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<b>Portfolio Leader:</b>	<b>Economic Development and Planning</b>
<b>Key Decision:</b>	<b>Yes</b>
<b>Report Track:</b>	<b>Cabinet: 25/06/15</b>

**CABINET**  
**25 JUNE 2015**  
**CANNOCK CHASE DEVELOPER CONTRIBUTIONS AND HOUSING CHOICES**  
**SUPPLEMENTARY PLANNING DOCUMENT**

**1 Purpose of Report**

- 1.1 To consider adoption of the Developer Contributions and Housing Choices Supplementary Planning Document (SPD) following public consultation.

**2 Recommendations**

- 2.1 That the content of the Consultation Statement (Appendix A) accompanying the Developer Contributions and Housing Choices SPD is noted.
- 2.2 That the proposed amendments to the draft Developer Contributions and Housing Choices SPD are approved (set out in Table 1 of Appendix A)
- 2.3 That the Developer Contributions and Housing Choices SPD (as amended- Appendix B) is adopted as part of the Local Development Framework in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 and that the Developer Contributions SPD (2008) and Housing Choices SPD (2008) are both revoked.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Developer Contributions and Housing Choices SPD sets out the Council's approach to seeking Planning Obligations for a range of infrastructure items

(including Open Spaces, Education and Transport) made under Section 106 of the Town and Country Planning Act 1990 (as amended) and agreements under Section 278 of the Highways Act 1980. It also sets out the Council's preferences for affordable housing provision, including the tenure and mix of properties. This was formerly addressed via two separate SPDs; Developer Contributions and Housing Choices (both adopted 2008). An updated SPD is required to reflect national legislative and guidance changes; the adoption of a new Local Plan (Part 1) for Cannock Chase; and the complementary introduction of a local Community Infrastructure Levy (CIL) charging regime in Cannock Chase District (effective from 1<sup>st</sup> June- see Council report 15/04/15).

- 3.2 Policy CP2 'Developer Contributions for Infrastructure' of the Cannock Chase Local Plan (Part 1) 2014 reflects up to date national legislation and guidance, set out principally in the National Planning Policy Framework (NPPF); the accompanying National Planning Practice Guidance (NPPG); the Planning Act (2008, as amended) and associated Regulations pertaining to CIL. Policy CP2 sets out how all developments in the District will be expected to contribute to the infrastructure necessary for delivery of the Local Plan, secured primarily via CIL and Section 106 Planning Obligations. It identifies that once CIL is adopted an updated SPD on developer contributions will be produced to set out the Council's altered approach to Planning Obligations.
- 3.3. The 2008 SPDs on Developer Contributions and Housing Choices were both out of date in the context of updated national legislation, policy and guidance, local policy and in particular the introduction of CIL. The proposed SPD therefore sets out the Council's up to date position on all forms of contributions to infrastructure and affordable housing provision to be delivered via the planning process, and the relationship between them. It provides a more in-depth explanation of how planning contributions will be sought in relation to specific items of infrastructure, alongside the implementation of CIL. This includes the circumstances in which development specific planning obligations will be sought and the corresponding standards and levels of contributions that will be applied e.g. updated Open Space standards are set out to guide the design of future development proposals.
- 3.7 The SPD is therefore an important document for setting out the Council's up to date local policy position on developer contributions for infrastructure and affordable housing provision, ensuring compliance with national legislation, policy and guidance. It complements and aids the implementation of the Council's CIL enabling Planning Obligations to still be sought, where appropriate, alongside CIL charges. Public consultation was carried out on a draft SPD in August/September 2014. The SPD now recommended for adoption incorporates updates to the draft SPD arising from the consultation and in response to contextual changes since the consultation was undertaken.

## 4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

### Environment and Planning

- Increase the economic, social and environmental prosperity of the District through delivery of sustainable development.
- Improve town centres through regeneration and management.

### Active and Healthy Lifestyles

- Provide accessible leisure and cultural facilities.
- Encourage investment in sporting and cultural facilities.

### Improved Living Environment

- Improve countryside site provision.

### Housing

- Increase the supply of affordable housing,

## 5 Report Detail

5.1 Prior to the introduction of CIL, the use of conditions attached to the grant of planning permissions and/or Planning Obligations and Highways Act agreements ensured provision of the necessary infrastructure and services to support developments, including the collection of funds towards these. However, the introduction of a CIL charge within the District means that some future contributions will be made in the form of CIL payments, rather than through Planning Obligations. This means there will be fewer developments requiring the completion of Planning Obligations in the future. The latter have also become more limited in scope as a result of changes introduced by the CIL Regulations 2010 (as amended) which came into effect on 6<sup>th</sup> April 2015. From that date, and where Local Authorities have not yet introduced a CIL Charging Schedule, they will be prevented from seeking planning obligations relating to infrastructure where five or more planning obligations for that infrastructure have been entered into since 6<sup>th</sup> April 2010.

5.2 However, the Government recognises that there is still an important role for planning obligations sought under Sections 106 and 278 as set out in the NPPG (Para 094). This states that CIL *'is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some site specific impact mitigation may still be necessary in order for a development to be granted planning permission. Some of these needs may be provided for through the levy but others may not,*

*particularly if they are very local in their impact. Therefore...there is still a legitimate role for development specific planning obligations to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.'*

- 5.3 As outlined above, the Cannock Chase Local Plan (Part 1) Policy CP2 sets out that the Council will continue to seek Planning Obligations alongside a CIL charge in order to ensure the necessary infrastructure is delivered to support development set out in the Local Plan and that individual developments are acceptable in planning terms. To aid implementation of this policy, an updated SPD on planning obligations was required. As part of the Council's evidence to support its CIL charging regime it was also required to set out its updated approach to planning obligations. This is to provide transparency on what the Council intends to fund through the levy and where it may continue to seek planning obligations. This is primarily to address any concerns of 'double dipping' i.e. the Council charging developers twice for the same infrastructure items via CIL and planning obligations.
- 5.4 Following approval by Cabinet on 17/07/2014 a consultation was carried out in August/September 2014 on the draft SPD alongside the CIL Draft Charging Schedule (and associated documents). As set out above the draft SPD formed an important part of the evidence base for the CIL Draft Charging Schedule and was required to support the implementation of CIL.
- 5.5 The 'Consultation Statement' attached as Appendix A to this report sets out the consultation process undertaken, which was carried out in accordance with the Council's adopted Statement of Community Involvement (2014) and the Town and Country Planning (Local Planning) Regulations 2012. This 'Consultation Statement' must be published alongside the SPD (in accordance with the aforementioned Regulations 12-13). It sets out how who was consulted, a summary of issues raised, and how these have been addressed in the revised SPD.
- 5.6 The statement summarises that 1 representation was made directly on the draft SPD. This was from Bridgehouse Property Consultants Ltd who identified that meeting Level 3 of the Code for Sustainable Homes was no longer a mandatory requirement under the Homes and Communities Agency design and quality standards. This change has been reflected in the SPD (see Appendix A, Table 1- Section 3.2 amendments). However, the SPD was subject to consultation alongside the CIL Draft Charging Schedule and considered as part of the CIL Examination. Some comments received in response to the CIL Draft Charging Schedule consultation (and as part of the Examination) related to the interaction between the proposed CIL rates and Planning Obligations. Financial viability concerns were raised in this context. These comments were considered in relation to the proposed CIL charges and it was concluded that the Council's proposed approach to CIL and Planning Obligations going forward was appropriate (as outlined in the Inspectors Report- see Council report 15/04/15).

The examination and adoption of the CIL charging regime has therefore also informed the progression of this SPD.

- 5.7 The amendments proposed to the draft SPD largely arise as a result of national and local changes in legislation, policy and guidance. Table 1 in Appendix A sets out the recommended amendments in detail. The key amendments are summarised below.
- 5.8 The SPD overall has been updated factually to reflect consultation undertaken, the adoption of a CIL charge in Cannock Chase District and further evidence base documents that were produced to support the CIL examination (in particular Sections 1.2 and 2.3).
- 5.9 Section 3.2 'Affordable Housing (Housing Choices)' has been updated to reflect the ongoing consideration of nationally prescribed thresholds for affordable housing contributions. The Government announced in December 2014 that schemes of 10 or fewer dwellings were exempt from contributing to affordable housing provision via Planning Obligations (except in defined rural areas). This was introduced via updates to the NPPG. However, this threshold has since been legally challenged in the High Court by West Berkshire and Reading Borough Councils. The case has been heard but no decision issued to date. The SPD has therefore been updated to reflect the uncertain national picture by stating that the Council will operate its affordable housing policy thresholds in accordance with any future nationally prescribed threshold. The amendment ensures that the Council's approach will be in conformity with any future nationally prescribed standards, but by not stating the current threshold it also provides flexibility to apply a lower threshold locally should the national threshold be lowered or revoked.
- 5.10 Section 3.2 'Affordable Housing (Housing Choices)' has also been updated to reflect the changes brought about to housing standards via the Deregulation Bill (March 2015). These changes include the scrapping of the Code for Sustainable Homes and the introduction of a new national standard for housing spaces (via the NPPG). This national standard replaces standards previously used by the Homes and Communities Agency for assessing grant funded schemes and it removes the ability of Local Authorities to prescribe different local standards in Local Plan policy. The new national space standards can only be adopted via Local Plan policy, not via SPD. Therefore the amendments reflect the changed national picture by removing reference to the Code for Sustainable Homes and Homes and Communities Agency standards. The amendments also set out how the Council will consider whether or not to adopt the national space standards i.e. via consultation on Local Plan (Part 2) policies. Whilst the Council can not formally adopt the national space standards to inform decisions on planning applications via this SPD, it can use them as a guide for its own development schemes via the tendering process prior to any formal adoption in Local Plan policy. This is also reflected in the text amendments.

