

South Worcestershire Developer Contributions SPD

February 2015

Malvern Hills District Council, Worcester City Council and Wychavon
District Council

Local Development Framework

Developer Contributions SPD

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1. Introduction

1.1.1 A commitment to ensuring that infrastructure is provided to support development is a strong theme throughout the South Worcestershire Development Plan (SWDP) and is embedded in the Spatial Vision, Strategic Objectives and many topic and site allocation policies. Infrastructure can be delivered through a wide variety of means including:

- The South Worcestershire Infrastructure Delivery Plan;
- Supplementary Planning Documents that explain how policies will be effectively implemented;
- Planning conditions;
- Planning obligations; and
- The Community Infrastructure Levy.

1.1.2 This Supplementary Planning Document explains the inter-relationship between the various policies and other key documents.

1.1.3 Many developments in South Worcestershire are small-scale. Their cumulative effect is a gradual, but significant, impact on the infrastructure requirements of South Worcestershire's towns and villages. A mechanism to share the burden fairly is therefore particularly important if development is to be accompanied by adequate additional infrastructure.

1.1.4 At present larger developments contribute towards infrastructure provision but small developments rarely do so. In order to ensure that future development is matched by accompanying infrastructure the South Worcestershire Development Plan policy SWDP7 requires that all development either provides or makes a contribution towards infrastructure.

1.2 Purpose and Scope of this Document

1.2.1 This Developer Contributions Supplementary Planning Document sets out the South Worcestershire Councils' approach to seeking developer contributions via the SWDP for infrastructure or environmental improvements required as a result of proposed development. This document is intended for the use of developers, planning agents and the general public, and seeks to provide an understanding of when planning obligations will be expected and how sums collected will be used.

1.2.2 All development has the potential to impact on the environment and place pressure on local infrastructure and services. The planning system can be used to ensure that new development contributes positively to the

local environment, and helps to mitigate against any adverse impacts on infrastructure. Mitigation is typically secured through conditions attached to planning applications and/or through legal agreements with developers (known as planning obligations or Section 106 agreements) to secure provision of, or contributions towards, necessary infrastructure. The Community Infrastructure Regulations and the introduction of the Community Infrastructure Levy Charging Schedules by each of the South Worcestershire Councils will mean that some future infrastructure contributions will be made in the form of Community Infrastructure Levy payments, rather than through planning obligations. Once the Community Infrastructure Levy is operational, from summer 2016 the number of development proposals that require a planning obligation before they can be approved should be reduced.

1.2.3 This Supplementary Planning Document therefore aims to provide developers, planning agents and applicants with:

- An overview of the South Worcestershire Councils planning policy approach to securing mitigation through planning conditions, planning obligations (Section 106 agreements) and the Community Infrastructure Levy;
- Clarification about the relationship between planning obligations and the Community Infrastructure Levy; and
- Guidance on the type and nature of planning obligations that may be sought, and the basis for the sums sought.

1.2.4 This Supplementary Planning Document provides further information on the implementation of South Worcestershire Development Plan policies which seek to ensure that development is sustainable and makes a proportionate contribution to the infrastructure requirements identified in the [South Worcestershire Infrastructure Delivery Plan](#). The South Worcestershire Development Plan policies relating to infrastructure provision are;

- SWDP3: Employment, Housing and Retail Provision Requirement and Delivery
- SWDP7: Infrastructure,
- SWDP4: Moving Around South Worcestershire,
- SWDP5: Green Infrastructure,
- SWDP14: Housing Mix,
- SWDP15: Meeting Affordable Housing Needs,
- SWDP16: Rural Exception Sites,
- SWDP38: Local Green Network,

- SWDP39: Provision for Outdoor Community Uses in New Development, and
- SWDP43 to SWDP61 with regard to specific infrastructure requirements associated with site allocations policies.

1.2.5 This Supplementary Planning Document has been prepared in accordance with the Town and County Planning (Local Planning) (England) Regulations 2012 and complies with national planning policy set out in the National Planning Policy Framework 2012 and the National Planning Policy Guidance 2014. Proposals for development that may require a planning obligation before they can be approved should be determined in accordance with the relevant policies in the South Worcestershire Development Plan. This SPD which supports the implementation of the South Worcestershire Development Plan is an important material consideration in the decision making process.

1.3 Details of Consultation Stage

1.3.1 It is intended that this SPD should be the subject of public consultation from the 16th February 2015 until the 30th March 2015. This will coincide with the six week consultation for the Community Infrastructure Levy revised Preliminary Draft Charging Schedule so that there is as much clarity as possible about the South Worcestershire Councils' future approach to developer contributions.

2. Mechanisms to be used

2.1 Planning Conditions

2.1.1 A planning condition may be attached to the approval of a planning application by a local planning authority. Planning conditions permit development to take place if certain circumstances are satisfied. Planning conditions may include requirements relating to on site environmental issues, on site infrastructure provision and/or the appearance and size of a proposed development, and are required to mitigate the impact of development.

2.2 Planning Obligations

2.2.1 The South Worcestershire Councils have been securing funds to support infrastructure needs via planning obligations for many years. There are however considerable differences between the three authorities in what is collected and how funds are managed and spent.

2.2.2 A planning obligation which can take the form of a Unilateral Undertaking or a Section 106 Agreement is a legal agreement between a local authority and a developer or landowner. Usually planning obligations are formally registered as land charges, this means that if the development site is sold the planning obligation remains a legal agreement between the new land owner and the local authority.

2.2.3 The legislative justification for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act.

2.2.4 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) makes it illegal for a charging authority to seek a planning obligation to fund infrastructure which it is intending to support with receipts from the Community Infrastructure Levy.

2.2.5 The National Planning Policy Framework paragraph 204 and the Community Infrastructure Levy Regulations 2010 (as amended in 2014), regulation 122 set the following three tests for any planning obligation. It must be:

- 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.

2.2.6 In determining whether planning obligations are required to make the proposed development acceptable in planning terms, the South Worcestershire Councils will have regard to the infrastructure requirements identified in the South Worcestershire Infrastructure Delivery Plan.

2.2.7 In negotiating a planning obligation that is fairly and reasonably related in scale and kind to a development, the South Worcestershire Councils will consider development viability and the benefit of the development in relation to its impact.

2.2.8 Worcestershire County Council as the local Highway Authority may also use Section 278 of the Highway Act 1980 to secure developer funding of off site highway works necessary to ensure adequate access arrangements are provided to the proposed development. These agreements are an alternative form of planning obligation.

2.3 Community Infrastructure Levy

2.3.1 The Community Infrastructure Levy was introduced in 2010 as a new way to collect developer contributions towards the infrastructure required to ensure new development is sustainable and does not overload local community facilities. The Community Infrastructure Levy is intended to provide greater certainty for both developers and local authorities about the value of contributions from proposed development than the existing system of negotiated Section 106 Agreements.

2.3.2 To introduce the Community Infrastructure Levy each local planning authority must prepare a Community Infrastructure Levy Charging Schedule and consult developers and the local community about the contents of the Charging Schedule before submitting it for Examination in Public by an independent inspector. The South Worcestershire Community Infrastructure Levy [Preliminary Draft Charging Schedule](#) will be published for a six week period of consultation on the 16th February 2015.

