It is the purpose of CIL to provide infrastructure to support the development of an area and CIL is the Government's preferred vehicle for the collection of pooled contributions. Planning obligations may only be sought to mitigate the site-specific impact of development and should not be used to contribute to Borough-wide infrastructure. This SPD should make it clear that this is the case and set out how on a site by site basis this will be</p> | The SPD is consistent with the CIL Regulations 2010 (as amended). | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---------------------------------------|------------------------------|---|--|---|
| 09/7 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | <p>ensured.</p> <p>Tenure:- The tenure split set out in the SPD [§3.4 & §3.17] is established by Policy SN2 of the LPCS. Notwithstanding this, it is considered that the SPD should refer to the flexibility to negotiate this split where more up to date evidence on housing need is provided. This is consistent with guidance set out in PPG. Taylor Wimpey requests that the Council includes a reference in the SPD that states the need to continually update the affordable housing evidence base, to ensure that policies are robust and up-to-date, which will allow for local needs to be met in the most appropriate manner. This is particularly the case in circumstances where there is no housing requirement in the adopted plan, an updated draft SHMA, and therefore only limited evidence for the split actually referred to in the policy.</p> | <p>Additional wording has been added to the summary of contribution requirements to confirm that the Council will consider each development site on a case by case basis.</p> <p>The Council will be updating its Affordable Housing Policy as part of the Local Plan Review. Nevertheless wording has been added to the SPD to confirm that affordable housing evidence base will be kept up to date.</p> | <p>Amend 4th paragraph of summary box to read: "The level, tenure and mix of affordable housing will be considered on <u>In each case the provision to be made will be based on negotiation and agreement on a site by site basis,</u> subject to viability, other policy and planning obligation requirements <u>and</u> any vacant building credit <u>and</u> <u>forthcoming regulations under the Housing and Planning Act 2016.</u> A lower proportion and/or a different tenure split may be permitted where it can clearly be demonstrated that development would otherwise not be viable."</p> <p>Add new sentence to the end of paragraph 3.2 to read: "The Council is committed to ensuring that it keeps its housing evidence base up to date".</p> |
| 09/8 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | <p>Taylor Wimpey supports the provision of intermediate tenures, including Starter Homes, to ensure that people have as many opportunities as possible to get on the housing ladder and own a property in the current market. There seems to be some conflict with the wording at §3.20 and §3.21 with the first suggesting that 50% affordable rent will be sought irrespective of Starter Homes and the second accepting that only the balance over and above the Starter Homes requirement will be sought as affordable rent. The Council is legally obligated to promote Starter Homes and whilst the consultation on changes to the Framework is currently awaited (along with associated secondary legislation) there is no reason not to fully embrace the role that Starter Homes are</p> | <p>The SPD emphasises the ongoing importance of securing affordable rented housing in meeting Warrington's needs - reflecting the findings of the Council's latest SHMA - whilst acknowledging the Council's duty to promote Starter Homes. It is the Council's policy that 50% of affordable housing should be provided as rented affordable housing.</p> <p>It is recognised that the Government requirements to reduce rental levels has viability implications for Registered Providers and an</p> | <p>Replace "will" with "<u>may</u>" in 2nd sentence of paragraph 3.6 and first sentence of paragraph 3.21.</p> <p>Add new sentence to end of paragraph 3.20 "<u>The Council does however acknowledge there are viability implications for provision of rented affordable housing due to rent reductions Government has imposed on Registered Providers by Government.</u>"</p> <p>Amend 2nd sentence of paragraph 3.21 to read: "...the Council will still seek the balance of affordable housing</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|------------------------------|---|---|--|
| | | | <p>envisaged to play in meeting affordable housing needs. The latter paragraph in the current SPD is considered to be the correct approach, and if the former is an interim measure in advance of the Starter Homes Regulations then this should be made clear. However, Taylor Wimpey consider that there is no basis to do this and that the SPD should be clear that up to 20% of units should be Starter Homes (15% on brownfield sites in Inner Warrington) with only the balance of the requirement to be provided as other affordable tenures.</p> | <p>amendment has been made to the SPD to acknowledge this.</p> <p>It also noted that there has been a delay in the introduction of the Starter Home regulations and a number of minor amendments have been made to the SPD to reflect this and ensure flexibility.</p> | <p>provision to be rented, once the regulations come into force in the event <u>the regulations require over 50% of affordable housing provision to be Starter Homes</u>".</p> <p>Amend 3rd sentence of paragraph 3.21 to read: "Therefore assuming in the event <u>the regulations require....</u>".</p> |
| 09/9 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | <p>Housing Mix:- Taylor Wimpey supports the promotion of mixed communities and welcomes the Council's approach of negotiating the dwelling mix on each site based on the most up-to-date evidence.</p> | Support Noted. | No change |
| 09/10 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | <p>Conventional Affordable Housing:- The document should refer to Registered Providers [RP] and not Housing Associations (as they are not necessarily one and the same). Whilst it is recognised that the preferred method of delivery of affordable housing is the transfer of units to a Registered Provider, the SPD should reference other tenure models to ensure that the document is flexible. This will ensure the provision of as much affordable housing as possible. There are currently significant issues with RPs ability to fund affordable housing (particularly rented models as the Government's current funding streams focus on intermediate models) and it is imperative that alternative tenure models be considered. It should therefore be clarified that different types of properties will be considered where this needs to be supported by evidence of local need and/or development viability.</p> | <p>It is acknowledged that reference should be made to Registered Providers.</p> <p>Whilst the SPD confirms that the Council's priority is for affordable homes to be transferred to a Register Provider there is considerable flexibility for alternative tenure models.</p> | <p>Replace references to "Housing Associations" with "<u>Registered Providers</u>".</p> |
| 09/11 | NLP on behalf of Taylor Wimpey | Section 3 Affordable Housing | <p>Starter Homes:- This section of the SPD should make more explicit that the Council accepts</p> | The SPD is explicit that the Council considers Starter Homes to be an | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|------------------------------|--|--|---|
| | UK Ltd | | Starter Homes as an intermediate form of affordable housing. It should cross refer the information set out earlier in the document which gives further consideration to Starter Homes and the way in which this tenure will meet the requirements of Policy SN2 i.e. where the requirement is 30% of overall housing, 20% will be Starter Homes and the remaining 10% affordable rented provision (or some other tenure to be agreed). | Intermediate form of affordable housing. The SPD is clear how it will consider the balance between tenures. | |
| 09/12 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | The last sentence of §3.30 should be deleted as the requirements of the regulations are currently unknown. | Ensuring that the discount accurately reflects local market conditions is a fundamental principle of Starter Homes and other intermediate forms of affordable housing. | No change |
| 09/13 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | Off-site Provision:- Taylor Wimpey considers that the Council's approach to off-site provision of affordable housing should be flexible and negotiated on a site by site basis. | The Council considers the SPD is clear in its approach to offsite affordable housing. | No change |
| 09/14 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | Taylor Wimpey welcomes the Council's acceptance of affordable housing contributions in the form of a commuted sum equivalent to the cost of on-site provision where justifiable circumstances exist. This approach allows flexibility for affordable housing to be provided in areas where there is the greatest need, rather than in a location which is not suitable. | Support Noted. | No change |
| 0915 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Affordable Housing | Viability Appraisals:- The SPD should include reference to how viability considerations may affect the total provision of on-site affordable housing provision. If the Council has any preference in terms of prioritisation of contributions, specifically in terms of tenure then it would be useful if this could be included in the SPD. For example, it would be useful to indicate | The SPD confirms that consideration of the precise amount and balance of tenure will need to be considered on a case by case basis. | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|-------------------------|--|--|--|
| | | | that where viability is a constraining factor but still allows some provision if the priority is maximising quantum or weighted towards the provision of certain tenures. This approach has been adopted recently by Knowsley Borough Council in its Developer Contributions SPD, with the key guidance section allowing flexibility in tenure mix where it has been demonstrated that development would not be financially viable and affordable housing provision is being maximised | | |
| 09/16 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Biodiversity | The current drafting of Table 2.1 and the summary of requirements for biodiversity is currently unclear as it states that "Planning obligations relating to biodiversity will be sought for all types and scales of development where there is an impact on protected sites, key habitats or protected species". Contributions to biodiversity measures/enhancements should not be sought where these works are provided on-site and secured through planning conditions. The text provides little guidance as to when an off-site contribution will normally be required. An amendment is required to set out if there are such circumstances, what is the basis for any such calculation. This will ensure that any planning obligation sought is fully justified and evidenced, as required by the CIL Regulations and PPG. | The site specific nature of these mitigation and compensatory measures means that they may be subject to Section 106 agreements. In considering whether these are necessary to make development acceptable in planning terms the council will take into account the overall impact of the proposed development in respect of the specific matters. | <p>Replace 1st paragraph summary box to read: "<u>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)</u>".</p> <p>Replace 2nd paragraph of summary box to read: "<u>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</u>".</p> <p>Amend 1st sentence of para 3.41 to read...."the Council will seek to secure <u>off-site provision or an equivalent financial contribution.....</u>".</p> <p>Amend table 2.1 to remove references to "All" in Thresholds column.</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|-------------------------|--|--|---|
| 09/17 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Education | <p>The key issue in this section of the SPD is the lack of transparency and understanding about the nature and scale of the issue. It would be useful if the document set out where there is a shortfall in the capacity of education establishments by geographical area at this moment in time; or where it is envisaged that such a shortfall will arise based upon planned developments. Whilst this is not a necessity, it would assist greatly with the developer in understanding the scale of contributions that may be required, particularly in relation to strategic sites. It would also provide some evidence that a shortfall is in fact likely to occur in some areas. At present, it appears there is an expectation that this will be applied to all applications when it may in fact only be reasonable and necessary to seek contributions from some. It would also provide a transparent mechanism whereby capacity will be considered (including the approach to catchments and accessibility).</p> | <p>The Council undertakes an annual assessment of school capacity as part of its Pupil Place Planning process.</p> <p>School capacity information will be published as evidence as part of the Local Plan review and it is proposed to keep this updated for inclusion within the Council's Annual Monitoring Report. It should be noted that this will provide a summary of capacity across the borough at a point in time.</p> <p>Whilst this will provide useful information to indicate when a contribution is likely to be required, it is still essential that developers engage in the pre-application process in order for the Council to undertake a detailed assessment of whether there is a need to provide additional school places to meet the needs arising from the development.</p> | No change. |
