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<b>Subject</b>	Public Realm & Green Infrastructure	

## Introduction

The East Float Planning Application (submitted December 2009) was accompanied by a proposal to contribute £1,000 per residential and per 100 sq m of commercial floorspace by way of a development tariff, secured by Section 106 Agreement, in order to deliver a range of Public Realm and Green Infrastructure projects related to the proposed development. The overall approach is as described within the Development Specification June 2010.

The Council has requested further information in respect of:

- How the tariff figures have been derived taking account of the improvements/projects identified within the Design & Access Statement; and
- How the approach meets the current national policy in terms of planning obligations and the Community Infrastructure Levy.

## Policy Approach

The DAS for East Float, read alongside the Wirral Waters Vision Statement (and Guiding Principles) and the Birkenhead and Wirral Waters Integrated Regeneration Study (BIRS) establishes the need to ensure that the East Float project:

- Does not become an 'island' development surrounded by poor quality industrial areas;
- Integrates with and maximises connections to surrounding neighbourhoods, particularly Birkenhead Town Centre and the Hamilton Quarter;
- Facilitates investment and change in adjoining neighbourhoods (such as Hamilton Park to the immediate south of East Float).

To achieve these aims, in addition to the indirect/wider regenerative effects of East Float and alignment with regeneration programmes/initiatives of the Council and others, it is necessary to ensure that some direct interventions are made in the surrounding environment. These interventions will allow East Float to link into key assets/destinations, by encouraging walking/cycling to and from East Float. A range of qualitative and quantitative improvements to public realm and green infrastructure will ensure that East Float is a more attractive place to get to and from. The interventions will also allow the environment around East Float to improve, by greening the urban context. This will not only bring environmental improvements, but will enhance the social and economic benefits of the project by creating a more attractive location for investment and regeneration.

In response, the East Float application proposes a Public Realm and Green Infrastructure tariff, to secure off-site infrastructure improvements. This tariff sits alongside a 'Sustainable Transport' tariff which will be directed towards enhancing public transport accessibility to East Float. There is inherently a degree of crossover between the two tariffs, as some of the infrastructure items/links are multi-functional.

The infrastructure improvements to be delivered by the tariff are necessary to ensure that the East Float project truly integrates with its surroundings, and are appropriate in scale and kind to the proposed development. The approach is however one of place-making and regeneration, as established by the BIRS, and are a policy requirement of the Council. The improvements are not required to directly mitigate an assessed environmental impact (with one exception relating to the Wirral coastline).

If the East Float project were not going ahead, the scale of infrastructure improvements would be a fraction of what is required. Therefore it is appropriate to establish a project-specific tariff.

In view of the above, the applicant considers that the tariff accords with the tests for planning obligations, in that they are:

- (a) necessary to make the development acceptable in planning terms*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

The full schedule of works, as set out below, represents a comprehensive approach and assuming that there is only a limited degree of contribution to some of the projects from other sources.

The approach also assumes that the tariff will be paid from each and every phase of East Float, and that the full floorspace applied for will be completed over the lifetime of the development. It should be recognised from the outset however that a viability test will be applied to the tariff. If individual phases of development are unable to pay the tariff due to viability constraints (to be tested by means of independently audited financial appraisal), then the tariff will be set aside by the Council as a decision of policy priorities at that time, taking account of other funding and circumstances. The Council will in those circumstances need to determine the extent to which the different infrastructure improvements need to be provided for by East Float, on a priority basis. If the Council concludes that the payment of the tariff is more of a priority than the phase of development proceeding without it, then it will remain open to the Council to resist such proposals.

The single exception to this will be the off-site EIA mitigation requirement. This is an essential direct impact mitigation requirement, as opposed to a place-making policy objective, and as such the Council will require the payment of this element of the tariff as an absolute minimum even in the unlikely event of none of the phases of development being sufficiently viable to contribute to this tariff.

In light of all of the above, the approach is considered to be in accordance with the Community Infrastructure Levy Regulations. If the Council subsequently introduces a CIL, part of that process will involve an assessment as to whether the same infrastructure provisions might be double counted as a result of introducing CIL where planning obligations already exist. This is an issue which the Council will need to have regard to in the future.

### **Working Schedule of Projects**

The enclosed spreadsheet provides an initial working basis for establishing the tariff amount and prioritising the infrastructure requirements.

The spreadsheet is based on the infrastructure elements contained in the Vision Statement, Design & Access Statement and BIRS.

The items have been described and (in most cases) shown on plan form within the documentation, with precedent examples and/or cross-sections. The infrastructure has been the subject of cost estimates by Martin Stockley Associates and Landscape Projects. A judgement has been made about the extent to which East Float should contribute all or part of the infrastructure. A judgement has also been made about the timescale for delivery.

The working schedule is an initial basis for future review, to be appended as such to the Section 106 Agreement.

TA 21/07/2010