2.3.3 Following this consultation a draft Charging Schedule will be prepared for formal consultation prior to submission to the Secretary of State for examination. Once adopted the Community Infrastructure Levy Charging Schedule will set out the standard charges which will be levied on relevant residential and retail development schemes. The levy is charged on the basis of pounds per square metre of floorspace on the net additional increase in floorspace of any given development. The money collected can be spent on the provision of new or improved infrastructure but the Councils must publish a list of infrastructure projects that it is intended that Community Infrastructure Levy funds will support ([the regulation 123 list](#)) if they want to continue to collect planning obligations for other types of infrastructure.

3. South Worcestershire's Approach to Developer Contributions

3.1 Introduction

3.1.1 This section sets out the South Worcestershire Councils' approach towards seeking contributions from development to help fund essential infrastructure. Below is an explanation of the interaction between the Community Infrastructure Levy and planning obligations, the process for seeking planning obligations and the South Worcestershire Councils' approach to viability considerations.

3.2 The Interaction between planning obligations and the Community Infrastructure Levy

3.2.1 Community Infrastructure Levy payments will be required in accordance with the Community Infrastructure Levy Charging Schedule, once adopted. Each South Worcestershire Council is intending to adopt its own charging schedule in summer 2016. Development viability varies across the three South Worcestershire Council areas and it is a requirement that the Community Infrastructure Levy Charging Schedule does not put development at risk by making development unviable. Development will also be required to mitigate any adverse impact on the local environment or local infrastructure, which will arise as a direct result of the development, via a planning obligation. Planning obligations may be required for on site mitigation measures and/or contributions towards off site infrastructure such as public open space provision. From April 2015 it will be illegal for local authorities to pool contributions from six or more planning obligations. This will make it more difficult for the South Worcestershire Councils to collect planning obligations within the scope of existing planning policy. Affordable Housing will be provided in accordance with Policy SWDP15 through planning obligations, (see the South Worcestershire Affordable Housing Supplementary Planning Document for further details of affordable housing requirements from residential development). Although the number and value of planning obligations will be reduced following the introduction of the Community Infrastructure Levy, they may still be sought from some types of development as follows:

- Affordable Housing provision as this is not within the scope of Community Infrastructure Levy contributions, see the Affordable Housing Supplementary Planning Document.
- Infrastructure that is required as a result of development and which is not included in the Community Infrastructure Levy Regulation 123 list, see paragraphs 5.2 to 5.5.
- Commuted sums for the maintenance of facilities/infrastructure that the developer would like a public authority to adopt.
- Mitigation of the impacts of development, for example relating to environmental mitigation, archaeology, access, travel, etc.

3.2.2 Table 1 below sets out a summary of what may be required from development schemes. This is provided as an illustration only, and there may be specific cases which vary from this. Applicants and/or their agents are advised to consult the relevant Local Authority Development Management Team at the earliest possible opportunity to discuss their proposal and the likely mitigation required.

Table 1 – Potential contributions from development (illustrative only)

Type of Development Scheme	Standard CIL Charge	Potential Planning Obligations
Residential extensions	No	Mitigation of specific impacts if appropriate.
Self build homes	No	Mitigation of specific impacts if appropriate.
1 to 4 dwellings	Yes	A financial contribution towards local affordable housing provision. Mitigation of specific impacts if appropriate.
5 to 9 dwellings	Yes	20% of units should be affordable housing. Mitigation of specific impacts if appropriate.
10 to 14 dwellings	Yes	30% of units should be affordable housing. Mitigation of specific impacts if appropriate.
15 or more dwellings	Yes	40% of units should be affordable housing. Mitigation of specific impacts if appropriate.
Residential greenfield development more than 0.2ha but less than 1ha	Yes	Affordable housing in proportion to the total number of dwellings proposed. On site (20%) provision of green infrastructure and commuted maintenance sum if appropriate. Mitigation of specific impacts if appropriate.
Residential greenfield development more than 1ha ¹	Yes	Affordable housing in proportion to the total number of dwellings proposed. On site (40%) provision of green infrastructure and commuted maintenance sum if appropriate. Mitigation of specific impacts if appropriate. Other development specific infrastructure where the infrastructure need is created mainly by the development.

Retail development (shops)	No	Mitigation of specific impacts if appropriate.
Food retail (supermarkets) and retail warehouses	Yes	Mitigation of specific impacts if appropriate. Other development specific infrastructure where the infrastructure need is created mainly by the development.
Hotel development	No	Mitigation of specific impacts if appropriate. Other development specific infrastructure where the infrastructure need is created mainly by the development
Other types of development, including business, leisure and community	No	Mitigation of specific impacts if appropriate. Other development specific infrastructure where the infrastructure need is created mainly by the development

¹ It is likely that much larger schemes will trigger the need for development specific infrastructure, such as a new primary school. The threshold will vary from scheme to scheme, and between types of infrastructure. Applicants need to contact the relevant local authority Development Management team to discuss requirements at an early stage in the planning process.

3.2.3 The South Worcestershire Councils will ensure that no double counting takes place, and developers will not be charged twice for the same infrastructure in accordance with the Community Infrastructure Levy Regulations. Table 2 below seeks to clarify how each type of infrastructure will be supported either by the Community Infrastructure Levy or by developer contributions. The list of infrastructure is not exhaustive and some developments may need to help deliver other infrastructure requirements.

Table 2 Developer contributions for different types of infrastructure

Type of Infrastructure	Planning Obligation funded infrastructure	CIL funded infrastructure
Affordable Housing	Affordable Housing contributions from all new eligible residential development	None
Education	Development-specific facilities on large housing sites	School places and educational facilities not related to specific developments
Transport	Site-specific travel and road improvement requirements	Integrated transport strategies and other strategic transport infrastructure
Public Open Space	Provision of on or off site open space in accordance with SWDP39 and commuted payments for future maintenance	District wide strategic green infrastructure which is not related to specific developments
Sports Facilities	Development- specific in door sports facilities on larger housing sites	In door sports facilities which are not related to specific developments.

3.3 Process for Seeking Developer Contributions

3.3.1 The following paragraphs set out the process for seeking developer contributions, including the collection, financial management and use of funds.

3.4 Planning Application Process

3.4.1 Developers are advised to enter into discussions with the relevant local planning authority and other infrastructure providers including Worcestershire County Council as early as possible and in all cases prior to submitting an application. Development Management teams may be able to provide advice that will reduce the impact of proposed development and minimise the need for mitigation via planning obligations. Onsite mitigation measures will in most cases offer the best solution and are the preferred option. Contributions to off site mitigation will only be acceptable where it can be clearly demonstrated that onsite mitigation is impractical or impossible. The Development Management case officer will consider the requirements as outlined in this Supplementary Planning Document, the South Worcestershire Affordable

