



WARRINGTON
Borough Council

Planning Obligations Supplementary Planning Document

Adopted July 2024

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1. INTRODUCTION

Purpose of document

- 1.1 The aim of this Supplementary Planning Document (SPD) is to provide guidance in relation to planning obligations which expands upon policies within the Warrington Local Plan (2021/22 – 2038/39) (referred to as ‘the Local Plan’) and the requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). The SPD seeks to facilitate the delivery of sustainable development within the Borough through the timely provision of adequate infrastructure to support the level of development proposed.
- 1.2 This SPD has been prepared to update and replace the requirements of the Council’s previously adopted Planning Obligations SPD (2017). This is to ensure that contributions reflect build cost inflation and to include new areas which have emerged through the preparation of the Local Plan and to meet new national requirements. The SPD has been prepared in the context of the Local Plan Viability Assessments (2021) and the subsequent Warrington Local Plan Viability Report Addendum (2022), collectively referred to as the ‘Local Plan Viability Assessments’. These tested all Local Plan policy requirements, added indexation onto the requirements of the 2017 SPD and included contingency to cover new local and national requirements. Where build costs and other fees are set out, these will be index linked and updated annually.
- 1.3 It is intended that this SPD supplements the following Local Plan policies:
 - DEV2 Meeting Housing Needs
 - INF1 Sustainable Travel and Transport
 - INF3 Utilities, Telecommunications and Broadband
 - INF4 Community Facilities
 - INF5 Delivering Infrastructure
 - DC3 Green Infrastructure
 - DC4 Ecological Network
 - DC5 Open Space, Sport and Recreation Provision

- ENV2 Flood Risk and Water Management
- ENV7 Renewable and Low Carbon Energy Development
- ENV8 Environment and Amenity Protection

1.4 The purpose of this SPD is to:

- Explain the Council's approach to using planning obligations to local residents, developers and the wider community;
- Explain the circumstances under which the Council will secure planning obligations to mitigate the impacts of a development on the Borough's infrastructure;
- Improve transparency in the priority and calculation of planning obligations;
- Provide applicants with greater certainty on when planning obligations will be sought;
- Provide a robust basis upon which to ensure that the impacts of schemes are appropriately mitigated and to ensure that infrastructure is delivered in a timely manner;
- Take into account the cumulative impact of development in the Borough; and
- Update the previous SPD (2017) in line with increased costs and updated national and local policy requirements.

1.5 The Planning Obligations SPD will be one of a number of documents constituting important material considerations in the determination of planning applications. The SPD should be read in conjunction with the Council's validation checklist.

What is a planning obligation?

1.6 All development has the potential to impact on the environment and place pressure on local infrastructure and services. The planning system can be used to ensure that new development contributes positively to the local environment, and helps to mitigate any adverse impacts on infrastructure, the local environment and services. This is normally achieved through the use of conditions placed on a grant of planning permission by the Local Planning Authority. These conditions permit development to go ahead only if certain circumstances are satisfied. Conditions are the usual mechanism for essential on-site

design requirements and critical infrastructure such as street lighting, sewers, roads, landscaping and amenity space.

- 1.7 However, Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) allows the drafting of legal agreements (Section 106 Agreements) with the Council. These agreements control the impacts of development, which cannot otherwise be achieved via planning conditions. They also ensure that development proposals are compliant with the Council's Local Plan policies.
- 1.8 Section 106 Agreements are an established mechanism to secure the delivery of services or facilities needed as a result of new development. They are referred to as "planning obligations". Contributions to infrastructure can be delivered by way of physical works on or off-site, land transfer or financial contributions.
- 1.9 In general obligations fall into one of three categories:
 - Prescribe the nature of the development (e.g. by requiring that a given proportion of housing is affordable);
 - Secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or
 - Mitigate a development's impact (e.g. through increased public transport provision).
- 1.10 A planning obligation runs with the land, so may be enforced against the original person who entered into the agreement and anyone acquiring an interest in the land from them.
- 1.11 A planning obligation can be secured either by means of unilateral undertaking by a developer or through an agreement between the developer and the Council. A unilateral undertaking will place obligations simply on the shoulders of the developer whereas a S106 agreement will place obligations on both the Council and the developer (for example the developer will be obliged to pay the Council a sum of money but the Council will be obliged to use that money for a specific purpose within a specified timeframe).

- 1.12 In either case, the Council will only enter into a planning obligation with a developer when it meets the key tests as set out in regulation 122 of the CIL Regulations 2010 (as amended) that a planning obligation should be:
- (i) necessary to make a proposal acceptable in planning terms;
 - (iii) directly related to the proposed development; and
 - (iv) fairly and reasonably related in scale and kind to the proposed development.
- 1.13 There may be situations when either a planning obligation or a planning condition could be used to overcome an objection to a development proposal. In such situations it is better for local authorities to impose a condition, rather than dealing with the matter by using a planning obligation (PPG Use of Planning Conditions: Paragraph: 011 Reference ID: 21a-011-20140306).
- 1.14 A “grampian condition” can be used in certain circumstances. These conditions preclude the implementation of development permitted by planning permission in whole or in part, until agreed works or schemes have taken place. Such a condition can be used to secure benefits across the whole spectrum of environmental and infrastructure improvements. The Council will endeavour to use conditions wherever possible in preference to planning obligations. However, there are a number of general circumstances in which planning obligations may be more appropriate; for example, where a developer is to make a financial contribution.
- 1.15 Where planning obligations are required, planning permission will not usually be granted until the S106 legal agreement has been entered into by all relevant parties and has been completed.

Section 278 Agreements

- 1.16 Section 278 agreements are legally binding agreements made under S278 of the Highway Act 1980 between the developer and the Council (as Highway Authority) to fund, or undertake, alterations or improvements to the public highway, where the Council considers the agreement is of benefit to the public.

When will a planning obligation be required?

- 1.17 Obligations will normally only be sought by the Council where development sites exceed a certain size.
- 1.18 Development sites should not be subdivided or developed in phases to create separate development schemes which fall below site size thresholds where obligations may be sought. Where this is the case the Council will consider sites in their totality. This principle will apply even where applications are not submitted at the same time.
- 1.19 In some cases where outline planning permission for residential development is applied for, it may not be clear whether the thresholds will be exceeded. In these cases obligations will be negotiated on the presumption that the site exceeds the relevant threshold. However, conditions and legal agreements will be worded to allow an alternative approach if it later turns out that less than the threshold number of units are proposed.
- 1.20 The exact type and range of works or contributions likely to be considered for an individual site will depend upon the particular development proposed, and its impact upon local services and facilities. Although developers will not be required to rectify existing shortfalls of provision or resolve existing problems, obligations will be sought relative to the scale of impact of the proposed development where an existing constraint is materially exacerbated by a proposal.
- 1.21 The Council maintains an up-to-date Infrastructure Delivery Plan (IDP) for the purposes of identifying the key infrastructure required during the Plan period. The IDP will be used to inform what projects contributions will be sought for and to facilitate negotiations with developers, although it does not provide an exhaustive list of all required infrastructure.
- 1.22 Large developments of a strategic nature are likely to generate a level of demand that requires new infrastructure to be provided on-site as part of the development proposal. Specific infrastructure requirements have been set out for each of the Main Development Areas and other allocation sites within the Local Plan. For other development, there is not a specific threshold for when the Council will require infrastructure to be provided on-site. It

will depend on the location of the site, the nature of the development proposal and existing infrastructure provision within the area. The mechanism for delivering on-site infrastructure will need to be agreed with the Council and any relevant service provider as part of the pre-application process. This will then be reflected in the S106 agreement.

1.23 Where on-site infrastructure is serving a wider need than just the need arising from the development itself, the Council may treat this as a 'credit' in considering the overall planning obligations sought from the development.

1.24 Table 1 summarises the nature of different obligations that may be sought from developments in the Borough, the types of development that they will apply to and the thresholds above which they will apply. Unless otherwise specified the definition of major developments will be taken as the definition of major development in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

Table 1 - Summary of potential obligations and the types of development they apply to, together with the thresholds.			
Infrastructure Type	Sub-group	Type of development obligation will apply to	Threshold
Affordable Housing	On-site provision Off-site provision Commuted sums in lieu of on/off site provision	Residential	10 dwellings or more, or where the site has an area of 0.5ha or more.
Self and Custom Build Homes	On-site provision	Residential	50 dwellings or more.
Education	Additional primary school places Additional secondary school places Early years provision	Residential	10 dwellings or more, or where the site has an area of 0.5ha or more where the demand from new homes cannot be met by existing schools.

	Post-16 provision SEND provision		
	Specific on-site requirements to meet the needs of major development sites.	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing schools.
Transport and Travel	Strategic transport and highway infrastructure Public transport Pedestrian and cycling infrastructure	Residential and non-residential	Major development sites of a strategic nature
	Site specific transport requirements Public transport Cycle/walking/highway improvements that form part of Section 278 Agreement Travel Plans	Residential and non-residential	Where impact on the transport network
Health Care and Emergency Services	Primary Health care provision/places	Residential	50 units where the demand from new homes cannot be met by existing health facilities.
	Specific on-site requirements to meet the needs of major development sites.	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing health facilities.
	Emergency services	Residential	50 units where the demand from new homes cannot be met by existing facilities

			and at the point where evidence can be provided as to where contributions will be spent, and where contributions meet the tests set out in the CIL Regulations.
Green Infrastructure and Open Space	Site specific open space and green infrastructure requirements (including allotments, equipped play, green corridors, incidental space, informal play, natural and semi-natural greenspace, outdoor sports and parks & gardens) to meet the needs of developments.	Residential	40 units where there is an identified deficit in the provision of defined categories of open space.
Pitch Sports Provision, Recreation and Leisure	Pitch Sports and built sports facilities provision.	Residential	40 units where the demand from new homes cannot be met by existing sports pitches and facilities.
	Specific on-site requirements to meet the needs of major development sites.	Residential	Major development sites of a strategic nature where the demand from new homes cannot be met by existing sports pitches and facilities.
Climate Change Mitigation and Sustainable Energy	Specific on-site carbon reduction measures to meet the needs of developments.	All development types	All development.
	Requirement to meet at least 10% of energy needs from renewable and/or low carbon energy sources.	All development types	All major development.
	Decentralised renewable and low carbon energy measures.	All development types	Development in Main Development Areas (as identified in Local Plan 2021/22 – 2028/39).

Compensatory Green Belt Improvements	Requirement to provide compensatory improvements in the Green Belt to offset the release of Green Belt land for development.	All development types	All major development on sites being removed from the Green Belt and all major development which is deemed inappropriate in the Green Belt (but very special circumstances are justified).
Flood Protection and Water Management	Specific on-site flood management, mitigation and prevention measures to meet the needs of developments. Off-site contributions may be appropriate to deliver a SuDs or other flood risk management scheme.	All development types	All development in areas at risk of flooding.
	Strategic flood management, mitigation and prevention measures.	All development types	Major development sites of a strategic nature and sites where development would benefit.
Holcroft Moss	Proportionate contribution towards the restoration of Holcroft Moss.	All development types	Any development that would result in increased traffic flows on M62 past the Manchester Mosses of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day.
Biodiversity	Demonstrate a minimum net gain of 10% and secure those gains for a minimum of 30 years.	All development types.	All development (having regard for exemptions specified within national legislation).
Local Employment, Skills and Training	Proportion of construction and end-user jobs to be provided to local residents. Engage local businesses through supply chain.	Residential	Residential developments of 10 units of more (or with a maximum combined gross floorspace of more than 1,000 sqm).

	Proportion of construction and end-user jobs to be provided to local residents. Engage local businesses through supply chain.	Commercial	Commercial developments with a gross floor space of 1,000 sqm or more (or a site area of 1 hectare or more).

1.25 Preparation of the Council's latest SPDs, which are subsequent to the adoption of the Local Plan, have been done so within the context and parameters of the Local Plan Viability Assessments. It is therefore assumed that the requirements set out in this SPD are viable. It is acknowledged that there are new contribution requirements introduced by this SPD. A degree of contingency was built into the Local Plan Viability Assessments to cover unanticipated additional costs. Nevertheless, if viability issues are encountered on a site-by-site basis then developers/landowners will need to provide evidence to fully demonstrate this. As required by Policy INF5 of the Local Plan, developers/applicants will need to submit a viability assessment to justify any change in circumstances since publication of the Local Plan Viability Assessment documents (2021 and 2022) and this will be reviewed by the Council at the cost of the applicant.

2. DEVELOPER CONTRIBUTIONS

2.1 Affordable Housing

- 2.1.1 The NPPF (2023) (in paragraphs 61-65) sets out that local housing need assessment should be undertaken to establish the size, type and tenure of housing needed for different groups and that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site as a priority. This position is set out in Policy DEV2 of the adopted Local Plan.
- 2.1.2 The purpose of this section of the SPD is to supplement Policy DEV2 and provide additional information regarding the requirements.

PO1 Affordable Housing

In residential development of 10 dwellings or more, or where the site has an area of 0.5 hectares or more, affordable housing should be delivered on-site in accordance with Policy DEV2 of the adopted Local Plan. Off-site provision of affordable housing will only be permitted in exceptional circumstances as set out in this SPD. Any off-site contribution will be calculated as set out below.

Monitoring First Homes - When First Homes are delivered they should be maintained as such in perpetuity. The Council will seek an additional contribution towards a monitoring fee to ensure that First Homes are delivered and maintained as such. The details of how this fee is to be calculated are set out below.

There are a number of Designated Protection Areas (DPAs) in the Borough. These are national designations which are in place to ensure that rural affordable housing, specifically grant-funded shared ownership properties, remains in the ownership of local people. The restrictions set out below will apply in such areas.

