

FORM 1

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Cllr Marcus Hart, as Strong Leader, delegate the decision, draft Planning Obligations Supplementary Planning Document (SPD) consultation, as detailed in the Forward Plan to the Cabinet Member detailed below:

Cabinet Member for Planning and Economic Regeneration

Dated:

22nd December, 2015.

Signed:

M2

Leader of the Council

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me / by the Leader (delete as appropriate), I have made the following decision:

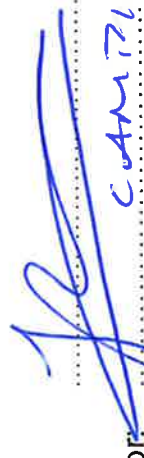
Subject	Decision	Reason for decision	Date for Decision to be taken
Draft Planning Obligations Supplementary Planning Document (SPD)	That the draft Planning Obligations SPD is approved for public consultation for six weeks from 18 th January to 29 th February 2016	To progress the Planning Obligations Supplementary Planning Document (SPD)	

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated:

Signed:

Councillor:


.....
CARRISON
.....
Cabinet Member

WYRE FOREST DISTRICT COUNCIL

CABINET
December 2015

**Draft Planning Obligations Supplementary Planning Document
(SPD) Consultation**

OPEN	
CABINET MEMBER:	Councillor J P Campion
RESPONSIBLE OFFICER:	Planning Policy Manager
CONTACT OFFICER:	Helen Wills x 2521
APPENDICES:	Appendix 1 – Draft Planning Obligations SPD Consultation Statement Appendix 2 – Draft Planning Obligations SPD

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Cabinet Member on the Revised Planning Obligations Supplementary Planning Document (SPD), early engagement consultation and to present a summary of the responses. The report also outlines the content of the Revised Draft Planning Obligations SPD.
- 1.2 The report also seeks consent for the draft Planning Obligations SPD to be approved for public consultation for six weeks from 18th January to 29th February 2016.

RECOMMENDATION

- 2.1 The Cabinet Member for Planning and Economic Regeneration is asked to approve:

To delegate authority to the Director of Economic Prosperity and Place to conduct a 6 week public consultation exercise commencing on 18th January on the Draft Revised Planning Obligations Supplementary Planning Document.

3. BACKGROUND

- 3.1 In November 2014 a report for the progression of a review of the Planning Obligations Supplementary Planning Document was discussed by the Local Plans Review Panel and was then reported to the Cabinet Member.

Regulation 12 of The Town and Country Planning (Local Planning)(England) Regulations 2012 require that before a Local Planning Authority adopts an SPD, it prepares and publishes a draft. Alongside this draft it is necessary to publish details of the early engagement consultation undertaken, the responses received and how these responses have been considered in the draft SPD. This information can be found in a consultation statement at Appendix 1.

- 3.2 Wyre Forest District has a Planning Obligations SPD which was adopted in February 2007, since this time there have been significant changes to the national planning context, most notably the publication of the National Planning Policy Framework and National Planning Practice Guidance to replace the suite of Planning Policy Guidance Notes, Planning Policy Statements and accompanying good practice guides and circulars. The introduction of the Community Infrastructure Levy has changed the way in which developer contributions are collected and spent.

- 3.3 From April 2015 Section 106 monies will only be able to be pooled across a maximum of 5 sites. Therefore general contributions towards types of infrastructure e.g highways or education will not be allowed. Instead, planning obligations will need to relate specifically to a particular project which is necessary to make a development acceptable in planning terms. Planning obligations will need to meet three tests, they will need to be

-Necessary to make the development acceptable in planning terms.

-Directly related to the development.

-Fairly and reasonably related in scale and kind to the development.

- 3.4 Locally, the District Council adopted its Core Strategy in December 2010 and Site Allocations and Policies Local Plan and Kidderminster Central Area Action Plan in July 2013. Wyre Forest District Council is now at the Issues and Options stage of a Local Plan Review.

- 3.5 The current Planning Obligations SPD includes a section on affordable housing. This has been superseded by the adoption of an Affordable Housing SPD in July 2014.
- 3.6 The new restrictions on pooling Section 106 contributions will mean that the way in which planning obligations for some areas of infrastructure provision, particularly transport and education are sought need reviewing. It will no longer be possible to pool contributions across more than five developments.

4. KEY ISSUES

- 4.1 Early Engagement consultation was undertaken between 8th January 2015 and 6th February 2015. A total of 57 representations were received from 21 respondents. The consultation responses are set out within the Consultation Statement at Appendix 1.
- 4.2 A stakeholder workshop was held on 20th January 2015. The workshop was attended by West Mercia police, Consultants and Officers from the County and District Council. The workshop was facilitated by Planning Policy Officers. The workshop began by an introduction to Planning Obligations. Then split into groups to discuss questions that included why is a review needed and what will the Planning Obligations SPD include? A summary of the stakeholder workshop is set out within the Consultation Statement at Appendix 1.
- 4.3 The draft Review of Planning Obligations has been informed by comments received in response to the early engagement consultation. The SPD covers the following issues:
- Physical Infrastructure which includes affordable housing and transport impact mitigation.
 - Social Infrastructure which includes public open space, community facilities and health.
 - Green Infrastructure which includes historic environment, flood alleviation and recycling.
- 4.4 The draft revised Planning Obligations SPD can be found at Appendix 2. The Draft SPD was considered in detail at the Local Plans Review Panel on 20th November and then by Overview & Scrutiny Committee on 3rd December. Their comments have been incorporated into the draft where appropriate.
- 4.5 The revised Planning Obligations SPD cannot set out any new policy it can only expand on relevant policies in the Adopted Core Strategy, the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan.

- 4.6 Regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 require that a Local Planning Authority provides an opportunity for people to comment on a draft SPD before it is adopted. Therefore, if it is intended to make the draft revised Planning Obligations SPD available for consultation for six weeks from 18th January 2016. The draft document will be available to view on the planning policy web pages and be available in hard copy at the Worcestershire Hub and in the 3 libraries. Representations can be made by email or post.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of preparing the draft Planning Obligations Supplementary Planning Document will be met from the existing Planning Policy budget.

6. IMPLICATIONS

- 6.1 The current SPD which was approved in 2007 is in need of updating to ensure that Wyre Forest District Council makes the most efficient use of Section 106 Obligations to support new developments across the District.

7. CONCLUSION

- 7.1 The District Council is committed to revising the Planning Obligations SPD in accordance with the published Local Development Scheme (2013-2016).

8. RISK MANAGEMENT

- 8.1 N/A

9. EQUALITY IMPACT NEEDS ASSESSMENT

- 9.1 N/A

10. CONSULTEES

- 10.1 Consultation on the Draft SPD will be undertaken in accordance with the Council's Adopted Statement of Community Involvement.

11. BACKGROUND PAPERS

**PLANNING
OBLIGATIONS
Supplementary Planning
Document**

Statement of Consultation

NOVEMBER 2015



Wyre Forest District Council

Contents

	Page No
1. Introduction	1
2. Name and purpose of the SPD	1
3. Who was consulted on the SPD?	1
4. How were people consulted?	2
5. Summary of responses	2
6. Summary of the main issues raised	2
7. How have those issues been addressed in the SPD?	3
Appendix A : List of Consultees	4
Appendix B: Stakeholder Workshop Notes	6
Appendix C: Summary of Representations and Officer Responses	8

1. Introduction

- 1.1 This consultation statement has been prepared in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) 2012. The statement sets out who was consulted, when and how, and summarises the representations received and how they have influenced the Draft Design Guidance Supplementary Planning Document (SPD).

2. Name and Purpose of the SPD

- 2.1 Revised Planning Obligations Supplementary Planning Document (SPD)

Purpose

- 2.2 The aim of this SPD is to clearly set out the District Council's approach, policies and procedures in respect of the use of planning obligations. The SPD will aid the smooth processing of planning applications by explaining the Council's process and procedures for planning obligations to local residents, developers and landowners; Explain the circumstances under which the Council will collect planning obligations to mitigate the impacts of a development and the basis for the charges; Help ensure that the physical, social and green infrastructure needs are fulfilled as part of new development proposals; Ensure that the process is fair and transparent to developers, landowners and the general public; Provide certainty for developers. This will provide certainty and clarity for those bringing forward development within the District. Wyre Forest District Council's Development Plan is made up of the Adopted Core Strategy (2010), the Site Allocations and Policies Local Plan (2013) and the Kidderminster Central Area Action Plan (2013). The following District Council planning policy relate to planning obligations:

- Adopted Core Strategy – CP07 Delivering Community Wellbeing.

- 2.3 The Planning Obligations SPD is being prepared to provide more detailed guidance on the District Council's expectations for the delivery of good development in accordance with adopted policy. It explains how developers should interpret the District's planning obligation policies.

3. Who was consulted on the SPD?

- 3.1 The Early Engagement consultation was targeted towards those organisations and individuals with an interest in planning obligations issues. The statutory consultees set out within Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 were also consulted. Appendix 1 lists those organisations consulted at the Early Engagement stage. A collaborative approach has been taken to preparing the SPD. Colleagues within a number of Council departments have been directly involved with the preparation of the SPD.

4. How Were People Consulted?

4.1 The consultation period ran from 8th January to 6th February 2015.

4.2 The early engagement paper was available on the District Council's website. The document was also available to view at Worcestershire Hub and libraries in Kidderminster, Stourport-on-Severn and Bewdley. The consultation document was made available to those consultees listed within Appendix A in time for the start of the consultation.

4.3 A stakeholder workshop was held during the consultation period and local planning agents and developers were invited to attend. Appendix B sets out summary notes from the workshop.

5. Summary of Responses

5.1 A total of 57 representations were received from twenty one respondents.

5.2 Generally the responses were supportive of the SPD or raised comments in relation to its proposed content. One consultee felt that there was too much uncertainty to review it and that the Council's efforts should be focussed on employment and housing forecasts and ensuring that the District had a robust 5 year housing land supply, however the District Council feel that it is important to have a clear Planning Obligations Policy which is in accordance with the new rules which came into effect in April 2015, therefore a review of the SPD is considered essential. The District is currently gathering the evidence required to support a Local Plan Review. The District Council has a five year housing land supply and updates are published in April and October each year.

5.4 Summaries of all representations received and the District Council's response to each can be found in Appendix C.

6. Summary of the Main Issues Raised

6.1 The main issues raised were:

- To ensure that the 106 contributions contribute to local services which include sports facilities, flood infrastructure, green infrastructure, heritage assets and the wider historic environment.
- That the District Council will monitor and co-ordinate planning obligations to ensure that.
- Concern that the new restrictions on pooling planning obligations may have serious implications for the Council's ability to pay for strategic infrastructure. New regulations will limit the ability of the Council to pool funds for larger strategic projects such as transport, potentially removing the Council's ability to fund them.
- Mixed response relating to CIL, some felt it should be progresses now, others that the right time was as proposed alongside Local Plan Review and some concerns that if CIL was introduced it may stifle development, regeneration and investment within the District.

7. How have those Issues been addressed in the Draft SPD?

- Contributions will contribute to local services to help ensure that the physical, social and green infrastructure needs are fulfilled as part of new development proposals.
- The District Council closely monitors contributions secured through Section 106 Agreements to ensure that they are spent in accordance with the provision of the relevant agreement. A database which records all Section 106 Agreements is maintained and a monitoring report regularly presented to the Planning Committee.
- The SPD sets out provisions for the monitoring Section 106 Agreements to ensure that they are spent in accordance with the provision of the relevant agreement.

7.1 The table at Appendix C sets out how each of the comments made has been considered within the Draft SPD.

Appendix A: List of Consultees
Specific Consultees

Wyre Forest District Parish/Town Councils

Bewdley Town Council
Broome Parish Council
Chaddesley Corbett Parish Council
Churchill and Blakedown Parish Council
Kidderminster Charter Trustees
Kidderminster Foreign Parish Council
Rock Parish Council
Rushock Parish Council
Stone Parish Council
Stourport-on-Severn Town Council
Upper Arley Parish Council
Wolverley & Cookley Parish Council

Adjacent Parish Councils

Abberley Parish Council
Astley & Dunley Parish Council
Bayton Parish Council
Belbroughton Parish Council
Clent Parish Council
Cleobury Mortimer Parish Council
Dodford with Grafton Parish Council
Elmbridge Parish Council
Elmley Lovett Parish Council
Hagley Parish Council
Hartlebury Parish Council
Highley Parish Council
Kinlet Parish Council
Kinver Parish Council
Milson & Neen Sollars Parish Council
Pensax Parish Council
Upton Warren Parish Council

Other Specific Consultees

British Telecom
Bromsgrove District Council
Central Networks
Directorate of Adult Services and Health (DASH)
Dudley Metropolitan Borough Council
Environment Agency
Greater Birmingham and Solihull Local Enterprise Partnership
Hereford & Worcester Ambulance Service
Hereford & Worcester Fire & Rescue Service
Historic England
Highways Agency
Homes & Communities Agency
Malvern Hills District Council
Mobile Operators Association
National Grid
Natural England

Network Rail
Office of Rail Regulation
Oil and Pipelines Agency (The)
Severn Trent Water Ltd
Shropshire Council
South Staffordshire District Council
South Staffordshire Water Plc
South Worcestershire Development Plan
Staffordshire County Council
Staffordshire Police Authority
The Coal Authority
The Planning Inspectorate
Transco West Midlands Local Distribution Zone
West Mercia Constabulary
Western Power Distribution
Worcestershire County Council
Worcestershire Local Enterprise Partnership
Worcestershire Partnership
Worcestershire Regulatory Services
Wychavon District Council
Wyre Forest Clinical Commissioning Group

General Consultees

Organisations registered in the Planning Policy database including:

- agents
- business and commerce groups
- conservation interest groups
- developers
- education and youth groups
- housing interest groups
- land owners
- local interest groups
- local resident associations
- registered providers
- service providers

Appendix B – Stakeholder Workshop Notes

Affordable Housing SPD

Stakeholder Workshop – Notes

Details: Tuesday 20th January 2015, 9.30am, Wyre Forest House

Attendees:

Jane Alexander – WFDC
Paul Allen – WFDC
Emma Anning – WFDC
Kate Bailey – WFDC
Richard Banner – WCC
Jane Berry – WFDC
Steve Brant - WFDC
Maria Dunn – WFDC
Jonathan Elmer – WFDC
Lesley Fox – WFDC
Steve Hawley – WCC
Kay Higman – WFDC
Kirsten Huizer – WFDC
Mike Martin White – WCC
Rebecca Mayman – WFDC
Andrew Morgan – West Mercia Police
Andy Plant – St Francis Group
Paul Round – WFDC
Barbara Sarbinowska – WFDC
Joe Scully – WFDC
Sarah Smith – WCC
Bob Watkins – Consultant
Rachel Whiteman – Environment Agency
Helen Wills – WFDC

Overview of Key Points

The purpose of the workshop was outlined and background information was provided as to the reasons for preparing the revised Planning Obligations SPD, the purpose of the SPD and the topic areas which the SPD is likely to cover.

