



Warwick District Council

# Developer Contribution Monitoring Report

Quarter 2, 2019/2020 (July – September 2019)

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## Executive Summary

This report sets out a summary of Developer Contribution Monitoring that has been undertaken during Quarter 2 of the financial year 2019/2020 (1<sup>st</sup> July to 30<sup>th</sup> September 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 Q2 2019/20, six new S106 agreements have been signed; one of these was for a major development, at Waverly Riding School, Cubbington (16 dwellings).

S106 triggers have been met on a number of developments, including financial contributions totalling just under £400,000 due to Warwick District Council, and £1.5 million due to Warwickshire County Council. S106 income received by Warwick District Council was just under £1 million and received by Warwickshire County Council was just over £1 million. The sums due and received by Warwick District Council include sums to be passed to third parties such as the NHS and Police.

Since the beginning of the financial year (Q1 and Q2 2019/20), CIL demand notices have been issued on three developments, totalling over £200,000. During the same period, around £650,000 has been received by way of CIL payments, with a further £2.7 million outstanding.

Transfer of CIL payments to Town and Parish Councils happens twice a year in April and October; as such, no transfers were made in Q2 2019/20.

## 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 Q2 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/17/2392</b>	<b>52-60 Warwick Street, Leamington Spa</b>	23/09/2019	
	Highways - Traffic Regulation Order		£3,000.00
<b>W/18/0554</b>	<b>Waverley Riding School, Cubbington</b>	02/09/2019	
	Affordable Housing		-
	Highways		£10,000.00
	Highways – Sustainability Pack		£1,200.00
	Open Space – Offsite parks, gardens and allotments		£38,732.00
	Sports Facilities – Indoor		£13,233.00
	Sports Facilities - Outdoor		£1,133.00
<b>W/19/0038</b>	<b>46 Parade, Leamington Spa</b>	05/07/2019	
	Highways – Traffic Regulation Order		£3,000.00
<b>W/19/0203</b> <b>W/19/0215</b>	<b>9 and 11 Dereham Court, Leamington Spa</b>	29/08/2019	
	Concurrent development		-
<b>W/19/0415</b>	<b>43 and 45 Leyes Lane, Kenilworth</b>	23/09/2019	
	Restriction on occupation		-
	Concurrent development		-
<b>W/19/0963</b>	<b>49-51 Parade, Leamington Spa</b>	08/08/2019	
	Highways – Traffic Regulation Order		£3,000.00

## S106 triggers met

Development sites with S106 agreements are monitored quarterly. In the majority of cases, this involves 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 Q2 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/14/0661</b>	<b>Lower Heathcote Farm</b>	
	Public Transport	Anniversary of previous payment
	Public Transport – School Transport	Anniversary of previous payment
<b>W/14/1076</b>	<b>Myton Green, Europa Way</b>	
	Education (Parcel D1, Miller Homes)	First occupation in a phase
	Education (Parcel D2, Avant Homes)	First occupation in a phase
	Highways (Parcel D1, Miller Homes)	First occupation of open market dwellings in a phase
	Highways (Parcel D2, Avant Homes)	First occupation of open market dwellings in a phase
	Highways – Rights of Way (Parcel D1, Miller Homes)	First occupation in a phase
	Highways – Rights of Way (Parcel D2, Avant Homes)	First occupation in a phase
	Public Transport (Parcel D1, Miller Homes)	First occupation in a phase
	Public Transport (Parcel D2, Avant Homes)	First occupation in a phase
<b>W/16/0196</b>	<b>South of Offchurch Lane, Radford Semele</b>	
	Education	25% occupation
	Public Transport – School Transport	25% occupation
<b>W/16/1676</b>	<b>29-33 High Street, Leamington Spa</b>	
	Highways – Traffic Regulation Order	Within 8 weeks of commencement
<b>W/16/2172</b>	<b>Warwick School, Banbury Road, Warwick</b>	
	Highways	First use of the development
<b>W/17/0218</b>	<b>4a Wise Terrace, Leamington Spa</b>	
	Site management plan	On grant of planning permission
	Site management plan – controlling car use	On grant of planning permission
<b>W/17/2150</b>	<b>East of Warwick Road, Kenilworth</b>	
	Monitoring Fee	Commencement
	Open Space Design Scheme	Commencement
	Biodiversity scheme submission	Commencement
	Health – Hospital	Commencement
	SUDS – Scheme submission	Commencement
	Highways – Sustainability Pack	Commencement