- 2.1.3 The threshold, tenure and level of affordable housing provision is set out in Policy DEV2 of the Local Plan (2021/22 to 2038/39). A lower level of provision will only be accepted in exceptional circumstances and demonstrated with a viability assessment submitted alongside a full planning application or a reserved matters application. Lower levels of provision will not be accepted as part of outline planning applications – justification is not considered acceptable at this stage given the time period between an outline application and subsequent reserved matters application and the change in circumstances over this period.
- 2.1.4 Affordable housing should be delivered on-site. Only in exceptional circumstances will a financial contribution in lieu of on-site provision be acceptable and this would need to be robustly justified in accordance with the National Planning Policy Framework. This may include the following:
- On-site affordable housing is in the wrong location for an identified affordable housing need and the financial contribution will be beneficial to help provide affordable housing elsewhere.
 - Where there is already a dominance of a particular type of affordable housing in the immediate area.
 - The location of the development is not in a sustainable location, particularly in relation to access to key services such as health, education, public transport and local shops.
 - Where there is a demonstrable lack of interest in a Registered Provider purchasing the affordable housing properties.
 - It has been clearly demonstrated by the applicant that viability constraints prevent affordable housing from being provided on-site.
- 2.1.5 Where exceptional circumstances exist and where the Council is satisfied that it would deliver a better more sustainable outcome, off-site provision will be considered.

- 2.1.6 Where it is agreed that circumstances exist to justify the use of a commuted sum, the money will be spent on the provision of new affordable housing on suitable sites elsewhere in the Borough. The Council may also use commuted sums in the form of bridging funds to subsidise the provision of rented units by a Registered Provider.
- 2.1.7 The level of commuted sum sought will reflect the developer subsidy which would have been required had provision been made on-site. This will ensure that there is no difference in the level of contribution towards affordable housing between on and off-site provision.
- 2.1.8 It will be the responsibility of the developer to calculate the value of the commuted sum in agreement with the Council. The developer will first be required to establish what would have been the value of a policy compliant provision of on-site affordable housing within the planning application site, based on what a Housing Association would reasonably expect to pay. The calculation of these values will need to be based on Warrington's Local Housing Allowance for the rented proportion of the affordable housing and take into account local market values for the intermediate proportion. The commuted sum can then be calculated as the difference between the open market value and the discounted value of the affordable housing units.
- 2.1.9 Where a developer is unable to identify a Registered Provider to take responsibility for housing units they must provide satisfactory evidence to the Council who will then have an option to acquire it prior to the developer resorting to the payment of a commuted sum.
- 2.1.10 Payment of commuted sums will be required prior to first occupation of a development or, on a phased basis where this is deemed appropriate on larger schemes.
- 2.1.11 Subject to limited circumstances, for example, where an owner of a shared ownership home has staircased up to 100 per cent ownership, Section 106 Agreements will contain a planning obligation requiring affordable housing to be secured in perpetuity. In addition, for certain types of Affordable Housing, for example, discount market housing, a restriction on title will be imposed.

First Homes

- 2.1.12 The Government's First Homes scheme came into force on 28 June 2021 and requires that First Homes must make up 25% of affordable housing provision on all sites. As set out in the Local Plan (2021/22 – 2038/39), First Homes must be discounted by a minimum of 30% against market value and this is to be increased to 40% in parts of the Borough which are south of the Manchester Ship Canal.
- 2.1.13 When First Homes are delivered they should be maintained as such in perpetuity. The Council will seek an additional contribution towards a monitoring fee to ensure that First Homes are delivered and maintained as such. This is set as a flat fee of £1,000 per development, payable on first occupation, and will be subject to review.
- 2.1.14 The provision of First Homes must also conform with eligibility criteria, as set out in [PPG](#), and as updated.

Designated Protection Areas

- 2.1.15 There are a number of Designated Protection Areas (DPAs) in the Borough as set out by the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 (<https://www.legislation.gov.uk/uksi/2009/2098/contents/made>). The areas are mapped and can be viewed here: <https://digitalservices.homesengland.org.uk/designated-protected-areas/>. These are:
- Burtonwood and Westbrook Civil Parish
 - Appleton Civil Parish
 - Culcheth and Glazebury Civil Parish
 - Lymm Civil Parish
 - Walton Civil Parish
 - Winwick Parish
 - Stretton Parish
 - Rixton and Glazebrook Parish
 - Hatton Parish
 - Croft Parish

- Cuerdley Parish

2.1.16 These are national designations which are in place to ensure that rural affordable housing, specifically grant-funded shared ownership properties, remains in the ownership of local people. In such areas, providers are required to offer grant-funded shared ownership properties with a lease that contains provisions either to restrict staircasing to no more than 80% or, in instances where the leaseholder is permitted to acquire more than 80%, there is an obligation on the landlord specified in the lease that commits them to repurchase the property when the leaseholder wishes to sell. These requirements will be included in Section 106 Agreements where relevant.

2.1.17 DPA restrictions can be waived by the Secretary of State in some circumstances, as set out in [DPA Guidance](#). The Council may consider such a waiver in the following circumstances:

- If it resulted in more affordable housing than would be required by policy;
- If it is agreed at Development Management Committee or by the Cabinet Member for Sustainability, Climate Change, Planning and Housing, based on evidence submitted by the developer or Registered Provider.

2.2 Self and Custom Build Homes

- 2.2.1 The NPPF makes provision for people who wish to commission or build their own homes (Paragraph 63). This is further provided for within Policy DEV2 (Part 20) of the Local Plan which commits the Council to ensuring a sufficient supply of plots for self and custom build to meet the need identified on the Council's self and custom build register. This section sets out the requirements in greater detail.

PO2 Self Build
In residential development of 50 dwellings or more, developers are asked to supply at least one plot for sale to private homebuilders or for custom build properties. The requirement will be considered in the context of the Council's self-build register and current level of demand.
For each site where plots are available, those on the Council's self-build register will be contacted by the developer and the opportunity will further be advertised on the Council's website.
The marketing period will vary on a site-by-site basis and will be linked to the occupation of other dwellings on the site. This will be detailed with the relevant Section 106 Agreement.
Self-build and custom housebuilding plots will be secured via Section 106 Agreement. The obligation in the Section 106 Agreement will depend on the approach taken to identifying self-build and custom housebuilding plots on an application site based on the two approaches below. <u>Approach A</u> - where vacant plot(s) are identified in the applicant's approved drawings as being suitable for self-build and custom housebuilding. Where self-build and custom housebuilding plot(s) are to be provided in line with Policy DEV2 the following will be required (and secured via a legal agreement):

- Prior to commencement of development, the plot(s) will be marketed for sale (at a fair market price or lower) to individuals on the Self Build Register (via the Council) and on the open market in accordance with the agreed marketing strategy for the agreed minimum marketing period; and
- Prior to 50% (or another percentage to be agreed with the Council) of all homes on-site being occupied, the plot(s) will have all minimum services and vehicular access provided to base course level; and

If after (whichever is the latest of):

- (a) 2 years from the occupation of 50% of all homes; or
- (b) the sale of all other dwellings within the site,

contracts for the sale of any plots have not been exchanged, the relevant plots may (subject to consent from the Council, and such consent will not be unreasonably withheld) be retained by the landowner and used for alternative appropriate purposes.

Approach B – where a restriction is placed on the construction of specific plot(s) identified on an applicant's approved drawings until the Council has confirmed that construction can commence of the identified specific plot(s). This will be secured via a Section 106 Agreement.

The Section 106 will also secure the following:

Where self-build and custom housebuilding plots are to be provided in line with Policy DEV2 the following will be required (and secured via a legal agreement):

- Prior to commencement of development, the plot(s) will be marketed for sale (at a fair market price or lower) to individuals on the Self Build Register (via the Council) and on the open market in accordance with the agreed marketing strategy for the agreed minimum marketing period; and
- Prior to 50% (or another percentage to be agreed with the Council) of all homes on-site being occupied, the plot(s) will have all minimum services and vehicular access provided to base course level.

Prior to the occupation of 75% (or another percentage to be agreed with the Council) of all homes, the applicant shall provide the Council with evidence of their attempts to market the self-build and custom housebuilding plot(s) (at a fair market price or lower).

If the Council is satisfied that no interest in the self-build and custom housebuilding plot(s) exists, the restriction to construct the specific plot(s) identified on the applicants' drawings as being suitable for self-build and custom housebuilding will be removed and the plot(s) can be constructed for sale on the open market free from any encumbrance to provide self-build or custom housebuilding plot(s).

If after (whichever is the latest of):

- (a) 2 years from the occupation of 50% of all homes; or
- (b) the sale of all other dwellings within the site,

contracts for the sale of any plots have not been exchanged, the relevant plots may (subject to consent from the Council, and such consent will not be unreasonably withheld) be retained by the landowner and used for alternative appropriate purposes.

If the Council is not satisfied with the marketing undertaken by the applicant within either Approach A or Approach B, the applicant will be expected to undertake further marketing.

Key Local Plan policies: DEV2 Meeting Housing Needs

2.2.2 Self and custom build dwellings share the same legal definition as set out in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), and as confirmed in the glossary of the NPPF, as outlined below:

“(A1) In this Act “self-build and custom housebuilding” means the building or completion by— (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

- 2.2.3 To help the Council decide whether a proposed, or completed, home is covered by the above definition, the Council must be satisfied that the initial owner of the home will have (or has had) primary input into its final design and layout. This would mean the applicants will have to provide evidence of the opportunity the initial owner will have (or has had) to input into design process of the self-build dwelling. If the Council is not satisfied that this test has been met, the home will not be considered as being a custom or self-built dwelling.
- 2.2.4 For clarification, a new dwelling would not be classed as a self-build or a custom build dwelling if:
- A developer built a dwelling, and sold it on the open market;
 - The future occupier of the dwelling chose a design for the dwelling from a collection of stock designs offered by a developer;
 - There is no evidence that the future occupier will be able to have (or has had) a primary input into the design of the building, even if the building appears to be a ‘one-off’ bespoke design; or
 - The applicant has submitted a reserved matters application with house design and layout for approval before marketing the plots to self-builders.
- 2.2.5 Self and/or custom build plots do not count towards affordable housing provision.
- 2.2.6 Where a plot is set aside as a self-build or custom housebuilding plot then such a plot must have, or be capable of being provided with, the following:
- (i) a parcel of land with legal access to a public highway; and
 - (ii) water, foul drainage and electricity supply available at the plot boundary.
- 2.2.7 PO2 above sets out two approaches by which the Council will seek to secure plots for self and/or custom build homes. The first approach identifies vacant plots on a development site

specifically for this purpose, the second approach shows plots occupied with standard dwellings but the development of these plots is restricted unless the Council is satisfied that there is no demand for use for custom or self build properties.

2.2.8 Where a planning permission is granted consent, but such consent is restricted in some way so as to ensure the delivery of custom or self-build housing, there may be instances where, despite a landowner using all reasonable endeavors, insufficient interest in purchasing designated custom and self-build housing plots exists. In such instances, the Council accepts that the best overall outcome would be for such plots to be released from their obligation to be custom and self-build housing, and instead come forward for alternative development (e.g. market housing). However, the Council is mindful that developers could use such acceptance to their advantage, by placing barriers to the sale or delivery of self-build and custom housebuilding plots, so that the obligations to provide such dwellings are removed and more profitable market housing provided. The provisions of PO2 seek to avoid such a scenario.

2.2.9 The Council is, however, mindful that there may be site specific considerations and therefore the approach to triggers and thresholds may be modified subject to agreement. In particular, the marketing period for self-build plots will be tailored to the size and nature of the overall scheme – if there are more homes overall then a longer marketing period will be required.

2.2.10 As a minimum, unless otherwise agreed with the Council, the marketing strategy should include:

- Information about the plot (location, size, topography, soil/ground conditions, photographs, service connection points, drainage) including if applicable indicative options for internal layouts and a breakdown of the customisations available;
- Information about the planning permission and the process of approving details;
- Details of the Self-Build/Custom Build Plot Value (to be agreed with the Council);
- Details of the method(s) of marketing and how/where marketing information can be accessed by customers;

- Marketing agent contact details;
- High quality downloadable and printable sales brochures;
- Details of all websites and portals upon which the plots will be listed;
- A development for sale board erected at the entrance to the Site;
- Appropriate advertising within the onsite marketing suite;
- The media and PR strategy;
- The sales process including the timeline;
- The plot viewing process;
- A monitoring method statement setting out how information on plot sales will be monitored and fed back to the Council on 3 monthly intervals from commencement of marketing and on the basis that the Owner or end-user may obtain Reserved Matters Approval or full planning approval for the Self-Build/Custom-Build Dwelling as part of the arrangements to be agreed between the Owner and the end-user.

2.2.11 With regard to self-build/custom build plot value, this will need to be agreed with the Council in advance of marketing.

2.2.12 Self build plots will only be released for alternative uses if the Council is satisfied that the marketing strategy has been carried out effectively.

2.3 Education

- 2.3.1 The Local Plan seeks to ensure that future growth in Warrington is supported by the timely delivery of necessary infrastructure required to support development, as set out in the IDP. Policy INF4 in particular seeks to ensure that adequate new community facilities are provided, including schools and other educational establishments.
- 2.3.2 Increase in demand for school places is a significant pressure on existing levels of provision at both primary school and secondary school level and in provision for early years, post-16 and Special Educational Needs and Disabilities (SEND). New development in the Borough will place further pressure on the Borough's education facilities and it is essential that increased demand is planned for as early as possible.
- 2.3.3 It is particularly important for families with children of primary school age to be able to access a school place for their children locally without having to travel significant distances and there will be a general presumption that the need for any education provision of this type arising out of new development will be provided within the immediate local area and be accessible by walking.
- 2.3.4 Within Warrington, specific school areas have been identified for the purposes of pupil place planning which will be used when assessing available capacity and the need to provide for any increased provision arising from proposed new residential development.
- 2.3.5 There are two elements of planning obligations relating to education provision. Firstly, to mitigate the impact of development on the existing level of education provision in the area local to the site; and secondly where there is the need to secure land for a new school as part of larger-scale development, including combining the impact of a number of developments in one particular area. The requirements set out below are in accordance with the Department for Education's (DfE) Securing Developer Contributions for Education, August 2023.

