

South Worcestershire Developer Contributions SPD

April 2016

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

Local Development Framework

Developer Contributions SPD

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GLOSSARY

Text underlined is explained further in the Glossary

Text in [blue and underlined](#) indicates a electronic document link available when reading an electronic copy of this document

Summary

- i. A planning obligation is a legally binding agreement that a landowner signs to provide a developer contribution either before development commences or at some other point during the actual construction phase. Planning obligations can only be required to make a planning application acceptable in planning terms, usually this means by a contribution towards, or the direct provision of, essential infrastructure. Planning obligations can occasionally also be used to control any aspect of development, e.g. the end use of the development or the size of permitted signage.
- ii. This Supplementary Planning Document (SPD) sets out the approach that the three South Worcestershire Councils (SWC) will take when considering and determining the amount a developer should pay towards infrastructure necessary to make the development proposal acceptable in planning terms.
- iii. All planning obligations must comply with the tests set out at paragraph 204 of the National Planning Policy Framework (NPPF). This document provides greater certainty as to the likely level of developer contributions for qualifying development proposals. Where there is no infrastructure deficit, for example where local schools have surplus places, then no developer contribution will be sought.
- iv. While every effort will be made to ensure that infrastructure requirements and developer contributions do not prejudice the viability of development it is the case that unless development is supported by additional infrastructure then development cumulatively will have an unacceptable impact on the environment and economy of South Worcestershire. It is not necessary to approve development without the completion of a justified planning obligation simply to ensure development viability. If the development cannot be made acceptable in planning terms without a developer contribution then in some cases development will not be able to proceed until the necessary infrastructure has been secured.

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 (SWIDP);
- Supplementary Planning Documents that explain how policies will be effectively implemented;
- Planning conditions;
- Planning obligations;
- The Community Infrastructure Levy; And
- Other funding sources such as the New Homes Bonus.

1.1.2 This SPD explains the inter-relationship between the various policies and other important 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 help ensure that future development is matched by the necessary infrastructure the SWDP policy SWDP7 requires that all development either provides or makes a contribution towards the provision of infrastructure needed to support it.

1.2 Purpose and Scope of this Document

1.2.1 This Developer Contributions SPD 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 or windfall development. This document is intended for use by all interested parties including developers, planning agents and the general public. It seeks to provide an understanding of when planning obligations will be expected and how developer contributions 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 Levy (CIL) Regulations 2010 (as amended) 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 CIL is operational, (likely to be from 2017), the number of development proposals that require a planning obligation before they can be approved should be reduced.

1.2.3 This SPD 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 CIL;
- Clarification about the relationship between planning obligations and the CIL; 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 SPD provides further information on the implementation of SWDP 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 SWDP 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,
- SWDP28: Management of Flood Risk
- SWDP29: Sustainable Drainage Systems
- SWDP30: Water Resource, Efficiency and Treatment

- 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 SPD 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 (the Framework) 2012 and the National Planning Practice Guidance (NPPG) 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 SWDP. This SPD which supports the implementation of the SWDP is an important material consideration in the decision making process.

1.3 Details of Consultation Stage

1.3.1 This SPD was the subject of public consultation from the 16th February 2015 until the 30th March 2015. Following consideration of the responses received as a result of this consultation a revised draft version of the SPD is being published for a further six week consultation from 1st April 2016 to 16th May 2016 to coincide with consultation on the Community Infrastructure Levy Draft Charging Schedule. [The draft South Worcestershire Affordable Housing SPD](#) was published for a six week period of consultation on the 14th March 2016. These consultations together provide clarity 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 and make it acceptable in planning terms.

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 The need for a planning obligation may arise as the result of a policy requirement within a site allocations policy, as the result of a generic developer contributions policy requirement set out in the SWDP or as the result of some specific characteristic of a development proposal. A list of potential development specific developer contributions is provided at paragraph 5.6.1

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 Planning 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 CIL.

2.2.5 The NPPF at paragraph 204 and the Community Infrastructure Levy Regulations 2010 (as amended), 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.

The South Worcestershire Councils will only seek developer contributions where it is clear that these tests or any amended or alternative tests set out in national planning regulations, policy or guidance are satisfied. Any attempt to negotiate, agree, collect or enforce any planning obligation which is contrary to national planning regulations, policy or guidance would be liable to challenge either via an appeal to the Planning Inspectorate or in the Courts and it is likely that any monies received as a result of such an obligation would have to be re-paid.

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 latest 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 CIL 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 over load local community facilities. The CIL 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/planning obligations.