| 09/18 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Education | <p>Taylor Wimpey accepts that contributions may be required where a development will generate a demand for school places that takes existing educational establishments over capacity. However, it should not be left to the developer to address these matters, particularly when the Council has sought funding for improvements to existing schools through the usual budgetary channels. In this context it is noted that none of the specific primary school provision projects listed in the Council's Infrastructure Delivery Plan dated July 2016 have any funding gap. This</p> | <p>The Council has a statutory duty to provide school places and is positively planning for additional school places as part of its Pupil Place Planning work and the review of the Local Plan.</p> <p>The IDP will be subject to a comprehensive update as part of the Local Plan Review.</p> | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|-------------------------|--|---|---|
| | | | would also clearly have implications where the Council would be seeking to pool contributions to a specific education project. | | |
| 09/19 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Education | Notwithstanding this, Taylor Wimpey broadly supports the way in which the Council proposes to calculate the number of pupils to be generated by the proposed development. However, it objects to the pupil yields set out at §3.49. It is considered that there should be flexibility for different pupil yields to be applied where it can be evidenced that a particular development is likely to give rise to different yields. This should be added to ensure consistency with the Framework and compliance with the CIL Regulation 122 tests. | The Council has derived its child yields from the most recent census data. If an applicant was to provide compelling evidence relating to a particular form of development then the Council would amend the child yield rates. For example if a development proposed an element of housing specifically for elderly people. | Add paragraph after 3.50 " <u>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</u> ". |
| 09/20 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Education | The use of DfE costs multipliers (which will be subject to regular revision) is accepted, however, it should be clarified what this includes and that regional adjustment factors will be applied. | Additional wording has been included in the SPD to confirm the use of the most up to date DfE cost multipliers, including confirmation that regional adjustment factors will be applied. The Council has updated the costs of school places for the publication of the SPD and will update it annually prior to the start of each school year in line with inflation and any new DfE cost information. | Replace para 3.51 entirely with " <u>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 these costs are regularly updated and will publish updated figures annually ahead of the start of each new school year.</u> " |
| 09/21 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Education | The SPD [§3.5.4] specifies that in cases where a development proposal is of such a magnitude that it would not be possible to accommodate new pupils in existing schools, the Council will seek to secure the land necessary to deliver a new school as part of the overall development proposal. Whilst this approach is broadly accepted, it should be clarified in the text that the Council would not require the developer to both set aside land to | Where the scale of a development is such that the unmet demand for school places can only be met by providing a new school on the proposed development site, then the Council will require land to be provided by the developer as part of their development proposal at no cost to the Council. | Replace paragraph 3.54 with " <u>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</u> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|-------------------------|--|---|--|
| | | | <p>accommodate a new school and provide the relevant financial contribution. This would be wholly unreasonable and place a huge financial burden on development proposals.</p> | <p>The Government is clear that the Council is responsible for providing the site and meeting the associated capital costs where there is a requirement for a new school (Departmental advice for local authorities and new school proposers, Department for Education, February 2016.)</p> <p>Government Basic Needs funding falls well short of what is required to provide for the additional school places required in Warrington and the DfE has clear expectations that councils will maximise S106 contributions from developers arising out of new residential development.</p> <p>The Council will therefore also seek a contribution in line with the methodology set out in the SPD for the capital cost of constructing the school. Nevertheless, the Council recognises this is subject to viability.</p> <p>Additional text has been included in the SPD for clarification.</p> | <p><u>alternative deliverable options to meet unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.</u></p> <p>Add new paragraph after 3.55 <u>“Where land is being provided the Council will still seek to secure a financial contribution for its 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.”</u></p> |
| 09/22 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Energy | <p>The text in this section of the document should be redrafted to make clear that any requirement for a planning obligation relating to energy efficiency is for commercial development only. As drafted it is currently not clear that this is the case for proposals in the strategic locations and areas of opportunity.</p> | <p>The 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 National Planning Policy Framework policy allowing the</p> | <p>Amend 1st paragraph (bullet 1) of the summary box to read “Commercial developments with a gross floorspace of 1,000 sqm (gross internal area) or more (or a site area of 1 hectare or more) <u>in all locations.</u>”</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|-------------------------|--|---|--|
| | | | | <p>connection of new housing development to low carbon infrastructure such as district heating networks. Hence the energy efficiency requirements of paragraph 2 of Policy QE1 still apply to major commercial development in all areas and the requirements of paragraph 1 of Policy QE1 apply to both major commercial and residential development in the strategic locations and areas of opportunity. The wording of the 1st and 4th paragraphs in the summary box and paragraph 3.58 have been amended to improve clarity in this respect.</p> | <p>Amend 1st paragraph (bullet 2) of the summary box to read "<u>Major commercial and residential developments on sites in the strategic locations,....</u>".</p> <p>Amend 3rd paragraph (2nd sentence) of the summary box to read "In these areas major <u>commercial and residential</u> development will be required to".</p> <p>Amend 1st sentence of paragraph 3.58 to read: "<u>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 National Planning Policy Framework 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.....</u>".</p> |
| 09/23 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Flood Risk | <p>The majority of text in this section relates to issues that would ordinarily be considered during the design process and are capable of being secured through appropriate planning conditions. As detailed at §3.65, the requirements of LPCS Policy QE4 are sufficient to ensure that appropriate flood risk mitigation is delivered where necessary.</p> <p>As currently drafted, this section of the SPD is confusing as it includes reference to elements not for consideration as part of any planning obligations process which should be deleted (e.g.</p> | <p>Agreed that there is some repetition and overlap with policy requirements that can be secured by condition through Policy QE4.</p> <p>It was only intended to seek contributions for outstanding phases of the FRMS that had not been fully funded and completed.</p> <p>There may still be opportunities in the future for developments to</p> | <p>Replace 2nd paragraph of summary box with: "<u>Flood risk mitigation and management measures would normally be expected to be provided on-site and secured through appropriate planning condition(s). However, planning obligations will be required where: a Sustainable Drainage System (SuDS) is required off-site; or where a financial contribution is required to deliver a SuDS or flood risk alleviation or</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---|---|---|
| | | | <p>the requirement for a Flood Risk Assessment at §§3.72-3.74). In order to ensure this section of the SPD is robust and clear it should be redrafted to clarify that planning obligations may only be required where:</p> <p>1) a Sustainable Drainage System [SuDS] is required off-site; or where, 2) a financial contribution is required to deliver a SuDS or flood alleviation scheme.</p> <p>In relation to the Flood Risk Management Scheme [FRMS] referenced at §3.70, there should be no requirement for individual developments to contribute towards wider investment programmes, particularly in this instance when these defences have already been constructed to reduce flood risk to existing homes and businesses. This is contrary to the CIL Regulations and guidance set out in the PPG.</p> | <p>contribute to wider flood risk management schemes which offer better opportunities to provide or enhance flood risk management overall than just meeting the needs of the development through on-site provision.</p> <p>The Council has updated the wording relating to Policy Requirements; Strategic Development Requirements and the Summary Box to provide additional clarity.</p> | <p><u>management scheme</u>".</p> <p>Add new sentence to end of paragraph 3.65 to read: "<u>The Council will support development proposals where the risk of flooding has been fully assessed and justified by an agreed Flood Risk Assessment</u>".</p> <p>Amend last sentence of paragraph 3.66 to read: "Guidance on when a sustainable drainage system should be <u>used and when it</u> may be inappropriate can be found in the NPPF <u>(Paragraphs: 079 Reference ID: 7-079-20150415 and 082 Reference ID: 7-082-20150323).</u>"</p> <p>Delete paragraph 3.70 entirely.</p> <p>Reword first sentence of paragraph 3.71 to read: "The Council <u>may</u> seek contributions from sites <u>towards strategic flood risk alleviation schemes where these offer better opportunities to provide or enhance flood risk management overall than just meeting the needs of a development through on-site provision</u>".</p> <p>Delete entire Flood Risk Assessment section (paragraphs 3.72 to 3.74).</p> <p>Add new sentence to end of paragraph 3.77 to read: "This methodology will <u>ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|---|--|---|---|
| 09/24 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Green Infrastructure and Open Space | As set out in the introductory section of this letter, it is unclear why a development of 40 or more residential units has been adopted as a threshold for contributions to green infrastructure and open space. Whilst it is noted that the Council has used this threshold since of adoption of the Unitary Development Plan in 2006 and considers that there is no more recent evidence to indicate that it should be changed [§3.85], this does not mean the threshold is robust or justified. Furthermore, this approach does not reflect circumstances where there is an adequate supply of existing open space of sufficient quality to meet the needs arising from the development and there is no justification for a contribution. | <p>It is not practical to access public open space and provision on all scales of development. Schemes for only a small number of units will not have any significant impact on existing levels of provision. 40 units equates to 100 persons (when rounded up) based on Warrington's average household size (2.3). This is considered to be an appropriate level above which a development would start to have a significant impact on open space provision. No evidence has been provided to demonstrate that it is not an appropriate threshold.</p> <p>The methodology (as proposed to be amended) takes account of circumstances where there is an adequate supply of existing open space of sufficient quality.</p> | <p>proposed".</p> <p>No change</p> |
| 09/25 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Green Infrastructure and Open Space | Diagram 3 provides a methodology for assessing when a contribution will be sought. Instead of solely being based on quantity of provision, the first step should also include a consideration of accessibility standards i.e. a site could be located within one ward that is deficient in public open space, but may be within the accessibility standard or provision within a neighbouring ward. The methodology should be amended to account for this. | <p>It is accepted that the methodology should be amended to include consideration of accessibility standards to open space in adjacent wards/settlements. An amendment has therefore been made to the methodology and flow diagram in paragraphs 3.87 to 3.91 to reflect this.</p> <p>Through making this amendment it is considered that the methodology makes clear the process for determining whether public open space provision or contributions will</p> | <p>Amend Diagram 3 in paragraph 3.87 to add a new box requiring consideration of the scale of the development and a box requiring consideration of accessibility standards to open space in adjacent wards/settlements.</p> <p>Amend last sentence of paragraph 3.88 to read: "Where there is an existing deficit in quantity in the settlement/ward in relation to the standards (taking into account <u>accessibility to provision in adjoining wards/settlements and new development</u>), new provision will be</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|--|---|--|--|
| | | | | be required from a development. | required in accordance with the standards". |
| 09/26 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Green Infrastructure and Open Space | The SPD states that green infrastructure and open space provision may include "the provision of formal open space, sports pitches, informal amenity space (including, for example, dog walking areas), children's play areas, allotments or improvements to the public realm" [§3.80]. This should be clarified as there is potential for crossover with the following section of the SPD which relates to pitch sports and recreation. | Green infrastructure is generally accepted as including all types of POS. However, in this context it is accepted that the reference to sports pitches in paragraph 3.80 could be mis-leading. | Delete reference to sports pitches in 2 nd sentence of paragraph 3.80 so that it reads: "...but may involve the provision of formal open space, sports pitches, informal amenity space (including, for example, dog walking areas), children's play areas.....". |
