Warrington Borough Council

Planning Obligations - CIL Compliance Statement

Land to the west of Junction 20 of the M6 Motorway, and Junction 9 of the M56 Motorway and to the south of Grappenhall Lane/Cliff Lane (known as Six:56 Warrington) Grappenhall, Warrington (Land at Bradley Hall Farm)

Warrington Borough Council Ref: 2019/34799

Planning Inspectorate Ref: APP/M0655/V/22/3311877

Paragraph 57 of the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations must only be sought where they meet the following tests:

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

The following table set out the policy context, basis of need and CIL Compliance to support the case that the planning obligation sought in respect of the scheme meets the tests.

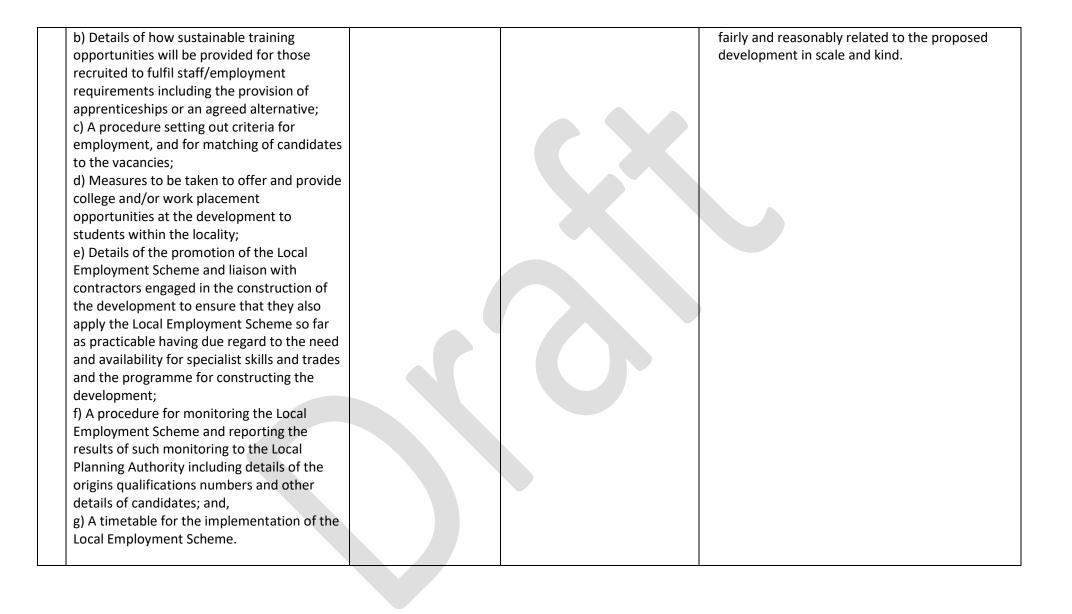
	Obligation	Policy context	Basis of need	CIL Compliance
				a) necessary to make the development acceptable in planning terms;b) directly related to the development; andc) fairly and reasonably related in scale and kind to the development.
1.	Highways – footway/cycleway contribution Contribution towards the provision of footway/cycleway infrastructure linking the site with Broad Lane and Barleycastle Lane Amount: £405,950.00 Trigger for payment: 100% prior to first occupation How the calculation has been derived: See information provided at Appendix 1	 Warrington Local Plan Core Strategy policies MP1 and MP3 NPPF paragraphs 105, 110, 112 Warrington Planning Obligations SPD Warrington Updated Proposed Submission Version Local Plan 2021 (UPSVLP) policies INF1, MD6 	As identified in the applicant's Transport Assessment (TA) there are issues in respect of accessibility by sustainable means given the location of the site remote from existing settlements. The contribution, together with the physical implementation of foot/cycleway infrastructure along the B5356 Grappenhall Lane from the A50 Cliff Lane roundabout to a point 180m east, would allow the foot/cycle way to be extended through to the Broad Lane roundabout and would encourage access by active	a) Without this contribution there would be a failure to adequately cater for pedestrians and cyclists accessing the proposed development and the proposed development would not adequately reduce the need to travel by private car. (b) The Obligation will be used to directly mitigate predicted highways impacts of the development. (c) Given the size, scale and nature of the proposed development, this contribution is considered to be fairly and reasonably related in scale and kind to the development.
2.	Highways – bespoke public transport	Warrington Local	travel modes. As identified in the applicant's	a) Without this contribution there would be a
2.	contribution Contribution towards a bespoke public transport service to meet the needs of the employees of the final occupiers	Plan Core Strategy policy MP1 NPPF paragraphs 105, 110, 112	TA, there are issues of accessibility by sustainable means given the location of the site remote from existing settlements. The TA highlights	failure to adequately promote sustainable transport modes or offer a genuine choice of transport modes and the proposed development would not adequately reduce the need to travel by