Discussion focussed around the consultation questions set out within the Early Engagement

Do you feel that reviewing the Planning Obligations SPD now alongside a Local Plan

Review is the right approach for Wyre Forest District Council?

What types of infrastructure provision should the SPD address?

Concluding Remarks

The next steps in the process of preparing the Planning Obligations SPD were outlined.

Attendees were invited to submit any further comments they wished to make before the close of the consultation on 6th February 2015..

Events: Planning Obligations SPD Early Engagement

Name	ID	Number	Support/O bject/Com ment	Summary	Officer Response
Core11	POEE17	1	Support	Support	Support is welcomed.
Core11	POEE18	1.2	Comment	NPPF and NPPG to be addressed.	The Planning Obligations SPD will be consistent with the requirements of the NPPF and the NPPG.
Core11	POEE19	1.3	Comment	The NPPF directs that 106 contributions will be used in the ward in which development takes place.	Comments are noted. From April 2015 Planning Obligations will need to relate to specific project and meet legal tests.
Core11	POEE20	1.4	Comment	The misdirection of 106 funds can result in important projects within the ward being ignored. The ward is adversely affected if this occurs.	Comments are noted. From April 2015 Planning Obligations will need to relate to specific projects and meet legal tests.
Core11	POEE16	1.1	Support	Core 11 supports NPPF and NPPG.	Comments are noted.
Worcestershire Wildlife Trust	POEE12	2.2	Comment	We are pleased to support the inclusion of Green Infrastructure (GI) here. Whilst planning conditions can secure necessary GI within developments long term management will be essential if that GI is to persist. Accordingly mechanisms to fund and manage GI will be needed and S.106 has an important role to play in this area.	Comments are noted and support is welcomed.
Worcestershire Regulatory Services	POEE4		Comment	We have no adverse comments to make with regard to environmental impact relating to human health (not withstanding contaminated land and Air Quality issues).	Comments are noted.
Historic England	POEE21		Comment	English Heritage recognises the importance of planning obligations as a source of funding to deliver the infrastructure required to underpin the sustainable development of Wyre Forest.	Comments are noted and support is welcomed.
Sport England	POEE27		Comment	The review of the Planning Obligations SPD and implementation of CIL is supported provided that Social Infrastructure includes sports	Comments are noted and support is welcomed. The SPD will provide further

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
				facilities (e.g. swimming pools, sports centres and pitches) as outlined in the 2012 IDP and Policy CP07 of the adopted Core Strategy.	details on all types of infrastructure to be funded through S106 agreements.
Historic England	POEE23	2.2	Comment	Green Infrastructure should include a reference to the historic environment with more detail relating to our comments above, included within the main SPD.	Comments are noted. A reference to the historic environment will be included within the green infrastructure section of the SPD.
Historic England	POEE24		Comment	English Heritage would strongly advise that the local authority's conservation officer is involved throughout the preparation and implementation of the SPD as they are often best placed to advise on local historic environment issues.	Comments are noted. The District Council's Conservation Officer will be consulted on the preparation of the SPD.
Stourport on Severn Town Council	POEE28		Comment	The Town Council decided that this was a matter on which it would be appropriate for each individual Member of the Town Council to express their personal views should they so wish on an individual basis as opposed to the Council submitting a corporate response.	Comments are noted.
Watkins R A	POEE26		Comment	<p>Suggests that there is too much uncertainty to review the SPD or implement CIL and this is exacerbated by the forthcoming general election.</p> <p>Suggests efforts should instead be focussed on ensuring that the District's employment and housing forecasts are accurate and that the District has a robust 5 year housing land supply.</p>	<p>Comments are noted, however, the District Council feel it is important to have a clear stance on Planning Obligations which is in accordance with the new rules which take effect in April 2015. Therefore, a review of the SPD is considered essential.</p> <p>The District is currently gathering the evidence required to support a Local Plan Review and this will include work on housing and employment forecasting. The District Council currently has a five year housing land supply and updates are published in April and October each year.</p>

Name	ID	Number	Support/O bject/Com ment	Summary	Officer Response
Environment Agency	POEE35		Comment	<p>Contaminated Land:</p> <p>Your Council's adopted Planning Obligations SPD (2007) identifies monitoring and remediation requirements and we would identify this as relevant to the forthcoming SPD. Groundwater planning obligations may be required to ensure that remediation works are carried out and where relevant, to require notification of any significant unsuspected contamination encountered during development. For example, this can include an agreement for monitoring of groundwater which cannot be dealt with using planning conditions i.e. in some circumstances there will be a need for the developer to provide continued and/or off site groundwater and surface water monitoring and any further remediation measures required (after planning conditions have been discharged) as part of a planning obligation. This is likely to have a cost implication.</p>	Comments are noted. The issue of contaminated land will be considered further during the drafting of the SPD.
Environment Agency	POEE32		Comment	Welcomes the reference to Green Infrastructure.	Comments are noted and support is welcomed.
Canal & River Trust	POEE38	2.2	Comment	<p>Notes that the paper identifies 3 types of infrastructure and considers that canals are physical, social and green infrastructure due to their multi-functional benefits.</p> <p>Welcomes the inclusion of Lime Kiln Bridge as an example of where S106 monies have enhanced the canal network.</p> <p>States that CRT seek planning obligations from all new developments within and immediately adjacent to the canal corridor, where appropriate, to enhance it. Recognises that funding should meet the tests for planning obligations, as being 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.</p>	Comments are noted. It is recognised that canals have multi-functional benefits. The SPD will set out that where developer contributions towards enhancing the canal infrastructure meet the relevant tests, and do not conflict with pooling arrangements, they will continue to be collected.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Bovale Limited	POEE29		Comment	<p>The only comment we have at this stage is that we do not accept the principle of planning obligations in respect of "emergency services".</p> <p>We will monitor the emerging SPD and will respond further as appropriate.</p>	Comments are noted.
West Mercia Police	POEE40		Comment	<p>Whilst the he SPD now seems belated given the changes that have taken place in respect of CIL and S106 since 2007. It also risks being premature due to the implementation of CIL and the forthcoming general election. In relation to the implementation CIL, there are likely to be appeal and court cases nationally which will need to be reflected in the SPD. Adopting an SPD ahead of this could risk legal challenge.</p> <p>It is reasonable to assume that post election reform of the planning system. Preparing an SPD now may result in abortive work.</p> <p>Progressing CIL now is considered to be similarly premature for the same reasons. However, an Issues and Options consultation on a new Local Plan would be unaffected.</p>	Comments are noted. Whilst it is recognised that there are complexities associated with implementing CIL within the District at this current time, there is considered to be a need to review the Planning Obligations SPD in order to provide a clear approach to planning obligations.
West Mercia Police	POEE44		Comment	<p>Questions whether infrastructure provided in-kind will count towards the pooling of a maximum of 5 contributions. Suggests that the maximum of 5 rule should be applied to types of infrastructure and therefore on-site provision would count.</p>	Comments are noted however, Wyre Forest District Council take the view that a maximum of 5 S106 contributions can be pooled per infrastructure project rather than infrastructure type. Therefore, provision of infrastructure on-site would not count towards a maximum of 5 contributions.
West	POEE46		Comment	<p>Suggests that from 1st April larger developments will contribute</p>	Comments are noted and will be addressed

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Mercia Police				towards larger infrastructure projects allowing pooling of more substantial contributions. If this is not taken forward by the Council shortfalls in funding for large infrastructure projects are envisaged.	during the drafting of the SPD.
West Mercia Police	POEE47		Comment	We agree that the proposed issues to be addressed are appropriate.	Comments are noted and support is welcomed.
West Mercia Police	POEE45		Comment	As alluded to above, infrastructure providers will be obliged to be specific in identifying what requires a financial or in-kind contribution. Doing so will ensure that pooling is only used as a mechanism where it is really needed and avoid projects falling foul of CIL Regulation 123.	Comments are noted. S106 contributions will be sought for specific projects rather than generic contributions towards infrastructure types. A maximum of 5 contributions will be pooled for each project.
West Mercia Police	POEE50		Comment	As stated at the workshop, we question how the Council and infrastructure providers will be able to successfully monitor and coordinate planning obligations. This is an issue that needs to be addressed in both the IDP and POSPD. One solution could be to have a single point of contact within the local authority, who could undertake the monitoring on behalf of the Council and infrastructure providers.	Comments are noted. The SPD will set out provisions for monitoring S106 agreements.
West Mercia Police	POEE43		Comment	In partnership with stakeholders, it will be for the Council to decide what is meant by the terms "infrastructure project" and "infrastructure type" referred to in CIL Regulation 123. This is because the terms "infrastructure project" and "infrastructure type" are not defined in either the Regulations or in NPPG.	Comments are noted and will be considered further during the drafting of the SPD.
Taylor Wimpey Uk Ltd	POEE52		Comment	Supports the general approach of the Council in seeking to obtain planning obligations which are consistent with national planning guidance. Draws attention to paragraph 173 of the NPPF and the need to consider viability. Suggests that the Planning Obligations work	Comments are noted. The Planning Obligations SPD will be compliant with the requirements of the NPPF. Viability is a key consideration in negotiating S106 agreements.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
				<p>should be underpinned by a robust viability assessment.</p> <p>Draws attention to paragraph 203 of the NPPF and the tests which Planning Obligations are required to meet as well as the need for flexibility to respond to changes in the market over time.</p>	
West Mercia Police	POEE42		Comment	<p>Considers that the impacts post April will be that contributions towards infrastructure items generated by, wholly dedicated to, and funded by the development in question can still be sought after March 2015 - whether or not there is a CIL charging schedule in place. This ensures that the District Council can be confident that specific consequences of a particular development can be mitigated.</p> <p>CIL is the Government's preferred charging regime, however, where this is not in place, contributions from S106 agreements can still be pooled from a maximum of 5 agreements.</p>	Comments are noted. The District Council recognises the restrictions relating to S106 that will be in place from April 2015.
West Mercia Police	POEE41		Comment	Considers that the SPD should address the provision of emergency services infrastructure alongside other types. This would support and enhance the positive partnership work which has already taken place between the District Council and the emergency services in preparing the Local Plan documents.	Comments are noted and further consideration will be given to the inclusion of emergency services infrastructure within the SPD.
Environment Agency	POEE36		Comment	<p>Foul Drainage / Water Infrastructure:</p> <p>At this stage, we would also identify waste water infrastructure as a possible area for future contributions. Developers can bring forward schemes through contributions to utility company programmes, accelerating AMP (Asset Management Plan) programmes. It may be applicable for a section 106 agreement to be used to secure a future mains foul sewer connection, where there are capacity problems for example, and an upgrade programme exists or for first time</p>	Comments are noted. Foul Drainage/Water Infrastructure will be given further consideration in the drafting of the SPD.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
				sewerage schemes in rural areas (identified infrastructure constraints within your Council's Water Cycle Strategy).	
Environment Agency	POEE34		Comment	<p>Refers to the Medium Term Plan (6 year plan) for Flood Alleviation Schemes (FAS) and highlights 3 relevant projects.</p> <p>Suggests that in addition to new schemes, planning obligations should be sought for maintaining existing schemes where new development is reliant on the service.</p> <p>Additionally, the EA generally recommend a contribution of £1,000 per dwelling towards the flood warning service with non-residential development advised on a case-by-case basis.</p> <p>Without contributions towards flood infrastructure there would be an increased financial burden on the public purse.</p> <p>In terms of river corridor improvement linked to Green Infrastructure requirements, there may also be opportunities to provide flood alleviation.</p> <p>In addition, there are likely to be surface water flooding issues where planning obligations can help to resolve existing problems.</p>	Comments are noted and will be considered in drafting the SPD. It should be noted that planning obligations must now meet the tests set out within the NPPF. Planning obligations can not be used to rectify existing problems and they can not be pooled over more than 5 sites, therefore, any planning obligation would need to be for a specific project and it would need to be necessary to make the development acceptable in planning terms.
Revelan Group	POEE30		Comment	<p>The only comment we have at this stage is that we do not accept the principle of planning obligations in respect of "emergency services".</p> <p>We will monitor the emerging SPD and will respond further as appropriate.</p>	Comments are noted.
Environment	POEE33		Comment	Refers to a number of Green Infrastructure projects where Water	Comments are noted and will be considered further during the drafting of the SPD.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Agency				<p>Framework Directive funding has been applied for.</p> <p>We also have Restoring Sustainable Abstraction work being carried out in your Council's area relating to low flow issues. We would be happy to discuss this work and how it could be picked up under the Planning Obligations SPD in further detail with you.</p>	
	POEE31	3.3	Comment	<p>Comments have been discussed with the Forum but are made in a personal capacity.</p> <p>Supports a national requirement of £10/year/head towards cycling infrastructure.</p> <p>Tourism should be considered in the document as it provides an income for the District.</p> <p>Transparency needs to be addressed - Under the Freedom of Information Act a clear audit trail of S106 income and spending should be available.</p> <p>Questions whether there are Terms of Reference for managing the transport S106 infrastructure as County and District need to work together.</p>	<p>Comments are noted.</p> <p>S106 contributions would not normally be sought towards tourism facilities as this would not meet the necessary tests.</p> <p>The Planning Obligations SPD will set out details relating to monitoring S106 agreements.</p> <p>The County and District Council work together on collecting and spending S106 contributions for a number of areas, including transport.</p>
West Mercia Police	POEE39		Comment	<p>Sets out that Warwickshire Police and West Mercia Police have formed a strategic alliance to act as one on all infrastructure and town planning matters. Partnerships with Hereford and Worcester Fire and Rescue Service have also been incorporated into the new arrangements.</p> <p>Representations are a joint submission between WP, WMP and HWFRS.</p>	Comments are noted.
Historic	POEE22		Comment	The SPD should seek to ensure that benefits gained should help	Comments are noted and reference will be