- 5.11 Section 3.6 'Biodiversity' has been amended to reflect updated guidance from Natural England regarding mitigation requirements for the Cannock Chase Special Area of Conservation (SAC). Since the adoption of Local Plan (Part 1), Natural England has advised that the element of Local Plan Policy CP5 which required developments of 50 dwellings or more to provide on-site open space to mitigate impacts upon Cannock Chase SAC is no longer required (this also applies to those elements of Policy CP13 which refer to the provision of Suitable Alternative Natural Greenspaces (SANGS)). The monies to be collected via CIL and spent upon other Cannock Chase SAC mitigation measures across the SAC partnership area are now considered sufficient. These mitigation measures are set out in the Strategic Access Management and Mitigation Measures (SAMMM) document produced by Natural England and include the development of volunteering programmes and footpath management strategies. The SPD has therefore been amended to reflect this changed requirement, clarifying that the Council will no longer seek such on-site open space via Planning Obligations.
- 5.12 Other minor amendments include:
- Section 3.3 'Open Spaces, Sport and Recreation' – changing the process by which off-site contributions are index linked. Rather than an updated SPD each year the formula used for index-linking CIL rates will now be utilised. This saves officer resources and provides consistency with the CIL.
  - Section 2.4- clarification that the SPD approach to small scale developments is in conformity with the updated NPPG in terms of thresholds for tariff style planning obligations. This ensures conformity with national guidance.
- 5.13 Overall, the Developer Contributions and Housing Choices SPD is in essence largely unchanged from the draft SPD consulted upon. The changes identified above have been made in response to national and local legislative and guidance updates.
- 5.14 The adoption of the Developer Contributions and Housing Choices SPD would serve to complement the Council's CIL charging regime, ensuring effective implementation of the Council's overall planning contributions framework. It provides important policy elaboration to the Local Plan (Part 1), particularly helping to ensure that the Council's affordable housing requirements are met, including the mix and tenure of properties and providing updated local Open Space standards to guide the design of future development proposals. It ensures the Council's policy is consistent with national legislation, policy and guidance providing a robust basis on which to continue seeking Planning Obligations from developments in order to make them acceptable in planning terms. This helps the Council to continue delivering sustainable development in accordance with the adopted Local Plan (Part 1).

**6 Implications****6.1 Financial**

Any direct financial implications for the Council as a result of this report cannot be quantified. The proposed amendments to the draft Developer Contribution and Housing Choices SPD will complement and aid the implementation of the Council's CIL and further enable Planning Obligations to still be sought, where appropriate, alongside CIL charges.

**6.2 Legal**

Upon adoption of a supplementary planning document, regulation 14 of the Town and Country Planning (Local Planning) Regulations 2012, requires the document and an adoption statement to be made available.

**6.3 Human Resources**

None.

**6.4 Section 17 (Crime Prevention)**

None.

**6.5 Human Rights Act**

None.

**6.6 Data Protection**

None.

**6.7 Risk Management**

If the SPD was not adopted there would be a risk that some infrastructure necessary to support growth would not be delivered.

**6.8 Equality & Diversity**

An Equality Impact Assessment of Policy CP2 of the Local Plan (Part 1) was completed, which this SPD provides policy elaboration on.

**6.9 Best Value**

None.

**7 Appendices to the Report**

Appendix A Consultation Statement (including Table 1 – Proposed Amendments to draft SPD)

Appendix B Developer Contributions and Housing Choices SPD (to be adopted)

**Previous Consideration**

Cabinet

17/07/2014

**Background Papers**

Planning Act 2008

Community Infrastructure Levy Regulations 2010, 2011, 2012, 2014.

DCLG National Planning Policy Framework

DCLG National Planning Practice Guidance

Cannock Chase Local Plan June 2014

Cannock Chase CIL Charging Schedule

## **Developer Contributions and Housing Choices Supplementary Planning Document (SPD) Consultation Statement**

### **1. Introduction**

This statement is the 'Consultation Statement' for the Developer Contributions and Housing Choices SPD as required by the Town and Country Planning (Local Planning) (England) Regulations 2012. This statement sets out how the public and other stakeholders have been consulted upon the SPD. This statement was issued alongside the draft SPD for consultation in 2014 and has now been updated to reflect the consultation undertaken and accompany the adopted SPD.

### **2. Consultation regulations**

The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.

Regulation 12: Regulation 12(a) requires the Council to produce a consultation statement before adoption of the SPD, this must set out who was consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD. This statement is the 'Consultation Statement' for the adopted SPD as required by Regulation 12(a).

Regulation 12(b) requires the Council to publish the documents (including a 'consultation statement') for a minimum 4 week consultation, specify the date when responses should be received, and identify the address to which responses should be sent. The consultation statement that accompanied the draft SPD set out that information.

Regulation 13: Regulation 13 stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in Regulation 12. The consultation statement that accompanied the draft SPD set out that requirement.

Regulation 35: Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available by taking the following steps:

- Make the document available at the principal office and other places within the area that the Council considers appropriate;
- Publish the document on the Council's website.

These measures were undertaken as part of the draft SPD consultation.

### **3. The Statement of Community Involvement (SCI)**

The SCI was adopted in 2014 and reflects the 2012 Regulations, set out above. It also specifies additional measures that the Council will undertake in consulting upon draft SPDs and these have been reflected in the consultation process for the Developer Contributions and Housing Choices SPD. As per the SCI, the Council has involved key stakeholders in the preparation of the SPD for adoption (as set out in the SPD).

#### **4. Developer Contributions and Housing Choices SPD Consultation Information**

Consultation on the draft SPD was carried out in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The draft SPD and Consultation Statement were made available for public inspection for a six week period between Friday 8<sup>th</sup> August and Friday 19<sup>th</sup> September 2014. Copies of the draft SPD and consultation statement (setting out how comments could be made) were available during normal office hours at the following locations:

- Cannock Chase Council principal offices at the Civic Centre, Beecroft Road, Cannock
- Public libraries at Cannock, Rugeley, Hednesford, Brereton, Norton Canes and Heath Hayes
- Council Area Office at Rugeley

Copies of the draft Developer Contributions and Housing Choices SPD and consultation statement were available to view on the Council's website. Further information was available by contacting the Planning Policy team by email at [planningpolicy@cannockchasedc.gov.uk](mailto:planningpolicy@cannockchasedc.gov.uk) or by telephoning 01543 462621.

The consultation was undertaken in conjunction with the Council's Community Infrastructure Levy (CIL) Draft Charging Schedule consultation. The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Notification letters sent to all individuals/ organisations/ bodies that the Council considered would be affected or interested in the SPD, or may be involved in the delivery of the SPD (including Parish Councils, the County Council, key developers, business and local voluntary organisations)
- A Press Notice was posted in local papers.
- A press release was issued.
- The SPD and details of the consultation were posted on the Council's website.

The consultation statement accompanying the draft SPD set out that any person may make a representation on the SPD and that any such representations were to be received by 5pm on Friday 19<sup>th</sup> September 2014. It also set out that the Council would send a copy of the adoption statement to the author of any representation which specifically asks for notification of the adoption of the document.

#### **5. Summary of issues raised and how incorporated into the SPD**

One representation on the draft SPD was received. This was from Bridgehouse Property Consultants Ltd who identified that meeting Level 3 of the Code for Sustainable Homes was no longer a mandatory requirement under the Homes and Communities Agency design and quality standards. This change has been reflected in the SPD (see Table 1 below- Section 3.2 amendments).

However, the SPD was consulted upon in conjunction with the CIL Draft Charging Schedule. Some comments received in response to the CIL Draft Charging Schedule consultation (and as part of the Examination) related to the interaction between the proposed CIL rates and Planning Obligations. Financial viability concerns were raised in this context. These comments were considered in relation to the proposed CIL charges and it was concluded that the Council's proposed approach to CIL and Planning Obligations going forward was appropriate (as outlined in the Inspectors Report) and no amendments were required. The examination and adoption of CIL has therefore also informed the progression of this SPD.

**ITEM NO. 12.11**

Between the draft SPD consultation and adoption of the SPD a number of national, and local policy and guidance changes have also given rise to a need for minor reviews of the draft SPD.