	Amount: £50,000.00 Trigger for payment: 100% prior to first occupation How the calculation has been derived: See information at Appendix 2.	•	NPPF paragraphs 105, 110, 112 Warrington Planning Obligations SPD UPSVLP policies INF1, MD6	operate the overarching Travel Plan. This would allow for a coordinated approach to securing appropriate successful sustainable transport solutions throughout the area.	 (b) The contribution will be used to directly mitigate predicted highways impacts of the development. (c) The contribution is based on the Council coordinating the travel plan for a period of 5 years. Given the likely lifespan of the development and its scale and nature, the contribution is considered to be fairly and reasonably related in scale and kind to the development.
4.	Highways – overarching Travel Plan The preparation and submission of an overarching travel plan for the development.	•	Warrington Local Plan Core Strategy Policy MP1 NPPF paragraphs 105, 110, 112 Warrington Planning Obligations SPD UPSVLP policies INF1, MD6	To ensure that there is a consistent approach to travel planning across the whole of the development and to guide and inform travel plans for individual units within the development.	a) Without this contribution there would not be a coordinated approach to travel planning and securing successful sustainable transport solutions. (b) The Obligation will be used to directly mitigate predicted highways impacts of the development. (c) Given size and nature of the proposed development and that it will comprise a number of different units/phases, the requirement for an overarching travel plan is considered to be fairly and reasonably related in scale and kind to the development.
5.	Cessation of use of residential property within the site No development, other than matters of highway detail shown on drawing numbers • 64076-CUR-00-XX-DR-TP-75002-P02 (Western Access Roundabout), • 64076-CUR-00-XX-DR-TP-75001-P03 (Eastern Access Roundabout),	•	Warrington Local Plan Core Strategy policies CS1, QE6 NPPF paragraph 130 Warrington Planning Obligations SPD	To ensure residential amenity is not unacceptably affected.	a) Given the position of Bradley Hall Farmhouse in relation to the proposed development, its residents would be adversely impacted by construction and operational noise and specific mitigation to protect them has not been proposed. It is therefore necessary for the residential use to cease prior to development commencing (other than the highway works shown on the drawings referred to which are considered to be sufficiently