2.3.2 To introduce the CIL each Local Planning Authority must prepare a CIL Charging Schedule and consult developers and the local community about the contents of the Charging Schedule before submitting it to the Secretary of State for Examination in Public by an independent inspector. The South Worcestershire CIL [Preliminary Draft Charging Schedule](#) was published for consultation from the 16th February to 30th March 2015. The Draft Charging Schedule will be published for a six week period of consultation on the 4th April 2016.

2.3.3 Following this consultation the Draft Charging Schedule will be submitted 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. The South Worcestershire 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 CIL 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 CIL payments will be required in accordance with the published CIL Charging Schedule, once adopted. Each South Worcestershire Council intends to adopt its own charging schedule in December 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 it unviable. There will be a requirement for any adverse impact on the local environment or local infrastructure, which will arise as a direct result of development, to be mitigated 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. Since April 2015 it has been illegal for local planning 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 SPD 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 can still be reasonably 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 SPD.
- 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, biodiversity, access, travel, etc.

3.2.2 Appendix A 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 differ from this. Applicants and/or their agents are advised to engage with the relevant Local Planning Authority Development Management Team at the earliest possible opportunity to discuss their proposal and the likely mitigation required.

3.2.3 The South Worcestershire Councils will ensure that no double dipping takes place, and developers will not be charged twice for the same infrastructure in accordance with the Community Infrastructure Levy Regulations. Appendix A 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.

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. On-site mitigation measures will in most cases offer the best solution and are the preferred option. Contributions to off-site mitigation

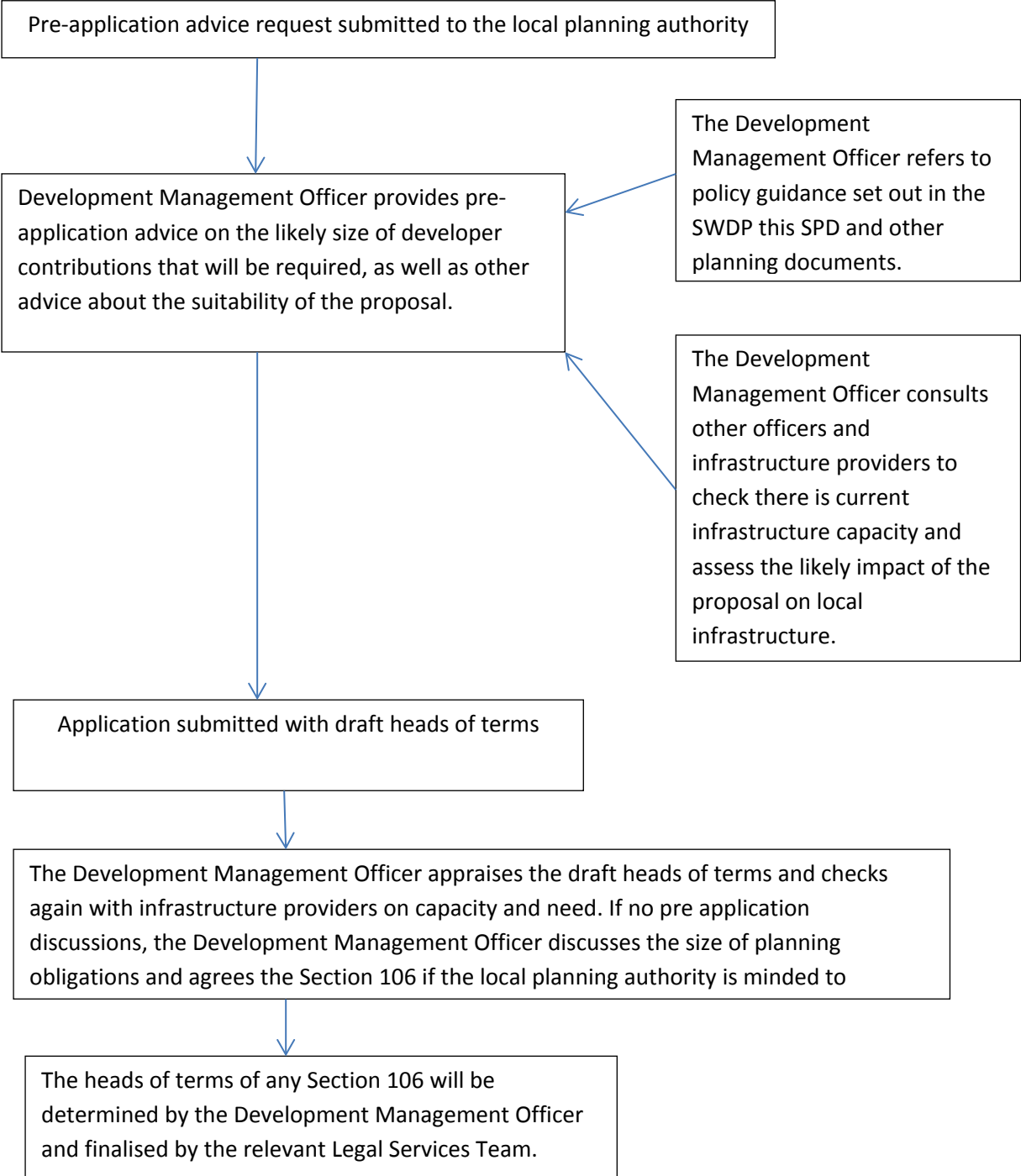
will only be acceptable where it can be clearly demonstrated that on-site mitigation is impractical or impossible. The Development Management case officer will consider the requirements as outlined in this SPD, the South Worcestershire Affordable Housing SPD and the Community Infrastructure Levy Charging 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 SPD 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 (RICS) 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 In most circumstances the South Worcestershire Local Authorities will require their legal costs for securing planning obligations to be reimbursed by the developer.

