



Warwick District Council

Developer Contribution Monitoring Report

Quarter 2, 2020/2021 (July – September 2020)

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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 2020/2021 (1st July to 30th September 2020). It embraces contributions that fall under both Section 106 Agreements and the Community Infrastructure Levy (CIL).

Covid-19 restrictions meant that larger sites were monitored using a mixture of Building Control information and roadside site visits.

During Q2 2020/21, one new S106 agreement was signed, which was not for a major development.

S106 triggers were met on a number of developments during the quarter. This included financial contributions of around £400,000 due to Coventry City Council, just under £260,000 due to Warwick District Council, and £8.1 million due to Warwickshire County Council.

Warwick District Council collected around £130,000 of S106 income during the quarter; Warwickshire County Council collected £7.6 million.

Four CIL demand notices were issued in the quarter totalling around £108,000. CIL receipts were around £750,000, with a further £4.1 million outstanding from issued demand notices.

Covid-19 impact

During the quarter covered in this report, July to September 2020, the impact of Covid-19 was still being felt in housebuilding in Warwick District. Most or all construction work had ceased during the first UK lockdown which started on 23rd March 2020, but the majority of major housing sites had restarted in some form by June 2020. However, the ongoing impact of social distancing regulations is likely to have restricted the speed at which construction can happen, for example by limiting the number of workers permitted within a space at any given time.

As S106 income is tied to 'trigger' points at which payments become due, speed of construction has a direct impact on S106 income. The longer-term impact on S106 sums is dependent on how quickly the market recovers. At the time of writing, the second UK lockdown (which started on 5th November, after the period covered in this report) has not so far required the closure of construction sites. The impact on construction is therefore likely to be different to the first lockdown.

CIL payments that were already timetabled will have been less affected by the lockdown, although the Council was granted discretion to delay payments in certain circumstances. It is likely, though, that some CIL liable sites will have delayed commencement as a result of Covid-19 restrictions.

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 2020/21 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/20/0628	24 Russell Street, Leamington Spa	29/07/2020	
	Highways - Traffic Regulation Order		£3,000.00

S106 triggers met

Development sites with S106 agreements are monitored quarterly. As a result of Covid-19 restrictions, site monitoring has been conducted using a mixture of Building Control information and roadside site visits.

S106 agreements include trigger points at which obligations become due. The following table shows trigger points which have been met during Q2 2020/21, 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/14/0433	Spring Lane, Radford Semele	
	SUDS – completion of scheme	First occupation
	Open Space – Offsite Parks, Gardens and Allotments	First occupation
	Highways – Sustainability Pack	Occupation of each dwelling
W/14/0661	Lower Heathcote Farm	
	Affordable Housing	Occupation 95% open market dwellings (Barratt and David Wilson)
	Affordable Housing	Occupation 95% open market dwellings (Bellway and Bovis)
	Public Transport	Anniversary of previous payment (Bovis)
	Public Transport – School Transport	Anniversary of previous payment (Bovis)
W/14/0681	South Gallows Hill / Europa Way	
	Education	First occupation (early payment)
	Highways	On receipt of notice
	Highways – Rights of Way	On receipt of notice
	Public Transport	On receipt of notice
W/14/1076	Myton Green / Europa Way	
	Highways	Occupation 25% open market dwellings (Miller)
	Highways	Occupation 25% open market dwellings (Avant)
W/15/0851	Grove Farm Phase 2	
	Country Park	Completion of deed of variation
W/16/0239	Whitley South	
	Lunt Roman Fort Mitigation Payment	First occupation
	Highways – Coventry City Council (3 separate contributions)	First occupation
	Highways - Cycleways	First occupation
	Highways – Travel Plan	First occupation
W/16/0279	Seven Acre Close, Bishops Tachbrook	