The amendments made to the draft SPD are set out in detail in Table 1 below.

**ITEM NO. 12.**

**Table 1 Amendments to Draft Developer Contributions and Housing Choices SPD**

The SPD overall has been updated to reflect that it is no longer draft and that the consultation has been updated i.e. deleted references to draft SPD and deleted/inserted text at Section 1.3 to reflect that the consultation has been undertaken. It has also been updated to reflect that the Council has now adopted its Community Infrastructure Levy (CIL) charge - see Sections 1.2 and 2.3.

Section/paragraph	Proposed Amendment	Reason for Amendment
Section 1.1/1/end of final sentence	<b>Insert:</b> 'and the Council's preferences for affordable housing provision.'	For clarity.
Section 2.4/4/end of paragraph	<b>Insert:</b> ' This is in conformity with the current NPPG which sets out that whilst 'tariff-style' contributions can not be sought from residential developments of 10 units or less planning obligations can still be sought in order to address site-specific infrastructure needs, where this is required to make the development acceptable in planning terms.'	To reflect national guidance updates, set out in the National Planning Practice Guidance.
Section 2.4/6/end of paragraph	<b>Insert:</b> 'Where necessary, they may also exceptionally be used for non-financial purposes where the desired outcome can not be achieved via planning conditions e.g. controlling the use of land.'	To further clarify when Planning Obligations will be used.
3.2/final paragraph	<b>Delete:</b> 'Please note that some of the above requirements may change following the outcome of the Communities and Local Government 2014 consultation paper 'Planning performance and planning contributions' and their proposal for a 10 unit threshold for affordable housing contributions and further announcements from the Homes and Communities Agency concerning space standards and the Code for Sustainable Homes.'	To reflect national policy and guidance updates, set out in the National Planning Policy Framework and National Planning Practice Guidance.
3.2/3	<b>Insert:</b> 'Financial contributions from sites under 15 units will be sought in line with any nationally prescribed threshold for seeking such contributions.'	To reflect consultation comments received.
3.2/6	<b>Insert:</b> 'The 'national space standards' will be used to guide the Council's design requirements for its own development schemes (as part of the tendering process). The Council will consider the	

**ITEM NO. 12.13**

	application of these standards to all affordable housing schemes via policies in Local Plan (Part 2). Grant funded schemes will need to accord with any design requirements set by the Homes and Communities Agency.'	
3.3/2	<p><b>Replace:</b> 'If necessary, Planning Obligations will be utilised. This may be particularly relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).'</p> <p><b>With:</b> 'If necessary, Planning Obligations will be utilised particularly if the developer/landowner wishes for the Council to provide and/or maintain any open spaces provided on site. These costs will be negotiated on a case by case basis. This may also be relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).'</p>	For clarity on how Planning Obligations may be utilised
3.3/7	<p><b>Replace:</b> 'The figure will be index-linked each year as a minimum using the 'Retail Prices Index- All Items' rate. The index-linked update will be included within this SPD and issued as a revised version at the start of every financial year with the agreement of the Head of Economic Development and Portfolio Leader for Planning and Economic Development.'</p> <p><b>With:</b> 'The figure will be index-linked according to the year planning permission is granted by using the same index linking formula for CIL rates (see Cannock Chase Council CIL Guidance for Applicants and Developers, Section 8).'</p>	To save officer resources and ensure consistency with Community Infrastructure Levy charge.
3.4/4	<b>Insert:</b> '(please see Staffordshire County Council for up to date costs at the time of the planning application).'	To ensure up to date costs are taken into consideration.
3.6/2/after 'all residential developments'	<b>Insert:</b> '(in use class C3, with the exception of affordable housing)'	For clarification on which developments will be liable for CIL.
3.6/2	<b>Replace:</b> 'However, where a site is in close proximity to the SAC; is proposing a non-residential use which has the potential to impact	To reflect updated guidance from Natural England.

**ITEM NO. 12.14**

	<p>upon the SAC; and/or is of a medium-larger scale, then site and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).’</p> <p><b>With:</b> ‘However, where a site is in close proximity to the SAC and/or is proposing any other use (e.g. residential caravans/mobile homes; tourist accommodation) which has the potential to impact upon the SAC, then site and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).’</p>	
3.6/3/end of penultimate sentence	<b>Insert:</b> ‘(Regulation 75 of the Conservation of Habitats and Species Regulations, 2010)’.	For clarity.
3.6/4	<p><b>Replace:</b> ‘Local Plan (Part 1) Policy CP5 sets out that developments of 50 dwellings or more will be expected to provide additional on-site recreation space as part of the overall SAC mitigation strategy. This will be secured by planning condition or Planning Obligations as necessary and is separate to the mitigation measures elements proposed to be funded via CIL. There is no set standard for the nature or level of this provision as it will be informed by the location of the development in proximity to the SAC; the nature of the development; and existing open spaces within the local area. For example, this provision may be in the form of a ‘green corridor’ (for walking and cycling use) to provide access to existing green spaces outside of the development site or a bespoke area of green space for informal recreation.’</p> <p><b>With:</b> ‘ Since adoption of the Local Plan (Part 1) in June 2014, Natural England’s advice to the partnership of Local Planning Authorities<sup>1</sup> on the subject of mitigating the adverse effect of</p>	To reflect updated guidance from Natural England.

<sup>1</sup> Cannock Chase District Council; South Staffordshire District Council; Stafford Borough Council; Lichfield District Council; East Staffordshire Borough Council; Walsall MBC; Wolverhampton City Council.

**ITEM NO. 12.15**

	<p>developments planned within the acknowledged zone of influence, which could otherwise threaten the integrity of the SAC, has changed. The original focus of the advice was that a combination of habitat and visitor management measures in and around the SAC, plus provision of large areas of Suitable Alternative Natural Green Spaces (SANGS) together with smaller targeted open spaces on medium sized housing developments of 50+ dwellings was required. As a result of further analysis and discussions with the two main landowners of the SAC and its surroundings (Staffordshire County Council and the Forestry Commission) Natural England has produced a set of Strategic Access Management and Mitigation Measures (SAMMM) with a 15 year timeframe comprising increasing on-site presence, development of volunteering and education programmes, car parking and footpath management strategies, physical improvements to paths, implementation of a parking plan, way marking, interpretation and monitoring. These have been agreed with the Local Planning Authority partners.</p> <p>In relation to most housing developments in the District, funds collected via CIL to be allocated for these mitigation measures (set out in the SAMMM) will be sufficient to fulfil the Council’s obligations under the Habitat Regulations. So that element of Local Plan Policy CP5 which sets out that developments of 50 dwellings or more will be expected to provide additional on-site open space as part of the SAC mitigation strategy and that part of Policy CP13 which identifies SANGS as one element of the overall mitigation strategy will no longer be pursued.’</p>	
<p>4/Table/1-14 dwellings/after ‘Off Site Affordable Housing’</p>	<p><b>Insert:</b> ‘(NB. To be consistent with any national prescribed threshold for affordable housing contributions)’</p>	<p>To reflect national policy and guidance updates, set out in the National Planning Policy Framework and National Planning Practice Guidance.</p>
<p>4/Table/50+dwellings</p>	<p><b>Delete:</b> ‘On site open space provision for Cannock Chase SAC.’</p>	<p>To reflect updated guidance from Natural England.</p>

**ITEM NO. 12.16**

Appendix 2/Semi Natural Sites/NOTES	<b>Delete:</b> 'Potential smaller-scale new provision in relation to Cannock Chase SAC mitigation measures (on sites of 50 dwellings or more) to be provided via planning conditions/ obligations.'	To reflect updated guidance from Natural England.
Appendix 2/Green Corridors/NOTES	<b>Delete:</b> Potentially may form part of the open space provision for sites of 50 dwellings or more to mitigate impacts upon Cannock Chase SAC (see above).	To reflect updated guidance from Natural England.

**Developer Contributions and Housing Choices SPD****Contents****1. Introduction**

- 1.1. Purpose and scope of this document
- 1.2. Planning Policy, Legislative context and evidence base
- 1.3. Consultation

**2. The Council's Planning Contributions Framework**

- 2.1. Introduction
- 2.2. Planning Conditions
- 2.3. Community Infrastructure Levy
- 2.4. Planning Obligations and Highways Act Agreements
- 2.5. Relationships between Planning Contributions

**3. The Council's Approach to Planning Obligations**

- 3.1. Introduction
- 3.2. Affordable Housing (Housing Choices)
- 3.3. Open Space and Sports Facilities
- 3.4. Education
- 3.5. Transport
- 3.6. Biodiversity
- 3.7. Other Contributions
- 3.8. Process for seeking planning obligations
- 3.9. Viability considerations

**4. Summary of potential planning contributions****Appendix 1- Affordable Housing Contributions****Appendix 2- Open Space Standards**

## 1. Introduction

### 1.1. Purpose and scope of this document

This Supplementary Planning Document (SPD) sets out Cannock Chase District Council's approach to securing developer contributions from new developments that require planning permission (and for prior approval applications which raise specific issues in relation to the Habitat Regulations). It is aimed at all stakeholders in the development management process, including developers, agents, infrastructure providers and the general public. It seeks to provide a clear understanding of how funding for infrastructure or actual delivery of infrastructure will be achieved using Planning Obligations under Section 106 of the Town & Country Planning Act 1990 (hereafter referred to as Planning Obligations), agreements under Section 278 of the Highways Act 1980 and the Community Infrastructure Levy (CIL). The document also sets out the Council's approach in relation to the use of Planning Obligations to deliver affordable housing and the Council's preferences for affordable housing provision.

