



TOWN AND COUNTRY PLANNING ACT 1990

**Appeal by: Redrow Homes Ltd
Site Address: Land to east and west of Warburton Lane,
Trafford, Greater Manchester.
WA13 9TT**

**LPA reference: 98031/OUT/19
PINS reference: APP/Q4245/W/19/3243720**

CIL Compliance Schedule

LPA CIL Compliance Schedule

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraphs 54-57 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

1. Education contribution
2. Outdoor Sports Facilities contribution
3. Highways Infrastructure – Carrington Relief Road contribution
4. Highways - Public Transport contribution and Bus Stop improvements contribution
5. Management and maintenance of open space

Policy Context & other relevant references

Trafford Core Strategy 2012:

- Policy SL5 – Carrington Strategic Location
- Policy L2 – Meeting Housing Needs
- Policy L4 – Sustainable Transport and Accessibility
- Policy L8 – Planning Obligations
- Policy R3 – Green Infrastructure
- Policy R5 – Open Space, Sport and Recreation
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Trafford Local Plan – 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, specifically including, ‘Highways Infrastructure’, ‘Sustainable Transport Schemes’, ‘Spatial Green Infrastructure such as Outdoor Sports Facilities’, and ‘Education Facilities’. Policy L8.6 states that where a development is required to contribute towards strategic infrastructure, 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) (Para 1.3;1.12). 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.

In 2014 the Council adopted a Community Infrastructure Levy (CIL) and specific infrastructure including for education and highway infrastructure (including Carrington Relief Road) were added to the CIL Regulation 123 list.

A corporate decision was taken use the entirety of the Council's initial CIL receipts to fund the Council's contribution toward a Metrolink extension – a total of £20m. The final payment toward this is to be made within this financial year 2020/2021 and up until then no other infrastructure has been or will be funded through CIL.

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

1. Education Contribution

(a) Necessary to make the development acceptable in planning terms;

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.

This development would result in a primary school age pupil yield of 84 children (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 three primary schools with the Partington area and when allowing for an 'adjusted shortfall' (which recognises that a surplus in spaces would need to be available across all year groups to be genuinely considered a surplus), evidence from the Education team indicates that there are only three surplus places as of May 19. Therefore a significant shortfall of primary school places would occur as a result of this

development. In line with Policies L2 and L8 improvements to education facilities to allow for the additional pupils and ensure the sustainability of the development are required.

(b) *Directly related to the development;*

The contribution would be used towards the provision of education improvements to one of Partington's Primary Schools - either expansion at Partington Academy and Our Lady of Lourdes sites or to rebuild Forest Gate in order to double the size of the school - it is the smallest of the three sites and expansion is not possible.

(c) *Fairly and reasonable related in scale and kind to the development.*

The increase in demand for primary school place from the development would be significant. The contribution is calculated using the Department of Education's basic need formula 2018, which sets a cost of £12,705 per primary pupil. The development would result in the need for 84 primary school places and as such the contribution of £1,067,220 is considered to reasonable relate in scale and kind to the development.

2. Outdoor Sports Facilities

(a) *Necessary to make the development acceptable in planning terms;*

Policy R5.4 sets out that all development will be expected to contribute on an appropriate scale to the provision of the open space and sports facilities and the green infrastructure network either by way of onsite provision, off site provision or by way of a financial contribution.

SPD1 (para. 3.75) in respect of outdoor sports facilities sets out that very large development of more than 300 units would need to provide onsite facilities, in line with standards in Core Strategy Policy R5. At paragraph 3.76 it goes on to say that in exceptional circumstances, it may be more appropriate to pay a commuted sum towards the provision of outdoor sports facilities.

The development does not provided outdoor sports facilities on site and it is considered that a commuted sum would be more appropriate given the nature of the site and close proximity to an existing area of open space – namely the park and playing pitches on Cross Lane.

In conjunction with Sport England an appropriate commuted sum using Sport England Active Places Pitch Calculator has been calculated to compensate for the additional impact on existing outdoor sporting facilities.

(b) *Directly related to the development;*

The contribution would fund new changing room facilities and playing pitch improvements at Cross Lane Playing Fields to address qualitative deficiencies as identified by the Council's Playing Pitch Strategy This park and playfield are the closest area of open space to the application site located to the north east off Chapel Lane. The play fields can be accessed from Site 1 along the PROW onto Chapel Lane and are likely to be utilised by occupiers of the development.

(c) *Fairly and reasonable related in scale and kind to the development.*

The contribution would be towards pitch improvements and changing facilities at a cost of £263,033. The contribution has been calculated using Sport England's Playing Pitch Calculator based on the additional population created by the development. This has been identified as 960 based on proposed 400 dwellings and average occupancy rate of 2.4 people per dwelling. As such this is considered to be fair and reasonable in scale and kind to the development.

