TOWN AND COUNTRY PLANNING ACT 1990

Cheshire West and Chester Council

Local Planning Authority reference: 25/01764/OUT

Site address: Land At Greenlands Tattenhall Chester

Appeal description: Outline planning application for the erection of up to 110 residential dwellings (including affordable housing), introduction of structural planting and landscaping, public open space, sustainable urban drainage system and associated works (all matters reserved except for access).(Full Flood Risk Assesment available online)

DRAFT CIL compliance statement by: Daniel Lockwood Ba (Hons) PGDip MSc on Behalf of Cheshire West and Chester Council.

DATE: 23 October 2026

Planning Inspectorate Reference: 6013490

TOWN AND COUNTRY PLANNING ACT 1990

1. Background

1.1. Paragraph 57 of the National Planning Policy Framework (NPPF) and Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set tests in respect of planning obligations. Obligations should only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

1.2. The Council has published a Developer Contributions Technical Guidance Note which identifies the infrastructure requirements that may arise from new development and the methodologies used to calculate contributions where appropriate. The document provides guidance on the likely infrastructure impacts associated with development, the types of mitigation that may be required and the policy basis for seeking planning obligations. It covers, amongst other matters, affordable housing, education, healthcare, open space, outdoor sports provision and Section 106 monitoring arrangements.

1.3. The Council has published an Education Practice Note which sets out the Council's requirements and expectations for Developers regarding the assessment of the impact and mitigation of their proposed development on education infrastructure.

1.4. The planning obligations sought in connection with this appeal have been informed by the Council's Developer Contributions Technical Guidance Note (Appendix A) and Education Practice Note (Appendix B).

1.5. Sections 3 to 9 of this statement explain the infrastructure impacts arising from the development and the mitigation proposed.

1.6. Appendix C identifies the planning obligations sought and the relevant policy basis for each obligation.

1.7. Appendix Dprovides a table relating to each infrastructure obligation secured and its compliance with Compliance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

2. Policies

2.1. Cheshire West and Chester Council's Local Plan Part One (LP1) (adopted 29 January 2015) (CD 6.11) and Local Plan Part Two (LP2) (adopted 18 July 2019) (CD 6.12), and Tattenhall and District Neighbourhood Plan (TDNP) (CD 6.10). In addition, the emerging Tattenhall and District Modified Neighbourhood Plan

(ENP) (CD 6.05) has now completed examination, and the Examiner has concluded that, subject to modifications, it meets the Basic Conditions and should proceed to referendum. Therefore, significant weight is now attached to the Plan's emerging spatial strategy as modified by the Examiner.

2.2. The following policies within the adopted and emerging plans are referred to in support of the case that the proposed planning obligations meet the CIL tests:

NPPF:
Policy HO8 – Affordable Housing
Local Plan Part One (LP1):
Policy SOC1 – Affordable Housing
Policy SOC 3 – Housing mix and type
Policy SOC 6 – Open Space, Sport and Recreation
Policy STRAT 11 - Infrastructure

Part Two (LP2):
Policy DM29 – Health Impacts of Development
Policy DM35 – Open Space and Recreation
Policy DM36 - Provision for sport and recreation

TDNP:
Policy 1 – Housing Growth
Policy 4 – Local Facilities

ENP
Policy 1 – Housing Growth
Policy 4 – Local Facilities

3. Proposed Planning Obligations

3.1 **Affordable Housing**

3.1.1 Policy SOC1 of LP1 requires qualifying housing developments to provide up to 30% affordable housing. Policies SOC3 of LP1 and DM20 of LP2 seek an appropriate mix of dwelling types, sizes and tenures to meet identified housing needs. These objectives are reinforced by the TDNP and ENP Policy 1, which seeks the delivery of affordable housing to support the long-term sustainability of the local community. NPPF Policy HO8 similarly requires development proposals to meet development plan requirements relating to the proportion and mix of affordable housing.

3.1.2 The proposed development would deliver up to 110 dwellings and therefore generates a requirement for affordable housing provision in accordance with adopted policy. The Council's Strategic Housing Team confirmed that affordable housing should be secured through a Section 106 Agreement and raised no objection subject to the delivery of policy compliant provision.

3.1.3 The obligation would ensure that the development contributes towards identified local housing needs and delivers a mixed and balanced community. The level of affordable housing provision sought reflects the adopted policy requirement applicable to the site and is proportionate to the scale of development proposed.

3.2 **Education Contribution**

3.2.1 Policy STRAT11 of LP1 states that development should contribute towards infrastructure necessary to support growth. Policy 4 of the TDNP and ENP seeks to ensure that adequate community infrastructure is available to support new development.