All new development has the potential to increase demand for local infrastructure and services. In order to ensure that development is sustainable it is crucial for planning proposals to contribute to infrastructure and services, such as transport links, open space and education, the need for which arises from both housing and all forms of commercial development. In Cannock Chase, the use of conditions attached to the grant of planning permissions and/or Planning Obligations and Highways Act agreements have helped ensure provision of the necessary infrastructure and services to support sustainable development. However, the introduction of a Community Infrastructure Levy (CIL) charging regime within the District will mean that some future contributions will be made in the form of CIL payments, rather than through Planning Obligations. This means there will be fewer developments requiring the completion of Planning Obligations in the future and more developments, from small to large, contributing to District-wide infrastructure needs via CIL.

This document therefore sets out the Council's approach to all forms of contributions to infrastructure to be delivered via planning processes and the relationship between them. The SPD provides the following information:

1. **Introduction**- provides an overview of the purpose and scope of the document, including its linkages to adopted planning policies, other SPDs and the supporting evidence base for the planning contributions framework in the District. It also provides an overview of the consultation process and its impact upon the evolution of the SPD.
2. **The Council's Planning Contributions Framework**- provides an explanation of each of the three types of contributions that the Council will seek in new developments to ensure sustainable development that accords with the Council's adopted planning policies. A discussion of each individual element is then concluded with an explanation of the relationship between them, particularly focusing upon the future interaction between CIL charges, Planning Obligations and also Section 278 agreements.
3. **The Council's Approach to Planning Obligations**- provides a more in-depth explanation of how Planning Obligations will be sought in relation to specific items of infrastructure. This includes the standards and levels of contributions that will be applied.

### 1.2. Planning Policy, Legislative Context and evidence base

The National Planning Policy Framework (NPPF, 2012) sets out the approach Local Planning Authorities should take to planning contributions in the context of both local plan making and development management decision making.

In relation to local plans, the NPPF (Para 173) states that “plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” This means that the Council needs to carefully consider the financial implications of its planning contributions policies so that the sustainable development needed in the District does take place.

In relation to specific Planning Obligations, the NPPF (Para 203-205) sets out a series of tests, in line with the CIL Regulations 2010 (as amended) which must be met in order for an obligation to be acceptable. These are discussed further in Section 2. It also refers to the need for Local Planning Authorities to be mindful of changing market conditions over time and take these into consideration when seeking obligations. In relation to planning conditions, the NPPF (Para 206) states that they “should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Local Planning Authorities are able to secure Planning Obligations via Section 106 of the Town and Country Planning Act (1990 as amended). Improvements to the highways network can also be secured via Section 278 of the Highways Act (1980). The Planning Act (2008) introduced the power for Local Planning Authorities to adopt a CIL charging regime. CIL Regulations were published in 2010 to provide the detail on implementation, and they have since been amended in 2011, 2012, 2013 and 2014. These CIL Regulations are discussed in more detail in Section 2 and in the Cannock Chase Council CIL Guidance for Applicants and Developers to accompany the CIL Charging Schedule. The national CIL Guidance (2014) sets out how the Local Planning Authority should take forward its CIL from the preliminary draft stage through to adoption.

The [Cannock Chase Local Plan \(Part 1\)](#) was adopted in June 2014 and it is the statutory development plan for the District. The Local Plan (Part 1) was subject to viability assessments, in accordance with NPPF requirements. This SPD is supplementary to the adopted Local Plan (Part 1) particularly Policies CP2, CP3, CP5, CP7, CP13 and CP16. It should be considered alongside the [CIL Charging Schedule](#) and the [Council's CIL Guidance for Applicants and Developers](#). This Developer Contributions and Housing Choices SPD replaces the former Developer Contributions SPD and Housing Choices SPD (both 2008), which are now both revoked. It forms part of the Districts' Local Development Framework (LDF) and will be a material consideration in the determination of planning applications.

The Council has recently adopted its CIL charging schedule, with CIL charges effective from the 1<sup>st</sup> June 2015. Evidence supporting the Local Plan (Part 1) and CIL charging schedule informs this SPD. This principally includes the following documents related to viability and infrastructure requirements:

- [Economic Viability Assessment of Future Development of Affordable Housing in Cannock Chase](#) (Adams Integra, September 2013)
- [Community Infrastructure Levy Non-Residential Viability Report](#) (Adams Integra, September 2013)
- [Update on the Economic Viability Assessment of Affordable Housing and CIL in Cannock Chase](#) (Adams Integra, July 2014)
- Various evidence base documents (including Appropriate Assessments; Open Space, Sports and Recreation Studies; Strategic Flood Risk Assessments; Staffordshire County Council Transport Strategies) supporting the infrastructure requirements for the District, as summarised in the Infrastructure Delivery Plan (May, 2014).

The Council is now producing its Local Plan (Part 2) to set out any further detailed planning standards required and to identify site-specific allocations, including a review of the Green Belt. As the Local Plan (Part 2) progresses along with new evidence base documents, the content of this SPD will be kept under review and updated as necessary.

### 1.3. Consultation

Consultation for this SPD has been undertaken in accordance with the Council's adopted Statement of Community Involvement (SCI, 2014). The Draft SPD was informed by preliminary, informal consultation with key relevant stakeholders including the County Council and infrastructure service providers in Cannock Chase Council. Members of the District's Strategic Housing Land Availability Assessment (SHLAA) Panel, which includes development industry representatives (house builders and land agents), were also invited to comment on the emerging document prior to a draft SPD being issued for consultation.

Formal public consultation on the draft SPD was undertaken for a six week period between Friday 8<sup>th</sup> August 2014 and Friday 19<sup>th</sup> September 2014. The 'Consultation Statement' which accompanies this adopted SPD sets out a summary of the formal consultation process undertaken including issues raised and how comments received have influenced the final version of this SPD.

## 2. The Council's Planning Contributions Framework

### 2.1. Introduction

This section sets out the three types of planning contributions that will be sought under Cannock Chase Council's framework. It sets out the Council's general approach in order to provide clear guidance to applicants and stakeholders. It also addresses the relationship between CIL and Planning Obligations.

### 2.2. Planning Conditions (development and project specific)

Planning conditions are requirements placed on the grant of planning permission by Local Planning Authorities in order to make the relevant development acceptable in planning terms. The conditions must be satisfied in order for the development to go ahead, however they can not be used to secure financial contributions; these must be addressed via a separate Planning Obligation completed before a planning permission is issued (see below). Such conditions may cover issues such as:

- on-site flood risk mitigation solutions specifically related to the development;
- site specific archaeological or biodiversity issues e.g. being required to undertake; archaeological or wildlife surveys and implement mitigation proposals, if necessary;
- the appearance of the development or the timing of the provision of infrastructure on site;
- site specific improvements e.g. the remediation of any contaminated land.

These planning conditions readily operate alongside the CIL and Planning Obligations processes and will be utilised to respond to site/scheme specific circumstances. Planning conditions may be also used in tandem with a Planning Obligation to specify timescales for the delivery of items of infrastructure in order to appropriately phase new development alongside the infrastructure required to support it. In accordance with national legislation and guidance, the impact of planning conditions on a development's overall viability will be taken into account (see 'Viability Considerations' below).

### 2.3. Community Infrastructure Levy (CIL- District wide)

The CIL sets out standard charges which will be levied on many residential and larger retail schemes within the District. The levy is charged on the basis of pounds per square metre of floorspace. It can be spent on the provision of new or improved infrastructure, the ongoing maintenance and replacement of infrastructure, which is required to support development within the District. It should not be used to remedy pre-existing deficiencies in infrastructure unless those deficiencies will be made worse by the new development. Infrastructure is defined in the CIL Regulations (2010 as amended) as "*roads and other transport facilities, flood defences, schools and other education facilities, medical facilities, sport and recreation facilities and open spaces.*" It does not include affordable housing. The infrastructure to be funded via CIL is set out within the Council's CIL Regulation 123 list, and any items on this list will not be funded via any new Planning Obligations (discussed further below).

The CIL will largely replace the system of 'pooling' contributions from various Planning Obligations e.g. in the past the Council has combined the financial contributions from separate developments to fund a single item of infrastructure such as a play area or a school extension. As discussed further below, this system of 'pooling' will be much more limited in the future.

