



Warwick District Council

Developer Contribution Monitoring Report

Quarter 3, 2019/2020 (October – December 2019)

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Executive Summary

This report sets out a summary of Developer Contribution Monitoring that has been undertaken during Quarter 3 of the financial year 2019/2020 (1st October to 31st December 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 Q3 2019/20, four new S106 agreements have been signed, including two for major developments: 'Gateway South' – part of the sub-regional employment site adjacent to Coventry airport; and 130 dwellings at 'Land south of Arras Boulevard, Hampton Magna' – a Local Plan allocation.

S106 triggers have been met on a number of developments, including financial contributions totalling just under £650,000 due to Warwick District Council, and £1.6 million due to Warwickshire County Council. S106 income received by Warwick District Council was in excess of £360,000 and received by Warwickshire County Council was just over £650,000. 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, Q2 and Q3 2019/20), CIL demand notices have been issued on six developments, totalling just under £3.2 million. During the same period, £1.2 million has been received by way of CIL payments, with a further £3.5 million outstanding.

CIL sums transferred to Town and Parish Councils during the financial year include in excess of £40,000 to each of Burton Green and Rowington Parish Councils.

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 Q3 2019/20 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
W/18/0522	Gateway South (sub-regional site)	07/10/2019	
	Business Relocation		-
	Employment - Local employment training strategy		-
	Env – Air Quality		£929,479.59
	Env – Biodiversity Contribution		£140,000.00
	Env – Biodiversity scheme		£672,574.00
	Highways – Access Restriction Strategy		£10,000.00
	Highways – Access Restriction Fund		£250,000.00
	Highways – Cycleways		£500,000.00
	Highways – Travel Plan		£50,000.00
	Highways – Travel Plan Co-ordinator		-
	Highways – Traffic Regulation Order		£270,000.00
	Payment of Monitoring Fee (WDC)		£30,000.00
	Payment of Monitoring Fee (WCC)		£20,000.00
	Open Space – Layout and installation		-
	Public Transport Contribution		£800,000.00
	Public Transport – Direct Works Service Bus Strategy		£1,100,000.00
	Public Transport – Bus Shelter Scheme		£5,000.00
	Site Wide Infrastructure Design, Management and Maintenance Strategy		-
	Sports Facilities - Outdoor		£2,500,000.00
W/19/0691	Land off Arras Boulevard, Hampton Magna	12/11/2019	
	Affordable Housing		-
	Education		£238,140.00
	Employment – Local employment training strategy		-
	Env – Air Quality		£50,941.00
	Env – Biodiversity offsetting		£151,930.00
	Health – GP Surgery		£51,173.00
	Health – Hospital		£175,776.79
	Highways – Cycleways		£370,787.50
	Highways – Rights of Way		£6,094.00
	Highways – Sustainability Pack		£9,750.00

Case reference	Location / obligation	Date signed	Amount agreed
	Libraries		£2,542.00
	Payment of Monitoring Fee		£14,597.26
	Open Space		-
	Open Space – Offsite Parks G'dns All'ts		£10,865.11
	Open Space – Play Area Design Scheme		-
	Open Space – Play Area Offsite		£9,977.00
	Police		£32,237.00
	Public Transport – Bus Service Contribution		£8,400.00
	Public Transport – Bus Service Enhancement Contribution		£224,000.00
	Sports Facilities – Indoor		£107,785.00
	Sports Facilities – Outdoor		£9,328.00
	SUDS		-
W/19/1226	7 and 8 Pears Close, Kenilworth	05/11/2019	
	Env – Biodiversity Contribution		£20,258.00
	Env – Biodiversity scheme submission		-
W/19/1535	62 Brandon Parade, Leamington Spa	24/10/2019	
	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 Q3 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
W/14/0661	Lower Heathcote Farm	
	Health – Hospital (Bovis)	90% occupation
	Health – Hospital (Bellway)	90% occupation
	Police (Bovis)	90% occupation
	Police (Bellway)	90% occupation
	Sports Facilities – Indoor (Bovis)	90% occupation
	Sports Facilities – Indoor (Bellway)	90% occupation
	Sports Facilities – Outdoor (Bovis)	90% occupation
	Sports Facilities – Outdoor (Bellway)	90% occupation
	Education (Bovis)	90% occupation
	Education (Bellway)	90% occupation
	Highways (Bellway)	100% occupation open market dwellings
	Public Transport – School Transport (Bellway)	Anniversary of previous payment
W/14/1340	Crackley Triangle, Kenilworth	
	Education	First occupation
W/15/0851	Grove Farm Phase 2	
	Affordable Housing	50% occupation open market dwellings
	Open Space – Layout and installation	50% occupation
	Open Space – Play Area Layout	50% occupation
W/17/0440	Land off Bremridge Close, Barford	
	Affordable Housing	95% occupation open market dwellings
	Health - Hospital	90% occupation
	Open Space – Offsite Parks, G'dns All'ts	90% occupation
	Education – 0-5 Years	90% occupation
	Education – Primary	90% occupation
	Education – Secondary	90% occupation
	Education – Post 16	90% occupation
W/17/0998	Elisabeth The Chef	
	Open Space – Offsite Parks G'dns Allts	First occupation
	Libraries	First occupation
	Education – Primary	First occupation
	Education - Secondary	First occupation

