

From: Spencer Tewis-Allen
Sent: 12 February 2021 12:57
To: Clisby, Paul <pclisby@warrington.gov.uk>
Subject: Peel Hall - Section 106
Importance: High

Dear Paul

I understand that your client has some concerns about the rationale for the proposed changes to the s.106 relating to public open space and write this email in the hope it can adequately address and resolve the same.

Your client is right that the agreed s.106 for the previous inquiry did include the fullness of the open space obligations. However, this redetermination is to be determined in isolation to the previous inquiry and just like many of the conditions have been reworked and improved, we also took the opportunity to reconsider the s.106 provisions. Given that the conditions proposed deal with the bringing forward of public open space (and there are many conditions on the point including phasing, public open space, sports strategy and scaled plans), it left us feeling uncomfortable that we were running into territory of duplication with the possibility for conflict, given that it is an outline application with matters reserved. We also took heed of the Government's planning guidance which makes clear that conditions should be used where they can be rather than s.106 obligations. This is an exercise of consolidation and rationalisation more than anything and it certainly is the intention that the end result be exactly the same but just guided by a condition mechanism rather than planning obligation. Indeed, the planning obligation refers to the conditions (known as the "Approved Details") to ensure the two are meshed and work harmoniously together.

Your client did raise a question about why the entirety of the public open space provisions are not then conditioned and in an email response of 26 January I explained why that is not possible. The management and maintenance provisions must remain in the s.106 because the obligations include transfer of land obligations and it is not possible, nor correct, for that to be documented in a planning condition as it relates to estate management and Warrington as landowner rather than LPA.

I understand your client is on leave from next week and our commitment to the Inspector is that the final draft must be submitted no later than 23 February. Please can you therefore use today to speak with your client and provide necessary counsel that the provisions and conditions, combined, are satisfactory and achieve the necessary mitigation. The form is neither here nor there and we need not get hung up on previous versions of the agreement under a previous appeal.

Look forward to hearing from you at your earliest convenience.
Kind regards,
Spencer

Spencer Tewis-Allen
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Please note I do not work on Wednesdays.

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