The Council's CIL Charging Schedule has been adopted and CIL charges are effective from 1<sup>st</sup> June 2015. The Council has produced a CIL guide to support implementation and this should be referred to for further information on the CIL. This guide contains information on the Council's process for seeking and securing CIL charges, including phasing payment plans, exemptions and enforcement. It also covers provisions for

'in-kind' payments i.e. where a developer effectively 'pays' their CIL charge liability via an item of infrastructure or land to accommodate infrastructure.

#### 2.4. Planning Obligations and Highways Act agreements (development and project specific)

Planning Obligations under Section 106 (of the Town and Country Planning Act 1990 as amended) are either legal agreements between the Local Planning Authority and developers/landowners or Unilateral Undertakings offered by developers/landowners, usually completed in the context of determining planning applications. These Obligations enable a development to be made acceptable in planning terms where required, beyond the scope of planning conditions. They typically cover issues related to the securing of financial contributions towards affordable housing and infrastructure provision, such as education, transport and open spaces. Section 278 (of the Highways Act 1980) provides for the completion of agreements which relate specifically to the securing of improvements to the highway network arising from the needs of new developments. These are typically completed after the grant of planning permission but the requirement for them is identified either in planning conditions or Planning Obligations. In the local context these agreements are made between Staffordshire County Council and/or the Highways Agency, as the relevant Highways Authorities, and developers.

Planning Obligations must conform to the tests set out in the NPPF and the CIL Regulations. The NPPF and the CIL Regulations (2010 as amended) contains three statutory tests for the appropriate use of planning obligations. The obligations must be:

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

The CIL Regulations (2010 as amended) also specify that Planning Obligations from a maximum of five planning permissions can be combined together and used towards any particular project ('pooled' contributions). This provision will come into force for all Local Planning Authorities from April 2015, or from the adoption date of their CIL charging regime (whichever is the earlier- the 'relevant date') and the starting date for counting completed Obligations for this purpose is April 2010. If more than five Obligations have been completed before the 'relevant date', that is not a problem, but if fewer than five have been completed at the 'relevant date', then the overall limit of five must not be exceeded by the completion of more Obligations. However, this pooling restriction does not apply to Section 278 agreements, only Planning Obligations.

Generally, this means that Planning Obligations will now mainly be reserved for addressing site-specific issues not covered by CIL-funded items of infrastructure; this will typically be in relation to larger scale development sites which create and can 'consume' their own infrastructure requirements independent of wider District needs. Where a number (five or fewer) of medium-larger scale developments occurring in a part of the District generate a similar, cumulative larger-scale need then the use of Planning Obligations will still be considered. They will also continue to be used for small-medium scale developments to address site-specific issues, where necessary. The District wide needs arising from the cumulative impacts of small-medium developments will be addressed via CIL. This is in conformity with the current NPPG which sets out that whilst 'tariff-style' contributions can not be sought from residential developments of 10 units or less planning obligations can still be sought in order to address site-specific infrastructure needs, where this is required to make the development acceptable in planning terms.

Subject to the above restrictions, Planning Obligations are therefore to be used:

- To secure delivery of infrastructure on or in the vicinity of the development site.

- To provide land to enable infrastructure to be delivered on it, which is provided by other funding mechanisms.

Where necessary, they may also exceptionally be used for non-financial purposes where the desired outcome can not be achieved via planning conditions e.g. controlling the use of land.

Planning Obligations can be secured in the following ways:

- In-kind payments: where the developer builds or directly provides the matters necessary to fulfil the Obligation i.e. builds a school on site and/or provides the land for that school to be built on.
- One-off payments and/or phased payments to enable the infrastructure to be built/maintained/managed to continue to meet agreed standards usually in the medium-longer term.
- Pooled financial contributions to infrastructure: as discussed above, these are now restricted but can still be used within the CIL Regulation provisions. Pooling financial contributions to affordable housing is not subject to these restrictions as affordable housing does not fall within the definition of infrastructure.

Prior approval applications cannot normally be subject to Planning Obligations, in accordance with national legislation. However, in Cannock Chase District there is a specific issue in relation to biodiversity protection (discussed further in section 3.6) which means that whilst schemes approved under the prior approval process will not be subject to a Planning Obligation, they will still need to make a financial contribution via a separate application made under the Habitat Regulations, the requirements of which take precedence over any other planning requirements.

#### 2.5. Relationships between Planning Contributions

The CIL Regulations and Guidance clearly set out that the operation of CIL and Planning Obligations as part of an overall contributions framework should not lead to the 'double charging' for infrastructure items i.e. developers/landowners should not be paying for the same items of infrastructure twice via a CIL charge and a Planning Obligation and/or a Section 278 agreement. In order to ensure this, any items on the Council's Regulation 123 list can only be funded by CIL (or other non-developer related funds such as government grants) and not any new Planning Obligations and/or Section 278 agreements.

Therefore the Council will only seek planning obligations in relation to the following:

- Affordable housing
- Infrastructure which is required as a result of a specific development (and not included on the CIL Regulation 123 list)
- Commuted sums for the maintenance of facilities/infrastructure that the developer would like another body to adopt e.g. open space provided on site
- Mitigating the site-specific impacts of development (e.g. relating to biodiversity, archaeological or transport issues).

These items are discussed in further detail in Section 3.

### 3. The Council's Approach to Planning Obligations

#### 3.1. Introduction

Section 2 provides an overview of how and when Planning Obligations can be generally sought. This section addresses in more detail specific types of infrastructure and sets out how and when Planning Obligations will be applied. The Council will seek Planning Obligations primarily in relation to affordable housing for all sites (see further detail below). Site and scheme specific issues related to open space, sports and recreation facilities; education; transport; and biodiversity will also be considered as a priority. However, other site and scheme specific issues will continue to be addressed via obligations, where required.

This section also sets out the process for seeking Planning Obligations and the Council's approach to viability considerations. Overall, this section outlines that all schemes are potentially subject to site and project specific planning conditions, where these do not entail a direct financial contribution. All proposals are also potentially subject to Planning Obligations, in addition to CIL charges. Schemes that are subject to more extensive Planning Obligations will be able to apply for CIL relief as per the Council's relief and exceptions policy, if there are viability concerns.

#### 3.2. Affordable Housing (Housing Choices)

Within the current legislative context, affordable housing provision remains subject to specific Planning Obligations. Policy CP7 of the Local Plan (Part 1) states that the Council will seek to address a net annual need for 197 affordable dwellings via a variety of measures. Affordable housing is defined in the NPPF as comprising social rented, affordable rented and intermediate housing (see Appendix 1 for more detail).

It is the Council's intention:

- To seek 20% affordable housing on commercial house builder sites of 15 or more dwellings, subject to the viability of individual sites.
- To seek a financial contribution on sites under 15 units as an alternative to on-site affordable housing provision and in exceptional circumstances on sites of 15 or more units. The contribution will be calculated in accordance with the formula set out in Appendix 1. The funds received would be ring fenced for affordable housing and used to provide funding assistance to other schemes and address priority needs.

Financial contributions from sites under 15 units will be sought in line with any nationally prescribed threshold for seeking such contributions.

The Council will expect 80% of the 20% affordable housing requirement to be social rented housing and the remaining 20% to be intermediate housing.

The Council will require the following size mix of new affordable housing on each development site, rounded to the nearest whole number of units. The preferred housing mix has been determined by Cannock Chase Council's Housing Management Team and is based on information on the needs of applicants from the Cannock Chase Homes Lettings Data.

- 1 bed = 10%
- 2 bed = 60%
- 3 bed = 25%
- 4 bed = 5%

The affordable housing provision should be pepper-potted throughout the development and be indistinguishable from the market housing. The timing of the completion of the affordable homes will be agreed as part of a schedule for the development. The 'national space standards' will be used to guide the Council's design requirements for its own development schemes (as part of the tendering process). The Council will consider the application of these standards to all affordable housing schemes via policies in Local Plan (Part 2). Grant funded schemes will need to accord with any design requirements set by the Homes and Communities Agency.

It is expected that the affordable housing will normally transfer to a Private Registered Provider of Social Housing and that the units will be allocated to those with a local connection to Cannock Chase.

Policy CP7 sets out that the Council will keep under review the overall target for affordable housing provision on commercial house builder sites. The Council will annually monitor changes in market conditions to inform a preliminary assessment of whether or not the target may require review. Should the Council conclude that a review is appropriate then this will be undertaken via a full, refreshed economic viability assessment which takes into account the adopted CIL charging rate and other costs, including Planning Obligations. Should this updated assessment indicate that a change to the affordable housing target is appropriate the Council will then consult upon an updated Developer Contributions and Housing Choices SPD (and the revised economic viability assessment evidence) which incorporates the revised target. The consultation and adoption process for the revised SPD will follow national regulation requirements.