Case reference	Location / obligation	Trigger met
W/17/2392	52-60 Warwick Street, Leamington Spa	
	Highways – Traffic Regulation Order	Within 8 weeks of commencement
W/18/1920	96-98 Warwick Street, Leamington Spa	
	Highways – Traffic Regulation Order	Within 8 weeks of 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 usually presented without any indexation, as responsibility for calculating indexation on those sums lies with WCC.

S106 sums falling due		
Sums due to Warwick District Council		£646,915.00
Health – Hospital		£269,128.08
Lower Heathcote Farm (Bovis)	W/14/0661	£116,844.88
Lower Heathcote Farm (Bellway)	W/14/0661	£117,553.03
Bremridge Close, Barford	W/17/0440	£34,730.17
Open Space – Offsite Parks G'dns All'ts		£129,825.16
Bremridge Close, Barford	W/17/0440	£68,087.55
Elisabeth The Chef	W/17/0998	£61,737.61
Police		£47,868.07
Lower Heathcote Farm (Bovis)	W/14/0661	£23,950.49
Lower Heathcote Farm (Bellway)	W/14/0661	£23,917.58
Sports Facilities – Indoor		£187,307.36
Lower Heathcote Farm (Bovis)	W/14/0661	£93,370.74
Lower Heathcote Farm (Bellway)	W/14/0661	£93,936.62
Sports Facilities – Outdoor		£12,786.33
Lower Heathcote Farm (Bovis)	W/14/0661	£6,373.85
Lower Heathcote Farm (Bellway)	W/14/0661	£6,412.48
Sums due to Warwickshire County Council		£1,647,899.44
Education		£1,156,595.40
Lower Heathcote Farm (Bovis)	W/14/0661	£560,490.00
Lower Heathcote Farm (Bellway)	W/14/0661	£560,490.00
Crackley Triangle, Kenilworth	W/14/1340	£35,615.40
Education – 0-5 Years		£14,239.43
Bremridge Close, Barford	W/17/0440	£14,239.43
Education – Primary		£146,062.69
Bremridge Close, Barford	W/17/0440	£75,940.69
Elisabeth The Chef	W/17/0998	£70,122.00
Education – Secondary		£123,698.87
Bremridge Close, Barford	W/17/0440	£65,262.87
Elisabeth The Chef	W/17/0998	£58,436.00
Education – Post 16		£25,657.14
Bremridge Close, Barford	W/17/0440	£25,657.14
Highways		£157,500.00
Lower Heathcote Farm (Bellway)	W/14/0661	£157,500.00
Highways – Traffic Regulation Order		£6,000.00
52-60 Warwick Street, Leamington Spa	W/17/2392	£3,000.00
96-98 Warwick Street, Leamington Spa	W/18/1920	£3,000.00

S106 sums falling due		
Libraries		£529.24
Elisabeth The Chef	W/17/0998	£529.24
Public Transport - School Transport		£17,616.67
Lower Heathcote Farm (Bellway)	W/14/0661	£17,616.67
Total falling due		£2,294,814.44

S106 sums received

The following table shows the sums received from developers during Q3 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.

