

Rhondda Cynon Taf CBC Planning Obligations Review

Final Report

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1 Background

- 1.1 Capita Symonds were commissioned by Rhondda Cynon Taf County Borough Council (RCTCBC), in February 2005, to undertake a desk top study to identify good practice in the operation, procedure and negotiation of planning obligations in the Borough.

The Need for the Study

- 1.2 In accordance with established planning principle, RCTCBC wish to ensure that developers meet the cost of the impact of new development on local services and infrastructure. It also wishes to ensure that the planning obligation framework will operate in an open and transparent manner and with proper public involvement through the plan led system.
- 1.3 The LDP should provide the development industry with an early and broad indication of the types of obligations that the Authority will expect from developments. However, given the relative inflexibility of development plans, it is recognised that there may be a role for Supplementary Planning Guidance (SPG) to be used to update and add details to the LDP planning obligation policies.
- 1.4 This study provides the evidence base that will inform the plan making process and allow the development of a policy framework that will help deliver a basis for negotiating planning obligations, as well as speeding up the planning obligations process by setting a much clearer framework at the start of negotiations.

The Changing Planning Obligations Framework

- 1.5 The Planning and Compulsory Purchase Act 2004 provides for a reformed development plan system and requires each Authority in Wales to prepare one Local Development Plan (LDP) for its area – in Rhondda Cynon Taf this excludes the area in the north of the Cynon Valley which is situated in the Brecon Beacons National Park. The new LDP will replace the existing Cynon Valley, Rhondda and Taff Ely Local Plans (1991 – 2006), and will provide the basis for planning decisions on land use matters to 2021.
- 1.6 There has been a debate for several years on the best way forward for a revised system of planning obligations to increase transparency and reduce prolonged negotiations. In April 2004, the Welsh Assembly Government (WAG) commenced a consultation exercise. The consultation document sets out the Assembly's proposals for reforming the planning obligation system by establishing a new optional charge to provide certainty, whilst recognising the need for negotiation in allowing for flexibility in addressing local circumstances.
- 1.7 The Office of the Deputy Prime Minister (ODPM) has recently issued a draft circular in England (2nd November 2004), which interprets the clauses in the Planning and Compensation Act 2004, that allow Local Authorities to impose a development levy or standard charge on developers, and allows them to request that development obligations are pooled, and that monies are paid on a phased basis. This circular does not apply in Wales, although the WAG has informally confirmed that a similar draft circular may be issued in the summer.

2 Methodology

- 2.1 The study is based on a process of a desktop review of current and best practice; resulting in recommendations for the preferred planning obligations approach for the emerging Rhondda Cynon Taff LDP.
- 2.2 The key areas of review are:
- Relevant legislation and government guidance
 - The types of planning obligation that a local authority can negotiate for
 - Development that should be excluded from planning obligations
 - The use of standard Section 106 templates
 - The use of set charges or formulae instead of or in addition to negotiated agreements
 - The merits of LDP policies versus SPG, including the identification of best policies and advice notes
 - The evidence base required to justify the negotiating position
 - The concept of zoning
 - The concept of pooling mechanisms
 - How planning obligation can be used to address the cumulative impact of small schemes, and
 - The use of on-going contributions
- 2.3 The review has been undertaken through consultation with local authorities that currently apply good practice standards, as well as taking into consideration the views and aspirations of Officers from RCTCBC.
- 2.4 In addition, recommendations are considered against key legal cases and planning appeals, where appropriate, thus ensuring the development of a robust framework that will stand up to detailed scrutiny during the development plan process.

3 Planning Policy Context

National Planning Policy Context

- 3.1 The Town and Country Planning Act 1990 (Section 106) gives powers to local authorities for agreements to be negotiated in the context of the granting of planning consent. This enables developer contributions to be made towards infrastructure and services necessary to facilitate development. Planning agreements or obligations therefore provide the means by which benefits to the community are legally secured, particularly when such gain cannot be achieved by conditions.
- 3.2 Table 3.1 outlines the relevant national legislation and government guidance that currently exists in relation to planning obligations. The table is split into those documents that are legislative and those that are background papers and provide guidance in legislation formulation. The current planning obligations legislation is specified in Circular 13/97 (Wales), and this is, at the present time, the legislative document by which to proceed, as the new framework is only in consultation form.

Welsh Assembly Government Planning Obligations Consultation

- 3.3 In April 2004, the WAG sought the views of stakeholder groups on the way in which proposals for improving and reforming the Planning Obligations system in Wales could be taken forward.
- 3.4 The WAG's main aim is to try and provide a planning obligation process which is faster, has greater certainty and transparency whilst retaining an aspect of flexibility. Local Planning authorities would be required to set out their charge proposals in advance, giving the developer certainty about the level of contribution and an indication of the impacts of development to which charge income would be applied. Issues of transparency have already been addressed by the WAG, by requiring planning authorities to put details of their S106 Agreements in their planning register.
- 3.5 The WAG sought opinions on the following:
- The problems in the present system, such as the length of time the obligations process can last, and high legal costs.
 - What aspects in the new planning approach, local authorities would like to achieve, for example, high quality, sustainable development that provides social, economic and environmental benefits for the community as a whole.
 - Areas for improvement to planning obligations policy and the options for this improvement, for example; the principles of a new policy for negotiated planning obligations; clarifying the relationship between contributions and development; providing greater transparency, predictability and accountability; promoting flexibility; and proposals and principles for a new optional planning charge.
 - The way forward for implementing the new proposals.
- 3.6 The responses to this consultation process will result in the production of a draft planning obligations circular, which will then be subject to further consultation.

Table 3.1 - National Planning Policy Context

Document Title	Date	Reason for Document	Key Points (Outlined changes)
Legislative			
Circular 1/97 (England). 13/97 (Welsh Office): Planning Obligations	1997	Replacement of DoE Circulars 16/91 and 28/92. Provision of an update to Planning Obligations Legislative Framework	<p>Sets out the necessity test for when planning obligations should be sought:</p> <ul style="list-style-type: none"> - Necessary - Relevant to Planning - Directly related to the proposed development - Fairly and reasonably related in scale and kind to the proposed development - Reasonable in all other respects. <p>The document provides guidance on the use of planning obligations with the main concern being that planning permission cannot be bought or sold. The guidance states:</p> <ul style="list-style-type: none"> - Planning obligations must not relate to matters other than those covered by planning permission. - Acceptable development should never be refused because an applicant is unwilling or unable to offer benefits. - Where a developer thinks that unreasonable demands are being made then they may wish to enter into unilateral undertakings. - Benefits must be reasonable. - Planning obligations can be used to forecast the loss of or impact of any resource present on the site prior to development. <p>The circular additionally contains information on development plan polices and when they are likely to become unacceptable to the Secretary of State:</p> <ul style="list-style-type: none"> - failure to take account of advice in Circular. - seeking benefits which are not directly related to a particular development proposal. - Seeking contribution to a general fund to be used to finance a number of facilities or a specific facility, unless such facilities would be directly related to individual development proposals.

