

PRESTON CITY COUNCIL



CIL COMPLIANCE STATEMENT (updated 05/02/21)

Appeal Site: Land at Cardwell Farm, Garstang Road, Preston, Barton,
PR3 5DR

Appeal Proposal: Outline planning application for up to 151 no.
dwellings and community building with associated works (access applied
for only)

Appeal By: Wainhomes (North West) Limited

Inspectorate Ref: APP/N2345/W/20/3258889

Preston City Council Ref: 06/2019/0752

1. Introduction

1.1 Paragraph 56 of the National Planning Policy Framework (NPPF) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations, stating:

A planning obligation may only constitute a reason for granting planning permission if the obligation is -

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development;*
- *Fairly and reasonably related in scale and kind to the development.*

2. Policies

2.1 The Development Plan for Preston consists of:

- The Central Lancashire Core Strategy - (adopted July 2012);
- The Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) – (adopted July 2015); and
- The Preston City Centre Area Action Plan (adopted June 2016).

2.2 The following policies within the Core Strategy (CS) and Preston Local Plan (PLP) are referred to in support of the case that the proposed planning obligations meet the CIL tests:

Central Lancashire Core Strategy:

Policy 1 - Locating growth

Policy 2 - Infrastructure

Policy 3 - Travel

Policy 7 - Affordable and special needs housing

Policy 14 - Education

Policy 22 - Biodiversity and geodiversity

Policy 25 - Community facilities

Policy 29 - Water management

Policy 30 - Air quality

Preston Local Plan:

Policy HS3 - Green infrastructure in new housing developments

Policy ST2 - General transport considerations

Policy EN10 - Biodiversity and nature conservation

Policy EN11 - Species protection

Central Lancashire Supplementary Planning Documents

Affordable Housing SPD (adopted 2012)

Open Space and Playing Pitch SPD (adopted 2012)

3. Proposed Planning Obligations

3.1 The Section 106 Agreement is between (1) Eileen Margaret Wallbank, John David Wallbank and Barbara Jean Birkett; (2) Preston City Council; (3) Lancashire County Council and (4) Wainhomes (North West) Limited. The proposed planning obligations included within the Section 106 Agreement cover the following areas of infrastructure:

- **Affordable Housing** – The provision of on-site affordable housing as part of the proposed scheme. The proposed residential development is required to provide up to no.53 affordable units on-site, which represents 35% of the total number of units proposed. Of the affordable units no fewer than 70% shall be Rented Units.
- **Education** – the provision of a financial contribution in respect of the additional demand for primary school places at Broughton-In-Amounderness Church of England Primary School and/or Bilsborrow John Cross Church of England Primary School as a result of the proposed development. The financial contribution is calculated using a formula based on the housing mix (number of bedrooms) which will be finalised at reserved matters stage.
- **Sustainable Transport Contribution** – the provision of a financial contribution of £100,000 to enable Lancashire County Council to enhance sustainable transport infrastructure on the A6 corridor within Barton village, and between Barton and Broughton, to support sustainable

access to the development site. The contribution will be used for the improvement and extension of cycle lanes, footways and crossings, including signage and lighting improvements, as a way to make walking and cycling an attractive and realistic choice for residents of the proposed development, thereby reducing the need to travel by car.

- **Monitoring of the Travel Plan** – The provision of a financial contribution of £6,000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan.
- **Public Open Space** – The provision, implementation and future management of areas of Public Open Space, including children’s play area(s), within the proposed development.
- **Community Building** – The provision, specification, implementation for delivery and completion, and future ownership and management of the proposed Community Building.

4. CIL TESTS

4.1 The following table explains how the above planning obligations comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (as amended) and paragraph 56 of the National Planning Policy Framework.

COMPLIANCE WITH REGULATION 122			
PLANNING OBLIGATION	TEST 1 – NECESSITY	TEST 2 – DIRECTLY RELATED TO THE PROPOSED DEVELOPMENT	TEST 3 – FAIR AND REASONABLE IN TERMS OF SCALE AND KIND
Affordable Housing	<p>The provision of 35% on-site affordable housing is required for the proposal to comply with the provisions of the Central Lancashire Core Strategy Policy 7 (Affordable Housing) and the Central Lancashire Affordable Housing Supplementary Planning Document.</p> <p>The provision of at least 70% of the affordable housing units to be for Social Rent or Affordable Rent is a requirement of the Central Lancashire Affordable Housing Supplementary Planning Document (para 35).</p> <p>Without a planning obligation securing the provision of an adequate proportion and mix of</p>	<p>The provision of on-site affordable housing as a proportion of the development proposal means the obligation is directly related to the proposed development.</p>	<p>The level of affordable housing accords with the requirements of Core Strategy Policy 7. The provision of affordable housing is therefore considered fair and reasonable as the proportion required under the development plan policy.</p> <p>The Section 106 Agreement ensures that 50% of the affordable units are constructed prior to 50% of the market dwellings being occupied, and the remaining 50% constructed prior to occupation of 75% of the market dwellings in order to ensure the timely provision of the affordable units.</p>