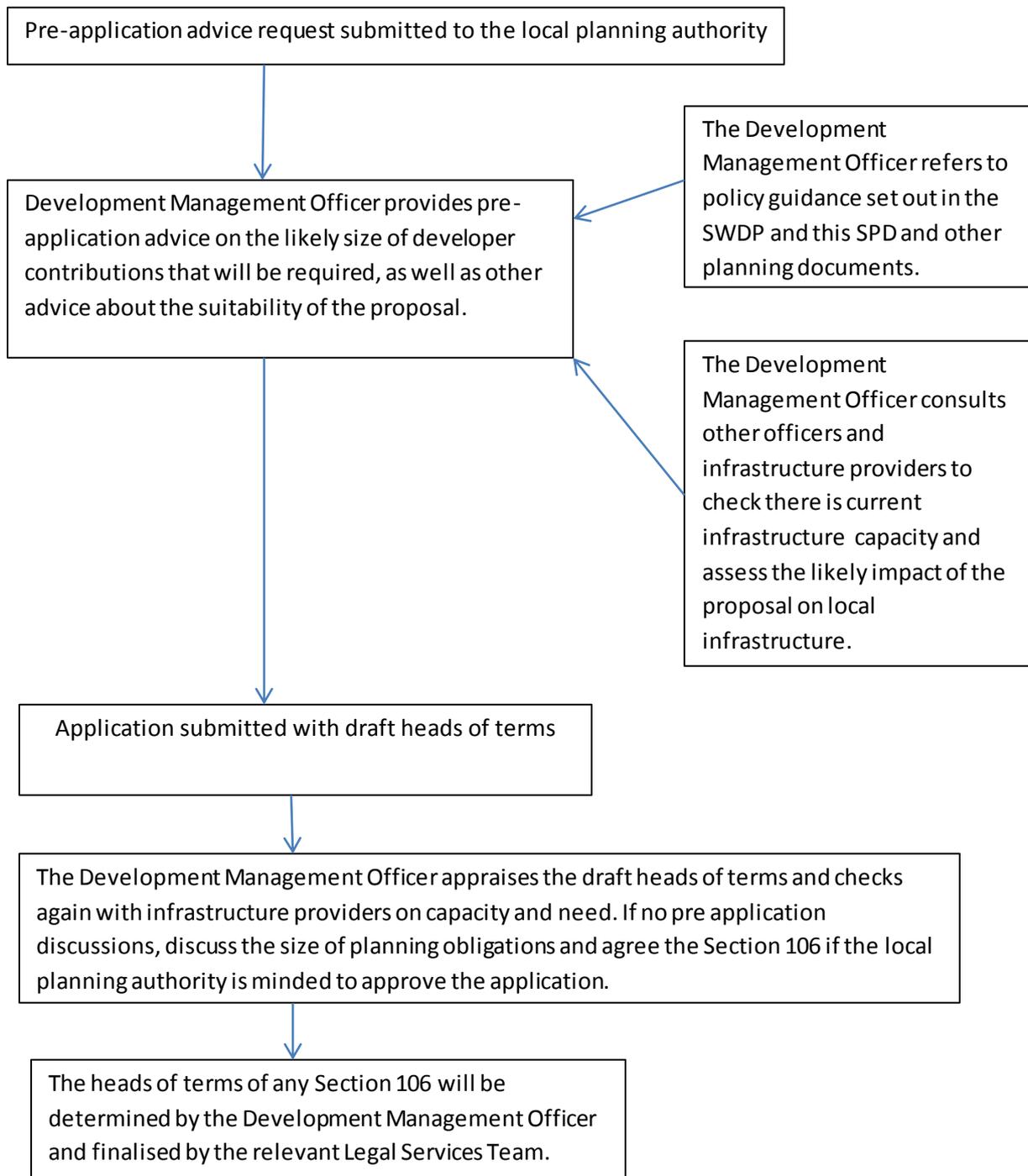
Housing Supplementary Planning Document and the Community Infrastructure Levy Charging Schedule. The Development Management case officer will seek advice from other council officers, other infrastructure providers and stakeholders in relation to the need and size of planning obligations. When dealing with outline applications the local planning authority may use the standard housing mix set out in the Affordable Housing Supplementary Planning Document as an indicator of the requirements for planning obligations.

3.4.2 Where a Community Infrastructure Levy charge is applicable, developers will be required to follow the necessary legal steps, including the completion of a Community Infrastructure Levy Liability Notice. Further information is provided in the South Worcestershire Councils' Community Infrastructure Levy guidance note for applicants.

3.4.3 In relation to planning obligations, Draft Heads of Terms for a Section 106 legal agreement should be submitted with the planning application, setting out the type and extent of necessary planning obligations.

3.4.4 Figure 1 below summarises the process for seeking developer contributions required via planning obligations. If the developer believes however that the financial viability of development will be jeopardised by the scale of planning obligations likely to be required then the scale of any planning obligations will need to be negotiated with the relevant local planning authority – see paragraph 4.3 for further details about the assessment of development viability.

Figure 1 Process for the consideration of planning obligations.



4. Management of Planning Obligations

4.1 Introduction

4.1.1 To ensure the occupants of new dwellings are able to access necessary infrastructure and/or are not inconvenienced by partially completed access roads, conditions will be attached to approved development that require completion of infrastructure before the occupation of dwellings over specified limits. This is in accordance with the requirements set out in policy SWDP7. If these conditions are not adhered to during the construction phase of the development it should be anticipated that enforcement action will be taken by the relevant local planning authority which will have adverse implications for the sale of the remaining dwellings within the development.

4.1.2 The imposition of planning conditions on planning approvals will aim to provide on or off site infrastructure at a point in the implementation of the development where there would be a need for the infrastructure. This will be set out in an agreed phasing plan. The payment of financial contributions towards the provision of infrastructure will require a clear link between planning conditions and the Section 106 Agreement. Maintenance contributions (commuted sums) may be sought for open space whether the space is provided on or off site.

4.1.3 With regard to the adoption of highways any Section 106 or Section 38 (Highways Act 1980) agreement should seek to ensure that the road network is open for use by the public before first occupation.

4.1.4 The phasing and implementation of the infrastructure will normally be agreed during the course of pre-application discussions, and planning conditions will therefore be a formal means of recognising a mutually agreed timetable between the developer and the local planning authority.

4.1.5 The South Worcestershire Councils will use indexing in planning obligations to take account of potential increases in the cost of infrastructure during the time it takes to implement a planning approval. The Royal Institution of Chartered Surveyors Building Costs Information Service (BCIS) all in tender index will be used for this purpose.

4.2 Monitoring, Management and Review

4.2.1 The South Worcestershire Councils' will monitor planning obligations to ensure they are complied with. Enforcement action will be taken where planning conditions or planning obligations are not implemented. Payment

of financial contributions will be in accordance with the trigger points in Section 106 Agreements. Late payment of more than three weeks will trigger a reminder letter and the relevant Council will consider pursuing appropriate legal action to recover unpaid amounts, including interest and legal fees.

4.2.2 The South Worcestershire Councils will publish information annually on the scope of planning obligations and Community Infrastructure Levy receipts and how they have been spent. This information will be published on the Councils' websites.

4.2.3 Section 106 Agreements will specify time limits for the spending of money secured via planning obligations. The South Worcestershire Councils will refund money that remains unspent in accordance with the Section 106 Agreement. The delivery of infrastructure can take some time and may be delayed by the time it takes to secure funding from an appropriate range of sources, for this reason, there is no time limit for the spending of Community Infrastructure Levy receipts.

4.2.4 The South Worcestershire Councils will seek to recover the costs of collecting, spending and monitoring planning obligations, as supported by Government guidance. The Councils will allocate up to 5% of the value of developer contributions for these purposes. The legal costs of securing planning obligations will continue to be sought in addition to this.