	 64076-CUR-00-XX-DR-TP-0502-P02 (Cliff Lane Roundabout Proposed Improvements), 64076-CUR-00-XX-DR-TP-75014-P02 (Pedestrian and Cycle Improvements) shall commence until the use of Bradley Hall farmhouse and curtilage buildings for residential purposes has ceased. 	•	Warrington Environmental Protection SPD UPSVLP Policy ENV8		distant from the property so as not to cause an unacceptable impact). b) The cessation of the use of these buildings is directly related to the proposed development. c) The cessation is related to the development in kind and scale
6.	Ecology mitigation contribution Contribution to compensatory bird habitat at Upper Moss Side comprising habitat creation/restoration on approximately 18ha, with management fee for 20 years	•	Warrington Local Plan Core Strategy policies CS1 and QE5 NPPF paragraphs	To adequately compensate for bird habitat lost as a result of the proposed development.	a) Without this contribution there would be a failure to adequately compensate for the bird habitat lost as a result of the proposed development.b) The Obligation will be used to directly mitigate
	Amount: £279,254.22 Trigger for payment: 100% on		174, 180		predicted ecological impacts of the development.
	commencement	•	Warrington Planning		c) Given the size of the application site and its likely lifespan, the proposed compensatory habitat is
	How the calculation has been derived: See note from the Mersey Gateway		Obligations SPD		considered to be reasonably and fairly related to the development in scale and kind.
	Environmental Trust at Appendix 3.	•	UPSVLP Policies DC4, MD6		
7.	Ecological mitigation area measures To not commence development until information pursuant to condition 7 of the Cheshire East planning permission (see Appendix 4) has been submitted, such details to include the ecological mitigation	•	Warrington Local Plan Core Strategy policies CS1 and QE5 NPPF paragraphs	To ensure that measures to mitigate the impacts of the development in Warrington are secured in accordance with the requirements of the Cheshire East planning	a) Without this obligation, WBC would not be provided with the information submitted to Cheshire East Council, which relates to the mitigation of impacts within Warrington, or with details of its approval.
	measures and Landscape and Environmental		174, 180	permission.	b) The approval of the details and the supply of this
	Management Plan (LEMP) measures, and for a copy of such to be provided to the Council.	•	Warrington Planning		decision to WBC are directly related to the development of the site within Warrington.
	To not commence development until Cheshire East Council has approved the		Obligations SPD		c) Given the size of the application site, its current and proposed uses and the ecological mitigation,

details submitted to condition 7 of the Cheshire East planning permission and WBC has been provided with a copy of the decision.	UPSVLP Policies DC4, MD6	the requirement for this information to be supplied to WBC is considered to be fairly and reasonably related in scale and kind to the development.
 8. Landscape and Ecological Management Submit a Framework Landscape and Ecological Management Plan (LEMP) for approval prior to commencement, to include: a) Description and evaluation of features to be managed b) Ecological trends and constrains on Site that might influence management c) Aims and objectives of management d) Appropriate management options for achieving aims and objectives e) Prescriptions for management actions f) Preparation of a work schedule (including annual work plan capable of being rolled forward over a five year period) g) Details of the body or organisation responsible for implementation of the plan h) Ongoing monitoring and remedial measures i) Details of the legal and funding mechanism(s) by which the long term 	Warrington Local Plan Core Strategy policies NPPF paragraph Warrington Planning Obligations SPD UPSVLP Policy To ensure that the landscaped and ecological areas within the site within Warrington are adequately managed for a suitable period of time.	a) Without this obligation there would be a failure to adequately manage the landscaped areas within Warrington. b) The Obligation will directly mitigate predicted ecological and landscape impacts of the development. c) Given the size, type and phased nature of the proposed development and its likely lifespan, the management of landscaped and ecology areas within the site within Warrington for a minimum of 30 years and the submission of details for each phase are considered to be fairly and reasonably related to the development in scale and kind.

minimum the deve body(ies) j) Where the show the objectives met, he remedial agreed and development functioning objectives scheme; Submit LEMPs development, in implementation management, in accordance wapproved Frame	of 30 years, will be secured by loper with the management responsible for its delivery the results from monitoring at conservation aims and sof the LEMP are not being tow contingencies and/or action will be identified, and implemented so that the ent still delivers the fully ag biodiversity and landscape sof the originally approved for each phase of including a timetable for maintenance and monitoring, with the details set out in the nework LEMP, prior to the int of the development of that			
prior to comme a) Details of ho staff/employm development v liaison with the take place in re access of the lo	a Local Employment Scheme encement, to include:	 Warrington Local Plan Core Strategy Policy PV3 Warrington Planning Obligations SPD UPSVLP Policy DEV4 	To ensure adequate employment and training opportunities for residents of the Borough in order to strengthen the Borough's workforce and to ensure that local residents have the opportunity to benefit from Warrington's economic growth and development.	 a) Policies require major developments to maximise access to employment and training opportunities for local residents b) The local employment scheme would directly relate to the development. c) Given the likely number of employment and training opportunities that would be generated by the proposed development, the submission of a local employment scheme is considered to be