			<ul style="list-style-type: none"> - Seeking from the developer the costs of resolving existing problems. - Allocating precise costs in advance. It is not feasible for a local planning authority to spell out detailed requirements (such as £X unit or Y% of overall costs) since it is impossible to know exactly what is involved until an individual development proposal has been made. - Seeking to secure maintenance payments other than in special circumstances.
Draft Revised Circular on Planning Obligations (ODPM)	Nov 2004	Draft Version of New Planning Obligations Guidance, to replace the 1/97 Planning Obligations Circular	<p>The document applies the same necessity rules and is similar to the 1/97 circular except in the following areas:</p> <ul style="list-style-type: none"> - Pooled contributions- Where a development is large in size and may have regional benefits, contributions can be pooled from a number of developers, by the LPA. - Maintenance payments- A LPA may request as a planning obligation that the developer pay a contribution to the maintenance cost of the asset they have provided. This can now be provided in a phased arrangement rather than as a lump sum as previously conducted. - Standard Charges- Standard charges and costs for a particular size and type of development may now be drawn up as part of planning policy, in matrix style, in order to give developers an idea of likely charges and contributions applicable to a development.
Contributing to sustainable communities- a new approach to planning obligations: A consultation on proposals to reform planning obligations	Issued in Wales April 2004	Consultation paper to gain opinions on the likely changes to the Wales Planning Obligation framework. From this a Draft Circular can be formed.	<p>The document circulated for consultation is similar to and based around the Draft Planning Obligation Circular produced by the ODPM (2004).</p> <p>The draft Planning Obligations Circular for Wales is due to be issued in Summer 2005, however it may be the case that the content may differ from the ODPM version due to consultation comments received.</p>

Background Papers			
Kate Barker Review of Housing Supply	March 2004	UK Government review looking at the issues underlying the lack of housing supply in the UK.	<p>Report included a review of planning obligations. Some of the recommendations made within this report regarding land use planning regulations will be taken into account when producing the new draft planning obligation framework within Wales. For example:</p> <ul style="list-style-type: none"> - Introduction of a Planning Gain Supplement to capture some of the development gains that landowners benefit from, to ensure that local communities share in the value of development.
Regional Planning Obligations- GVA Scrutiny / ERM Report		Description of the new proposals for standard charges set out in the Draft OPDM Planning Obligations Circular (2004)	<p>This paper was produced to provide details of Standard Charges and the implications and types of Charges and contribution applicable to planning obligations.</p> <p>The paper identifies three classes of planning obligation:</p> <p>Class 1 - Those associated with direct consequences of the development, which place pressure on existing facilities, such as off-site highways, education requirements, public transport infrastructure etc.</p> <p>Class 2 - Affordable housing where there is a demonstrable need, which falls into a class of its own, following national policy to encourage the provision of such development in Department of the Environment, Transport and the Regions Circular 6/98 and PPG3.</p> <p>Class 3 - Contributions associated with addressing community needs with a link, albeit less tangible, to development such as general town centre improvement, employment training schemes etc.</p> <p>The different type of contribution identified are as follows:</p> <ul style="list-style-type: none"> - Education Contributions - Health Care Facilities - Open Space and In Lieu Contributions - Transport Infrastructure <p>The document provides a logical framework for determining Standard Costs and a method for setting charges.</p>

The Rhondda Cynon Taf Local Policy Framework

- 3.7 Rhondda Cynon Taf CBC's current policy framework for the application of planning obligations currently varies depending on which former local authority (pre 1996 local government re-organisation) the development is proposed in. This is a by-product of the Authority being covered by three Local Plans that were developed independently.
- 3.8 This results in a fragmented approach that is not simple for the developer or Local Authority Officers to understand. In addition, the policy framework lacks the necessary robustness and simplicity, and as such many opportunities for the association of planning obligations with planning applications is lost.
- 3.9 *The Rhondda Local Plan 1991 - 2006*, adopted February 1998 makes the following references to planning obligations:
- DGP23 Where a planning proposal can be improved, in terms of economy, efficiency and amenity in the development and use of land, the Council will seek to negotiate a legal agreement (planning obligation/unilateral undertaking) with the developer to secure the desired improvement.*
- 3.10 The supporting text acknowledges that there are occasions when the principle of a development proposal is acceptable, but problems exist which, while capable of resolution, can not be effectively resolved by the use of planning conditions alone; and that satisfactory development may be dependent on off-site works relating, for example, to access, water supply, landscaping, vehicle parking, open space provision, and demolition or restoration of buildings. In these circumstances, it is stated that the Council will normally seek to reach a separate legally binding agreement that is directly linked to the grant of planning permission.
- 3.11 Other minor references to planning obligations are mentioned throughout the document, for example with reference to affordable housing; however, these tend to be passing references rather than clear statements of intent.
- 3.12 *The Rhondda Cynon Taf (Taff Ely) Local Plan 1991 – 2006*, adopted June 2003, does not have a specific policy relating to planning obligations. However, where the Authority anticipates that planning obligations will be necessary to implement Local Plan proposals, they are indicated within the supporting text. Such an approach is not conducive with simplicity as the relevant approach is extremely difficult to locate. However, obligations are mentioned with reference to sports facilities, parks and informal amenity areas, parking provision in new development etc.
- 3.13 *The Rhondda Cynon Taf (Cynon Valley) Local Plan 1991 – 2006*, adopted January 2004 makes the following references to planning obligations:
- ENV 7 In granting consent for major development proposals, the County Borough Council will, where appropriate, seek the provision of associated environmental and community benefits from developers through appropriate planning conditions or planning obligations.*
- 3.14 The supporting text states that planning obligations can include the provision of additional car parking, or the provision of social, educational, recreational, sporting or other community provision. Measures may also be included to mitigate the loss or damage of environmental features.

3.15 In addition, Policy R1 states:

R1 In new housing developments, the provision of recreational facilities in accordance with the Council's standards will be sought by means of a planning obligation, taking into account existing provision in the neighbourhood of the development, and any special circumstances relating to the particular case.

3.16 Other references to planning obligations can be identified throughout the document, in particular with reference to environmental protection. Whilst these policies and references to planning obligations mark a clear statement of intent, evidence suggests that they have not been consistently applied and opportunities for securing developer contributions have not been maximised.

3.17 The above shows that the existing planning obligation policy framework is variable throughout the Authority, and a more standardised policy framework that clearly specifies the intentions of the Authority, is required.

