

LPA CIL COMPLIANCE STATEMENT

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraphs 55-58 of the National Planning Policy Framework sets the tests for planning obligations, specifically that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The following information sets out the Policy Context and CIL Compliance to support the case that the planning obligations sought in respect of the appeal site meets the tests.

Obligation Type

The following obligations were identified during the determination of the planning application and have been agreed between both parties as part of the SOCG (Paragraphs 6.3 - 6.8).

1. Affordable housing
2. Education contribution
3. Electric vehicle charging public provision (2 spaces) (secured by planning condition).
4. On site childrens play area (Local Equipped Area of Play Standard) (secured by condition)
5. Financial contribution and scheme detailing pedestrian access improvements to the Thorley Lane/Wood Lane roundabout junction (Secured by condition); and
6. Biodiversity Net Gain provision

Relevant Trafford Core Strategy Policy and SPD

- Policy L2 – Meeting Housing Needs
- Policy L4 – Sustainable Transport and Accessibility
- Policy L5 – Climate Change
- Policy L8 – Planning Obligations
- Policy R2 – Natural Environment
- Policy R5 – Open Space, Sport and Recreation
- Revised SPD1 Planning Obligations 2014

Trafford Community Infrastructure Levy & S106

Policy L8.3 of the Core Strategy states that contributions will be sought for all new development and the nature and level of contributions will be established on a site by site basis, relating to the type and size of the development proposal. Policy L8.4 then goes on to provide a list of infrastructure that developer contributions will be sought for, of relevance to this appeal this includes affordable housing, highways

infrastructure, education facilities, measures to reduce the impact of climate change and spatial green infrastructure. Policy L8.6 states that there is a presumption in favour of the on-site provision and if not possible/practical to provide on-site that a financial contribution will be sought towards the provision of these benefits offsite, and that the collected monies will be pooled for each specific contribution.

Policy L8 is supported by SPD1: Planning Obligations (2014). This sets out the Council's approach to seeking planning obligations in conjunction with Trafford's Community Infrastructure Levy (CIL). This document states in Paragraph 2.3 that it is possible that planning conditions, planning obligations and CIL could each apply to the same application, in order to fulfil the hierarchy of needs to make a development acceptable in planning terms.

The September 2019 changes to the CIL Regulations have enabled Councils to take both S106 contributions and CIL payments for the same piece of infrastructure. Following the update in late 2019 the National Planning Policy Guidance says:

'Authorities can choose to pool funding from different routes to fund the same infrastructure provided that authorities set out in infrastructure funding statements which infrastructure they expect to fund through the levy.'

This means that, subject to meeting the 3 tests set out in CIL regulation 122, charging authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure regardless of how many planning obligations have already contributed towards an item of infrastructure.'

This now means that in addition to CIL the Council can secure financial contributions through S106 agreements to mitigate site specific harm.

CIL Compliance

NPPF Paragraph 57, planning obligation tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Planning Obligations assessed against the three criteria of paragraph 57 as follows:

Planning Obligation	Criteria (a)	Criteria (b)	Criteria (c)
<i>Affordable Housing</i>	Policy L2 of the Trafford Core Strategy (and SPD1) seeks to secure appropriate levels of affordable housing in new developments. For the purposes of affordable housing, the proposal site falls within a 'Hot market' location. In these hot market locations and in 'good' market conditions, 45% affordable housing is	The quantum of affordable housing is based on the number of units proposed at the site having regard to the current market conditions and geographical location of the site within the Borough.	The Housing Needs Assessment (2019) identifies that in Altrincham with regards affordable housing provision there is an annual net need of 114 new affordable units with 81.6% being intermediate tenure (shared ownership) and 18.4% being for affordable/social rent. The applicant has

	required which equates to 52 units on site.		proposed 75% intermediate tenure and 25% social rented. The contribution is considered to be fair and reasonable in scale and kind to the development.
Education	<p>Policy L2.2 sets out that all new development will be appropriately located in terms of access to existing community facilities and/or deliver complementary improvements to the social infrastructure (schools, health facilities, leisure and retail facilities) to ensure the sustainability of the development. Policy L8.4 sets out that contributions towards education facilities could be sought.</p> <p>This development would result in a primary school age pupil yield of 16 children and 12 secondary school age (which is calculated using a rate of 3 pupils per year group per 100 homes), and only applies to family homes of 2 bedroom or more. There are twelve primary schools with the Timperley area within a 2 mile walking distance from the site and 9 secondary schools within a 3 mile walking distance of the site, 6th form colleges have been excluded from the identified secondary schools as there is only a shortage of Year 7-11.</p> <p>The percentage of current vacancies (November 2022) for primary schools was (9.1%) and (-11.3%) for secondary schools. Although both a primary and secondary pupil yield is generated, the Primary percentage vacancies at nearby schools is greater than 5% therefore there are expected to be sufficient surplus places at Primary schools to absorb the yield generated by this</p>	<p>The secondary school contribution would be used towards the provision of education improvements to the existing school stock as detailed in the list of schools identified near to the site.</p>	<p>The increase in demand for secondary school places from the development would be significant. The contribution is calculated using the Department of Education's 2021 School Places Score Card which equates to £24,753.00 per secondary school pupil. The development would result in the need for 12 secondary school places as such the total contribution of £297,036.00 is considered to be reasonable relate in scale and kind to the development.</p>

	development. A 5% vacancy rate is considered a necessary operational surplus at both Primary and Secondary phases. Since the Secondary schools around this development collectively have a % vacancy rate of -11.3%, a contribution is expected for the 12 Secondary places generated by this development.		
Bio-Diversity Net Gain	Policy R2.1 of the Core Strategy requires developers to demonstrate how their proposal will protect and enhance biodiversity. An assessment undertaken by the applicant, based on the indicative layout and quantum of development, details that the proposed appeal scheme would result in a net loss of habitat value (Bio-diversity value of the site post development - 4.31) and if the development were approved, off-site compensation would be required if not possible to provide on-site. This figure was calculated using the DEFRA Biodiversity Metric 2.0 JP029 (July 2019).	An extended phase 1 habitat survey of the site was undertaken by the appellant. The data from which was used to determine the baseline area and value of the habitats as exists on site in calculating the bio-diversity value of the site. The existing site has a baseline (area and value of habitats currently on site) of 10.15 units with the post development value at 5.84 units (-4.31 units lost)	GMEU have indicated that a figure of between £9.6k and £14k per unit dependent on difficulty of the habitats/site (average figure normally agreed on is £10k) as a contribution based on a habitat unit value attributed to the trees and other habitats to be lost on site. Three receptor sites have been identified that could be utilised in the event that an off-site contribution needs to be provided, King George Pool; Altrincham Golf Course or Davenport Green. This is considered to reasonably relate in scale and kind to the development.