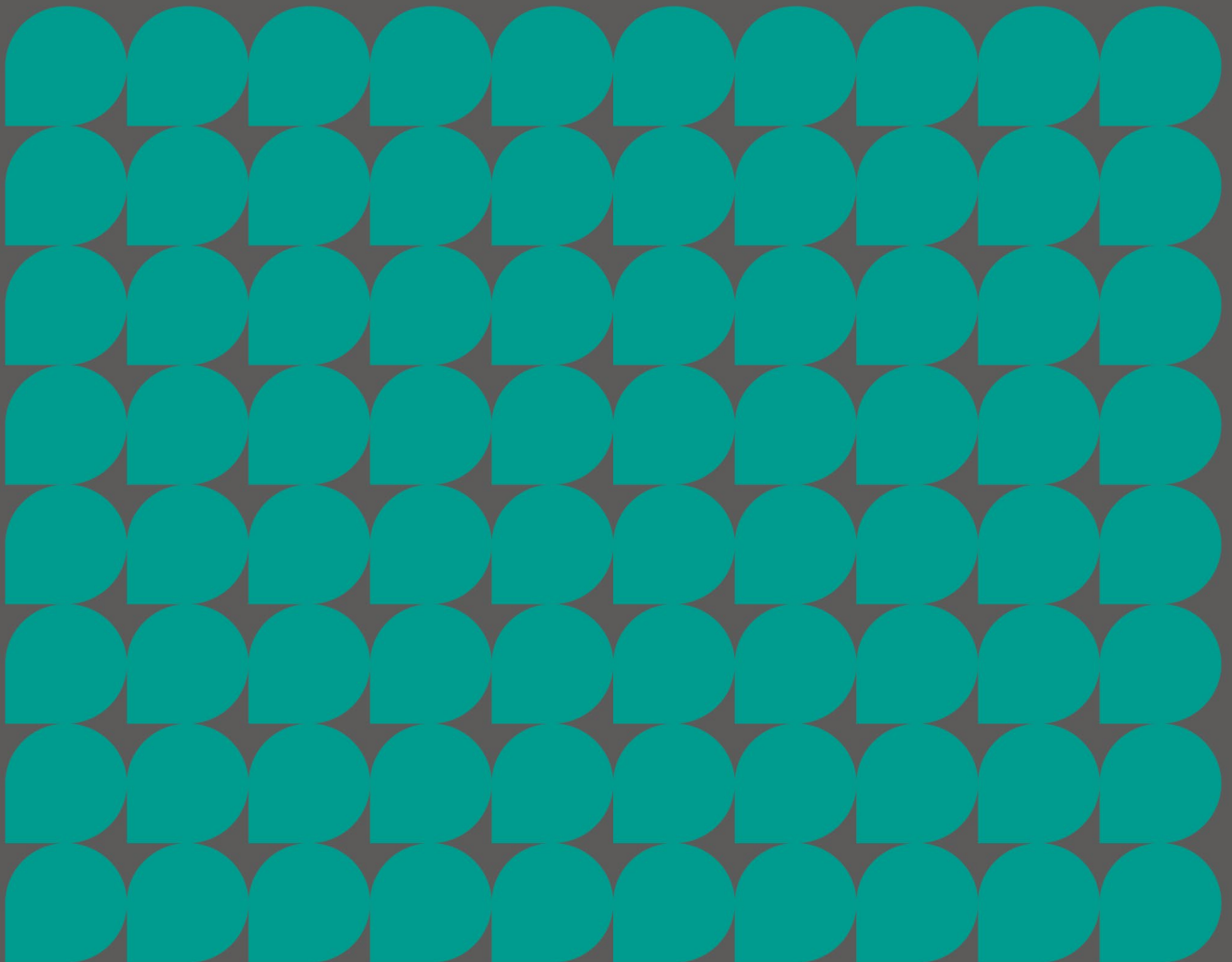


Holcroft Moss Planning Obligations Joint Supplementary Planning Document

Consultation Draft

November 2024



1. Introduction

Purpose of document

- 1.1. The aim of this jointly produced Supplementary Planning Document (SPD) is to provide guidance on, and to facilitate, the timely provision of required mitigation on a site in Warrington Borough Council's administrative area, Holcroft Moss, within the Manchester Mosses Special Area of Conservation (SAC), see Appendix 1 for the location and extent of Holcroft Moss.
- 1.2. This document is being published by the GMCA on behalf of the nine Places for Everyone (PfE) authorities (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan), for consultation for a period of six weeks. Full details on how to respond to the consultation on the draft SPD are set out in the Consultation Statement and Guidance Note, available on GMCA web site:
- 1.3. Following the period of public consultation, the responses received will be considered. If considered necessary, amendments will be made to the document, prior to each of the individual PfE authorities adopting the document. Once adopted, by the individual local planning authorities, the SPD will be one of a number of documents constituting important material considerations in the determination of planning applications in the authorities.
- 1.4. This draft SPD supplements PfE Policy JP-C8, in particular clause 17, which requires planning applications accompanied by a Transport Assessment to consider air quality impacts on Holcroft Moss. This requirement emerged through the preparation of PfE (in particular the Habitats Regulation Assessment) and this SPD has been prepared to ensure that contributions reflect this. The SPD has been prepared in the context of the PfE Viability Assessments¹.
- 1.5. The purpose of this SPD is to:

¹ PfE document references 03.01.01 to 03.01.05 (<https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/pfe-previous-stages/places-for-everyone-2021-regulation-19/supporting-documents-2021?folder=03%20Plan%20wide#fList>)

- Ensure that advice is consistent with the latest Government regulations and associated Planning Practice Guidance;
- Ensure that new development is consistent with the provisions of the recently adopted PfE Plan;
- Provide a robust basis upon which the nine PfE authorities can secure contributions from developers to ensure that the impacts of schemes on Holcroft Moss are appropriately mitigated; and
- Provide clear advice to developers as to what is expected in applications to ensure an efficient process for consultation and determination.

What is a planning obligation?

1.6. Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) allows the drafting of legal agreements (Section 106 Agreements) with local planning authorities. These agreements control the impacts of development, which cannot otherwise be achieved via planning conditions. They also ensure that development proposals are compliant with local plan policies. In general, obligations fall into one of three categories:

- Prescribe the nature of the development;
- Secure a contribution from a developer to compensate for loss or damage created by a development; or
- Mitigate a development's impact (as is the case with contributions sought through this SPD).