4.3 Development Viability

4.3.1 The Community Infrastructure Levy is payable on all chargeable development as outlined in the Community Infrastructure Levy 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 Tool¹, 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.

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.

¹<http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool>

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 SPD. 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. Where tariff style contributions are proposed the explanation below sets out how the maximum possible contribution will be calculated. Any sums actually sought or secured will have to be in accordance the nationally set tests for planning obligations and therefore the actual contributions required may be less (or zero) than that suggested by the calculations set out below.

5.2 Open Space Contributions (Policy SWDP39)

5.2.1 In accordance with standards set out in policy SWDP39 development exceeding five 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 | No set standard ⁴ | No set standard ⁴ | No set standard ⁴ |
| Total | 4.22 | 3.45 | 3.09 |

⁴ Requirements for new and improved formal sports pitches will be assessed on a case by case basis using the latest Playing Pitch Strategy and Built Facilities study evidence.

5.2.2 Where new provision of open space is made either within a development or elsewhere developers will also be required to provide secure arrangements for its future management and maintenance. Future maintenance of new open space may be secured by a variety of means, including by a management company or by adoption of the land by a local authority. If a developer seeks the adoption of open space then this will be negotiated with the relevant Council Service Manager. In most cases the local authority will require a commuted sum to fund future maintenance for 20 years from the date of adoption. An example of a commuted sum calculation is provided at Appendix Two, this is only an example as the characteristics of each new open space will vary as will the future maintenance costs.

5.2.3 The requirements for new open space typologies set out in policy SWDP39 can be provided within development sites and this may be a requirement for the approval of large housing developments. Where site

allocations policies require specific provision of an open space typology, e.g. sports pitches, this will be off set against the indicative total open space requirement. 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 customers.

Civic space: The cost of providing for the wide range of civic spaces required by any community will vary greatly. 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. Recent examples of civic space refurbishment schemes include, Angel Place 2,000 square meters at a cost of £470,000 and The Cornmarket 2,500 square meters at a cost of £500,000.

Allotments: £20,000 per hectare or £2 per square metre. Recent examples of new allotment provision include the planned expansion of Trotshill Lane, Worcester where the City Council is spending £21,809 to provide 14 additional plots. The maximum number of plots that it is considered can be accommodated on an acre is 15.

3. Cost divided by number of dwellings for each Open Space Typology

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

Please note that one and two bedroom dwellings have lower average occupancy rates therefore the developer contributions are reduced by 25% for 2 bed dwellings and by 50% for one bed dwellings.

Malvern Hills District (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 |
| Total | 2.62 | | £258.91 |
| Land acquisition costs | 2.62x £20,000 = | £52,400 | £121.58 |
| Total Open Space Contribution per Dwelling | | | £380.49 |
| Commuted Sums for adoption of POS | | | |
| Maintenance costs per hectare per year | | | £12,869.30** |
| Maintenance costs for 2.62 hectares x £12,869.30 | | | £33,717 |
| Maintenance costs over 20 years = 20 x £33,717 | | | £674,351 |
| Commuted sum per dwelling = £674,351 ÷ 431 | | | £1,564 |

Worcester City (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 |
| Total | 2.15 | | £2,078.43 |
| Land acquisition costs | 2.15 x £20,000 = | £43,000 | £101.18 |
| Total Open Space Contribution per Dwelling | | | £2,179.61 |
| Committed Sums for adoption of POS | | | |
| Maintenance costs per hectare per year | | | £12,869.30** |
| Maintenance costs for 2.15 hectares x £12,869.30 | | | £27,669 |
| Maintenance costs over 20 years = 20 x £27,669 | | | £553,380 |
| Committed sum per dwelling = £553,380 ÷ 425 | | | £1,302 |

Wychavon District (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 |
| Total | 1.49 | | £259.78 |
| Land acquisition costs | 1.49 x £20,000 = | £29,800 | £70.45 |
| Total Open Space Contribution per Dwelling | | | £330.23 |
| Committed Sums for adoption of POS | | | |
| Maintenance costs per hectare per year | | | £12,869.30** |
| Maintenance costs for 1.49 hectares x £12,869.30 | | | £19,175 |
| Maintenance costs over 20 years = 20 x £19,175 | | | £383,505 |
| Committed sum per dwelling = £383,505 ÷ 423 | | | £906 |

*see Appendix B for further information on cost assumptions.

