

Infrastructure and Planning Obligations

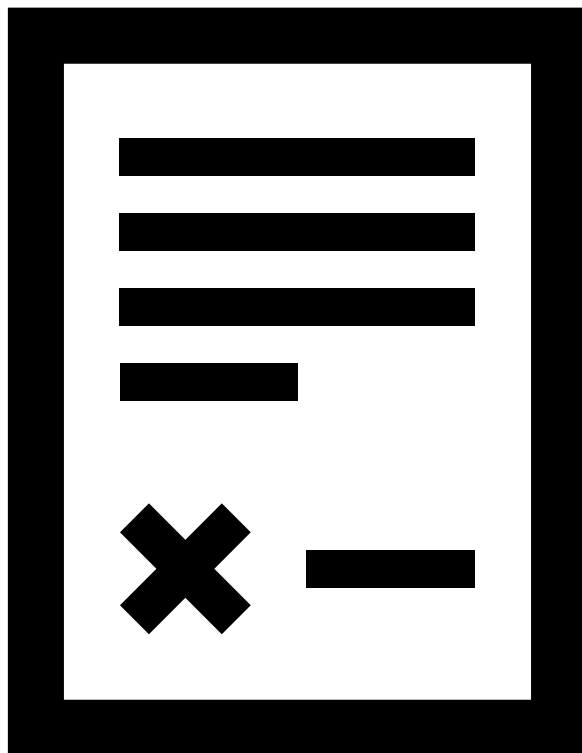




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14. Infrastructure and Planning Obligations

Introduction

Infrastructure Planning

- 14.1. Infrastructure planning is the process for ensuring the physical needs of an area can be delivered to keep pace with its population's requirements. It is critical to the delivery of vision of the Local Plan.
- 14.2. At the heart of national planning policy, is a presumption in favour of sustainable development. To ensure sustainable development, it is critical that the necessary infrastructure is provided to support the level of growth identified in the Local Plan.
- 14.3. To support the Local Plan the Council will prepare an Infrastructure Delivery Plan (IDP) which will be regularly monitored and reviewed. The IDP will sit alongside the Local Plan providing an infrastructure assessment for the borough, which will be developed through working in partnership with physical, social and green infrastructure providers to establish what infrastructure provision there is in the borough and identifying any gaps or capacity issues within this existing provision.
- 14.4. The IDP and the IDP Schedule will set out the infrastructure that is required for the successful implementation of the Local Plan, although infrastructure requirements from development will not be limited to these.
- 14.5. Where known, the schedule will detail the timescales for delivery, funding mechanisms, and follow best practice.

Corporate Plan Priorities





Policy Exclusions from the Local Plan

- 14.6. The Local Plan needs to be read alongside Places for Everyone (PfE) and national policy / guidance. Policy requirements which are adequately covered by other existing policies have, where possible, not been duplicated in the Local Plan. This includes policies in the PfE Delivering the Plan chapter.



Infrastructure Delivery and Planning Obligations

Policy IP1: Infrastructure Delivery and Planning Obligations

- A. The Council will ensure that sufficient supporting infrastructure, is delivered to support the levels and types of growth identified in the Local Plan. The Council will require that there is adequate infrastructure to serve developments, using planning contributions, working with infrastructure providers and stakeholders to identify requirements.
- B. Where development generates a need either because of its individual or cumulative impact, planning obligations and contributions will be sought to secure the necessary infrastructure required to make the development acceptable.
- C. In determining what planning obligations would make development acceptable in planning terms, account will be taken of the proposed development, individual characteristics of the site, the infrastructure needs of the site and the surrounding area.
- D. Proposals that form part of wider (or potentially wider) sites will be assessed in terms of the capacity of the site as a whole.
- E. All obligations for provision must be fulfilled on-site in the first instance. Where justified to the satisfaction of the Council, off-site provision will be acceptable in limited circumstances. Only in exceptional circumstances where it can be robustly demonstrated that on-site provision is not feasible or appropriate, will a financial contribution be allowed.
- F. Any financial contribution in-lieu of on-site provision must be of sufficient value to enable the Council to provide the requirement as a bespoke and standalone project, covering all the costs of doing so, including (but not limited to):
 - i. Land acquisition and/or assembly
 - ii. Material, build and labour costs
 - iii. Any necessary design, planning and legal costs; and



iv. Procurement costs

G. A publicly available open book financial viability appraisal will be required where relevant.

Policy IP1N: Trafford North Infrastructure Contributions

A. Developments within Trafford North will be required to make financial contributions towards the provision of infrastructure in accordance with the following rates:

- i. Residential (Class C3 and C4): £150 per sqm
- ii. All other development: £70 per sqm

Places for Everyone Links

Policy JP-D1 and JP-D2

Relevant Strategic Objectives

All

Planning Obligations

- 14.7. The use of Community Infrastructure Levy (CIL) and planning obligations / contributions (s106) is a principal way of the Council gaining the necessary resources to administer and assist the delivery of vital infrastructure.
- 14.8. Planning obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms. They might be used to prescribe the nature of a development; to secure a contribution from a developer to compensate for loss or damage created by a development; or to mitigate a development's impact.
- 14.9. Planning obligations should only be used where it is not possible to address unacceptable impacts through planning conditions. They must comply with the Community Infrastructure Levy Regulations 2010 (as amended) and the NPPF.