1.7. A planning obligation runs with the land, so may be enforced against the original person who entered into the agreement and anyone acquiring an interest in the land from them.

1.8. Where planning obligations are required, planning permission will not usually be granted until the S106 legal agreement has been entered into by all relevant parties and has been completed.

When will a planning obligation be required?

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- 1.9. As set out in Policy JP-C8 of the PfE Plan, where planning applications are required to be accompanied by a Transport Assessment, they will need to consider air quality impacts on Holcroft Moss, within the Manchester Mosses Special Area of Conservation (SAC). Any proposals that would result in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation, promote ultra-low emission vehicles, and provide a contribution towards restoration measures at Holcroft Moss.
- 1.10. Development sites should not be subdivided or developed in phases to create separate development schemes which fall below thresholds, where obligations may be sought. Where this is the case, the relevant local planning authority will consider the cumulative impacts of development /delivery of allocations in their totality. This principle will apply even where applications are not submitted at the same time.
- 1.11. In some cases where outline planning permission is applied for, it may not be clear whether the threshold(s) in relation to traffic flows will be exceeded, when detailed proposals are forthcoming. In these cases, obligations will be negotiated on the presumption that the site exceeds the relevant threshold(s). However, conditions and legal agreements will be worded to allow an alternative approach if it later turns out that threshold(s) have not been exceeded.
- 1.12. The exact scale of contributions for an individual site will depend upon the particular development proposed, and its impact upon Holcroft Moss, the proposed level of contributions is set out in the statement of estimated project costs and required contributions, which is available alongside this SPD. Developers will not be required to rectify or resolve existing problems, obligations will be sought relative to the scale of impact of the proposed development.

Viability

1.13. This Planning Obligations SPD has been prepared in the context and parameters of the PfE Viability Assessments which were undertaken as part of the preparation of the PfE Plan. It is therefore assumed that the requirements set out in the SPD are viable.

1.14. If viability issues are encountered on a site-by-site basis, developers / landowners will need to provide evidence to fully demonstrate this in accordance with Policy JP-D2 of PfE and any locally specific requirements in this respect. Where it is accepted that viability should be considered as part of the determination of a planning application, Policy JP-D2 states that the Local Planning Authority will determine the weight to be given to a viability assessment alongside other material considerations, this will include the outcomes of the PfE HRA and in particular the requirement therein to mitigate/reduce air quality impacts on Holcroft Moss from relevant development.