4.3 Development Viability

4.3.1 The Community Infrastructure Levy is payable on all chargeable development as outlined in the Community Infrastructure Levy Preliminary Draft Charging Schedule. The South Worcestershire Councils propose to offer relief from charges; this will be set out in the Community Infrastructure Levy Relief Procedures. This will only be relevant in very exceptional circumstances. For further details see the Council's Community Infrastructure Levy Guidance Note for Applicants.

4.3.2 Planning Obligations are negotiated between Councils and developers on a case by case basis. Where developers believe that planning obligations will make development unviable they will need to make a submission to the relevant Development Management Team, this should include the following:

1. A financial viability appraisal setting out how they are unable to meet the full planning policy requirements (including the number and tenure of affordable housing provision) deemed necessary to

be secured through a Section 106 Agreement and any Community Infrastructure Levy charges. This appraisal should utilise the Homes and Communities Agency's Development Appraisal Tool³, or another suitable model as agreed with the relevant Development Management Team and should include:

- a. A quantity surveyors cost assessment
 - b. Market evidence of sales rates and site values
 - c. A development and sales programme (if relevant)
 - d. Details of any exceptional development costs
 - e. The expected Community Infrastructure Levy charge showing payments required in accordance with the instalments policy
2. A statement outlining the benefits and risks of not meeting the policy requirements and the site not being delivered immediately.

³<http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool>

4.3.3 The issue of viability will normally be resolved at the application stage of a development. Applicants can request that the local planning authority review the financial viability of an approved development if they believe circumstances have changed since the original approval. The Growth and Infrastructure Act 2013 introduced a new right for developers to make an application at any time to modify affordable housing requirements secured via a Section 106 Agreement. Any application must be supported by new viability evidence and can only seek to amend the affordable housing requirements.

4.3.4 The Development Management Team will seek independent advice to review financial appraisals and the cost of this review will be paid for by the applicant. The local planning authority will consider the potential benefits of a development by weighing these against the resulting harm from the potential under-provision or delayed provision of infrastructure (including affordable housing).

4.3.5 Based on the independent financial viability advice and other evidence, planning obligations may be deferred, phased or discounted, where this would not make the development unacceptable in planning terms. These two options are explained below.

4.4 Deferred or Phased Planning Obligations

4.4.1 This option will be considered first before giving consideration to the need to reduce the size of developer contributions. The following may be options depending on the viability evidence:

- a. The provision of site-specific infrastructure (including affordable housing) in phases with trigger points at different stages of the completion of the development.
- b. Deferral of financial contributions to a later stage of the development.

4.5 Reduced or Discounted Planning Obligations

4.5.1 Reductions in developer contributions will be the minimum necessary to make the development financially viable. The relevant Development Management Team will make a judgement as to whether a development will still be acceptable in planning terms with a reduced level of contributions.

4.5.2 Where discounted or reduced developer contributions are agreed, these should be distributed between the identified infrastructure requirements, depending on site-specific factors such as the availability of mainstream or alternative funding and the local planning authorities' priorities.

4.6 Contingent Deferred Planning Obligations

4.6.1 Where reduced or discounted obligations are agreed the Council may ask the applicant to agree to test the development viability again once a certain point is reached, i.e. after half the development is completed. Such an agreement is called a Contingent Deferred Planning Obligation as the actual value of the obligation is deferred and is contingent on the viability of development at a future point in time. All agreements and viability assessments will be in accordance with best practice and national planning policy applicable at the time of the agreement or assessment.

5. Planning Obligation Guidance

5.1 Introduction

5.1.1 This section provides details of the most common types of planning obligations the South Worcestershire Councils are likely to seek. Affordable Housing contributions are not included here but are fully explained in the South Worcestershire Affordable Housing Supplementary Planning Document. There may be other types of infrastructure that may be sought through planning obligations on a case-by-case basis. There may also be applications where the full range of contributions may not be necessary, for example, where there is capacity in local infrastructure provision to match the needs arising from a development proposal.

5.1.2 The following paragraphs provide information on infrastructure requirements and the proposed method of calculating planning obligations.

5.2 Open Space Contributions (Policy SWDP39)

5.2.1 In accordance with standards set out in policy SWDP39 development exceeding ten dwellings (net) is required to provide the following:

Open Space Typology	Malvern Hills	Worcester (including Worcester-related growth adjacent to the City)	Wychavon
	Hectares per 1,000 resident population		
Amenity and semi-natural greenspace	2.00	1.11	1.03
Children and young people	0.04	0.61	0.04
Cemeteries, churchyards	0.41	No set standard	No set standard
Civic space	0.03	0.03	0.03
Allotments	0.14	0.40	0.39
Formal pitches, courts, etc	1.6	1.3	1.6
Total	4.22	3.45	3.09

5.2.2 As well as the provision of open space either within a development or elsewhere developers will also be required to provide secure arrangements for the future management and maintenance of open space for 20 years from the adoption by the local authority (commuted sums).

5.2.3 Where there is no local surplus of a particular typology of open space and it is not possible to provide open space within a development, developer contributions will be calculated in accordance with the following:

1. Number of dwellings per 1,000 residents

2011 Census average household size:

District	Average Household Size
Malvern Hills	2.32
Worcester	2.35
Wychavon	2.36

The number of dwellings per 1,000 residents will therefore be:

District	Dwellings per 1,000 residents
Malvern Hills	431
Worcester	425
Wychavon	423

2. Cost of providing each open space typology

Amenity and semi-natural greenspace: £20,000 per hectare or £2 per square metre

Children and young people: Locally Area for Play (LAP) provision and Locally Equipped Areas of Play (LEAP) should in most circumstances be provided for within residential developments as these facilities are for use by young children who should not have to travel far to access this type of facility. Off site open space provision specifically to meet the needs of children and young people will in the main be for Neighbourhood Equipped Areas of Play (NEAP) and Multi Use Games Areas (MUGA). Sport England estimate that a basic MUGA would cost £115,000 for a 782sqm facility (£147 per square metre).

Cemeteries, churchyards: While the local authority may play a role in providing the land for this type of facility it is assumed that the laying out of new burial space will be funded via charges paid by the end users.

Civic space: The cost of providing for the wide range of civic spaces required by any community is very wide. It is also the case that most new Civic space can only be provided via the refurbishment or conversion of existing space within existing built up areas. Seeking a modest contribution from new development of £10,000 per 1,000 residents for the enhancement of 300 square metres of civic space strikes a balance between the need to fund this type of open space and the scope for making new provision.

Allotments: £20,000 per hectare or £2 per square metre

Formal pitches, courts etc: Sport England estimate the cost of providing natural turf pitches at between £9.33 and £13.56 per square metre. They estimate the cost of providing outdoor tennis courts at between £105.61 and £130.40 per square metre. For the purpose of calculating of site contributions it has been assumed that a single senior football pitch can be accommodated on a 1.3 hectare site and a single senior football pitch and two tennis courts can be provided on a 1.6 hectare site.

3. Cost divided by number of dwellings for each typology

= cost per dwelling if provision is not made on site.

Smaller dwellings have lower average occupancy rates therefore the developer contribution per dwelling will be reduced by 25% for 2 bed dwellings and by 50% for one bed dwellings.