### 3.3. Open Space and Sports Facilities

Policy CP5 of the Local Plan (Part 1) states that developer contributions will be sought towards the provision of open space, sport and recreation (OSSR) facilities in line with standards set out in a SPD. The standards taken forward in this SPD in order to inform potential planning obligation requirements are taken from the evidence base which supported the Local Plan (Part 1) and have informed the Council's Infrastructure Delivery Plan and CIL Regulation 123 List. These standards are set out within Appendix 2.

The majority of larger scale OSSR projects serving wider than localised needs will be funded via CIL e.g. the provision of sports pitches. Smaller scale projects within the District may also be funded via CIL e.g. improvements to a local play area required as a result of numerous small-medium scale developments occurring within its vicinity. However, all development schemes will still need to consider their sustainable design in terms of accommodating and maintaining on-site green infrastructure to create attractive environments (i.e. quality landscaping schemes) which will typically be secured via the development design and/or planning conditions. Schemes should have regard to the standards within Appendix 2 and design guidance set out within the District's forthcoming Design SPD. If necessary, Planning Obligations will be utilised particularly if the developer/landowner wishes for the Council to provide and/or maintain any open spaces provided on site. This may also be relevant where there are complementary issues related to biodiversity or other matters (see Sections 3.6 and 3.7).

Larger scale development schemes may give rise to the need for further on-site facilities in order to meet the needs generated by that development (in line with the Council's open space standards- see Appendix 2). The Council will generally expect proposals of 100 dwellings or more to provide for on-site formal play provision for young people (play areas and complementary amenity space) in order to meet the needs generated by that development. The exact nature of the on-site provision required will take into account the nature of the development (including site constraints), the proximity and quality of existing play provision. If the development site lies within the catchment of existing play space which can be enhanced to meet the development needs, then an equivalent financial contribution via a Planning Obligation may be sought for the Council to provide this infrastructure (where this is consistent with the Council's CIL Regulation 123 list).

The following methodology provides an indicative example of the space requirements and cost of the facility that a development of 100 dwellings or more would be required to provide:

1. No. of dwellings x average CCDC (2011 Census) dwelling occupancy rate of 2.4 = No. of persons to be provided for.
2. No. of persons to be provided for x amount of space required per person (based on Appendix 2 standards this is 0.000725ha of play and amenity space) = amount of land to be provided for on-site facilities (rounded to nearest 0.1ha).

If an off-site contribution to enhance an existing play area to serve the catchment of the development is requested in lieu of on-site provision, this is then calculated:

3. Cost per 0.1ha of amenity/play space x no. of ha required = Equivalent cost of off-site provision (including maintenance costs for 20 years)

*Worked example: Site of 100 dwellings*

1. *100 dwellings x 2.4 = 240 persons to be provided for*
2. *240 x 0.000725ha = 0.174ha, rounded up to 0.2ha of land for on-site play and amenity spaces (broadly equivalent to the minimum required size of a Local Equipped Area of Play, including buffer zones- see Appendix 2)*
3. *£60,873 (per 0.1ha-2014 indicative rate) x 2 (0.2ha required) = £121,745 off-site contribution*

The current indicative rate of off-site contributions will be kept under review by the Council and costs will be considered on a case by case basis to reflect the specific circumstances of the scheme. The figure will be index-linked according to the year planning permission is granted by using the same index linking formula for CIL rates (see Cannock Chase Council CIL Guidance for Applicants and Developers, Section 8). Any more substantive updates to the costs outside of index-linking will be considered via an updated economic viability assessment in tandem with the process for reviewing affordable housing requirements (see section 3.2 above).

Whilst the provision of other elements of more strategic open space provision including formal playing pitches and allotments will now generally be funded via CIL receipts, the Council may seek to deliver these items on large scale development sites. This could involve a Planning Obligation or the payment of the development's CIL obligation 'in-kind' via the provision of land on the site to accommodate the infrastructure. Outside of CIL-funded projects, where the site or development specific issues of a large scale development give rise to the need for formal playing pitches or allotments (which have not been identified on the Council's CIL Regulation 123 list) then the Council may seek Planning Obligations accordingly.

### 3.4. Education

Staffordshire County Council is the Local Education Authority for the District and it has a statutory duty to provide sufficient school places for children who are of school age and whose parents want their child educated in the state sector. The County Council has produced an Education Planning Obligations Policy Document. This has informed the County Council's analysis of education infrastructure requirements within Cannock Chase District. The District Council has worked closely with the County Council to inform assessments of education infrastructure needs arising from new developments being planned in the District up to 2028.

Previously education Planning Obligations have been considered for developments of 7 dwellings or more or on a site greater than 0.2ha, in line with the County Council Policy Document. However, as discussed below it is now envisaged that education Planning Obligations will be reserved for use in relation to medium-large scale sites. CIL funds will generally be used to contribute to addressing the cumulative impacts of the majority of small-medium developments planned in the District. The District and County Councils have worked together to produce the CIL Regulation 123 List, which identifies a number of education infrastructure items to be eligible for CIL funding.

In addition to CIL funding, there may be the need for larger sites to contribute to the education infrastructure demands generated by that specific development via separate Planning Obligations. The Council may also utilise Planning Obligations where there are a number of medium-large developments occurring within proximity of one another, generating a related larger-scale need for additional education provision. The Council will adhere to the CIL Regulation requirements in these instances i.e. by ensuring any education infrastructure item to be provided has not already been identified for funding via CIL; that the obligations meet the statutory tests; and that no more than five separate Planning Obligations are secured for the same item of infrastructure. These obligations may include both land purchase costs if required to develop a new school/extensions (or a contribution in-kind of land on the development site, if practicable) and the actual cost of providing a new school.

Education contributions via Planning Obligations will not be sought for specialist older persons housing schemes, and developments consisting purely of one and two bedroom flats will normally be excluded on the basis that they generate a low rate of child occupancy. To calculate the financial contribution to be sought under separate Planning Obligations please consult the most up to date Staffordshire County Council Education Planning Obligations Policy Document. It provides the basis for calculating likely education contributions and enables indicative figures to be provided to developers – without undertaking an exhaustive analysis- and is particularly helpful at enquiry and pre-application stages. Figures produced in 2008/9 set out the following standard charges (please see Staffordshire County Council for up to date costs at the time of the planning application).

Phase of Education	Pupil Spaces Per 100 eligible dwellings	Cost per pupil place*
Early Years/Nursery Provision	3	£11,031
Primary	21	£11,031
Secondary	15	£16,622
Sixth Form	3	£18,027

\*The cost per pupil place is worked out by the DCSF and takes into account the Staffordshire weighting.

It should be noted that where a project has been identified to mitigate the impact of development(s) the full cost of delivering the project will be met, relative to the size of development. This will include, where applicable, the necessary additional land, access and relevant services.

### 3.5. Transport

New development often creates a need for better transport infrastructure and access improvements to support the additional number of trips that will be generated to and from it. There is also a need to mitigate impacts arising from increased levels of travel e.g. reducing air pollution; this is a specific issue within Cannock Chase District where parts of the A5 at Bridgtown are a designated Air Quality Management Area (AQMA).

The District Council has worked closely with Staffordshire County Council as the Local Transport Authority and the Highways Agency (as the responsible agency for the trunk road network, which in Cannock Chase relates to the A5) to inform assessments of transport infrastructure needs arising from new development being planned in the District up to 2028. This infrastructure will help to secure a more sustainable transport

network into the future, including improvements to environmental quality. Policy CP10 of the Local Plan (Part 1) sets out local transport requirements and related Local Transport Packages which will be delivered in conjunction with the District's development proposals. The Cannock Chase District Integrated Transport Strategy is the overarching evidence base for transport related matters, setting out how developments will fit into the strategic transport network, and what mitigation may be required.

New developments of all scales must consider their relationship to the existing highway network and ensure that any immediate improvements required (i.e. primary access to the site) form an integral part of the overall design of the development and are acceptable to the Highways Authority (Staffordshire County Council, or in the case of a trunk road the Highways Agency). These issues will be covered by planning conditions where necessary.

If there are other site and development specific issues these should also form part of the design where possible e.g. a development with the potential to impact upon the sensitive air quality of the AQMA along the A5 may need to provide appropriate mitigation measures. Policy CP10 of the Local Plan (Part 1) refers to need for new commercial and residential developments (over 200 dwellings) to provide segregated cycle routes and retail developments of over 2,500 sq.m and major employment sites to provide cycle parking facilities. If necessary, such requirements will be secured via planning conditions or Planning Obligations.

Where a new development (typically a larger scale scheme) gives rise to a specific, localised improvement which goes outside the remit of a planning condition i.e. requiring financial contribution, then the Council will utilise Planning Obligations and Section 278 agreements, as appropriate. Section 278 agreements are specifically related to transport improvements and they are made with Staffordshire County Council or the Highways Agency. Where there are a number of medium-larger developments occurring within proximity of one another, generating a related need for specific transport infrastructure provision, Planning Obligations will not exceed the five development pooling limit (Section 278 agreements are not subject to this pooling limit). Where financial contributions are secured via new Planning Obligations or Section 278 agreements they will not be used towards any projects on the CIL Regulation 123 list.