4 Current Practice Review

External Local Authority Review

- 4.1 In order to conduct a thorough review of current best practice a questionnaire was designed to collect the following information:
- The different types of planning obligations in operation;
 - The types of set charges or formulas being used;
 - What SPG or advice notes are currently in operation;
 - The evidence base used to set charges;
 - The use of standard section 106 templates;
 - The use of pooled resources, and
 - The use of maintenance payments within planning obligations.
- 4.2 A shortlist of selected Local Planning Authorities was developed following discussions with RCTCBC. For each of the selected LPAs, an internet search was conducted to find out as much information as possible to assist with filling in the questionnaire.
- 4.3 For those LPA's where gaps in information provision existed, specific questions were e-mailed to officers for response. For those LPA's where no information was publicly available, a blank planning obligations questionnaire was sent to the LPA.

Results of External Authority Consultation

- 4.4 Consultation questionnaires were filled out, either in full or in part, for the following authorities:
- Havant County Borough Council
 - Amber Valley Borough Council
 - Newport City Council
 - Wycombe District Council
 - Milton Keynes Council
 - Isle of Wight Council

A copy of the completed questionnaires is contained in Appendix 1. Some general conclusions are detailed below; however, detailed matters are discussed within the appropriate section in chapter 5.

- 4.5 Many of the Local Authorities reviewed are at different stages within their local development plan/framework process. For example, some of the authorities reviewed are still complying with UDP's whereas some are abandoning their UDP in favour of a LDP.
- 4.6 Within the development plan process, many of the LPA's have composed different supplementary guidance or advice notes, which give advice on planning obligation practices. In particular, Milton Keynes have progressed their planning obligation systems the furthest, with SPG written or being composed on many of the different areas where planning obligations may apply or be sought.

- 4.7 Milton Keynes Council are additionally leading the way with making their planning process as transparent as possible through an online interactive Local Plan Website designed to display the key policies developers should refer to when considering applying for planning permission within the area. By simply clicking on a map, reference to a list of relevant policies is displayed.
- 4.8 Completion of the questionnaire enabled an outline of the different types of obligations that are sought, along with the set charges or formulae's used to negotiate agreements, to be determined. It was established that most authorities do apply a pooling system to small schemes that cumulatively will have an impact within an area or where a strategic facility may need to be put in place and thus contributions from a range of developments will be gathered.
- 4.9 The use of maintenance payments would appear to be concentrated around the provision of community and leisure facilities, which may require an element of future upkeep. In some cases these payments are sought on a one-off basis but for other aspects, the developer will pay a set charge for a set period of time, towards the maintenance of the obligation.

The Rhondda Cynon Taf Officers' Consultation

- 4.10 The implementation of a framework of good practice for the operation, negotiation and procedure for Planning Obligations requires a commitment to, and understanding of, the processes by Council Officers. Their input is therefore essential.
- 4.11 In addition, it is important that Capita Symonds fully understands the existing planning obligations framework, as well as Council Officers understanding of it, in order to develop a robust and implementable framework.
- 4.12 To this end, a questionnaire was sent to a predetermined list of Council Officers. A copy of the questionnaire is contained in Appendix 2.
- 4.13 The key findings to be derived from the questionnaire were:
- A more structured system of consultation on planning applications is required to ensure maximum benefit is gained from negotiations
 - Departments need to be informed of the outcome of negotiations undertaken by the LPA
 - There are types of obligations for which contributions should be sought where they aren't at present (i.e. contributions towards public transport improvements and public car parking)
 - Small developments need to be included within the planning obligations process as some developers purposefully design their developments below the specified thresholds, to avoid paying contributions
 - SPG's detailing the requirements of the Authority would be extremely useful to ensure all parties are clear about what will be requested for different types of development
 - The use of Standard Section 106 templates would simplify and speed up the planning obligations process.

5 Key issues

Types of Planning Obligation

5.1 The Local Authority consultation, along with experience of best practice elsewhere, provided a comprehensive list of items for which planning obligations can be sought. These are detailed in Table 5.1.

Table 5.1 Types of planning obligations

Type of Obligation	Categories of provision
Educational Facilities	Child care facilities
	Primary school provision
	Secondary school provision
	Further education
Recreation Facilities	Leisure and recreational facilities
	Playing fields
	Equipped play areas
	Public open space
Community Facilities	Community centres / halls
	Healthcare facilities
	Places of worship
	Libraries
Transport Infrastructure	Highway improvements
	Public transport infrastructure
	Public transport service subsidy
	Cycling and walking facilities
	Non residential car parking
	Green travel initiatives
Affordable Housing	Low-cost private ownership housing
	Shared ownership
	Private rented
	Social rented
Other	Public art
	Support for employment training facilities
	Support for employment training schemes
	Utilities & service infrastructure (inc. land drainage infrastructure)
	Contribution to effective town centre management

5.2 In determining which types of obligation are relevant to each development, the direct impact, as well as the wider impact of the development on the community, needs to be considered. Therefore, it is clear that all types of obligation will not be appropriate in all instances.

5.3 A summary of the benefits that could be sought in association with different types of development are shown in Table 5.2.

Table 5.2 - Types of development from which obligations could be sought

Type of development	Benefit sought (where appropriate)	Examples (not exhaustive)
Housing	Education	Provision of primary school or contributions towards primary and secondary school provision
	Recreation Facilities	Provision of outdoor playing space, childrens play areas etc.
	Community Facilities	Contributions towards community centre, health care facilities, libraries, local shops etc.
	Transport Infrastructure	Highway infrastructure works, traffic management improvements, public transport improvements, pedestrian and cyclists facilities, road safety measures
	Affordable Housing	Provision of low cost housing to buy or rent
	Other	Contributions to public art, training facilities and schemes, land drainage infrastructure, effective town centre management etc.
Employment	Transport Infrastructure	Highway infrastructure works, traffic management improvements, public transport improvements, pedestrian and cyclists facilities, road safety measures, travel plans
	Other	Contributions to training facilities and schemes, land drainage infrastructure, effective town centre management etc.
Retail	Transport Infrastructure	Highway infrastructure works, traffic management improvements, public transport improvements, pedestrian and cyclists facilities, road safety measures, travel plans
	Other	Contributions to public art, land drainage infrastructure, effective town centre management etc.
Leisure	Transport Infrastructure	Highway infrastructure works, traffic management improvements, public transport improvements, pedestrian and cyclists facilities, road safety measures, travel plans
	Other	Contributions to public art, land drainage infrastructure, effective town centre management etc.
Community Facilities	Transport Infrastructure	Traffic management improvements, public transport improvements, pedestrian and cyclists facilities, road safety measures, travel plans

5.4 For mixed-use developments, the requirements would be dependant on the composition of the proposed development.

Forms of Development Excluded from Planning Obligations

- 5.5 The review indicated that there are certain types of applications that Authorities exempt from certain categories of obligation provision, or for which reduced contributions are sought. These are shown in Table 5.3.