Case reference	Location / obligation	Trigger met
<b>W/18/0088</b>	<b>Haywood Road, Warwick</b>	
	Environment – Biodiversity Contribution	Commencement (site is now complete)
<b>W/18/0285</b>	<b>The Old Post Office, 4 Old Square, Warwick</b>	
	Highways – Traffic Regulation Order	Within 8 weeks of commencement
<b>W/18/1489</b>	<b>Tesco Supermarket, Emscote Road, Warwick</b>	
	Highways	Commencement
<b>W/18/1619</b>	<b>North of Gallows Hill</b>	
	Monitoring Fee	Commencement
	Affordable Housing Scheme submission	Commencement
	Open Space Design Scheme	Commencement
	Open Space – Pay Area Design Scheme	Commencement
	Open Space Land Transfer	Commencement
	Environment – Biodiversity offsetting	Commencement
	SUDS – Scheme submission	Commencement
	Local employment training strategy	Commencement
	Health – GP Surgery	Commencement
	Police	50% occupation (to be paid early)
	Sports Facilities - Outdoor	50% occupation (to be paid early)
	Country Park	Commencement
	Libraries	Commencement
	Highways – Rights of Way	50% occupation (to be paid early)
	Highways – Sustainability Pack	Commencement

## 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>S106 sums falling due</b>		
<b>Sums due to Warwick District Council</b>		<b>£397,909.69</b>
<b>Health – GP Surgery</b>		<b>£156,795.45</b>
North of Gallows Hill	W/18/1619	£156,795.45
<b>Health - Hospital</b>		<b>£75,331.75</b>
East of Warwick Road, Kenilworth	W/17/2150	£75,331.75
<b>Monitoring Fee</b>		<b>£47,957.92</b>
East of Warwick Road, Kenilworth	W/17/2150	£17,957.92
North of Gallows Hill	W/18/1619	£30,000.00
<b>Police</b>		<b>£96,041.20</b>
North of Gallows Hill	W/18/1619	£96,041.20
<b>Sports Facilities - Outdoor</b>		<b>£21,783.37</b>
North of Gallows Hill	W/18/1619	£21,783.37
<b>Sums due to Warwickshire County Council</b>		<b>£1,509,288.64</b>
<b>Education</b>		<b>£504,692.30</b>
Myton Green, Europa Way (Parcel D1, Miller Homes)	W/14/1076	£107,293.80
Myton Green, Europa Way (Parcel D2, Avant Homes)	W/14/1076	£160,140.00
South of Offchurch Lane, Radford Semele	W/16/0196	£237,258.50
<b>Environment – Biodiversity offsetting</b>		<b>£378,421.81</b>
Haywood Road, Warwick	W/18/0088	£33,548.09
North of Gallows Hill	W/18/1619	£344,873.72
<b>Highways</b>		<b>£445,670.00</b>
Myton Green, Europa Way (Parcel D1, Miller Homes)	W/14/1076	£134,670.00
Myton Green, Europa Way (Parcel D2, Avant Homes)	W/14/1076	£201,000.00
Warwick School, Banbury Road, Warwick	W/16/2172	£50,000.00
Tesco Supermarket, Emscote Road, Warwick	W/18/1489	£60,000.00
<b>Highways – Traffic Regulation Order</b>		<b>£6,000.00</b>
29-33 High Street, Leamington Spa	W/16/1676	£3,000.00
The Old Post Office, 4 Old Square, Warwick	W/18/0285	£3,000.00
<b>Highways – Rights of way</b>		<b>£6,825.78</b>
Myton Green, Europa Way (Parcel D1, Miller Homes)	W/14/1076	£1,161.78
Myton Green, Europa Way (Parcel D2, Avant Homes)	W/14/1076	£1,734.00
North of Gallows Hill	W/18/1619	£3,930.00
<b>Highways – Sustainability Pack</b>		<b>£37,500.00</b>
East of Warwick Road, Kenilworth	W/17/2150	£9,375.00
North of Gallows Hill	W/18/1619	£28,125.00