Malvern (431 homes per 1,000 residents)

Open Space Typology	Hectares per 1,000 resident population	Cost per 1,000 residents*	Cost per dwelling
Amenity and semi-natural greenspace	2.00	£40,000	£92.80
Children and young people	0.04	58,800	£136.42
Cemeteries, churchyards	0.41	£0.00	£0.00
Civic space	0.03	£10,000	£23.20
Allotments	0.14	2,800	£6.49
Formal pitches, courts, etc	1.6	£235,000	£545.24
Total	4.22		£804.15
Land acquisition costs	4.22 x £20,000 =	£84,400	£195.82
Total Open Space Contribution per Dwelling			£999.97
Committed Sums for adoption of POS			
Maintenance costs per hectare per year			£12,869.30**
Maintenance costs for 4.22 hectares x £12,869.30			£54,308
Maintenance costs over 20 years = 20 x £54,308			£1,086,160
Committed sum per dwelling = £1,086,160 ÷ 431			£2,520

Worcester (425 homes per 1,000 residents)

Open Space Typology	Hectares per 1,000 resident population	Cost per 1,000 residents*	Cost per dwelling
Amenity and semi-natural greenspace	1.11	£22,200	£52.23
Children and young people	0.61	£896,700	£1,983.85
Civic space	0.03	£10,000	£23.53
Allotments	0.40	£8,000	£18.82
Formal pitches, courts, etc	1.3	£75,000	£176.47
Total	3.45		£2,254.90
Land acquisition costs	3.45 x £20,000 =	£69,000	£162.35
Total Open Space Contribution per Dwelling			£2,417.25
Commuted Sums for adoption of POS			
Maintenance costs per hectare per year			£12,869.30**
Maintenance costs for 3.45 hectares x £12,869.30			£44,399
Maintenance costs over 20 years = 20 x £44,399			£887,980
Commuted sum per dwelling = £887,980 ÷ 425			£2,089

Wychavon (423 homes per 1,000 residents)

Open Space Typology	Hectares per 1,000 resident population	Cost per 1,000 residents*	Cost per dwelling
Amenity and semi-natural greenspace	1.03	£20,600	£48.70
Children and young people	0.04	58,800	£139.00
Civic space	0.03	£10,000	£23.64
Allotments	0.39	£7,800	£18.44
Formal pitches, courts, etc	1.6	£235,000	£555.55
Total	3.09		£785.33
Maintenance Costs			£392.66
Land acquisition costs	3.09 x £20,000 =	£61,800	146.10
Total Open Space Contribution per Dwelling			£1,324.09
Committed Sums for adoption of POS			
Maintenance costs per hectare per year			£12,869.30**
Maintenance costs for 3.09 hectares x £12,869.30			£39,766
Maintenance costs over 20 years = 20 x £39,766			£795,320
Committed sum per dwelling = £795,320 ÷ 423			£1,880

*see appendix 1 for further information on cost assumptions.

**see appendix 2 for further information about POS maintenance costs

5.3 Transport Contributions

Introduction

5.3.1 Full details of the requirements for transport can be found within a separate transport evidence base document. A summary of relevant transport policy; justification, methodology, scale and types of contributions can be found below:

5.3.2 The South Worcestershire Transport Network is congested and subject to poor performance. Development projected in the South Worcestershire Development Plan (SWDP) will create additional traffic, cumulatively causing severe network performance deterioration, as shown by the results of the Worcester Transport Model (WTM) and SWDP Gravity Model assessments of the SWDP.

5.3.3 The Worcester Transport Strategy (WTS) and South Worcestershire Towns Strategy identifies the schemes which have been included in the SWDP Infrastructure Delivery Plan (IDP) and will support the SWDP by improving network performance and mitigating development Impacts.

5.3.4 All of the proposed SWDP traffic will route to congested sections of the South Worcestershire network (allowing for travel plan measures), the impact of development traffic forms part of the cumulative impacts, therefore mitigation secured by planning obligations is required to make development acceptable.

5.3.5 The SWDP IDP will mitigate, the cumulative impacts, of which traffic from individual developments forms a part, and contributions from specific developments will be dedicated to improvements that are most used by development traffic routing throughout various parts of South Worcestershire. So the obligations sought will be directly linked to the developments individual part of a cumulative whole.

5.3.6 Contributions are proportionately calculated according to the amount of development traffic routing to areas and schemes of the South Worcester network and its surrounds, so is reasonably related in scale. Contributions will be applied to schemes along network routes most used by development related traffic.

5.3.7 It is considered that this methodology complies with the requirements of Reg.122 of the Community Infrastructure Levy Regs 2010.

South Worcestershire Infrastructure Delivery Plan (Transport)

5.3.8 The South Worcestershire IDP Transport Package has been developed to address the key constraints on the performance of the transport network in Worcester and across South Worcestershire through investment in deliverable packages of improvements to infrastructure, information systems and services across all modes of transport. Part of this package, The Worcester Transport Strategy was included within the Worcestershire Local Transport Plan (LTP3), which was consulted upon and adopted by the County Council in February 2011.

5.3.9 The phased delivery of the WTS is a priority for Worcestershire County Council, the Worcestershire Local Enterprise Partnership (LEP), Chamber of Commerce, Members of Parliament and the South Worcestershire Local Planning Authorities (LPA's). The strategy is aligned with agreed priorities, in particular in terms of supporting economic growth in Worcestershire.

5.3.10 Subject to funding availability and the capacity to develop and construct the packages of schemes, the WTS will be delivered over a number of years linked with the development growth set out in the Draft SWDP which is currently going through its Examination in Public.

5.3.11 The package approach adopted by Worcestershire County Council has been subject to detailed assessment by the DfT. The package approach took account of DfT guidance in seeking to have a balanced approach to transport investment which takes account of the differing roles of various modes of transport in addressing problems with the performance of a transport network. The assessment of the Worcestershire approach highlighted that the combined and integrated package approach delivered increased benefits, with the package of measures producing over 8.5% more benefit than the sum of the parts (i.e. if schemes are appraised on a standalone basis).

5.3.12 Failure to deliver these strategies will critically undermine the ability of the Worcestershire transport network to accommodate the planned growth set out in the LPA's adopted plans and the SWDP. As such the implementation of the WTS will:

- a. Support the delivery of the SWDP and its planned 28,400 new homes and 315 hectares of employment land by 2030 and the wider delivery of Worcestershire LPA's proposed c40,000 new homes and 4,345 hectares of commercial development by 2030
- b. Support the growth of the Worcestershire economy by reducing travel times and costs imposed on businesses, transport operators and other network users by the current and forecast traffic congestion on the Worcester Transport Network
- c. Improve the performance and attractiveness to users of the key bypass of Worcester City Centre, thereby helping to better manage traffic conditions in the constrained central area, which also includes two designated Air Quality Management Areas
- d. Improve access to the Strategic Road Network from areas to the west and north west of Worcester, including Malvern Hills District, Herefordshire and parts of the Welsh Marches
- e. Improve access to key international hubs, including Birmingham International Airport and Heathrow Airport
- f. Provide 'High Value for Money', for example Phase 1 of the WTS had a strong combined economic and financial benefit to cost ratio of over 4:1 with net benefits of over £225million
- g. Contribute to environmental objectives, particularly through encouraging use of walk, cycle and public transport modes and

addressing the perceived incentive for traffic to route via the constrained Worcester City Centre rather than use the A4440 southern link road as a bypass.

