



Warwick District Council

# Developer Contribution Monitoring Report

Quarter 1, 2019/2020 (April – June 2019)

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## Executive Summary

This report sets out a summary of Developer Contribution Monitoring that has been undertaken during Quarter 1 of the financial year 2019/2020 (1<sup>st</sup> April to 30<sup>th</sup> June 2019). It embraces contributions that fall under both S106 Agreements and the Community Infrastructure Levy (CIL).

All development sites with S106 agreements have been monitored. In the majority of cases, this involved a site visit to ascertain the progress of construction, with the status of each plot recorded.

During Q1 2019/20, four new S106 agreements have been signed; none of these were for major developments.

S106 triggers have been met on a number of developments, including financial contributions totalling £112,000 due to Warwick District Council, and £1.8 million due to Warwickshire County Council. S106 income received by Warwick District Council was £350,000 and received by Warwickshire County Council was £2.1 million. The sums due and received by Warwick District Council include sums to be passed to third parties such as health bodies.

During Q1 2019/20, CIL demand notices have been issued on two developments, totalling just over £30,000. During the same period, nearly £280,000 has been received by way of CIL payments, with a further £1.3 million outstanding from demand notices issued.

The first CIL payments were transferred to Parish or Town Councils in April 2019. Burton Green Parish Council received £41,500 and Rowington Parish Council received £7,500.

## Section 106

Infrastructure contributions can be made under Section 106 agreements where they are necessary to make the development acceptable, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

### New S106 agreements signed

The following table shows agreements signed during Q1 2018/19 where those agreements have become active. Any agreements signed which have expired or not become active (for example if planning permission was not granted) are not included here.

Case reference	Location / obligation	Date signed	Amount agreed
<b>W/17/0218</b>	<b>4a Wise Terrace, Leamington Spa</b>	05/06/2019	
	Site Management Plan		-
<b>W/18/1978</b>	<b>4 and 5 Westgrove Terrace, Leamington Spa</b>	02/05/2019	
	Restriction on occupation		-
<b>W/18/2312</b>	<b>Priors Club, Tower Street, Leamington Spa</b>	29/05/2019	
	Canal and River Trust Contribution		£10,000.00
<b>W/19/0355</b>	<b>8 Beauchamp Avenue, Leamington Spa</b>	30/05/2019	
	Highways - Traffic Regulation Order		£3,000.00

## S106 triggers met

Development sites with S106 agreements are monitored quarterly. In the majority of cases, this involved a site visit to ascertain the progress of construction, with the status of each plot recorded.

S106 agreements include trigger points at which obligations become due. The following table shows trigger points which have been met during Q1 2019/20, for both financial and non-financial obligations.

Where a developer has elected to pay or otherwise discharge an obligation early, the trigger is shown as being met during the quarter in which they elected to pay.

Case reference	Location / obligation	Trigger met
<b>W/13/0464</b>	<b>Ear Rivers extra care village</b>	
	Complete communal facilities	50% occupation
	Make communal facilities available	Completion of communal facilities
	Complete scheme for adults with learning difficulties or autism / pay off-site contribution	50% occupation
<b>W/14/0661</b>	<b>Lower Heathcote Farm</b>	
	Highways	75% occupation
<b>W/15/0851</b>	<b>Grove Farm Phase 2</b>	
	Highways	20% occupation
<b>W/17/0440</b>	<b>Land off Bremridge Close, Barford</b>	
	Affordable housing	50% occupation of open market dwellings
	Open space – land transfer	50% occupation
	Open space – layout and installation	50% occupation
	Open space – offsite parks, gardens and allotments	50% occupation
	Health – Hospital	50% occupation
	Education – 0-5 Years	50% occupation
	Education – Primary	50% occupation
	Education – Secondary	50% occupation
	Education – Post 16	50% occupation
	Libraries	50% occupation
	Highways – Rights of Way	50% occupation
<b>W/17/2086</b>	<b>Red Lane and Hob Lane, Burton Green</b>	
	Affordable Housing – contract with registered provider	Within 6 months of commencement
	Education	First occupation
	Libraries	First occupation
	Highways	First occupation of open market dwellings
	Highways - Cycleways	First occupation
<b>W/18/1709</b>	<b>Site 1300, Plato Close, Tachbrook Park</b>	
	Environment – Biodiversity offsetting	Commencement
<b>W/18/1909</b>	<b>169 – 171 Leam Terrace, Leamington Spa</b>	
	Restriction on occupation	First occupation
<b>W/18/2312</b>	<b>Priors Club, Tower Street, Leamington Spa</b>	
	Canal and River Trust Contribution	Grant of planning permission

## S106 sums falling due

Some of the triggers met from the previous table are financial. These are presented in the following table, grouped according to the contribution type.