Where specific requirements are to be secured via planning conditions and/or planning obligations, this may relate to a Travel Plan for the development. A Travel Plan will be required to be submitted as part of a planning application where a development proposal is likely to have significant transport implications (particularly with respect to pollution, congestion or the character of the area) or generate a significant amount of car travel (potential resulting in the need to promote sustainable transport measures e.g. provision of bus passes). This relates to Policy CP10 of the Local Plan (Part 1). New development also has a wider, less direct and cumulative impact i.e. increased demand for train or bus services (and associated facilities including stations) and on the overall highway network capacity. Such cumulative infrastructure requirements, the need for which arises from all developments of various scales across the District, will be addressed via CIL funds. The District and County Councils have worked jointly to identify such items and there are a number of transport projects on the CIL Regulation 123 List.

### 3.6. Biodiversity

Local Plan (Part 1) Policy CP13 sets out the need for all developments to contribute towards the mitigation of adverse impacts upon the Cannock Chase Special Area of Conservation (SAC). This will be achieved via a range of measures including both CIL funded projects and site specific Planning Obligations, where applicable.

The majority of Cannock Chase SAC mitigation measures will be addressed via CIL funds collected from all residential developments (in use class C3, with the exception of affordable housing) across the District. However, where a site is in close proximity to the SAC and/or is proposing any other use (e.g. residential caravans/mobile homes; tourist accommodation) which has the potential to impact upon the SAC, then site

and scheme specific SAC issues will be addressed via Planning Obligations where necessary (and where this is consistent with the CIL Regulation 123 list).

Given the nature of the Cannock Chase SAC (in that it is a site protected by Habitat Regulations, which take precedence over all other legislation) prior notification developments, such as the conversion of offices to dwellings, will also still be subject to SAC mitigation measures contributions via separate applications made under the Habitat Regulations (Regulation 75 of the Conservation of Habitats and Species Regulations, 2010). This will be advised of alongside a prior notification approval issued by the Council.

Since adoption of the Local Plan (Part 1) in June 2014, Natural England's advice to the partnership of Local Planning Authorities<sup>2</sup> on the subject of mitigating the adverse effect of developments planned within the acknowledged zone of influence, which could otherwise threaten the integrity of the SAC, has changed. The original focus of the advice was that a combination of habitat and visitor management measures in and around the SAC, plus provision of large areas of Suitable Alternative Natural Green Spaces (SANGS) together with smaller targeted open spaces on medium sized housing developments of 50+ dwellings was required. As a result of further analysis and discussions with the two main landowners of the SAC and its surroundings (Staffordshire County Council and the Forestry Commission) Natural England has produced a set of Strategic Access Management and Mitigation Measures (SAMMM) with a 15 year timeframe comprising increasing on-site presence, development of volunteering and education programmes, car parking and footpath management strategies, physical improvements to paths, implementation of a parking plan, way marking, interpretation and monitoring. These have been agreed with the Local Planning Authority partners.

In relation to most housing developments in the District, funds collected via CIL to be allocated for these mitigation measures (set out in the SAMMM) will be sufficient to fulfil the Council's obligations under the Habitat Regulations. So that element of Local Plan Policy CP5 which sets out that developments of 50 dwellings or more will be expected to provide additional on-site open space as part of the SAC mitigation strategy and that part of Policy CP13 which identifies SANGS as one element of the overall mitigation strategy will no longer be pursued.

Beyond the Cannock Chase SAC, site specific issues related to on or near site biodiversity considerations may be addressed via Planning Obligations, as appropriate. For instance, mitigation and compensation measures for the loss of a local wildlife site as set out in Policy CP12 of the Local Plan (Part 1).

### 3.7. Other Contributions

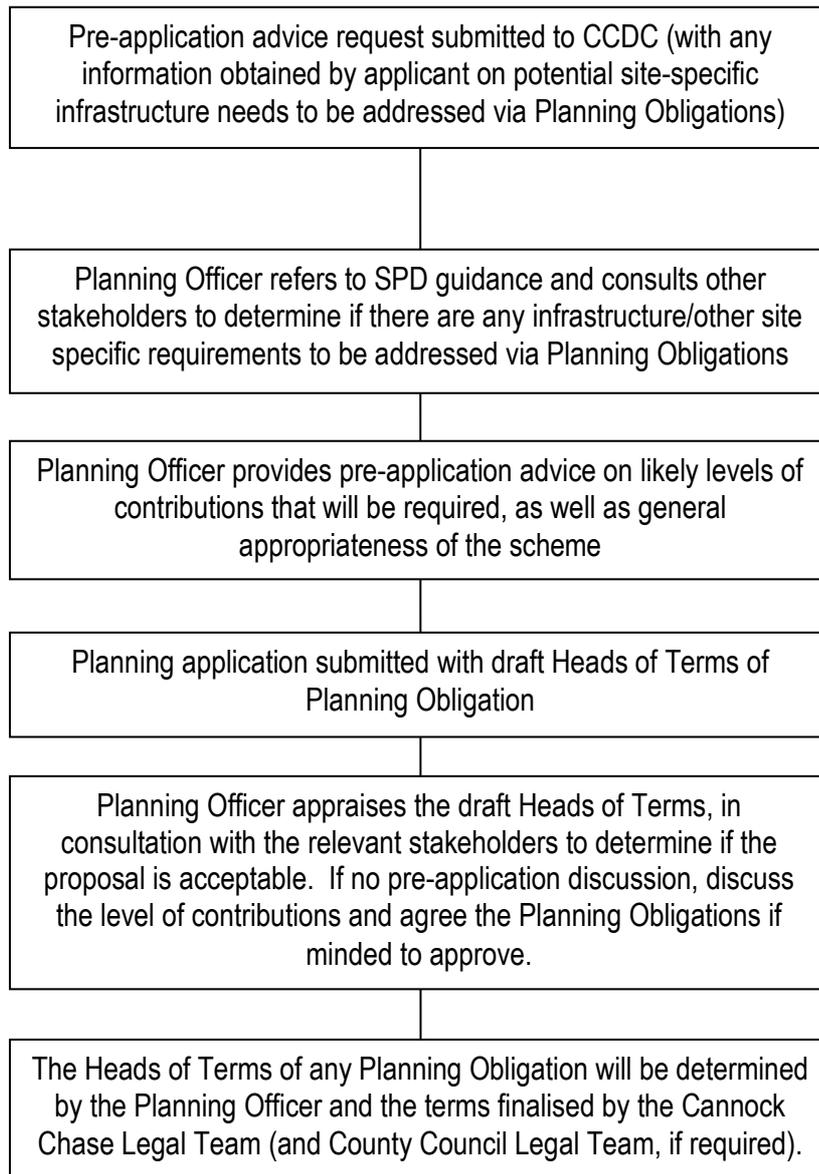
In response to site and scheme specific issues, the Council will consider the use of Planning Obligations in order to make a proposed scheme acceptable in planning terms, related to Local Plan policies. This may include items of infrastructure not referred to in detail above such as flood risk mitigation; town centre improvements; health facilities; community facilities; crime and safety measures; and heritage assets. The impact of these additional contributions upon the economic viability of a proposed development scheme will be considered, in accordance with Local Plan (Part 1) Policy CP5 and the process set out below.

### 3.8. Process for seeking Planning Obligations

Developers are advised to enter into discussions with the District Council (and other infrastructure providers e.g. the County Council) as early as possible in order for the potential scope of Planning Obligations to be assessed i.e. prior to a scheme being finalised or an application being submitted.

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<sup>2</sup> Cannock Chase District Council; South Staffordshire District Council; Stafford Borough Council; Lichfield District Council; East Staffordshire Borough Council; Walsall MBC; Wolverhampton City Council.



The Council will recoup its legal costs which are associated with the drafting and/or reviewing of any Planning Obligations from the applicant. Matters related to the triggers for payments; triggers for review and inflation will be contained within the individual Planning Obligation (these matters in relation to CIL will be governed by national and local guidance).

### 3.9. Viability Considerations

CIL charges are non-negotiable unless a specific request is made for relief in accordance with the Council's relief and exceptions policy. The Council's CIL guidance clearly sets out the circumstances where this can be applied and the process for applicants.

Planning Obligations are negotiated on a case by case basis. Where a developer/landowner believes that viability is an issue in relation to a specific Planning Obligation, applicants will need to make a submission to the Council which should include the following:

- i. A financial viability appraisal

- ii. A statement outlining the benefits and risks of not meeting all of the policy requirements and the site being delivered immediately. This statement should set out the applicants proposed approach to address viability issues arising i.e. if they are seeking deferment, phasing or discounting of the Planning Obligations.