Table 5.3 Developments that are exempt from, or liable to reduced, contributions

Type of development	Exemptions	Reduced contributions
Older persons homes	Education (all categories)	Open space
	Playing fields/equipped play areas	
	Employment facilities & schemes	
Care and Nursing Homes	Education (all categories)	Open space
	Playing fields/equipped play areas	
	Employment facilities & schemes	
Residential Institutions	Education	Open space
	Playgrounds	
	Employment facilities	

Standard 106 Templates

- 5.6 The development of a robust planning obligation framework will result in an increase in the number of planning obligations that are processed by the local authority, as well as the number of benefits for which financial recompense is sought, resulting in an increased workload for Officers.
- 5.7 To minimise the impact of this, procedures should be streamlined. One way of achieving this is the use of standard Section 106 templates.
- 5.8 In those local authorities where the planning obligations framework is well developed the use of Section 106 templates is commonplace.
- 5.9 Standard templates are beneficial for the following reason:
- Simple to use
 - Time saving
 - Clarity of understanding of key clauses by Officers and Developers
- 5.10 Despite this, a standard template should be designed to allow for an element of flexibility to allow for a variety of circumstances. In addition, for more complex proposals, standard clauses will not be possible. However, it is possible to design the standard template to accommodate areas where expansion beyond the standard clauses is required.
- 5.11 For information, Milton Keynes' standard Section 106 agreement is provided in Appendix 3. Whilst this is useful for establishing the main matters that should be included within the standard template, it will soon be superseded, as the ODPM is soon to publish a good practice guide, which will be used to improve the existing template.
- 5.12 A nationally available example of good practice, will further standardise the planning obligations process, as national developers will become au-fait with the key requirements, and therefore the imposition of planning obligations should be simplified for all – albeit that each Authority will need to modify a standard template to their own local circumstances.

Set Charges and Formulae

- 5.13 The use of set charges and formulae are useful where the impact of a development can be quantified; for example, a set number of new houses will generate, on average, a set number of primary and secondary school pupils. A charge can therefore be based on the likely requirements for additional educational provision.
- 5.14 In most instances, the scale of the charge should be linked to the scale of the development. For most types of development the Gross Floor Area (GFA) is an easily understood indicator that allows for transparency.
- 5.15 There will always be circumstances in which local authorities may wish to opt for flexibility in addressing variable local circumstances where the use of formulae may otherwise seem appropriate. For example, a residential development that only incorporates one-bedroom apartments will not generate a demand for educational spaces. In these instances individual negotiation should occur.
- 5.16 There are certain types of obligation that can never be determined by formulae. For example, the costs of mitigating against the loss or damage of environmental features. In these instances, the impact of the development will always need to be assessed on a case-by-case basis, although the more generalist impacts of the development could still be assessed through the use of formulae.
- 5.17 Set charges and formulae are extremely beneficial for demonstrating to the developer the level of contribution that will be required in each instance, and therefore makes the negotiation process simpler and more likely to achieve mutual agreement between parties. However, the level of the set charges needs to be considered within the context of those levied by adjacent authorities, so that accusations of 'attracting development by stealth' do not occur.
- 5.18 In order that set charges or formulae can be used effectively, detailed investigation into the components of the formulae and hence the charging level is required at the outset, in order to ensure the formulae are not liable to continual challenge.
- 5.19 Whilst the detail and formulation of the formulae will initially be time consuming, once the framework is established, it will lead to swifter negotiation during the planning application process.

Evidence Base

- 5.20 Any requirement for financial contributions or on-site provision should be based upon evidence of need. For example, if there were a shortage of affordable housing in an area it would be quite legitimate to attempt to remedy this shortfall by requiring a percentage of housing on a proposed housing development to be set aside as affordable housing. Likewise if a proposed housing development were, by virtue of the numbers of children of school age likely to be living on the development, to impact upon an overcrowded school roll it would be reasonable to expect the developer to pay a financial contribution to improve existing facilities. The same argument would apply to the provision of recreational facilities and public transport infrastructure.
- 5.21 However, developers would wish to see such evidence of need fully documented, as the provision of such contributions will potentially impact upon their profit margins or more likely upon the price that they will be able to pay a landowner for his land. Consequently, it is extremely important for the local authority to have up to date surveys in place upon which to

base their requirements for contributions which will be outlined in LDP/SPG policy. Such surveys should be robust in terms of methodology and be regularly updated and reviewed in light of changing circumstances.

- 5.22 An understanding of the evidence base in place at other authorities is provided in the responses to the questionnaire set out in Appendix 1.
- 5.23 As a minimum we would recommend that the Council has in place the following:
- an affordable housing need survey;
 - an educational provision survey;
 - a recreational provision survey (which can be assessed against NPFA standards);
 - Traffic surveys relating to road capacity in the vicinity of proposed land releases.
- 5.24 In addition, it may be worth noting that Caerphilly County Borough Council have commissioned research (conducted by Capita Symonds) into calculating the congestion costs attributable to development at specific UDP development sites, and taking this figure forward into a development levy.

LDP Policies Versus SPG

- 5.25 Policies contained within an adopted LDP will be given considerable weight in the consideration of planning applications and also in the determination of appeals. This is by virtue of the fact that they have been subject to a public consultation process and the robustness of the policy tested at a Public Local Inquiry if objection has been made to them.
- 5.26 Having said that, there is a very important role that Supplementary Planning Guidance (SPG) can fulfil in providing the detail that it may not be possible to achieve in LDP policy. For example, a LDP policy on affordable housing may be phrased along the lines of seeking to negotiate a specific percentage of affordable housing on all sites over a certain number of units. The SPG on affordable housing would examine this requirement in more detail by reference to the Council Housing Needs Survey, perhaps commenting on the types, range and size of affordable housing units that are required in a particular location.
- 5.27 SPG may also take the form of a detailed Development Brief for larger land allocations in the LDP and would contain details of the specific planning gain requirements that will be sought by the Council in its consideration of any planning applications that are submitted for the site.
- 5.28 With regard to recreational provision, whilst the LDP may identify a deficiency and have policies seeking to remedy this deficiency through negotiated planning obligations, the SPG can examine the issues in more detail. For example, it could specify the type of play equipment that would normally be required to be provided as part of housing developments or the cash equivalent for off-site provision, together with a defined formula for commuted sum payments for on-going maintenance.
- 5.29 For SPG policy to be given weight at appeal it is of crucial importance that it is subject to similar public consultation and comment as the LDP. Such consultation should include the development industry as well as the local community in order that their views can be fully assessed. Where possible SPG should be prepared in conjunction with the LDP with any objections to it being heard at the same time as the LDP Inquiry. In this way added weight will be given to the policies contained within it, thereby strengthening the Councils negotiating position with developers.