Sums due to Warwick District Council include indexation where relevant. Sums due to Warwickshire County Council are presented without any indexation, as responsibility for calculating indexation on those sums lies with WCC.

<b>Sums due to Warwick District Council</b>		<b>£112,216.45</b>
<b>Health - Hospital</b>		<b>£34,527.07</b>
Land off Bremridge Close, Barford	W/17/0440	£34,527.07
<b>Open Space – Offsite parks, gardens and allotments</b>		<b>£67,689.38</b>
Land off Bremridge Close, Barford	W/17/0440	£67,689.38
<b>Canal and River Trust Contribution</b>		<b>£10,000.00</b>
Priors Club, Tower Street, Leamington Spa	W/18/2312	£10,000.00
<b>Sums due to Warwickshire County Council</b>		<b>£1,844,659.00</b>
<b>Education</b>		<b>£569,791.00</b>
Red Lane and Hob Lane, Burton Green	W/17/2086	£346,827.00
Land off Bremridge Close, Barford (0-5 years)	W/17/0440	£17,530.50
Land off Bremridge Close, Barford (primary)	W/17/0440	£93,496.00
Land off Bremridge Close, Barford (secondary)	W/17/0440	£80,349.50
Land off Bremridge Close, Barford (post 16)	W/17/0440	£31,588.00
<b>Environment – Biodiversity offsetting</b>		<b>£70,901.00</b>
Site 1300, Plato Close, Tachbrook Park	W/18/1709	£70,901.00
<b>Highways</b>		<b>£1,107,000.00</b>
Lower Heathcote Farm	W/14/0661	£315,000.00
Grove Farm Phase 2	W/15/0581	£468,000.00
Red Lane and Hob Lane, Burton Green	W/17/2086	£324,000.00
<b>Highways - Cycleways</b>		<b>£90,000.00</b>
Red Lane and Hob Lane, Burton Green	W/17/2086	£90,000.00
<b>Highways – Rights of way</b>		<b>£3,813.00</b>
Land off Bremridge Close, Barford	W/17/0440	£3,813.00
<b>Libraries</b>		<b>£3,154.00</b>
Land off Bremridge Close, Barford	W/17/0440	£1,400.00
Red Lane and Hob Lane, Burton Green	W/17/2086	£1,754.00
<b>Total falling due</b>		<b>£1,956,875.45</b>

## S106 sums received

The following table shows the sums received from developers during Q1 2019/20. In general, the trigger points for these sums will have been reached during previous quarters. All sums are presented including indexation where relevant.

<b>Sums received by Warwick District Council</b>		<b>£351,921.56</b>
<b>Health – GP Surgery</b>		<b>£321,921.56</b>
Land between Myton Road and Europa Way	W/14/1076	£129,154.16
Land between Myton Road and Europa Way	W/14/1076	£192,767.40
<b>Monitoring</b>		<b>£30,000.00</b>
Whitley South	W/16/0239	£30,000.00
<b>Sums received by Warwickshire County Council</b>		<b>£2,137,580.11</b>
<b>Education</b>		<b>£1,372,452.99</b>
Lower Heathcote Farm	W/14/0661	£875,084.10
Land North of Oakley Wood Road	W/14/0689	£497,368.89
<b>Environment – Biodiversity Contribution</b>		<b>£24,559.00</b>
Lower Heathcote Farm	W/14/0661	24,559.00
<b>Highways</b>		<b>£620,118.19</b>
Lower Heathcote Farm	W/14/0661	£335,333.01
Land North of Oakley Wood Road	W/14/0689	£276,785.18
Riverside House (car park works)	W/18/1817	£8,000.00
<b>Highways – Traffic Regulation Order</b>		<b>£28,282.34</b>
Whitley South	W/16/0239	£28,282.34
<b>Highways – Rights of Way</b>		<b>£4,893.00</b>
Red Lane and Hob Lane, Burton Green	W/17/2086	£4,893.00
<b>Highways – Sustainability Pack</b>		<b>£13,068.26</b>
Land North of Oakley Wood Road	W/14/0689	£6,318.26
Red Lane and Hob Lane, Burton Green	W/17/2086	£6,750.00
<b>Monitoring</b>		<b>£5,000.00</b>
Whitley South	W/16/0239	£5,000.00
<b>Public Transport</b>		<b>£49,629.95</b>
Lower Heathcote Farm	W/14/0661	£49,629.95
<b>Public Transport – School Transport</b>		<b>£19,576.38</b>
Lower Heathcote Farm	W/14/0661	£19,576.38
<b>Total received</b>		<b>£2,489,501.67</b>

Sums received by Warwick District Council relating to hospital, GP surgery or police contributions are subsequently passed on to the relevant bodies, following the completion of legal agreements.