The financial viability appraisal should be commissioned and paid for by the applicant. However the commissioning of the appraisal should be firstly agreed with the Council, including the scope of the appraisal and the person(s) appointed to undertake it. The Council may seek further independent advice to review the financial appraisal submitted. The viability appraisal is an 'open book' assessment which should include the following information as a minimum:

- Existing use values
- Proposed use values (sales and rental)
- Demolition and construction costs
- Finance and marketing costs
- Assumed yield
- Site abnormalities
- Development and sales phasing/timetable
- Likely CIL charge showing payments required in accordance with the Council's instalments policy.

Based on this submission, and any other relevant evidence, the Council will consider a deferred or phased Planning Obligation in the first instance. If the deferment or phasing of payments would not address the viability issues, then clearly justified discounts will be considered. In considering any deferment, phasing or discount it must be clearly demonstrated that this would not make the development unacceptable in planning terms. If the Council alters the Planning Obligations sought on viability grounds a clause will be built into the Section 106 agreement which requires a review of the viability situation unless the development is completed within an agreed timeframe.

#### 4. Summary of potential planning contributions

The following table provides a summary of the potential planning contributions required by type and scale of development.

Type of development scheme	Standard CIL Charge	Potential Planning Obligations (Section 106 or 278 agreements)
Residential extensions	No	Mitigation of specific impacts if required
1-14 dwellings	Yes- £40sqm	Off site affordable housing (NB. To be consistent with any national prescribed threshold for affordable housing contributions) On-site green infrastructure provision Mitigation of specific impacts if required
15-49 dwellings	Yes- £40sqm	On-site affordable housing Other development specific infrastructure (where need created mainly by the development) e.g. education, transport, green infrastructure provision Mitigation of specific impacts if required
50+ dwellings	Yes- £40sqm	On-site affordable housing Formal play provision on sites of 100+ dwellings Other development specific infrastructure (where need created mainly by the development) e.g. education, transport, green infrastructure provision Mitigation of specific impacts if required
200+dwellings	Yes- £40sqm	As for 50+ dwellings Cycle routes
Retail development up to and including 280m <sup>2</sup>	No	Mitigation of specific impacts if required
Retail development of more than 280m <sup>2</sup> (In town centre- A1 Foodstores only. Out of town centre- all A1)	Yes- £60sqm	Mitigation of specific impacts if required Other development specific infrastructure (where need created mainly by the development) e.g. road improvements, cycle routes. All developments over 2,500m <sup>2</sup> to provide cycle parking facilities.
Other types of development (including town centre non-food retailing, business, industrial, leisure, hotels, schools etc)	No	Mitigation of specific impacts if required Other development specific infrastructure (where need created mainly by the development) e.g. road improvements, cycle facilities provision, cycle routes

All schemes are potentially subject to site and project specific planning conditions, where these do not entail a direct financial contribution. All proposals are also potentially subject to Planning Obligations, in addition to CIL charges. Proposals that are subject to more extensive planning obligations will be able to apply for CIL relief as per the Council's relief and exceptions policy. All proposals (including prior approval applications) will potentially be subject to consideration of Cannock Chase SAC contributions (see section 3.6).

## Appendix 1 – Affordable Housing Contributions

The NPPF defines affordable housing as the following:

*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.*

### Formula for below 15 dwelling developments

The formula to be used for calculating contributions from sites below 15 dwellings is extracted from the Council's evidence base report 'Economic Viability Assessment of Future Development of Affordable Housing in Cannock Chase' (2014, Adams Integra). The financial contribution is calculated via the following steps:

- a. Gross development value of each house type (GDV).
- b. Multiply by the Residual Land Value (RLV) percentage. For Cannock Chase, the figure is determined as 18% (see para 3.7.15 of the above report).
- c. Add 15% to the result of [a x b] to reflect (as an estimate) site acquisition and preparation/servicing costs.
- d. Apply to the relevant dwelling numbers and types, and to the equivalent affordable housing policy proportion – 20%.

To further illustrate the principle, the following is a worked example:

Example – Scheme of 3 x 3 bed houses

- a. Open Market Value (OMV used as GDV) of 3 bed house at Value Point 3 = £160,000
- b. Multiply by the RLV percentage (18%) = £28,800

- c. Add 15% on-costs = £33,120
- d. Apply affordable housing equivalent proportion 20% = £6,624
- e. Multiply by no. of units (3)
- f. Financial contribution payable = £19,872

**Appendix 2 Open Space Standards (extracted from Open Space Assessment 2009, CCDC) and Minimum Required Sizes of Local and Neighbourhood Equipped Areas of Play**

<b>PPG17 Typology</b>	<b>Quantity</b>	<b>Quality and Value</b>	<b>Accessibility</b>	<b>NOTES</b>
<b>Parks and Gardens</b>	Maintain current level of provision of 0.43ha per 1,000 population as a minimum	Maintain 'good' quality and 'high' value as a minimum, with aspiration for all parks to be 'very good'.	Improve provision in relation to recommended distance of 740metres (to a 'good' quality park)	Further new quantitative provision over plan period unlikely given nature of sites. Improvements (including extensions) and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes (see also Provision for Young People).
<b>Semi Natural Sites</b>	Maintain current level of provision of 6.2ha per 1,000 population as a minimum but look to improve accessibility by increases in quantity	Maintain 'good' quality and 'medium' value as a minimum, with aspiration for all semi-natural sites to be 'very good'.	Improve provision in relation to recommended distance of 480metres (to a 'good' quality site).	Further large scale quantitative provision over remainder of plan period unlikely given nature of sites. District-wide improvements and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes.
<b>Green Corridors</b>	No recommended standard	Maintain 'good' quality and 'medium' value as a minimum, with aspiration for all green corridors to be 'very good'.	As a guide, improve provision in relation to recommended distance of 480 metres (to a 'good' quality site).	To be provided as part of good quality landscaping schemes for all developments, as appropriate.
<b>Provision for Young People</b>	Achieve standard of 0.045ha per 1,000 population	Maintain 'good' quality and 'medium' value as minimum, with aspiration for all play areas to be 'very good'.	Improve provision in relation to recommended distance of 370 metres (to a 'good' quality LAP/LEAP site) and 740	Sites of 100 dwellings or more to provide on-site provision secured via planning conditions/ obligations. May be secured via off-site provision/improvements where consistent with CIL funding. Provision,

PPG17 Typology	Quantity	Quality and Value	Accessibility	NOTES
			metres (to a 'good' quality NEAP/MUGA)	improvements and maintenance to meet cumulative needs arising from other developments to be met via CIL funds.
<b>Amenity Green Space</b>	As a guide, maintain current levels of provision at 0.68ha per 1,000 population of housing amenity space as a minimum and recognise importance of sites with more visual value	Maintain 'good' quality and recreation value as minimum, with aspiration for all amenity areas to be 'very good'.	Improve provision in relation to recommended distance of 370metres (to a 'good' quality housing amenity space that is of recreational value- as a guide 0.2ha).	To be provided as part of good quality landscaping schemes for all developments, as appropriate. Sites of 100 dwellings or more to provide full on-site provision in conjunction with provision for young people, secured via planning conditions/obligations. May be secured via off-site provision/improvements where consistent with CIL funding. Provision, improvements and maintenance to meet cumulative needs arising from other developments to be met via CIL funds.
<b>Allotments</b>	Increase quantity in line with District requirements (to be informed by demand statistics). As a guide, a target of 0.065ha per 1,000 population of allotment space should be achieved	Maintain 'good' quality and 'high' value as minimum, with aspiration for all allotments to be 'very good'.	Improve provision in relation to recommended distance of 2 miles	Provision, improvements and maintenance to be largely funded via CIL or via site-specific S106 agreements for larger development schemes.
<b>Outdoor Sports Grounds</b>	To be addressed via Playing Pitch and Indoor	To be addressed via Playing Pitch and Indoor	To be addressed via Playing Pitch and Indoor	Provision, improvements and maintenance to be largely funded via CIL or via site-specific S106

PPG17 Typology	Quantity	Quality and Value	Accessibility	NOTES
	Facilities Assessment	Facilities Assessment	Facilities Assessment	agreements for larger development schemes.
<b>Church/ Cemetery</b>	Increase quantity in line with District requirements for burial spaces	Maintain 'very good' standard and 'high' value as a minimum.	No recommended standard for distance/travel times	To be addressed via CIL funds.
<b>Civic Space</b>	No recommended standard	Maintain 'very good' standard and 'high' value as a minimum.	No recommended standard for distance/travel times	Need for enhancements to any civic space to be considered as part of site-specific issues. Improvements and maintenance to be largely met via CIL funds.

**Minimum required size for a Local Equipped Area for Play (LEAP)** = Minimum size of activity zone (400m<sup>2</sup>) + 10m buffer from activity zone to nearest dwelling = **1,600m<sup>2</sup> (0.16ha)**

**Minimum required size for a Neighbourhood Equipped Area for Play (NEAP)** = Minimum size of activity zone (1,000m<sup>2</sup>) + 30m buffer from activity zone to nearest dwelling = **8,100m<sup>2</sup> (0.8ha)**

These minimum requirements are drawn from the National Playing Fields Association recommended standards (now the Fields in Trust)