APPENDIX 1 – CALCULATIONS RELATING TO THE CONTRIBUTION TOWARDS THE PROVISION OF FOOT/CYCLEWAY INFRASTRUCTURE LINKING THE SITE WITH BROAD LANE AND BARLEYCASTLE LANE

	Grappenhall Lane/Barleycastle Lane							
	Scheme Financial Summary							
	Cost Code TBC							
Order No.	Activity	Comm?				F	Forecast (£)	Comments
	Consultant Commissions							
	RSA 1	N				£	2,000.00	
	RSA 2	N				£	3,000.00	
	RSA 3	N				£	2,000.00	
	RSA 4	N			<u> </u>	£	2,000.00	
	Surveys & Investigations							
	Topographical Survey	N				£	1,000.00	
	Trial Holes	N				£	10,000.00	
	GPR Survey	N		_		£	7,500.00	
	Drainage Survey As Built Survey	N N		_		£	7,500.00 2,500.00	
	7.5 Bulk Guivey	14	TOTAL =	£	-	£	37,500.00	
	Considering O Disseins Application Conta							
	Consultation & Planning Application Costs Public notification and consultation	N			7	£	3,000.00	
	Permitted Development Certificate	N				£	600.00	
			TOTAL =	£	-	£	3,600.00	
	Misc							
	TRO's	N		£	-	£	5,000.00 5,000.00	
	UU sewer connections	IN		_		£	600.00	Allowance
	Setting Out	N				£	1,500.00	Allowance
			TOTAL =	£	-	£	12,100.00	
	WBC Internal Capital Salaries & PM Fees				3			SEE SHEET 2
	Pre Construction (including design fees)	n/a				£	20,000.00	
	During Construction (inclusing site supervision)	n/a		1		£	10,000.00	
	Post Construction	n/a	TOTAL =	· e		£	5,000.00	
		-	TUTAL =	£	1/201	£	35,000.00	
	Statutory Undertakers							
	Not reviewed	N	SHOW THE STATE OF			£		Assumed 10% construction cost
		_	TOTAL	£	321	£	22,500.00	The state of the s
	Construction Costs							SEE SHEET 4
	Budget Construction Cost - Crossing improvements	N		£	30,000.00			Inclusive of advance works (vegetation clearance etc),
	Budget Construction Cost - Shared use path (650 x 3m)	N		£	195,000.00	£	225,000.00	preliminaries, construction works, traffic management.
	Inflation	N			00			Assumes s106 being indexed linked.
	Street Lighting WBC	N				£		Relocation of columns on links and redesign at conflict p
	QRA	N	TOTAL =		405 000 00	£		Assumed 20% construction cost.
			IUIAL=	£	195,000.00	£	295,000.00	
	Property and Land Costs							
	Acquisition	N						
	Part 1 claims	N		£		£	200	-
	Business Relocation Agreements	N		£	(a)	£	100	
	Professional Fees	N		£	-	£	-	
	Other	N		£	150	£		
			TOTAL					
	P	0 3	TOTAL =	£	(%)	£	(0)	
	Legal tasks		1					
	Land/Rights Acquisition							
	General	N		£	123	£	-	
	Fees & land transfer	N		£	-	£	-	
	Search fees	N		£	-	£	250.00	Allowance
	SDLT	N	TOTAL =	£	-	£	250.00	The respondence of the control of th
					-	~		
			SCHEME TOTAL =			£	405,950.00	_
			Current Budget		2			INSERT BUDGET FIGURE
			Current Budget			£	405,950.00	INSERT BUDGET FIGURE