**see Appendix C for further information about open space 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 is set out below:

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

5.3.3 The Worcester Transport Strategy and South Worcestershire Towns Strategy identifies the schemes which have been included in the SWDP Infrastructure Delivery Plan 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 Infrastructure Delivery Plan 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 generated traffic.

5.3.7 The methodology used complies with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

South Worcestershire Infrastructure Delivery Plan (Transport)

5.3.8 The South Worcestershire Infrastructure Delivery Plan 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 Worcester Transport Strategy 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. 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 Worcester Transport Strategy will be delivered over a number of years linked with the development growth set out in the SWDP.

5.3.11 The package approach adopted by Worcestershire County Council has been subject to detailed assessment by the Department for Transport (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 Local Planning Authority's adopted plans and the SWDP. As such the implementation of the Worcester Transport Strategy 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 Local Planning Authority'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 Worcester Transport Strategy 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 Local Enterprise Partnership, are set out in the authority's Corporate Plan, the Worcestershire Local Enterprise Partnership'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 SWDP policies and its associated Infrastructure Delivery Plan.

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 Local Enterprise Partnership's Strategic Economic Plan (March 2014), which is prioritising investment in transport infrastructure as one of the means of encouraging economic growth.

5.3.17 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 Infrastructure Delivery Plan 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, the Chamber of Commerce, the Members of Parliament and the Worcestershire District Councils and the users of the network.

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 Infrastructure Delivery Plan (this is discussed further under "General Approach")

5.3.22 As well as bespoke transport infrastructure costs towards the Infrastructure Delivery Plan, 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 on the highway network 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 beyond.

Contributions Methodology

5.3.25 The South Worcestershire Transport Strategy Developer Contributions approach 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 developed 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 Worcester Transport Strategy measures, excluding committed funding such as Worcester Transport Strategy Major Scheme Bid, i.e. £145.5million.
- b. Confirm the total costs of the core Non-Worcester Transport Strategy measures, excluding committed funding such as Worcestershire Local Enterprise Partnership Strategic Economic Plan funding.
- c. Quantify the contribution toward a specific programme of Worcester Transport Strategy projects per SWDP development.
- d. Quantify the contributions toward a specific programme of Non-Worcester Transport Strategy projects per SWDP development.

CIL Compliance

5.3.27 Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) 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 SWDP, 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 those elements of the Infrastructure Delivery Plan made necessary by their development, in accordance with policies set out in the SWDP and 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 Infrastructure Delivery Plan. 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 Infrastructure Delivery Plan 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 SWDP, 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 Infrastructure Delivery Plan 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 Infrastructure Delivery Plan schemes within the study area unless; the impact of the development is not directly related to the Infrastructure Delivery Plan, or is mitigated by site specific measures, or 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. The policy complies with the National Planning Practice Guidance.

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 Department for Education & Skills (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 2.8 children per year group per 100 dwellings will be used. This is derived from the 2011 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 2011 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 2011 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 Worcestershire 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 National Planning Policy Framework 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 (SWDP28 and SWDP29) and does not have a significant adverse impact on flood flows or storage or impact on third parties.

5.5.5 Where a development requires the provision of defences to mitigate residual flood risk, the developer will be expected to provide these directly or pay for the 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 (either the Environment Agency or the Lead Local Flood 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 = 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 have been flood events in South Worcestershire in 2000, 2007 and 2014 that have 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 off-site flood risks and any indirect residual flood risks 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.
- Off-site 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 In addition, some developments will incorporate on-site flood risk management and drainage infrastructure which will require maintenance well beyond the completion of the 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 and it is essential that proper maintenance is secured for the life time of the development.

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

Community Development

Indoor Sport & Recreation Facilities

Waste Management

Emergency Services infrastructure

Public Art beyond the boundary of a development site

Employment and Skills initiatives and training

5.6.2 Promoters of major development are encouraged to contact the relevant Development Management Team at the earliest opportunity to

discuss the potential impacts of their development proposals which may require site specific mitigation and non standard developer contributions.