PO3 Education
Residential developments of 10 dwellings or more, or on sites of 0.5ha or more, will be required to provide a contribution in order to secure delivery of appropriate enhancements to existing education facilities in the local area where there is insufficient existing or forecast capacity to meet the increase in school age children, including provision for early years, post-16 and SEND, generated by the development.
The contribution will be calculated by multiplying the number of school age children arising from a development for which capacity does not currently exist or is forecast not to exist against the cost of providing the required places. This will be determined using the Department for Education (DfE) Pupil Yield Dashboard and the latest costs provided in the local authority school places scorecards published on the DfE's website.
For large scale development proposals where the unmet need arising from the development justifies the delivery of a new school, the Council will seek to secure land at zero cost (having regard to equalisation between landowners) as part of the overall development proposal.
Contributions will be phased appropriately to ensure the delivery of school places as early as possible.
Key Local Plan policies: INF4 Community Facilities and supported by the IDP

Enhancing existing education provision

- 2.3.6 Planning contributions will be sought in connection with proposed housing developments of 10 or more units of 2 bedroom or greater (or on sites of 0.5ha or more) where the new housing will generate a need that cannot be met by existing local facilities, as identified within the Council's latest school capacity and forecasting data. Development proposals for student dwellings or housing for older people will be exempt from this requirement.

2.3.7 Consideration of the following two factors will indicate the degree of any shortfall in provision:

- i) The number of pupils expected to be generated by the proposed development, having regard specifically to the number of units which are 2 bedrooms or greater. In order to calculate this figure, the Council will use the Department for Education's Pupil Yield Dashboard: <https://department-for-education.shinyapps.io/pupil-yields-dashboard/>
- ii) The projected position in relation to the supply and demand situation for school places within a reasonable distance of the proposed development for primary school, secondary school, early years, post-16 and SEND provision.

2.3.8 For primary and secondary school provision, the level of contribution sought will then be calculated by multiplying the number of primary and secondary school pupils for whom capacity does not currently exist, or is forecast not to exist, against the cost of providing a primary and secondary school place. The cost of school places will be taken from the latest local authority school places scorecards published on the DfE's website: <https://explore-education-statistics.service.gov.uk/find-statistics/local-authority-school-places-scorecards>.

2.3.9 Contributions towards early years provision, post-16 provision and SEND will be requested where capacity does not currently exist, or is not forecast to exist. For early years, regard should be had for private sector delivery in recognition of the fact that not all early years provision will be delivered through the public sector. Contributions will be calculated in line with the latest local authority school places scorecards, with early years provision being aligned with the cost of primary school places and post-16 provision aligned with the cost of secondary school places. The cost of SEND places will be calculated on a case-by-case basis depending on the particular type of provision required.

2.3.10 Education contributions will generally be sought as a single payment. The Council may seek contributions on a phased basis on larger sites in a manner which will most effectively

deliver the educational provision that is required. This will be considered on a site-by-site basis.

- 2.3.11 Developer contributions may be pooled in order to meet overall education needs, provided they would be directly related to the development, acceptable in planning terms and fairly and reasonably related in scale and kind to the development, in accordance with the legal test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Strategic Development Requirements

- 2.3.12 The Council will seek to secure the land necessary to deliver a new school as part of an overall development proposal, at no cost to the Council, where a development proposal is of such a magnitude that unmet demand would justify the delivery of a new school and where there are no alternative deliverable options to unmet demand through expansion of existing schools or through provision of a new school(s) elsewhere which could serve the development.
- 2.3.13 The mechanism for delivering a new school will need to be agreed with the Council's Family and Wellbeing Directorate as part of the pre-application process, taking into account the requirements set by the Department for Education. This will then be reflected in the S106 agreement.
- 2.3.14 Where land is being provided, the Council will seek to secure a financial contribution for the school's construction in line with the latest local authority school places scorecards using costs which are relevant to new build schools (rather than extensions to existing schools), subject to viability. Where the land provided will accommodate a school which is larger than the demand generated from the development the value of the additional land will be offset against the financial contribution sought. Development on neighbouring land may be asked to contribute to the new school facility proposed. Where land is provided by a developer or landowner for the purpose of delivering a new school, the Council will seek to ensure that equalisation is considered in order that contributions between different parties are made on a fair and equitable basis.

2.4 Transport and Travel

- 2.4.1 The provision of a safe, accessible, efficient, sustainable and integrated transport network is important to ensuring everyone has access to services within and outside the Borough. The Council is committed to promoting high quality public transport services and delivering an attractive, well-designed street network that reduces the need for travel by private modes of transport and encourages active travel. This is set out clearly within the Local Plan and the Local Transport Plan 4 (LTP4).
- 2.4.2 New Development in the Borough will place additional stress on the existing transport and highway infrastructure – in terms of the existing capacity of roads, cycle infrastructure and public transport services. Aside from mitigating a development's direct impact on existing infrastructure, new development should seek to reduce travel demand in the first instance wherever possible.

PO4 Transport and Travel
Planning obligations relating to site specific highway and transport works will be sought for all types of development where there is an impact on the transport network.
Planning obligations will be sought to ensure that new development allows for modal shift and reduces reliance upon private vehicles.
Planning obligations to address the cumulative impacts of a development on the wider transport network will be sought for Town Centre and major development sites where necessary and to reflect committed programmes and the aims and aspirations of the current LTP.
Influencing Travel Behaviour The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations include but are not restricted to:

- sustainable transport initiatives;
- funding for the monitoring of a Travel Plan;
- provision of a service to prepare an appropriate Travel Plan;
- working with occupiers of the site to implement the Travel Plan;
- implementing measures identified in the Town Centre Travel Plan as outlined in the Warrington Town Centre SPD.

Transport and Travel Infrastructure

The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations include but are not restricted to:

- committed transport/highway improvement schemes;
- provision or improvement of active travel infrastructure;
- the provision or alteration of an access to a site;
- improved cycle and pedestrian access;
- the provision of controlled pedestrian and cycle crossings;
- the upgrading of roads through reconstruction and resurfacing (though not continued maintenance if the facility is for the wider public benefit);
- the provision of traffic management features to control traffic;
- the provision of improvements to bridleways and strategic greenways and other non-motorised movement;
- other highway/transport improvements that would ensure the safe and efficient flow of traffic and movement of all users.

Public Transport Infrastructure

The Council will seek to secure financial and/or non-financial obligations to mitigate the impact of a development proposal. Such obligations include but are not restricted to:

- the provision of new facilities such as bus shelters, stops or real time passenger information to improve public transport access within the vicinity of the site;
- meeting the costs of the re-routing of an existing bus service;
- the provision of new public transport services, including access to rail services and station improvements.

- bus priority measures in line with the Council’s Bus Service Improvement Plan or other improvements to assist public transport efficiency.

Key Local Plan policies and supporting documents: INF1 Sustainable Travel and Transport

Other documents: LTP4. IDP

2.4.3 Policy INF1 of the Local Plan sets out the priorities for modes of travel and transport across the Borough. Where new development or redevelopment is proposed, the developer will be required to work together with the Borough Council, and where necessary National Highways, to consider the adequacy of existing transport facilities and services and to assess any emerging need. The Council, as the Local Highways Authority, will be a key source of information and advice on local transport and highway matters, having particular regard to the Local Plan and the Local Transport Plan. National Highways is responsible for operating, maintaining and improving the strategic road network in England. They will be able to give information and advice if any proposed development connects onto, or might generate a material traffic impact on the trunk road network and the likely connection or enhancement works that would be required as a result of traffic generated by a proposed development.

2.4.4 There are two elements of planning obligations relating to transport and travel. Firstly, the impact of the development in the area local to the site and works required to achieve acceptable access to the development site in particular; and secondly, the impact, either directly or cumulatively, that new and changed patterns of travel related to development will have on the Borough wide transport network. In all cases planning obligations will only be sought that are directly, fairly and reasonably related in scale and kind to the development proposed.

Transport Assessments, Transport Statements and Travel Plans

2.4.5 Policy INF1 of the Local Plan requires a Transport Assessment (or Transport Statement) and Travel Plan (in accordance with national policy and guidance) to be submitted where

developments are likely to have significant transport implications. These documents should be used to:

- Demonstrate that the development will not significantly harm highway safety and that trips generated by the development can adequately be served by Warrington's transport network; and
- Identify where there are any significant effects on Warrington's Transport Network and/or the environment and identify appropriate mitigation measures; including any necessary transport infrastructure needed before the development is used or occupied or any measures required on occupation to influence travel behaviour.

2.4.6 The thresholds for requiring a Transport Assessment, Transport Statement and Travel Plan can be accessed on the Council's website:

<https://www.warrington.gov.uk/transport-highway-planning-and-design-guidance>

2.4.7 *Transport Assessments* are a thorough assessment of the transport implications of development and should include information on bus/rail routes, pedestrian and cycling infrastructure, trip generation, distribution, allocation and junction modelling, servicing and deliveries and any other transport issue related to the site.

2.4.8 *Transport Statements* are a "lighter touch" evaluation to be used where this would be more proportionate to the potential impact of the development. They will often contain sustainable travel information and basic junction assessments as well as information on parking and vehicle routing. However, each document is different and developers are strongly recommended to seek advice if proposing to submit a statement in support of an application. It is recommended that formal pre-application discussions are undertaken; further details are available at:

<https://www.warrington.gov.uk/pre-application-advice>

2.4.9 *Travel Plans* are one of a number of ways of influencing travel behaviour. They are plans produced by a developer or an organisation to manage the transportation needs of users of a site. They aim to reduce car usage, increase the use of public transport, cycling and walking, and deliver sustainable transport objectives. Travel Plans submitted in conjunction

with a planning application can be made binding through the use of a planning obligation. More detailed guidance on the form and content of Travel Plans is set out as a Design Guidance Note on Travel Plans and can be found on the Council's website - <https://www.warrington.gov.uk/transport-highway-planning-and-design-guidance>

- 2.4.10 The expectation is that Warrington Borough Council as the Local Highway Authority will undertake the monitoring of approved travel plans within the Borough. Planning obligations will be sought, where appropriate, to fund the monitoring of Travel Plans by the Local Highway Authority. In addition, the Council may also be able to offer a service to prepare an appropriate Travel Plan, work with occupiers of the site to implement the Travel Plan and to monitor it. Planning obligations may be entered into, where appropriate, for this comprehensive travel planning service. Alternatively, where the Travel Plan has been prepared/delivered (by a developer/owner) implementation costs of the Travel Plan will be secured by the Council as an obligation (effectively a travel bond). Subject to the Council being satisfied that the Travel Plan has been delivered in full at the end of the monitoring period this implementation cost will be returned. If the developer/owner does not meet agreed targets or comply with the agreement, the obligation will be used to implement remedial measures.

Non-strategic Development Requirements

- 2.4.11 Planning obligations will be sought to address site specific requirements to provide safe and satisfactory access arrangements which will need to be identified as part of the Transport Assessment/Transport Statement.
- 2.4.12 Individual developments may cause site-specific impacts on the network, in the local area of the site, which should be directly addressed through the development itself. Developments should provide the necessary additional transport/highway improvements to mitigate the impact of the travel demand they generate. Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated into the design of a development. Planning applications will generally be refused where applicants are unable or unwilling to provide the necessary improvements.

- 2.4.13 *Public Transport* - In accordance with Policy INF1 of the Local Plan, the Council is committed to promoting the use of public transport and will seek to ensure that all development proposals are accessible by public transport. Any development that is likely to create a requirement for significant additional journeys is most likely to be approved if it is located in close proximity of important public transport routes (in accordance with Policy DEV1 of the Local Plan, sites that are considered to be well served by frequent bus or train services are those within 200m of a bus stop which has at least 3 bus services per hour or are within 1,200m of Warrington Central, Bank Quay or Birchwood railway stations). Where this is not the case, it is likely that the Council will impose an obligation for the provision of a new or improved public transport service upon any grant of permission.
- 2.4.14 Subject to local circumstances and existing services, an obligation may include meeting the costs of re-routing of an existing service and/or the provision of new facilities such as bus shelters and stops to improve public transport access within 400m of any part of a development site.
- 2.4.15 Where there is no existing provision nearby, and it is not viable to re-route an existing service, an obligation may be sought to provide a new public transport service. The payment of a one-off sum or a yearly payment will be required to meet the costs of providing the service for a maximum five-year period. Where such an obligation is required, the new public transport service should be introduced on full occupation of the first property within the development.
- 2.4.16 *Cycling, Walking and other Highway Improvements* - As set out in Policy INF1, new development should give a high priority to the needs and safety of pedestrians and cyclists. Improvements to bridleways and greenways or other highway improvements that would ensure the safe and efficient flow of traffic should also be considered. Planning obligations will be used to secure the provision of, or financial contributions towards, off-site works required as identified through Transport Assessments (or Transport Statements). This may include the provision of controlled pedestrian and cycle crossings, upgrading of roads through reconstruction and resurfacing, or the provision of traffic management features to control traffic. Further guidance to help developers with the planning, design and technical

details for transport and highways works associated with new developments in Warrington is available on the Council's website –

<https://www.warrington.gov.uk/transport-highway-planning-and-design-guidance>

Strategic Development Requirements

- 2.4.17 Major development sites of a strategic nature may be required to provide a range of wider transport network improvements in addition to site specific requirements, in order to mitigate the impact of the travel demand generated by the development. This could either be provision of infrastructure by a developer to be transferred to the Council's ownership; provision of land and a commuted sum for the Council to provide the necessary infrastructure/improvements or the provision of a commuted sum for the Council to undertake the necessary works.

Town Centre Sustainable Transport Initiatives

- 2.4.18 The Town Centre boundary is defined in the Local Plan (2021/22 to 2038/39). The Council's approach to sustainable transport in the Town Centre is set out in detail within the Town Centre SPD (2021), which includes the Town Centre Travel Plan. The Travel Plan has been developed to support reduced resident car ownership, reduced commuter car journeys and allow below standard parking provision – indeed the Council has adopted a car free approach in a large proportion of the Town Centre area. Schemes include car club provision to allow subsidised access to a hire car when needed, cycle hire for those who do not own their own, and discounted ticket incentives to use buses and trains.

- 2.4.19 In the event of multiple sites being considered, the pooling of S106 contributions may be appropriate.

Forms in which contributions should be made

- 2.4.20 Any necessary alterations to the transport/highway network within or in the vicinity of new development will be expected to be incorporated within the development proposals and will be secured by condition.