Sustainability appraisal and strategic environmental assessment

1.15. This planning obligations SPD has been screened for the need to undertake a sustainability appraisal and strategic environmental assessment (including a Habitat Regulation Assessment) and it has been determined that assessments were not required.

1.16. The determination statements can be viewed on the GMCA website.

2. Holcroft Moss

2.1. Through the Habitats Regulation Assessment (HRA) process in support of the PfE Plan (and also Warrington's Local Plan), the Manchester Mosses Special Area of Conservation (SAC), and in particular Holcroft Moss, has been identified as being at risk of harm from increased air pollution caused by traffic. To mitigate against this harm, there is a need for the delivery of long-term ecological resilience works, involving hydrological restoration measures to benefit Holcroft Moss.

2.2. As set out in Policy JP-C8 of the PfE Plan, qualifying developments, resulting in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles

per day or 20 Heavy Goods Vehicles (HGVs) per day, will be required to make a proportionate contribution towards restoration measures at Holcroft Moss. Contributions will be sought on commencement of development to ensure the mitigation measures can be provided in a timely manner to offset the impacts. Individual legal agreements will specify timeframes for financial contributions to be spent.

- 2.3. Working with Natural England and Warrington Borough Council (WBC), the nine PfE authorities have established the scope and estimated cost of the mitigation works. The cost of the mitigation works - including design and feasibility, land, capital costs, professional fees, monitoring, contingency and ongoing maintenance – has been estimated at approximately £880,000 as at December 2023 (see statement of estimated project costs and required contributions, which is available alongside this SPD).
- 2.4. The nine PfE authorities and WBC have agreed that the cost of the mitigation works will be apportioned between the two plans. The apportionment will be based on the potential impact on Holcroft Moss identified in the respective Plan's HRA. On this basis the PfE authorities will be responsible for 53% of the total costs and WBC will be responsible for 47% of the total costs.
- 2.5. Applicants, as part of the Transport Assessment, will be required to identify the number of trips passing Holcroft Moss on the M62 (residential and / or employment). Where it is determined, in accordance with Policy JP-C8, that the proposed development will impact on Holcroft Moss, this information will be used to calculate a per dwelling contribution for residential development and/or a per sq.m. contribution for employment development. In calculating the required contribution, account will be taken of land supply flexibility, with the application of a contingency of 20%.
- 2.6. The baseline calculation, as at December 2023, is detailed in the statement of estimated project costs and required contributions, which is available alongside this SPD. In consultation with WBC, the PfE authorities will keep the mitigation scheme costs, the housing and employment land supply and the level of

contributions received under review in calculating the proportionate contribution required from a qualifying development.

- 2.7. The necessary contribution will be sought on commencement of development to ensure the works can be carried out in sufficient time to enable Holcroft Moss to build resilience to mitigate the air pollution impacts of additional traffic.
- 2.8. The PfE authorities will be responsible for securing 53% of the total cost of the scheme and will provide contributions to WBC who will be responsible for delivering the mitigation works. Contributions will also be secured by WBC, in accordance with its adopted Local Plan and relevant SPD.

3. Management and Monitoring

- 3.1. Each individual local planning authority is responsible for the management and monitoring of planning obligations to ensure that they are implemented and enforced in an efficient and transparent way and that contributions are spent on their intended purpose. Such monitoring will normally be reported in the relevant Council's Infrastructure Funding Statement (IFS) and/or its Authority Monitoring Report (AMR).

Management of Planning Obligations

- 3.2. Each individual local planning authority will monitor progress of individual developments to which this SPD applies. WBC will monitor the implementation of the mitigation scheme, which will be funded by money secured by planning obligations in accordance with this SPD. Regular reporting will be provided by WBC to the nine PfE authorities. A monitoring fee will be payable to the relevant local planning authority and secured by Section 106 Agreement. Details of how the monitoring fee is calculated is included at Appendix 2.
- 3.3. The progress of development will be monitored to ensure that financial contribution(s) are made in line with the trigger point, i.e. at the point of commencement. Once commencement has occurred, the relevant local planning authority will approach the relevant body for payment of any relevant contribution.