| 09/27 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Green Infrastructure and Open Space | Whilst the SPD provides a methodology for assessing when a contribution will be sought, it does not specify how much contribution will be sought in monetary terms if off-site provision is required. As a minimum, the SPD should set out the indicative maximum total cost of off-site provision and maintenance by public space typology to ensure that any planning obligation sought meets the test of being fairly and reasonably related in scale and kind to the development. | Contributions will be determined on a site by site basis. | No change |
| 09/28 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Pitch sports and recreation | Taylor Wimpey reiterates its comment from the preceding section in relation to the threshold adopted for the requirement of a planning obligation. | It is not practical to access public open space and provision on all scales of development. Schemes for only a small number of units will not have any significant impact on existing levels of provision. 40 units equates to 100 persons (when rounded up) based on Warrington's average household size (2.3). This is considered to be an appropriate level above which a development would start to have a significant impact on open space provision. No evidence has been provided to demonstrate that it is not an appropriate threshold. | No change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|---|--|---|---|
| 09/29 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Pitch sports and recreation | <p>Taylor Wimpey considers that this section of the SPD to be premature in that the Council is still currently preparing its Playing Pitch Assessment. Without a proper assessment of need, the requirement for an obligation cannot be deemed to meet the tests set out in Regulation 122 in terms of being necessary, fair and reasonable.</p> <p>This section of the SPD as currently drafted does not provide sufficient guidance to assess when a contribution will be sought, nor does it set out the standards required for playing pitch provision. As above, the indicative maximum total cost of off-site provision and maintenance by pitch type should be included to ensure that any planning obligation sought meets the test of being fair and reasonable.</p> <p>It is also noted that §3.114 specifies that the Sport England Sports Facility Calculator will be used to calculate the costs of improvements to an existing facility. Such costs, relating to Sport England standards are an onerous requirement for developers, particularly if other facilities in the Borough do not reach such a standard dictated by Sport England. The SPD should set out why this is necessary, reasonable and justified if this is to be taken forward.</p> | <p>It is accepted that the PPS and SFSNA have not been finalised. However, the evidence that will underpin the strategies has been collected and analysed.</p> <p>In addition, the Council are currently working with Sport England to identify what the additional demand from population and housing growth will be; the impact this will have on existing levels of provision; and developing a methodology for calculating financial contributions, for both pitch and non-pitch sports provision.</p> <p>The Sport England Sports Facility Calculator has been used as an interim measure for establishing costs, whilst a bespoke methodology is being developed. It is accepted that reference should not now be made to this.</p> <p>The Council has updated the wording relating to the Assessment of Pitch Sport and Built Facilities Requirements to provide additional clarity.</p> | <p>Amend 2nd sentence of summary box to read: “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 <u>using information set out in the Playing Pitch Strategy (PPS) and secured by S106 Agreement</u>”.</p> <p>Amend 3rd sentence of summary box to read: “Where a contribution is sought for upgrading indoor sports and recreation provision, this will be calculated using the Sports England Sports Facility Calculator <u>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</u>”.</p> <p>Replace 1st sentence of paragraph 3.110 entirely with: “<u>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</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|-------------------------|--|---|--|
| | | | | | <p><u>contributions methodology using information set out in the PPS and SFSNA will be developed to help establish:</u></p> <ul style="list-style-type: none"> •<u>What the additional demand for sports will be from individual or cumulative housing development;</u> •<u>Which existing sites need to be improved or new facilities provided to increase capacity to cater for the additional demand; and</u> •<u>What an appropriate financial contribution should be”;</u> <p>Amend paragraph 3.114 to read: “Built Facility Provision - Where an improvement is required to an existing facility, the level of financial contribution sought will be based on an estimate of the amount of demand that is created by a given population and calculated by using the Sports England “Sports Facility Calculator (SFC)” <u>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”.</u></p> |
| 09/30 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Health | The Warrington Clinical Commissioning Group (WCCG) has a budget of around £259 million to commission the healthcare services for which it is responsible. It is not appropriate for the SPD to require contributions relating to healthcare. Doing so does not meet the tests of being necessary, fair or reasonable, particularly as there is no evidence of an overall funding gap in relation to healthcare | NHS Warrington Clinical Commissioning Group receives an annual revenue allocation to pay for the health services used by the population of Warrington. This allocation does not include any capital funding to provide the additional health facilities necessary | <p>Replace second part of 1st sentence in the summary box after “existing health facilities where” with “<u>there is insufficient capacity to meet the needs of the increase in population generated by the development”</u></p> <p>Replace standard charge per dwelling</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---|---|--|
| | | | <p>provision.</p> <p>It is clear from the NHS Strategic Estates Plan that there has been a mismatch of capacity in the Borough, with some capacity removed and other areas where there is an excess. Where there is a general capacity that can serve a development within a reasonable accessibility standard (irrespective of the NHS clusters) then no contribution should be sought. Contributions should not be sought in any circumstances where existing capacity has been removed and / or repurposed within the recent past (i.e. at least the last 5 years).</p> <p>In terms of the definition of the clusters it is totally improper to have areas that are not defined, nor accessibility standards that can be applied. The entire approach set out at §3.124 needs to be reconsidered. Cost are provided at §3.128 for the provision of new facilities, but §3.129 accepts that there are other ways of providing capacity including the extension of existing facilities, or the repurposing of existing accommodation. The basis for the calculation of the contribution is flawed and has no regard to the individual circumstances that might exist.</p> <p>Taylor Wimpey therefore strongly objects to a requirement for healthcare contributions as this is contrary to the tests set out in the CIL Regulations, nor is it not fully justified or evidenced, as required by PPG.</p> | <p>to accommodate Warrington's future population growth from new development and therefore the principle of seeking contributions is entirely appropriate.</p> <p>It is accepted that the approach to securing health contributions in the draft SPD is overly complex. An amendment has therefore been made so that there is a single threshold of 50 homes where there is insufficient capacity in local health facilities to meet the needs of the increase in population generated by the development.</p> <p>The methodology for deriving the health contribution is based on the latest guidance produced by NHS Estates.</p> <p>It is apparent that the additional space included in the calculation for shared community space should not have been costed on the same basis as a health facility. This additional floorspace is now costed at a lower rate of £1,732 per sq.m. in accordance with the latest BCIS data for the cost of a generic community centre. This reduces the cost per dwelling to £771.</p> <p>Through making this amendment it is considered that the methodology is fully justified and will ensure that contributions sought are directly,</p> | <p>in 2nd sentence in the summary box with "<u>£771</u>".</p> <p>Delete paragraphs 3.121 and 3.124.</p> <p>Replace para 3.122 with "<u>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.</u>"</p> <p>Amend paragraph 3.123 to read; "The thresholds have <u>has</u> been agreed with NHS Partners and are <u>is</u> based on an assessment of population generated from new development".</p> <p>Amend paragraph 3.128 to reduce indicative cost of providing a health facility to "<u>£2,414,305</u>" and reduce cost per dwellings to "<u>£771</u>".</p> <p>Amend paragraph 3.129 to read: "<u>Depending on the scale of development and the nature of local facilities serving the area this contribution.....</u>".</p> <p>Add "<u>This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.</u>" to end of paragraph 3.125.</p> <p>Amend 1st sentence of paragraph 3.133 to read: "The mechanism for delivering a new health centre will need</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|---|--|---|---|
| | | | | fairly and reasonably related in scale and kind to the development proposed. | to be agreed with the Council and its NHS Partners as part of the pre-application process, <u>taking into account development viability.</u> |
| 09/31 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Local Job / Employment Opportunities | <p>Taylor Wimpey supports the Council in its desire to work in partnership with developers to provide new jobs for local residents and ensure that local businesses benefit from development. In this context, it is noted that Taylor Wimpey provide sponsorship to schools, apprenticeships, work experience and other opportunities for young people in the localities where they operate. Taylor Wimpey is also committed to sourcing as much as possible of its labour, materials and onsite trade work from within the local area or region.</p> <p>However, it is considered that the requirement for planning obligations relating to employment and skills training and local enterprise opportunities are entirely unreasonable and not justified when assessed against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the Framework [§203]. In particular, the Council has provided no evidence which demonstrates that such an obligation is necessary to make a development acceptable in planning terms. The Council's approach is therefore contrary to the PPG.</p> <p>It is not considered appropriate for the SPD to require contributions relating to local job/employment opportunities. Doing so does not meet the tests of being necessary, fair or reasonable. Taylor Wimpey therefore strongly objects to a requirement for local job/employment contributions.</p> | <p>It is acknowledged that as currently drafted the Local Job/Employment Opportunities section of the SPD does not relate the requirement for planning obligations relating to employment and skills training and local enterprise opportunities to policy. However, the imposition of such requirements is outlined in Policy PV3 of the Warrington Local Plan Core Strategy, which has not been referenced in error.</p> <p>Therefore, it is considered that the SPD is not introducing a new policy and is entirely reasonable and justified when assessed against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF.</p> | <p>Add new paragraph after paragraph 3.135 to read: <u>"Policy PV3 of the LPCS seeks to maximise 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"</u>.</p> |
| 09/32 | NLP on behalf of Taylor Wimpey | Section 3 Local Job / | The requirements set out in this section are wholly unreasonable and unjustified and do not meet the | It is acknowledged that the requirement for contributions | Delete last sentence of paragraph 3.136. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|--|---|---|---|
| | UK Ltd | Employment Opportunities | CIL Regulation tests. Many of the requirements would have the effect of placing an unnecessary financial burden on the developer, for example "Where development proposals are not readily accessible by Public Transport developers will be expected to contribute towards the introduction or enhancement of public transport to ensure the secured employment opportunities are accessible to the disadvantaged and economically inactive" [§3.136]. | towards public transport included in this section could amount to double counting as it will also be considered through any transport obligations outlined on pages 37 to 40 of the SPD. | |
| 09/33 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Local Job / Employment Opportunities | Whilst it is recognised that there is a need to tackle worklessness and develop the skills of the existing community to ensure that they have opportunities to enter the workplace, there is no justification for the Council's approach of seeking a minimum of 20% of jobs to be advertised to local residents and 20% of the total value of contacts to be using firms located within the Borough, nor the threshold for the contribution requirements (residential developments of 11 units or more). | It is accepted that the minimum % requirement should not be a fixed requirement but an aspirational target. The Council has updated the wording of the sections relating to the Employment & Skills Training and Local Enterprise and the Summary Box to provide additional clarity. Through making these amendments it is considered that the SPD makes clear the process for seeking local employment opportunities and placing local contracts | Refer to response to ID 04/8 |
