

Supplementary Planning Guidance



Developer/ Landowner Contributions



SUPPLEMENTARY PLANNING GUIDANCE DEVELOPER / LANDOWNER CONTRIBUTIONS

NOVEMBER 2004

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1. INTRODUCTION

- 1.1 The provision of the necessary infrastructure to serve new development is an essential objective of the development process. It is now generally recognised in Government advice (contained in Circular 1/97 entitled ‘Planning Obligations’) that, where the existing infrastructure is inadequate to meet the needs of new development, the costs of providing new or improved infrastructure directly related to those needs is a development cost and should be met by the landowner or developer.
- 1.2 The aim of this Supplementary Planning Guidance (SPG) is to assist those wishing to develop in the District in terms of what contributions are normally required in relation to service infrastructure. The SPG applies to both residential and commercial developments and will ensure a consistent approach.
- 1.3 The Council recognises that not all new development creates the need for significant changes in infrastructure. Where needs do arise, the necessary infrastructure can often be secured on site by means of planning conditions. Other new development creates the need for infrastructure which cannot be secured in this way. Landowners and developers in this situation may agree to make fair and proportionate contributions towards the costs which will be incurred by the infrastructure providers. This can be achieved by means of a planning obligation which is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) between a developer / landowner and the Council.
- 1.4 Planning obligations are a recognised part of the planning system: they can both improve a development and help it to go ahead and, in addressing the impacts of the new development on the infrastructure of the area, can bring local benefits.
- 1.5 It is difficult to predict every issue that may need to be included in a planning obligation as site conditions and circumstances can vary greatly. Therefore this document does not attempt to cover every possible circumstance which may need to be included in a planning obligation. The guidance focuses on the use of planning obligations to secure measures or contributions to address the likely impact of proposed development on the physical and social infrastructure of the District. It will provide a starting point for negotiations on planning obligations in relation to development which is fair and equitable and which takes into account the circumstances of each site.
- 1.6 It is not the intention of the SPG to compromise regeneration or sustainability in any parts of the District, therefore:
The requirement for transportation, affordable and local needs housing, public open space, nature conservation, recycling, town centre enhancement, public art and community safety may be waived in exceptional circumstances, i.e.
 - where the building and/or vicinity is in a poor or derelict condition AND

- the development would result in substantial improvements to the local environment AND
 - it can be demonstrated to the Council's satisfaction that the requirement would render the redevelopment financially non-viable.
- OR
- the proposal involves the redevelopment of a listed building AND
 - it can be demonstrated to the Council's satisfaction that the requirement would render the redevelopment financially non-viable.

- 1.7 The Government have recently been looking at ways to reform Section 106 Planning Obligations. In November 2003, a Consultation Document called '*Contributing to Sustainable Communities; a new approach to planning obligations,*' was published. This proposed a new optional fixed planning charge which developers could choose to pay instead of negotiating a Section 106 Planning Obligation with the aim of speeding up the system and increasing flexibility. However, the Government have since reviewed its plans to take this approach forward.
- 1.8 In March 2004, the Barker Review of Housing Supply was published. It recommended that the Government should introduce a planning-gain supplement (PGS) tied to the granting of planning permission so that part of landowner/development gains could contribute to wider benefits for the community. The Government are considering proposals for a national PGS and will make a decision by the end of 2005. With this in mind, the Government are currently proposing to revise the current Circular 1/97 on Planning Obligations and publish good practice guidance for local authorities and developers. They aim to put the new arrangements in place early in 2005. This document will be updated to take account of any reforms accordingly.