## Summary of development status as at end June 2019

Application Number	Location	Status
W/13/0464	Earl Rivers extra care village	Phase 1 and 2 complete Work paused on phase 3
W/13/1207	Woodside Farm	310 dwellings Development complete
W/13/1763	Land to the rear of Holly Walk, Baginton	Free school Not started
W/14/0023	Grove Farm Phase 1 (Harbury Gardens)	122 out of 220 dwellings complete (55%)
W/14/0300	The Asps	900 dwellings Outline only
W/14/0433	Spring Lane, Radford Semele	65 dwellings Development re-started after pause in work
W/14/0661	Lower Heathcote Farm	576 out of 785 dwellings complete (73%) Barratt/DWH 323 out of 435 dwellings complete (74%) Bovis/Bellway 253 out of 350 dwellings complete (72%)
W/14/0681	Land South of Gallows Hill / West of Europa Way	450 dwellings Infrastructure work ongoing
W/14/1076	Land between Myton Road and Europa Way	735 dwellings Land parcel D1 (Miller Homes – 134 dwellings) under construction Land parcel D2 (Avant Homes – 200 dwellings) under construction
W/14/1340	Crackley Triangle, Common Lane, Kenilworth	93 dwellings Under construction
W/15/0851	Grove Farm Phase 2	128 out of 510 dwellings complete (25%) Phase 2b (Taylor Wimpey) 45 out of 194 dwellings complete (23%) Phase 2c (Persimmon) 83 out of 208 dwellings complete (40%) Phase 2d (AC Lloyd) 108 dwellings, not started
W/15/0905	Station Approach, Leamington Spa	38 out of 212 dwellings complete (18%)
W/16/0196	Land to the South of Offchurch Lane, Radford Semele	31 out of 150 dwellings complete (21%)
W/16/0239	Whitley South (sub-regional site)	Mixed development Not monitored
W/16/0279	Land off Seven Acre Close, Bishop's Tachbrook	50 dwellings Outline only
W/16/0356	Tollgate House, Banbury Road, Bishop's Tachbrook	6 dwellings Outline only



Application Number	Location	Status
W/16/0801	Former North Leamington School, Cloister Way, Leamington Spa	15 out of 44 dwellings complete (34%)
W/16/0980	19 Waterloo Place, Leamington Spa	Change of use office to 8 dwellings Not started
W/16/1139	Talisman Square, Kenilworth	Mixed development Not started
W/16/1676	29-33 High Street, Leamington Spa	HMO Not started
W/16/1823	25 Beauchamp Road, Leamington Spa	9 dwellings Not started
W/16/2156	7 Parade, Leamington Spa	Change of use office to 5 dwellings Not started
W/16/2172	Warwick School, Banbury Road, Warwick	School buildings Not monitored
W/17/0218	4a Wise Terrace, Leamington Spa	27 HMO bedrooms in 4 cluster flats Retrospective application
W/17/0252	29 Chandos Street, Leamington Spa	6 dwellings Not started
W/17/0440	Land off Bremridge Close, Barford	35 out of 63 dwellings complete (56%)
W/17/0823	Lillington Free Church	Church building complete 25 dwellings under construction
W/17/0998	Elisabeth The Chef site, St. Mary's Road, Leamington Spa	40 dwellings Under construction
W/17/1470	Land at Leamington Shopping Park, Tachbrook Park Drive, Warwick	Retail development Not monitored
W/17/1724	Land at Meadow House / Kingswood Farm, Lapworth	38 dwellings Under construction
W/17/2086	Land on the corner of Red Lane and Hob Lane, Burton Green	3 out of 90 dwellings complete (3%)
W/17/2150	Land on the East side of Warwick Road, Kenilworth	125 dwellings Outline only
W/17/2357	Land to the South of Westwood Heath Road, Burton Green	425 dwellings Not started
W/17/2371	Land off Rugby Road and Coventry Road	120 dwellings Not started
W/18/0285	The Old Post Office, 4 Old Square, Warwick	1 dwelling Not started
W/18/0606	Land at The Triangle, Lower Heathcote Farm	150 dwellings Outline only
W/18/1489	Tesco Supermarket, Emscote Road, Warwick	McDonalds drive-through Not started
W/18/1619	Land North of Gallows Hill	375 dwellings in reserved matters Not started
W/18/1709	Site 1300, Plato Close, Tachbrook Park, Warwick	Industrial development Site prep commenced
W/18/1744	5 Russell Terrace, Leamington Spa	1 dwelling Not started