- 2.4.21 The scope of any off-site works required to mitigate site specific impacts of a development will be secured under a S278 Agreement and will be carried out by the Council, or by the developer under the supervision of the Council, with the developer responsible for meeting all costs associated with the design and implementation of schemes. Where new infrastructure is required to be adopted by the Council a commuted sum will be sought from the developer to facilitate this.
- 2.4.22 Where a S278 agreement is insufficient, mitigation will be secured through a S106 Agreement. This will be particularly relevant to developments that are larger in scale or are associated with intensive or increased travel demand. Agreement with Warrington Borough Council, as the Local Highway Authority, on the timing of any infrastructure improvements, or sustainable transport initiatives, will also be secured as part of the S106 or S278 agreement.

2.5 Health Care and Emergency Services

- 2.5.1 The Council's adopted Local Plan, through Objective W4, seeks to provide infrastructure and services to support Warrington's growth and encourage healthy lifestyles. Provision of sufficient health care and emergency services is essential in the creation of vibrant and sustainable communities. This is relevant to existing communities as well as in areas of growth where new communities will be created.
- 2.5.2 The Council is committed to ensuring the timely and co-ordinated delivery of the necessary infrastructure required to support both strategic and non-strategic development, as set out in the IDP.

Health Care

- 2.5.3 The Council continues to work closely with its NHS partners in the preparation of the NHS Strategic Estates Plan for Warrington in the context of the wider Merseyside and Cheshire NHS region. The Estates Plan provides an overview of existing NHS facilities, details committed improvements and provides an overview of capacity of health facilities against planned future housing development across the Borough. Through this work it has been identified that there are parts of the Borough which already have insufficient capacity to provide primary care for new residents and further areas will become progressively more constrained over the period to 2038/39 as new development takes place.

PO5 Health Care

Residential developments of 50 or more units will be required to provide a contribution to healthcare infrastructure where there is insufficient existing capacity. This may be financial contributions to secure the delivery of enhancements to existing facilities, the provision of a new facility and/or on-site provision.

A standard charge of £1,001 per residential dwelling has been defined based on average household size and build cost information. This charge will be reviewed annually and updated in

line with inflation by application of the Build Cost Information Service (BCIS) All In Tender Price Index where appropriate.

For large scale development proposals, which will generate a level of population increase which justifies the delivery of a new health facility, the Council will seek to secure land at zero cost (having regard to equalisation between landowners) to deliver a new facility as part of the overall development proposal.

Key Local Plan policies: INF4 Community Facilities, INF5 Delivering Infrastructure.

- 2.5.4 Planning obligations relating to health provision are usually sought in one of two ways. Firstly, to mitigate the impact of development on the existing level of health provision in the area local to the site through extension, refurbishment and/or reconfiguration of existing facilities. Secondly, where there is the need to secure a new health facility as part of large-scale development of a strategic nature, or where a number of developments coming forward in an area collectively require the delivery of a new facility.

Enhancing existing health provision

- 2.5.5 The Council will seek to secure a contribution from new residential development of 50 units and above where there is insufficient capacity to meet the needs of the increase in population generated by the development.
- 2.5.6 The threshold has been agreed with NHS Partners and is based on an assessment of population generated from new development and the impact of that population on health facilities.
- 2.5.7 The Council and NHS Partners have calculated a standard charge per residential dwelling using the methodology set out below. This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.

- 2.5.8 The current model of primary care provision generally focuses on a shift away from smaller GP practices to larger scale premises that accommodate a range of healthcare services. To meet NHS objectives, an operationally efficient primary healthcare facility should accommodate a minimum of 7,000 registered patients. This equates to approximately four full-time GPs serving 1,750 patients each.
- 2.5.9 In Warrington, based on census data, the average household size is 2.3 people. This means that an average primary healthcare facility serving 7,000 patients would provide for the equivalent of 3,043 housing units.
- 2.5.10 The Department of Health and Social Care (DHSC) publishes Health Building Notes that provide best practice guidance on the design and planning of new healthcare buildings and the adaptation or extension of existing facilities. Health Building Note 11-01: Facilities for Primary and Community Care, indicates a modern four GP practice would typically have a floorspace requirement of 600sqm (an allowance of 150sqm Gross Internal Area (GIA) per 1,750 patients).
- 2.5.11 Where existing premises are in the right location and have the potential for improvement, NHS partners preference is generally for extension and refurbishment of existing facilities to meet the needs arising from new development. NHS partners have provided relevant build costs for extension and refurbishment for use in the calculation. Where healthcare contributions are required for larger and strategic developments (see paragraph 2.5.17 onwards), this may involve alternative build costs depending on the mitigation project(s) identified.
- 2.5.12 Based on the above factors, the contribution per dwelling is calculated as follows:

Population served by surgery = 7,000
Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,043
Total cost of required primary care floorspace = £3,132,032
Cost per dwelling = £1,001

- 2.5.13 The financial contribution per dwelling has been calculated as £1,001. This will contribute to Primary Health Care provision. The approach has been carried forward from the Council's previous Planning Obligations SPD and reviewed in dialogue with NHS partners. Importantly, this updated SPD includes a mechanism for an annual review of build cost data to ensure that health facilities can be delivered.
- 2.5.14 Depending on the scale of development and the nature of local health facilities serving the area, this contribution may be made towards either the provision of new facilities or the extension of existing facilities. There may be circumstances whereby a number of smaller scale projects collectively generate a need for improvement to or extension of an existing facility, or indeed the delivery of a new health centre.
- 2.5.15 Contributions will relate only to the capital cost of health provision. In order to ensure compliance with CIL Regulations the Council, working with its NHS Partners, will identify a specific health project(s) for which the contribution will be used.

Larger and strategic development requirements

- 2.5.16 For larger development sites or areas, these will be dealt with on a case-by-case basis and the Council will work closely with NHS partners to identify appropriate mitigation measures and developer contributions.
- 2.5.17 An assessment will first be made as to whether existing facilities in the surrounding area can accommodate the increase in patients arising from the development. Where a development proposal would result in an increase in population which cannot be accommodated by existing health provision, developer contributions will be sought towards refurbishment, reconfiguration or extension of existing facilities. Where development is of such a magnitude that it would justify the delivery of a new health centre, the Council will seek to deliver a new facility as part of the overall development proposal. The Council will seek to secure the land at zero cost and then secure contributions towards the delivery of a health centre. Where the land provided will accommodate a health care facility which is larger than the demand generated from the development the value of the additional land will be offset against the financial contribution sought.

Specialist and older persons housing

- 2.5.18 Development proposals for specialist and older persons housing can comprise a range of types, including sheltered accommodation, residential care homes, extra care and adaptable homes. These developments could have significant impacts on the demand for healthcare infrastructure. Such schemes will be dealt with on a case-by-case basis, taking into account the unique characteristics of the scheme. The Council will work closely with NHS partners to identify appropriate mitigation measures and developer contributions.

Emergency Services

- 2.5.19 The Council will consider securing planning obligations for emergency service, including for Cheshire Constabulary, on residential developments of 50 dwellings or more where a demonstrable need can be evidenced in line with the CIL Regulations. Contributions will be sought towards capital costs only.

Forms in which contributions should be made

- 2.5.20 Where a financial contribution is being sought to enhance existing facilities, or land is being provided for a new facility, these will be secured through a S106 Agreement.

2.6 Green Infrastructure and Open space

- 2.6.1 Green Infrastructure is the term that refers to the Borough's collective network of green spaces and environmental features. For green infrastructure to keep pace with development it is important that those proposals which will place increased demand on assets contribute to upgrading the capacity and quality of the network. In order to provide a range of facilities which meet the recreational needs of the Borough's residents, the Council will have regard to the need to make the best use of existing social and environmental infrastructure within existing settlements and ensure additional provision where needed to support development.
- 2.6.2 The overarching Local Plan policies relating to the provision of green infrastructure and open space are INF5 Delivering Infrastructure, DC1 Warrington's Places, DC3 Green Infrastructure and DC5 Open Space, Sport and Recreation Provision which seek to:
- protect the existing level of provision and the functions that it performs;
 - improve the quality of existing provision, including local networks and corridors specifically to increase its attractiveness as a sport, leisure and recreation opportunity and its value as a habitat for biodiversity;
 - secure new provision in order to cater for anticipated increases in demand arising from development particularly in areas where there are existing deficiencies assessed against standards set by the Council; and
 - provide long-term management arrangements for new and enhanced green infrastructure within development sites.

PO6 Green Infrastructure and Open Space

Planning obligations for open space will be sought for residential development of 40 units or more.

Provision of open space will be sought on-site as a priority in accordance with the Council's open space standards.

Where it isn't possible to provide this on-site, for example on sites in the Town Centre or other areas where high density development is expected, the Council may seek a financial contribution to provide off-site open space or to improve existing open space, dependent upon the quantity and quality of existing provision in the local area.

Development of any type (residential or non-residential) that would result in a direct loss of open space, and which is in a location where a deficiency already exists or would be created as a result of the proposed development, will not be permitted unless new, expanded or enhanced open space provision can be provided to compensate for the loss.

Key Local Plan policies: INF5 Delivering Infrastructure, DC1 Warrington's Places, DC3 Green Infrastructure and DC5 Open Space, Sport and Recreation Provision

2.6.3 The Open Space, Sport & Recreation Assessment 2023 (OSSRA)

(<https://www.warrington.gov.uk/evidence-base-open-space-and-recreation-provision>), approved by the Council's Cabinet on 11th September 2023, will be used to determine what open space, sports and recreational provision is required. The OSSRA includes the Open Space Report (OSR), Playing Pitch & Outdoor Sport Assessment Report (September, 2022) (PPOSA), Playing Pitch & Outdoor Sport Strategy (March, 2023) (PPOSS), Indoor & Built Sport Facilities Needs Assessment (August, 2022) and Indoor & Built Sport Facilities

Strategy (January, 2023). Collectively these documents provide an up-to-date position of the levels of provision across the Borough.

The Open Space Report (OSR)

- 2.6.4 The OSR provides an assessment of the quantity, quality and accessibility of the different typologies of open space provision across the Borough on the basis of localised analysis areas (consisting of grouped electoral wards that are used for other work streams) along with details of surpluses and deficits of the various types of open space based on the standards set out in Figure 1.

Figure 1 – Open Space Typology Standards

Open Space Typology Standards			
Typology	Quantity Standard (hectares per 1,000 population)	Accessibility Standard (metres)	
		Site Size (hectares)	Catchment (metres)
Equipped Play	0.25	LAP	100m
		LEAP	400m
		NEAP	1,000m
		Other (MUGA/Skate Park)	700m
Amenity greenspace	0.60	Sites over 0.2ha	480m
Parks & Gardens	0.80	Sites below 0.5ha	400m
		Sites 0.5 to 15ha	710m
		Sites over 15ha	1,200m
Natural/semi-natural greenspace	1.8	Sites over 2.0ha	300m
		Sites over 20ha	2,000m
		Sites over 100ha	5,000m
Allotments	0.25	All sites	1000m
			15 minute drive

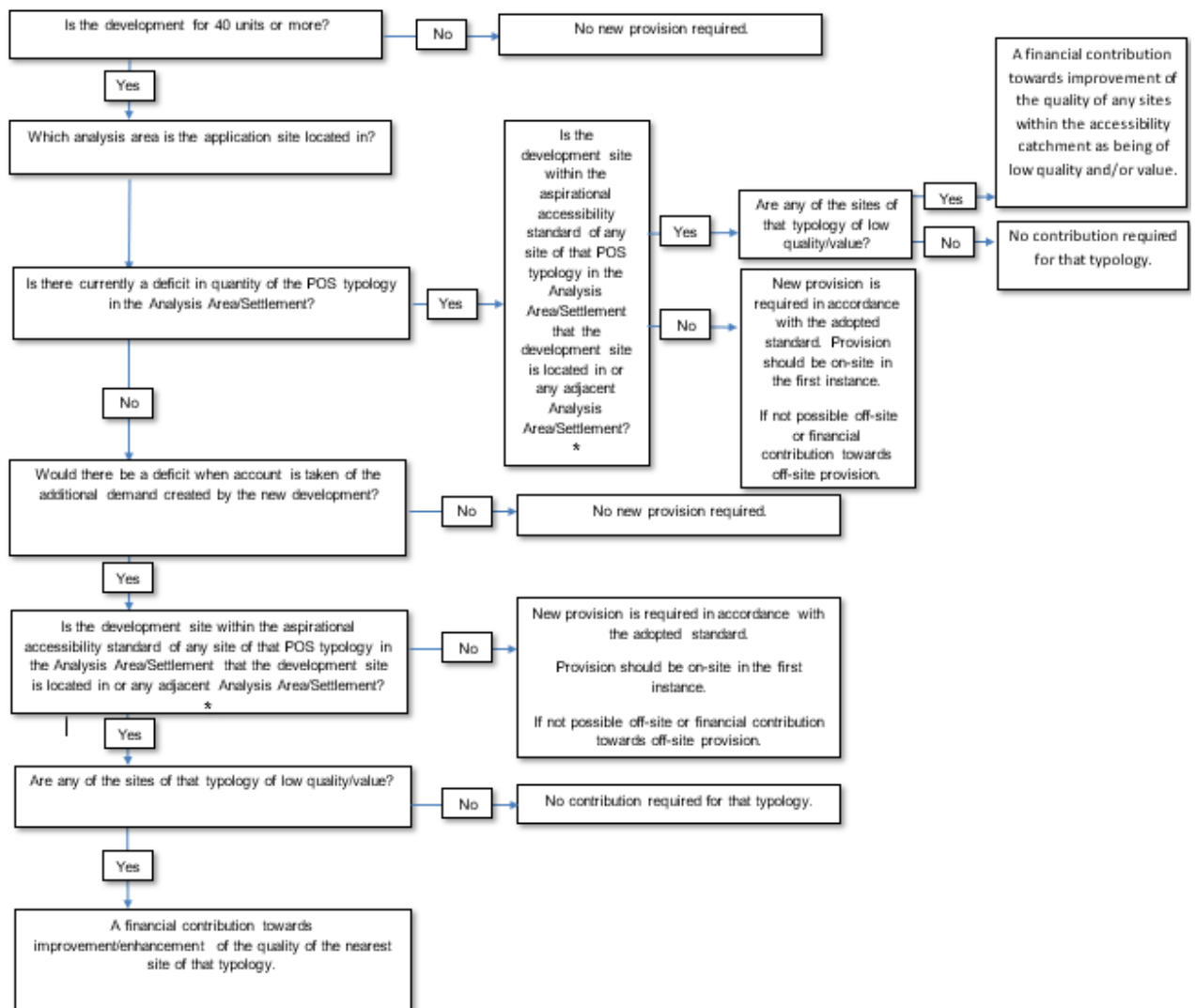
Source: WBC Open Space Report (2023)

NOTE: The Open Space standards for quantity and accessibility contained in the table above relate to those used for assessing levels of provision in the recent Open Space Report (2023) and in some cases are different

to those quoted in the Local Plan (Table 7, Page 133). This is because the standards used in the Open Space Report are based on the most recent FiTs standards, which have been revised since the Local Plan was submitted for examination.

