

SIX: 56

RESPONSE OF THE APPLICANT LANGTREE PP AND PANATTONI TO THE LETTER OF APPLETON PARISH COUNCIL OF 27TH APRIL 2023

10 May 2023

Gateley **LEGAL**

1. INTRODUCTION

- 1.1 The Appleton Parish Council has written to Warrington Borough Council requesting “106 funds for the following which will be affected by this development”. There then follows a wish list. That all of the items listed will be “effected by this development” is unevidenced assertion and is not accepted by the Applicant.

2. THE POSITION AT POLICY AND LAW

- 2.1 In relation to planning obligations, their use in the context of a planning application as a reason for granting approval is subject to the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. This provides that a planning obligation may only constitute a reason for granting planning permission if:

- It is necessary to make the development acceptable in planning terms.
- It is directly related to the development.
- It is fairly and reasonably related in scale and kind to the development.

- 2.2 All three legal tests must be satisfied, and the Parish Council’s request must be tested against compliance with these provisions of the regulations.

3. ANALYSIS OF REQUESTED CONTRIBUTIONS

- Fords Rough is a woodland area owned and managed by the Woodland Trust in Appleton some distance away from the application. There is no connection between it and the application site and no direct or indirect effects upon it caused by the application. A contribution to improvement

works for it is not necessary to make the development acceptable in planning terms.

- Financial contribution for Broomfields Youth Project in Appleton: A contribution towards this is not necessary to make the development acceptable in planning terms and is totally unrelated to the development.
- Financial contribution for the development of Broomfields Leisure Centre: A contribution towards this is not necessary to make the development acceptable in planning terms and is totally unrelated to the development.
- Financial contribution for improvements to Appleton Parish Hall: A contribution towards this is not necessary to make the development acceptable in planning terms and is totally unrelated to the development.
- Financial contribution for improvements to Appleton Thorn Village Hall: A contribution towards this is not necessary to make the development acceptable in planning terms and is totally unrelated to the development.
- Financial contribution for regular litter picks in and around the Appleton Thorn Trading Estate: A contribution towards this is not necessary to make the development acceptable in planning terms and is totally unrelated to the development. If there is a little problem at the existing Appleton Thorn Trading Estate, then clearly that is not in consequence of the proposed development.
- Significant investment in the immediate road network:

The Applicant has carried out a full and detailed traffic and transportation assessment of the proposal and the impacts of the proposal upon the surrounding road network. Proposed work to the surrounding highway network are proposed to be secured by planning condition 32. That condition requires that schemes for the design and construction of highway improvement works and a timetable for implementation must be submitted to the Council and approved in writing before development commences. That extensive package of highway works is shown to be necessary and appropriate and to deliver the required mitigation to the highway network.

- Installation of air quality monitors on the site: Air quality monitoring needs to be considered at representative roadside and urban background locations and not on site as requested in order to assess the effects due to traffic generation. Warrington Borough Council has an established comprehensive monitoring network providing data at a range of suitable locations. That data is reported annually to the Government and is publicly available. Any effects on local air quality as a result of the development will therefore be measured in future years via the existing air quality monitoring systems. Further air quality monitoring is therefore not necessary to make the development acceptable in planning terms.
- Sustainable Transport Contribution: The Section 106 Obligation in Schedule 1 provides for a footway and cycle contribution of £405,950 to be used for the extension of

footway/cycleway infrastructure within the adopted highway boundary west to the Broad Lane roundabout and then south to the junction of Grappenhall Lane/Barleycastle Lane. It further provides for a bespoke public transport service contribution of £687,800 to provide public transport services, meeting the needs of the employees at the development. An overarching travel plan is proposed accompanied by a travel plan operation contribution of £50,000 to promote and support sustainable travel initiatives.

There is therefore a comprehensive approach to sustainable transport embodied within the Section 106 Obligation and no further contributions are necessary to make the development acceptable in planning terms.

4. CONCLUSION

- 4.1 The proposal addresses, via planning conditions and Section 106 Obligations, all matters that are necessary in order for planning permission to be granted. As set out above, the above requests fail to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and therefore there is no lawful basis for making those contributions and for them to be taken account of in the determination of the planning application.

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