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
England				enhance and protect the borough's heritage assets, their setting and the wider historic environment. Development specific planning obligations can offer opportunities for funding improvements to the historic environment. The SPD should contain information referring to the need for applicants to plan mitigation measures to be implemented through planning obligations, including, for example: archaeological assessment, investigation, recording and interpretation; repair and re-use of listed buildings within development sites; enhancement of historic open space or public realm forming the setting of heritage assets.	made to how Planning Obligations can support the historic environment within the SPD.
The Theatres Trust	POEE15	2.2	Comment	Encourages the Council to include community and cultural facilities as assets that might be provided through S106. Many of such facilities are provided through S106 agreements and would not otherwise be provided by CIL.	Comments are noted and will be considered further during the drafting of the SPD. It should be noted that S106 agreements must meet the tests set out within the NPPF and can not be pooled over more than 5 sites.
Worcestershire Wildlife Trust	POEE14	3.1	Comment	Yes. In particular we are pleased to see that GI is included in the consultation paper and that you are taking into account the potential issues caused by changes in the pooling criteria.	Comments are noted and support is welcomed.
Worcestershire Wildlife Trust	POEE13	1.7	Comment	We are concerned that the restrictions may have an impact on the delivery of key strategic GI within the district. A number of identified GI aspirations are unlikely to be delivered by individual sites and so it is imperative that CIL can be used to plug the likely funding gap. This is particularly pertinent in light of paras. 109 and 114 of the NPPF, both of which make clear that strategic GI networks should be established. Whilst S.106 can, and should, play a key role in on-site delivery of components of main corridors we believe that additional mechanisms will be required if pooling cannot be used at an effective scale.	Comments are noted. Whilst Planning Obligations will be used to secure infrastructure delivery in the short-term, it is anticipated that the District will adopt a CIL Charging Schedule early after the Plan Review.
Worcestershire	POEE11	1.6	Comment	Yes. This appears to offer a sensible way forward and should help to avoid delays in negotiations regarding sites that come forward prior	Comments are noted and support is welcomed.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Wildlife Trust				to the final CIL determination. This is particularly important in relation to Green Infrastructure obligations where securing management activity (either in terms of funding or direct management) will often be essential in delivering sustainable development for the future. A good example of this is the need for sustainable drainage systems to be managed in order to be effective in the medium to long term. Using planning obligations to secure management is imperative if the council is to avoid so-called 'orphaned' SUDS, which lack any mechanism for management and are therefore prone to fail in future. S.106 can help to bridge the gap and is likely to play an important role in this area even with CIL in place.	
Coal Authority	POEE10		Comment	Having reviewed your consultation document, I confirm that we have no specific comments to make at this stage.	Comments are noted.
Wyre Forest District Council	POEE9		Comment	Quotes NPPF paragraph 109 and suggests using planning obligations to address water quality issues. Suggests the Environment Agency are involved in these discussions.	Comments are noted and this issue will be considered further during the drafting of the SPD.
Wyre Forest District Council	POEE8		Comment	Raises concerns about SUDS maintenance. The correct approach is through an enforceable planning condition, however, developers may be looking for LPAs to take on maintenance via a S106 agreement but it would be contrary to paragraph 203 of the NPPF.	Comments are noted. SUDS maintenance agreements will need to be via a planning condition.
Wyre Forest District Council	POEE7		Comment	The Environment Agency occasionally asks for a contribution from developers for the warning and information system. Although this is not a planning obligation as such it would be useful to include it within the SPD.	Comments are noted. The contribution would be secured through a Section 106 agreement and therefore will be included within the SPD. (CHECK THIS WITH DC/LEGAL)
Wyre Forest District	POEE6		Comment	States that the NPPF means that development which increases flood risk is not permitted. Mitigation work needs to be included with the application and can not be left to a planning condition or	Comments are noted - MD TO LOOK AT THIS FURTHER

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Council				obligation.	
Wyre Forest District Council	POEE5		Comment	Refers to the NPPF and its guidance on the use of planning obligations and planning conditions.	Comments are noted.
West Midlands HARP Planning Consortium	POEE57		Comment	<p>The new restrictions on pooling planning obligations may have serious implications for the Council's ability to pay for strategic infrastructure. New regulations will limit the ability of the Council to pool funds for larger strategic transport projects, potentially removing the Council's ability to fund them.</p> <p>One way to circumnavigate this prospective funding shortage would be to adopt CIL, meaning strategic infrastructure could be placed on the Regulation 123 List. It should be made clear that this representation does not push the agenda either way on the adoption of a CIL Charging Schedule in the Wyre Forest, but that CIL is clearly an option to consider.</p>	Comments are noted. The District Council will implement CIL alongside a Local Plan Review.
Worcestershire Regulatory Services	POEE37		Comment	<p>From contaminated land perspective WRS have no adverse comments, it is possible that a s106 Planning Obligation may be required in certain situations but these are rare.</p> <p>With respect to air quality WRS recommend standard recommendations to combat general 'pollution creep' arising from development for all development ≥ 10 residential properties (domestic development) and ≥ 10 car parking spaces (commercial developments). A copy is attached for your information and WRS recommend these are incorporated within the SPD. If WRS identify from an air quality assessment provided in support of an application that further mitigation is required to make a development acceptable then Planning obligations in the form of s106 or CIL would be sought from the developer.</p>	Comments are noted. The standard recommendation for air pollution will be considered in preparing the SPD.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
Hagley Parish Council	POEE3		Comment	<p>Hagley PC takes no strong views as to the nature of the SPD.</p> <p>The response shares experiences of S106 agreements in within Bromsgrove District Council's administrative area. S106 monies are funding an extension to the GP surgery. The process was complex and close working with healthcare providers is necessary to ascertain need and the effect development might have on healthcare provision within an area.</p> <p>Evidence also needs to be gathered on the community facilities required within an area because there isn't a body responsible for this.</p>	Comments are noted. The District Council has consulted healthcare providers as part of the preparation of this SPD. It will also be supported by the District Council's Infrastructure Delivery Plan.
West Mercia Police	POEE49		Comment	<p>We suggest that the POSPD goes into the detail of how wider infrastructures like emergency services, which are generally provided by pooling, will be provided until such time as CIL is put in place.</p> <p>This is a particular concern of ours as by their nature, emergency services are provided and planned on wider District and sub-regional economies of scale basis. They are more suited to the CIL regime than the problems associated with pursuing Section 106 contributions on a small site by site basis. These problems will become more acute following the implementation of CIL Regulation 123. We therefore would like to work closely with the Council to look at how the issues associated with this can be dealt with in the District via the POSPD and IDP.</p>	Comments are noted. The District Council will continue to work closely with relevant stakeholders during the drafting of the SPD.
West Mercia Police	POEE48		Comment	The Council's proposed approach to securing planning obligations should not give rise to problems, assuming it is implemented in accordance with the Regulations. This will ensure that the POSPD facilitates the delivery of infrastructure required to support growth and development in the District.	Comments are noted and support is welcomed.

Name	ID	Number	Support/O bject/Com ment	Summary	Officer Response
West Mercia Police	POEE51		Comment	<p>Suggests that the following issues should be considered:</p> <p>Should different developments and/or different types of development contribute to specific infrastructure types under Section 106 (post March 2015)? If so, how would this be determined?</p> <p>How will the Council deal with those applications concerning sites that are being delivered in phases? This is particularly an issue where the more unscrupulous developers may sub-divide sites by way of seeking to avoid making significant Section 106 contributions.</p> <p>Ensuring that strategic sites make sufficient contributions through Section 106 and CIL to guarantee that infrastructure project 'funding gaps' will not be created.</p> <p>How will the Council ensure that applicants do not time the submission of their planning applications to avoid having to contribute via Section 106 to new infrastructure that will still, nevertheless, benefit their development?</p> <p>Explanation of how the Council has balanced the desire to attract property investment in the District with the imperative to ensure that development does not take place without the infrastructure needed to support it?</p> <p>In areas where there is a cumulative impact arising from more than five developments on a particular piece of infrastructure; which developments will contribute and why?</p>	Comments are noted. The specific issues raised will be considered in the preparation of the SPD.
Taylor Wimpey Uk Ltd	POEE53		Comment	There is a need to consider holistically the full range of obligations and infrastructure needs in the area; clearly the Local Plan Review will provide the appropriate opportunity to carry out this process and to bring in CIL. However, provided that the Council considers	Comments are noted and support is welcomed. Viability will be an important consideration in negotiating S106 agreements.

Name	ID	Number	Support/O bject/Com ment	Summary	Officer Response
				carefully any impacts on viability then the use of this SPD in the short-term is considered acceptable.	
Taylor Wimpey UK Ltd	POEE54		Comment	The limitations on pooling contributions will potentially limit the ability to deliver large-scale infrastructure via obligations until CIL is established in the area. As such, should the Council have aspirations to deliver large-scale infrastructure then it will clearly be necessary to progress CIL.	Comments are noted. The District Council intends to implement CIL alongside the Plan Review.
West Midlands HARP Planning Consortium	POEE55		Comment	States that clients' principal concerns are to optimise the provision of social/affordable housing and to ensure the evolution and preparation of consistent policies throughout the region.	Comments are noted.
West Midlands HARP Planning Consortium	POEE56		Comment	<p>We acknowledge that the Council is in a uniquely difficult position; the Planning Obligations SPD is in need of updating, but the potential to pursue a CIL Charging Schedule make such an SPD seem premature.</p> <p>The biggest issue with producing the SPD now is that the Council does not yet know what will be on the CIL Regulation 123 List. With this in mind, if the Council does decide to proceed with the SPD we would expect a caveat included in the document guaranteeing to undertake a review if CIL is adopted at a later date.</p> <p>We would also take this opportunity to remind the Council of Paragraph 03 of the Planning Obligations chapter of the PPG (ID: 23b-003-20140306):</p> <p>Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established</p>	Comments are noted. The principle relating to the collection of Planning Obligations is already established in Local Plan policy and therefore it is not considered that the SPD will add additional financial burden to developers. The District Council intends to adopt a CIL Charging Schedule alongside a Local Plan Review. Following this, there is expected to be a further review of the Planning Obligations SPD to clarify the relationship between the two.

Name	ID	Number	Support/Ob ject/Com ment	Summary	Officer Response
				through development plan policy.	
Staffordshire County Council	POEE2	3.3	Support	Yes, reviewing SPD now and implementing CIL alongside Local Plan Review	Comments are noted and support is welcomed.
Worcestershire Acute Hospitals NHS Trust	POEE25		Comment	<p>The Worcestershire Acute Hospitals NHS Trust is supportive of the inclusion of health facilities within the different types of social infrastructure to be incorporated within the three overall elements of infrastructure provision(ie physical, social and green) which it is proposed should be funded via Section 106 agreements/planning obligations. It is also important to recognise that whenever the requirements for the provision of healthcare services and facilities are considered, that this should include acute hospital facilities as well as primary care eg GP facilities, as clearly any population growth also leads to increased demand for secondary healthcare services. Residential development and population growth clearly impact on the demand for all elements of social infrastructure, including education, health and emergency services.</p> <p>I understand that from April 2015 section 106 contributions will only be able to be pooled across a maximum of 5 sites with CIL payments covering general infrastructure improvements</p>	<p>Comments are noted and support is welcomed.</p> <p>From April 2015 there will be restrictions on pooling of S106 contributions. Where an authority has a CIL in place, planning obligations can not be sought for any item funded through CIL. Wyre Forest District Council does not currently have an adopted CIL and will therefore still fund infrastructure through S106 agreements.</p>
Onslow T	POEE1	3.3	Comment	I do not feel, given that we are actively trying to encourage regeneration and investment into the Wyre Forest, that we should introduce CIL at this time.	Comments are noted. It is intended that CIL will be introduced alongside a Local Plan Review subject to it being commercially viable.

WYRE FOREST DISTRICT

SUPPLEMENTARY PLANNING DOCUMENT

**REVIEW OF PLANNING
OBLIGATIONS**

DRAFT NOVEMBER 2015

CONTENTS

Core Guidance:

Document Status	3
Introduction	3
Purpose	4
Legislative Framework	6
National Policies	6
Local Policy Framework	7
Types of Planning Obligation	10
Process and Procedures	12

Physical Infrastructure:

Affordable Housing	18
Transport Impact Mitigation	26

Social Infrastructure:

Public open space, Outdoor amenity space and children's Play space	31
Education	34
Community Facilities	39
Health	41
Emergency Services Infrastructure	42

Green Infrastructure:

Environmental requirements in relation to air quality, noise, pollution	45
Historic Environment	48
Biodiversity	50
Flood Alleviation	53
Public Realm	55
Waste/Recycling	58

Other Areas	59
-------------	----

Appendix:

1. Jargon Guide

CORE GUIDANCE

1. The Core Guidance document forms part of Wyre Forest District Councils Planning Obligations Supplementary Planning Document (SPD). The SPD sets out Wyre Forest's approach to securing planning obligations and developer contributions towards physical, social and green infrastructure from **xxxx insert date**. It is intended as a guide for landowners, developers and residents.

Document Status

2. This SPD, currently drafted, will take effect from **xxx insert date** following a public consultation which will take place from 18th January to 29th February 2016, and adoption at a meeting of the Council **inxxxx** . For further details of how to take part in the consultation process please see the council's website at www.wyreforestdc.gov.uk
The final version of this document will be amended prior to adoption to reflect some or all of the following:
 - Comments received on this draft document
 - Any government policy changes
3. The current SPD 'Planning Obligations adopted in February 2007', together with the Affordable Housing SPD adopted in July 2014 will remain in full force and effect until this current document is adopted.

This note will be removed upon adoption.

Introduction

4. Well planned and sensitive development offers great benefits to society. It provides the homes, workplaces and facilities that we need and stimulates the economy. However, development of all scales also creates considerable impacts on the environment, facilities and services of the area in which it is located and places burdens and costs on the community. The Council wishes to ensure that the impacts of new development in Wyre Forest are minimised and that such development provides appropriate physical, social, and green infrastructure to the community as a whole.
5. Wyre Forest, like many other areas, is experiencing increasing pressures from development. In particular, the increase in density of developments and the requirement for the concentration of development on brownfield land has added to the pressure on the District's existing infrastructure.

6. Wyre Forest District Council adopted its Planning Obligations SPD in February 2007. Since then there have been a number of changes at the national, regional and local level which mean that the SPD requires updating.
7. A significant change has been the introduction of the Community Infrastructure Levy (CIL). CIL is a charge that landowners must pay towards the cost of providing infrastructure needs arising from new developments within the area. CIL must be implemented by the charging authority through the preparation of a Charging Schedule and a list of Infrastructure Requirements that the charge will help to deliver (this is known as the Regulation 123 list).
8. The Council has not yet adopted a CIL Charging Schedule. In October 2013 Councillors decided to progress CIL alongside its Local Plan Review for which an issues and options paper has recently been issued.

Purpose

9. The purpose of this document is to clearly set out the Council's approach, policies and procedures in respect of the use of planning obligations. The National Planning Policy Framework (NPPF) (Paragraph 153) supports the production of SPD's where they can help developers make successful applications or aid infrastructure delivery.
10. The Planning Obligations SPD will cover three types of infrastructure:
 - Physical Infrastructure
 - Social Infrastructure
 - Green Infrastructure
11. The SPD will;

- Aid the smooth processing of planning applications by explaining the Council's process and procedures for planning obligations to local residents, developers and landowners;
- Explain the circumstances under which the council will collect planning obligations to mitigate the impacts of a development and the basis for the charges;
- Help ensure that the physical, social and green infrastructure needs are fulfilled as part of new development proposals
- Ensure that the process is fair and transparent to developers, landowners and the general public.
- Provide certainty for developers.

Sustainability Appraisal

12. The EU Strategic Environmental Assessment (SEA) Directive requires certain UK plans, policies and programmes which are likely to have significant environmental effects to undergo a formal environmental assessment. Additionally, European Directive 92/43/EEC Conservation of Natural Habitats, Wild Fauna and Flora requires that a Habitats Regulations Assessment (HRA) is undertaken for plans to establish whether or not the plan, alone or in combination with other plans, policies or programmes, is likely to have significant effects on the qualifying features of a European site or sites. Section 19(5) of the Planning and Compulsory Purchase Act 2004 requires Sustainability Appraisal (SA) to be carried out on a plan. Section 180(5)(d) of the Planning Act 2008 removes the requirement for SA to be carried out on SPDs. Therefore, SEA, HRA and SA are only needed where an SPD is likely to have significant effects.
13. The District Council undertook extensive SA on the Adopted Core Strategy, the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan. This SPD does not set new policy, it only provides detailed guidance to support the delivery of policies set out within the aforementioned documents. Therefore, it has been concluded that SEA, HRA and SA of this SPD is not required.