Case reference	Location / obligation	Trigger met
	Highways – Rights of Way	Commencement
W/17/1724	Meadow House / Kingswood Farm, Lapworth	
	Affordable Housing	Occupation 50% open market dwellings
	Open Space – Layout and Installation	Occupation 50% dwellings
W/17/2086	Red Lane / Hob Lane, Burton Green	
	Monitoring Fee	Occupation 50% dwellings
	Open Space – Offsite Parks, Gardens and Allotments	Occupation 50% dwellings
	Sports Facilities – Indoor	Occupation 50% dwellings
	Sports Facilities – Outdoor	Occupation 50% dwellings
	Education	Occupation of 40 th dwelling
W/17/2150	East of Warwick Road, Kenilworth	
	Open Space Land Transfer	First occupation
	Open Space Play Area Transfer	First occupation
	SUDS – Completion of Scheme	First occupation
	SUDS – Transfer of Land	First occupation
	Education	First occupation
	Highways	First occupation
	Public Transport	First occupation
	Libraries	First occupation
W/17/2387	South of Lloyd Close, Hampton Magna – 1st undertaking	
	Monitoring Fee	Commencement
	Open Space Design Scheme	Commencement
	Open Space Land Transfer	Commencement
	Environment - Biodiversity Scheme Submission	Commencement
	Health – Hospital	Commencement
	SUDS Scheme Submission	Commencement
	Highways – Sustainability Pack	Commencement
W/17/2387	South of Lloyd Close, Hampton Magna – 2nd undertaking	
	Monitoring Fee	Commencement
W/18/0606	Lower Heathcote Triangle	
	Affordable Housing – Contract with Registered Provider	Within 6 months of commencement
W/18/1619	North of Gallows Hill	
	SUDS – Completion of Scheme	First occupation
	Education	First occupation
	Highways	First occupation
	Public Transport	First occupation
W/18/1920	96-98 Warwick Street, Leamington Spa	
	Highways – Traffic Regulation Order	First occupation
W/19/0355	8 Beauchamp Avenue, Leamington Spa	
	Highways – Traffic Regulation Order	Within 8 weeks of commencement
W/19/0691	Land off Arras Boulevard, Hampton Magna	
	Affordable Housing – Contract with Registered Provider	Within 6 months of commencement

Case reference	Location / obligation	Trigger met
W/19/1226	7 and 8 Pears Close, Kenilworth	
	Environment – Biodiversity Scheme Submission	Commencement
	Environment – Biodiversity Contribution	Commencement
W/20/0009	27 and 29 Brownlow Street	
	Concurrent development	Commencement
W/20/0172	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 other authorities are usually presented without any indexation, as responsibility for calculating indexation on those sums lies with those authorities.

S106 sums falling due		
Sums due to Coventry City Council		£405,000.00
Highways		£305,000.00
Whitley South	W/16/0239	£150,000.00
Whitley South	W/16/0239	£20,000.00
Whitley South	W/16/0239	£135,000.00
Lunt Roman Fort Mitigation Payment		£100,000.00
Whitley South	W/16/0239	£100,000.00
Sums due to Warwick District Council		£259,078.70
Health - Hospital		£84,333.46
South of Lloyd Close, Hampton Magna 1 st undertaking	W/17/2387	£84,333.46
Monitoring Fee		£23,487.51
Red Lane / Hob Lane, Burton Green	W/17/2086	£12,667.11
South of Lloyd Close, Hampton Magna 1 st undertaking	W/17/2387	£10,235.50
South of Lloyd Close, Hampton Magna 2 nd undertaking	W/17/2387	£584.90
Open Space - Offsite Parks Gardens and Allotments		£70,395.17
Spring Lane, Radford Semele	W/14/0433	£62,350.21
Red Lane / Hob Lane, Burton Green	W/17/2086	£8,044.96
Sports Facilities - Indoor		£74,487.81
Red Lane / Hob Lane, Burton Green	W/17/2086	£74,487.81
Sports Facilities - Outdoor		£6,374.75
Red Lane / Hob Lane, Burton Green	W/17/2086	£6,374.75
Sums due to Warwickshire County Council		£8,100,017.55
Education		£5,465,131.08
South Gallows Hill / Europa Way (Primary)	W/14/0681	£2,170,856.99
South Gallows Hill / Europa Way (Secondary)	W/14/0681	£2,454,197.84
Red Lane / Hob Lane, Burton Green (Early years)	W/17/2086	£25,410.00
Red Lane / Hob Lane, Burton Green (Primary)	W/17/2086	£127,050.00
Red Lane / Hob Lane, Burton Green (Secondary)	W/17/2086	£173,659.50
Red Lane / Hob Lane, Burton Green (SEND)	W/17/2086	£20,707.50
East of Warwick Road, Kenilworth	W/17/2150	£192,986.75
North of Gallows Hill	W/18/1619	£300,262.50
Environment – Biodiversity contribution		£190,552.29
South of Lloyd Close, Hampton Magna 1st undertaking	W/17/2387	£170,294.29
7 and 8 Pears Close, Kenilworth	W/19/1226	£20,258.00