3. Highways Infrastructure – Carrington relief road (CRR) contribution

This issue is addressed in detail in the highways and planning evidence and the Inspector is respectively invited to have that in mind when reading the summary below.

(a) Necessary to make the development acceptable in planning terms;

Policy L4 of the Core Strategy states that where appropriate the Council will seek developer contributions towards the provision or improvement of highway and public transport schemes. Para L4.1e is particularly relevant here – whilst the site is not in SL5 it is in a less sustainable location than SL5 and the logic and words of the policy apply to it.

Policy SL5 seeks to reduce the isolation of both Carrington and Partington by delivering new road infrastructure to serve the development area and relieve congestion on the existing A6144. SL5.4 states that in order for development in this area to be acceptable contributions will be sought towards schemes to mitigate the impact on the highway network. The relevant scheme is the CRR. Given L4.1e and that the relevant scheme in the area is the CRR, it is appropriate for the Council to seek developer contributions towards it.

In any event, the infrastructure identified within Policy SL5 is necessary to serve the development identified within the Strategic Location never mind additional development outside SL5. Where, in particular, additional development comes forward in advance of SL5 and its necessary infrastructure it needs to contribute towards its delivery in order to mitigate existing severe conditions on the A6144 which are a prerequisite of releasing land in this general location. The written justification to Policy SL5 states that development quantum beyond that identified in Policy SL5 will require the satisfactory provision of identified infrastructure requirements and appropriate mitigation measures.

(b) Directly related to the development;

It is documented that the A6144, and is as set out in the Proof of Evidence of Mr John Morley, suffers from severe congestion and significant queueing of traffic at peak times. Mr Morley has evidenced that this development will add to waiting times and congestion. The additional capacity brought by the CRR seeks to address both issues and is the Council preferred approach to addressing highway congestion in the Carrington/Partington area as opposed to ad hoc improvement to individual junctions which only provide a solution in the short term and which will rapidly become redundant once the CRR is provided.

The CRR benefits from a number of grant funding streams however there is still an identified funding gap. Contributions from development within the area are necessary in order to bring forward this piece of highway infrastructure to address the existing highway capacity issues necessary to make development in this general area acceptable and which would further be exacerbated by the development.

Should the CRR not be forthcoming it is recognised that the suggested Flixton crossroad improvements put forward by the appellant would mitigate the harm created by the development in NPPF terms.

(c) Fairly and reasonable related in scale and kind to the development.

The suggested contribution is calculated based on an established formula relating to trip generation returning to a calculation used prior to the Councils adoption of CIL (in 2014) and set out in SPD1 – Planning Obligations 2012 (subsequently superseded by SPD1 2014).

SPD1 – Planning Obligations 2012 set out calculations to allow for developer contributions to infrastructure required within the Borough, including highway infrastructure (and specifically the CRR). This document was updated and superseded by the current adopted SPD1 in 2014 when the CIL Charging Schedule was also adopted. However, given it was based on policy in the Core Strategy, which remains the adopted development plan for the Borough, it is revisited to calculate contributions for highway infrastructure and the CRR, now S106 contributions can be sought.

The formula:

Daily trips for each type of development (residential/commercial) / total number of trips from all projected development within area x cost of infrastructure

Total amount of commercial floorspace/number of residential units

This formula has been applied in the context of the Carrington Relief Road. The undeveloped sites within the Carrington Strategic Location and wider Partington area have been identified. Baseline trip generation figures have been extracted from consented development within the area and sensitivity checked. These trip generation figures have then been applied to the anticipated and projected development to generate the overall anticipated daily trips for the area. This has then been filtered down into the total daily trips for each type of development, i.e. residential, storage and distribution, office, and general industrial. The result of this calculation suggests a contribution of £4,674 per residential unit should be sought. This formula sets out a proportionate contribution relevant to the size and use of the development based on its impact on the highway network from trip generation.

The contribution is considered to be reasonable and fair in scale and kind and consistent with other contributions sought from other developments within the area.

4. Highways - Public transport contribution and bus stop improvements

(a) Necessary to make the development acceptable in planning terms;

Policy L4 (e) of the Core Strategy states that development proposals within less sustainable locations throughout the borough, including sites within the Strategic Locations of Carrington and the Trafford Centre Rectangle, and the Partington Priority Regeneration Area will deliver or significantly contribute towards the delivery of, measures to secure infrastructure and services that will improve access to more sustainable transport choices.