Legislative Framework

14. Section 106 of the Town and Country Planning Act 1990 includes a power which allows any person with an interest in land to enter into a planning obligation which may:
 - Restrict the development or use of land in a specific way
 - Require specific operations to be carried out
 - Require the land to be used in a specific way
 - Require a sum or sums of money to be paid to the local authority

15. Section 106 agreements are completed by landowners in order to require them to do something in connection with the development taking place on their land that could not be secured by imposing a planning condition or by using other statutory means. S106 obligations are a proper and recognised part of the planning system. They can enhance the quality of a development and enable proposals to go ahead which might otherwise be unacceptable if such provision was not made. However, S106 obligations will not render acceptable developments which are otherwise inappropriate in terms of their impacts and relationship with planning policy.

16. The CIL Regulations came into force on 6 April 2010. Regulation 122 of the Regulations sets out the statutory tests for planning obligations, namely that they should only be sought where they are:
 - 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.

National Policy

17. The principle that a development should bear a proportion of the cost of facilities, for which it creates a need, is supported in Government policy. The National Planning Policy Framework (NPPF), published in March 2012 provides Government's current guidance on planning obligations. The NPPF is supported on-line by the Planning Practice Guidance, launched in 2013, which also includes guidance on planning obligations.

18. Paragraph 203 of the NPPF requires local authorities to 'consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'. Paragraph 204 reiterates the statutory tests as set out in the CIL Regulations, setting them out as policy tests.

19. Further paragraph 205 states:

' Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.'

20. The Planning Practice Guidance also sets out detailed guidance on Planning Obligations. It places emphasis on ensuring that the package of developer contributions, which includes the Community Infrastructure Levy, Section 106 contributions, Section 78 highways contributions and planning conditions, does not adversely affect the viability of development.

21. The NPPF clearly states in paragraph 14 that there should be a presumption in favour of sustainable development and, as such, the principal objective of the planning system is to deliver sustainable development. So as not to prevent sustainable development, policies seeking obligations must be grounded in an understanding of development viability. Local authorities must be willing to negotiate on planning obligations based on scheme viability evidence and specific site circumstances. Further details in respect of viability and deliverability can be found in paragraph 173 of the NPPF.

Local Policy Framework

Corporate Plan

22. All Council activities are guided by, and should be consistent with, the objectives and priorities set out in a Corporate Plan. Wyre Forest District's Corporate Plan 2014 – 2019 has two priorities, which are to:

- Support you to live in clean, green & safe communities
- Support you to contribute to a successful local economy

23. There are a number of strategic actions set out in the Plan which support the aims of the District. These themes provide a long term framework for the district and developer contributions will be essential to their implementation and delivery. Planning obligations will therefore, be required to ensure that development proposals are proactively assisting the district in its efforts to achieve the priorities and aims set out in the Corporate Plan.

Link to Corporate Plan:

<http://www.wyreforestdc.gov.uk/media/144585/CorporatePlan20142019.pdf>

Community Strategy

24. Worcestershire Partnership have produced a 'Single Sustainable Community Strategy for Worcestershire (2011 – 2021)' which combines all of the districts and county sustainable community strategies into one single strategy. The strategy sets out the vision for the future of Worcestershire enabling partners to focus on the activity needed in the short term to improve the quality of life of the people who live, visit or work in the county.

25. The Community Strategy identifies three key priorities:

- A skilled and prosperous economy
- An environment that is cherished and resilient
- Improving health & well-being.

26. Alongside gathering priorities on a countywide basis each District has identified their own priorities at a local level. For Wyre Forest the identified priorities are:

- To boost the economy and encourage employment within the district
- To encourage better health and well-being
- To help to provide education as a means to employment
- To improve the local environment.

Local Plan Policies

Core Strategy

27. The District Council adopted its Core Strategy in December 2010. This SPD supports policy CP07 of the Wyre Forest District Core Strategy (2006 – 2026). This policy seeks to ensure that future development fully considers the needs of local communities and seeks to promote and enhance facilities where practicable.

Link to Adopted Core Strategy -

<http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/adopted-core-strategy.aspx>

Site Allocations and Policies Local Plan

28. In July 2013 The District Council adopted its Site Allocations and Policies Local Plan. This plan allocates and designates areas of land for particular uses. Additionally the plan sets out important development management policies.

Link to Site Allocations and Policies Local Plan -

<http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/site-allocations-and-policies-local-plan.aspx>

Kidderminster Central Area Action Plan

29. In July 2013 the District Council also adopted the Kidderminster Central Area Action Plan. This sets out the approach to development within Kidderminster.

Link to Kidderminster Central Area Action Plan

<http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/kidderminster-central-area-action-plan.aspx>

District Council's Infrastructure Delivery Plan (2012)

30. The Infrastructure Delivery Plan (IDP) examines the physical, social and green infrastructure provision that exists within the District and then identifies any gaps or capacity issues within this existing provision.

Link to Infrastructure Delivery Plan

<http://www.wyreforestdc.gov.uk/media/106013/EB062WFDC-IDP-September-2012.pdf>

Wyre Forest Design Guidance Supplementary Planning Document (2015)

This document provides the basis for a more efficient planning system by identifying key design requirements within the District. It outlines what will be expected from developers when designing new developments.

<http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/supplementary-planning-documents.aspx>

Water Cycle Strategy

This document assesses the constraints and requirements which will arise from the scale of proposed growth on the water infrastructure requirements.

<http://www.wyreforestdc.gov.uk/media/97256/Water-Cycle-Strategy.pdf>

Worcestershire County Council Local Transport Plan 3

This suite of documents sets out the transport policies and strategies for Worcestershire.

http://www.worcestershire.gov.uk/info/20055/strategies_plans_and_bids/806/the_local_transport_plan

Types of Planning Obligation

31. The District Council will require planning obligations that may fall into any of the categories listed below, where they are applicable to the proposed development. However, it should be noted that each planning application differs and it will be necessary to take into account the individual characteristics of a site and the nature of the proposed development.

In Kind Contributions

32. Developers may be required to build or directly provide the necessary infrastructure to fulfil a Planning Obligation. For example play equipment and sustainable drainage systems . The District Council will ensure that infrastructure is delivered on time and to the desired quality standards. The section 106 Agreement will specify the standards and timing that such in kind contributions must meet.

Financial/Tariff Contributions

33. In certain circumstances developers may fulfil planning obligations through a one off financial contribution or as a series of payments phased over time. Where phased payments will be required (particularly where the development is to be phased over a significant period of time) the District Council will make it clear at what stages in the development process the payments will be required. In cases of one off payments, the District will require payment on, or in some cases prior to, the commencement of the approved development. If the financial contribution has not been spent by the District Council within any agreed time period, then monies may be returned to the developer.

Maintenance Payments

34. Where appropriate, for example when the District Council adopts a new play area provided by a developer, a maintenance payment will be required in the form of a commuted sum to contribute towards the physical upkeep of such facilities. The commuted sum required will cover a 20 year period and will be subject to changes in the Retail Price Index.

Pooled Contributions

35. The District Council may seek to pool developer contributions from more than one development across the District, in order to address the wider impacts across developments, for example transport infrastructure. Under such circumstances the District Council will work closely with the relevant public infrastructure providers to agree the need for pooled contributions, the type and level of contributions sought and the mechanism and timeframe for using the contributions for the delivery of the necessary infrastructure. The CIL regulations limit the pooling of section 106 obligations to a maximum of five for a project or type of infrastructure.

Process and Procedure for Securing Planning Obligations

Pre-application procedure

36. One of the aims of this SPD is that it will assist the development industry by giving a framework for developers to identify whether there may be a requirement to complete a S106 agreement as part of the planning applications. It is important that securing appropriate developer contributions does not result in undue delays in the determination of planning applications once they are submitted.
37. The District Council would like as far as possible to assist those considering the development of land to understand the likely scope and scale of any developer contributions which may be sought. Developers and landowners seeking to submit planning applications for residential and commercial developments are encouraged to make use of the District Council's pre-application process in order that any site specific requirements are discussed at an early stage. Details of the District Council's pre-application process can be found at <http://www.wyreforestdc.gov.uk/planning-and-buildings/do-i-need-planning-permission.aspx>

Thresholds

		Type of Development					
		Less than 5 dwellings	5 to 9 dwellings	10 to 30 dwellings	30 or more dwellings	Less than 1000sqm of non-residential floor space	More than 1000sqm of non-residential floor space
Planning Obligation Type	Affordable Housing	x	√ (6 or more dwellings in Bewdley & specific rural areas)	√	√	x	x
	Transport Impact	x	√	√	√	√	√
	Open Space/ Outdoor Amenity Space/ sport and recreation facilities	x	√ (for development resulting in 5-75 child bed spaces)	√	√	x	x
	Education	x	x	x	√	x	x
	Air Quality			√	√	√ (developments involving 10 or more car parking spaces.)	√ (developments involving 10 or more car parking spaces.)
	Public Realm	x	x	√	√	x	√
	Other Obligation	Site specific	Site specific	Site specific	Site specific	Site specific	Site specific
<ul style="list-style-type: none"> • This table is a guide only and there may be specific cases that vary from this for justifiable reasons. • Dwellings and non-residential floor space include both new build and change of use. The requirements associated with change of use applications will be considered on a case by case basis having regard to any net increase in the number of bed spaces (for conversions to residential use) and any change in intensity of use (for conversions to non-residential use). • Development that is mixed use or does not clearly fall into one category will be assessed on an individual basis for the nature of provision required. 							

Development Viability

38. Planning obligations are a necessary cost of development and it will be expected that the likely cost of obligations, including requirements for affordable housing provision, will be factored into the land acquisition and development costs from an early stage.
39. The NPPF does however set out the importance of ensuring the viability and deliverability of plans (para 173-177). Paragraph 173 states that *'The sites and 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'*.
40. Policy SAL.DLP3 sets out the criteria which must be demonstrated if an applicant considers it is not viable to provide affordable housing. It is recognised that in dealing with development proposals, exceptional circumstances may occasionally arise which result in genuine financial viability concerns (for example where remediation costs are abnormal or are above what could reasonably have been foreseen).
41. If a developer believes there are exceptional circumstances (but not including land purchase costs) which would render a scheme unviable if the full level of Planning Obligations were required in line with this SPD, the following process is to be followed:
- (a) The applicant approaches the District Council, ideally at development concept stage so that Planning Obligations can be established at pre-application stage, and submits a detailed financial appraisal, signed by a suitably qualified professional, to support their case. If an appraisal is submitted in confidence to the District Council then a de-sensitised version will also need to be provided at formal application stage which can be made publicly accessible by the District Council. The financial appraisal should follow an open-book approach and include the following information as a minimum with supporting evidence and justification where appropriate:
- A breakdown of all cost variables and development value including level of developer's profit;
 - Identification of any exceptional cost items;

- Explanation of all assumptions made concerning the provision of Planning Obligations;
- Identification in cash flow terms of the effect of deferred payments; and
- Provision of both 'Grant' and 'No Grant' Scenarios in relation to Affordable Housing provision (this is only required on schemes which generate Affordable Housing requirements)

(b) Once the financial appraisal has been received from the applicant, the District Council may consider it necessary to obtain independent advice to validate a viability assessment. **The applicant will be required to meet all reasonable costs of this independent assessment.**

(c) The independent financial appraisal assessment is usually carried out using industry standard software and normally follows a Residual Land Value approach. For larger schemes that are likely to be completed over a longer period of time a Cash Flow based approach may also be used. Once completed, the results of the financial assessment are provided to the District Council and the applicant will be advised of the conclusions of the financial assessment. If there is any disagreement of the assessment the Council will expect the applicant to agree to adjudication by an independent financial body and any costs of the adjudication shall be funded by the developer.

(d) The Council's objective in viability negotiations is to secure the maximum value of Planning Obligations to mitigate the impact of development, whilst working with developers to enable developments to come forward. To this end the Council may consider the use of one or more of a range of 'Value Engineering' mechanisms, depending on the results of the independent financial assessment, including, but not exclusively restricted to;

- Deferred or Staged Payments - Phasing payment of Planning Obligations deferred to later date(s) within the development.
- Clawback - The arrangement put into place when the Local Planning Authority, in granting permission, agrees to mitigate the planning obligation requirement for viability reasons. If, subsequently, the completed development (or phase) generates more profit than expected, the Local Authority would then claw back

an appropriate and agreed provision of the additional profit for the planning obligation, up to the amount originally sought on the site

- Phased Viability Assessments - Usually associated with large developments, several viability assessments are conducted over an extended period of time to provide a reliable forecast of what developer obligation requirements for each phase can be met by a developer.
- Time Constrained Planning Permissions - Where reduced planning obligation requirements are agreed by the Local Planning Authority for viability reasons but these reduced obligations are only valid for a limited period, and in the event that the developer does not implement the permission within that period then the obligations will revert back to the original requirements.

(e) The Council will have due regard to the independent financial assessment results and the use of any appropriate 'value engineering' mechanisms, and in taking into account all other planning considerations will make appropriate recommendations to the Council's Development Control Committee for determination. Viability considerations are one factor to be taken into account when determining a planning application; the Council has to take into account a range of other factors to ensure development is acceptable in planning terms. For these reasons the Council is under no obligation to agree reduced contributions, even if a developer is able to demonstrate that the scheme would not be viable.

(f) If the Council approves any reduction in Planning Obligations on a particular development, any secured obligations may be prioritised in accordance with the Council's policy priorities. Alternatively financial payments may be apportioned on the ratio or percentage as if there was no reduction in Planning Obligations. The approach taken is at the discretion of the Council, depending on the individual circumstances of a particular development.

Costs

42. Developers will be required to meet the District Council's legal administrative and technical costs in negotiating, draft and concluding section 106 Agreements.

43. In addition to meeting the legal costs there maybe occasions, based on an individual assessment of the size of the development,

complexity and phasing of section 106 contributions that an additional fee is required to cover the costs of collecting, spending and monitoring the obligations.

44. Where a fee is required for a particular Planning Obligation, applicants will be notified prior to the legal Section 106 Agreement being finalised.

Monitoring

45. The District Council closely monitors contributions secured through Section 106 Agreements to ensure that they are spent in accordance with the provision of the relevant agreement. A database, which records details of all Section 106 Agreements, is maintained by the Economic Prosperity and Place Directorate.
46. A Section 106 Obligation monitoring report is regularly presented to the Planning Committee. The report provides details of all planning agreements in process, with details of the provisions of the agreement and the current status. The report is included in the Planning Committee Agenda and is therefore a public document. It is available to view at Wyre Forest House and is also on the Council's website.