APPENDIX 2 – CALCULATIONS RELATING TO TRAVEL PLAN CONTRIBUTION

x56 Travel Plan Contribution	ns							
		Costs to Council	Management time (hrs)	Travel advisor time (hrs)				
Travel Plan Development	Umbrella Travel Plan		7.5	37				
Travel Plan Development	Individual unit action plans each year for 5 years			157.5				
	Development and printing of travel survey	500	1	3.5				
Travel Surveys	Events to undertake travel survey - 1 event per unit, 5 years			337.5				
	Report to summarise findings and action plan development		45	337.5				
	Development of travel guide		1	7.5				
Travel Guides	Printing	1000						
	Updates each year for 4 years		2	8				
	Cycling map per board @ £50 each	450						
Maps / travel boards	Public transport map per board @ £50 each	450						
	Car sharing (including development) map per board	450		3.5				
Dr Bike	Cycle maintenance supplier per event @£500 each	12500			assumes some units can be combined and a joint event run (5 events r			
Dr bike	Staff time			187.5				
	Total hours		56.5	1079.5				
	Costs per hour							
	Total cost	£ 15,350	£34	1,645				
				£ 49,995				
ased on:								
employment units (average n	number of units from Parameters Plans document)							

Costs per hour not provided due to commercial sensitivity



APPENDIX 3 – NOTE FROM MERSEY GATEWAY ENVIRONMENTAL TRUST TO TYLER GRANGE (APPLICANT'S ECOLOGIST)

MERSEY GATEWAY
ENVIRONMENTAL TRUST

Version 2 - April 2023

Request to Provide Mitigation for development

Mersey Gateway Environmental Trust (MGET) have been approached to offer a solution for some lost habitat as part of a development in nearby Grappenhall. They are looking to mitigate for is the loss of habitat for circa 3 breeding pairs of skylark (breeding never confirmed, but assumed) and over-wintering habitat for lapwing. The max count we had was 200 birds on one visit, but on other visits less than 50.

The development site itself is very large (20ha loss of arable habitat, 59ha of improved grassland but the breeding/over-wintering bird habitat did not constitute all of this) and quite a substantial mitigation is already proposed, but not suitable for lapwing or skylark. The planning authority's representative is looking for a 20 year commitment.

After submission of the proposal in 2021, MGET was approached in late March by a representative of the developing party to engage in discussion regarding a section 106 agreement between MGET and the council (Warrington) to provide off-site mitigation.

Starling (Sturnus vulgaris) has been added to the list of species the management needs to off-set for. It is not anticipated that the proposed management interventions need to be altered with the addition of the species, as the proposed interventions benefit the species as well.

Summary Proposal

Off-site mitigation for the three species of bird can be best achieved through management interventions on saltmarsh, grassland, and agricultural land, with additional surrounding habitat features such as reed beds, hedgerows and/or presence of shallow water bodies. The species require a varied height of grass sward for breeding, feeding and roosting.

In the original proposal, Upper Moss Side (UMS) was identified as a suitable location for off-site mitigation. This remains correct. MGET is engaging with the landowner (Forestry England) to provide a suitable legal agreement as soon as possible.

We continue to consider UMS as an ideal site for the mitigation, as MGET has had previous management experience and successes on site (confirmed breeding lapwing as part of a funded project). The original proposal committed to grazing with cattle as the management intervention. However, it can be argued that any management, i.e. grazing with other herbivores, or mechanical management, will result in improved habitat conditions for the three bird species.

MGET was informed that a potential start date for the mitigation would be autumn 2024. This would be ideal for a cattle grazing.

Together with the developer representative we have determined that Upper Moss Side may be a suitable location for off-site mitigation. It's within the same planning authority, is within suitable migration for any existing individuals and offers appropriate room for habitat improvement. It's a 30HA site that can be apportioned down within existing compartments.

We believe the best intervention is an autumnal graze of 10-18 cattle that might deliver suitable breeding for Skylark on approx. 20HA of the site, with the opportunity for the foraging (and possibly breeding too) for multiple Lapwing. There may be benefits for other rare birds too on this site. In principle we would aim for less cattle over longer periods as a preference.

Initially to get the site going this would be intensive for the first 3 years but then reduced over the next 17 years. We expect that the areas we are looking at are compartments 1 and 3 (see aerial photos below). Because of the long time frame we need a significant contingency allowance and we are also including a Management fee to ensure its longevity. To deliver this over 20 years, we believe a sum of £279,254.22 is required.

Key points of conservation grazing at Upper Moss Side

Total area available for management: 30ha (16ha saltmarsh, 12ha grassland, 2ha grassland). 18 ha are needed for offsetting, i.e. compartments 1 and 3 on attached map.