The Core Strategy outlines the requirement for significant improvements to public transport infrastructure in association with SL5 development. Those improvements have not yet been delivered. The appeal site is even less well served by public transport than the SL5 Strategic Location and the policy need for significant public transport improvements is even starker here. It is considered necessary for the public transport improvements to be sought.

Development in this location is only acceptable in accessibility terms if it contributes towards the delivery of access to sustainable transport choices.

(b) *Directly related to the development;*

The application site is located beyond the settlement boundary and as identified by the Core Strategy is considered to be isolated with poor access to reliable public transport given the highlighted congestion issues. As set out in the Transport for Greater Manchester (TfGM) appendix to Mr Morley's proof and other Council proofs of evidence the way to address the isolation and highway concerns in respect of public transport with this site is via an holistic masterplanned approach. This would see appropriate phasing of development and overarching strategy toward improvement to public transport to serve the wider New Carrington area. In advance of that and in specific response to this application, TfGM has suggested improvements to public transport infrastructure and offer which would directly benefit the occupiers of the development and is seen as a minimum to address the highlighted locational issues. This includes:

- Funding to support the existing Cat 5a Service from Warrington to Altrincham via Partington.
- Underwriting an additional bus service per hour to Altrincham.
- Improvement to bus stops on Warburton Lane and Moss Lane.

(c) *Fairly and reasonable related in scale and kind to the development.*

The contribution towards the provision of an additional bus service per hour (including an evening service) to Altrincham of £200,000 per year is proposed. Altrincham is considered to be the nearest trip attractor to the application site and the likely main destination for occupiers of the development with metrolink and train onward connections, an attractive town centre and night-time economy. The contribution is based on the need to fully subsidise the service for the 5 year period, TfGM advised that the cost to run a service of this nature is £200,000 a year.

In addition a contribution to subsidise the Cat 5a service from Altrincham to Warrington via Partington is sought. The funding for this service is due for expiry in April 2021, and it is unknown if this is likely to gain funding again. It is advised that TfGM alone are unlikely to fund this service any further. The tendering for this service is jointly provided by Warrington's Own Buses (owned by Warrington Borough Council) and TfGM, cross boundary services are more likely to be at risk as requirements of each authority are unlikely to be consistent. Warrington's strategic requirement was for a regular 10minute service to Lymm and running the Cat 5 and Cat 5a allowed for this. TfGM's aim was to improve services between Altrincham/Partington/Warrington.

For this site connections to Altrincham and Warrington are important – and if the CAT5A is lost there will be reduced frequency (and therefore less attractive services) to Altrincham (the second most significant trip attractor for Partington, after Manchester City Centre) and no services to Warrington (which is also a highly significant trip attractor for Partington, especially in terms of jobs). Therefore in order to retain these services and level of public transport provision, contributions will need to be sought to sustain them. TfGM have advised that the cost to run this service would be £150,000 per year and should be provided over a 5 year period.

The contribution towards the additional services would provide funding over a 5 year period. This is considered appropriate to allow for further development to come forward within the wider area and for the service become self-funding and sustainable in the longer term as part of a wider holistic approach.

Improvements to the nearest bus stops in each direct of travel (2) on Warburton Lane are required in order to bring the waiting environment up to a minimum standard. Currently these stops are used infrequently but would become focal points for bus passengers to and from the appeal site. In addition a further bus stop would be provided on Moss Lane. The contribution of £40,000 would provide for raised platforms for ease of access, shelters with lighting, seating and timetable information at existing stops and a new stop on Moss Lane with raised kerb, a shelter, lighting, seating and timetable information would also be provided. This will secure inclusive access to buses and assist in providing essential sustainable access to the development.

A more holistic approach to public transport for the whole area is considered to be the optimum solution. Notwithstanding, the individual contributions totalling £1.75 million to improve bus services within the area and enhancements to bus stops are considered the minimum improvements needed to make this development more accessible, less isolated and promote more sustainable choices of transport. The contribution is considered to be fair and reasonable in scale and kind to the development.

5. Management and Maintenance of open space

(a) Necessary to make the development acceptable in planning terms;

SPD1 states (para.77) where provision is made for a new facility, for example new open space, play area or outdoor sports facility, provision for the long term maintenance of the site must be provided by the developer either by way of handing the site over to a third party, by ensuring a maintenance contract with a management company, or where an acceptable commuted sum is agreed with the Council.

(b) Directly related to the development;

The development would provide areas of open space and play areas within the development. The obligation would require the developer to deliver this open space and ensure that it is appropriately managed through a management scheme which first must be approved by the Council, before the occupation of any residential units, to ensure the longevity and long term maintenance of all open space is provided for the residents of the development.

(c) Fairly and reasonable related in scale and kind to the development.

This relates to open space provided by the developer within the development site and it is considered to reasonable relate in scale and kind to the development.