Skills Development

5.6.3 Local Authorities have a statutory duty to secure suitable education and training provision for all young people aged 16 to 19 and for those up to age 25 with a learning difficulty assessment or education, health and care plan. The South Worcestershire Councils wish to engage with the promoters of development at an early stage to explore opportunities for supporting both business needs for a well trained workforce and the needs of South Worcestershire residents to access employment and training opportunities.

Appendix A

South Worcestershire Council's Community Infrastructure Levy Regulation 123 List

| Table 1: Types of infrastructure that may be funded, in whole or in part, by CIL | |
|--|---|
| Education Facilities | The provision, expansion, improvement, replacement or operation of new and existing public education facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations. |
| Transport | The provision, expansion, improvement, replacement or operation of roads, highways, traffic management, public transportation, cycling and pedestrian and other transport facilities. This excludes those items of infrastructure stated as to be provided through Section 106 obligations and/or Section 278 (Highways) obligations. |
| Open Space / Green Infrastructure | The provision, expansion, improvement, replacement or operation of new or existing strategic green and blue infrastructure and biodiversity measures. Excludes those items of green infrastructure stated as provided through section 106 obligations. |
| Sport and Recreation | The provision, expansion, improvement, replacement or operation of new and existing sports and recreation facilities both formal and informal. Excludes those items of infrastructure stated as provided through Section 106 obligations. |
| Flood Mitigation Measures | The provision, expansion, improvement, replacement or operation of new and existing flood mitigation measures (including flood risk management infrastructure). Excludes those items of infrastructure stated as provided through Section 106 obligations. |
| Community and Cultural Facilities | The provision, expansion, improvement, replacement or operation of new and existing community and cultural facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations. |
| Emergency Services | The provision, expansion, improvement, replacement or operation of new and existing emergency service facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations. |
| Health Facilities | The provision, expansion, improvement, replacement or operation of new and existing health facilities. Excludes those items of infrastructure stated as provided through Section 106 obligations. |

Table 1 above sets out the types of infrastructure that the South Worcestershire Councils including Worcestershire County Council intends will be, or may be, wholly or partly funded by CIL. The inclusion of an infrastructure type on the list does not signify a commitment from any council to fund (either in whole or part) the listed project or type of infrastructure. The list order above does not imply any preference or priority.

The South Worcestershire Councils may seek planning obligations through section 106 agreements for infrastructure projects specifically related to a site. The planning obligation will be subject to the pooling limitations and the three legal tests outlined in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

Table 2 sets out in more detail how **Table 1** above will be applied. This has been informed by the detailed infrastructure requirements as set out in the SWDPIDP (2014) (which accompanies policy SWDP 7: Infrastructure) and the viability update report January 2016. Further updated information relating to infrastructure has also been gathered from current planning application negotiations during the production of the DCS.

Table 2: How the South Worcestershire Councils will seek to apply the Regulation 123 List and Section 106 Planning Obligations in practice (the Regulation 123 list can be amended as changes to spending / infrastructure priorities arise)

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|---|---|--|---|-----------------------|--------------------|-----|
| | | | | | S106 | CIL |
| Affordable Housing | <ul style="list-style-type: none"> See Affordable Housing Supplementary Planning Document – Affordable Housing SPD (consultation draft) March 2016 | | | SWDP 15 | ✓ | x |
| Education Facilities (FE = Form of Entry ¹) | <ul style="list-style-type: none"> 1 X 2FE Primary School | South Worcester Urban Extension (SWDP 45/1) | On site | SWDP 7 ² | ✓ | x |
| | <ul style="list-style-type: none"> 1 X 2FE Primary School | West Worcester Urban Extension (SWDP 45/2) | On site | SWDP 7 | ✓ | x |
| | <ul style="list-style-type: none"> 1 X 1FE Primary School or 1FE Expansion | Malvern North East Urban Extension (SWDP 56) | On site or school(s) directly related to site | SWDP 7 | ✓ | x |
| | <ul style="list-style-type: none"> 2 X 1FE Expansions Secondary Schools 1 FE Expansion of Nunnery Wood High School 1 FE Expansion of Tudor Grange Academy | South Worcester Urban Extension (SWDP45/1) | Schools directly related to site | SWDP 7 | ✓ | x |
| | <ul style="list-style-type: none"> 2 X 1FE Expansions Secondary Schools 1 FE Expansion of Christopher Whitehead Language College 1 FE Expansion of The Chantry High School | West Worcester Urban Extension (SWDP 45/2) | Schools directly related to site | SWDP 7 | ✓ | x |
| | <ul style="list-style-type: none"> 1 FE Expansion to a Primary School | Swinesherd Way | School(s) | SWDP 7 | ✓ | x |

¹ Form of Entry – normally equates to 1 class of 30 pupils

² No singular policy for education exists within the SWDP. Education is covered in part five of the generic infrastructure policy SWDP 7.