S106 sums falling due		
Highways		£1,908,241.94
South Gallows Hill / Europa Way	W/14/0681	£1,122,571.94
Myton Green / Europa Way (Miller)	W/14/1076	£134,670.00
Myton Green / Europa Way (Avant)	W/14/1076	£201,000.00
East of Warwick Road, Kenilworth	W/17/2150	£112,500.00
North of Gallows Hill	W/18/1619	£337,500.00
Highways - Cycleways		£150,000.00
Whitley South	W/16/0239	£150,000.00
Highways – Travel Plan		£5,000.00
Whitley South	W/16/0239	£5,000.00
Highways – Traffic Regulation Order		£6,000.00
8 Beauchamp Avenue, Leamington Spa	W/19/0355	£3,000.00
96-98 Warwick Street, Leamington Spa	W/20/0172	£3,000.00
Highways – Rights of Way		£55,164.78
South Gallows Hill / Europa Way	W/14/0681	£54,230.53
Seven Acre Close, Bishops Tachbrook	W/16/0279	£934.25
Highways – Sustainability Pack		£11,112.82
South of Lloyd Close, Hampton Magna 1 st undertaking	W/17/2387	£11,112.82
Libraries		£2,736.00
East of Warwick Road, Kenilworth	W/17/2150	£2,736.00
Public Transport		£288,461.64
Lower Heathcote Farm (Bovis)	W/14/0661	£22,330.00
South Gallows Hill / Europa Way	W/14/0681	£140,819.85
East of Warwick Road, Kenilworth	W/17/2150	£62,500.00
North of Gallows Hill	W/18/1619	£59,812.50
Public Transport – School Transport		£17,617.00
Lower Heathcote Farm (Bovis)	W/14/0661	£17,617.00
Total falling due		£8,764,096.25

S106 sums received

The following table shows the sums received from developers during Q2 2020/21. The trigger points for these sums will often have been reached during previous quarters. All sums are presented including indexation where relevant.

S106 sums received		
Sums received by Warwick District Council		£127,779.41
Health – GP Surgery		£127,779.41
Myton Green / Europa Way (Bovis)	W/14/1076	£127,779.41
Sums received by Warwickshire County Council		£7,621,908.24
Education		£5,576,010.66
South Gallows Hill / Europa Way (Primary)	W/14/0681	£2,170,856.99
South Gallows Hill / Europa Way (Secondary)	W/14/0681	£2,454,197.84
Myton Green / Europa Way (Miller)	W/14/1076	£137,534.91
Myton Green / Europa Way (Avant)	W/14/1076	£205,275.98
South of Offchurch Lane, Radford Semele	W/16/0196	£608,144.94
Environment – Biodiversity Offsetting		£71,662.81
Rugby Road / Coventry Road, Cubbington	W/17/2371	£71,662.81
Highways		£1,692,826.81
South Gallows Hill / Europa Way	W/14/0681	£1,122,571.94
Myton Green / Europa Way (Miller)	W/14/1076	£146,243.39
Myton Green / Europa Way (Avant)	W/14/1076	£218,273.72
South of Offchurch Lane, Radford Semele	W/16/0196	£144,984.05
Tesco, Emscote Road (new McDonalds)	W/18/1489	£60,753.71
Highways – Rights of Way		£58,309.42
South Gallows Hill / Europa Way	W/14/0681	£54,230.53
Myton Green / Europa Way (Miller)	W/14/1076	£1,261.62
Myton Green / Europa Way (Avant)	W/14/1076	£1,883.02
Seven Acre Close, Bishops Tachbrook	W/16/0279	£934.25
Highways – Sustainability Pack		£21,826.76
South of Offchurch Lane, Radford Semele	W/16/0196	£12,590.00
Rugby Road / Coventry Road, Cubbington	W/17/2371	£9,236.76
Public Transport		£201,271.78
South Gallows Hill / Europa Way	W/14/0681	£140,819.85
Myton Green / Europa Way (Miller)	W/14/1076	£24,253.17
Myton Green / Europa Way (Avant)	W/14/1076	£36,198.76
Total received		£7,749,687.65