| 09/34 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Local Job / Employment Opportunities | Furthermore, §3.146 of the SPD specifies that the form in which contributions to local job / employment opportunities should be made will usually be secured through a planning condition. Its inclusion in a SPD related to planning obligations is therefore needless. | It is accepted that it is not necessary to include these issues in the Planning Obligations SPD given that they are intended to be secured by condition. However, it is considered necessary to include them for completeness and to clarify when they will be sought. | No change |
| 09/35 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Transport and Travel | The majority of the text in this section is based around the provision of Transport Assessments, Transport Statements and Travel Plans and site | Transport Assessments, Transport Statements and Travel Plans form the basis for assessing proposed | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---------------------------------------|--------------------------------------|--|--|---|
| | | | specific impacts that may arise from a development. Much of this explanation is unnecessary and should be amended to ensure that the document is coherent. As currently drafted, the link between developer contributions and highways and transport provision is unclear. | development that has significant transport implications, therefore it is considered appropriate to include details on what the Council would expect them to contain. | |
| 09/36 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Transport and Travel | The Council's approach to seeking contributions for public transport needs to be clarified further and relate to accessibility standards. | <p>It is considered that the approach to seeking public transport contributions is clearly explained.</p> <p>The public accessibility standards employed are based on the DfT guidance "Inclusive Mobility: A guide to best practice on access to pedestrian and transport infrastructure (2005)". The 20 min service frequency is locally determined.</p> <p>The Council has updated the wording relating to public transport requirements and provided a footnote to provide additional clarity.</p> | <p>Amend 2nd sentence of paragraph 3.159 to read ".....20 minute frequencies <u>at all times</u> within a distance of about 400m from any part of the site)¹.</p> <p>Footnote: Inclusive Mobility: A guide to best practice on access to pedestrian and transport infrastructure (DfT, 2005).</p> |
| 09/37 | NLP on behalf of Taylor Wimpey UK Ltd | Section 3 Transport and Travel | It should be made clear that it is not for individual developments to contribute towards wider investment programmes, nor should contributions be sought to address existing deficiencies and other matters where they are neither directly related nor fairly and reasonably related in terms of scale. | <p>Whilst it is accepted that individual developments should not be required to contribute to planned investment programmes it is appropriate for the Council to require developments to contribute towards wider strategies and initiatives (that are unfunded) if it is considered that they would deliver a better outcome.</p> <p>Paragraph 1.16 of the SPD makes clear that the Council will only enter into an obligation when it meets the key tests set out in regulation 122 of</p> | Add new sentence to end of paragraph 3.150 to read: " <u>In all cases planning obligations will only be sought that are directly, fairly and reasonably related in scale and kind to the development proposed</u> ". |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|--|---|--|---|---|
| | | | | the CIL Regulations 2010 (as amended). However, text has been added to the Transport section of the SPD for clarification. | |
| 09/38 | NLP on behalf of Taylor Wimpey UK Ltd | Section 4 Monitoring of Planning Obligations | This section of the SPD should provide more detail to ensure that it is clear in any Section 106 Agreement that where the LPA has made a commitment to providing a facility in part or in full from a developer's financial contribution that it will specify when work will be carried out and if it is not carried out to the specific timescale, how the unspent funds will be returned to the developer, and with what interest added. | <p>The Council would normally specify in any Section 106 Agreement the timescale and mechanism for returning any unspent financial contributions.</p> <p>The Council has updated the wording of the section relating to the Management of Planning Obligations to provide additional clarity.</p> | Add new paragraph after paragraph 4.3 to read: <u>"Where contributions are made towards specific infrastructure improvements and the infrastructure (or part of) 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 Section 106 Agreement"</u> |
| 10/1 | Turley on behalf of Patrizia Immobilien AG (the owner and manager of Birchwood Park) | Section 3 Local Job / Employment Opportunities | <p>This aspect of the SPD proposes planning obligations relating to employment, skills training and local enterprise for commercial developments with a gross floorspace of 1,000 or more.</p> <p>Through it the Council will seek a minimum of 20% of the total jobs created by the construction and end-user phases of development to be advertised through the Council's job-brokerage services for a minimum specified period. All reasonable endeavours are to be used to achieve a target of 20% employment is achieved in both phases.</p> <p>In addition, a minimum of 20% of the value of construction contracts are to be awarded to firms within the borough.</p> <p>It is noted that, in accordance with national planning policy guidance (NPPG), SPDs should build upon and provide more detailed advice or guidance on the policies any adopted development plan. That document and paragraph</p> | <p>It is acknowledged that as currently drafted the Local Job/Employment Opportunities section of the SPD does not relate the requirement for planning obligations relating to employment and skills training and local enterprise opportunities to policy. However, the imposition of such requirements is outlined in Policy PV3 of the Warrington Local Plan Core Strategy, which has not been referenced in error.</p> <p>Therefore, it is considered that the SPD is not introducing a new policy and is entirely unreasonable and justified when assessed against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF.</p> | Add new paragraph after paragraph 3.135 to read: <u>"Policy PV3 of the LPCS seeks to maximise 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"</u> . |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--|---|--|---|---|
| | | | <p>153 of the National Planning Policy Framework (NPPF) are also clear that SPDs should not add unnecessarily to the financial burdens on development.</p> <p>No link to the Warrington Local Plan Core Strategy or any policies within it that would support the imposition of such requirements is given. The SPD is in effect introducing a new policy in relation to local employment and in doing so goes beyond the remit of an SPD.</p> | | |
| 10/2 | Turley on behalf of Patrizia Immobilien AG (the owner and manager of Birchwood Park) | Section 3 Local Job / Employment Opportunities | <p>In addition the proposed measures are overly prescriptive. The proposed policy fails to recognise the complexities involved in the construction process which may involve a landowner(s), developer and a contractor/sub-contractors. Determining responsibilities for complying with the construction requirements is not therefore straightforward.</p> <p>Warrington has too small a pool of contractors to make this a viable option, unnecessarily constraining developers and limiting options for delivering development, particularly is specialist services are required. A limited number of options can limit the ability to achieve the most competitive price for contracts.</p> <p>This is particularly an issue with the often tight margins in construction which may necessitate using firms which offer the lowest possible price in order to ensure that a development is viable. This may involve using firms located outside the borough. These issues may not be known at planning application stage; in which case the applicant will not have prepared a viability assessment. They may only come to light following the granting of planning permission once</p> | <p>It is accepted that the minimum % requirement should not be a fixed requirement but an aspirational target.</p> <p>The Council has updated the wording of the sections relating to the Employment & Skills Training and Local Enterprise and the Summary Box to provide additional clarity.</p> <p>Through making these amendments it is considered that the SPD makes clear the process for seeking local employment opportunities and placing local contracts.</p> | Refer to response to ID 04/8. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--|---|--|--|---|
| | | | <p>detailed design development and pre-construction tender returns are received; changes in circumstances may also take place which alter the viability between submission of an application and construction tenders being issued. At present there is no mechanism in planning law to do so unless the applicant and Local Planning Authority agree.</p> <p>This would constrain and potentially prevent economically beneficial development from coming forward. This is arguably a retrograde step in the context of the Northern Powerhouse and an economy which does not acknowledge local authority boundaries. The adoption of this policy could have unforeseeable negative consequences on the local economy.</p> <p>On the basis of the above Patrizia objects to this aspect of the SPD and requests that it is omitted or is revised to provide encouragement to secure local employment, rather than a prescribed requirement.</p> | | |
| 10/3 | Turley on behalf of Patrizia Immobilien AG (the owner and manager of Birchwood Park) | Section 3 Local Job / Employment Opportunities | <p>Patrizia wishes to make representations to the Warrington Borough Council ('WBC') draft Planning Obligations - SPD. It does so as the owner and manager of Birchwood Park, with a long-term interest in Warrington and its future.</p> <p>The proposed inclusion of a requirement for planning obligations in respect of local employment and construction contracts is contrary to national planning policy and guidance on SPDs. As drafted, the SPD will effectively introduce a new policy and will potentially impose a financial burden on developers.</p> <p>Whilst the objectives which the proposal is</p> | <p>It is acknowledged that as currently drafted the Local Job/Employment Opportunities section of the SPD does not relate the requirement for planning obligations relating to employment and skills training and local enterprise opportunities to policy. However, the imposition of such requirements is outlined in Policy PV3 of the Warrington Local Plan Core Strategy, which has not been referenced in error.</p> <p>Therefore, it is considered that the SPD is not introducing a new policy</p> | <p>Add new paragraph after paragraph 3.135 to read: "<u>Policy PV3 of the LPCS seeks to maximise 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</u>".</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---|--------------------------------------|---|--|---|
| | | | <p>seeking to deliver and supported in principle by Patrizia, it is essential that they are delivered through an appropriate mechanism. An inflexible and prescriptive policy in a SPD is not it. It therefore objects to the proposed requirement for planning obligations to secure local employment and construction.</p> | <p>and is entirely reasonable and justified when assessed against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF.</p> | |
| 11/1 | Turley on behalf of Peel Holdings (Land and Property) Limited | General | <p>Peel requests clarification by way of response from WBC regarding a number of specific matters which are unclear from the consultation and requests specific amendments to policies and their reasoned justification in a number of other cases.</p> <p>Given the concerns set out by Peel, it is also requested that WBC undertakes a second round of consultation on a revised draft SPD document, following this consultation process.</p> <p>If WBC was to be introducing a CIL Charging Schedule, the CIL Regulations (and PPG) require 3 successive rounds of consultation prior to Examination before a Planning Inspector. It is noted that paragraph 2.17 of the SPD states: "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".</p> <p>Peel considers that in light of the issues raised by the current consultation, a second 'revised draft' SPD consultation prior to adoption is the minimum that should be undertaken.</p> | <p>The SPD seeks to formalise how the Council currently negotiates planning obligations, rather than introduce additional requirements. None of the responses to consultation, or the subsequent amendments proposed, necessitate a further round of consultation.</p> | No change |
| 11/2 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 1 Pooled Contributions | <p>Regulation 123 of CIL 2010 Regulations (as amended) sets out limitations of the pooling of planning obligations from 1st April 2015. From this date no more than 5 separate planning obligations may be entered into to provide funding for a</p> | <p>The Council has been monitoring historic agreements signed from April 2010 to ensure compliance with the pooling restriction which came into force in April 2015. With</p> | No Change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|-------------------------|--|--|---|