<b>S106 sums falling due</b>		
<b>Libraries</b>		<b>£8,208.75</b>
North of Gallows Hill	W/18/1619	£8,208.75
<b>Public Transport</b>		<b>£75,603.00</b>
Lower Heathcote Farm	W/14/0661	£22,330.00
Myton Green, Europa Way (Parcel D1, Miller Homes)	W/14/1076	£21,373.00
Myton Green, Europa Way (Parcel D2, Avant Homes)	W/14/1076	£31,900.00
<b>Public Transport – School Transport</b>		<b>£46,367.00</b>
Lower Heathcote Farm	W/14/0661	£17,617.00
South of Offchurch Lane, Radford Semele	W/16/0196	£28,750.00
<b>Total falling due</b>		<b>£1,907,198.33</b>



## S106 sums received

The following table shows the sums received from developers during Q2 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>S106 sums received</b>		
<b>Sums received by Warwick District Council</b>		<b>£973,815.33</b>
<b>Country Park</b>		<b>£187,704.00</b>
Grove Farm Phase 1	W/14/0023	£187,704.00
<b>Health - Hospital</b>		<b>£494,908.07</b>
Grove Farm Phase 1	W/14/0023	£460,381.00
Land off Bremridge Close, Barford	W/17/0440	£34,527.07
<b>Monitoring Fee</b>		<b>£3,964.00</b>
Woodside Farm 3 <sup>rd</sup> application	W/16/2028	£3,964.00
<b>Open Space – Offside Parks, Gardens and Allotments</b>		<b>£69,750.60</b>
Woodside Farm 3 <sup>rd</sup> application	W/16/2028	£2,061.22
Land off Bremridge Close, Barford	W/17/0440	£67,689.38
<b>Sports Facilities – Indoor</b>		<b>£193,504.64</b>
Woodside Farm 3 <sup>rd</sup> application	W/16/2028	£1,741.05
Grove Farm Phase 1	W/14/0023	£191,763.59
<b>Sports Facilities – Outdoor</b>		<b>£13,984.02</b>
Woodside Farm 3 <sup>rd</sup> application	W/16/2028	£118.85
Grove Farm Phase 1	W/14/0023	£13,865.17
<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 received by Warwickshire County Council</b>		<b>£1,074,543.90</b>
<b>Education</b>		<b>£356,490.91</b>
Red Lane / Hob Lane, Burton Green (Early years)	W/17/2086	£26,118.02
Red Lane / Hob Lane, Burton Green (Primary)	W/17/2086	£130,590.09
Red Lane / Hob Lane, Burton Green (Secondary)	W/17/2086	£178,498.31
Red Lane / Hob Lane, Burton Green (SEND)	W/17/2086	£21,284.49
<b>Environment – Biodiversity Contribution</b>		<b>£244,628.09</b>
South of Gallows Hill	W/14/0681	£211,080.00
Haywood Road, Warwick	W/18/0088	£33,548.09
<b>Highways</b>		<b>£333,358.56</b>
Red Lane / Hob Lane, Burton Green	W/17/2086	£333,358.56
<b>Highways - Cycleways</b>		<b>£90,000.00</b>
Red Lane / Hob Lane, Burton Green	W/17/2086	£90,000.00
<b>Highways – Traffic Regulation Order</b>		<b>£3,052.71</b>
9-11 Dormer Place, Leamington Spa	W/18/1807	£3,052.71
<b>Highways – Sustainability Pack</b>		<b>£37,036.66</b>
Myton Green, Europa Way	W/14/1076	£37,036.66
<b>Libraries</b>		<b>£9,976.97</b>
Myton Green, Europa Way (D1, Miller Homes)	W/14/1076	£3,252.71
Myton Green, Europa Way (D2, Avant Homes)	W/14/1076	£4,916.96
Red Lane / Hob Lane, Burton Green	W/17/2086	£1,807.30
<b>Total received</b>		<b>£2,048,359.23</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 September 2019