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 2020

This quarter, S106 sites were monitored remotely as at 30th September 2020, using building control data. This information was supplemented by roadside site visits (i.e. without entering sites) in early October.

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/14/0023	Grove Farm Phase 1 (Harbury Gardens)	190 out of 220 dwellings complete (86%) Phase 1a complete Phase 1b 100 out of 130 complete (77%)
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	733 out of 785 dwellings complete (93%) Barratt/DWH 395 out of 435 dwellings complete (91%) Bovis/Bellway 338 out of 350 dwellings complete (97%)
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	70 out of 735 dwellings complete (10%) Land parcel D1 (Miller Homes) 32 out of 134 dwellings complete (24%) Land parcel D2 (Avant Homes) 38 out of 200 dwellings complete (19%) Land parcel D3/D4 (Bovis) under construction
W/14/1340	Crackley Triangle, Common Lane, Kenilworth	39 out of 93 dwellings complete (42%)
W/15/0851	Grove Farm Phase 2	317 out of 510 dwellings complete (62%) Phase 2b (Taylor Wimpey) 132 out of 194 dwellings complete (68%) Phase 2c (Persimmon) 185 out of 208 dwellings complete (89%) Phase 2d (AC Lloyd) 108 dwellings, infrastructure works started
W/15/0905	Station Approach, Leamington Spa	183 out of 212 dwellings complete (86%)

Application Number	Location	Status
W/16/0196	Land to the South of Offchurch Lane, Radford Semele	64 out of 150 dwellings complete (43%)
W/16/0239	Whitley South (sub-regional site)	W/17/1729 research and development buildings – site prep underway W/18/1717 battery Industrialisation Centre – complete
W/16/0279	Land off Seven Acre Close, Bishop's Tachbrook	50 dwellings Installing site compound
W/16/0801	Former North Leamington School, Cloister Way, Leamington Spa	39 out of 44 dwellings complete (89%)
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/17/0252	29 Chandos Street, Leamington Spa	6 dwellings Not started
W/17/1470	Land at Leamington Shopping Park, Tachbrook Park Drive, Warwick	Retail development Not monitored
W/17/1700	Covent Garden Multi-storey car park, Russell Street, Leamington Spa	New Council HQ offices, multi-storey car park and 44 dwellings Not started
W/17/1701	Riverside House, Milverton Hill, Leamington Spa	Up to 170 dwellings on existing Council HQ site Outline only
W/17/1724	Land at Meadow House / Kingswood Farm, Lapworth	29 out of 38 dwellings complete (76%)
W/17/2086	Land on the corner of Red Lane and Hob Lane, Burton Green	48 out of 90 dwellings complete (53%)
W/17/2150	Land on the East side of Warwick Road, Kenilworth	2 out of 125 dwellings complete (2%)
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, Cubbington	120 dwellings Under construction A variation application (W/20/0502) with an additional 13 dwellings is approved subject to completion of S106 agreement
W/17/2387	Land south of Lloyd Close, Hampton Magna	147 dwellings Site preparation work underway
W/18/0190	Holly House, Queensway	Complementary health suite and 19 dwellings Outline only
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	150 dwellings Under construction