3.2.2 The Council's Children's and Young People's Service has assessed the proposal and confirmed that a development of this scale will generate additional demand for school places for Special Education Needs. A financial contribution is therefore required to mitigate the impact of the development upon local education infrastructure.

3.2.3 The contribution will be calculated using the Council's adopted methodology once the final dwelling mix is established through any subsequent Reserved Matters application. The contribution will be directly attributable to the additional pupils generated by the development and will be used to support education provision required as a consequence of that growth. Further details regarding the methodology is available in the Council's guidance note here: Children and Young People's Developer Contributions Guidance - Education Practice Note.

3.3 **Healthcare Contribution**

3.3.1 Policy STRAT11 of LP1 requires development to support the delivery of infrastructure necessary to accommodate growth. Policy DM29 of LP2 seeks to promote healthy communities and ensure appropriate access to health facilities. TDNP and ENP Policy 4 identify the importance of community infrastructure and the TDNP specifically references increasing capacity at local GP surgeries.

3.3.2 NHS Cheshire and Merseyside Integrated Care Board has advised that the development will result in additional demand for primary healthcare services. A financial contribution is therefore sought towards primary healthcare facilities and associated infrastructure required to accommodate the population arising from the development.

3.3.3 The contribution has been calculated using the NHS developer contribution methodology and is based on the additional population expected to be generated by the scheme. It is therefore directly linked to the impacts of the proposed development and would be used to mitigate increased pressure on healthcare services serving future residents of the proposed development.

3.4 **On-Site Open Space (amenity green space, children's play and allotments)**

3.4.1 LP1 Policy SOC6 and LP2 Policy DM35 of require residential development to provide accessible open space and recreational facilities sufficient to meet the needs generated by new residents.

3.4.2 The Council's Open Space Officer has confirmed that on-site provision should be secured as part of the development, these typologies are amenity green space, children's play provision and allotments.

3.4.3 The illustrative masterplan includes areas of public open space and green infrastructure intended to serve future occupiers of the development.

3.4.4 The proposed open space would form an integral part of the development, providing opportunities for informal recreation, play and amenity use for future residents. The quantity and type of provision reflect the scale of development proposed and are consistent with the Council's adopted open space standards.

3.5 **Off-Site Open Space and Youth Play**

3.5.1 LP1 Policy STRAT11, LP2 Policy DM35 and TDNP and ENP Policy 4 Plan support the provision and enhancement of open space and recreational facilities necessary to meet the needs of existing and future communities.

3.5.2 The development would increase demand for public open space, play facilities and recreational provision within Tattenhall. The Council's Open Space Officer has identified Tattenhall Recreation Ground and Tattenhall Play Area as facilities likely to experience increased use arising from future residents of the development.

3.5.3 The off-site open space contribution would support improvements to Tattenhall Recreation Ground. The youth play contribution would support improvements to Tattenhall Play Area and other youth recreation provision serving the settlement.

3.5.4 These facilities provide important recreational opportunities for existing and future residents and assist in ensuring that the development is supported by appropriate community infrastructure.

3.6 **Playing Pitch and Outdoor Sports Contributions (football, cricket and hockey)**

3.6.1 Policy STRAT11 of LP1, LP2 Policy DM36 and TDNP and ENP Policy 4 support the provision and enhancement of sports facilities necessary to serve existing and future communities.

3.6.2 The Council's Playing Pitch Strategy and the Sport England Playing Pitch Calculator indicate that a development of up to 110 dwellings would generate additional demand for cricket, hockey and football provision. The evidence identifies Tattenhall Sports & Social Club, Malpas Sports & Social Club and Deeside Hockey Club as facilities capable of accommodating that demand through targeted investment and maintenance improvements.

3.6.3 The cricket contribution would support improvements at Tattenhall Sports & Social Club and/or Malpas Sports & Social Club. The hockey contribution would support provision associated with Deeside Hockey Club. The football contribution would support enhanced maintenance and improvement of football pitches at Tattenhall Sports & Social Club.

3.6.4 These facilities serve the catchment within which the site is located and are expected to accommodate additional participation arising from future residents of the development.

3.7 **Section 106 Monitoring Fee**

3.7.1 The proposed Section 106 Agreement will secure a range of planning obligations, including affordable housing, education, healthcare, open space and outdoor sports provision. Delivery of those obligations will require ongoing monitoring to ensure that financial contributions are paid at the appropriate trigger points and that non-financial obligations are implemented in accordance with the terms of the agreement.

3.7.2 Regulation 122(2A) of the Community Infrastructure Levy Regulations 2010 (as amended) permits local planning authorities to secure monitoring fees

through planning obligations. National Planning Practice Guidance further confirms that authorities may charge a monitoring fee to cover the costs of monitoring and reporting on the delivery of planning obligations over their lifetime.