- 3.4. Progress of the mitigation works to Holcroft Moss will be monitored by WBC, but reported by the individual local planning authorities, normally within the relevant AMR. Should it be deemed necessary, for example as a result of this monitoring, arrangements will be made for contributions (or part of) to be returned to the developer or person who entered into the agreement along with any agreed rate of interest as specified in the S106 Agreement.

Index Linking Payments

- 3.5. Financial contributions will be index linked in order to allow for the fluctuation of prices between the date the agreement is signed and the date the payment is made. This is calculated based on the indexation adjustment of the relevant index, from the date the S106 agreement is signed to the expected date of payment.
- 3.6. The method of indexation should be specified within the legal agreement and will usually be the Retail Price Index (RPI) published by the Office of National Statistics (ONS). In the event that the index shall decrease, the contribution shall not fall below the figure set out in the S106 agreement.
- 3.7. In consultation with WBC, the PfE authorities will review costs that are used in the formula for establishing the contribution(s), normally on an annual basis, to ensure they are uplifted in line with indexation.

Complying with in-kind contributions

- 3.8. In the unlikely event that an in-kind obligation is agreed with a developer in respect of providing contributions towards the delivery of mitigation at Holcroft Moss (given the site is within WBC's administrative area), the developer is to provide evidence of compliance with the obligation to the relevant local planning authority, as outlined in the terms of the specific clauses.

Enforcement

- 3.9. The relevant local planning authority will provide a status update regarding individual agreements. Where the authority becomes aware of non-compliance with any planning obligations, consideration will be given to the possibility of immediate formal enforcement action.

- 3.10. The necessary contribution will be sought on commencement of development, this will be set out within the S106 agreement. The developer is bound within each S106 agreement to notify the relevant local planning authority upon commencement of the development. Where that authority is not notified and obligations become overdue the authority will seek to enforce the obligation and will activate the penalty clause.
- 3.11. A clause included in the S106 agreement will ensure prompt payment by inserting a financial penalty requiring interest to be paid where payments are overdue. As a final recourse, where obligations are not subsequently complied with, the relevant Council will take legal action against those in breach of a S106 agreement. Non-financial obligations are also legally binding and where not provided according to the terms of the S106 agreement may be legally enforced by the Council.

Reporting

- 3.12. Each Council is required, in accordance with Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended), to produce an Infrastructure Funding Statement annually that sets out details about planning obligation receipts and anticipated expenditure. The purpose of this document is to provide clarity and transparency to local communities and developers on infrastructure expenditure. The latest Infrastructure Funding Statement, for each of the individual authorities, can be viewed on their website.

Appendix 1

Map 1: Holcroft Moss within the Manchester Mosses Special Area of Conservation (SAC)



Holcroft Moss

Appendix 2

Monitoring fees payable to the relevant local planning authority

Local Planning Authority	Details of monitoring fee applicable
Bolton	A monitoring charge is not currently charged. However: -The standard fee for s106 agreements is £520. This fee is increased for more complex S106 agreements. -A top slice cut is taken (currently 1% plus £500) -The above is currently under review so subject to change
Bury	As set out in Bury Council Section 106 proforma available at: www.bury.gov.uk/planning-building-control/policy-and-projects/planning-policy/supplementary-planning-advice
Manchester	Monitoring fee is 15% of Planning Application fee
Oldham	A monitoring fee is not currently charged, though this is under review and therefore subject to change. Further details to this, and any updates, can be provided by planning@oldham.gov.uk .
Rochdale	Details on monitoring fees and any updates to these can be provided by emailing development.management@rochdale.gov.uk
Salford	For the period 1 April 2024 to 31 March 2025 the monitoring fee is 1.5% of the total value of all planning obligations (financial and non-financial) capped at a maximum of £6,624. Further details relating to this, and any updates to it, can be provided by emailing section106@salford.gov.uk
Tameside	A monitoring fee is not currently charged, though this could be reviewed in the future and is therefore potentially subject to change. Further details to this,

	and any updates, can be provided by emailing planningmail@tameside.gov.uk
Trafford	The standard fee is 5% of the s106 contribution.
Wigan	A monitoring fee is not currently charged, though this is under review and therefore subject to change. Further details to this, and any updates, can be provided by emailing planning@wigan.gov.uk .