Application Number	Location	Status
W/13/0464	Earl Rivers extra care village	Phase 1 and 2 complete Work re-started on phase 3
W/13/1763	Land to the rear of Holly Walk, Baginton	Free school Not started
W/14/0023	Grove Farm Phase 1 (Harbury Gardens)	139 out of 220 dwellings complete (63%)
W/14/0300	The Asps	900 dwellings Outline only
W/14/0433	Spring Lane, Radford Semele	65 dwellings Under construction
W/14/0661	Lower Heathcote Farm	622 out of 785 dwellings complete (79%) Barratt/DWH 342 out of 435 dwellings complete (79%) Bovis/Bellway 280 out of 350 dwellings complete (80%)
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	5 out of 735 dwellings complete (1%) Land parcel D1 (Miller Homes) 1 out of 134 dwellings complete (1%) Land parcel D2 (Avant Homes) 4 out of 200 dwellings complete (2%)
W/14/1340	Crackley Triangle, Common Lane, Kenilworth	2 out of 93 dwellings complete
W/15/0851	Grove Farm Phase 2	179 out of 510 dwellings complete (35%) Phase 2b (Taylor Wimpey) 61 out of 194 dwellings complete (31%) Phase 2c (Persimmon) 118 out of 208 dwellings complete (57%) Phase 2d (AC Lloyd) 108 dwellings, not started
W/15/0905	Station Approach, Leamington Spa	97 out of 212 dwellings complete (46%)
W/16/0196	Land to the South of Offchurch Lane, Radford Semele	42 out of 150 dwellings complete (28%)
W/16/0239	Whitley South (sub-regional site)	W/17/1729 research and development buildings – site prep underway W/18/1717 battery Industrialisation Centre – under construction
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	16 out of 44 dwellings complete (36%)
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 Under construction
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 Some buildings in use
W/17/0252	29 Chandos Street, Leamington Spa	6 dwellings Not started
W/17/0440	Land off Bremridge Close, Barford	43 out of 63 dwellings complete (68%)
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	16 out of 90 dwellings complete (18%)
W/17/2150	Land on the East side of Warwick Road, Kenilworth	125 dwellings Under construction
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/17/2392	52-60 Warwick Street, Leamington Spa	HMO Not monitored
W/18/0285	The Old Post Office, 4 Old Square, Warwick	1 dwelling Under construction
W/18/0522	Gateway South (sub-regional site)	Mixed development Outline only
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 Under construction
W/18/1619	Land North of Gallows Hill	375 dwellings in reserved matters Infrastructure work underway
W/18/1744	5 Russell Terrace, Leamington Spa	1 dwelling Not started
W/18/1802	231 Cromwell Lane, Burton Green	House extension Under construction

Application Number	Location	Status
W/18/1920	96-98 Warwick Street, Leamington Spa	Change of use offices to 3 dwellings Not started
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 started
W/19/0355	8 Beauchamp Avenue, Leamington Spa	1 dwelling Not started
W/19/0415	43 and 45 Leyes Lane, Kenilworth	House extension Not started
W/19/0963	49-51 Parade, Leamington Spa	Change of use from office to 6 dwellings Not monitored

## 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. 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 September 2019 (Quarters 1 & 2).

Description	Number of Applications Assessed	Amount Exemptions	Amount Liable
Number of Planning Applications requested to complete and submit CIL Additional Information Requirement form	70		
Applications assessed and found to be less than 100 sqm – not CIL liable	31		
CIL liable proposals eligible for exemption i.e. self build – 7 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	8	£365,196.00	
Liability Notices issued – waiting for Commencement Notices (Form 6)	2		£1,583,677.75
CIL Liable proposals - exemption for Social Housing (inc. in Demand Notice figure)		£698,224.80	
CIL liable proposal – Demand Notice issued	3		£227,478.16
CIL liable / exempt & completed	0		
Applications where CIL forms have been requested – ongoing / waiting for information	26		
<b>Totals</b>		£1,063,420.80	£1,811,160.91
<b>Total CIL income 1<sup>st</sup> Apr – 30<sup>th</sup> Sept 2019</b>			£656,232.93
<b>Total CIL outstanding from ALL liable amounts to 30<sup>th</sup> Sept 2019</b>			£2,702,835.38

## **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 1<sup>st</sup> April to 30<sup>th</sup> September in any financial year to the Parish / Town council by 28<sup>th</sup> October of that financial year and pay the CIL received from 1<sup>st</sup> October to 31<sup>st</sup> March in any financial year by the 28<sup>th</sup> April that financial year. As such, no CIL payments were transferred to Town or Parish Councils during Q2 2019/20.