This approach also gives more certainty to the development industry. Developers understand that contributions will be sought and are generally happy to provide these where they are

regarded as reasonable. It is vitally important that these “costs” are known at the earliest possible stage in the process in order that they can be built into the land purchase viability. If this is done at an early stage these “S106 costs” can be deducted from the price payable for the land. However, if these costs are not available until later in the process and consequently have not been taken into account they can seriously impact upon a scheme’s viability. If this happens the Council may well find their negotiations a lot more difficult.

Policy Wording

- 5.30 The review of best practice showed that planning authorities have different structures for presenting their planning obligations policies. A central theme is the presence of detailed planning obligation policy(s) within either the Local Development Plan (LDP) or Unitary Development Plan (UDP), with the use of Supplementary Planning Guidance (SPG’s) to reiterate the formal policy along with a more practical explanation of what is required by developers, in practice.
- 5.31 Nearly all local planning authorities provide detailed appendices to the planning obligations SPG’s, outlining the exact wording of the relevant section of the LDP or UDP which address planning obligations. None of the authorities studied provided extra specific policies within their SPG’s.
- 5.32 With regards to the presentation of the policies, this differed amongst the case studies. For example, Amber Valley and Wycombe, in their Local Development Plans, presented their obligations policies mixed in with other policies relating to the specific topic area, for example, education, community development or environment.
- 5.33 This, at times, was confusing and meant that any potential developer, wishing to investigate planning obligations policy, would find it difficult to find the relevant policies.
- 5.34 The preferred example of policy wording best practice was Milton Keynes Council (See Appendix 4). Planning obligations policies are presented in one standalone chapter of the local development plan, named ‘Planning Obligations’. This makes locating and tracking policies through to the SPGs much simpler.
- 5.35 The structure and wording of the Milton Keynes policies should be used as a framework for the development of planning obligations policies in RCTCBC.

Pooling Mechanisms

- 5.36 The National Assembly consultation document *“Contributing to Sustainable Communities - a New Approach to Planning Obligations”* makes reference to the voluntary pooling of planning obligation contributions. The document suggests that pooled contributions from more than one development could be used within the local authority area, or where all parties agree, across two or more authorities. It goes on to state that this approach could be used to make the best use of available contributions in a range of areas, including affordable housing and local transport infrastructure.
- 5.37 In respect of RCT, there could be significant merit in pooling contributions, especially those which are sought from smaller developments. The cumulative impact of a number of smaller housing developments, for example, could be dealt with by pooling the contributions from each into a central fund to be used for the provision of housing for rent in the County Borough. If such an approach were pursued in RCT it would need to be based on clear evidence of need. It would also be of importance to establish a clear audit trail between the contributions made

and the infrastructure provided if the public and developers alike are to accept such an approach.

- 5.38 Pooled contributions across local authority areas are more likely to occur in respect of transport infrastructure or public transport provision and again should be based on negotiation as a result of identified need. Such an approach has been used recently between Caerphilly CBC and RCTCBC in respect of a large scale housing development at Penrhos, Caerphilly.

Zoning

- 5.39 The RCT administrative area is particularly diverse not only in its landscape but also its economic make up. It would be fair to say that the most economically prosperous areas of the County Borough lie in the south, which also corresponds with the area of greatest pressure for both residential and commercial development. We have not had sight of any draft policies which will be contained within the emerging LDP, but assume that they will seek to channel investment opportunities into the “less favoured” areas in order to assist with economic regeneration, whilst seeking to restrict development to that acceptable under an environmental capacity approach to areas in the south.
- 5.40 Accompanying such a policy based approach it would seem quite appropriate to tailor the requirement for planning obligation contributions in a similar manner. For example, if much needed development was proposed in an economically disadvantaged area it may seem unreasonable to require a developer to make an additional contribution under a Section 106 agreement that may impact adversely upon the viability of the proposal. The contrary argument could be applied to a proposal in an area that would see a significant enhancement to land values as a result of development if it were permitted.
- 5.41 The question arises whether it would be permissible to allow the “gain” obtained from a development permitted in one part of the local authority area to be used in another area. We are of the opinion that whilst such an aim may be laudable it may not pass the legal test of being more than de minimis to the development proposed as outlined in Section 6. This would be different to any potential pooling of contributions.
- 5.42 However, the difficulty arises in how to define the particular zone, especially in respect of specific boundaries. Clearly this is an issue that will require careful consideration.

Addressing Cumulative Impacts

- 5.43 Current development plan policy with regard to securing planning obligations tends to only impact upon sites which are above a certain unit size threshold. Smaller sites, often less than 10 dwellings, do not therefore have to contribute towards affordable housing, educational or recreational provision. The cumulative effects of the development of a number of these “windfall” sites throughout a Council’s administrative area can often be quite substantial over the lifetime of a development plan.
- 5.44 It would not be unreasonable therefore to suggest that developments of any size should contribute where there is a recognised need that the development proposed would add to. Perhaps the most logical way to deal with this issue would be via a financial contribution based on a set formula. For example, if there is a requirement to improve educational provision in a locality a formula can be devised that would require a financial sum to be payable for each dwelling proposed. We understand that Newport City Council have been particularly successful in obtaining educational contributions based on a formula approach. A similar

approach could be taken with regard to public open space, public transport and affordable housing. Such contributions could be “pooled” to assist in provision in the general locality.

- 5.45 Whilst such an approach has merits, care will need to be taken that the contributions sought are at a level that does not seriously impact upon the viability of smaller development schemes which themselves may be of economic benefit to the community. A policy could be phrased in such a way that contributions would not be requested, or would be at a reduced level, if a developer could prove the adverse impact of such contributions on the schemes viability.

On-going Contributions

- 5.46 The Welsh Assembly Governments consultation document on the new approach to planning obligations makes reference to securing on-going contributions.
- 5.47 This approach is not uncommon and normally revolves around certain trigger dates or units. For example, in the provision of affordable housing, a Section 106 Agreement may specify that the affordable housing units are to be provided on site prior to the completion of the 50th housing unit. Such an approach has benefits for the developer in that they can recoup some of their development costs through private house sales prior to providing the affordable housing.
- 5.48 Likewise, the provision of public transport infrastructure may not be required until a development reaches a particular size. However, following that trigger point contributions may be required to be provided for a number of years (for example in the form of a bus subsidy) until the service becomes self-sustaining.
- 5.49 In our view the approach to on-going payments may be difficult to include within LDP policy other than by a general reference. Such an approach is best suited to the negotiating table, although specific details could be contained within Development Brief for the larger allocated sites. Whilst such an approach may help a developer’s cash flow they would clearly need to agree an end date for the cessation of payments as well as the normal evidence that such contributions are necessary.