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|---------------------|--|----------------------|--------------------------|-----------------------|--------------------|-----|
| | | | | | S106 | CIL |
| | Whittington CE Primary School or Redhill CE Primary School | (SWDP 45/5) | directly related to site | | | |
| | <ul style="list-style-type: none"> Other cumulative impacts of development on nursery provision, school age provision and special education facilities. | All qualifying sites | | SWDP 7 | x | ✓ |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|---------------------|---|---|----------------------------------|-----------------------|--------------------|-----|
| | | | | | S106 / S278 | CIL |
| Transport | <ul style="list-style-type: none"> A4440 Dualling Broomhall Way - Norton Roundabout – Whittington Roundabout. Bath Rd / Sidbury / College St / City Walls Road Corridor (Junction, Highways Works and Bus Infrastructure). A44 London Road (Bus Infrastructure). Real Time Information Systems & Variable Message Signs (for A38 Bath Rd & A44 London Road). A4440 Eastern & Northern Orbital Corridor (Junction Capacity Works) Parkway Railway Station. | South Worcester Urban Extension (SWDP 45/1) | See Specific Requirements column | SWDP 4 | ✓ | x |
| | <ul style="list-style-type: none"> A4440 Dualling of Temeside Way from Ketch Island to Powick Island-Ketch Island – Powick Island. Improvements to bus infrastructure to | West Worcester Urban Extension (SWDP 45/2) | See Specific Requirements column | SWDP 4 | ✓ | x |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|---------------------|---|--|----------------------------------|-----------------------|--------------------|-----|
| | | | | | S106 / S278 | CIL |
| | <ul style="list-style-type: none"> include new shelters and raised kerbs on A44. Real Time Information Systems and Variable Message Signs on A44 Bromyard Road. | | | | | |
| | <ul style="list-style-type: none"> A4440 Dualling of Temeside Way from Ketch Island to – Powick Island. A449 Improvements. Improvements to signalised junction at A449 Lower Howsell Road. Malvern Town Centre Bus Service. Malvern to Worcester Cycle Route. | Malvern North East Urban Extension (SWDP 56) | See Specific Requirements column | SWDP 4 | ✓ | x |
| | <ul style="list-style-type: none"> Improvements to the A4440 corridor to include capacity enhancements at the A4440/A44 (Stratford Road Roundabout and A4440 to A44 London Road/Whittington Road Roundabout). Public Transport provision of bus shelter for new bus stop adjacent to Whittington Hall. New shelter, raised kerbs and pole/flag on outbound bus stop west of Whittington Roundabout. Contributions to upgrade the 550 bus service. | Swinesherd Way (SWDP 45/5) | See Specific Requirements column | SWDP 4 | ✓ | x |
| | <ul style="list-style-type: none"> Site specific projects and off site directly related transport projects designed to mitigate for specific transport infrastructure and services required to | All qualifying sites | | SWDP 4 | ✓ | x |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|---------------------|---|----------------------|-------------------------|-----------------------|--------------------|-----|
| | | | | | S106 / S278 | CIL |
| | make development acceptable in planning terms (e.g. site specific highway works, including localised safety improvement, reinstatement of highways and site specific works to amenity land, access roads for the specific development). | | | | | |
| | <ul style="list-style-type: none"> Site Specific Travel Plans. | All qualifying sites | | SWDP 4 | ✓ | x |
| | <ul style="list-style-type: none"> Strategic, county wide sustainable transport improvements for walking, cycling, public transport and highways. | | | SWDP 4 | x | ✓ |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|--|---|----------------------|-------------------------|---------------------------------|--------------------|-----|
| | | | | | S106 | CIL |
| Open Space / Green Infrastructure | <ul style="list-style-type: none"> Site specific projects and off site, directly related green infrastructure projects and small areas of open space or on-site play provision (e.g. parks, green areas, children's play space). Smaller sites may be asked to provide Local Equipped Areas of Play (LEAPs) within 400m Larger sites may be asked to provide Neighbourhood Equipped Areas of Play (NEAPs) within 1KM | All qualifying sites | | SWDP 5, 22, 23, 25, 29, 38 & 39 | ✓ | x |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|----------------------------------|--|--|-------------------------|---------------------------------|--------------------|-----|
| | | | | | S106 | CIL |
| | <ul style="list-style-type: none"> Site specific ecological impacts of development. | | | SWDP 5, 22, 23, 25, 29, 38 & 39 | ✓ | x |
| | <ul style="list-style-type: none"> Strategic (off site) open space / green infrastructure, including parks and open spaces, local green network, biodiversity protection / enhancements and water quality projects. | | | SWDP 5, 22, 23, 25, 29, 38 & 39 | x | ✓ |
| Sport and Recreation | <ul style="list-style-type: none"> On or off site provision of playing fields and pavilion-style ancillary buildings to meet the sports and recreation needs of the development. | All qualifying sites | | SWDP 5, 38, SWDP 37 & 39 | ✓ | x |
| | <ul style="list-style-type: none"> Four outdoor tennis courts Multi-Use Games Area Seven senior Football Pitches Cricket Pitch Four Court Indoor Sports Hall | South Worcester Urban Extension (SWDP 45/1) | On site | SWDP 5, 38, 37 & 39 | ✓ | x |
| | <ul style="list-style-type: none"> Multi-Use Games Area Community Centre / Pavilion Six senior football pitches | West Worcester Urban Extension (SWDP 45/2) | On site | SWDP 5, 38, SWDP 37 & 39 | ✓ | x |
| | <ul style="list-style-type: none"> Multi-Use Games Area Community Centre / Pavilion Football Pitches One New Cricket Pitch | Malvern North East Urban Extension (SWDP 56) | On site | SWDP 5, 38, SWDP 37 & 39 | ✓ | x |
| | <ul style="list-style-type: none"> Strategic provision of built leisure and other sports facilities. | | | SWDP 37 & 39 | x | ✓ |
| | | | | | SWDP 37 & 39 | x |
| Flood Mitigation Measures | <ul style="list-style-type: none"> Specific on site flood defences / mitigation required as a result of a site specific FRA (e.g. SUDS, drainage | All qualifying sites | On site | SWDP 28, 29 & 30 | ✓ | x |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|--|---|--|-------------------------|-----------------------|--------------------|-----|
| | | | | | S106 | CIL |
| | systems, flood risk management). | | | | | |
| | <ul style="list-style-type: none"> Strategic flood defences / mitigation required to support development across the area. | | | SWDP 28, 29 & 30 | x | ✓ |
| | <ul style="list-style-type: none"> Flood Warning Service provision (maintenance, forecasting, warning, and modelling). | | | SWDP 28, 29 & 30 | x | ✓ |
| Community and Cultural Facilities | <ul style="list-style-type: none"> Site specific community and cultural requirements to be delivered on site. | All qualifying sites | | SWDP 37 | ✓ | x |
| | <ul style="list-style-type: none"> Strategic provision of community and cultural facilities such as leisure centres, libraries and cultural facilities. | | | SWDP 37 | x | ✓ |
| Emergency Services | <ul style="list-style-type: none"> Site specific emergency service provision to ensure an acceptable level of cover commensurate with the growth proposed. | All qualifying sites | | SWDP 37 | ✓ | x |
| | <ul style="list-style-type: none"> Police Posts | South Worcester Urban Extension (SWDP 45/1) West Worcester Urban Extension (SWDP45/2) Malvern North East Urban Extension (SWDP 56) | On site | SWDP 37 | ✓ | x |