| | | | <p>specific infrastructure project or type of infrastructure. This restriction is applied retrospectively to all obligations signed by a local authority after 6th April 2010.</p> <p>Paragraph 2.25 of the draft SPD states: "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." Peel is concerned that this statement provides insufficient detail and reassurance to investors and developers.</p> <p>On this matter Peel firstly requests that WBC confirms how it will treat the pooling of planning obligations, where a Section 106 agreement has already been signed, and the infrastructure projects to which contributions are intended to be directed has not been defined within the S106 agreement.</p> <p>This situation has affected a number of Peel's sites in other locations. We therefore request clarification of how many Section 106 Agreements are affected, with a breakdown of the infrastructure type (e.g. unspecified POS or Public Realm contributions).</p> <p>Peel also requests that WBC confirms how it will make future decisions on applications where an adverse effect of development requires resolution (funding) via a planning obligation but WBC has already reached the upper limit for defining individual planning obligations for that type or item of infrastructure via prior signed Section 106 agreements.</p> | <p>regard to generic contributions where there is no specific infrastructure project defined in the agreement, the Council is unable to collect more than 5 contributions towards those generic funding pots. The Council has not breached the pooling restriction relating to generic contributions to date and in all new S106 agreements the Council is now referencing specific infrastructure projects in S106 agreements.</p> <p>Where the pooling restriction prevents required mitigation from a development then the Council will consider this on a case by case basis. This might mean the development will contribute to an alternative project, subject to compliance with the CIL regulations, or if there are no other possibilities of mitigation, the Council may be required to balance the overall need for the development against its impacts. It should be noted that the Council still intends to introduce CIL which will significantly reduce the likelihood of this scenario. In the meantime, effective monitoring means the Council is able to minimise the risks associated with the pooling restriction.</p> | |
| 11/3 | Turley on behalf | Section 2 | The SPD incorporates provision for the negotiation | The Council considers the | No change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---|---|---|--|---|
| | of Peel Holdings (Land and Property) Limited | Negotiating and securing planning obligations | <p>of reduced planning contributions on the basis of financial viability issues, which is welcomed by Peel as prudent and reflective of the intentions of both the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG).</p> <p>However, whilst the draft SPD makes references to a several practice guidance documents, it does not confirm that submitted Viability Assessments must accord with PPG. This should be added. Moreover, it should be confirmed that any independent review of submitted evidence undertaken on behalf of WBC must be subject to the same level of rigour.</p> | <p>references to viability are consistent with NPPF and NPPG.</p> | |
| 11/4 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 2 Viability | <p>As previously referenced, Paragraph 2.17 of the draft SPD states that the Community Infrastructure Levy Viability Review as prepared for WBC by BNP Paribas Real Estate in May 2016 (hereafter 'BNPP Report') has been taken into account in preparing the SPD.</p> <p>There is, however, no further reference to the BNPP Report within the SPD. It is not clear to what extent the BNPP Report has influenced the draft SPD policies through the result of viability testing.</p> <p>The direct relevance of the BNPP Report is questionable. At paragraph 1.1, the BNPP Report states: 'This report tests the ability of a range of development typologies identified in Warrington Borough Council's Local Plan to absorb contributions to infrastructure through the Community Infrastructure Levy ('CIL')'.</p> <p>For example, the BNPP Report adopts an assumption that S106 contributions equating to £1,000 per unit are appropriate. In contrast,</p> | <p>The Council has published the BNPP Report in in interests of transparency given the work had been completed in support of progressing the Council's CIL, which has now been delayed.</p> <p>The BNPP Report provides high level assessment of development viability in the borough. It has not been used directly in support of the preparation of the SPD, given the SPD is primarily confirming the Council's existing approach to planning obligations. It does however provide high level evidence which supports the Council's view that the requirements of the Planning Obligations SPD are reasonable in the context of development costs and values in the borough. It also provides useful evidence on the viability implications</p> | No change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|---|---|---|
| | | | <p>where need is proven, just the health and education S106 contributions set out within the draft SPD would equate to £8,328 per unit (£943 per unit for health and £7,385 for education). Therefore, it does not follow that the conclusions reached in respect of viability within the BNPP Report are appropriate for use in reference to the draft SPD.</p> <p>Paragraph 174 of the NPPF states the following: "Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence."</p> <p>The Draft Planning Obligations SPD July 2016 – Viability Statement published by WBC ('the WBC Viability Statement') states that the approach to S106 planning obligations is being updated, rather than new requirements being introduced, with the BNPP Report used 'to consider the viability implications of the Planning Obligations SPD'. It is suggested that 'this is a broad brush approach which is considered proportionate'.</p> <p>It is not clear how the BNPP Report has been</p> | <p>of Starter Homes. Nevertheless, the SPD is to be applied to developments on a case by case basis and fully takes into account viability.</p> | |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---|-------------------------|---|---|---|
| | | | <p>used to reach the conclusion in the WBC Viability Statement that: 'This broad brush viability review confirms that the S106 requirements in general are not considered to detrimentally impact on development viability across the Borough as a whole'.</p> <p>Peel is of the opinion that the requirements set out in the draft SPD for a total of 17 different obligations that may be sought from residential and commercial developments in the Borough should be underpinned by an evidence base which provides clear assessment of the impact of the obligations on the viability of scheme delivery, rather than making cursory reference to a viability assessment which has been provided for a separate purpose.</p> <p>The BNPP Report has not been issued for consultation, and Peel does not regard it as an appropriate evidence base for establishment of a Planning Obligations SPD.</p> | | |
| 11/5 | Turley on behalf of Peel Holdings (Land and Property) Limited | Review of BNPP Report | Despite the concerns in respect of the relevance of the BNPP Report, we have reviewed the document and provide high level commentary. | The BNPP report has been published in the interests of transparency and the Council does not intend to respond to these points in the context of the Planning Obligations SPD. | No change. |
| 11/6 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 1 Introduction | Paragraph 1.4 of the draft SPD states that one purpose is to 'improve transparency in the priority and calculation of planning obligations'. Peel is of the opinion that there is a lack of transparency within the draft SPD, with little indication of the costs associated with draft SPD compliance included. Whilst it is understood that a number of the obligations are predicated on need, it is not possible to confirm that the proposed obligations are acceptable or viable without | The SPD is confirming the Council's approach to negotiating planning obligations in the context of the CIL Regulations 2010 as amended. It is replacing the existing SPD which pre-dates these regulations. It is not introducing new policy and it is not seeking additional obligations to those already sought by the Council. | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|---|---------------------------------|--|--|--|
| | | | calculations to show the potential impact on those sites which will generate S106 requirements on a need basis. | | |
| 11/7 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 2 Viability | Paragraphs 2.17 - 2.23 of the draft SPD set out the outline basis for the provision of Viability Assessments where it is determined that the full range of planning obligations cannot be met. Peel welcomes the acknowledgement of the potential for viability issues and regard the basis as appropriate, making reference to a range of guidance papers. However, the reference to compliance with the RICS Professional Standards and International Valuation Standards is misleading, as viability assessments will be provided as 'an objective evaluation of financial viability' ¹ and will generally be stated to fall outside the ambit of the RICS Valuation – Professional Standards (Red Book). | The point is agreed. A viability assessment is not considered to be report which falls within the ambit of the RICS Valuation – Professional Standards (Red Book). However, when undertaking or commissioning any service outside Red Book requirements, the Council would seek to ensure that those standards are borne in mind. For instance, the definitions of Market Value and the various papers on Residual Valuation are helpful and a Valuer needs strong reasons to vary from them. The Standards also set out important guidance on issues such as Terms of Engagement, conflict of interest etc. | Reword paragraph 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 RICS Valuation – Professional Standards 2014 UK Edition ; the National Planning Policy Framework; and where appropriate the Viability Testing Local Plans (Harman) Report. Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS). Such assessments will have regard to RICS professional standards and valuation practice statements. |
| 11/8 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Affordable Housing | Paragraph 3.23 of the draft SPD states that 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 | The SHMA provides the Council's most up to date and comprehensive evidence on housing need and provides the basis for the SPD. | No change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|------------------------------|--|--|--|
| | | | <p>small residual need for larger properties’.</p> <p>In contrast, the PBA Report assumes that ‘all affordable housing will be 80 sq m in all three value areas.’ An 80 sq m average unit size would indicate a mix of predominantly 2 and 3 bed homes. A mix which includes 75% 1 and 2 bed units would produce a significantly smaller average units size, casting doubt upon the validity of the viability assessments included in both the BNPP Report and the PBA Report.</p> | | |
| 11/9 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Affordable Housing | <p>Peel is concerned that the guidance on affordable housing provision is contradictory and misleading to developers.</p> <p>The summary on page 11 is clear that the level, tenure and mix of affordable housing will be considered on a site by site basis, subject to a number of considerations. Peel strongly supports this position.</p> <p>However, the draft SPD then states that the tenure of affordable housing should be 50 % rented and 50 % intermediate. Paragraph 3.23 goes on to specify a mix based on an extract from the 2016 Mid-Mersey SMHA. The inclusion of these specific references to tenure and mix adds confusion as it is unclear whether this is simply guidance or a requirement. Peel requests that the draft SPD is reviewed to provide transparent and consistent guidance on how the level, tenure and mix of affordable housing will be considered on a site by site basis. This should be on the basis of localised need and should take account of the requirements of Registered Providers in this regard.</p> | <p>The SPD is elaborating on Local Plan Core Strategy Policy which seeks 50% of provision as rented and 50% of provision as intermediate affordable housing.</p> <p>An amendment has been made to the summary box to provide additional clarity.</p> | <p>Amend 4th paragraph of summary box to read “ The level, tenure and mix of affordable housing will be considered on <u>In each case the provision to be made will be based on negotiation and agreement</u> on a site by site basis, subject to viability, other policy and planning obligation requirements, <u>and</u> any vacant building credit and forthcoming regulations under the Housing and Planning Act 2016. A lower proportion and/or a different tenure split may be permitted where it can clearly be demonstrated that development would otherwise not be viable.”</p> |
| 11/10 | Turley on behalf of Peel Holdings (Land and | Section 3 Affordable Housing | <p>Paragraphs 3.17-3.21 of the draft SPD make reference to the anticipated introduction of Starter Homes. Peel support the stated requirement,</p> | <p>The SPD states that Starter Homes will be considered as intermediate affordable housing. In accordance</p> | <p>Add new sentence to end of 3rd paragraph of summary box “<u>In the event future regulations under the</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|---------------------------------------|--|---|---|
| | Property) Limited | | whereby Starter Homes will form 20% of total unit numbers, with the remaining 10% affordable provision as affordable rented (subject to viability). | with Local Plan Core Strategy Policy, 50% of affordable housing provision should be intermediate. The reference to Starter Homes providing 20% of the total number of homes reflect the draft Starter Homes Regulations and the Council would only move to this position if the final Regulations came into force and made this a requirement. The Council has amended the SDP to provide additional clarity in this respect. | <u>Housing and Planning Act 2016 require a minimum of Starter Home provision equating to over 50% of provision, the Council will seek the balance of affordable housing to be rented.</u> Replace “once the regulations come into force” with “ <u>in the event the regulations require of 50% of affordable housing provision to be Starter Homes</u> ” in second sentence of paragraph 3.21. |