3.7.3 The Council has published its approach to planning obligation monitoring within its Developer Contributions Technical Guidance Note. The monitoring fee sought in this instance reflects the administrative and monitoring activities required to manage the obligations arising from the development, including monitoring trigger points, processing contributions, recording compliance and reporting on delivery.

3.7.4 The fee relates solely to obligations arising from this development and is proportionate to the number and complexity of obligations secured through the agreement.

TOWN AND COUNTRY PLANNING ACT 1990

Appendix C: Contributions sought and associated policies

Contribution / Obligation	Policy basis
Affordable Housing	NPPF HO8; LP1 Policy SOC1; LP1 Policy SOC3; LP2 Policy DM20, TDNP Policy 1, ENP Policy 1
Education Contribution	LP1 Policy STRAT11; TDNP Policy 4, ENP Policy 4
Healthcare Contribution	LP1 Policy STRAT11; LP2 Policy DM29; TDNP Policy 4, ENP Policy 4
On-site Open Space (amenity green space, children's play and allotments)	LP1 Policy SOC6; LP2 Policy DM35
Off-site Open Space (youth play and parks and recreation)	LP1 Policy SOC6; LP1 Policy STRAT11, LP2 Policy DM35; TDNP Policy 4, ENP Policy 4
Sports Contributions (cricket, hockey and football)	LP1 Policy STRAT11; LP2 Policy DM36; TDNP Policy 4, ENP Policy 4

TOWN AND COUNTRY PLANNING ACT 1990

Annex D: Planning obligations and compliance with CIL Regulation 122 (2)

Obligation	Infrastructure / Project(s)	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind
Affordable Housing	33 affordable dwellings delivered on-site	LP1 Policy SOC1 requires affordable housing provision to meet identified housing needs arising from residential development.	The affordable housing would be delivered within the development and occupied by residents of the scheme.	The provision accords with the adopted policy requirement for a development of this scale.
Education Contribution	SEND education provision serving the development	Additional pupil yield generated by the development creates a need for additional education capacity.	The contribution arises solely from pupils generated by the development.	The contribution will be calculated using the Council's adopted methodology based on the approved dwelling mix.
Healthcare Contribution	Primary healthcare infrastructure serving Tattenhall and surrounding communities	Additional residents will increase demand on local healthcare services.	The contribution is required as a consequence of population growth generated bythe development.	The contribution is derived from the NHS assessment methodology and relates to the scale of growth proposed.
On-site Public Open Space	On-site amenity greenspace, children's play facilities and allotments	Future residents require access to open space and recreation facilities.	The facilities will be provided within the development and serve future occupiers.	The extent of provision is based on the Council's adopted standards and reflects the scale of development.
Parks and Recreation Contribution	Tattenhall Recreation Ground	Existing facilities require enhancement to accommodate additional usage arising from the development.	Future residents are expected to utilise Tattenhall Recreation Ground.	The contribution has been calculated using the Council's Developer Contributions Technical Guidance and reflects the demand generated by the development.

TOWN AND COUNTRY PLANNING ACT 1990

Obligation	Infrastructure / Project(s)	Necessary to make the development acceptable in planning terms	Directly related to the development	Fairly and reasonably related in scale and kind
Youth Play Contribution	Tattenhall Play Area and associated youth recreation improvements	Additional children generated by the development will increase demand for play facilities.	The facilities serve the settlement in which the development is located and will be accessible to future residents.	The contribution is proportionate to the child yield generated by the development.
Cricket Contribution	Tattenhall Sports & Social Club and/or Malpas Sports & Social Club	The development generates additional demand for cricket provision identified through the Playing Pitch Strategy and Sport England methodology.	The identified facilities serve the local catchment within which future residents are expected to participate.	The contribution is derived from recognised sports planning evidence and reflects the demand generated by the development.
Hockey Contribution	Deeside Hockey Club	Additional population growth generated by the development creates demand for hockey provision.	The identified facility represents the appropriate hockey provision serving the relevant catchment area.	The contribution is calculated using recognised sports planning methodologies and is proportionate to the development's impacts.
Football Maintenance Contribution	Tattenhall Sports & Social Club football pitches	Additional residents will increase participation and usage of local football pitches.	The facilities are expected to accommodate demand generated by future residents.	The contribution reflects the level of additional demand generated by the development.
Section 106 Monitoring Fee	Monitoring and administration of the obligations secured through the Agreement	The Council must monitor compliance with financial and non-financial obligations throughout the life of the agreement.	Monitoring activities arise solely from obligations secured to mitigate the impacts of the development.	The fee reflects the scale and complexity of the obligations secured through the Agreement.