| Infrastructure Type | Specific Requirements | Development Site | Infrastructure Location | SWDP Policy Reference | Delivery Mechanism | |
|-----------------------------|--|----------------------|-------------------------|-----------------------|--------------------|-----|
| | | | | | S106 | CIL |
| | <ul style="list-style-type: none"> Strategic provision of police service infrastructure to support development growth. | | | SWDP 37 | x | ✓ |
| | <ul style="list-style-type: none"> Strategic provision of fire and rescue infrastructure to support development growth. | | | SWDP 37 | x | ✓ |
| | <ul style="list-style-type: none"> Strategic provision of ambulance services and other emergency care infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for south Worcestershire. | | | SWDP 37 | x | ✓ |
| Health Facilities | <ul style="list-style-type: none"> Strategic provision of health facilities and related infrastructure to support development growth, carried out in consultation with the Clinical Commissioning Group for South Worcestershire. | | | SWDP 37 | x | ✓ |
| Public Realm | <ul style="list-style-type: none"> Site specific public realm infrastructure and assets. | All qualifying sites | | SWDP 21 | ✓ | x |
| Historic Environment | <ul style="list-style-type: none"> Site specific historic environment infrastructure and assets. | | | SWDP 6 & 24 | ✓ | x |

Section 106 agreements should not normally be sought on any specific projects unless a specific project has been identified in this appendix. Such site-specific contributions should only be sought where this can be justified through compliance with Regulation 122 and the associated pooling limitations.