2. PLANNING CONTEXT

- 2.1 Circular 1/97 is the current key source of Central Government guidance on the use of planning obligations. Planning obligations may be negotiated to provide on and off site physical and social infrastructure related to the development. Obligations may also be unilaterally offered by a developer.
- 2.2 Circular 1/97 states that planning obligations should be sought only where they are:
 - i. Necessary;
 - ii. Relevant to planning;
 - iii. Directly related to the proposed development;
 - iv. Fairly and reasonably related in scale and kind to the proposed development; and
 - v. Reasonable in all other aspects.
- 2.3 Central Government guidance makes it clear that when using planning obligations, Local Authorities should not compromise sound planning principles for the sake of unrelated gains. Also, planning obligations should not be used to compensate for substandard development. It is important that there is a material connection between the proposed development and the planning obligation. Therefore, measures should be directly related to the proposed development or use of the land so that the development ought not to be permitted without it, e.g. open space, social, recreational, educational or other community uses. All planning applications must be determined on their own merits and contributions sought only if they are necessary to allow the development to proceed. Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies nor should attempts be made to extract excessive contributions for infrastructure costs from developers. Additionally, planning obligations should not be used where the use of planning conditions would suffice.
- 2.4 The Government is proposing to produce an updated circular on the use of planning obligation agreements and this document will be revised as required to reflect any new advice.
- 2.5 In addition to Circular 1/97, guidance on the use of planning obligations in relation to specific aspects of development has been provided in planning policy guidance notes.
- 2.6 Within the Staffordshire Moorlands Local Plan (1998), Policy A1 addresses the issue of developer contributions, stating:

'CONTRIBUTIONS WILL BE SOUGHT FROM DEVELOPERS TOWARDS THE PROVISION OF COMMUNITY FACILITIES AND ENVIRONMENTAL AND INFRASTRUCTURE IMPROVEMENTS WHEN THESE ARE DIRECTLY RELATED TO THE DEVELOPMENT OR THE USE OF LAND AFTER DEVELOPMENT AND ARE REASONABLY RELATED IN SCALE AND KIND TO THE DEVELOPMENT'.

- 2.7 The Council is required by legislation to put planning obligations and other agreements that relate to planning applications on the planning register so that the decision making process is as transparent and open as possible.
- 2.8 This document covers the following topic areas for which planning obligations will be sought:
- Transportation
 - Education
 - Affordable Housing
 - Public Open Space
 - Nature Conservation
 - Recycling
 - Town Centre Enhancement
 - Public Art
 - Community Safety

3. TRANSPORTATION

- 3.1 Staffordshire County Council is the Highway Authority for the District, and the County Council is consulted on applications which may have highway and transportation implications. The Development Control section at the County Council is able to give more guidance on the details of transportation-based planning obligations.
- 3.2 Many transportation matters such as safe access arrangements, car parking and on-site provision of facilities for public transport, cyclists and pedestrians are covered by planning conditions, rather than by obligations.
- 3.3 Planning obligations are generally required for off-site works which are closely related to the development. The Council (in liaison with the County Council) will consider the additional pressure the development will place on the transportation infrastructure in determining the appropriate measures to include in a planning obligation. Obviously, the scale and type of development will influence what are reasonable measures, and must meet the requirements of Circular 1/97 to be "related in scale and kind" to the development.
- 3.4 A key aim of a transportation related planning obligation will be to reduce the amount of car usage associated with a development, through improving the attractiveness and practicability of other modes of transport, where these can be made into viable alternatives. Reducing car use can lead not only to less pressure on the highway, but also to more efficient use of land if less is required for car parking.
- 3.5 Policy T15 of the Council's Revised Policies and Proposals covers developments where Transport Assessments will be required. ('The Council's Revised Policies & Proposals document published in July 2003, is a set of policies saved from the Local Plan Review for inclusion in the Local Development Framework in due course. They constitute a material planning consideration when determining planning applications.')
- 3.6 The policy states that where appropriate, the following should be identified in the Transport Assessment:
 - necessary improvements to the highway network, and
 - measures that show how the development can be made more accessible to modes of transport other than the car. Such initiatives, if considered appropriate, should be dealt with in a Travel Plan to be agreed with the planning and highways authority. Staffordshire County Council as Highway Authority will assist and advise the District Council.The above measures and improvements as identified will normally form the starting point of s278 and s.106 agreement.
- 3.7 The most common transport measures that the Council will seek contributions towards, or the provision in their entirety, through s.106 agreements are listed below. **This is not an exhaustive list.**

3.8 Public transport improvements:

- Bus waiting facilities off-site, where the bus service(s) serve(s) the development site. (Waiting facilities on-site would be covered by condition).
- Enhancing a bus service or services that serve the development site. These enhancements might include: frequency improvements, quality of vehicle/service improvements and improvements to the highway to assist buses.
- The introduction of new or extended bus routes (see Policy T2 of Revised Policies & Proposals), including innovative schemes.
- Public transport information/publicity.
- Improvements to links to railway and bus stations (where appropriate).