6 Relevant case law and appeals

- 6.1 As has been outlined in Chapter 3, Central Government Guidance suggests that planning obligations are only acceptable if they are:
- Necessary;
 - Relevant to planning;
 - Directly related to the proposed development and to the use of land after its completion and that the development ought not to be permitted without it;
 - Reasonable in all respects, for example, developers may reasonably be expected to pay for or contribute to the cost of infrastructure which would not have been necessary but for their development;
 - Fairly and reasonably related in scale and kind to the proposed development.
- 6.2 The Courts have, however, taken a different view with a clear difference emerging of what they consider to be a legally valid planning permission and the more restrictive interpretation contained in circular guidance. So, whilst in the consideration of a planning application and at appeal the guidance contained in W.O.Circular 13/97 will be given significant weight, if a “deal” is struck that goes outside the restrictive advice contained in the Circular but remains “lawful” then it will be unchallengeable even though it is inconsistent with policy.
- 6.3 The extent to which a local planning authority can take into account an offer from a developer to provide benefits beyond those demanded by the development itself has now been considered by the Courts in the following cases:

R v Plymouth City Council, ex parte Plymouth and South Devon Co-operative Society Limited (1993) JPL 1099

- 6.4 In the Plymouth case Sainsburys and Tesco each had a site suitable for the construction of a superstore. Each put forward to the local planning authority, as part of their development, a list of benefits. The local planning authority resolved that they would, in fact, grant planning permission to both supermarket operators, so gaining the full list of benefits. The Plymouth and South Devon Co-operative Society challenged the planning permissions on the basis that the community benefits were not necessary to overcome any objection to the development of the two sites, nor did they necessarily flow from the development itself and were unlawful. The Court of Appeal disagreed with this view, and held that it was not a legal requirement that a planning obligation should be necessary to enable the development to proceed. It also held that the obligation did not have to flow directly from the development itself, and that the Secretary of State’s policy in his circular was more restrictive than the law. Although the circular guidance was acknowledged by the Court as being a lawful policy, a local authority was not bound to apply it. As long as the benefit proposed was related to the development taking place, it was material.
- 6.5 This decision suggests that a local planning authority can take into account any benefit (including those not necessary for the development to proceed) provided that it is fairly and reasonably related to the development. As such it clearly conflicts with the test of necessity currently laid down in the circular.

Tesco Stores Ltd v Secretary of State for the Environment (1994) JPL 919

- 6.6 The decision in the Plymouth case was reviewed by the Tesco case. Tesco owned a site in Witney which was in competition with another site owned by Tarmac, which was to be developed for Sainsburys. When planning applications were submitted for both sites, a joint planning inquiry was held. The case put forward by both the County and District Councils was that without the construction of a relief road, there would be a fundamental constraint to the development of any superstore in the town. Tesco offered full funding for the relief road as part of their planning application. The Inspector found in favour of Tesco. He acknowledged that there was a tenuous connection between the funding and the development, but that it would have been perverse to ignore it. The Secretary of State did not accept the Inspector's recommendation and refused consent for Tesco's application, granting consent to Tarmac.
- 6.7 Tesco challenged this decision and the case was heard in the House of Lords. Tesco relied on the materiality argument in the "Plymouth" case. The House of Lords upheld the decision of the Court of Appeal that the Secretary of State had not erred in law in dismissing Tesco's application and in granting permission to Tarmac for similar development. They further stated that a planning gain which has absolutely nothing to do with the proposed development would not be a material consideration. However, if the obligation has some connection with the development which was not de minimis, then regard must be had to it. The weight to be given to it by the relevant decision maker was a matter for the decision maker, subject only to the obligation not to act unreasonably. In other words, the weight to be attached to a material factor, such as a relevant planning obligation, is a matter for the decision maker and the courts will not interfere. Accordingly, the important issue is to ensure that planning obligations are relevant and material, and that it would not be unreasonable to give them significant weight.

R v South Northamptonshire District Council ex parte Crest Homes plc (1994) 3 P.L.R.47

- 6.8 This case concerned a deposit draft policy for the provision of infrastructure and related payments at or near a development site. In fact, the Council had already agreed with a number of landowners to meet the cost of infrastructure as a percentage of the enhanced land value which would arise as a result of this proposed development. This was challenged on the basis that this was "selling planning permission". The court found that both the policy and the agreements were valid. The formula, the court found, was directly calculated in relation to the necessary expenditure and was not a tax as such. Again this approach does not conform with the circular guidance.
- 6.9 As outlined in Section 4 above reference has been made in the Welsh Assembly Government's consultation paper "*Contributing to Sustainable Communities – a New Approach to Planning Obligations*" to the case law cited above. Paragraph 7 of Annex A refers, inter alia, to the fact that rather than requiring the tests set out in the circular to be met, benefits sought by local planning authorities and offered by developers should meet the legal test that they should have a connection with the development that is more than de minimis and therefore capable of being a material planning consideration. It would then be for the local planning authority to decide what weight should be attached to the material consideration in deciding whether to grant planning permission.

7 Recommended Way Forward

7.1 This section details the recommended actions.

1. Evidence Base

- 7.2 Preparation of a robust evidence base is fundamental to successful negotiations with developers. We recommend as a minimum that RCTCBC undertake research in the areas set out below. We consider that this is a priority action and should commence in association with the advance work on the LDP.
1. A housing needs survey – with particular emphasis on affordable housing issues.
 2. An educational provision survey
 3. A recreational provision survey (assessed against NPFA standards)
 4. An assessment of the transportation impacts arising from key development areas (liaison with Caerphilly CBC on the recent study into the “congestion costs” of developments would be useful).

2. Supplementary Planning Guidance & Local Development Plan

- 7.3 We recommend that RCTCBC adopt an approach based on a general policy for inclusion in the LDP but backed up with SPG on planning obligations. The SPG provides sufficient flexibility but needs to be undertaken in conjunction with the LDP so that it has the benefit of being tested in public. This will allow Inspectors to attach more weight to the policies in the determination of appeals.
- 7.4 In addition we endorse the style of policy used by Milton Keynes Council in its UDP that clarifies the range and type of developments appropriate for planning obligations.
- 7.5 It will be important that the LDP also sets out the types of development to be excluded from planning obligations similar to that set out in Table 5.3.

3. Zoning

- 7.6 We do not recommend that RCTCBC pursue a “zoning” policy for planning obligations, based on our initial view that the legal test of impacts being more than de minimis to the development proposal. However we also recommend that a definitive position on this proposed position should be sought from the Welsh Assembly Government.

4. RCT CBC Internal issues

- 7.7 Based on our internal consultation exercise with Council Officers we recommend that the Council give further consideration to the following:
1. A more structured system of internal consultation on planning applications to ensure maximum benefit. For example a planning obligations working group consisting of key Officers could meet on a regular basis to discuss the potential for contributions arising from development proposals.

2. Circulation of information internally on the outcome of negotiations with developers is important.
3. Consultation with transportation officers will be beneficial in understanding the need for contributions on public transport etc.