| 11/11 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Affordable Housing | Paragraphs 3.12-3.16 of the draft SPD provide confirmation of the operation of Vacant Building Credit (VBC). Peel supports this position. | Support noted. | No change |
| 11/12 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Affordable Housing | Peel supports the recognition at paragraphs 3.32-3.35 of the draft SPD that off-site affordable housing provision will be considered, with the indicated method of calculation regarded as appropriate. | Support noted. | No change |
| 11/13 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Biodiversity and Flood Risk | The draft SPD indicates that planning obligations are required to address biodiversity (see page 17) and flood risk (see page 21 to 23) impacts arising from proposed developments. The requirement for a planning obligation for biodiversity or flood risk is wholly dependent on the individual site circumstances; in particular the extent and magnitude of the impact on the environment and the need for mitigation / compensation. The NPPF confirms that development is only unacceptable in biodiversity and flood risk terms where it results in significant harm that cannot be | It is agreed that the impacts on flood risk and biodiversity are site specific and hence the planning obligation in each particular case is dependent on the individual circumstances. Paragraph 3.39 of SPD makes clear that decisions regarding the | Replace 1st paragraph Biodiversity summary box to read: “ <u>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).</u> ” Replace 2nd paragraph of Biodiversity summary box to read: “ <u>Planning obligations relating to biodiversity will</u> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|--|--|--|
| | | | <p>avoided, adequately mitigated, or compensated for (see paragraphs 100 and 118 of the NPPF). Therefore, where significant harm exists, it is necessary to use either a planning condition or obligation to secure the necessary mitigation and / or compensation to make the development acceptable.</p> <p>In most circumstances mitigation or compensation can be secured on-site via an appropriately worded planning condition. However, from time-to-time, an off-site solution is the best option and thus a planning obligation is needed to secure the necessary mitigation and / or compensation.</p> <p>Importantly, a planning obligation for biodiversity and flood risk is only lawful and policy compliant where it meets the following legal and policy tests in the CIL 2010 Regulations (as amended) and the NPPF (i.e. it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development).</p> <p>The guidance in the draft SPD does not clearly explain these aforementioned nuances and there is risk of confusion amongst decision-makings, developers and the local community.</p> <p>In light of this, Peel considers that the draft SPD should be modified to:</p> <ul style="list-style-type: none"> Clearly define the different circumstances when planning conditions or planning obligations should be used. Confirm that any planning obligation should meet the legal and policy tests set out under the Community Infrastructure | <p>protection and enhancement of biodiversity will be guided by the principles set out in the NPPF. It is implicit in this statement that the aim to avoid significant harm to biodiversity in paragraph 118 will be taken into consideration when assessing development proposals.</p> <p>Paragraph 1.16 of the SPD makes clear that the Council will only enter into an obligation when it meets the key tests set out in regulation 122 of the CIL Regulations 2010 (as amended). However, text has been added to the Biodiversity and Flood Risk sections of the SPD for clarification.</p> <p>Through making these amendments it is considered that the methodology is fully justified and will ensure that contributions sought are directly, fairly and reasonably related in scale and kind to the development proposed.</p> | <p><u>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</u>".</p> <p>Amend 1st sentence of para 3.41 to read: "...the Council will seek to secure <u>off-site provision or an equivalent financial contribution.....</u>".</p> <p>Add new sentence to end of paragraph 3.41 to read: <u>"This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed"</u>.</p> <p>Replace 2nd paragraph of Flood Risk summary box with: <u>"Flood risk mitigation and management measures would normally be expected to be provided on-site and secured through appropriate planning condition(s). However, planning obligations will be required where: a Sustainable Drainage System (SuDS) is required off-site; or where a financial contribution is required to deliver a SuDS or flood risk alleviation or management scheme"</u>.</p> <p>Add new sentence to end of paragraph 3.65 to read: <u>"The Council will support development proposals where the risk of flooding has been fully assessed</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|--------------------------------|---|---|--|
| | | | Levy Regulations 2010 and the Framework. | | <p><u>and justified by an agreed Flood Risk Assessment</u>".</p> <p>Add new sentence to end of paragraph 3.77 to read: "<u>This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed</u>".</p> |
| 11/14 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Education and Health | <p>Whilst Peel recognises that it is appropriate for new developments to make provision for their educational and health needs, Peel is concerned that the draft SPD advocates pooled funding based on a standard cost per school place / cost of medical infrastructure per dwelling.</p> <p>Regulation 122 of the CIL 2010 Regulations (as amended) and paragraph 204 of the NPPF confirm that all planning obligation must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The applications of a standard tariff style planning obligations are clearly contrary to these tests. Peel advocates that each planning obligation for education and health is calculated on an individual basis, with regard given to the specific circumstances of each case.</p> <p>In addition, Regulation 123 of the CIL 2010 Regulations (as amended) introduced restrictions on the pooling of planning obligations, which now prevent local authorities from pooling more than five Section 106 (s106) planning obligations together to pay for a single infrastructure project or type of infrastructure.</p> | <p>The Council is content that the methodology used for education contributions is based on up to date evidence provided by Government relating to the capital cost of providing school places.</p> <p>Additional wording has been included in the SPD to confirm the use of the most up to date DfE cost multipliers, including confirmation that regional adjustment factors will be applied. The Council has updated the costs of school places for the publication of the SPD and will update it annually prior to the start of each school year in line with inflation and any new DfE cost information.</p> <p>The methodology for deriving the health contribution is based on the latest guidance produced by NHS Estates.</p> <p>It is accepted that the approach to securing health contributions in the draft SPD is overly complex. An amendment has therefore been</p> | <p>Replace para 3.51 entirely with "<u>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 these costs are regularly updated and will publish updated figures annually ahead of the start of each new school year.</u></p> <p>In summary box, replace second part of 1st sentence of after "existing health facilities where" with "<u>there is insufficient capacity to meet the needs of the increase in population generated by the development</u>".</p> <p>Delete paragraphs 3.121 and 3.124.</p> <p>Replace paragraph 3.122 with "<u>The Council will seek to secure a contribution from new residential development of 50 units and above</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|--|---|--|
| | | | <p>Peel considers that the application of a standard tariff per school place or medical place, to raise monies to pay for educational or health infrastructure in the borough, would constitute a “pooling” beyond the allowable 5no. s106 obligations and is therefore contrary to Regulation 123.</p> <p>In light of this, Peel considers that the draft SPD should be modified to confirm that each development will be assessed on a case-by-case basis to establish to whether a planning obligation is necessary and to determine its value. Peel propose the following staged approach:</p> <ul style="list-style-type: none"> • Step 1: Establish whether there is sufficient existing education capacity to accommodate the proposed development. If there is a shortfall in capacity it will be necessary to undertake further assessment (see step 2 below). • Step 2: Carry out a bespoke assessment to identify the specific educational infrastructure needs (e.g. an extension to a school) that will be necessary to meet the needs created by the proposed development. The cost of this infrastructure should be identified in the Infrastructure Delivery Plan (IDP) and then be met by the proposed development via a planning obligation. WBC must ensure that the assessment is transparent. <p>This approach will ensure that any planning obligations will accord with CIL Regulations regarding pooling contributions, as well as the statutory and planning policy tests (i.e. necessary</p> | <p>made so that there is a single threshold of 50 homes where there is insufficient capacity in local health facilities to meet the needs of the increase in population generated by the development.</p> <p>It is apparent that the additional space included in the calculation for shared community space should not have been costed on the same basis as a health facility. This additional floorspace is now costed at a lower rate of £1,732 per sq.m. in accordance with the latest BCIS data for the cost of a generic community centre. This reduces the cost per dwelling to £771.</p> <p>The Council will only seek a contribution where existing facilities do not have the capacity to cater for the demands generated by the development.</p> <p>The Council will name the school or health facility which the contribution will go to in order to provide additional capacity. Through naming the school and health facility and through the Council's Planning Obligation monitoring process, the Council will ensure it does not breach the 5 contribution threshold.</p> <p>Given the scale of development across the borough and the uncertainties over the precise</p> | <p><u>where there is insufficient capacity to meet the needs of the increase in population generated by the development.</u></p> <p>Amend paragraph 3.128 to reduce indicative cost of providing a health facility to “£2,414,305” and reduce cost per dwellings to “£771”.</p> <p>Amend paragraph 3.129 to read: “Depending on the scale of development <u>and the nature of local facilities serving the area</u> this contribution....”</p> <p>Add “<u>and the nature of local facilities serving the area</u>” after “development” in paragraph 3.129.</p> <p>Add “<u>This methodology ensures that contributions sought are directly, fairly and reasonably related in scale and kind to the development proposed.</u>” below paragraph 3.125 and 3.53.</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|-------------------------|--|---|--|
| | | | <p>to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development).</p> | <p>timescale for development coming forward it is not considered practical to carry out a bespoke assessment for every qualifying development proposal.</p> <p>The Council does acknowledge the need to update its IDP and will do so in support of the review of the Local Plan.</p> | |
| 11/15 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Education | <p>The draft SPD indicates that where a development is of such magnitude that an increase of children of school age cannot be accommodated in existing schools, it would justify a new school as part of the overall development.</p> <p>Whilst Peel accepts that such circumstances may arise, it is important to emphasise that opportunities for developers to set aside land for this purpose will be limited to very large scale residential developments that produce large numbers of school age children.</p> <p>There should be no expectation that developers will set aside land where the scale of residential development would be below the scale for supporting a new primary school its own right. For example, it would require a scheme of 900 3-bed dwellings to achieve a primary school pupil yield of 200 (i.e. enough to justify the provision of a new primary school on land set-aside by the developer).</p> <p>Schemes of such size are only likely to emerge through the progression and adoption of a new Local Plan given the amount of land required to achieve this level of development. Accordingly, the requirement for land to be set aside to</p> | <p>The Council intends to identify sites where new schools are required as part of the Local Plan review.</p> <p>Nevertheless, there are a limited number of sites within the Council's SHLAA that are of sufficient size to require on-site provision. The Council therefore considers it is important to retain reference to on-site provision within the SPD.</p> <p>The Council has updated the wording relating to Strategic Development Requirements to provide additional clarity.</p> | <p>Replace paragraph 3.54 with "<u>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 meet unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.</u>"</p> <p>Add new paragraph after 3.55 "<u>Where land is being provided the Council will still seek to secure a financial contribution for its 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.</u>"</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|--|--|---|---|
| | | | <p>accommodate new education facilities will be included within any future Local Plan policy relating to the delivery any strategic housing allocations and therefore it is not necessary to provide this guidance within the SPD.</p> | | |