Future Review

47. It is intended that this SPD will be reviewed at such a time that the District Council have an adopted CIL in place. If prior to this there is a requirement to amend any part of this document, due to instance for changes in National policy, this will be done through a policy position statement with agreement by Full Council.

Physical Infrastructure

Affordable Housing

48. The delivery of affordable housing is a national priority. It is widely recognised that the gap between average incomes and average house prices has grown significantly and this has led to it becoming increasingly difficult to access home ownership.
49. Paragraph 50 of the NPPF requires that where a need for affordable housing is identified, policies for meeting this need should be set.
50. Wyre Forest District Council is committed to delivering affordable housing to meet housing need within the District. The District's Corporate Plans seeks to support this through 'An increased supply of good quality and decent homes that are affordable to individuals and families.
51. The 2012/13 Strategic Housing Market Assessment (SHMA) forecasts the affordable housing need for the District going forward. It looks at household formation and existing need. For Wyre Forest District, the total newly arising need is 335 units per annum, this is currently the latest Housing Needs data, this will be replaced by the Objectively Assessed Housing Need figure which will be available early 2016..
52. More details on housing need can be found in the SHMA <http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/local-plan-evidence-base/evidence-base-housing.aspx>
53. Policy CP04 of the Adopted Core Strategy sets out the District's strategic approach to the delivery of affordable housing. The policy establishes a target of 60 affordable dwellings per year during the plan period. This is based on 30% of the overall housing requirement for the District. However, it is important to recognise that not all development sites will be able deliver 30% affordable housing.

54. Other relevant policies to affordable housing provision can be found in the Site Allocations and Policies Local Plan
- SAL.DPL2 – Rural Housing
 - SAL.DPL3 – Financial Viability

Requirement for Affordable Housing

55. The Adopted Core Strategy sets a threshold, under which, sites are not required to deliver affordable housing. Therefore, only sites of 10 dwellings or more within Kidderminster and Stourport-on-Severn, and 6 dwellings or more within Bewdley and the rural areas, will be required to deliver affordable housing. Completions on sites falling below the threshold will contribute to the District's overall housing requirement but will not be required to deliver 30% affordable housing.
56. Affordable housing is not required where the development involves:
- demolition and replacement of existing housing and there is no net increase, or the net increase is below the affordable housing threshold relevant to the location of the development or,
 - where proposals are for housing that is not self-contained, including care homes, nursing homes and student accommodation. However, extra care or sheltered accommodation schemes are required to provide affordable housing although it is recognised that off-site provision or a financial contribution may be more appropriate in these circumstances. Private rented housing is also required to make an affordable housing contribution.
57. Once the affordable housing threshold is reached, the 30% requirement applies to all dwellings on-site, not just those above the threshold. Where it is not statistically possible for the affordable housing provision to be 30%, the provision will be rounded up if it is .5 or more or down if it is below .5.
58. When determining planning applications, the District Council will consider whether or not a development represents efficient use of

land. Density will be judged with regard to the characteristics of the local area and policy CP05 of the Adopted Core Strategy together with the most up-to-date Design Quality Supplementary Planning Document. Applications which do not represent efficient use of land will be refused. The District Council will also challenge proposals which are presented in such a way that they appear to deliberately circumvent the policy for affordable housing provision. For example:

- Where the development of adjacent sites is functionally interdependent on each other they will be considered together in respect of their potential for the delivery of affordable housing.
- A site being split up into smaller parcels of development, none of which are above the affordable housing threshold.
- Artificially low density in order to avoid the number of units being above the affordable housing threshold. When considering applications, regard will be had to the site's wider context, including the density and characteristics of the immediate area within which the site sits.

Definition of Affordable Housing

59. Affordable housing provides for the housing needs of those who are unable to access market housing, either for rent or for purchase, without assistance. The Council utilises the National Planning Policy Framework definition of Affordable Housing which is: 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.
60. 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 provided under equivalent rental arrangements to the above, as agreed with the Local Authority or with the Homes and Communities Agency.
61. 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).
62. 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.
63. 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.
64. The District Council has adopted the definition of Affordable housing as set out in annex 2 of the NPPF. This is set out in the Jargon Guide in the Appendix to this SPD.
65. Affordable rent is a form of social housing. Homes will be made available at a rent level of up to 80% of gross market rents. Gross market rents are generally expressed inclusive of any service charges. An affordable rent, set at up to 80% of the gross market rent, should take account of the service charge for a property (where applicable). Providers are able to let a property at an affordable rent (inclusive of service charges, where applicable) of up to 80% of the gross market rent which reflects the property size and location. The maximum rent level for affordable rent should be assessed according to the individual characteristics of the property. Landlords are required to assess the gross market rent that the individual property would achieve and set the initial rent (including service charges) at up to 80% of that level. In addition the Council is keen to support affordable rents being in line with the Local Housing Allowance to comply with the Tenancy Strategy.
66. Affordable rented housing is owned by registered providers and let to households who are eligible for social rented housing.
67. In addition to this, the District Council’s planning policies also refer to local needs housing. This is not necessarily affordable housing but housing which meets an identified need within a local area. It is defined as:

‘including affordable housing and market housing which addresses the established* needs of different groups in the community, including, but not limited to, families with children, older children, people with disabilities, service families and people wishing to build their own homes (*through Parish Housing Needs Surveys, Neighbourhood Plans and Local Housing Waiting Lists).’

68. Intermediate affordable housing is housing for sale or rent at prices and rents above those of social rent, but below market prices or rents, subject to the above affordable housing definition. It can include shared equity products, other low cost homes for sale and intermediate rent, but not affordable rented housing.

69. Market housing is private housing for rent or for sale, the cost of which is established through the open market.

On and Off Site contributions

70. Affordable Housing should be provided on-site wherever feasible. Where this is not feasible, or viable, off-site provision or a financial contribution will be expected.

71. Off-site provision will only be considered in exceptional circumstances. Both the developer and the local authority must agree that this is the most appropriate course of action and developers must demonstrate why the provision of affordable housing on-site is not achievable. Examples of circumstances where it may not be possible to provide affordable housing on-site include sites where it would be difficult to achieve a mixed-use scheme and sites with particular site and layout constraints. Both the developer and the local authority must agree where the provision will be located. The alternative site must then meet the requirement for affordable housing generated from both sites as per the example below:

Sites A and B can each accommodate 30 dwellings. It has been agreed that all of the affordable housing contribution will be located on site B. Therefore, the requirement is:

Site A: 30 dwellings (30%) = 9 dwellings

Site B: 30 dwellings (30%) = 9 dwellings

Total affordable housing units required = 18 dwellings to be provided on site B.

72. In exceptional circumstances, at the discretion of the District Council, it may be considered appropriate for a developer to provide land to a Registered Provider, or to the District Council rather than delivering actual affordable housing provision. The land must consist of free serviced plots which would enable the Registered Provider, or the District Council, to deliver the affordable housing provision itself. The number of plots transferred must reflect the level of contribution required in accordance with the guidance set out above because the value of an off site serviced plot may be lower than the value of a fully constructed on site dwelling. The Council will assess the values and may require that the number of serviced plots to be provided off site is greater than the number of completed units that would have been required through on site provision.
73. Free serviced land is defined as cleared, remediated land with all services (e.g. gas, electricity, water, sewerage, telephone, broadband, lighting etc) and infrastructure (e.g. roads to an adoptable standard, footpaths, boundary walls etc) necessary for development right up to the edge of the land. There must be no legal, physical or financial barriers to the servicing of the land by the developer constructing the affordable housing.
74. For full or reserved matters applications, developers will be expected to provide details of the specific location of the affordable dwellings within the site. The Council will usually expect the dwellings to be clustered, but on larger sites, it may be appropriate to divide the provision into smaller clusters distributed across the wider site. The appropriateness of proposed locations for affordable housing will be determined by the Council as part of the planning process.
75. In very exceptional circumstances, where it is demonstrated that the provision of affordable housing on the site of, or in the vicinity of, new development, is not viable, the District Council will accept a financial contribution towards the delivery of affordable housing within the District. Robust justification will be required to support a financial contribution in lieu of on-site affordable housing provision. Potential circumstances where developer contributions may be appropriate include:

- **Management:** for example in the case of high density apartment schemes designed to meet the needs of specific groups of people, where communal facilities are provided and paid for through a service charge. It is unlikely that such developments would be able to provide separate facilities for affordable housing based on a lower service charge. The service and management charges associated with such developments would make units unaffordable.
- **Level of on-site Affordable Housing provision:** Specific planning objectives or site viability issues may result in a situation where the level of affordable housing to be provided is so low that a registered provider may not want to take such a small number of units. In this situation, the District Council recognises that a financial contribution may be the most beneficial outcome.
- **Mix of Affordable Housing in the Vicinity:** If there is a high concentration of affordable housing within the vicinity of the application site, the District Council may consider that a financial contribution is more appropriate. However, the overall shortage of affordable housing across the District makes this extremely unlikely.

76. The principle for determining the financial contribution to be made is that it should be broadly equivalent in value to on-site affordable housing provision. Therefore, the approximate cost of on-site provision to the developer will be established and the developer will pay this value to the District Council. The basis for calculating the financial contribution is therefore as follows:

Commuted Payment = Open Market Housing Value less Affordable Housing Value

Worked Example:

Application for 20 x 2 bed apartments in Kidderminster

30% of 20 = 6 units

70:30 split = (4 units social rented and 2 units shared ownership)

Development appraisal provides an open market value of £110,000 per apartment

Social rent subsidy is: $(£110,000 \times 4) - (£42,500^* \times 4) = £270,000$

Shared ownership subsidy is: $(£110,000 \times 2) - (£51,000^* \times 2) = £118,000$

*Latest figures can be obtained from the Strategic Housing Service

Tenure

77. Wyre Forest District has a low wage economy and therefore affordability issues are more pronounced. The District Council recognises the importance of intermediate tenure properties in helping people into home ownership, reducing demand for affordable and social rented housing and aiding the financial viability of developments. The analysis undertaken by GVA and documented in the SHMA highlighted a tenure split of 70% social rented units and 30% intermediate units should usually be sought. This figure was established as a result of the 2012/13 SHMA and is reviewed in line with the SHMA updates. Therefore, the District Council will seek to achieve a 70:30 tenure split unless the SHMA update indicates otherwise.

78. The District Council will however take a flexible approach where the local need is more appropriately met by one form of tenure than another; where the site viability is compromised by the 70:30 split or where the tenure profile adjacent to the site indicates that a different split may be more appropriate in the specific circumstances presented. Tenure mapping has been undertaken for the District and this will be used to inform the exact split as part of site specific negotiations. The exact requirements in terms of number of bedrooms and type of units will be negotiated on a case by case basis

using the most up to date housing need data as a basis for setting requirements.

79. With regard to rented tenure, the District Council recognises that both social rent and affordable rent properties are let to households on the housing waiting list on the basis of need. However, affordable rent levels within the District are significantly higher than social rent levels and the difference becomes more significant as property size increases.

80. Therefore, the District Council's starting point is that rental properties provided through a S106 Agreement should be social rent rather than affordable rent. In exceptional circumstances, where the viability of a development scheme is jeopardised, the District Council will consider an element of affordable rent as an alternative to reducing the amount of affordable housing provided, in order to make a development viable. In these circumstances, the District Council will assess the level of rent proposed and may negotiate a rent which is below 80% of the market rent.

Design and Construction

81. The design of new affordable housing and its integration with market housing are key to delivering sustainable communities. The Council acknowledges that design and integration issues should be determined on a case by case basis, but will work to ensure that the design of new affordable housing is not distinguishable from market housing, especially those homes located on a predominately market housing development. On-site affordable housing must be well integrated with the wider development, rather than being grouped together within a single area of the wider site, unless there is sufficient justification for not doing so.

Floor Space Standards

82. The Department of Communities and Local Government set out minimum floor space standards for properties. These can be found in the 'Technical housing standards – nationally described space standard' (March 2015). The District Council will encourage all affordable housing to meet these standards.

Development Standards

83. Affordable housing should aim to provide innovative, well designed, cost effective design solutions. At the inception of a scheme, developers and affordable housing partners will be required to liaise with the Council's housing team to determine the suitability of a scheme and this line of communication should be maintained throughout the development process.
84. Developers and affordable housing partners are encouraged to try and achieve the highest quality of internal and external design, using sustainable materials. All schemes should demonstrate how they meet the requirements of policy CP11 of the Adopted Core Strategy and policy SAL.UP7 of the Site Allocations and Policies Local Plan as well as the most up to date design quality Supplementary Planning Document. The Council will consider with developers and its partners how best to maintain standards for shared ownership schemes and will explore the possibility of using planning conditions to achieve this.
85. Additionally, the District Council will encourage new affordable housing developments to meet Lifetime Homes Standards. Lifetime Homes is a 16 point standard set out by the Joseph Rowntree Foundation in the publication 'Designing Lifetime Homes'. Further information can be found on their web site <https://www.jrf.org.uk/>

Transport Impact Mitigation

86. Traffic congestion is rapidly increasing within the District and is prevalent within the three towns. This has resulted in accessibility and transport influenced challenges in parts of the District and particularly within Kidderminster. The urban areas are experiencing declining air quality and there are two designated Air Quality Management Areas (AQMAs). Further growth will exacerbate these problems unless delivered in conjunction with investment in public transport infrastructure and services and pedestrian, cycle and highway infrastructure.
87. Section 4 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development. It also makes an

important contribution towards the wider sustainability and health objectives of the Government.

88. Wyre Forest's Corporate Plan strategic actions include 'bringing forward regeneration and development opportunities and the infrastructure to support them'.
89. Policy CP03 of the Adopted Core Strategy seeks to promote transport choice and accessibility, requiring development proposals:
- To have full regard to the traffic impact on the local highway network;
 - Where appropriate to connect into the surrounding infrastructure and contribute towards new or improved walking and cycling facilities and integrated public transport.
90. Also of relevance are the following policies in the Site Allocations and Policies Local Plan and Kidderminster Central Area Action Plan:
- SAL.CC3 – Major Transport Infrastructure
 - KCA.CC2 – Sustainable Transport
 - KCA.CC3 – Walkable Town
91. Developers will also be expected to take account of proposals included within the Wyre Forest IDP and Wyre Forest Transport Challenges as set out in the current Worcestershire LTP.
92. In considering planning applications for new development, the impact on the highway network will be assessed and consideration given as to how the impact could be mitigated with the use of planning conditions or by planning obligations.
93. Where specific mitigation measures are required these may be sought using either Section 106 of the Town and Country Planning Act 1990 or Section 278 of the Highways Act 1980.

Improvements to Highway Transport Infrastructure

94. All development proposals will be assessed on their own merits in relation to the impact they have on the highway network. The thresholds for contributions are set out in the Core Guidance section of this document. The level of contribution, or works required, will be

assessed having regard to the level of floor space, the likely transport demands created and the character and volume of traffic likely to be generated.