14.10. Planning obligation requirements are set out in relevant policies throughout the Local Plan and the Council's adopted Planning Obligations Supplementary Planning Document (2014), explains in more detail the planning obligations that will be sought from development.

14.11. Subject to the S106 tests, planning obligations may include (but are not limited to):

- Affordable housing;
- Highways infrastructure;
- Sustainable transport and active travel schemes;
- Measures to reduce the impact of climate change;
- Measures that contribute to biodiversity net gain;
- Specific green infrastructure, such as tree planting;
- Flood resilience and avoidance measures;
- Spatial green infrastructure, such as parks play areas and outdoor sports facilities;
- Indoor sports facilities, including swimming pools and gyms;
- Education facilities;
- Health facilities;
- Community facilities;
- The historic environment;
- Utilities and Digital Infrastructure;
- Allotments and cemeteries; and
- Public art.

Trafford North Infrastructure Contributions

14.12. A very significant amount of development is planned and expected to come forward in Trafford North over the next 15 years, placing very



significant strain on existing infrastructure and requiring the provision of new infrastructure.

- 14.13. A large amount of development in this locality is anticipated to be comprised of high-density and higher rise flatted development, which is currently excluded from the Community Infrastructure Levy (CIL).
- 14.14. Plans to develop a new world-class multi-purpose football stadium and event space, alongside other existing sporting, visitor, leisure and tourism attractions and venues will place even further pressure on the areas' infrastructure.
- 14.15. Taking into account the per square metre (sqm) charges set out in the Civic Quarter Area Action Plan under Policy CQ11, with a base date of January 2021, the per sqm charges set out in Policy IP1N are considered to be reasonable and justified at this time.
- 14.16. Contributions secured from residential development will be pooled to:
- Improve and/ or provide new transport infrastructure
 - Provide additional primary and secondary school places or facilities and/or support other education needs
 - Provide new and/or improved public realm and/or green infrastructure and spaces (including maintenance)
 - Provide additional health facilities
 - Improve and expand existing and/or provide new utility infrastructure
- 14.17. Financial contributions from residential development will also be in addition to any affordable housing requirements.
- 14.18. Contributions secured from all other development will be pooled to:
- Improve and/ or provide new transport infrastructure
 - Provide new and/or improved public realm and/or green infrastructure and spaces (including maintenance)



- Improve and expand existing and/or provide new utility infrastructure

Community Infrastructure Levy (CIL)

- 14.19. The Council's CIL Charging Schedule came into effect on 07 July 2014. CIL is a mandatory charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. CIL runs alongside s106 agreements which will continue to operate. Communities will be consulted on how to spend the neighbourhood portion of the levy revenues arising from the development that takes place in their area to ensure that the use of the neighbourhood portion matches the priorities expressed by the local community. The neighbourhood portion amounts to 15 per cent of the CIL receipts arising from development that takes place in that area or 25 per cent in areas with a made neighbourhood plan.
- 14.20. CIL is monitored regularly and CIL funds, priorities and spending are reported through the Council's annual Infrastructure Funding Statement (IFS).

Using Planning Obligations and CIL

- 14.21. Legal agreements including s106 contributions, and CIL will be used to help deliver the Local Plan. New development should be supported by on-site delivery of supporting infrastructure. This will include physical infrastructure such as the transport network, and social and community uses that help support good growth. The Council will combine developer contributions, secured through the Community Infrastructure Levy and s106 planning obligations / contributions, with Council resources and other public funding streams such as grants as necessary and appropriate, to maximise delivery of the objectives set out in the Local Plan.

Viability

- 14.22. National policy makes clear that development which complies with up-to-date policies is assumed to be viable.
- 14.23. Where the development is unable to deliver all the policy requirements for reasons of viability or where enabling development is necessary to bring



development forward, a viability assessment will be required to accompany the planning application. The applicant will fund the independent assessment of the viability assessment, and/or other technical studies requiring independent assessment, prior to the application being determined.

- 14.24. As required by national policy, all viability assessments, should reflect the approach in national planning practice guidance and should be made public.

Consultation Question 14-1

Do you support Policy IP1? Are there any changes required which would improve the policy? Please provide any supporting evidence which you think is relevant.