Policies and Objectives

5.3.13 The objectives and priorities of Worcestershire County Council and its partners, including the Worcestershire LEP, are set out in the authority's Corporate Plan, the Worcestershire LEP's Business Plan and Strategic Economic Plan, with economic growth a key aim. Achieving economic growth is seen to be critical to improve the quality of life for Worcestershire residents, workers and visitors alike. Key to achieving this goal is the need to have a transport network in place that will be able to accommodate the future level of growth without imposing unacceptable costs on businesses and other transport users and operators arising from increasing traffic congestion and variable and increasing journey times.

5.3.14 The priorities are also consistent with the transport elements of the South Worcestershire Development Plan policies and associated Infrastructure Delivery Plan (SWIDP).

5.3.15 Some of the key challenges for Worcestershire in planning for the future are, therefore:

- a. Job creation to promote economic prosperity.
- b. Housing provision and availability of affordable housing.
- c. Ensuring adequate infrastructure, particularly transport infrastructure.
- d. The need to stimulate economic growth and activity through improving conditions to support new and expanded businesses.

5.3.16 The core reasons for these problems are beyond the implications of a weak economic climate. In particular, the area's poor transport infrastructure, including the road, rail, local public transport, walk and cycle network, is identified as a major constraint to bringing forward development which is critical for achieving Worcestershire's growth aspirations. This is specifically referenced in the Worcestershire LEP's Strategic Economic Plan, which is prioritising investment in transport infrastructure as one of the means of encouraging economic growth.

5.3.16 It is recognised by Worcestershire County Council and its stakeholders that additional investment in transport infrastructure and services is required where this will provide improved access to markets

and employees and encourage economic growth. This formed the starting point for the development of the SWDP IDP Transport Schemes.

5.3.18 It is apparent that without investment in Worcester's (and South Worcestershire's) transport infrastructure and services, Worcester City's and the wider area's ability to grow, accommodate planned development, and remain a key centre in Worcestershire and the wider West Midlands region will be significantly constrained. There are forecast to be severe impacts in terms of traffic congestion and access to key services with consequent negative impact on the environment due to reduced air quality, resulting in a decline in the quality of life for residents and reduction in the overall attractiveness of the City for businesses and visitors.

5.3.19 The continued poor performance of the Worcester Transport network is unacceptable to Worcestershire County Council and key stakeholders, including: the Worcestershire Local Enterprise Partnership (LEP), Chamber of Commerce, Members of Parliament and the Worcestershire District Authorities.

Approach to S106 Developer Contributions for Transport Introduction

5.3.20 All proposals for developments must be accompanied by a transport assessment and travel plan and must be in accordance with the requirements and policies of SWDP4.

5.3.21 The transport assessment will be underpinned by the results of development assessments using the Worcester Transport Model and/or South Worcestershire Development Models. The results of which will provide the basis for identifying the appropriate planning obligation towards the IDP (this is discussed further under "General Approach")

5.3.22 As well as bespoke transport infrastructure costs towards the IDP, developer contributions will be sought for some fixed costs associated with mitigating the impact of development on transport infrastructure such as a cost per household for "Choose How You Move" service projects and a cost per household for the monitoring of Travel Plans individual to the site.

5.3.23 Provision for on-site facilities can be made through planning conditions and a Section 38 or Section 278 Agreement under the Highways Act 1980, and may also be secured through a Section 106 payment.

General Approach

5.3.24 A key premise of this work has been to recognise that the quantum of development proposed for South Worcestershire and surrounding areas will not only have a local transport impact (immediately adjacent to the planned sites) but also have an impact on the wider transport network further afield. The nature of the transport network means that a development site (or the summation of a number of small development sites) can cause a significant impact some distance from the traffic generation source. That is, as congestion and other network problems which occur at pinch points throughout the network, such congestion is caused by trips with trip origins and/or destinations across the South Worcestershire network and wider.

Contributions Methodology

5.3.25 The South Worcestershire Transport Strategy Developer Contributions approach has been developed which allows for:

- a. Calculation of the numbers of trips that each proposed development site will generate.
- b. Assessment of the way in which those trips will route on the network and identifying the proportion of development generated trips with origins or destinations within the Worcester Transport Network Area.
- c. Assessment of the way in which those trips with origins and destinations within the South Worcestershire (Non WTN) Transport Network Area will route.
- d. Identification of schemes within both the Worcester Transport Network and the wider South Worcester Transport Network which each site will impact upon.
- e. Apportionment of the costs of mitigating infrastructure against each development allocation.
- f. Delivery of a transparent method for financially contributing toward the mitigation of the impacts of planned development on the performance of the Worcestershire Transport Network.

5.3.26 The approach has been developed which quantifies the number of trips generated by planned commercial and residential development allocations. The model applies a distribution factor bespoke to each site to quantify the proportion of trips which will use the Worcester Transport Network and a distribution factor for the non WTN area on a site by site basis. This allows the costs of the strategy schemes to be fairly and reasonably apportioned against each of the planned

development sites based on their proportional impact. In summary the methodology is as follows:

- a. Confirm the total costs of the core WTS measures, excluding committed funding such as WTS Major Scheme Bid, i.e. £145.5million
- b. Confirm the total costs of the core Non-WTS measures, excluding committed funding such as WLEP SEP funding
- c. Quantify the contribution toward a specific programme of WTS projects per SWDP development
- d. Quantify the contributions toward a specific programme of Non-WTS projects per SWDP development

CIL Compliance

5.3.27 Regulation 123 of the Community Infrastructure Levy Regulations 2010 makes it illegal for a charging authority to seek planning obligations to fund infrastructure which it is intending to support with receipts from the Community Infrastructure Levy. Until such time as the Regulation 123 list has been developed and agreed between South Worcestershire Councils and Worcestershire County Council the methodology set out will continue to be the vehicle for transport infrastructure contributions.

Necessary to make the development acceptable in planning terms

5.3.28 In order to deliver sustainable housing growth both now and as part of the South Worcestershire Development Plan, it is necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment, which in particular seeks to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon businesses and other network users. If these issues are not addressed, then they could adversely impact on the performance of the local economy and the local environment, in terms of air quality, noise, severance etc.

5.3.29 The South Worcestershire Infrastructure Delivery Plan sets out a comprehensive strategic approach which will deliver a phased investment in transport infrastructure services and smarter choices (choose how you move) measures that will help to mitigate the severe adverse impacts on transport network performance of the SWDP planned growth, support the economy, reduce the impact of transport on sensitive environments and improve quality of life.

5.3.30 In order to make development acceptable at this time therefore, it is considered necessary and appropriate that developers should contribute towards the IDP, in accordance with policies set out in the Local Transport Plan Policy DC8.

Directly related to the development

5.3.31 It has been identified that a proportion of traffic generated by development proposals has a direct impact on the area covered by the IDP. The methodology on which the contribution is calculated is directly related to the level of impact, therefore it is considered that the monies sought as a contribution towards the IDP are directly related to the development in terms of the site proposals being the generator of trips.

Fairly and reasonable related in scale and kind to the development

5.3.32 Based upon development sites likely to come forward, which are identified within the South Worcestershire Development Plan, the impact of new trips on the highway network has been assessed. This methodology forms the basis on which other future site contributions towards the IDP will be calculated.