95. Development proposals will need to mitigate their own impact through the provision of appropriate mitigation measures. These may include on-site estate roads, footpaths, bridleways and cycleways, parking spaces, lighting, bus stops, lay-bys and associated landscaping depending on the highway impact and the type and scale of the development proposed.
96. In addition, where appropriate, the District Council will seek contributions towards off-site improvements which are required directly and solely as a result of development and are necessary to make it acceptable in planning terms. This could include (but is not restricted to) new and improved road infrastructure, traffic calming, public transport improvements, cycleways, footpaths, lighting and associated landscaping. In appropriate circumstances the District Council may also seek ongoing revenue contributions to fund the running of a service which is necessary directly as a result of the development.

Transport Assessments and Statements

97. Planning applications for larger developments will be expected to be accompanied by Transport Assessments/Statements.
98. Indicative thresholds of when these will be required can be found in Worcestershire County Council's 'LTP3 Highway Design Guide'. http://www.worcestershire.gov.uk/info/20007/travel_and_roads/284/transport_guidance_for_developers/2 .The assessment or statement should be provided in accordance with guidance provided by Worcestershire County Council's 'LTP3 Requirements for Transport Assessments and Statements'. There may be some other occasions where such assessments are required as a result of local circumstances which should be highlighted through pre-application discussions, with the County Council.
99. A Transport Assessment or Statement will help identify what mitigation measures will be required as a result of the development.

Travel Plans

100. Travel Plans are an important tool in the delivery of sustainable outcomes. They provide, together with transport assessments, the mechanism for assessing and managing access to sites. In addition, they can help improve accessibility, both to and from the site, and to local amenities and services.
101. The NPPF states that a travel plan is a key tool in the promotion of sustainable transport modes and should be submitted alongside planning applications that are likely to generate significant amounts of movement. Travel Plans are likely to be sought on applications for retail, leisure, business, employment, and health, residential and educational development as appropriate. This includes applications for redevelopment, mixed use schemes, changes of use of buildings and applications to extend the duration of an existing planning permission. It may also be necessary for audits to be prepared covering road safety and provision for safety for motorbikes, pedestrians, and cycles.
102. The scope of the Travel Plan will need to be discussed with the District and County Councils, during pre-application stages. Further advice on Travel Plans can be found in Worcestershire's LTP.
103. The Department of Transport has published the report 'Making Residential Travel Plans Work: Guidelines for New Development' which gives further advice on this subject.
104. Developers may also find it useful to refer to Worcestershire County Council's web site on Transport Guidance for Developers
http://www.worcestershire.gov.uk/info/20007/travel_and_roads/284/transport_guidance_for_developers

Public Transport

105. To ensure that the public transport service to a development meets the Council's objectives as identified in the Corporate Plan, Community Strategy and the Worcestershire LTP3 revenue contributions may be required to support that service. These will be for a period of not less than five years and may be in the form of an

equivalent lump sum payable before the commencement of any service.

106. These contributions will only be required where the provision of the public transport service is necessary to make the development acceptable in planning terms, and has arisen directly as a result of the development.

107. Public transport services provided as a result of new development should not undermine existing service provision, particularly those services which are commercially viable.

108. Worcestershire County Council can advise on the level of service provision that will be sought together with the necessary standards and definitions.

Walking and Cycling

109. The District has an expanding network of cycle routes, which serves residents in making shorter utility and leisure trips. The District Council has an Adopted Wyre Forest Cycle Strategy, which identifies a network of cycle routes. In addition to policy CP03 policy SAL.CC1 of the Site Allocations and Policies Local Plan requires new developments to safeguard and enhance the existing Cycle Route Network, including new links where possible. With specific reference to Kidderminster policy KCA.CC3 of the Kidderminster Central Area Action Plan requires new development to contribute to the aspiration of a walkable town centre.

110. Improved pedestrian and cycling facilities will be sought as a result of new development where a direct impact results from that development. This may include pedestrian priority measures, pedestrian friendly crossing, traffic calming, cycleways, and staff shower facilities at large industrial, commercial, retail and leisure developments.

111. Cycle parking and storage will be sought in line with the Worcestershire County Council's current guidance.

Social Infrastructure

Public open space, outdoor amenity space, children's play space and youth facilities.

112. New residential development places increased pressures on open space, sport and recreation provision within the District. Planning obligations play a role in ensuring that facilities can cope with additional demand placed on them by new development. New housing development will be expected to secure the provision of adequate quantity and quality of open space including play space.
113. The NPPF identifies at paragraph 73 that "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities".
114. The NPPF advises that open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.
115. Policy CP07 of the Core Strategy sets out that developer contribution will be sought for sport, recreation, youth facilities, play space and amenity space. Policy SAL.UP4 (Open Space and Play Provision) sets out that proposals for new residential development must include adequate children's play space in accordance with the most up-to-date guidance on developer contributions.

On site Provision

116. Larger residential schemes should provide open space, sport and recreation facilities on-site. In addition in circumstances where the development site is isolated from and poorly served by existing nearby facilities off-site public open space provision will be required.
117. On other smaller schemes the District Council will explore the requirement within each residential scheme on a case-by-case

assessment basis to achieve the optimal layout and positioning using the principles of good landscape and urban design and on its individual planning merits. New development should meet the quantity, quality and accessibility standards for open space as established through the Wyre Forest District Open Space , Sports and Recreational Assessment (October 2008).

118. Play areas should be designed to meet the Fields in Trust 'Planning and Design for Outdoor Sport and Play standard'. Details of the required characteristics of Children's Play Areas are set out in the table below:

Facility	Time	Walking Distance	Minimum Size	Characteristics
LAP (Local Area for Play)	1 min	100m	100 sq.m	Small, low-key games area
LEAP (Local Equipped Area for Play)	5 mins	500m	400 sq.m	5 types of play equipment, small games area
NEAP (Neighbourhood Equipped Area for Play)	15 mins	1000m	1000 sq.m	8 types of play equipment, opportunities for ball games or wheeled activities.

119. Developers should submit detailed plans with the planning application showing the layout of open space. Areas should be fully landscaped and any equipment installed to the Community Well-being & Environment Directorates specification.

Maintenance

120. When on-site provision is being provided by a developer, it is generally acceptable for it to be maintained either by the developer themselves or via a management company, providing it is to a suitable standard, meeting all necessary regulatory requirements. In some instances it may be appropriate for the open space to be transferred to the Council for maintenance. The commuted sum is calculated by the District Council's Parks and Environment Manager and would be for a minimum of 20 years. For further details on maintenance costs, contact Joe Scully or Alan Breen on 01562 732981.

Off Site Provision of open space facilities and improvements

121. For developments where there are existing play spaces located within the distances specified in Open Space, Sport and Recreation Assessment, it is considered appropriate for developers to provide a commuted sum payment for off-site improvements to be undertaken by the Community Well-being and Environment Directorate. The District has a number of strategic parks, which require regular upgrading and environmental improvements in order to serve the growing population. There are management plans already in place for the majority of the District's parks and this includes a list of projects for which contributions will be sought. Copies of these are available on request.

122. Developer contributions towards improving the quality of the District's open space will be required for residential developments of 5 or more dwellings. In addition, contributions may be sought (in appropriate circumstances), towards the provision of, or improvements to the following:

- Parks and Gardens
- Informal Green Spaces
- Sports Pitch Provision
- Nature Reserves

123. The District Council acknowledges that it would be unreasonable to expect residential development which falls into one of the following categories to contribute:

- Residential schemes of less than 5 units
- Replacement dwellings (on a one for one basis)
- Extensions and granny annexes
- Sheltered dwellings for the frail and elderly
- Temporary permissions for mobile homes or touring caravans
- 1 bedroomed dwellings
- Retirement housing

124. Where a scheme includes affordable housing the contribution towards open space/play provision will be reduced by up to 50% for the affordable housing element, depending on the nature and scale of the scheme.

Calculation of Financial Contributions

125. The following formula will be used as a basis to calculate developer contributions for residential developments of 5 or more dwellings.

126. The requirement for play and open space provision as part of proposals for new residential development will be considered in relation to the number of child bed spaces created, which is calculated as follows:

1 bedroom dwellings/sheltered housing etc. = no child bed spaces

2 bedroom dwellings = 1 child bed space

3 bedroom dwellings = 2 child bed spaces

4 and 4+ bedroom dwellings = 3 child bed spaces

127. The following formula will be used as a basis to calculate developer contributions for residential developments of 5 or more dwellings resulting in 5-74 child bed spaces within the District:

No of bed spaces x 24 sq.m (Fields in Trust standard/person) x cost of provision /sq.m

Worked Example:

New housing development of 3 dwellings:

- 15 of these are three bedroomed (2 child bed spaces) = 30
- 10 are two bedroomed (1 child bed spaces) = 10
- 5 are one bedroomed (no child bed spaces) = 0

Therefore the development generates a total of 40 child bed spaces.

40 child bed spaces x 24 sq. m x £20.74 * = £19,910

Therefore the developers would be expected to contribute £19,910 towards the provision of or improvements to the District's Play and Open Spaces.

*The cost of provision is based on 2015 figures, which reflect the cost of laying out of new open space per hectare within the District. These costs will be subject to annual inflation costs.

Education

128. The opportunity of a decent education is central to the achieving sustainable communities. Provision of adequate education facilities is crucial in ensuring that all children have the opportunity to gain the vital knowledge, skills and qualifications need for a bright start in life.
129. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The NPPF indicates that LPAs should take a proactive approach to meeting this requirement, and give great weight to the need to create, expand or alter schools.
130. Core Strategy policy CP07 (Delivering Community Wellbeing) requires developer contributions to education and learning, which includes schools.
131. Planning Obligations for educational facilities on sites where the development increases the need for education facilities to the extent that new or improved facilities are necessary will therefore be required.

Framework for seeking education contributions and amount of contribution.

132. Where a proposed development results in the generation of additional pupil numbers in excess of that which local schools can accommodate within the local area, then a financial contribution may be required. Without investment, schools' ability to accommodate extra pupils generated by new housing development can be compromised; therefore it is important to maintain sufficient levels of school capacity for a growing population. The development industry has a key role to play in delivering this provision, on a scale and kind that is appropriate and directly related to the new development.
133. Obligations may be required for both Primary (3-11 year olds) and Secondary (11-16) School Facilities, Sixth Form Provision and in exceptional circumstances for 0-5 year olds and Special Education

facilities. If a contribution is required for Nursery provision then the necessary data will be collated.

134. The formula takes into account the following elements:

- Build 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. The building cost multiplier is calculated by the DfES and updated periodically. Separate multipliers are published for the primary and secondary phases of education. An area weighting is applied.
- Pupil yield - this represents the number of children in each year group, which may be expected to arise from new housing. A figure of 2.9 children per year group per 100 dwellings will be used. This is derived from the 2001 Census of Population average number of children per privately owned dwelling.
- Number of year groups in each phase of schooling – Wyre Forest education is organised on a two tier system. There are 7 year groups in primary schools and 5 secondary school year groups. All the secondary schools have sixth form units offering two years post education.
- Size of dwelling – in terms of number of bedrooms. A 2-3 bed roomed dwelling is considered the standard (and so has no additional effect on the basic calculations), whereas a dwelling with four or more bedrooms requires a 50% increase on the calculated standard contribution. This is due to the increased likelihood of there being children resident in the dwelling, derived from output from the 2001 Census of Population. One-bedroomed dwellings are not subject to any contribution.
- Type of dwelling – Flats will be allowed a 60% discount on the standard charge. This represents the reduced likelihood of there being children resident in the dwelling, based on results of the 2001 Census of Population.

135. The current schedule of rates is available to download from Worcestershire County Council's web site.

Threshold for Contributions

136. 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. For example, a building project involving the demolition of two existing dwellings and the construction of 35 new dwellings will be considered to be a development of 33 dwellings for the purposes of assessing the Section 106 education contributions.

- For developments of less than 30 dwellings, no contributions will be sought for schools.
- 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.
- 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.
- For developments of over 100 dwellings, Worcestershire County Council will seek to negotiate with the developer. An extension of this tariff may be used for the basis or, alternatively, Worcestershire County Council may seek land and / or buildings for a new school. Each development of over 100 dwellings will be assessed individually by the Children's Services Directorate at the County Council.

137. 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.

138. 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

Eligible Schools:

139. 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

140. 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).

141. 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.

142. 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

143. 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.

144. Expected payment dates and consideration of payment instalments, indexation and late payment charges will be considered during the agreement process. Wyre Forest District Council will transfer monies to Worcestershire County Council within one month of receipt.

145. 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

146. 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.

147. 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.

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

Community Facilities

149. Community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. The provision of community facilities and services is essential to the quality of life of local residents. It is essential that community facilities are properly run and maintained in order to ensure the continued use by the community. Revenue funding and commuted sums may therefore be required as part of any Section 106 agreement. It is also important that good quality facilities are available in accessible locations throughout the whole of the District.

150. Paragraph 70 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

151. Policy CP07 of the adopted Core Strategy seeks to ensure that future developments fully consider the needs of local communities and seeks to promote and enhance facilities wherever practical. Further it sets out that the Council will require developer contributions for community, shared use and cultural facilities.

152. A Community Facilities Audit was undertaken in 2009 and updated in 2012 to identify the existing community facilities within the District. This will be used to help inform requests for planning obligations towards community facilities.

<http://www.wyreforestdc.gov.uk/media/124699/EB069Community-Facilities-Audit-2012-Review.pdf>

General Community Facilities

153. Facilities such as community centres, youth facilities and meeting rooms, play a vital part in community life. Community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. It is important that adequate facilities are provided with new development and that social and community facilities are accessible by all. Provision or extension of community facilities including community centres, meeting halls, heritage facilities, museums, youth centres, day centres and other similar social infrastructure, health facilities and places of worship may be sought in connection with new residential development.

Community and Youth Centres

154. Large scale housing developments which are defined as over 10 residential units may be expected to make on-site provision for community facilities in the form of community and youth centres, often as part of a neighbourhood centre. It is essential that community facilities are properly run and maintained in order to ensure the continued use by the community. Revenue funding and commuted sums may therefore be required as part of a S106 legal agreement, and may include requirements for a contribution towards future maintenance. Developers may be required to undertake a community needs assessment to assess the scale and nature of facilities required.

155. Any facilities provided should be capable of use as a venue for voluntary groups, the Youth Service and where necessary social

service uses. Where appropriate, these facilities shall be capable of dual use as community and youth centres. Community facilities should meet the appropriate registration standards in respect of space requirements and other physical facilities for playgroups or nursery provision.

156. Within larger new developments land may be required to be allocated to enable the provision of community facilities required directly and solely as a result of that development. Alternatively financial contributions may be required to support the needs of that new development either to provide new facilities or to enable a project to extend existing facilities that are needed to meet the additional demand arising from that development. Applicants are encouraged to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

Health

157. The provision of adequate levels of health care is an essential part of any sustainable community. Worcestershire Primary Care Trust (PCT) plans and provides the health care facilities within the District.

158. The NPPF identifies that planning should support local strategies to improve health (Para 17). Local authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (Para 171). Although a local planning authority does not have direct control over the provision of health services delivered in the District, the Council has a responsibility to set out the policy framework to enable those who provide services to make investment decisions.