Managing and Monitoring Arrangements

Policy IP2: Managing and Monitoring Planning Obligations

- A. All planning obligations for minor development will be required to pay a non-refundable fee of £500 per obligation trigger, capped at £2,500.
- B. All planning obligations for major development will be required to pay a non-refundable fee of 5% of the total financial value of the planning obligation.
- C. All monitoring fees are required to be paid at completion of the relevant legal deed.

Places for Everyone Links

Policy JP-D1 and Policy JP-D2

Relevant Strategic Objectives

All



- 14.25. Money and infrastructure secured through planning obligations and CIL are of interest to the public and is essential for transparency and accountability that their agreement, collection, provision and fulfilment is accurately monitored and reported on.
- 14.26. To undertake this essential function, it is necessary for the Council to ensure that resources are available to support the effective monitoring and reporting of planning obligations.
- 14.27. National Planning Practice Guidance advises that authorities can charge a monitoring fee through planning obligations to cover the cost of monitoring and reporting on the delivery of planning obligations. Any such fees must be proportionate and reasonable.
- 14.28. The Council undertakes a number of monitoring activities in relation to planning obligations including (but not limited to):
- data entry and maintenance of planning obligations database
 - monitoring of trigger points for obligation actions and for receiving payments
 - developer liaison and confirmation of compliance of obligations
 - site visits, as required
 - monitoring financial obligation time limits and spend
 - calculation of indexation and interest applied to planning obligations
 - the issuing of s106 Demand Notices (invoicing)
 - processing of s106 payments
 - chasing unpaid invoices
 - arranging bank transfer of financial obligations
 - contacting infrastructure providers and organising drawdowns
 - ensuring timely delivery of infrastructure projects funded through s106
 - gathering and recording of spend data evidence



- reviewing projects to comply with legal obligations
- reconciliation of data as appropriate; and
- regular reporting and production of the s106 Report, Infrastructure List and Infrastructure Funding Statement

Calculation and Payment of the Fee

- 14.29. The monitoring fees are based on an estimated number of planning obligations managed by the council annually, the percentage of officer time spent on the above activities per obligation and trigger, and the annual cost of software licences per obligation and trigger.
- 14.30. Planning obligations will require some degree of the above activities even if they are triggered prior to commencement, therefore the approach ensures that the monitoring fees are fair and reasonable.
- 14.31. As such, the monitoring fee is to be paid at completion of the legal deed, to enable the council to cover the costs of monitoring the commencement of development and/or other pre commencement triggers.

Minor Development Fees

- 14.32. Minor developments with planning obligations often have fewer triggers requiring monitoring, resulting in the cost to the Council of monitoring and reporting on them being less.
- 14.33. Each trigger, nonetheless, needs to be monitored and the fee therefore is based upon the occurrence of triggers for compliance of a planning obligation rather than each obligation individually.
- 14.34. A cap of £2,500 has been included to ensure that the monitoring fees are not excessive, although it is anticipated that the large majority of relevant obligations will fall below this threshold.

Major Development Fees



- 14.35. Conversely, planning obligations for major development are more likely to have several triggers across one or more areas e.g. affordable housing provision and a financial contribution towards open/ green space. In many cases agreements also requiring monitoring over several years.
- 14.36. Major development, include anything over 10 homes or 1,000 square metres of development, and as such captures a wide range of types and sizes of development.
- 14.37. A blanket monitoring fee is therefore considered to be neither proportionate nor reasonable.
- 14.38. In a similar fashion to CIL, where 5% of the levy is retained for the administration costs of the charge, it is considered that a 5% charge is reasonable and allows for the scale of development and contribution to be proportionately recognised.

Consultation Question 14-2

Do you support Policy IP2? Are there any changes required which would improve the policy? Please provide any supporting evidence which you think is relevant.

Consultation Question 14-3

Do you agree that the Council should require a fee to monitor and report on all planning obligations?

Consultation Question 14-4

Do you agree or have any observations or suggestions on the proposed planning obligation monitoring fees for either minor and/or major developments?



Monitoring

- 14.39. Table 12.7 of Places for Everyone (PfE) sets out a monitoring framework for the infrastructure and planning obligations related policies within that plan. Key indicators include the following:
- Developer contributions for the delivery of affordable housing
- 14.40. The Local Plan will not replicate the above PfE monitoring indicators. The following additional indicators have been identified to monitor the delivery of the Infrastructure and Planning Obligations policies.

Indicator	Target
What percentage of planning obligations and contributions were delivered onsite, broken down by Locality.	90% min

Consultation Question 14-5

The Local Plan should be read alongside the Places for Everyone Plan and national policy / guidance. Where possible, the Local Plan has not repeated or duplicated policy.

However, are there any policy areas related to this chapter which you consider are missing and which should be included in the Local Plan?