- 2.6.5 The process for determining whether public open space provision or contributions will be required is outlined in the flow chart contained in Figure 2.

Figure 2 – Flow Chart to determine Open Space Requirements



* when considering the accessibility of sites to existing POS this will take into account any physical restrictions, such as main roads, railway lines and waterways.

- 2.6.6 The first step in determining whether a contribution/provision is required is to identify whether there is a deficit in quantity of that typology in the analysis areas as defined by the OSSRA.
- 2.6.7 If there is no deficit in quantity in the analysis area then the accessibility of existing provision should be assessed against the aspirational accessibility standards for the relevant typology that are expressed in the OSSRA. If there is existing provision within the relevant distance of the proposed development then new provision will not be required. If not then new provision will be required in accordance with the adopted standards.
- 2.6.8 If there is no deficit in quantity and accessibility then a financial contribution will be required for the improvement of any of the sites within the accessibility catchment that are identified as being of low quality and/or low value for each typology.
- 2.6.9 Development proposals involving the creation of new equipped play provision or resulting in enhancements to existing provision should follow the design guidance contained in **Appendix 1** and also the provisions within the Warrington Design Guide SPD. Such provision should be carefully incorporated with the overall design of the residential scheme with the onus being on developers to avoid simply utilising 'left over space' and instead ensure that the site is well laid out, accessible and has a reasonable separation distance from dwellings both on and adjacent to the site to avoid harm to residential amenity. Where there is the potential for generation of significant provision of various typologies, it may be appropriate to look at splitting the provision across the development site to ensure all residents have access to open space provision. On-site provision should be of a size and shape to enable it to hold recreational value rather than simply landscape value.
- 2.6.10 Further design guidance on natural and semi-natural Green Space is set out in The Mersey Forest Plan 2014:
<https://www.merseyforest.org.uk/about/plan/>

- 2.6.11 In addition to its recreational benefits some open space could be designed to allow for flood storage purposes. Provision of natural/semi-natural green space within new developments should explore opportunities for incorporating sustainable drainage where appropriate/necessary. For example, by creating a wetland, retention pond or simply an area that provides flood storage during extreme events. Further guidance is provided in the Flood Protection and Water Management section 2.10 of this SPD and also in the Warrington Design Guide SPD.
- 2.6.12 Where new open space is proposed, provision of litter bins and other appropriate ancillary uses, including the servicing of such facilities, must be fully demonstrated and committed to by the developer, in agreement with the Council.
- 2.6.13 Provision of open space within developments should also have regard for the provision high quality public realm and the provision of public art where appropriate. Further details as to the Council's requirements in this regard are provided in the Warrington Design Guide SPD.

Forms in which contributions should be made

- 2.6.14 Any necessary on-site provision for new development will be expected to be incorporated within the development proposals and will be secured by condition.
- 2.6.15 Where a financial contribution is being sought to provide off-site open space or improve existing open space this will be secured through a S106 Agreement.
- 2.6.16 The Council's preference is for the developer to take on the responsibility for the management and maintenance of any new open space. Where a developer is proposing to manage/maintain public open space this will be secured through appropriate conditions and/or S106 Agreement. Where the Council will be adopting the open space, the Council will seek to secure a contribution for ongoing maintenance through a S106 Agreement.
- 2.6.17 Where there is a cumulative need arising from a number of sites coming forward in an area, there may be a solution where these needs are combined and dealt with collectively

in a more effective manner. The Council will provide guidance on this on a site-by-site basis.

2.7 Pitch Sports Provision, Recreation and Leisure

- 2.7.1 The objectives of the Local Plan include; providing sport, recreational and cultural facilities in sustainable locations which are accessible for all by modes of transport other than the private car (Policy DC5 Open Space, Sport and Recreation Provision) and ensuring the timely and co-ordinated provision of high quality infrastructure that supports future growth (Policy INF1 Sustainable Travel and Transport).

PO7 Pitch Sports Provision, Recreation and Leisure

Planning obligations relating to pitch sports and built sports facilities will be sought on residential developments of 40 units or more where existing facilities have insufficient capacity to serve the increase in population arising from the development.

Where a financial contribution is sought for upgrading existing sports pitches, this will be defined based on the scale of increased use likely to arise from the development proposal and the specific improvement the Council is seeking to implement using information set out in the Playing Pitch & Outdoor Sport Assessment Report (2022) and associated Strategy & Action Plan. Financial contributions will be secured by S106 Agreement.

Where a financial contribution is sought for upgrading indoor sports and recreation provision, this will be defined based on the scale of increased use likely to arise from the development proposed and the specific improvement the Council is seeking to implement using information set out in the Indoor & Built Sports Facilities Needs Assessment (2022) and associated Strategy & Action Plan. Financial contributions will be secured by S106 Agreement.

For strategic development proposals where the unmet need justifies the delivery of new pitches or built leisure or recreation facilities, the Council will seek to secure these facilities as part of the overall development proposal.

Key Local Plan policies: DEV5, INF4, INF5, DC1, DC3, DC5.

- 2.7.2 The overarching Local Plan policies relating to the provision of pitch sports, recreation and leisure are DEV5, INF4, INF5, DC1, DC3 and DC5 which seek to:
- ensure sufficient access to leisure, recreation and community facilities, community facilities to all residents within the Borough;
 - improve the quality of existing provision, specifically to increase its attractiveness as a sport, leisure and recreation opportunity; and
 - secure new provision in order to cater for anticipated increases in demand arising from development particularly in areas where there are existing deficiencies assessed against standards set by the Council.
- 2.7.3 The Playing Pitch & Outdoor Sport Assessment Report (2022) and the Playing Pitch & Outdoor Sport Strategy (2023) have been prepared in line with paragraph 97 of the NPPF and in accordance with Sport England's "Playing Pitch Strategy Guidance 2018" and Planning for Sport Guidance 2021 to reflect current best practice for the analysis of provision of sports facilities.
- 2.7.4 Contributions towards pitch sports and built sports facilities will be sought on residential developments of 40 units or more where existing facilities have insufficient capacity to serve the increase in population arising from the development. Where a financial contribution is sought for upgrading existing sports pitches, this will be defined based on the scale of increased use likely to arise from the development proposal and the specific improvement the Council is seeking to implement using information set out in the Playing Pitch & Outdoor Sport Strategy and secured by S106 Agreement.
- 2.7.5 Where a contribution is sought for upgrading indoor sports and recreation provision, this will be defined based on the scale of increased use likely to arise from the development proposal and the specific improvement the Council is seeking to implement using

information set out in the Indoor & Built Sports Facilities Needs Assessment (August, 2022) and Indoor & Built Sport Facilities Strategy (January, 2023) and secured by S106 Agreement.

- 2.7.6 For strategic development proposals where the unmet need justifies the delivery of new pitches or built leisure or recreation facilities, the Council will seek to secure these facilities as part of the overall development proposal.
- 2.7.7 Where there is a cumulative need arising from a number of sites coming forward in an area, there may be a solution where these needs are combined and dealt with collectively in a more effective manner. The Council will provide guidance on this on a site-by-site basis.

Playing Pitch & Outdoor Sports Assessment and Strategy

- 2.7.8 The Playing Pitch & Outdoor Sports Assessment (PPOSA) has assessed existing pitch provision for both natural and artificial grass playing pitches and estimated the likely future demand for pitches on the basis of localised analysis areas (consisting of grouped electoral wards that are used for other work streams). The Playing Pitch & Outdoor Sports Strategy (PPOSS) provides the strategy for meeting the future needs and recommendations relating to individual sites that have issues and a framework for the maintenance and improvement of existing provision and ancillary facilities for the life of the Local Plan.
- 2.7.9 The assessment identifies and assesses the provision of the following sports:
- Football
 - Third Generation Turf (3G) Artificial Grass Pitches (3G AGPs)
 - Cricket
 - Rugby Union
 - Rugby League
 - Hockey
 - Athletics
 - Tennis
 - Bowls
 - Cycling

- Golf

Indoor & Built Sports Facilities Needs Assessment and Strategy

2.7.10 The Indoor & Built Sports Facilities Needs Assessment (August 2022) provides a clear understanding of facility needs locally, taking into consideration all the provision that currently exists in Warrington (supply) and cross-referencing this with the current and future needs of the Borough's population (demand). The key findings for each type of facility, in terms of quantity, quality, accessibility and availability, are summarised at the end of each chapter. The associated Strategy and Action Plan provides a comprehensive assessment of the current level of facilities available and future supply and demand needs for facility provision. It delivers a clear evidence base and recommendations to inform future development and/or consolidation of facilities, partnership development opportunities and funding applications.

2.7.11 The assessment identifies and assesses the provision of the following sports facility types:

- Sports halls
- Swimming pools
- Health and fitness suites
- Squash
- Indoor bowls
- Indoor tennis
- Other sports facilities (e.g. indoor rowing, gymnastics etc.)

Forms of development that will be required to make a contribution towards Pitch Sport and Built Sports Facilities

2.7.12 Development comprising 40 dwellings or more will be required to make a contribution towards sports facilities.

Assessment of Pitch Sport and Built Facility Requirements

2.7.13 The general approach to assessments of both pitch and built sport facility requirements resulting from development proposals is the same as for open space provision.

2.7.14 Whilst the latest versions of the documents will form the basis of any assessment, account will also be taken of any more recently secured provision from other nearby developments.

2.7.15 Playing Pitch Provision - Additional new pitch provision will not necessarily be required to be provided on-site as it may be that it could be provided in existing open space that is under-utilised or where improvements to existing provision would best serve the demand. Where this is the case, a financial contribution will be sought and secured through S106 Agreement. The contribution will be defined based on the scale of increased use likely to arise from the development proposal and taking into account the specific improvement the Council is seeking to implement. Where sports pitch provision is to be located on-site, the Council's preference is for the developer to take on the responsibility for management and maintenance. In exceptional circumstances where the Council agrees to take over the responsibility for management and maintenance of the provision, a financial contribution will be required towards future maintenance costs. Where a developer is proposing to manage/maintain sports pitches, this will be secured through appropriate conditions and/or S106 Agreement. Any new area of playing field should meet the requirements set out in Sport England's Playing Pitch Strategy Guidance 2018.

2.7.16 Built Facility Provision - Where an improvement is required to an existing facility, the level of financial contribution sought will be defined based on the specific improvement the Council is seeking to implement taking into account the scale of increased use likely to arise from the development proposal and secured through S106 Agreement. Where major development sites of a strategic nature would result in an increase in demand which could not be accommodated within existing facility(s) and is of such a level that it would require the delivery of a completely new facility, the Council will seek to secure the delivery of the new facility as part of the overall development proposal. The mechanism for delivering a new facility will need to be agreed with the Council as part of the pre-application process. This will then be reflected in the S106 agreement.

2.7.17 Where financial contributions are to be sought to enhance existing provision, the scale of any contributions to meet the additional demand created from a proposed development will be established using the Sport England Playing Pitch and Sports Facility Calculators.

2.7.18 The Council will require that both new and existing pitches have appropriate drainage features and they have regard to the Climate Emergency declared by the Council in 2019.

2.8 Climate Change Mitigation and Sustainable Energy

- 2.8.1 There is global recognition that action must be taken against climate change in order to avoid catastrophic outcomes for present and future generations. The UK Government is committed to reducing greenhouse gas pollution to “net zero” by 2050, and to staying within a series of five year “carbon budgets” as stepping-stones on route to this target.
- 2.8.2 The Council is committed to address the climate emergency by limiting greenhouse gas pollution and protecting and enhancing natural carbon stores in line with scientific evidence and wider international and national policy. The recommended path for Warrington is for annual reductions of 13.7 % to reach near zero emission by 2041. The Council’s broad approach is set out in its Climate and Sustainability Policy (<https://www.warrington.gov.uk/sites/default/files/2023-07/Climate%20and%20sustainability%20policy%202022.pdf>) and detailed in its Climate Emergency Action Plan (<https://www.warrington.gov.uk/sites/default/files/2023-08/Climate%20Emergency%20Action%20Plan%202023.pdf>). Both the policy and plan support the Boroughwide Climate Emergency Strategy (<https://www.warrington.gov.uk/climate-emergency-commission>).
- 2.8.3 The planning system has a vital role in meeting climate objectives including helping to reduce greenhouse emissions from development. It is important that new developments are compatible with "net zero" objectives, if we are to limit the impacts of climate change and avoid future costs.
- 2.8.4 The Local Plan (2021/22 to 2038/39) acknowledges the transformation needed in Warrington over the Plan period with a focus on minimising carbon emissions, and transitioning to renewable energy and decentralised energy networks, such as district heating networks. The Local Plan anticipates that new development will be built to the highest levels of energy efficiency and the Borough will be at the cutting edge in the use of new green technologies. Any new developments coming forward are expected to conform to this principle, with the major new urban extensions providing significant opportunities to deliver a step change in sustainability.

- 2.8.5 Objective W6 of the Local Plan highlights the need to minimise the impact of development on the environment through the prudent use of resources and ensuring development contributes to reducing carbon emissions. Policy ENV7 sets out requirements in relation to sustainable energy development and requirements for all development more widely to reduce emissions and meet at least 10% of their energy needs from renewable sources.