| 11/16 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Green Infrastructure and Open Space / Pitch Sports Provision & Recreation | <p>Whilst Peel supports the general approach to the provision of open space in the draft SPD, Peel is concerned that the planning obligations will only be sought for residential development of 40 units or more.</p> <p>Peel considers that the use of a threshold is an arbitrary approach as it fails to take account of the unique characteristics and circumstances of individual sites and it is based on out of date evidence (i.e. the UDP from 2006). For example, it is plausible that a site of <40 units in an area of green infrastructure deficit, could have a greater need than a site of 40+ units in area of green infrastructure surplus.</p> <p>In any event, the approach in the draft SPD is contrary to the NPPF which is clear that the information gained from up-to-date assessments of the need for green infrastructure should be used to determine what open space, sports and recreational provision is required (see NPPF paragraph 73).</p> <p>Peel advocates that open space provision is calculated on a case-by-case basis and the starting point of the assessment must be up-to-date evidence on the needs for open space, sports and recreation facilities and opportunities for new provision. In particular, the assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.</p> | <p>It is not practical to assess public open space and provision on all scales of development. Schemes for only a small number of units will not have any significant impact on existing levels of provision. 40 units equates to 100 persons (when rounded up) based on Warrington's average household size (2.3). This is considered to be an appropriate level above which a development would start to have a significant impact on open space provision. No evidence has been provided to demonstrate that it is not an appropriate threshold.</p> <p>The methodology (as proposed to be amended) takes account of circumstances where there is an adequate supply of existing open space of sufficient quality.</p> | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|-------|---|--|--|---|--|
| | | | <p>Once this information is provided it will provide developers with transparent evidence to establish the site specific needs for green infrastructure.</p> <p>Peel considers that the proposed 40 unit threshold should be deleted.</p> | | |
| 11/17 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Green Infrastructure and Open Space / Pitch Sports Provision & Recreation | In addition, there is reference to contributions, but no method of calculation or agreement is provided, and Peel request clarity in this regard. | Contributions will be calculated on a site by site basis. | No change. |
| 11/18 | Turley on behalf of Peel Holdings (Land and Property) Limited | Section 3 Transport and Travel | <p>The draft SPD provides a useful summary of the types of site specific highways and transport works (including the provision of public transport infrastructure) that will be sought when there is an impact on the transport network. However the guidance requires additional clarification regarding the basis on which transport contributions will be required.</p> <p>In this regard, the guidance should be modified to make it clear that contributions will only be sought where it is demonstrated, through evidence considered as part of the planning application, that the off-site highway and transport impacts are of such magnitude that a planning obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonable related in scale and kind to the development (i.e. the legal and policy tests set out in the CIL Regulations 2010 and the NPPF).</p> <p>Express justification for such contributions is needed at all times and should demonstrate that the development is unacceptable without it. Notably, the NPPF states that development should</p> | Paragraph 1.16 of the SPD makes clear that the Council will only enter into an obligation when it meets the key tests set out in regulation 122 of the CIL Regulations 2010 (as amended). However, text has been added to the Transport section of the SPD for clarification. | Add new sentence to end of paragraph 3.150 to read: " <u>In all cases planning obligations will only be sought that are directly, fairly and reasonably related in scale and kind to the development proposed</u> ". |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|--|--|------------------|---|
| | | | only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (paragraph 32). | | |
| 12/1 | Peel Ports Group | Section 3 Job opportunities and SMEs | <p>Manchester Ship Canal Company are the owners and operators of the Manchester Ship Canal both as a Statutory Harbour Authority and as operators of adjoining landholdings notably Port Warrington and Woolston Deposit Grounds.</p> <p>We have particular expansion aspirations for Port Warrington and have been working in collaboration with Warrington Borough Council around the development of a strategic planning framework for the Warrington Waterfront area within which Port Warrington sits. Whilst we agree to the proposition around the delivery of local jobs and employment opportunities within the Draft Planning Obligations SPD we would hope that the planning assessment would be undertaken in a pragmatic manner when applied to future development of employment land in the Borough so as not to undermine viability and deliverability of port expansion opportunities.</p> | Noted | No change |
| 13/1 | Persimmon Homes (NW) | General | <p>The preparation of the Planning Obligations SPD follows the Council's decision to delay the introduction of the Community Infrastructure Levy, the preparation and introduction of which is to be undertaken in parallel with a review of the Local Plan and also to take account to the Starter Homes regulations and the implications of Starter Homes on development viability.</p> <p>The Company supports this position and would encourage the Council to await preparation of its CIL until a revised Local Plan housing requirement has been determined, to ensure that the required housing delivery to meet this requirement is not constrained by overly onerous planning</p> | Noted | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|--|------------------|---|
| | | | <p>obligations. National Planning Policy Framework (the 'Framework') is clear that 'plans should be deliverable...the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened' (Para 173).</p> <p>In line with the Framework, the Company consider that any obligations required within a s106 or s278 Agreement should only be sought where this obligation cannot be dealt with via planning Condition (para 203); we would encourage the Council to be proactive in seeking to limit where possible, those obligations set out within a s106 or s278 agreement. Moreover, the Framework is clear that obligations set out within a S106 agreement, should only be sought where they meet stated criteria, namely that they are necessary to make the development acceptable in planning terms; directly related to the development and are fairly and reasonably related in scale and kind to the development (para 204). Obligations should not be sought to fund infrastructure that is not directly related to the development.</p> <p>As set out above and at paragraph 1.3 of the Planning Obligations SPD, the Council have paused work on the CIL to enable its introduction in parallel with the review of the Local Plan, at which time the SPD will require further review. In preparing the CIL, significant caution should be raised to the potential risk for duplication of charging between those items covered within an s106 or s278 Agreement and those to be included on the Regulations 123 list and secured via CIL. Planning Practice Guidance is clear</p> | | |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|---------------------------------|--|---|--|
| | | | that charging authorities should work proactively with developers to ensure they (developers) are clear about the authorities' infrastructure needs and what developers will be expected to pay for through which route, stating that 'there should be no actual or perceived 'double dipping' with developers paying twice for the same item of infrastructure (25-095-20140612). | | |
| 13/2 | Persimmon Homes (NW) | Section 3 Affordable Housing | <p>Policy SN2 of the CSLP sets out that affordable housing will be required on residential developments of 11 or more units, with qualifying sites being required to provide a minimum of 30% affordable housing on-site, increasing to 30% on sites of 15 or more dwellings outside of Inner Warrington or on greenfield sites anywhere in the Borough on a 50/50 affordable rent/intermediate basis; Starter Homes being considered as intermediate provision.</p> <p>Policy SN2 sets out that the level, tenure and mix of affordable housing will be considered on a site by site basis subject to viability, other policy and planning obligation requirements.</p> <p>As the Council will be aware, following reductions in social rents, many approved or emerging schemes where housing associations are engaged with house builders through Section 106 agreements are not being built out at the anticipated rate; such delays impact on housing delivery rates and the ability of councils being able to demonstrate a five-year supply of deliverable housing land. Such budget cuts have also had a significant impact on the operation of Registered Providers, who have less funds and capacity to deliver projects and need to demonstrate caution in the management and phasing of their projects. S106 opportunities are being considered more</p> | <p>The SPD is already clear that the amount and type of affordable housing will be considered on a case by case basis taking into account viability.</p> <p>It is recognised that the Government requirements to reduce rental levels has particular viability implications for Registered Providers and an amendment has been made to the SPD to acknowledge this.</p> | <p>Add new sentence to end of paragraph 3.20 "<u>The Council does however acknowledge there are viability implications for provision of rented affordable housing due to rent reductions imposed on Registered Providers by Government.</u>"</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|------------------------------|---|---|--|
| | | | <p>carefully with a reduced appetite to make competitive offers and to take on extra capacity. This is evident in many sites across the North West, whereby housebuilders have struggled to secure Registered Providers for sites.</p> <p>It is considered key that the Council, whilst seeking to ensure the delivery of affordable housing within s106 agreements, also demonstrate and retain sufficient flexibility within agreements through cascade mechanisms to allow on-site affordable housing to be readily negotiated to a more deliverable affordable package; such mechanisms within an agreement play a key part in avoiding delays in the delivery of both affordable and market housing; their implementation being supported by the Minister of State for Housing and Planning in his ministerial letter of 9th November 2015.</p> <p>The Company would be happy to provide recent examples where cascade provisions have been included within a S106 Agreement and implemented to ensure delivery of affordable housing. Starter Homes</p> | | |
| 13/3 | Persimmon Homes (NW) | Section 3 Affordable Housing | <p>The Company supports the delivery of Starter Homes within Warrington. It is however noted that the Council will continue to seek to secure 50% of affordable housing provision as affordable rented housing as well as fulfilling its duty to promote Starter Homes (para 3.20); identifying Starter Homes as a form of intermediate housing. Such a stance may also conflict with guidance set out in Planning Practice Guidance, which is clear that 'to deliver the minimum 20% discount, local planning authorities should not seek section 106 affordable housing contributions' (55-004-20150318).</p> | <p>The Council has amended the SPD to confirm its position ahead of the regulations coming into force, to provide flexibility when they come into force and in recognition that there has been a delay in the timetable for the regulations coming into force.</p> <p>The Council intends to update its affordable housing policy as part of its current Local Plan Review.</p> | <p>Amend 4th paragraph of summary box to read "The level, tenure and mix of affordable housing will be considered on <u>In each case the provision to be made will be based on negotiation and agreement</u> on a site by site basis, subject to viability, other policy and planning obligation requirements <u>and any vacant building credit and forthcoming regulations under the Housing and Planning Act 2016.</u> A lower proportion and/or a</p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|-------------------------|---|--|---|
| | | | <p>Further, it is understood that the delivery of 20% Starter Homes on sites will take precedence over other forms of affordable housing, and thus affordable housing in line with policy SN2 would only have to be provided, if it remains viable after Starter homes provision.</p> <p>In order to achieve 20% starter homes on a site would require revisions to CSLP policy SN2, as presently intermediate tenure (of which Starter Homes are identified as constituting) accounts for 50% of all affordable housing (or 15% of a total site). Any revisions to adopted affordable housing policies should be undertaken through the plan-making process, not via the preparation of an SPD.</p> | | <p><u>different tenure split may be permitted where it can clearly be demonstrated that development would otherwise not be viable.</u></p> <p>Replace “will” with “<u>may</u>” in second sentence of paragraph 3.6 and first sentence of paragraph 3.21.</p> <p>Replace “once the regulations come into force” with “in the event the regulations require of 50% of affordable housing provision to be Starter Homes” in second sentence of paragraph 3.21.</p> |