5. Standard s106 templates

- 7.8 We support the development and use of a standard Section 106 agreement in RCTCBC. This approach should ensure that negotiations with developers would be more time efficient and each party would be aware of the typical clauses in advance thereby providing transparency and certainty. In addition, there should be increased consistency of approach. However it will be important that flexibility is retained so that although the standard agreement should be the starting point for considering s106 matters, there is scope to develop bespoke agreements or variations according to the nature, scale and complexity of the development proposal. In addition, it seems prudent at this stage to await publication of WAG guidance on this matter rather than initiate what could become abortive work.

6. Set Charges & Formulae

- 7.9 Set charges and the use of formulae are a means of giving certainty and consistency to negotiations with developers, for those impacts that can be quantified. However for this approach to succeed and withstand developers representations robust evidence of need is required. We recommend that this approach be implemented if the various evidence studies clearly establish a need for additional facilities for, affordable housing, transportation etc. The exact format of the calculations can be determined following an assessment of the levels of need and potential development impacts. At this early stage, time spent developing strong evidence, appropriate calculations etc. will save time in negotiations at a later date.

7. Addressing Cumulative Impacts

- 7.10 Pooling developer contributions is a useful means of tackling the cumulative impact of development proposals. They are particularly useful in dealing with smaller developments or those developments that are below established thresholds etc. Again the strength of the evidence base is crucial to the success of this approach. Where formulae are employed it maybe beneficial to break down the cost of the impact per dwelling. This approach can also be useful for dealing with smaller windfall sites.
- 7.11 However in association with a pooling mechanism a transparent audit trail must be established so that all parties can trace the expenditure on addressing the various impacts arising from the development.

8. On-going payments

- 7.12 Where a development occurs in phases the use of payments triggered by key dates or stages in the development can prove useful. This approach can be employed where there is an on-going revenue commitment, for example in establishing a public transport service there may be a need for some pump priming to establish sustainable travel habits from an early stage in the development. It will be important to include a clear statement in either the LDP or SPG that the Council will be seeking these types of developer contributions. However, we recommend that due to the variability of development proposals that come forward, and depending on the

strength of the evidence, that no formal fixed position is adopted by the Council and that on-going contributions be left as a matter for negotiation with developers.

9. Consultation

- 7.13 At an early stage in the development of the Council's policy on planning obligations we consider that it would be useful to hold a working meeting with developer representatives such as the House Builders Federation. The aim will be to understand the potential impacts on demand for development sites and take-up. For example, setting charges too high could adversely affect the viability of smaller developments, and establishing trigger dates of stages for payments to be released could also affect developer cashflow.

8 Conclusion

- 8.1 This Study has attempted to identify, through a review of current guidance and best practice examples, a way forward for the Council to develop a policy basis to secure obligations from future development proposals that will benefit the local and wider community.
- 8.2 It has shown the importance of identifying a clear evidence base as a starting point for negotiation with developers and the need to keep this evidence up to date. Evidence of need arising from these studies can help to shape the policies to be included in the LDP (backed up where appropriate with SPG guidance) that will clearly identify the type of obligations sought.
- 8.3 Clarity and certainty are important factors for the development industry and public alike and in this respect the Study's recommendations support the use of a Standard S106 templates and set charges and formulae where appropriate. Notwithstanding this approach, it is important to retain a degree of flexibility in the process to deal with all circumstances.
- 8.4 Clearly there remains a significant amount of background work for the Council to undertake to provide the necessary evidence base to assist with policy formulation for the LDP. However, providing this evidence identifies particular needs it can be relatively easily "transferred" into robust defensible planning policy which will secure the necessary community benefits from the various development proposals which come before the Council.

Appendix 1: External LPA Consultation – Completed Questionnaires

Appendix 2: RCT Officers Questionnaire

Appendix 3: Standard Section 106 Template - Milton Keynes

Appendix 4: Example of Best Practice – Policy Wording

**Milton Keynes Council - Local Plan, Second Deposit
Version, Oct 2002, Planning Obligations, Chapter 15**

PLANNING OBLIGATIONS

Background

15.1 Planning obligations are benefits that may be in kind or a financial contribution from developers to ensure that development proposals make adequate provision for infrastructure and community facilities. Benefits will usually be secured through a legal agreement between the Council and the developer.

Agreements are usually made under Section 106 of the Town and Country Planning Act 1990 - but can be made under Highways (and Local Government) Acts

National and Local Policy Objectives

15.2 The Council wants to ensure that future development continues to contribute to meeting the infrastructure needs and facilities of its area, and meets the increased demands generated by new residential and commercial development. Its approach follows the line of government advice. **The Council will have regard to the 5 tests set out in Circular 1/97 when considering the need for planning obligations. The tests are that planning obligations should be** (*Essentially, there are 5 principles that the council will apply in negotiating benefits*):

PC/368/OBS

PPG1 and DOE Circular 1/97

- (that the benefits are made) necessary (by the development)
- (they are) relevant to planning
- (they are) **directly** related to the proposed development
- (they are) **fairly and reasonably** related in scale **and kind** to the proposed development
- (they are) reasonable in all **other** respects

15.3 The Structure Plan emphasises the application of these principles in negotiations for the provision of facilities and highlights the significance of developer contributions in the light of the tight controls on public expenditure.

Structure Plan Policy IN1

Policy Objectives

15.4 The policies in the adopted Local Plan are well established and generally have worked well in practice; therefore, their basic principles have been retained.

15.5 The policies provide a clear statement of the most common circumstances where planning obligations will be sought and give an indication of the likely benefits to be negotiated. By providing this information, developers will be aware, in advance, of their possible on-site and off-site liabilities.

15.6 Consultation on the Issues Papers included the response that clear guidance was needed on planning obligations in relation to new development so that the necessary facilities could be provided at the right time. This view is reflected in the objectives, and also in the policies related to the City Expansion Areas and other new development sites.

Policies

GENERAL POLICIES

Objectives of policies

- To ensure that all development provides adequate physical and social infrastructure
- To identify the circumstances where planning **obligations** (*gain*) will be sought

PC/369/OBS

15.7 Planning obligations will be sought where major developments are proposed. The scale of "major" development is specified, where appropriate, in the policies. The scale and nature of a development proposal may only be sufficient to justify a financial contribution towards the cost of a necessary off-site facility or improvement, rather than its provision. However, financial contributions towards off-site facilities or improvements will only be sought where it is likely that work will start on site within 10 years from the planning permission being granted.

15.7a The types of development identified in Policy PO2, and the improvements identified in the following policies are not intended to be exhaustive. Policy PO2 indicates the 'main types' of development where obligations will be sought; and there may be other improvements sought in relation to particular proposals depending on local circumstances.

PC/370/OBS

15.7b The Council also intends to produce supplementary planning guidance on planning obligations.