Application Number	Location	Status
W/18/1435	Land South of Gallows Hill / Banbury Road	180 dwellings Outline only
W/18/1619	Land North of Gallows Hill	4 out of 375 dwellings complete (1%)
W/18/1744	5 Russell Terrace, Leamington Spa	1 dwelling Not started
W/18/1802	231 Cromwell Lane, Burton Green	House extension Under construction
W/18/2270	2-8 Kenilworth Street, Leamington Spa	9 dwellings Not started
W/19/0203 W/19/0215	9 and 11 Dereham Court, Leamington Spa	House extension Under construction
W/19/0355	8 Beauchamp Avenue, Leamington Spa	1 dwelling Under construction
W/19/0415	43 and 45 Leyes Lane, Kenilworth	House extension Not started
W/19/0691	Land off Arras Boulevard, Hampton Magna	130 dwellings Under construction
W/19/0933	North of Birmingham Road, Hatton	150 dwellings Not started
W/19/0963	49-51 Parade, Leamington Spa	Change of use from office to 6 dwellings Not started
W/19/1030	Grove Farm Phase 3	Primary School, Secondary School with 6 th Form, sports pitches and up to 150 dwellings Outline only
W/19/1226	7 and 8 Pears Close, Kenilworth	4 dwellings Old structures demolished
W/19/1535	62 Brandon Parade, Leamington Spa	Change of use from office to 13 dwellings Not started
W/20/0005 W/20/0009	27 and 29 Brownlow Street, Leamington Spa	House extensions Under construction
W/20/0172	96-98 Warwick Street, Leamington Spa	Change of use office to HMO Completed
W/20/0628	24 Russell Street, Leamington Spa	Change of use bar to HMO 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 has been introduced for applications permitted between 1st January 2020 and 31st December 2020. The CIL charging schedule was indexed with effect from January 2020.

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. 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. The most recent amendments to the Community Infrastructure Levy (CIL) Regulations (2010) came into force on 1st September 2019. These introduced an Infrastructure Funding Statement to replace the existing Reg. 123 list which outlines proposed infrastructure projects to be funded by WDC. This is intended to increase transparency and ensure it is clear how the levy is being spent, and also includes a report on S106 payments. The first annual infrastructure funding statement must be published by 31st December 2020.

CIL receipts

The table below covers the period from 1st July 2020 to 30th September 2020 (Quarter 2).

CIL receipts		
	Number of Applications	Value
New CIL liable applications		
Liability Notices issued	9	£440,240.68
Exemption – self-build / annexe / extensions	5	£202,404.08
Exemption – Social Housing	-	-
Amount payable – excluding exemptions	5	£237,836.60
Current financial activity		
Demand Notices issued – excluding exemptions	4	£108,344.30
CIL outstanding from Demand Notices issued (as at 30 th September 2020)	7	£4,124,219.40
CIL income		£756,370.88

Liability notices are issued on all liable developments, whether or not exemptions apply to some or all of the liable amount. If a 'disqualifying event' occurs, i.e. a self-build dwelling is sold within three years of completion, the exempt amount would become payable.

Demand notices are issued on commencement of development. Demand notices cover the whole amount payable, but this is often due in instalments over a period of months or years.

Liability and demand notices are sometimes reissued in light of new information or where a deferral has been agreed. Published figures reflect the information that is current at the time of publication.

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 which 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.

CIL transferred to Town and Parish Councils							
Parish / Location	Application number	Adopted NP	Council tax dwellings	Max payable per year	Total CIL chargeable amount	Total Parish / Town portion	Transferred
Rowington		No	451	£45,100.00			£45,100.00
Kingswood Farm	W/17/1724				£741,780.00	£111,267.00	£45,100.00
							£45,100.00

NB this payment to Rowington Parish Council was delayed – waiting for signed agreement.