| 13/4 | Persimmon Homes (NW) | Section 2 Viability | <p>It should also be the case that the Council demonstrate sufficient flexibility on those sites where owing to viability issues, a reduced level of affordable housing is proposed; paragraph 2.19 of the SPD stating that where concerns are raised over the financial viability of a development, 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; in such circumstances, the developer being required to submit a full Viability Assessment.</p> <p>In his ministerial letter of 9th November 2015, the Minister of State for Housing and Planning urged planning authorities to ‘respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability,’ also stating that in the case of affordable housing, where it is simply proposed that the tenure mix is adjusted,</p> | The SPD is clear about how the Council will take into account viability in the context of affordable housing and in respect of other planning obligation requirements. | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|--|--|---|---|
| | | | with the overall affordable housing contribution remaining the same, this is unlikely to justify reopening viability by either side; the Minister encouraging Councils to expedite such renegotiations to avoid unnecessary delay and should there be a need to reduce the overall amount of affordable housing, strongly encouraging local authorities to seek the minimum amount of viability information necessary. | | |
| 13/5 | Persimmon Homes (NW) | Section 2 Site Size, Thresholds and Range of Obligations | Whilst acknowledging the Council's concern at paragraph 2.2 of the SPD of development sites being subdivided or developed in phases to create separate development schemes which fall below site thresholds, it is considered that the Council be responsive to the insertion of realistic triggers within s106 Agreements. Such phased payment of s106 contributions is particularly useful on large scale developments which are delivered over a number of years and face particular issues in relation to cash flow and the delivery of on-site infrastructure. | It is accepted that consideration should be given to trigger points in S106 agreements to ensure viability of development. | Add " <u>and take into account development viability</u> " to paragraph 2.14. |
| 14/1 | Sport England | Section 3 Para 3.83 to 3.84 | Open Space Audit 2015 - It is noted local standards for outdoor sports have been produced. Local standards are not appropriate for outdoor sports because they do not and cannot take into account sports catchment areas or the variable units of demand for individual pitch/court types. For example, the unit of demand for a court ranges from two people if a tennis court to 30 people if a full sized adult rugby pitch. In addition the catchment area for sports ranges from Ward level if a junior football pitch to Borough wide if rugby or hockey. This means the accessibility standards cannot accurately reflect where the demand for outdoor sport is derived from. Quantitative standards are not appropriate because although it is widely acknowledged housing growth generates additional demand for | It is accepted that a general standard is not appropriate for outdoor sports for the reasons outlined. Consideration will be given to removing this typology from the Council's standards when the Open Space Audit is next reviewed. In reality, however, the audit merely records the quantity and type of outdoor sports provision and it is the PPS that will determine if there is a deficit or surplus of the different types of pitch provision in specific parts of the borough. | No change |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|--|---|---|---|
| | | | <p>sport not everyone form that housing site will want to participate in sport. In reality the application of standards has led to single pitch sites being constructed within housing developments that are unsupported by ancillary facilities and are not located in areas of demand. These pitches do not contribute to the supply of pitches and all too often become informal kick about areas or semi natural open space.</p> | | |
| 14/2 | Sport England | Section 3 Para 3.83 to 3.84 | <p>The Council is currently undertaking a Playing Pitch Strategy (PPS) which should be used as the evidence base to inform developer contributions. Sport England forms part of the PPS Steering Group and is working with the Council to identify what the additional demand from population and housing growth will be and what the impact on existing playing field will be. A Developer Contributions Process using information set out in the PPS will be developed to help establish:</p> <ul style="list-style-type: none"> • what the additional demand for sport will be from individual or cumulative housing sites, • which existing sites need to be improved to increase capacity to take the additional demand; and • what an appropriate developer contribution should be. <p>Sport England would wish to see the Playing Pitch Strategy, which the Council has committed to monitoring and reviewing annually as the appropriate evidence base to support the SPD.</p> | Comments noted | No change |
| 14/3 | Sport England | Section 3 Pitch sports and recreation provision Page 28 | <p>Sport England welcomes the separate Pitch Sports contribution requirement. However, reference to use of the Sport England Sports Facility Calculator (SFC) is mis-leading. Whilst the SFC can be used to estimate the demand for swimming pools, sports halls and AGPs for the</p> | It is accepted that the PPS and SFSNA have not been finalised. However, the evidence that will underpin the strategies has been collected and analysed. | Amend 2 nd sentence of summary box to read: "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 |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|----|--------------------------|-------------------------|--|---|---|
| | | | <p>population of any area, such as that of an entire local authority, there are dangers in how such figures are subsequently used at this level, e.g. in comparing them with the current supply of facilities for strategic gap analysis. The SFC has no spatial dimension. The figures it produces represent total demand for the chosen population. This means the SFC should be used as a starting point to help provide an estimate of demand and then using the Council's Sports Facilities Strategic Need Assessment identify sites where capacity needs to be generated to accommodate the additional demand. A Feasibility Study would then be required to establish a set of works required and what the cost associated with those works would be. The contribution should be based on that Feasibility Study not Sport England's SFC. The figures in the SFC can only provide an indication of likely cost not the actual cost of improving facilities to meet additional demand.</p> <p>As expressed within the Open Space Audit section above Sport England is working with the Council to produce a process for obtaining contributions for pitch sports and a similar process should be developed to obtain contributions for indoor/non pitch sports facilities.</p> | <p>The Council are currently working with Sport England to identify what the additional demand from population and housing growth will be; the impact this will have on existing levels of provision; and developing a methodology for calculating financial contributions, for both pitch and non-pitch sports provision.</p> <p>The Sport England Sports Facility Calculator has been used as an interim measure for establishing costs, whilst a bespoke methodology is being developed. It is accepted that reference should not now be made to this.</p> <p>The Council has updated the wording relating to the Assessment of Pitch Sport and Built Facilities Requirements to provide additional clarity.</p> | <p>increased use likely to arise from the development proposal <u>using information set out in the Playing Pitch Strategy (PPS) and secured by S106 Agreement</u>".</p> <p>Amend 3rd sentence of summary box to read: "Where a contribution is sought for upgrading indoor sports and recreation provision, this will be calculated using the Sports England Sports Facility Calculator defined based on the specific improvement the Council is seeking to implement and the scale of increased use likely to <u>arise from the development proposal using information set out in the Sports Facilities Strategic Needs Assessment (SFSNA) and secured by S106 Agreement</u>".</p> <p>Amend 2nd sentence of paragraph 3.101 to read: "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 between 2015 and 2027 for <u>the life of the Local Plan</u>".</p> <p>Replace 1st sentence of paragraph 3.110 entirely with: "<u>The Council 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</u></p> |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|-------------------------|--|-----------------------------------|--|
| | | | | | <p><u>growth and what the impact on both existing pitch and non-pitch provision will be. A developer contributions methodology using information set out in the PPS and SFSNA will be developed to help establish:</u></p> <ul style="list-style-type: none"> • <u>What the additional demand for sports will be from individual or cumulative housing development;</u> • <u>Which existing sites need to be improved or new facilities provided to increase capacity to cater for the additional demand; and</u> • <u>What an appropriate financial contribution should be”.</u> <p>Amend paragraph 3.114 to read: “Built Facility Provision - Where an improvement is required to an existing facility, the level of financial contribution sought will be based on an estimate of the amount of demand that is created by a given population and calculated by using the Sports England “Sports Facility Calculator (SFC)” <u>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.”</u></p> |
| 14/4 | Sport England | Section 3 | The Playing Pitch Strategy is being undertaken | Accepted. The Council has updated | Amend paragraph 3.100 to read: “An |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--------------------------|--|--|---|--|
| | | Page 28 Para 3.100 | using Sport England's 'Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy' (2013). | the wording relating to Playing Pitch Strategy section to provide correction. | updated Playing Pitch Assessment is currently being prepared in line with paragraph 73 of the NPPF and in accordance with Sport England's " <u>Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy (2013)</u> " to reflect current best practice for the analysis of provision of sports facilities". |
| 14/5 | Sport England | Section 3 Page 28 Para 3.114 | See comments for ID 014/2. | See comments for ID 014/2 | Refer to comments for ID 014/2 |
| 15/1 | St Modwen | Section 2 Site Size, Thresholds and Range of Obligations | We would firstly comment that the obligation thresholds set are all set out as gross, no consideration of specific circumstances or allowances around these thresholds has been explored within the document. We would comment that in development and regeneration contributions should only be sought from net developable areas. In instances where there is either the demolition of a building to be replaced or redeveloped this building would have had an impact on the matters potentially requiring contributions and this should be fully accounted for. Also in the circumstance where a 1.5 hectare site has only 0.75 hectares of developable land this should be the threshold used. The document currently encourages developments to reduce their site area to just the developable area rather than use good place making to incorporate none developable areas which whilst not creating development could be enhanced (for example through landscaping or management) via the development. | The SPD is confirming the Council's approach to negotiating planning obligations in the context of the CIL Regulations 2010 as amended. It is replacing the existing SPD which pre-dates these regulations. It is not introducing new policy and it is not seeking additional obligations to those already sought by the Council. The SPD does set out the Council's approach to the affordable housing vacant building credit. With regard to transport, the obligations required are based on the Transport Assessment, which will consider the difference in impacts where there is an existing use on a development site. | No change |
| 15/2 | St Modwen | General | We would also comment on the wording within the document, this relates to using 'enhancement' and similar words. Whilst we would advocate in the | The SPD is consistent with the CIL Regulations 2010 (as amended). | No change. |

| ID | Organisation/ company | Section or paragraph | Content of Representation | Council Response | Change (deletions by strikethrough and additions underlined) |
|------|--|--------------------------------------|---|---|--|
| | | | correct circumstances enhancements to be provided through development, these should be fully seen as such and taken into account as a positive benefit brought through the development rather than something which is 'required'. Given this, we would advocate either that enhancement as being fully acknowledged as a positive planning benefit within the document or the wording in relation to the likely requirements within the S106 deals with mitigation or compensation from direct impact of the development. | It should also be noted that the Local Plan Core Strategy seeks to promote high quality development and ensure positive benefits of new development. | |
| 15/3 | St Modwen | Section 3 Transport and Travel | Finally we would comment in relation to the section on Transportation that the policy is worded to reflect that developments are only required to address their direct impacts on the highway network and should not be placed in a position whereby there is a requirement to improve near-by networks which are performing poorly or have existing deficiencies. | Paragraph 1.16 of the SPD makes clear that the Council will only enter into an obligation when it meets the key tests set out in regulation 122 of the CIL Regulations 2010 (as amended). However, text has been added to the Transport section of the SPD for clarification. | Add new sentence to end of paragraph 3.150 to read: " <u>In all cases planning obligations will only be sought that are directly, fairly and reasonably related in scale and kind to the development proposed</u> ". |
| 16/1 | Warrington Clinical Commissioning Group | Section 3 Health | Warrington Clinical Commissioning Group welcomes the inclusion of the provision for health within the planning document and confirms its commitment to work closely with WBC on all future developments to ensure there is adequate planning for the expansion of existing or new health facilities. | Noted | No change |