PO8 Climate Change Mitigation and Sustainable Energy
All proposals for new development for housing, employment or other uses should demonstrate how they minimise carbon emissions.
Major development in all locations outside of the Main Development Areas identified within the Local Plan (2021/22 to 2038/39) are required to meet at least 10% of their energy needs from renewable and/or other low carbon energy sources.
Developments in the Main Development Areas should demonstrate how they reduce carbon emissions and maximise opportunities for the use of renewable and low carbon decentralised energy systems. Proposals in these areas should show how they limit demand for energy, create low carbon energy networks, connect to existing ones, or make provision for future connectivity. Those that create a significant demand for heat should include evidence concerning the feasibility of new district heating systems. As with major developments they should meet at least 10% of their energy needs from renewable and/or other low carbon energy sources but as strategic allocations they present the opportunity to go further.
Planning obligations relating to sustainable energy measures will be sought for off-site provision where the Council is satisfied that it would deliver a better outcome and/or support strategic proposals set out in the IDP.

2.8.6 In order to comply with Policy ENV7 Renewable and Low Carbon Energy Development, developments should also adhere to the guidance provided in the Warrington Design Guide SPD. It is expected that all developments will prioritise reducing carbon emissions and energy demand from the early stages of the design process onwards, including choices on appropriate site layout, building design and building fabric. This can be demonstrated through the Design and Access Statement or Planning Statement. The approach should follow the energy hierarchy to:

1. Minimise energy demand;
2. Maximise energy efficiency;
3. Utilise renewable energy.

Energy Statements

2.8.7 All major development outside of the strategic allocations is required to meet at least of 10% of their energy needs from renewable and/or other low carbon sources. Development in the strategic allocations is required to install their own network, which can later be connected up to a larger network, where it can be demonstrated that this is the most feasible and viable renewable or low carbon energy option. Alternatively, development can be designed to be able to connect to a scheme once such a network is in place and to be designed to be compatible with future networks, in terms of site layout, heating and site-wide infrastructure design and to provide at least 10% of a schemes energy demands from renewable and/or other low carbon energy source(s).

2.8.8 The Council requires an Energy Statements to be submitted with all types of major commercial and residential development proposals, as well as development in the strategic allocations, to demonstrate how these requirements will be achieved.

2.8.9 Details of the format of the Energy Statement and what information it should contain may vary dependent upon the nature of the scheme and advice will be provided at the pre-application stage.

Forms in which contributions should be made

- 2.8.10 Emission reduction and sustainable energy measures would normally be expected to be provided on-site and secured through appropriate planning conditions. However, where the Council is satisfied that it would deliver a better outcome and/or support strategic proposals set out in the IDP, off-site provision may be accepted and will be secured through S106 Agreement.
- 2.8.11 Where development is proposing to establish or connect to an existing decentralised energy network this will be secured through appropriate conditions and/or S106 Agreement.

2.9 Compensatory Green Belt Improvements

- 2.9.1 The Council will take a proactive approach towards securing compensatory improvements in the Green Belt to offset the release of Green Belt land for development.
- 2.9.2 Individual site allocation policies each have their own policy requirements for the provision of Compensatory Green Belt measures.
- 2.9.3 In accordance with Policy GB1 of the Local Plan, Compensatory Green Belt improvement measures will be required for all major development on sites which are being removed from the Green Belt and for major development which is deemed inappropriate development in the Green Belt but where very special circumstances have been demonstrated.

PO9 Compensatory Green Belt

Compensatory Green Belt improvement measures will be required for all major development on sites which are being removed from the GB and for major development which is deemed inappropriate development in the Green Belt but where very special circumstances have been demonstrated.

Landowners will be required to demonstrate how compensatory measures will be provided having regard for the following hierarchy:

1. In the first instance improvements should be made in the immediate vicinity of the site and be delivered by the developer.
2. The Council will consider improvements in the wider area where it can be demonstrated that the improvements cannot be delivered in the immediate vicinity of the site or where this will provide greater benefits.
3. Financial contributions will only be considered where this would help to ensure that the benefits of compensatory improvements can be maximised by providing them in a more appropriate location.

- 2.9.4 The majority of development will be within the existing urban area but in order to meet Warrington's full development needs, some release of Green Belt is required. A specific policy requirement for compensatory measures has been included in all allocation policies where Green Belt is being released. Similarly the Council will require compensation for major development proposals which are inappropriate development in the Green Belt but where very special circumstances have been demonstrated.
- 2.9.5 Collaboration with landowners, developers and partnership organisations will be critical to the successful delivery of improvements to the Green Belt. Improvement measures may be delivered immediately adjacent to an application site, and this should be a priority wherever possible, or, it may be that improvements are delivered in the surrounding area or as a last resort a financial contribution may be made in appropriate circumstances.
- 2.9.6 Compensatory measures will be considered on a site-by-site basis and should be proportionate to the area of Green Belt being released. Landowners will be required to demonstrate how compensatory measures will be provided having regard for the hierarchy set out under PO9 Compensatory Green Belt above. The onus will be on the landowner to provide details of their approach and to deliver the measures where possible.
- 2.9.7 Financial contributions for compensatory Green Belt measures will only be considered as a last resort. In taking a contribution the Council will calculate the amount of land being taken from the Green Belt and its agricultural land value at the time of the decision.
- 2.9.8 Contributions will be used to enhance existing areas of Green Belt close to the site and these should be identified through collaboration with the Council.
- 2.9.9 Where areas of compensatory Green Belt improvements are also being proposed for Biodiversity Net Gain (BNG) the Council will seek to ensure that this provides the best

outcome in terms of both biodiversity and compensatory improvements. Similarly, where compensatory Green Belt improvements are also proposed to provide part of a development's open space requirements, this must not compromise the amount, type and location of open space provision. This may also be appropriately combined as part of a scheme's semi-natural open space provision, provided that these requirements can be met without compromising the wider provision of a range of areas of open space throughout the site.

2.9.10 Where improved access is required separately by the Council's transport officers, this cannot be doubled up for use as compensatory Green Belt as this is a separate requirement which must be provided in order to make the development acceptable.

2.10 Flood Protection and Water Management

- 2.10.1 There are extensive areas within the Borough that have been identified as being at risk of flooding, with flood risk arising from many different sources. The majority of Warrington is built on the floodplain of the River Mersey, with about three quarters of the urban area lying between 5 and 12 metres above sea level (AOD). The main source of flooding is the River Mersey and its five key tributaries, which flow through the centre of the Borough. The Manchester Ship Canal, although principally a navigation canal, contributes towards reducing the incidence of flooding from fluvial flows.
- 2.10.2 Surface water flooding is also a key flood risk consideration in Warrington. Surface water flooding includes surface water runoff (pluvial flooding) and sewer flooding. Whilst pluvial flooding from heavy rain fall can occur anywhere in the Borough, there are certain locations in Warrington where the probability and consequences of these mechanisms are more prominent.
- 2.10.3 The interaction between these sources of flooding has helped to inform the identification of Critical Drainage Areas in Warrington's Strategic Flood Risk Assessment (SFRA) (Level 1 Report 2018, Level 2 Report 2019, Addendum Report 2021).
- 2.10.4 In accordance with Policy ENV2 of the Local Plan all development in areas at risk of flooding will be required to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location.

PO10 Flood Protection and Water Management

In accordance with Policy ENV2 all development in areas at risk of flooding will be required to demonstrate that account has been taken of flood risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location.

Flood risk mitigation and management measures would normally be expected to be provided on-site and secured through appropriate planning conditions. However, planning obligations will be required where; a Sustainable Urban Drainage System (SuDs) is required off-site; or where a financial contribution is required to deliver a SuDs or other flood risk alleviation or management scheme, or in relation to future management of drainage infrastructure.

Key Local Plan policies: ENV2 Flood Risk and Water Management

- 2.10.5 Flood risk mitigation and management measures would normally be expected to be provided on-site and secured through appropriate planning conditions. However, planning obligations will be required where; a Sustainable Urban Drainage System (SuDs) is required off-site; or where a financial contribution is required to deliver a SuDs or other flood risk alleviation or management scheme.
- 2.10.6 Contributions may also be sought where a developer proposes to connect to existing Council owned infrastructure where this requires upgrading or future proofing. In some cases it may also be appropriate to secure contributions towards future maintenance of new drainage features to be adopted by the Council. This will be dealt with on a site-by-site basis.

Policy Requirements

- 2.10.7 Site specific impacts that would result from new development will be required to be directly addressed through the development itself. Policy ENV2 Flood Risk and Water Management of the Local Plan requires developers to demonstrate that account has been taken of flood

risk from all sources and that the proposed development incorporates mitigation and management measures appropriate to the use and location.

- 2.10.8 The Council will support development proposals where the risk of flooding has been fully assessed through a Flood Risk Assessment, the scope of which has been agreed with officers, and the impact has been fully mitigated.
- 2.10.9 The use of SUDs - 'soft' drainage techniques, such as green open spaces where waters can be stored in times of flood, will often be the preferred means of managing flood risk in relation to new development and will be required if assessed to be needed for site specific measures. SUDs may be acceptable as part of a natural/semi-natural greenspace scheme, provided that it can be incorporated into appropriate habitat provision. SUDs provision as part of informal greenspace or parks and gardens provision must not compromise usability and function of the space or raise issues of public safety. For example, attenuation ponds may be acceptable within a natural/semi-natural greenspace scheme but would not typically be considered acceptable as part of informal greenspace or parks and gardens provision as these need to be available for public access and formal and informal play.
- 2.10.10 The use of 'hard' drainage techniques, such as embankments, walls, weirs, underground storage tanks and pumping stations, may also be required in certain circumstances. A comprehensive drainage strategy might use a combination of such measures, making use of both natural processes and engineering solutions to bring wider benefits to the local community in terms of habitat creation and provision of recreational opportunities. Source control should be considered first. There may be opportunities to deliver SUDs through integrated solutions for a collection of sites. Guidance on when a sustainable drainage system should be used and when it may be inappropriate can be found in the PPG – Flood risk and coastal change (Paragraph: 056 Reference ID: 7-056-20220825).
- 2.10.11 Proposed SuDS should mimic existing on-site natural drainage regimes and aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment.

- 2.10.12 The future ownership and maintenance of such SUDs should be discussed at the planning application stage with the relevant sections of the local authority (including Planning, Highways and Engineering & Flood Risk), United Utilities and the Environment Agency. If this approach is not undertaken, then the developer must demonstrate no adverse impact will be caused by the development elsewhere and why it is not feasible.
- 2.10.13 Planning applications will generally be refused where applicants are unable or unwilling to provide the necessary improvements or provide the mechanism of future maintenance. The scope of any off-site works required to mitigate site specific impacts of a development will be secured under either a Section 106 or Section 278 Agreement and should be carried out by the developer under the supervision of the Council with the developer responsible for meeting all costs associated with the design and implementation of schemes.

Strategic Development Requirements

- 2.10.14 The Council has been involved in partnership working with developers, local communities and the Environment Agency on wider flood management initiatives within the Borough.
- 2.10.15 The Council may seek contributions from sites towards strategic flood risk management schemes where these offer better opportunities to provide or enhance flood risk management than on-site provision. The level of contribution will be negotiated on a case-by-case basis taking into account the nature of the development and the level of risk associated with it.

Forms in which contributions should be made

- 2.10.16 In accordance with Local Plan Policy ENV2, flood risk mitigation measures would normally be expected to be provided on-site and secured through appropriate planning condition(s). However, where the Council is satisfied that it would deliver a better outcome and/or support strategic proposals set out in the IDP, off-site provision will be accepted and secured through a S106 Agreement. Where a developer is proposing to connect into Council owned infrastructure, for example highway drains, this will need to be agreed with the Council and all costs and future maintenance must be considered.

- 2.10.17 Agreement will also be required with the Council, as the Lead Flood Authority, on the timing of any infrastructure improvements to be secured as part of the Section 106 Agreement.
- 2.10.18 Where exceptionally, mitigation cannot be provided on or off-site, a commuted sum may be required in lieu of provision to secure delivery of appropriate mitigation where projects in nearby open spaces, enhancements to nearby rivers or water bodies, or contributions to strategic flood risk management schemes offer better opportunities to provide or enhance flood risk mitigation. This methodology will ensure the contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.

Flood and Water Management Act 2010 Schedule 3 Implementation - SuDS

- 2.10.19 An announcement was made on 10 January 2023 that the government has confirmed plans to ensure new developments in England have to adopt new sustainable drainage systems (SUDS) designed to reduce the risk of flooding and water pollution by curbing the use of impermeable services and better replicating natural drainage patterns.
- 2.10.20 Regulations and processes for the creation of SUDs will be devised through the implementation of Schedule 3 to the Flood and Water Management Act 2010, which sets out a framework for the rollout of drainage systems, a sustainable drainage system approving body and national standards on design, construction, operation, and maintenance.
- 2.10.21 The Council understands that Defra intends to develop new rules that will come into effect later in 2024.
- 2.10.22 The implementation of Schedule 3 of the Flood and Water Management Act 2010 may mean that parts or all of this section of the SPD will need to be updated to reflect the regulations ahead of adoption of the SPD or in a further review of the SPD.

2.11 Holcroft Moss

- 2.11.1 The Manchester Mosses Special Area of Conservation (SAC), and in particular Holcroft Moss ('the Moss'), has been identified as being at risk of harm from increased air pollution caused by traffic. Through the Habitats Regulation Assessment (HRA) process in support of Warrington's Local Plan and also the Places for Everyone Plan (the joint Local Plan of nine of the 10 Greater Manchester authorities), the need for a Habitat Management Plan to ensure the delivery of long-term ecological resilience works involving hydrological restoration measures to benefit the Holcroft Moss, has been established.
- 2.11.2 Specific allocation sites in the Warrington Local Plan, together with other developments which will result in a significant level of traffic generation on the M62 which pass the Moss will be required to make a proportionate contribution towards these works.

PO11 Holcroft Moss
The main allocations (Policies MD1 to MD4), the smaller settlement allocations, which line the M62 corridor (Policies OS1, OS2 and OS6) and any development that would result in increased traffic flows on the M62 past the Manchester Mosses SAC of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must make a proportionate contribution towards restoration measures at Holcroft Moss
Contributions will be sought on commencement of development to ensure the mitigation measures can be provided in a timely manner to offset the impacts.
Key Local Plan policies: ENV8 and relevant site allocation policies.