Appendix B

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 C

An Example of 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 | | 1,480.70 |
| Shrub bed maintenance | 3300 M2 | 1.64per M2 | | 5,412.00 |
| Mature Hedges cut one side and top | 500 lin M | 2.42per lin M | | 1,210.00 |
| 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 | | 1,760.00 |
| Fence/ boundary maintenance | | | 100 | 100.00 |
| Sub Total | | | | 11,190.70 |
| Admin charges 15% | | | | 1,678.60 |
| Annual costs | | | | 12,869.30 |
| Annual x 20 years | | | | |
| Total commuted cost [indicative only] for 1 hectare. | | | | 257,386.00 |
| 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 | | 5,922.80 |

GLOSSARY

Affordable Housing

Affordable housing used to be determined on the basis of peoples ability to pay rents. In recent years a number of other ways have been introduced to determine if new homes are classified as affordable housing. For this SPD affordable hosing may be any home provided at a rent or price below market values.

Community Infrastructure Levy Charging Schedule

A document which explains what types of development will be required to pay the Community Infrastructure Levy and what the size of payments will be.

Commuted Sum

A sum of money paid to fund the future maintenance of infrastructure.

Developer Contributions

Contributions either financial or physical e.g. a new school required from developers to make a development acceptable in planning terms.

Development Viability and Viability of Development

The ability of a development to pay a profit to the developer and pay a willing land owner the market value of the land.

Draft Heads of Terms

A list of developer contributions or other forms of planning obligation that may be required to make a development acceptable in planning terms.

Examination in Public

A meeting chaired by a person appointed by the Secretary of State to consider if a Development Plan Document should be adopted as planning policy with or without modifications which may be proposed before or during the examination.

Generic Developer Contributions Policy

A planning policy which proposes that developer contributions should be collected from all development or all development within a particular use class.

Infrastructure Deficit

A short fall in the amount of infrastructure available to meet local needs, e.g. too few school places for the number of local children.

Infrastructure Providers

Organisations that provide physical infrastructure such as roads or infrastructure services such as the emergency services.

Land Charges

A record kept by the land registry of the charges on a property such as an unpaid loan or a planning obligation.

Larger Developments

Planning classifies development as major or minor development. Major development is development of 10 or more homes or 1,000 square meters of more floor space. So major development may be considered larger development but in some circumstances, i.e. for the provision of whole new infrastructure assets such as schools larger development would only apply to the very largest development schemes. Where this SPD considers the term larger development would only apply to schemes well above the definition of major development this is explained in the text or footnotes.

Local Development Scheme

This is a public statement of a local authority's programme for the production of Development Plan Documents. The scheme will be revised when necessary. This may be either as a result of the Monitoring Report, which should identify whether the local authority has achieved the timetable set out in the Scheme, or if there is a need to revise and / or prepare new development documents.

Mitigation

Any action which helps to reduce the impacts of development on neighbours or the wider community.

Planning Conditions

Things that a developer must do when implementing a planning permission. Failure to comply with a planning condition may mean that the completed development does not have planning permission.

Planning Obligation

A legal agreement that requires a developer to do something or limits the completed development in some way.

Pooled Contributions

When the developer contributions from two or more planning obligations are used for, or are intended to be used for the same infrastructure project then they become pooled contributions.

Section 106 Agreements

Developer contributions are often justified by reference to section 106 of the 1990 planning act even though this act has since be superseded. The term Section 106 Agreements has become part of planning language despite the term having been over taken by more recent legislation.

Site Allocations Policy

A planning policy that identifies land for a particular type of development, e.g. housing.

South Worcestershire Infrastructure Delivery Plan

This is a document that offers evidence to support the SWDP. It sets out the amount and type of infrastructure needed to deliver the level of development proposed in the SWDP. It analyses physical infrastructure (such as transport and utilities), social infrastructure (such as schools and community facilities) and a complete range of green infrastructure. These are described on a geographical basis, which makes it easier for the reader to understand where infrastructure is planned; this is analysed in more detail in an Appendix. The SWIDP also considers issues around the funding of infrastructure and suggests a way forward in meeting such requirements. The SWIDP has been produced in close consultation with the County Council and the various infrastructure providers. It is a "live" document and will be updated on a regular basis.

Tariff Style Contributions

Developer Contributions that can be calculated consistently on the basis of characteristics of development, e.g. a set amount for school places for every three bed house.

The Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales are empowered, but not required, to charge on most types of new development in their area. CIL charges are based on simple formulae that relate the size of the charge to the size and character of the development paying for it. This allows Local Authorities to raise funds from developers undertaking new building projects in their area. It can be used to fund a wide range of infrastructure (i.e. transport schemes, schools, etc.) that are needed to support the development of the local area.

Trigger Points

Planning obligations may require a developer to do something after a period of time or when a stage in the development is reached, these are known as trigger points.

Unilateral Undertaking

A developer can choose to provide a legal agreement to secure developer contributions to avoid the costs of agreeing a Section 106 Agreement with the local planning authority or for some other reason such as to agree the size of developer contributions before a planning appeal hearing. These planning obligations are known as unilateral undertakings.