S106 sums received		
Sums received by Warwick District Council		£366,357.63
Health - GP Surgery		£156,795.45
Land North of Gallows Hill	W/18/1619	£156,795.45
Monitoring Fee		£30,000.00
Land North of Gallows Hill	W/18/1619	£30,000.00
Open Space – Offsite Parks G'dns All'ts		£61,737.61
Elisabeth The Chef	W/17/0998	£61,737.61
Police		£96,041.20
Land North of Gallows Hill	W/18/1619	£96,041.20
Sports Facilities – Outdoor		£21,783.37
Land North of Gallows Hill	W/18/1619	£21,783.37
Sums received by Warwickshire County Council		£653,496.68
Education – 0-5 Years		£31,984.88
Bremridge Close, Barford (2 nd instalment)	W/17/0440	£17,745.45
Bremridge Close, Barford (Final instalment)	W/17/0440	£14,239.43
Education – Primary		£240,702.37
Bremridge Close, Barford (2 nd instalment)	W/17/0440	£94,639.68
Bremridge Close, Barford (Final instalment)	W/17/0440	£75,940.69
Elisabeth The Chef	W/17/0998	£70,122.00
Education – Secondary		£205,030.73
Bremridge Close, Barford (2 nd instalment)	W/17/0440	£81,331.86
Bremridge Close, Barford (Final instalment)	W/17/0440	£65,262.87
Elisabeth The Chef	W/17/0998	£58,436.00
Education – Post 16		£57,631.14
Bremridge Close, Barford (2 nd instalment)	W/17/0440	£31,974.00
Bremridge Close, Barford (Final instalment)	W/17/0440	£25,657.14
Env – Biodiversity Scheme Submission		£102,221.94
Land between Myton Road and Europa Way (Parcel D1, Miller Homes)	W/14/1076	£102,221.94
Highways – Rights of Way		£4,013.98
Bremridge Close, Barford	W/17/0440	£4,013.98
Highways – Sustainability Pack		£11,382.40
Land between Myton Road and Europa Way (Parcel D1, Miller Homes)	W/14/1076	£11,382.40
Libraries		£529.24
Elisabeth The Chef	W/17/0998	£529.24
Total received		£1,019,854.31

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 December 2019

Application Number	Location	Status
W/13/0464	Earl Rivers extra care village	Phase 1 and 2 complete Phase 3: 8 out of 69 dwellings complete (12%)
W/13/1763	Land to the rear of Holly Walk, Baginton	Free school Not started
W/14/0023	Grove Farm Phase 1 (Harbury Gardens)	156 out of 220 dwellings complete (71%)
W/14/0300	The Asps	900 dwellings (outline) Reserved matters permission granted for sub-phase 1a (W/19/0229, 65 dwellings)
W/14/0433	Spring Lane, Radford Semele	65 dwellings Under construction
W/14/0661	Lower Heathcote Farm	686 out of 785 dwellings complete (87%) Barratt/DWH 376 out of 435 dwellings complete (86%) Bovis/Bellway 310 out of 350 dwellings complete (89%)
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	16 out of 735 dwellings complete (4%) Land parcel D1 (Miller Homes) 8 out of 134 dwellings complete (6%) Land parcel D2 (Avant Homes) 8 out of 200 dwellings complete (4%) Land parcel D4 (part) (Bovis) groundworks started
W/14/1340	Crackley Triangle, Common Lane, Kenilworth	8 out of 93 dwellings complete (9%)
W/15/0851	Grove Farm Phase 2	240 out of 510 dwellings complete (47%) Phase 2b (Taylor Wimpey) 95 out of 194 dwellings complete (49%) Phase 2c (Persimmon) 145 out of 208 dwellings complete (70%) Phase 2d (AC Lloyd) 108 dwellings, not started
W/15/0905	Station Approach, Leamington Spa	151 out of 212 dwellings complete (71%)
W/16/0196	Land to the South of Offchurch Lane, Radford Semele	58 out of 150 dwellings complete (39%)
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