5.3.33 It is the Highway Authority's intention to apply this methodology for calculating the cost that the impact of all future developments will have on the IDP schemes within the study area unless the developer can demonstrate that the contribution cannot be made on viability grounds.

5.3.34 It is therefore considered that this consistent approach now and in the future when seeking transport contributions from developers seeking planning consents is fairly and reasonably related in scale and kind to specific development proposals.

5.4 Education Contributions

5.4.1 Full details of the requirements for education can be found within a separate Education Evidence Base Document. A summary of the justification, scale and type of contributions can be found below.

Justification

5.4.2 Worcestershire County Council (WCC) has a statutory requirement to provide school places for children living in the area who are of school age and whose parents want their child educated in the state sector. In line with this statutory duty, the County Council needs to ensure that

sufficient places are provided to meet needs arising from new housing developments.

5.4.3 New residential development will be required to contribute towards the provision of early years and statutory school age places unless there is sufficient capacity in existing education infrastructure to cope with the needs arising from the new development.

5.4.4 Until such time that each of the districts within the SWDP adopts a CIL charging schedule education will continue to make use of S106 planning obligations as designated in the Planning Act 2008. Any requests made will abide with the regulations contained with the Community Infrastructure Levy regulations 2010 and subsequent revisions due to come into force from April 2015. The policy complies with the National Planning Policy Guidance and in particular the removal of tariff based contributions for sites of 10 dwellings or less as of 28th November 2014.

Policy Framework for seeking Education Contributions

5.4.5 Cost multiplier – which is the cost per pupil for building new accommodation, based on a weighted average of two separate multipliers, one for totally new schools and one for existing schools.

5.4.6 The building cost multiplier is calculated by the DfES and updated periodically. Separate multipliers are published for the primary and secondary phases of education. An area weighting is applied.

5.4.7 Pupil yield - this represents the number of children in each year group, which may be expected to arise from new housing. A figure of 2.9 children per year group per 100 dwellings will be used. This is derived from the 2001 Census of Population average number of children per privately owned dwelling.

5.4.8 Number of year groups in each phase of schooling – there are a variety of education systems in South Worcestershire. There is both a three-tier system of education, with first, middle and high schools, with different transfer ages in different areas, and a two-tier system in operation. The two tier schools have seven year groups in primary schools, and five in secondary schools. Some of the secondary schools also have sixth form provision offering two years of post-16 education.

5.4.9 Size of dwelling – in terms of number of bedrooms. A 2-3 bedroomed dwelling is considered the standard (and so has no additional effect on the basic calculations), whereas a dwelling with four or more bedrooms requires a 50% increase on the calculated standard contribution. This is due to the increased likelihood of there being children

resident in the dwelling, derived from output from the 2001 Census of Population. One-bedroomed dwellings are not subject to any contribution.

5.4.10 Type of dwelling – Flats will be allowed a 60% discount on the standard charge. This represents the reduced likelihood of there being children resident in the dwelling, based on results of the 2001 Census of Population.

Scale and Type of Contributions

5.4.11 The threshold for contributions will depend on the size of the development and the number of surplus places at schools serving the development. The size of the development is determined by the net gain in dwellings.

5.4.12 For example, a building project involving the demolition of two existing dwellings and the construction of 15 new dwellings will be considered to be a development of 13 dwellings for the purposes of assessing the Section 106 education contributions.

5.4.13 For developments of less than 30 dwellings, no contributions will be sought for schools.

5.4.14 For developments of 31-60 dwellings, contributions will only be sought for schools which have one or no surplus places in at least one year group.

5.4.15 For developments of 61-99 dwellings, contributions will be sought for schools which have two or fewer surplus places in at least one year group.

5.4.16 For developments of over 100 dwellings, Worcestershire County Council will seek to negotiate with the developer. An extension of this tariff may be used for the basis or, alternatively, Worcestershire County Council may seek land and / or buildings for a new school. Each development of over 100 dwellings will be assessed individually by the Children's Services Directorate at the County Council.

5.4.17 A surplus place is defined as the difference between the number on roll for the year group at the point of the January school census and the Indicative Admission Number, calculated using the DfES standard methodology.

Eligible Schools

5.4.18 Contributions will be sought from housing developments where it can be shown that the scheme will result in a direct need for additional school facilities at one or more schools serving the development. Schools eligible for contributions are the schools meeting the surplus place criteria laid out above whose catchment area includes the development

5.4.19 Prior to requesting a contribution it will be matched to a suitable basic need project. Contributions will always be for permanent facilities and will not be used for providing temporary accommodation. This will be completed at the application stage. An identified project may not be fully funded by one application and may be identified again for future applications up to a total of a five agreements.

Exemptions

5.4.20 Planning contributions for education facilities will not be sought from social rented housing and intermediate housing developments (or from those social rented/intermediate elements of larger schemes).

5.4.21 One-bedroom dwellings (including flats) will not be subject to negotiations for education provision, as it is considered unlikely that sufficient pupils will be generated from these households.

5.4.22 Specialist housing for the elderly or people with disabilities will not be subject to negotiations for education provision, as it is considered unlikely that sufficient pupils will be generated from these households.

Procedure for agreement and payment of contributions

5.4.23 The District Council will prepare a standard Section 106 agreement in consultation with the County Council in respect of education provision to accompany each planning application which will be available for use by the District Council if required. The level of contribution per dwelling will be agreed at this stage. In respect of outline planning applications, an amount per dwelling will be agreed with the developer which will then allow a final contribution to be calculated at the detailed planning application stage.

5.4.24 Expected payment dates and consideration of payment instalments, indexation and late payment charges will be considered during the agreement process. Monies from Section 106 Education contributions should be sent directly to Worcestershire County Council

5.4.25 Worcestershire County Council will carefully monitor and commit to spending the contributions within the time period specified in the planning agreement.
This will usually be 7 - 10 years.

Disbursement of Monies

5.4.26 S106 Education contributions, together with any accrued interest, shall be spent on capital projects at one or more of the eligible schools. Contributions can be spent on Maintained, Voluntary Aided, Voluntary Controlled, Academy and Free schools.

5.4.27 Contributions may also be spent on school-based Early Years facilities, extended school facilities, youth facilities, or specialist facilities for children with disabilities, or other school-based provision for the benefit of under-18 year olds.

5.4.28 Unspent monies will be returned to the developer at the end of any period negotiated in the section 106 agreement, usually 7-10 years.

5.5 Flood Risk and Surface Water Management Contributions

5.5.1 Where development is permitted in areas at risk of flooding paragraph 103 of the NPPF is clear that the risk of flooding should not be increased elsewhere, and that any residual risk is safely managed.

5.5.2 There may be individual circumstances however where it may be appropriate to seek developer contributions.

5.5.3 For example application of the sequential test may, in some circumstances, result in development being permitted that requires the provision of off-site flood defence and mitigation works.

5.5.4 Such provision, generally funded by the developer, would only be acceptable if it is consistent with the relevant flood-risk management policies and does not have a significant adverse impact on flood flows or storage or impact on third parties.