3.9 Cycling improvements

- Cycle lanes and paths in the vicinity of the site, and appropriate links from them to the site, particularly from residential areas (cf. Policy T3 of the County Structure Plan 1996-2011)
- Cycle/walkways along disused railway lines (see Policy T6 of Revised Policies & Proposals).
- Cycle parking and storage, particularly at interchange points such as bus stops/stations and railway stations to encourage journeys to be made entirely by sustainable means of transport where public transport cannot serve the whole journey.

3.10 Walking improvements

- Creation of new pedestrian links, particularly from residential areas (cf. Policy T3 of the County Structure Plan 1996-2011), and the improvement of existing ones to increase the attractiveness of walking, shorten walking distances and increase associated public safety (see also "Improving the Public Realm" sections on pages 17-23). Examples of works include: landscaping, paving, signing, Closed Circuit Television, etc)

3.11 Green Travel Plans

A Travel Plan (TP) is a plan of action to reduce the numbers of those travelling to the development site by car. They are most effective where the occupier of the development site is able to survey the travel patterns of those visiting the development site and is able to exercise some control over these journeys. Generally, these tend to be places where people are employed, schools and certain types of community facility (e.g. hospitals). TPs can also be workable for major retail and leisure developments if customer travel flows can be determined. Measures to encourage the use of modes of transport other than the car such as designing estates to make walking and cycling attractive, improving public transport, etc will be the subject of planning conditions.

3.12 Where a Travel Plan is to be the subject of a s.106 agreement, the following elements are likely to be required:

- 1) The clear identification of who will coordinate the implementation of the TP within the organization occupying the development. Their responsibilities need to be clearly set out. For a major scheme/occupier, funding for a dedicated Travel Plan Coordinator will be necessary.
 - 2) A travel survey to determine the travel patterns and modes of transport used by those travelling to the site will be required. The results will help to determine which TP measures will be appropriate.
 - 3) The TP will need to include clear, measurable and achievable targets.
 - 4) The TP will need to be submitted to the Council for approval prior to its implementation.
 - 5) Monitoring will be required at agreed intervals to compare progress against targets, and if changes are necessary to the TP, then these will need to be agreed with the Council.
- 3.13 The measures agreed following a Travel Survey will vary with the size and nature of the occupiers of the development, but would typically involve first putting in place measures which encourage and give incentives towards a change of mode of transport away from the car. Examples of this type of measure are: disseminating information, publicity of alternatives, incentives such as subsidised season tickets, car sharing scheme, cycle parking & showering facilities for cyclists, pool cycles and cycling mileage allowances at an advantageous rate. These must usually be in place before measures which penalise car use are introduced. The latter may not be appropriate in some cases. Examples of these measures are: discriminatory parking charges (discriminating in favour of car sharers), or reducing the number of spaces for cars at the expense of cycle/motor cycle facilities.
- 3.14 Flexible working to allow homeworking and staggered start/finish times are also positive measures. The latter does not in itself reduce car use, but can help to avoid the concentrations of pollution which occur when vehicles all converge, or depart from, the same place at the same time.
- 3.15 For schools, the TP should link with any "Safer Routes to School" objectives and proposals for the area.
- 3.16 Developers are recommended to consult Staffordshire County Council's Guide on the Preparation of Transport Assessments and Travel Plans (to be adopted as Supplementary Planning Guidance by the County Council) for more comprehensive information on the working and content of s.106 agreements. This is available from the County's Development Control section (telephone 01785 223121).
- 3.17 Further Considerations.

As part of its Local Transport Plan (LTP) for 2000 to 2005, the County Council has prepared a number of Area Transport Strategies. These take the LTP's objectives, highlight the main problems and opportunities of the Area and put forward a list of Priority Strategy Measures with an indicative Investment Programme. These Strategies have been prepared for Leek, Biddulph urban

and Cheadle areas. They provide an indication of the transport schemes which are seen as a priority by the County, and in appropriate circumstances planning obligations will need to contribute to the achievement of these priorities.

- 3.18 Planning Policy Guidance Note 13 (PPG13) on Transportation, paras 83-86, gives further advice on transport-related planning obligations.