- 2.11.3 Working with Natural England and the Greater Manchester Combined Authority on behalf of the nine Places for Everyone authorities, the Council has established the scope and estimated cost of the mitigation works. The cost of the mitigation works - including design and feasibility, land, capital costs, professional fees, monitoring, contingency and ongoing maintenance – has been estimated at approximately £880,000.
- 2.11.4 The Council has agreed that the cost of the mitigation works will be apportioned between Warrington and the nine Places for Everyone Plan authorities. The apportionment will be based on the impact on the moss identified in the respective Plan's HRAs. On this basis Warrington will be responsible for 47% of the total costs with the Places for Everyone authorities being responsible for 53% of the costs.
- 2.11.5 In order to establish a proportionate contribution at the point that an application is determined, the Council will use the Warrington Local Plan Transport Model to ensure all sites in the Council's housing and employment land supply which are likely to trigger the threshold set out in Policy ENV8 are taken into account, in addition to the site allocations which are required to provide a contribution. From the Model, the split in trips passing the Moss on the M62 between residential and employment development can be established and then a per dwelling contribution for residential development and a per sq.m. contribution for employment development can be calculated. In calculating the required contribution, the Council will apply a contingency of 20% in the event individual sites do not come forward in the timescales envisaged.
- 2.11.6 The baseline calculation at the point of adoption of the Plan is shown as a supporting document to the SPD. The Council will keep the mitigation scheme costs, its housing and employment land supply and the level of contributions received under review in calculating the proportionate contribution required from a qualifying development.
- 2.11.7 The Council will seek the contribution on commencement of development to ensure the works can be carried out in sufficient time to enable the moss to build resilience to offset the air pollution impacts of additional traffic.

- 2.11.8 Contributions will also be secured by the authorities under the Places for Everyone Plan adopted in March 2024.
- 2.11.9 The Places for Everyone Plan authorities will be responsible for securing 53% of the total cost of the scheme and will provide the contributions to Warrington who will be responsible for delivering the mitigation works.

2.12 Biodiversity

- 2.12.1 This section provides guidance for developers and ecological consultants on how planning applications can satisfy the requirement for delivering Biodiversity Net Gain (BNG).
- 2.12.2 BNG is mandated by the Environment Act 2021 and requires an approach to development that seeks to leave the natural environment in a measurably better state than it was before the development occurred. It aims to deliver improvements through the application of the mitigation hierarchy to avoid harm where possible, and by securing appropriate habitat creation or enhancement.
- 2.12.3 In addition, the Council has local requirements relating to BNG in its Local Plan. The Council's overall approach to BNG, combining national and local requirements, is set out below.

PO12 Biodiversity
All development, having regard for the exemptions specified in national legislation, must meet national requirements to demonstrate a minimum net gain in biodiversity of 10% and secure those gains for a minimum of 30 years.
Biodiversity net gain measures should be provided on-site as a priority and should ensure the most effective contribution to improving the Borough's ecological network is made. If biodiversity net gain cannot be accommodated on-site then developers should seek to prioritise off site investment on sites within the Borough in the first instance followed by registered sites outside of the Borough. Biodiversity credits will only be considered as a last resort.
For all major planning applications, a Draft Biodiversity Gain Plan should be submitted as a minimum prior to determination of the application and will be a material consideration. Biodiversity gain measures will be secured as part of a Section 106 Agreement and/or condition.

For minor planning applications, a Biodiversity Gain Plan will be dealt with via planning condition, unless the proposals impact upon an ecologically sensitive site or habitat, or in cases where, in order to meet the minimum 10% net gain, significant on-site or off-site enhancements may be required. In such cases the provisions for major development set out above will apply.

Where required, a monitoring fee will be secured by Section 106 Agreement or Unilateral Undertaking to ensure that any BNG is maintained and managed for a 30-year period. The monitoring fee should be made in a single upfront payment.

Key Local Plan policies: Policy DC3, Policy DC4 and relevant site allocation policies.

- 2.12.4 The Environment Act 2021 amends the Town and Country Planning Act 1990. It sets out that the majority of developments will be legally required to demonstrate a minimum net gain in biodiversity of 10% and secure those gains for a minimum of 30 years. The requirement to demonstrate net gains applies to all habitats within the red line, regardless of whether they are impacted or not. There are specific exemptions from BNG for certain types of development, which are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.
- 2.12.5 In addition to the provisions of the Environment Act 2021, the requirement for planning applications to deliver a net gain in biodiversity is set out in the National Planning Policy Framework (NPPF, 2023). Paragraph 174d requires that planning decisions enhance the natural and local environment by “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. Similarly, paragraph 179 requires plans to protect and enhance biodiversity by promoting “the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Paragraph 180d makes clear that development should integrate biodiversity gains and enhance public access to nature where possible.

- 2.12.6 Policy DC3 of the Local Plan (2021/22 to 2038/39) sets the context for the provision of green infrastructure in the Borough, along with individual site allocation policies which require the demonstration of measurable BNG, building on requirements within the NPPF.
- 2.12.7 Policy DC4 in the Local Plan requires the use of the Biodiversity Metric to demonstrate a net gain in biodiversity. The latest version of the Biodiversity Metric must be applied. The onus will continue to be on the developer to set out the impact of development, using the biodiversity metric, and to offer solutions for mitigation through a Biodiversity Gain Plan.
- 2.12.8 In relation to onsite habitats which have a medium, high and very high distinctiveness, adverse effects from the development should be avoided in line with the provisions of Policy DC4 of the adopted Local Plan. If they cannot be avoided, appropriate mitigation measures must be set out in the Biodiversity Gain Plan.
- 2.12.9 The Council will seek the delivery of mitigation measures onsite, prioritising the enhancement of existing onsite habitats, followed by creation of new onsite habitats.
- 2.12.10 Appropriate justification must be provided if BNG cannot be delivered on-site, in which case the Council will expect the developer to seek a registered habitat bank, within the Borough in the first instance. Further guidance relating to the provision of off-site biodiversity gains are provided by DEFRA <https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer>. The developer will be expected to demonstrate how off-site habitat banks will contribute to areas of significant local nature recovery in line with relevant local policies and the emerging Cheshire and Warrington Local Nature Recovery Strategy (LNRS). The onus will be on the developer to put forward an appropriate registered site, working in partnership with the Council. In the event that no suitable site is available in the Borough, the Council will consider registered off site gains outside of the Borough. Purchasing statutory biodiversity credits will only be considered as a last resort.

- 2.12.11 When considering BNG provision, regard must be had for the existing baseline habitat types and proposals for new habitat creation. Developers and landowners must avoid 'down trading' of habitat value – that is seeking to create habitat of lower distinctiveness than those lost, even if a higher quantity of lower quality habitat is provided. Habitat creation proposals must be additional to any existing obligations and should not propose to deliver something that would occur anyway through other consents, grants, schemes or programs.
- 2.12.12 For all major development, which is not exempt from mandatory BNG, the Council will require a completed statutory Biodiversity Metric along with a draft Biodiversity Gain Plan to be provided on submission of the planning application. The Biodiversity Gain Plan will identify how the principles of BNG have been applied and how at least a 10% BNG can be delivered. The opportunity to refine the plan will be possible through the determination process, in consultation with the Council. The Council will secure where and how provision is to be made through a S106 Agreement and/or condition.
- 2.12.13 For minor development there is a minimum requirement for a baseline Biodiversity Metric and a baseline habitat map (as detailed in the Planning Practice Guidance for Biodiversity Net Gain, paragraph 11). A Biodiversity Gain Plan will be secured via the standard national condition on the planning permission and can be submitted post-determination of the application, unless proposals will impact on a protected habitat as identified in Policy DC4 of the Local Plan, or, in cases where in order to meet the minimum of 10% BNG, significant on-site or off-site enhancements are required. In these cases, the requirements for major developments will apply.

Monitoring

- 2.12.14 A monitoring fee will be required for any application where significant on-site gains have been agreed or where off-site provision is being made within the Borough. The Council will also require a monitoring fee for any land which is to be registered for habitat banking in the borough where this is being secured through a S106 agreement.

2.12.15 A monitoring fee will need to be secured so the Council can audit sites and monitoring reports to ensure biodiversity net gain is being achieved in line with the Biodiversity Gain Plan. This will include reviewing audit reports, making occasional site progress checks and keeping track of cumulative gains and losses as well as reporting information internally and to government. The monitoring fee should be made in a single upfront payment as required through a Section 106 Agreement or Unilateral Undertaking. The monitoring fee will be indexed from the date of the decision (the date of resolution of the Development Management Committee where relevant or the date of the decision notice for delegated decisions) up to the date the contribution is payable. The Council needs to track and record the progress towards reaching biodiversity net gain wherever and however this is secured. The Biodiversity Net Gain Management and Monitoring Plan will set out the frequency for the Council to be sent audit reports, having regard for the 30-year monitoring and maintenance period.

2.12.16 The monitoring cost will be calculated using the Verna Excel Calculator which has been promoted by the Planning Advisory Service (PAS). The Council will keep this under review to ensure the fees are proportionate given BNG is a new statutory requirement. Monitoring fees will be secured through a legal agreement with the developer. This is additional to any fees which are paid to the Council to determine planning application and legal fees for the drafting of legal agreements. A link to the calculator is provided below:
<https://verna.earth/news-item/free-tool-how-to-calculate-biodiversity-net-gain-monitoring-charges/>

2.12.17 As this is a new requirement, it will keep under review and the SPD will be updated as necessary.

2.13 Local Employment, Skills and Training

- 2.13.1 One of the objectives (Objective W1) of the Local Plan (2021/22 to 2038/39) is to continue to build upon Warrington's economic success, thereby reducing unemployment and inequalities in the Borough. Developing a qualified and skilled workforce is key to achieving this.

PO13 Local Employment, Skills and Training
Planning obligations relating to employment and skills training and local enterprise opportunities will be sought for: • Residential developments of 10 units or more, (or with a maximum combined gross floorspace of more than 1,000 sqm) • Commercial developments with a gross floor space of 1,000 sqm or more (or a site area of 1 hectare or more). The Council will seek to negotiate a proportion of the total jobs, created by the construction and end-user phases of new development, to be provided to local residents. A minimum target of 20% will be sought. The Council will also encourage a commitment from developers to engage local businesses through the supply chain. It is expected that all reasonable endeavours are to be used to ensure that a meaningful level of employment of local residents is achieved in both the construction and end- user phases.
Key Local Plan policies: DEV4

- 2.13.2 Whilst Warrington has a relatively low unemployment rate, some areas of the Borough fall within the worst 20% most deprived areas in England and it is essential to maximise

opportunities for the disadvantaged and economically inactive. Support packages to enable this are extremely limited. Equally there is a shortage of support packages to enable disabled people into sustained work. Unless positively addressed, the impact of development can be to reduce or even remove employment opportunities for these disadvantaged groups, whether the opportunities are related to the construction of major projects or the end use in the case of any form of commercial development.

2.13.3 In addition, one of the aims of the Council's Corporate Strategy is to grow a strong economy through:

- Levering investment into the Borough and promoting Warrington as the place to do business in the North of England
- Using local investment to increase access to job opportunities in Warrington.
- Working to retain jobs and provide employment opportunities to those who have struggled to get into work, for example older workers, young people, those with low skills, and people with disabilities, and
- Improving existing employment opportunities for Warrington residents through training and skills.

2.13.4 Policy DEV4 of the Local Plan seeks to maximise the social benefits from development proposals by securing local employment opportunities for local people.

2.13.5 The impact that major development proposals may have on employment opportunities will be assessed during pre-application discussions by Warrington & Co's Employment Development Team, in association with Job Centre Plus and the Warrington Partnership. Where a development could provide employment opportunities for those disadvantaged groups living nearby, the Council will seek to negotiate training or opportunities for those groups through a package of supported employment schemes such as interview guarantee schemes.

2.13.6 This will help to reduce the need for longer, more unsustainable journeys to work, which are considered less acceptable in planning terms.

- 2.13.7 In addition, in order to support local businesses to benefit from new development within the Borough, the Council will encourage a commitment from developments to engage local businesses through the supply chain.

Employment and Skills Training

- 2.13.8 For all new development in the Borough the construction phase provides opportunities for local employment, apprenticeships and work experience placements. Commercial developments within the Borough also bring new employment, apprenticeship and work-experience opportunities for residents during the end-user phase. This adds increased pressure on the Council to provide access for residents to appropriate employment and skills training. Apprenticeships and work experience placements will enable residents to develop an appropriate skill-set for existing and future employment opportunities within the Borough, from an early age.
- 2.13.9 The Council will seek to negotiate a proportion of the total jobs created by a new development to be provided for local people, both in the construction phase of development and by the end-users, where appropriate. A minimum target of 20% will be sought. To enable local people to benefit from development growth the Council, with its partners, has introduced a number of programmes to support job brokerage, employer-led training, construction skill training and apprenticeships and work experience placements at no cost to a developer. Where appropriate the Council may consider whether a developer's in-house training programme can be utilised, on the basis that the local residents achieve a minimum requirement as secured through an in-kind obligation.
- 2.13.10 The developer will be requested to supply the Programme of Works for the scheme to allow Warrington & Co to forecast the training needs of residents, to be work ready as the development progresses through the various construction phases and to supply employment monitoring forms in an agreed format.

Local Enterprise

- 2.13.11 In order to support local businesses to benefit from new development within the Borough, the Council will encourage a commitment from developments to engage local businesses through the supply chain. The Council will seek to negotiate a proportion of the total value of contracts, which procure goods and services during the construction phase of the development, to be achieved using firms located within the Borough. Again a minimum target of 20% will be sought. This will allow local businesses to compete in the local market and also encourage sustainable supply systems.
- 2.13.12 All information supplied to Warrington & Co will be treated as private & confidential and not passed to any third parties.

Forms in which contributions should be made

- 2.13.13 A scheme outlining the means of delivering a local employment agreement and/or local enterprise opportunities will usually be secured through a planning condition. A Section 106 Agreement will be used where this is considered more appropriate.