5.5.5 Where a development can be made safe through the provision of defences, the developer will be expected to provide either the defences or adequate funding to secure timely completion of the necessary works. In all cases, the type and location of the defences should be justified and agreed with the appropriate Risk Management Authority, as defined in the Flood and Water Management Act 2010 prior to any works or funding being implemented.

5.5.6 In smaller schemes, it may be more appropriate to consider on-site mitigation measures, such as the raising of floor levels, positioning of electrical sockets at a higher level or using more water resistant materials. The use of such measures will normally be secured through planning conditions rather than a planning obligation.

Justification

5.5.7 Worcestershire's natural environment and geography is such that the County is already at risk of flooding from a number of sources including rivers and surface water and this is predicted to increase with climate change. This is demonstrated by the emerging Worcestershire Local Flood Risk Management Strategy and emerging Worcestershire Surface Water Management Plan.

5.5.8 Environment Agency figures suggest that the following number of properties are at risk in Worcestershire:

1 in 100 fluvial = 6,300

1 in 1000 fluvial = 11,200

1 in 100 year surface water (uFMfSW) = 15,100

5.5.9 The South Worcestershire Strategic Flood Risk Assessment prepared by JBA Consulting identified that over 1,800 properties were flooded in July 2007 in Wychavon and Worcester from a combination of surface water and river flooding. There has been a flood event in South Worcestershire in 2000, 2007 and 2014 that has come close to the level expected of a 1% likelihood flood event. This is the level more commonly referred to as a one in one hundred year flood.

Approach to Section 106 Agreements

5.5.10 It is expected that developers will in the first instance meet the costs of the direct impacts of their development on local drainage and flood risk management through appropriate planning conditions. Planning obligations will be sought where the development requires:

- Off site management of surface water to ameliorate the impact of the development on the risk of flooding to other properties nearby having regard to critical drainage area boundaries.
- Offsite works to manage any potential increase in the risk of flooding from fluvial sources arising from the development proposed to properties nearby.

5.5.11 The Section 106 Agreement will require the nature of the works to be undertaken to be agreed by the appropriate Risk Management Authority, and appropriate contracts to be in place to secure the delivery of off-site work before the development can commence. This will involve securing the agreement of the relevant landowner/s as well as appropriate agreements from the local drainage company and/or relevant regulatory bodies.

5.5.12 On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. This will normally form part of the detailed matters submitted and agreed through the planning application process and the delivery can therefore be secured through a planning condition. However, the on-going maintenance of on-site infrastructure may need to be subject to a Section 106 Agreement.

Phasing of Drainage and Flood Risk Management Planning Obligations

5.5.13 In order to ensure delivery of drainage and flood risk management infrastructure in line with the delivery of development, any financial planning obligations must be paid when development commences or according to an agreed timetable between the local planning authority and the developer.

5.5.14 If the developer is undertaking the physical work themselves, this work must be completed to a timetable or phasing plan agreed with the local planning authority. The Section 106 Agreement will set out the phasing requirements for planning obligations related to drainage and flood risk management infrastructure.

Maintenance of flood risk management and drainage infrastructure

5.5.15 Off-site infrastructure will need to be maintained in order to ensure it continues to operate effectively.

5.5.16 Additionally, some developments will incorporate on-site flood risk management and drainage infrastructure which will require maintenance beyond the normal timeframe of development.

5.5.17 The developer may be able to get this infrastructure adopted by an appropriate authority if it meets their specifications. Where this cannot be achieved, the developer will need to put in place mechanisms

to ensure the on going maintenance and effective operation of the infrastructure in perpetuity.

5.5.18 Due to the time limited nature of planning conditions, it is considered appropriate for a clause within a Section 106 Agreement to be used to secure the on going maintenance of flood risk management and drainage infrastructure for both off- site and on-site provision. Normally the Section 106 Agreement will require either:

- a. The developer to enter into an agreement with the local drainage company to adopt the flood risk management or drainage infrastructure before any part of the development is occupied/used for the first time; or
- b. The developer to prepare a management plan for the flood risk management or drainage infrastructure, to be agreed by the local planning authority; and to put in place the mechanisms to deliver on going management of the infrastructure as per an agreed timetable or phasing schedule or similar before any part of the development is occupied/used for the first time.

Reason and justification

5.5.19 Due to the unpredictable nature of flood risk and drainage issues which mean an incident of flooding could occur at any time, later implementation of such maintenance is not considered acceptable.

5.6 Other Planning Obligations

5.6.1 While the following matters will not be relevant for many applications and are not explicit Local Plan policy infrastructure requirements they may be material considerations relating to some applications that will result in the need for a planning obligation. For example larger developments may require some additional built recreational or community facilities. The general need for development to mitigate any adverse impacts on infrastructure is supported by policy SWDP7 which states '*Development will be required to provide or contribute towards the provision of infrastructure needed to support it. Developers will also need to contribute towards community benefits related to the development.*'

Biodiversity/natural habitats

Historic environment

Burial land

Skills development

Delivery of jobs

Community Development

Indoor Sport & Recreation Facilities

Waste Management

Glossary (to be added)

Summary (to be added)

Appendix One

Public Open Space Costs

If it is necessary to acquire land to accommodate new open space provision it is assumed the local authority will purchase agricultural land at its current use value (approx. £20,000 per hectare).

Cost of providing:

A LEP	Assume on site provision only
A LEAP	Assume on site provision only
A NEAP	£100,000 (1,000sqm)
A MUGA	£115,000* (782sqm)
A natural turf pitch	£95,000* (1 hectare)
Tennis Courts	£160,000* (1,227sqm two courts)
Semi natural amenity space	£20,000 (1 hectare)
Civic space	£10,000 (300sqm)
Allotments	£20,000 (1hectare)
Cemetery Space	Assume cost will be financed via fees

Then how much of each of the above per 1,000 residents in each district
Cost of maintaining for 20 years each of the above

* costs obtained from Sport England, Kitbag Facility Costs, second quarter 2012.

Appendix Two

Commuted Sum maintenance costs

Guideline Commuted costs Jan 2010 for 1 hectare of POS. FOR URBAN AREAS				
Landscape element.	Area	Rate	Item	Annual cost. £
Grass cutting x 17 cuts per annum	6700 M2	0.013 per M2		1480.70
Shrub bed maintenance	3300 M2	1.64per M2		5412.00
Mature Hedges cut one side and top	500 linM	2.42per lin M		1210.00
New trees check ties and stakes	30 No.	10.00 each		300.00
Existing mature trees	15 No.	50.00 each		750.00
Allowance for fly tip removal			100	100.00
Emptying litter bins - weekly	3 No.	0.50 per occasion per bin		78.00
Allowance for 2 weekly litter collection. i.e. 26 times a year.	10,000 M2	£17.60 per 100 M2 per annum		1760.00
Fence/ boundary maintenance			100	100.00
Sub Total				11190.70
Admin charges 15%				1678.60
Annual costs				12869.30
Annual x 20 years				
Total commuted cost [indicative only] for 1 hectare.				257386.00
NB - These cost assume approx. 2/3rds grass 1/3 shrubs. For different splits use the m2 rates as shown above.				
These prices are for guidance only individual landscapes may have other features such as woodland, wildflower meadows orchards etc and will need to be calculated when the final landscape plan has been approved.				
NB for rural sites the grass cutting rate is 0.052 per M2 per cut				
	6700 M2	0.052		5922.80