4. EDUCATION

- 4.1 Under the Education Act 1996, each Local Education Authority (LEA) has a duty to secure sufficient and suitable school places for children living in the LEA area. Staffordshire County Council is responsible for the planning of school places in the District. It is important that the effects of residential developments on schools and other educational facilities are carefully assessed. In the event that the additional demand created by a new development exceeds capacity, developers will be expected to meet the costs of additional school infrastructure.
- 4.2 The County Council reviews its Education Planning Obligations Policy and procedures annually to reflect current practice, demographic trends and the latest advice and cost multipliers from central government. The School Organisation and Information Unit in the County Council's Education and Lifelong Learning Directorate have responsibility for implementation of the policy. The 2004/2005 Policy document, which was approved in November 2003, is shown in Appendix 1.

5. AFFORDABLE HOUSING

- 5.1 The Government broadly defines ‘affordable housing’ as housing for people who cannot afford to rent or buy houses generally available on the open market.
- 5.2 Planning Policy Guidance 3: Housing (PPG3) sets out the Government’s guidance on housing provision. Local Planning Authorities are advised to encourage the development of a mix of housing types in their area including affordable housing to meet local needs. These are material considerations when formulating planning policy and determining planning applications.
- 5.3 The Staffordshire Moorlands Local Plan, adopted in 1998, emphasises the provision of affordable housing for local need:

H14 The District Council will seek to ensure that affordable housing both for sale and to rent is available to meet the needs of pensioners, single persons, first time buyers, low income groups and those with more specialised housing needs.

- 5.4 The Council has produced separate Supplementary Planning Guidance (SPG) that sets out in detail the guidelines the Council will use when securing the provision of affordable housing for local need in the District through the planning obligations.

6. PUBLIC OPEN SPACE

- 6.1 Open space in settlements performs a number of functions, it helps to provide a landscaped break between built up areas and provides formal areas for sport and informal areas for people to enjoy leisure activities without the necessity of travelling into the countryside.
- 6.2 Where there is a proven deficiency, new residential development for 20 dwellings or more will be expected to make provision for public open space (namely children's play areas and playing fields) within the development itself in order to meet the standards contained in Policy R1 of the Staffordshire Moorlands Local Plan 1998. Developers will not be expected to pay for facilities which will be needed solely in order to resolve existing deficiencies. Any contribution will be commensurate with the need for open space generated by that particular development. If public open space is required but cannot be provided within the development then it shall be provided in the locality at a site to be agreed by the Council. If a site is not available in the locality the Council will then require a contribution by the developer for the future provision or improvement / enhancement of public open space.
- 6.3 The Council has data for each Parish in the District showing where shortfalls in children's play area and playing field provision occur. The table below summarises this and is accurate at the time of writing (September 2003):

Parishes with Children's Play Area Shortfalls	Parishes with Playing Field Shortfalls
Alton	Alton
Bagnall	Biddulph
Biddulph	Bradnop
Bradnop	Brown Edge
Brown Edge	Cheadle
Caverswall	Checkley
Cheadle	Cheddleton
Checkley	Cotton
Cheddleton	Dilhorne
Dilhorne	Endon
Draycott	Farley
Endon	Forsbrook
Farley	Ipstones
Forsbrook	Kingsley
Horton	Leek
Ipstones	Leekfrith
Kingsley	Rushton
Leek	Tittesworth
Rushton	Werrington
Tittesworth	
Werrington	

- 6.4 The table in Appendix 3 shows the costs developers will be required to pay for provision of playing fields and children's play areas off the development site. They are based on the total number of bedrooms in the development. The costs shown do not apply to developments which will not generate a need for play areas like elderly persons housing and one bedroom units. The figures are supplied by the Council's Leisure Services Section and reviewed on an annual basis.
- 6.5 For full details of the Council's public open space policy including types of development exempt from providing a full range of public open space facilities can be found in the Council's 'Public Open Space' Supplementary Planning Guidance adopted in November 2004.