	affordable housing the proposal would fail to meet the housing needs of the district and area in general and would therefore be contrary to the provisions of paragraphs NPPF 61, 62, 63, and 64, as well as the Central Lancashire Core Strategy.		
Education	The provision of a financial contribution in respect of the education assessment is required for the proposal to conform to the Central Lancashire Core Strategy Policies 2 (Infrastructure) and 14 (Education) due to the additional demand the proposed development would create on primary school places within the catchment area.	The financial contribution for education is determined by a formula based on the scale of development and the identified need for school places within the catchment area which will be exacerbated by the proposed development. As such the contribution is directly related to the proposed development.	<p>The financial contribution in respect of the education assessment accords with the requirements of Core Strategy Policy 14 (Education) and the Lancashire County Council's Education Contribution Methodology: Infrastructure and Planning Annex 2.</p> <p>The contribution would provide additional primary school places at Broughton-In-Amounderness Church of England Primary School and/or Bilsborrow John Cross Church of England Primary School.</p> <p>The payments of the financial contribution are phased to ensure that the money received is appropriate to the scale of the development at the time of the agreed trigger points so that the extra places are provided at the appropriate time.</p>

Sustainable Transport Contribution	The provision of a financial contribution of £100,000 to enhance sustainable transport infrastructure is required in terms of adopted Central Lancashire Core Strategy Policies 2 (Infrastructure) and 3 (Travel), and Preston Local Plan Policy ST2 (General Transport Considerations) in order to provide safe and suitable means of access to the site, and to make walking and cycling an attractive and realistic choice for residents of the proposed development. The contribution will thereby encourage more sustainable forms of transport and reduce the need to travel by car in accordance with the NPPF (paragraph 122).	The financial contribution will be used to enhance sustainable transport infrastructure on the A6 corridor within Barton village, and between Barton and Broughton. Specifically the contribution will be used to improve and extend cycle lanes, footways and pedestrian crossing (including signs and lighting) to provide suitable means of access to the site, and to make walking and cycling an attractive and realistic choice for residents of the development. As such the contribution is directly related to the proposed development.	The level of contribution is proportionate to the scale of the development and accords with the requirements of Policies 2 (Infrastructure) and 3 (Travel), and Preston Local Plan Policy ST2 (General Transport Considerations). The sustainable transport contribution will be paid prior to occupation of the first dwelling so that the sustainable highway improvements can be carried out at an appropriate time for future residents of this development.
Monitoring of Travel Plan	The provision of a financial contribution for £6,000 in respect of appraising and monitoring the Travel Plan, is required to comply with Core Strategy Objective S03 and Policy 3 (Travel), and Section 9 (Promoting Sustainable Transport) of the NPPF. This is to encourage and achieve sustainable choices for people living at the development.	The financial contribution is necessary to ensure the measures within the Travel Plan are complied with to promote the use of sustainable transport for residents of the proposed development. As such the obligation is directly related to the proposed development.	The Travel Plan monies will be paid prior to occupation of the first dwelling so that the measures agreed within the Travel Plan can be monitored at the appropriate time.

Public Open Space	The provision of on-site public open space, including children's play area(s), is required for the proposal to comply with Core Strategy Policy 24 (Sport and Recreation) and Preston Local Plan Policy HS3 (Green Infrastructure in New Housing Developments) in order to meet the recreational and amenity needs of the residents of the proposed development, to provide a more attractive environment and to promote a healthy lifestyle	The provision of on-site public open space, including on-site equipped play area(s), is directly related to the proposed development and will directly benefit the future residents of the development proposed.	<p>The Section 106 requires the first reserved matters application to include a scheme for the provision of the amount/location, delivery and future management and maintenance, of the on-site public open space.</p> <p>The on-site public open space, including on-site play area(s), will be provided prior to the occupation of the 75th dwelling, in accordance with CS Policy 24 and PLP Policy HS3.</p> <p>This ensures that future residents are provided with these recreational facilities at an appropriate time, and that these facilities are retained and managed. The provision of on-site public open space is therefore considered fair and reasonable.</p>
Community Building	The application includes the provision of an on-site community building and the appellant asserts that this is a benefit of the proposal. That being the case the provision of community building needs to be secured.	The provision of the on-site community building is directly related to the proposed development.	The provision of the on-site community building prior to the occupation of the 75 th dwelling, along with securing its future management and ownership, ensures that future residents are provided with this facility at an appropriate time, and that the facility is retained for its intended purpose.