3. MANAGEMENT AND MONITORING

- 3.1 The Council's Planning Policy and Programmes Team is responsible for the management and monitoring of planning obligations to ensure that they are implemented and enforced in an efficient and transparent way and that contributions are spent on their intended purpose.

Management of Planning Obligations

- 3.2 Warrington Borough Council has a dedicated Planning Obligations Monitoring Officer overseeing the Council's Section 106 programme and ensuring the successful delivery of the obligations secured through S106 agreements. All Section 106 Agreements are recorded within a specifically designed database.
- 3.3 The Council will monitor both the progress of individual developments and projects that have been funded (in whole or in part) by money secured by planning obligations. A monitoring fee will be payable to the Council and secured by Section 106 Agreement. Details of how the monitoring fee is calculated is included at **Appendix 2**.
- 3.4 In many cases it will be necessary to monitor the progress of development in order to identify trigger events, which should prompt actions by the developer identified in an obligation. In cases where obligations provide additional or improved transport facilities or infrastructure it may be necessary to monitor annual trip rates. Where obligations involve the payment of financial contributions, monitoring will be required to ensure payments are made in line with trigger events.
- 3.5 The Planning Policy & Programmes Team will conduct regular site visits to check the progress of each individual obligation/agreement. If a trigger has occurred the Planning Obligations Monitoring Officer will approach the developer for payment of any relevant contribution or the delivery of any in kind obligation. The Planning Policy & Programmes Team will meet with lead Officers from Council Service Areas and the Corporate Finance Team once a quarter to review the progress of projects being implemented (in full or in part) by S106 funding.

- 3.6 Where contributions are made towards specific infrastructure improvements and the project (or part of it) is not delivered within the agreed timescales, arrangements will be made for the contributions (or part of) to be returned to the developer or person who entered into the agreement along with any agreed rate of interest as specified in the S106 Agreement.

Index Linking Payments

- 3.7 Financial contributions will be index linked in order to allow for the fluctuation of prices between the date the development is approved and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index from the date of the Development Management Committee resolution, unless the decision is delegated in which case indexation will be applied from the date on which the agreement is signed.
- 3.8 The method of indexation should be specified within the legal agreement and will usually either be the Retail Price Index (RPI) published by the Office of National Statistics (ONS), the Building Cost Information Service Index (BCIS) published by the Royal Institution of Chartered Surveyors (RICS) or the Consumer price index (CPI) also published by the ONS, depending on the nature of the contribution. In the event that the index shall decrease, the contribution shall not fall below the figure set out in the S106 agreement.
- 3.9 The Council will review costs that are used in formulas for establishing contributions on an annual basis to ensure they are uplifted in line with indexation.

Complying with in-kind contributions

- 3.10 Where an in-kind obligation is required through a S106 agreement the developer should provide evidence of compliance with the obligation to the Council, as outlined in the terms of the specific clauses. This evidence should be provided to the Council's Planning Obligations Monitoring Officer.

Enforcement

- 3.11 The Planning Policy & Programmes Team will liaise with the Planning Enforcement Team on a regular basis to provide a status update regarding the individual agreements. Where the

Planning Policy & Programmes Team becomes aware of non-compliance with any planning obligations, the matter will be brought to the attention of the Planning Enforcement Team and consideration given to the possibility of immediate formal enforcement action.

- 3.12 Trigger points will vary for each individual obligation within the S106 agreement. The developer is bound within each S106 agreement to notify the Council upon commencement of the development. Where the Council is not notified and obligations become overdue the Council will seek to enforce the obligation and will activate the penalty clause.
- 3.13 A clause included in the S106 agreement will ensure prompt payment by inserting a financial penalty requiring interest to be paid where payments are overdue. As a final recourse, where obligations are not subsequently complied with, the Council will take legal action against those in breach of a S106 agreement. Non-financial obligations are also legally binding and where not provided according to the terms of the S106 agreement may be legally enforced by the Council.

Reporting

- 3.14 The Council is required, in accordance with Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended), to produce an Infrastructure Funding Statement (IFS) annually that sets out details about planning obligation receipts and anticipated expenditure. The purpose of this document is to provide clarity and transparency to local communities and developers on infrastructure expenditure. The Council's latest IFS can be viewed here:

<https://www.warrington.gov.uk/infrastructure-funding-statement>

Appendix 1

Design Guidance Notes for Children's Equipped Play Areas

These guidelines apply to the three main types of children's equipped play areas listed below:

- The local area for play (LAP)
- The local equipped area for play (LEAP)
- The neighbourhood equipped area for play (NEAP).

For the avoidance of doubt, detailed layouts must demonstrate that the designs and equipment meet the minimum standards specified below.

All schemes need to be submitted to the authority for approval prior to any work starting on site.

General Guidelines for the design of all Equipped Play Areas (LAPs/LEAPs/NEAPs)

Play area design should be inclusive with a focus on integration over segregation providing a range of play resources that cater for all, considering potential abilities and impediments. This should include access to and around the play site. Equipment should provide play opportunities under the scope and terms of the Disability Discrimination Act 2004. These provisions must be clearly demonstrated in the design and description.

Equipped Play areas should be fenced with 1.2m high bow top railing detail consistent with ROSPA standards or be of higher specification to mitigate risk. All areas within the boundary should be free from soft landscape. All surfacing should be of either tarmac or bonded wet pour safety surfacing as appropriate to mitigate the fall factor of the equipment installed. This surfacing specification ensures ease of transition between equipment for mobility and visually impaired visitors and reduces the potential for soft landscape or unbound surfacing treatments (sand, aggregate, or bark chip) to harbour animal faeces, sharps and broken glass.

The use of timber for structural elements of equipment must be avoided together with the use of timber products for step treads, seats, path edgings etc. Timber must be minimised in favour of HDPE products.

A final Post-Installation Inspection Report (provided by an independent registered and certificated PRII inspector qualified to an "Annual" level) will be delivered and will form part of the Health & Safety File. Compliance with BS EN 1176:2008 and BS EN 1177:2008 inclusive of any subsequent updates must be certified. Non-compliance is not acceptable in any form. If European equipment is TUV certified, it will also be BS EN 1176:2008 and BS EN 1177:2008 inclusive of any subsequent updates must be certified. Non-compliant equipment will be immediately removed from the site at the contractor's expense and a suitable substitute agreed.

Warranties shall be provided for all materials upon completion of the works. They shall be named, signed and dated and must include:

- Concrete including foundations and edging – 25 years
- HDPE Geomembrane – 5 years
- Paintwork/Galvanising – 5 years
- Safety Surface – 5 years
- Steel – 25 years
- Timber - 15 years

All equipment must be metal, galvanised of robust construction consistent with the Authorities fabrication, construction and installation specification for play area installation and refurbishment projects. Steel items should include a colour pallet range consistent with the design theme as appropriate and with a paint system with proven longevity and in full compliance with BS EN 1176 and BS EN 1177:2008 inclusive of any subsequent updates.

All equipment shall have a coloured Ethylene Propylene Diene-Modified (EDPM) safety surface with pre-cast concrete edging surround. Concrete haunching should be floated flat at an appropriate depth to provide additional bonding surface area for the safety surface to adhere.

Beyond the EDPM safety surface – all equipment shall be surrounded by an asphalt concrete footway. Soft landscaping including amenity grass must be absent from the fenced play space boundary.

The play area shall be constructed with the surfacing laid to fall so that it drains to the surrounding landscaped area. The presence or potential for standing water within the play space, or access routes to it, is unacceptable. Appropriate drainage linked to a positive outfall will be required within all designs to elevate this. Any resulting differences in levels between the play area and surrounding landscape shall be addressed with imported topsoil, graded to suit and grass seeded or turfed.

The play area shall be fenced with a 1.2m high play area fence two number hydraulic self- closing dog gates of the IAE type (opening outwards) with 90-degree bump post.

The play area fence shall be installed within an asphalt concrete footway to accommodate future hard/soft landscape maintenance and mowing. The footway must extend beyond the fence by 250mm.

Seating shall match that provided elsewhere within the park setting, or else provide a green metal bench with a back and arm rest size and style to match those on other Warrington Playgrounds. Dimensions; 47" Height, 71" Length, 11" Seat Width (including legs and arms wider). The benches shall be set with a seating height of 475mm. If the benches cannot be accommodated within the play area surface, they shall be sited on a 3 x 1.5m asphalt concrete base and set to one side and linked to path infrastructure within

the site to allow pushchair/wheelchair access.

The contractor shall provide an enclosed bin of equal or approved specification to match those provided in other Warrington playgrounds.

At least one number standard play area sign (as approved) shall be provided on two number galvanised steel posts.

For reasons of safety the area should be of open aspect with clear site lines for natural surveillance and overlooked from housing. Adjacent planting in open space beyond the play area boundary fence needs to combine this requirement with a pleasing horticultural environment. Such planting should include low shrubs and ground cover, chosen for their colour and form, avoiding any thorny or poisonous species.

Trees should also be incorporated within the planted area to provide additional shelter and amenity value, but without forming too dense a visual barrier. Future maintenance implications must be considered at the design stage to reduce impacts from root heave to surfacing, leaf, blossom fruit fall and aphid residue negatively impacting on the equipment or surface.

Mature tree stock retained within the open space should be inspected by a PTI qualified person and interventions to mitigate risk heightened by the potential increased dwell time under the canopy included as part of the development.

Areas that fall outside of the fenced play area boundary may be simply laid to grass.

Landscaping plans shall be approved before execution.

Specific Guidelines for the design of LAPs

The LAP is designed to provide a small, safe, unsupervised, open space specifically designated for play activities for young children (3 to 5-year-olds) close to where they live.

The catchment area should be within 100m walking distance (60 metres straight line).

Equipped Play areas should be fenced with 1.2m high bow top railing detail consistent with ROSPA standards or be of higher specification to mitigate risk. All areas within the boundary should be free from soft landscape. All surfacing should be of either tarmac or bonded wet pour safety surfacing as appropriate to mitigate the fall factor of the equipment installed. This surfacing specification ensures ease of transition between equipment for mobility and visually impaired visitors and reduces the potential for soft landscape or unbound surfacing treatments (sand, aggregate, or bark chip) to harbour animal faeces, sharps and broken glass.

The core space should be 100 square metres minimum. A buffer zone of 5 metres minimum depth should normally separate the activity zone and the forward-most part of the nearest dwelling that faces the LAP. Gable end or other exposed walls of properties should be protected from use for ball games.

These are small amenity spaces with small catchment zones, providing play facilities for a few nearby houses. By their nature LAPs provide limited play value. Provision within a development should be confined to low level housing projects in favour of more substantial equipped play spaces LEAPs or NEAPs that include a range of play opportunities and play value for a greater number of children. Where scope for onsite provision is restricted, investment should be directed towards enhancements to existing play facilities within the catchment of the new development.

Specific Guidelines for the design of LEAPs

The LEAP is designed to provide a play area for children of early school age. It should primarily be equipped for accompanied children between 3 and 7 years of age but also include some play provision for supervised younger children and unsupervised older children.

The catchment area should be within 400m walking distance (240 metres straight line).

Equipped Play areas should be fenced with 1.2m high bow top railing detail consistent with ROSPA standards or be of higher specification to mitigate risk. All areas within the boundary should be free from soft landscape. All surfacing should be of either tarmac or bonded wet pour safety surfacing as appropriate to mitigate the fall factor of the equipment installed. This surfacing specification ensures ease of transition between equipment for mobility and visually impaired visitors and reduces the potential for soft landscape or unbound surfacing treatments (sand, aggregate, or bark chip) to harbour animal faeces, sharps and broken glass.

The core space should be 400 square metres minimum. A buffer zone of 10 metres minimum depth should normally separate the activity zone and the boundary of the nearest property containing a dwelling. A minimum of 20 metres should normally be provided between the activity zone and the habitable room façade of the nearest dwelling. Where these minimum distances apply, careful consideration needs to be given to:

1. The design of any means of enclosure, planting scheme and/or other physical features on the boundary of the residential property.
2. The siting of features including equipment within the activity zone, to preclude opportunities for overlooking nearby gardens or dwellings, potential loss of privacy and creation of nuisance.

Specific Guidelines for the design of NEAPs

The NEAP should be designed to provide a recreational space, to serve a substantial residential development. It should primarily be equipped for older children (7 – 11 year olds) but also include some play provision for younger children and also sporting and socialising facilities for early teens.

The catchment area should be within 1000m walking distance (600 metres straight line).

Equipped Play areas should be fenced with 1.2m high bow top railing detail consistent with ROSPA standards or be of higher specification to mitigate risk. All areas within the boundary should be free from soft landscape. All surfacing should be of either tarmac or bonded wet pour safety surfacing as appropriate to mitigate the fall factor of the equipment installed. This surfacing specification ensures ease of transition between equipment for mobility and visually impaired visitors and reduces the potential for soft landscape or unbound surfacing treatments (sand, aggregate, or bark chip) to harbour animal faeces, sharps and broken glass.

The core space should be 1000 square metres minimum. A buffer zone of 30 metres minimum depth should normally separate the activity zone and the boundary of the nearest property containing a dwelling. Where these minimum distances apply, careful consideration needs to be given to:

1. The design of any means of enclosure, planting scheme and/or other physical features on the boundary of the residential property.
2. The siting of equipment and features within the activity zone, to preclude opportunities for overlooking nearby gardens and dwellings and potential loss of privacy and creation of nuisance.

Appendix 2 - Monitoring Fee Calculation

Obligation Monitoring	£370 per obligation
On-site Monitoring	£57 per on site monitoring check: 1) Commencement - £57 2) Site visits – 4 visits per year (quarterly) £228 - based on SHLAA/build rates 3) Completion - £57

Worked Example:

Housing development of 75 houses:

Obligations

Highways

POS

Education

Total – 3 obligations x £370 = £1,110

First Homes monitoring fee = £1,000

On-site

Commencement - £57

Site visits over 3 years - £684

Completion - £57

Total = £798

Total monitoring fee - £2,908

In addition to the above, a BNG monitoring fee will be applicable. This will be determined on a site-by-site basis.