Previous management: for BAP bird species – skylark (red), lapwing (red), meadow pipit (amber), redshank (amber), curlew (amber), reed bunting (amber).

MGET has a previous relationship with the landowner who shares some similar objectives. However a legal agreement ensuring land management rights for 20 years would be needed, between MGET and landowner, to ensure this proposal is deliverable for the client. Discussions with the landowner have started and are not expected to cause any delays to the project.

Cattle grazing is expected to be the best option to achieve the expected best ecological outcome. However, other options can also bring success such as grazing with other herbivores or mechanical interventions through mowing.

Management intervention to support saltmarsh conditions:

- Conservation grazing
 - Low density grazing (1-1.25 head/hectare) with conservation cattle, e.g. English Longhorn, Belted Galloways, start of grazing preferably in autumn/winter to let herd establish roaming regime (birds choose nesting sites avoiding popular paths of cattle); creates different grass heights and some disturbed ground, prevents shrub growth.
 - Year long grazing possible reduction in herd size might be necessary
 - Rotational grazing can add benefits to habitats and farmer
 - The proposal costings include three years of annual grazing (yr 1-3) to bring the site into good condition for the identified species, with a reduction to bi-annual grazing to keep the condition stable thereafter.
- Validation of management interventions:
 - Need for regular surveys of at least birds to determine breeding success/failure and therefore improvement of habitat structure, added to MGET's regular Common Bird Census and Wintering Birds Surveys.
 - Need to concentrate on Skylark breeding and lapwing foraging, starling.

Infrastructure:

- Fences: have been installed 5-7 years ago and should be in overall good condition but will need renewal throughout the course of the project. Improvements to fences might be necessary, especially near the estuary edge due to erosion.
- Freshwater supply (issues with pressure known in the area) and hence need for bowsers to be brought in as well as water troughs.
- Holding pens (essential for safe transfer of animals and protection from high tides/high waters).
- Animal welfare (daily checks, particularly on Saltmarsh, veterinary cover). It is proposed that
 due to the remote location of the site, GPS collars are a way to monitor the animals. A
 schedule of welfare monitoring needs to be agreed with the grazier prior to the start of the
 project.
- Access to land is through a private road permission from landowner needed for vehicle access.

Estimated Costs:

The costs below have been updated and come to a total cost of £279,254.22 for 18ha over 20 years.

- 1. Prices submitted in 2021 were updated to reflect values in March 2023.
- The contingency was increased from 10% to 15% to reflect uncertainties in the market and to reflect possible costs for animal welfare that were not costed in the capital items (e.g. GPS collars, remote fencing – depends on preferences of grazier).
- 3. The overall inflation rate was kept at 2% to reflect the long-term nature of the project.

Cost item	Cost (20 years)
Grassland management (cattle hire)	£183,904.16
Freshwater supply	£18,841.89
Haulage costs	£7,528.93
Fencing and maintenance	£53,380.70
Monitoring	£60,296.66
Water troughs	£20,693.44
Holding pen replacements	£26,584.97
Total (30ha)	£371,230.75

Pro rata cost	Area (ha)	%	Cost
Compartment 1	16	53	£197,989.73
Compartment 2	12	40	£148,492.30
Compartment 3	2	7	£24,748.72
Total	30	100	£371,230.75

Sum of all project items	Cost
Compartment costs (1+3)	£222,738.45
15% contingency	£33,410.77
Management fee	£23,105.00
Total	£279,254.22

Caveats:

Whilst it is MGET's best intention to deliver this as described there are a number of issues outside of our control that could impact the ambitions of the project, such as climate change, natural events (i.e. flooding), disease impacts (i.e. avian flu, Covid 19) and similar factors that will mean, despite best endeavours, ambitions are not met. However MGET has a remit in its articles of association to:

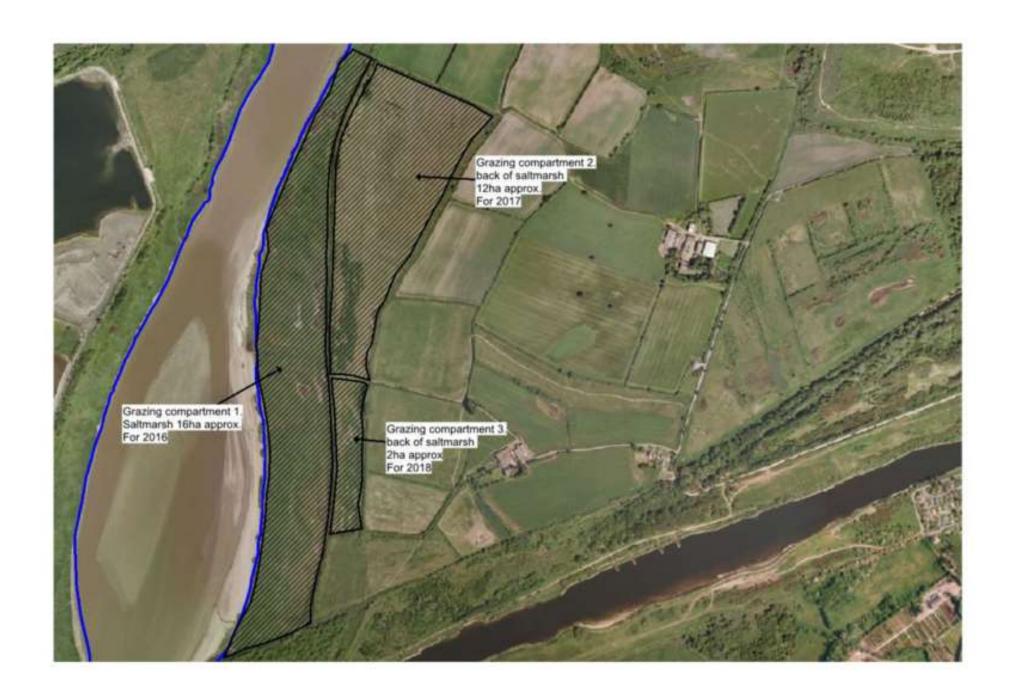
- Increase biodiversity in its area of operation
- Monitor biodiversity in its area
- · Research impacts on biodiversity.

Hence should MGET deviate from those objectives not only can stakeholders challenge MGET, but any member of the public can challenge it too, through the Charity Commission too. We hope this gives assurances of MGET as an actor in good faith. MGET will also reserve the right to increase environmental gain on any project in additional ways should the opportunity arise.

Prepared September 2021 by AD/DC

Updated April 2023 by AD





APPENDIX 4 – CONDITION 7 FROM CHESHIRE EAST PLANNING PERMISSION

7. The first reserved matters application shall be accompanied by: a Construction Environmental Management Plan detailing safeguarding of Bradley Brook, a habitat creation specification detailing the types of habitats to be created, a habitat creation method statement, an ecological monitoring strategy and a 30 year habitat management plan for all the retained, enhanced and newly created habitats for the Ecological Mitigation Area shown on the submitted Illustrative Masterplan (drawing reference 16-184-F013 001 Rev: AG).

The habitat creation method statement to detail how the newly created habitats will be delivered and a include a timetable for the delivery of habitats in accordance with the proposed details.

The 30 year habitat management plan will provide target conditions for all retained, enhanced and newly created habitats in the ecological mitigation area and detail how the newly created, retained and enhanced habitats in the ecological mitigation area be manged to achieve these target conditions.

The ecological monitoring strategy shall include proposals for the surveying and reporting of the results of the habitat creation and management works to the LPA for the duration of the management plan period. The strategy shall include a mechanism whereby revised management and habitat creation proposals shall be submitted to and approved by the Local Planning Authority in the event that habitats are found to be failing to achieve their condition targets.

The agreed, habitat creation specification, a habitat creation method statement; ecological monitoring strategy and 30 year habitat management plan to be implemented in full.

Reason: to safeguard biodiversity in accordance with Local Plan Policy SE3.