159. The Community Strategy sets out that one of its three priorities is improving health & well-being.

160. Policy CP07 of the adopted Core Strategy sets out that the Council will require developer contributions to Health and community safety facilities and services.

161. Within larger new developments, which are defined as those of more than 10 residential units to be constructed or where the number of residential units is not given, a site area of 0.5 hectares, land may be required to be allocated to enable the provision of healthcare facilities required directly and solely as a result of that development. Alternatively financial contributions may be required to support the needs of that new development either to provide new facilities or to enable a project to extend existing facilities that are needed to meet the additional demand arising from that development.

162. Any requirements as a result of larger developments would be set out in a S106 legal agreement completed during the planning application process. Applicants are advised to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

Emergency Services Infrastructure

163. Policy CP07 sets out that the Council will require developer contributions with regard to, amongst others, 'Health and community safety (including emergency services) facilities and services. In addition policy SAL.UP7 requires at point vii proposals to demonstrate they have maximized natural surveillance and incorporate the principles of Secured by Design and have considered the incorporation of fire safety measures.

Fire and Rescue

164. The District Council considers that Fire and Rescue infrastructure should not be distinguished from other items of community infrastructure necessitated by a development. Where development would result in increased risk or the extension of developed areas then mitigation measures will be required to safeguard the provision of adequate fire and rescue infrastructure.

165. Water supply works may be needed to fulfil the Hereford and Worcestershire Fire & Rescue Service's duty to ensure the provision of an adequate supply of water for fire fighting. Requirements for the provision of fire hydrants and for other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be required by the fire service. Developers should bear in mind

that these requirements may relate to small-scale developments, particularly in more isolated locations without adequate infrastructure.

166. Fire hydrants should be sited in positions to be agreed by the Hereford and Worcestershire Fire Authority and the District Council. Such locations will be at main roads, feeder roads or road junctions where they are readily visible.

Preventing Crime and Disorder

167. Crime prevention can be a material consideration in the determination of a planning application and new development in the District should be designed to reduce the potential for crime and disorder. Failure to do so could result in the Council refusing planning permission.

168. The Crime and Disorder Act 1998 places a duty upon local authorities to seek to prevent crime and disorder in its area in carrying out its duties. Specifically, Section 17 of the Act requires:

'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

169. The duty imposed by the Crime and Disorder Act therefore is for the District Council (together with other responsible authorities) to seek to prevent crime and disorder, to have regard to the crime and disorder implications of its decisions and the need to do all it reasonably can to prevent crime and disorder in its area. The duty applies to all of the District Council's functions; therefore the issue is neither the responsibility of any particular department nor one particular element of its theatre of operation, but a cross-departmental corporate responsibility. In this regard planning can contribute to the success of preventing crime and disorder, but does not operate in isolation and will not, on its own, provide the mechanism or the means for the District Council to prevent crime and disorder in its area.

170. The fifth bullet point of paragraph 58 of the NPPF states that 'Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

171. The Corporate Plan has two priorities and one of these is to 'Support you to live in clean, green and safe communities. Through strategic actions the Plan will support low levels of crime and anti-social behaviour'.

172. Policy CP07 sets out that the Council will require developer contributions with regard to, amongst others, 'Health and community safety (including emergency services) facilities and services.

173. In most cases, this can be satisfactorily achieved through effective and appropriate layout and design of new development. Those developments that would generate additional requirements for safety and security measures, where evidenced and justified to meet the planning obligation tests, will be determined on a site by site basis.

Green Infrastructure

174. The District Council as local planning authority has a duty under European, national, regional and local directives, policies and guidance to protect the local environment from development and seek sustainable development.

175. In 2010 the District Council adopted the Green Infrastructure Study to map all existing areas of Green Infrastructure within Wyre Forest District and to identify the issues and opportunities relating to green infrastructure within the District. This study was further developed with the adoption of the Green Infrastructure Strategy in 2012 which sets out proposals for the protection and enhancement of existing green infrastructure and the creation of further multi-functional green spaces and corridors in order to create a network of green infrastructure throughout the District. These documents are available to download from our website.

<http://www.wyreforestdc.gov.uk/media/105935/Final-Green-Infrastructure-Study.pdf>

http://www.wyreforestdc.gov.uk/media/105947/EB047Final-GI-Strategy_opt.pdf

176. New development can have both a minor or major impact on the local environment. The way a scheme minimises or off-sets its impact and contributes positively to its surroundings, whether in an urban setting or more rural, green environment, will determine how acceptable a proposal is likely to be. As a first priority adverse environmental impacts should always be avoided. Only where there are no suitable alternatives and reasons for the development that outweigh any avoidance of damage should planning obligations be considered to mitigate against environmental damage.

Environmental requirements in relation to air quality, noise and pollution

177. The justification for seeking Planning Obligations with respect to Environmental requirements lies in the Planning Practice Guidance which requires Council's to take account of the risks of and from pollution when considering development proposals, and how this can be managed or reduced in order to remove any unacceptable risks.

178. The Planning Practice Guidance indicates that it may be appropriate for developers to provide Planning Obligations in instances where the Council's planning objectives cannot be achieved by imposing a planning condition; for example where there is a requirement to make a financial contribution, or they relate to development, roads or buildings other than those covered by the planning application.

Air Quality

179. The District has two designated Air Quality Management Areas (AQMAs) at Welch Gate, Bewdley and Horsefair/Coventry Street, Kidderminster, which have been designated due to high levels of NO₂ emissions from road vehicles. Promoting healthy living is a key element of a sustainable community and reducing exposure to poor air quality will improve the health and quality of life of the population of Wyre Forest District.

180. Paragraphs 109 and 120 of the NPPF require the effects (including cumulative effects) of pollution on health, the natural environment or general amenity to be taken into account.
181. Policy CP03 of the adopted Core Strategy requires proposals for new development to fully consider their impact on air quality, particularly for areas within or adjacent to designated Air Quality Management Areas.
182. The Air Quality Action Plan for Worcestershire (2013) sets out how the Council will work towards improving air quality, particularly with regard to reducing levels of nitrogen dioxide. A copy of the latest Plan can be found on the Worcestershire Regulatory Services website at: <http://www.worcsregservices.gov.uk/pollution/air-quality/air-quality-action-plan.aspx>
183. The District Council will consider the impact of development on local air quality arising from developments which generate additional traffic to and the consequent likely to increase in emissions of nitrogen dioxide.
184. For residential developments of 10 residential properties or over and commercial properties with 10 or greater parking spaces schemes measures will be required to mitigate against increased emissions. . These could include: Travel Plans; through design, e.g. improved air flow around development, or alternative plant; reducing the number of car parking spaces; allocated parking for car clubs/ low emission vehicles; provision of electric charging bays or low emission fuelling points; provision of cycling facilities / residents cycles; improvements to local public transport.
185. Where air quality assessments indicate a development will have a negative impact on local air quality schemes will be expected to include further mitigation measures which could incorporate, but not be limited to a financial contribution to a specific Worcestershire Air Quality Action Plan measure. The amount of contribution will be determined using the Damage Cost Calculation matrix produced by Defra. In some circumstances it may be appropriate for a developer

to fund mitigating measures elsewhere. This would be to offset any increase in local pollutant emissions resulting from the proposed development.

Noise

186. A planning obligation for noise will only be required in circumstances where the Council considers that there is noise from a source outside of the development site boundary which is likely to be detrimental to the amenity of future residents/occupiers, and which can't be mitigated against in any other way. It is good practice in circumstances where noise of an industrial/commercial nature is involved for the applicant to provide a report to the LPA on noise affecting the development site using 'British Standard 4142- Methods for rating and assessing industrial and commercial sound' where applicable. The report should detail the action proposed by the developer to mitigate the noise issues.

187. It may be necessary for a developer to enter into a planning obligation for noise, particularly in circumstances where the proposed development is for a sensitive development, i.e. residential, hospital, school etc. and there is an existing industrial use/ railway/ busy road etc. located nearby.

188. The planning obligation will be required to enable the developer to undertake works outside of the development site boundary in order to reduce noise at source for example by the provision of an off-site barrier. The purpose of this action will be to effect a reduction in noise at the development site which is sufficient to enable the proposed development to go ahead without adversely affecting the operation of the existing use whilst providing an acceptable noise climate at the location of the proposed development.

Detailed advice on noise assessments is provided in WRS noise technical guide (2nd edition) <http://www.worcsregservices.gov.uk/media/1373587/noise-technical-guidance-v23.pdf>

Contaminated Land

189. Land affected by contamination due to the presence of metals, liquids, chemicals and vapours and/or air may give rise to hazards that put at risk occupiers or other users of the land, and may cause

damage to buildings and infrastructure. The contaminants may also migrate to and affect nearby land by polluting surface and ground waters and/or having a detrimental impact on ecological systems. Land affected by contamination that remains untreated can therefore restrict development potential in the District or prevent the introduction of uses involving public access.

190. Paragraph 109 of the NPPF seeks to ensure 'The planning system should contribute to and enhance the natural and local environment by: remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

191. Policy CP01 of the Adopted Core Strategy also requires all new developments to demonstrate that land contamination issues have been fully addressed. Proposals must also include appropriate remediation measures and verification works where contamination issues are identified.

192. Where a planning obligation is considered appropriate, the District Council will seek to secure measures or contributions towards site investigation and/or remediation works on land affected by contamination. In particular these could include the following:

- Review / verification of such works carried out at the development site under condition, where necessary;
- Site investigation and remediation works for other affected land related to the development; For example actions to address migration of contamination from adjoining land onto the development site;
- Monitoring works following the completion of the development. Examples include measuring gas and/or water contamination in boreholes and/or installing permanent monitoring equipment;
- The management of contaminated land, including a requirement for certain operations and activities to be carried out, such as the maintenance of remedial works. Examples include landscaping improvements and maintenance, gas protection and/or leachate treatment facilities (e.g. water treatment barriers);
- Restrictions on the development or use of the land; and

- Any other measures deemed appropriate, for example independent monitoring / investigation during remediation works to ensure there are no off-site affects as a result of contamination.

Historic Environment

193. Wyre Forest District contains a variety of heritage assets, including listed buildings, conservation areas, monuments, historic landscapes and archaeology. These assets, both designated and non-designated, all combine to provide a sense of place and help to make the area unique. The continued preservation, maintenance and enhancement of existing assets is seen as a key objective for the future development of the District.

194. The NPPF states “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”

195. Policy SAL.UP6 Safeguarding the Historic Environment of the Site Allocations and Policies Local Plan requires any development proposal to demonstrate how the heritage assets will be protected, conserved and where appropriate enhanced.

196. In order to secure the relevant ‘heritage objective’ the types of Planning Obligations that may be used by the local authority in respect of the historic environment fall into three broad categories: -

- To require the carrying out of specific operations or activities to a heritage asset;
- To require a sum or sums of money to be paid towards the cost of the carrying out specific operations or activities to an heritage asset; and
- To restrict the development or use of the land until the identified ‘heritage objective’ has been met.

197. Planning applications which are close to certain types of heritage asset (e.g. Canals, publicly owned Listed or Locally Listed Buildings etc), or that directly impact upon or fall within a heritage asset may result in a developer being required to either carry out specific improvement works or to set aside a commuted sum of money.

198. The type of contributions or specific operations or activities likely to be required for the District's historic heritage are as follows (this list is not exhaustive but provides an indication of how Planning Obligations may be used):

- Contribution towards the repair, restoration or maintenance of a heritage asset.
- Contribution towards improved signage to and from a heritage asset.
- Contribution towards the provision of Interpretation panels/ material illustrating the history of a heritage asset. (Please note that where proposed development directly involves sites of historic or local interest (e.g. canal side development, or sites that contain listed or locally listed buildings) developers will be expected to make full use of this heritage asset as an information resource and as such, new development will be expected to be accompanied by relevant interpretation material of the historical and archaeological background of the heritage asset).
- Contribution towards environmental improvements of a heritage asset e.g. public realm improvement in a conservation area.
- Contribution towards better understanding, education and research of an archaeological site or resources that have not only wider community benefits but an identifiable relationship/ connection with the development concerned.

199. Consultation with the landowner may be required for the above operations and activities.

Biodiversity and Geodiversity

200. The NPPF together with DEFRA Circular 01/2005 provide guidance on how Local Authorities should protect and enhance biodiversity. Section 40 of the Natural Environment and Rural Communities Act 2006 placed a duty on Local Authorities to conserve biodiversity so far as it is consistent with the proper exercise of its functions. It defines conserving biodiversity as including the restoration or enhancement of populations of a living organism or type of habitat. The Natural Environment White Paper (June 2011) provides further

guidance on the value of the environment to business, health and education.

201. Wyre Forest District supports a wide range of habitats and species which are recognised in the UK Biodiversity Action Plan for habitats and species (UK HAP's & UK SAP's). Of particular note are the District's lowland acid/heathland communities, wetland corridors, including some of the most important wetland and wet woodland and extensive ancient semi-natural broadleaf woodlands such as the National Nature Reserves of the Wyre Forest and Chaddesley Woods. A large area of the District falls into the Abberley and Malvern Hills Geopark.

202. Policies CP.14 of the Core Strategy and SAL.UP5 of SAAPLP require new development to contribute to biodiversity within the District, either by enhancing opportunities within the site or making a contribution to off-site biodiversity projects. Further the policy seeks to ensure new development strives to enhance and not have a detrimental impact on the geodiversity of the District.

203. In addition policy KCA.UP7 requires sites adjacent to the Staffordshire & Worcestershire Canal and the River Stour to enhance the biodiversity value of the river and canal where appropriate.

204. Where planning applications affecting a site or feature of environmental interest are submitted, detailed site surveys will be sought from developers to establish the quantity and quality of the existing features so that decisions may be made about those which should be safeguarded and enhanced and others where offsetting benefits may be acceptable. Where appropriate the District Council will expect the developer to identify appropriate enhancement.

205. The District Council will seek to ensure that there is no overall loss to the environment and quality of life as a result of development. The District Council is not just concerned with the rare and special, but with conserving, enhancing and creating the more commonplace which provide a sense of locality and are valued by local people.

206. Any development, whether residential or commercial, which is within the area of ecological influence of (such as National Nature Reserves, Sites of Special Scientific Interest, Local Nature reserves, Local Wildlife Sites, areas known to support UK Priority habitat and species and Local Geological Sites) will need to be assessed individually. Within the context of the development proposals, if the Council considers that the development requires environmental mitigation to make it acceptable and that this cannot be appropriately secured through planning conditions, then the Council will seek to secure appropriate mitigation through planning obligations. Consideration will also be given to negotiating appropriate actions or contributions, (subject to the restrictions on the use of section 106 under the CIL Regulations) to provide net gains in biodiversity from residential and commercial development as advised in Paragraph 109 of the NPPF.

207. Mitigation is usually very site and development specific and are considered on this basis. It is not possible to provide general guidelines on these two aspects. The Council should be consulted for further information.