Application Number	Location	Status
W/18/1802	231 Cromwell Lane, Burton Green	House extension Under construction
W/18/1909	169-171 Leam Terrace, Leamington Spa	House extension Complete
W/18/1920	96-98 Warwick Street, Leamington Spa	Change of use offices to 3 dwellings Not started
W/18/1942	Whitley South	Variation of conditions See W/16/0239
W/18/1978	4 and 5 Westgrove Terrace, Leamington Spa	House extension Not monitored
W/18/2270	2-8 Kenilworth Street, Leamington Spa	9 dwellings Not monitored
W/18/2312	Priors Club, Tower Street, Leamington Spa	Café, bar and staff accommodation Not monitored
W/19/0355	8 Beauchamp Avenue, Leamington Spa	1 dwelling Not started

## Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a tariff charged on development, at a locally set rate, to fund infrastructure needs arising from new development. Warwick District Council (WDC) introduced its charging schedule on 18<sup>th</sup> December 2017.

CIL income can be spent on infrastructure such as transport schemes; flood defences; schools; health & social care facilities; parks & green spaces; and cultural & sports facilities. During the period covered in this report (prior to the change in regulations in September 2019), the schemes which were to be funded by CIL in Warwick District were defined in the [CIL Regulation 123 List 2019/20](#) which was agreed by WDC Executive Committee in March 2019.

### CIL receipts

The table below covers the period from 01 April 2019 to 30 June 2019 (Quarter 1).

Description	Number of Applications Assessed	Amount Exemptions	Amount Liabile
Number of Planning Applications requested to complete and submit CIL Additional Information Requirement form	45		
Applications assessed and found to be less than 100 sqm – not CIL liable	24		
CIL liable proposals eligible for exemption i.e. self build - 2 commenced, 1 waiting for Commencement Notices (Form 6) Exempt amounts would become liable if a 'disqualifying' event occurs i.e. dwelling sold within 3 years of completion	3	£143,325.00	
Liability Notices issued – waiting for Commencement Notices (Form 6)	0		
CIL Liable proposals - exemption for Social Housing (inc. in Demand Notice figure)	0		
CIL liable proposal – Demand Notice issued	2		£30,534.00
CIL liable / exempt & completed	0		
Applications where CIL forms have been requested – ongoing / waiting for information	16		
<b>Totals</b>		£143,325.00	£30,534.00
<b>Total CIL income 1<sup>st</sup> April – 30<sup>th</sup> June 2019</b>			£278,124.58
<b>Total CIL outstanding <u>ALL</u> liable amounts to June 2019</b>			£1,270,646.90

## **CIL contributions to Town and Parish Councils**

A proportion of the CIL money collected is distributed to Town, Parish and Community Councils in which the development falls. This proportion must be spent to support the impact of developments on local communities and they must in turn report on their levy income and spending.

WDC are required to pass **15%** of CIL receipts to relevant Parish / Town Councils who do not have a Neighbourhood Plan (NP) in place arising from developments in their areas. Payments will be capped to £100 per Council Tax dwelling per year. For example, a Parish / Town Council with 500 dwellings cannot receive more than £50,000 of CIL receipts per year.

The levy contribution will increase to **25%** for Parish / Town Councils with an adopted NP; there is no cap on the amount paid if a NP is in place. This amount will not be subject to an annual limit; for this to apply, the NP must have been made before a relevant planning permission first permits development (as amended by the 2011 and 2014 Regulations).

The District Council must make payment in respect of CIL it receives from 1st April to 30th September in any financial year to the Parish / Town council by 28th October of that financial year and pay the CIL received from 1st October to 31<sup>st</sup> March in any financial year by the 28th April that financial year.

The first CIL payments were transferred to Parish or Town Councils in April 2019. Burton Green Parish Council received £41,500 and Rowington Parish Council received £7,500.

Planning App.	Project	Parish / Town Council	Total CIL Chargeable Amount	Total Parish / Town portion 15% (dependant on no. of dwellings cap) or 25%	Total no. council tax dwellings	Max. amount payable per year (no NP)	Transferred Q1 2019/20
W/17/2086	Red Lane / Hob Lane	Burton Green	£1,065,285.00	£159,792.75	415	£41,500.00	£41,500.00
W/17/1724	Kingswood Farm	Rowington	£741,780.00	£111,267.00	445	£44,500.00	£7,500.00