Application Number	Location	Status
W/16/0279	Land off Seven Acre Close, Bishop's Tachbrook	50 dwellings Reserved matters permission granted (W/19/0990)
W/16/0356	Tollgate House, Banbury Road, Bishop's Tachbrook	6 dwellings Outline only
W/16/0801	Former North Leamington School, Cloister Way, Leamington Spa	21 out of 44 dwellings complete (48%)
W/16/0980	19 Waterloo Place, Leamington Spa	Change of use office to 8 dwellings Permission lapsed unimplemented
W/16/1139	Talisman Square, Kenilworth	Mixed development Not started
W/16/2156	7 Parade, Leamington Spa	Change of use office to 5 dwellings Not started
W/17/0218	4a Wise Terrace, Leamington Spa	4 HMO flats Retrospective application
W/17/0252	29 Chandos Street, Leamington Spa	6 dwellings Not started
W/17/0440	Land off Bremridge Close, Barford	56 out of 63 dwellings complete (89%)
W/17/0998	Elisabeth The Chef site, St. Mary's Road, Leamington Spa	40 dwellings Complete
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	4 out of 38 dwellings complete (11%)
W/17/2086	Land on the corner of Red Lane and Hob Lane, Burton Green	23 out of 90 dwellings complete (26%)
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 Groundwork underway
W/17/2387	Land south of Lloyd Close, Hampton Magna	147 dwellings Outline only
W/17/2392	52-60 Warwick Street, Leamington Spa	HMO Under construction
W/18/0522	Gateway South (sub-regional site)	Mixed development Outline only
W/18/0554	Waverley Riding School, Cubbington	16 dwellings Not started
W/18/0606	Land at The Triangle, Lower Heathcote Farm	147 dwellings Not started
W/18/1619	Land North of Gallows Hill	375 dwellings Under construction
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 Under construction
W/18/1978	4 and 5 Westgrove Terrace, Leamington Spa	House extension Complete
W/18/2270	2-8 Kenilworth Street, Leamington Spa	9 dwellings Not started
W/19/0038	46 Parade, Leamington Spa	Change of use including 5 dwellings Not started
W/19/0203 W/19/0215	9 and 11 Dereham Court, Leamington Spa	House extension 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/19/0691	Land off Arras Boulevard, Hampton Magna	130 dwellings Groundworks underway
W/19/0963	49-51 Parade, Leamington Spa	Change of use from office to 6 dwellings Not started
W/19/1226	7 and 8 Pears Close, Kenilworth	4 dwellings Not started
W/19/1535	62 Brandon Parade, Leamington Spa	Change of use from office to 13 dwellings 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 18th December 2017. The Council is obliged to apply indexation to its charging schedule periodically, and the first update to the schedule is being introduced for applications permitted between 1st January 2020 and 31st December 2020. This does not affect any of the sums presented in this report.

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 31 December 2019 (Quarters 1, 2 & 3).

Description	Number of Applications Assessed	Amount Exemptions	Amount Liabile
Number of Planning Applications requested to complete and submit CIL Additional Information Requirement form	144		
Applications assessed and found to be less than 100 sqm – not CIL liable	62		
CIL liable proposals eligible for exemption i.e. self build – 10 commenced, 0 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	10	£427,571.00	
Liability Notices issued – waiting for Commencement Notices (Form 6)	5		£2,705,509.90
CIL Liable proposals - exemption for Social Housing (inc. in Demand Notice figure)		£1,093,210.80	
CIL liable proposal – Demand Notice issued	6		£3,179,849.75
CIL liable / exempt & completed	7		
Applications where CIL forms have been requested – ongoing / waiting for information	54		
Total CIL income 1st Apr – 31st Dec 2019			£1,201,320.24
Total CIL outstanding from <u>ALL</u> liable amounts to 31st Dec 2019			£3,525,679.39

Previous reports included a 'totals' row showing the sum of the liability notices and demand notices, for 'amount exemptions' and 'amount liable' columns. This has been removed from the above table, as the cumulative total could be misleading; both liability & demand notices may have been issued for the same site during a financial year.

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 31st March in any financial year by the 28th April the following financial year.

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 (if no NP)	Transferred Q1 2019/20	Transferred Q3 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	£0
W/17/1724	Kingswood Farm	Rowington	£741,780.00	£111,267.00	445	£44,500.00	£7,500.00	£34,589.00
W/17/2273	Blackdown Old Milverton Lane	Milverton	£47,531.25	£7,129.69	250	£25,000.00		£7,129.69
W/18/1372	Corner Prince's Drive	Kenilworth	£17,854.00	£4,463.50	10,434	No cap		£2,500.00
W/18/0128	16-22 Clemens Street	Leamington	£29,680.00	£4,452.00	23,176	£2,317,600.00		£4,452.00

Note:

W/17/2086 Red Lane / Hob Lane and W/17/1724 Kingswood Farm will receive further CIL payments April 2020.

W/18/1372 £10,000.00 received by end September 2019, remaining £7,854.00 received November 2019; therefore, remaining £1,963.50 will be paid to Kenilworth TC April 2020.

Payments to Town / Parish Councils can only be made once the CIL liable contribution has actually been received by WDC from the developer.