208. Avoidance and mitigation measures should be used to neutralise the negative impacts of a development. However in exceptional circumstances, where damage is permitted and full avoidance and mitigation would not be possible, the Council may consider off site mitigation for the loss of biodiversity.

209. Mitigation will normally involve onsite works, however in some circumstances offsite mitigation may be considered. The character and scope of these works and/ or contributions will be based on the specific negative impacts created by the development. The Council should be consulted for further information

210. The following methods of mitigation are listed in order of preference:

- Creation and establishment (min. 15 years) of a better or equivalent area or quality of new habitat to that which is lost.

Or

- Improvement of existing habitat.

Flood Alleviation

211. 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.

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

1 in 100 fluvial = 6,300

1 in 1000 fluvial = 11,200

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

213. As set out in the NPPF and its Technical Guidance inappropriate development in areas at risk of flooding should be avoided. In exceptional circumstances development might be permitted in an area at risk of flooding, following application of the Sequential Test. Where development is permitted in areas at risk of flooding paragraph 103 of the NPPF is clear that the risk of flooding should not be increased elsewhere, and that any residual risk is safely managed, applying the Exception Test if required.

214. Policy CP02 of the adopted Core Strategy requires that for developments in areas with known surface water flooding issues, appropriate mitigation and construction methods are provided. Also of relevance are policies SAL.CC7 (Water Management) of the Site Allocations and Policies Plan and policy KCA.CC1 (Water

Management), KCU.UP6 (River Stour) in the Kidderminster Central Area Action Plan.

215. Residual risk management might require 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.

216. To not increase the risk of flooding elsewhere it is important that the development will not have an adverse impact upon flood flows or storage and that runoff rates and volumes leaving the development site get limited to pre development levels.

217. Where a development includes the provision of off-site flood defence and mitigation works a planning obligation might be appropriate. The developer will be expected to provide either the works or adequate funding to secure timely completion of the necessary works as well as a contribution to ensure that the works will be maintained in order to aid effective operation. In all cases, the type and location of the works should be justified and agreed with the appropriate Risk Management Authority, as defined in the Flood and Water Management Act 2010.

Sustainable Urban Drainage Systems (SuDS)

218. There is the expectation that SuDS will be provided for the management of runoff in all major developments (10 dwellings or more, or the equivalent) wherever appropriate, and that the design will conform to the non-statutory technical standards for SuDS (Defra, 2015). The ongoing maintenance of the SuDS scheme may need to be subject to a Section 106 agreement. The maintenance contribution required will be determined on a site by site basis.

Flood Warning Contribution

219. Where it can be demonstrated by the appropriate Risk Management Authority that a development puts additional demand on a flood warning system or existing flood defence scheme a contribution will be required to support the additional demand. Contributions will be

directed towards a specific flood warning system or existing flood defence scheme which will be named within the planning obligation agreement. A system or scheme may be funded from contributions pooled from up to a maximum of five planning obligations.

Public Realm

220. The public realm includes the streets and open spaces within the District, which bind it together. It relates to all parts of the District to which people have physical and visual access. The design and quality of the public realm is central to creating successful places, in terms of providing the space for movement, interaction and activity, as well as defining the setting and relationship between surrounding buildings. A high quality and well-designed public realm can also serve to promote sustainable transport choices, by encouraging walking and cycling, and facilitating access to public transport hubs and services.

221. National policy guidance highlights the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces (paragraph 57).

222. An ambition of the ReWyre Initiative is to seek improvements to the public streets and spaces.

223. A number of Local Plan policies are relevant including:

Core Strategy:

- CP11 – Quality Design and Local Distinctiveness,
- CP13 – Providing a Green Infrastructure Network,
- CP15 – Regenerating the Waterways

Site Allocations and Policies Local Plan:

- SAL.UP7 - Quality Design and Local Distinctiveness,
- SAL.UP8 - Design of Extensions,
- SAL.UP9 - Landscaping and Boundary Treatment

Kidderminster Central Area Action Plan:

- KCA.UP1 - Urban Design Key Principles;
- KCA.UP2- Public Realm

224. The Wyre Forest Design Guidance Supplementary Planning Document (June 2015) provides detailed advice on the District Council's expectations for the delivery of high quality development. Setting out how the District Council's design policies should be interpreted and what will be expected from developers and designers.

225. Developer contributions will be sought in appropriate circumstances for works to improve the public realm, this will need to include ongoing maintenance , which may include:

- Pedestrian links to local facilities and public transport
- Tree planting
- Surrounding footways and streetscape
- Community safety initiatives
- Street Furniture
- Public art

226. The quality of the environment within town centres is extremely important in maintaining their viability. New development both within and adjacent to the town centres enhances the use of the public realm, resulting in an increased need for new infrastructure. The District Council therefore considers it appropriate to secure contributions from individual major developments to improve the public realm within town centres.

227. Contributions will be directed towards a specific public realm project which will be named within the planning obligation agreement. Contributions will be directed to locations where the provision or improvement of public realm would be directly related to the development, although this may not always be immediately adjacent to the development site. A project may be funded from contributions pooled from up to a maximum of five planning obligations.

Kidderminster

228. In respect of Kidderminster there are three main public realm elements set out in the Kidderminster Central Area Action Plan (KCAAP):

- Key Spaces and routes within the town centre (Policy KCA.UP2)
- The Ring Road (Policy KCA.UP3 & KCA.UP4)
- Staffordshire and Worcestershire Canal (Policy KCA.UP5)

229. Policy KCA.UP2 identifies that proposals within the primary and secondary shopping area will be expected to contribute towards the improvement of key spaces within the town centre including pedestrianised streets, Town Hall Square and Bull Ring.

230. The KCAAP has identified a number of places as having an important future role as civic spaces:

- Town Hall Square (in front of the Town Hall)
- Bull Ring (around the Bull Ring traffic island)
- Church Square (in front of St. Mary's Church)
- Comberton Island
- Kidderminster Railway Station

231. Developments adjacent to these spaces are expected to make a positive contribution towards the relevant project. Any requests will meet the pooling requirements of the CIL regulations.

232. In addition policy KCA.UP3 expects new development in the town centre and adjacent to the ring road to contribute to the enhancement of the environment of the ring road. Including contributing towards:

- transforming the ring road to reduce the negative impact of traffic on the pedestrian environment by creating an urban boulevard and
- surface level pedestrian crossings over the ring road to create links between the town centre and adjacent neighbourhoods along primary desire lines and routes.

233. Policy KCA.UP5 expects new development on sites adjacent to the canal to contribute to the improvement of the canal side public realm.

234. Further details of the nature of public realm improvements in Kidderminster can be found in the KCAAP and the Churchfields Master Plan.

Stourport

235. The adopted Public Realm Design Guide for Stourport-on-Severn determines an overall conceptual framework for the creation of a re-established public realm for the town centre of Stourport-on-Severn.

Four character areas are identified:

- Town Centre Core
- The Canal Basins
- Rivers Severn & Stour
- Gilgal

236. A map of the areas can be found in the Public Realm Design Guide available to view at <http://www.wyreforestdc.gov.uk/planning-and-buildings/planning-policy/supplementary-planning-documents.aspx>

Major development proposals falling within these areas will be required to make a contribution towards public realm improvements identified in section 3 of the document.

237. Further information can also be found in the Bridge Street Basins Link Development Brief and in the Severn Road Development Brief, which can also be found on the above website.

Bewdley

238. Within Bewdley development opportunities are limited due to the town's heritage. However traffic management and public realm quality within the central area provides the potential to improve the overall experience of the town centre. General guidance on what these might be is contained in section 3.28 the Design SPD (2015)

Waste/Recycling

239. The District Council is committed to promoting sustainable development and to encouraging the recycling of waste.

240. Policy CP01 of the Core Strategy sets out that all new developments must make provision for waste recycling and as a minimum developments will be required to provide sufficient space to store materials for recycling.

Waste/Recycling Storage

241. The following key principles will underlie the provision of efficient waste storage and collection facilities within new developments:

- Ensuring waste storage areas are well located and designed in relation to properties
- Ensure a means of getting waste containers from the rear of the property to the front or where possible, to create a suitable storage area.
- Provision of a collection point nearest to the highway at which bins can be easily collected. This is particularly relevant to communal properties or those developments that have access roads that are unsuitable for use by standard collection vehicles.
- Provide communal bin stores where necessary that are fit for purpose, well located, designed and accessible to the collection crews.

Recycling Micro Sites

242. Major development proposals, most notably larger residential/multi occupancy development proposals, should consider the provision of recycling micro sites in appropriate circumstances. Such sites should be easily accessible from the proposed development. Facilities could include banks or containers for mixed glass, paper, card, textiles, cans and plastic bottles or all mixed recycles. The provision of such facilities as part of a new development may need to be the subject of a Section 106 Agreement to cover management issues and the on-going cost of the facility.

Re-using on site materials

243. The District Council considers that proposals for major new development on brownfield sites should demonstrate how they will make maximum use of the existing on site materials. Policy CP01 of the Core Strategy requires all major developments to include a sustainability statement and site waste management plan.

Other Areas

244. There may be occasions where developments generate the requirement for infrastructure requirements not mentioned elsewhere in this SPD. The general need for development to mitigate any

adverse impacts on infrastructure is supported by policy CP.07 of the Core Strategy

Appendix 2 - Jargon Guide

Adopted Core Strategy (2010) – this is the strategic level document within the District’s Development Plan. It sets out the broad locations for delivering housing and other major development needs in the District such as employment, retail and transport. It guides the site specific policies within the Site Allocations and Policies Local Plan and the Kidderminster Central Area Action Plan.

Annual Monitoring Report (AMR) – an annually produced document which sets out the progress made in achieving the timetable set out in the Local Development Scheme (Project Plan) as well as measuring the effectiveness of the development plan policies.

Affordable Housing – the District Council has adopted the definition of Affordable Housing as set out in the NPPF.

“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 rent 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".

Air Quality Management Area (AQMA) – Areas designated by Wyre Forest District Council where the level of pollutant concentrations in the atmosphere results in the air quality not meeting the objectives set out by central government in 2005.

Biodiversity - The variety of life on earth or in a specified region or area.

Community Facilities – Facilities which provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community.

Community Infrastructure Levy (CIL) - allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres. In order to collect CIL, local planning authorities must prepare, consult on and adopt a charging schedule setting out how much CIL developers need to pay for each type of development and a Regulation 123 list setting out what CIL monies will be spent on. Once collected, CIL receipts must be spent on the projects on the authority's Regulation 123 List.

Conditions - Attached to planning approval Decision Notices which restrict the development or require additional details.

Conservation Area - An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Development Plan – the Development Plan for the District is made up of the Adopted Core Strategy, the Site Allocations and Policies Local Plan, and the Kidderminster Central Area Action Plan. Neighbourhood Plans will also form part of the Development Plan once adopted.

Geodiversity – the range of rocks, fossils, minerals, soils, landforms and natural processes that go to make up the Earth's landscape and structure.

Green Infrastructure – The living network of green spaces, water and environmental systems in, around and beyond urban areas.

Heritage Asset - A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

Infrastructure Delivery Plan (IDP) - This document contains a list of all infrastructure needed to support sustainable growth, as set out in the adopted Core Strategy.

Kidderminster Central Area Action Plan (KCAAP) – a plan specifically targeted to regenerating the central area of Kidderminster.

Listed Building - Buildings designated to be of 'special architectural or historic interest' by the Secretary of State under the Listed Buildings and Conservation Areas Act 1991.

Local Needs Housing – including affordable housing and market housing which addresses the needs of different groups in the community such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes, as established through Parish Housing Needs Surveys, Neighbourhood Plans and the Housing Register.

Local Transport Plan - A five-year integrated transport strategy, prepared by Local Authorities in partnership with the community, seeking funding to help provide local transport projects.

Material Consideration - Any consideration that relates to the use and development of land is capable of being a material planning consideration.

National Planning Policy Framework (NPPF) – the document which sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans that reflect the needs and priorities of their communities. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in determining planning applications.

Planning Practice Guidance (PPG) - Web based resource which brings together planning practice guidance for England.

Public Realm - The areas of a settlement for the general use of the public such as streets, squares and parks, most frequently in the ownership of a public body.

ReWyre Initiative/Regeneration Prospectus – The prospectus aims to highlight Kidderminster’s challenges and opportunities in order to attract support and investment into the town.

Rural Exception Sites – small sites for the provision of affordable housing in perpetuity or to meet another specific identified local housing need (as evidenced through the Parish Housing Needs Survey, Neighbourhood Plan or the District Council’s Adopted Local Connections Policy), at locations which would not normally be suitable for housing. Rural exceptions sites seek to address the needs of the existing local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.

Section 106 agreement (s.106) - An agreement entered into between a landowner and the Local Planning Authority, whereby the landowner undertakes to do specific actions in relation to the development the section 106 (of the Town & Country Planning Act) agreement relates to. This could cover, for example, providing public open space or agreeing the detailed use of the land. Also referred to a Planning Obligation. A s.106 agreement or Obligation can only be imposed if it is necessary to make the proposal acceptable in land-use planning terms.

Site Allocations and Policies Local Plan (SALP) – this document allocates specific areas of land for specific uses. Most notably land to deliver housing but also for other major development needs such as employment, recreation, open space, and community uses, in order to meet the requirements set out within the Adopted Core Strategy. Additionally, the plan sets out important development management policies which will apply across the whole of the District and will be used for determining planning applications.

Site of Special Scientific Interest (SSSI) – a specifically defined area within which protection is afforded to ecological or geological features. Sites are officially notified by Natural England.

Strategic Housing Market Assessment (SHMA) – the SHMA is an assessment of housing market influences, current and future housing demand issues, impacts of past and planned housing supply and the impacts of economic and demographic changes. A Monitoring Report is

produced annually to monitor changes in the data which underpins the assumptions in the SHMA.

Supplementary Planning Document (SPD) – provide additional information to guide and support the Development Plan.

Sustainable Communities – sustainable communities are places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, and are sensitive to their environment, and contribute to quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all.

Sustainability Appraisal (SA) – the purpose of SA is to ensure that the Development Plan and associated Supplementary Planning Documents (SPDs) conform to the Government principles of Sustainable Development which are:

Living within environmental limits

Ensuring a strong, healthy and just society

Achieving a sustainable economy

Promoting good governance

Using sound science responsibly.

Sustainable Urban Drainage Systems (SUDs) - Schemes for handling surface water by means other than pipes and storm drains, such as permeable surfaces, filter drains, filter strips, swales, retention or balancing ponds, infiltration basins, trenches and soakaways, to reduce the potential of flooding and improve water quality on new and existing urban developments

The Town and Country Planning (Local Planning) (England) Regulations 2012 – These regulations provide the legal framework for the preparation of planning policy documents including the Local Plan and Supplementary Planning Documents (SPDs).

Water Cycle Strategy – The Water Cycle Strategy assesses the constraints and requirements that may arise from the scale of the proposed development on the water infrastructure in the District. The report focuses on potential development sites and assesses the flood risk, water supply, sewerage infrastructure, waste water treatment, river quality and demand management measures.