



ST HELENS

BOROUGH COUNCIL

CIL Compliance Statement

Land West Of Mill Lane, Newton Le Willows

Local Authority Reference: APP/2024/0022/REF, and P/2023/0619/FUL

PINs Reference: APP/H4315/W/24/3350503

1. FRAMEWORK AND POLICIES

1.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

1.2 Paragraph 57 of the National Planning Policy Framework reiterates the Regulation 122 test.

1.3 The policies of the St Helens Borough Council Local Plan up to 2037 which are relevant to the planning obligations to be secured are as follows:

- LPA06 – Transport and Travel
The Council's strategic priorities for the transport network are to facilitate economic growth, enable good levels of accessibility between homes, jobs and services, improve air quality and minimise carbon emissions. To achieve these priorities, it will seek to:
 - a) Secure the delivery of new or improved road, rail, walking, cycling, and / or bus infrastructure where required;
 - b) Ensure that new development is sufficiently accessible by road transport, walking, cycling and public transport;
- LPA07 – Infrastructure Delivery and Funding
This policy states that Subject to compliance with relevant legislation and national policy, development proposals will be expected to include or contribute to the provision, improvement or replacement of infrastructure that is required to meet needs arising from the development proposal. This may include direct provision of on-site or off-site infrastructure and / or financial contributions that will be secured by:
 - a) Section 106 planning obligations (or other legally binding agreements); and / or
 - b) A tariff based system such as the Community Infrastructure Levy.
- LPC02 – Affordable Housing
This policy states that Proposals for new open market housing developments of 10 units or more, or when the number of units is not known, sites of 0.5ha or more, will be required to contribute as follows:
 - i) at least 30% of new dwellings provided on greenfield sites in Affordable Housing Zones 2 and 3 must fall within the definition of 'affordable housing';

1.4 The following Supplementary Planning Documents is relevant;

- Developer Contributions April 2024

2. PROPOSED PLANNING OBLIGATIONS

2.1 The proposed Section 106 Agreement is between (1) St Helens Borough Council; (2) Roderick Leslie Hamilton Steen, Christopher John Whittles and Mark Stephen Eastburn Grime and (3) Wain Homes (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

- Education Contribution – The provision of £553,733 towards school places
- Transport Contribution – The provision of £50,000 towards two bus stop upgrades and associated works.

3. CIL TESTS

3.1 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 57 of the National Planning Policy Framework.

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>Policy LPC02 of the St Helens Borough Local Plan requires at least 30% of new dwellings provided on greenfield sites in Affordable Housing Zones 2 and 3 must fall within the definition of 'affordable housing'.</p> <p>The Appeal site falls within Zone 2 as set out in figure 6.1 of the Local Plan.</p> <p>Proposals for new open market housing developments of 10 units or more are required to contribute to Affordable Housing</p> <p>The proposed obligation is necessary to make the appeal scheme acceptable in planning terms. Without the obligation, it would not be possible to secure and maintain the affordable</p>	<p>The obligation to secure and maintain the affordable housing element is directly related to the appeal scheme as the affordable housing would be delivered on site as part of the development.</p>	<p>The level of affordable housing accords with the requirements of Policy LPC02 of the St Helens Local Plan. This policy has been examined and found to be sound as part of the examination of St Helens Local Plan. The provision of affordable housing is therefore considered fair and reasonable as the proportion required under the development plan.</p>

	housing which is required by Policy LPC02.		
Education	<p>Policy LPA07 of the St Helens Borough Local Plan seeks to ensure satisfactory provision of all forms of infrastructure that are required to serve the needs of the local community. Part 2 of the policy requires that development proposals will be expected to include or contribute to the provision, improvement or replacement of infrastructure that is required to meet needs arising from the development proposal. This may include direct provision of on-site or off-site infrastructure and / or financial contributions.</p>	<p>£553,733 has been agreed between the Council and the applicant as the contribution to meet the educational needs arising from the development. This is based on the Consultation response by The Council Education service.</p> <p>The Consultation response based on the revised housing mix and layout of 92 dwellinghouses considers a pupil yield of 25.7 places costing £553,733 broken down as follows:</p> <p>7 x Early Years places - £83,236 0 x Primary places - £0 10 x Secondary places - £121,216 7 x Post-16 places – 189,079 1.7 x SEN places - £160,201</p> <p>The full consultation response is included as Appendix 7 of the Council’s Statement of Case (Core Documents 4.2).</p> <p>Taking into account the number of family dwellings which would accommodate school aged children who would likely attend</p>	<p>The proposed contribution of £553,733 towards education is considered fair and reasonable on relation to the appeal scheme. An assessment has been undertaken of the capacity in educational facilities in the area of the site to identify where contributions are required to meet the additional pupil demand arising from the proposed development.</p> <p>The trigger for the contribution is for 50% prior to commencement and 50 % prior to the occupation of the residential units. The Council consider that these triggers are fair and reasonable and can ensure that the educational needs of the development can be meet as soon as practically possible upon occupation of residential dwellings.</p>

		<p>schools in the Borough, and the requirements of Policy LPA07, the proposed obligation is considered to directly relate to the proposed development. The Education response assess the school places available in the surrounding area of the application site and identifies the deficit in the above age groups. Therefore, this evidences the contribution is related to the development.</p>	
Transport	<p>Policy LPA06 (Transport and Travel) requires new development to improve accessibility to jobs, homes and services. The policy also requires improved road and bus infrastructure where required.</p>	<p>A financial contribution of £50,000 has been secured to provide two bus stop upgrades and associated works to with two nearest bus stops to the site access.</p> <p>The new upgraded bus stops will ensure the use of public transport would be more attractive with the provision of new covered shelters given that the use of the bus stops would increase as a result of the development.</p> <p>Additional upgrades to the paving along the A49 towards Newton Le Willows Railway station was requested as a contribution however this has</p>	<p>The proposed contribution of £50,000 towards the bus stop upgrade is to be paid in full prior to the commencement of development at the site. The Council consider that this is reasonable to ensure that the works to upgrade the stops can be undertaken as one operation to ensure minimal disruption to the highways network and to secure the purchase of the bus shelters. This is in line with Merseytravel costs as the bus stop operators.</p>

		<p>been agreed to be secured via a planning condition.</p> <p>It is considered that given the increased population as a result of the development the upgrade of the two nearest bus stops located immediately to the north of the proposed site access (A49 Southbound opposite Wayfarers Drive and A49 Northbound Opposite Newton Park Drive) is directly related to the development and complies with the requirements set out in Policy LPA06.</p>	
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