**GENERAL POLICIES
POLICY PO1**

The Council will seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that relate to the proposed development (*either:*

PC/371/OBS

- (i) *Generated by the development itself*
- (ii) *Identified in the surrounding area in this Local Plan.*)

In making an assessment of such needs, it may be necessary to take into account the cumulative effect of a number of developments on the existing infrastructure of the surrounding area.

Developers will be expected to meet the full costs of facilities required as a consequence of development and contribute to resolving existing deficiencies where these would be made worse by the development

POLICY PO2

The main types of development proposal where the Council will seek improvements to infrastructure and community facilities are:

- (i) Proposals for development in the City Expansion Areas (Policies EA1 to EA6)

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- (ii) The redevelopment of existing industrial and warehousing premises
- (iii) Proposals for development in the extended Linear Parks
- (iv) Proposals for new housing
- (v) Proposals for redevelopment, extension, change of use, or new development for offices, shopping or commercial leisure, in Town, District and Local Centres.

In all cases, development proposals must be acceptable in principle when judged against the policies of this Local Plan. The scale and nature of the benefits sought will be directly related to the scale and nature of the proposed development.

REDEVELOPMENT OF INDUSTRIAL AND WAREHOUSE SITES

Objectives of policies

- To improve the environment in the Council’s older industrial and commercial areas
- To increase the stock of small business units

15.8 The potential for redeveloping existing industrial and warehouse premises is most likely to arise within the older towns and grid squares such as Bletchley and Old Wolverton **although the policy applies to the whole of the Borough.** Redevelopment proposals provide one of the few opportunities for increasing the supply of small business units and improving the provision of open space in older parts of the Borough.

PC/372/OBS

**REDEVELOPMENT OF INDUSTRIAL AND WAREHOUSE SITES
POLICY PO3**

Where proposals involve the redevelopment **or change of use** of existing industrial or warehousing floor space (*of more than 1000 sq m*) the Council will seek the following:

- (i) Where redevelopment **or change of use** is proposed not wholly to meet the operational needs of the existing occupier, a proportion of small business units (up to 300 sq m each)
- (ii) **Where there are deficiencies in the surrounding area and/or proposals include new housing development, public open space and leisure and recreation facilities in accordance with the standards set out in Appendix L1. Where it is undesirable or impossible to meet these standards on site, improvements to nearby open space** (*Public open space in accordance with the standards set out in Appendix L1, or improvements to existing nearby open space, assessed against existing deficiencies*)
- (iii) Improvements to **pedestrian and cycle facilities, public transport, road access and parking** (*road access, public transport, parking, cycle and pedestrian facilities*), including off-site works where appropriate

PC/373/OBS

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- (iv) Landscaping and screening to reduce the visual impact of large buildings

DEVELOPMENT IN THE EXTENSIONS TO LINEAR PARKS

Objectives of policies

- To protect and improve the environment within the Linear Parks on the edge of the City
- To improve public access to and within the Linear Parks on the edge of the City

15.9 This policy is designed to protect and enhance the nature conservation value and biodiversity of these areas, whilst at the same time encouraging greater recreational use in appropriate locations. Any proposals for private commercial development in the parks should contribute to achieving these wider objectives.

15.10 The protection and improvement of the landscape may involve the provision of benefits on-site, or off-site within the park, or in the area immediately surrounding the park.

DEVELOPMENT IN THE EXTENSIONS TO LINEAR PARKS POLICY PO4

Where proposals involve either new (*commercial*) development or redevelopment in the extensions to the Linear Parks, the Council will seek the following:

- (i) Improvements to public access to the extensions to the Linear Parks, including footpaths, cycle ways, bridle routes, public transport, car parking and picnic areas
- (ii) The creation of new wildlife habitats and the protection and improvement of existing habitats in the extensions to the Linear Parks
- (iii) Protection and improvement of the landscape and natural environment **including interpretation facilities**

PC/374/OBS

NEW HOUSING DEVELOPMENT

Objectives of policies

- To increase the availability of affordable housing
- To achieve good quality recreation and community facilities in concert with well-designed new development

15.11 The circumstances governing the need for affordable housing sought by the Council are dealt with in the Housing chapter.

See Policies H2, H3, H4

15.12 Community facilities, **including schools, meeting places and health facilities**, will be essential elements of the City Expansion Areas

PC/375/OBS

(where they will be a focus for local community activity). In other areas where there is a local deficiency in community facilities, **planning obligations may also be sought in relation to new or improved facilities** (developer contributions may be sought from smaller schemes); this may take the form of land, buildings, or a financial contribution. (towards the provision of new facilities)

15.12a An assessment of the need for particular facilities or infrastructure may be required at the appropriate time – ie: at the master plan, development brief or planning application stage depending on the nature of the proposal.

**NEW HOUSING DEVELOPMENT
POLICY PO5**

Where proposals involve new housing, the Council will seek the following:

- (i) **Contributions to community facilities, including** Meeting halls, (and contributions to) education and healthcare facilities
- (ii) Public open space, **and leisure and recreation facilities** in accordance with the standards set out in Appendix L1. Where it is undesirable or impossible to meet **these** (open space) standards on site, improvements to existing nearby open space
- (iii) Improvements to **pedestrian and cycle facilities, public transport, road access and parking** (road access, public transport, parking, cycle and pedestrian facilities,) including off-site works where appropriate
- (iv) Public art
- (v) A proportion of the housing units within the category of affordable housing, in accordance with Policies H3 and H4.

PC/376/OBS

See also Policies EA2, EA3, EA5 and EA6 in relation to planning obligations in the Expansion Areas, and Appendix D1 in relation to public art.

TOWN, DISTRICT AND LOCAL CENTRES

Objectives of policies

- To improve accessibility to and within existing centres
- To improve the environment within existing centres

15.13 The hierarchy of centres and their priorities for improvement are defined elsewhere in this Plan. District Centres are Kingston and Westcroft. Town Centres are Bletchley, Newport Pagnell, Olney, Stony Stratford, Woburn Sands and Wolverton.

Definitions are in the Town Centres and Shopping Chapter

**DEVELOPMENT IN TOWN, DISTRICT AND LOCAL CENTRES
POLICY PO6**

Where proposals involve the redevelopment, extension, change of use or new development for office, shopping or commercial leisure in (CMK or) any of the Town, District or Local Centres, the Council will seek the following (improvements:)

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- (i) **Improvements to pedestrian and cycle facilities, public transport, road access and parking** *(A contribution towards public transport, pedestrian and cyclist facilities)*
- (ii) *(A contribution to the costs of any)* Environmental improvements *(proposed)*
- (iii) *(A contribution to the costs of providing)* New works of public art
- (iv) **Closed circuit TV systems**
- (v) **Improvements to town centre leisure and recreation facilities.**

This policy applies to office, shopping, commercial leisure and mixed use development *(with 500 sq m or more of new floorspace (gross))*, including any developments that satisfy the sequential approach to site selection but are in out of centre locations.

PC/377/OBS