7. MEASURES TO SAFEGUARD THE ENVIRONMENT - NATURE CONSERVATION

- 7.1 One of the main characteristics of the Staffordshire Moorlands District is its attractive and diverse countryside, home to wildlife, flora and geology important in its own right both locally and nationally for preserving species and environments as well as for its recreational and educational value. In recent years awareness has grown of how much pressure wildlife and habitats are under from development.
- 7.2 Apart from identifiable sites of nature conservation interest, PPG9 'Nature Conservation' requires that the value of areas which provide links or corridors for wildlife between one habitat and another need to be given proper consideration. Such links and corridors may include woods, ponds, rivers, canals and hedgerows. The Council has an obligation to consider how development will affect both the wildlife and the habitats upon which the wildlife depends, and the varied geology of the District.
- 7.3 This is recognised in the Council's Corporate Plan which aims to "Use planning powers as a positive tool to protect the environment whilst creating opportunities for the Council's priorities to be met." One of the Community Strategy priorities is "that our environment is protected and improved and is an attractive, enjoyable place to be."
- 7.4 The Staffordshire Moorlands Local Plan (1998) contains policies N12 – N22 inclusive protecting designated nature conservation sites, local nature reserves, unimproved grasslands, lowland heaths, wetlands, trees and hedgerows. In many cases, negative impact of development on nature conservation sites will either result in the refusal of planning permission or planning conditions being attached to mitigate the impacts of a planning approval.
- 7.5 Circumstances where a s.106 agreement is applicable are development site specific. For example, a potential development site may include a green area consisting of hedgerows, a pond, trees and grassland. A s.106 agreement would then be implemented to manage this part of the site and perhaps create footpath links to it for people to enjoy. Provision for any immediate and long term management requirements should be reflected in any contributions made.
- 7.6 An element of nature conservation may be found adjacent to a development site for example, in Biddulph and Cheadle there are wildlife corridors through significant parts of the towns. Improvements may be sought to these areas in the form of footpath linkages and actual improvements to their nature conservation potential.
- 7.7 In exceptional circumstances nature conservation sites may have to be displaced off site. The level of financial contributions required as a result of development proposals will depend on the potential impact of the planning proposal on wildlife sites or corridors (this is likely to be ascertained through an

environmental assessment). If off site mitigation is required, perhaps through the creation of new or replacement wildlife habitats, a scheme of works and management proposals at the developer's cost will be sought.

- 7.8 Contributions made to mitigate the impact of a development on wildlife will be spent by provision or improvement of off-site wildlife habitats specifically identified during consideration of the application as necessary to mitigate the impact of the development. The expenditure of developer contributions arising from planning obligations on nature conservation may be carried out by parties other than the Council such as the Wildlife Trust.

8. RECYCLING

- 8.1 The Council is committed to promoting sustainable development and encouraging the recycling of waste. New housing developments in the District will create additional rubbish and it is anticipated that the amount of materials to be recycled will increase in the future. The Council aims to encourage the recycling of waste materials by providing a range of both local and off site recycling facilities to reduce car journeys and enable more people to recycle.
- 8.2 The Council currently operates a kerbside recycling facility through most of the District and has 34 complementary 'bring' sites to recycle items such as plastics which are not collected at kerbside. The 'bring' sites serve approximately 41,000 households. This is roughly 1 bring site per 1200 people. Guidance from other Local Authorities recommends one site to approximately 700-800 properties. To meet this density this authority will require a further 20 sites across the Moorlands. The Council's Recycling Manager holds data showing existing provision and deficiencies in the District. Generally the rural areas of the Moorlands have a lower provision of recycling facilities.
- 8.3 A full review of waste facilities offered by the authority is taking place. This will be fed into the Staffordshire Moorlands Waste Strategy. The Council feel that requiring developers to set aside land to create 'bring' sites on new developments would help to mitigate recycling deficiencies caused by these developments. In particular, new housing consisting of flats or terraces require adequate facilities for the storage and collection of recyclable materials.
- 8.4 Recycling facilities must be carefully located on new development sites to ensure that they are successful and don't cause a nuisance. They may require screening, particularly in residential areas and in all instances need suitable vehicular access.

Requirements

- 8.5 The District Council's requirements depend on the size and type of development proposed. Details can be found in the table accompanying this chapter. If the Council's Recycling Manager considers that there is an adequate provision of 'bring' sites in the proposed development location, then the developer will not be required to provide land for facilities. Where land is to be provided for a 'bring' recycling facility, the land area required is 15m². The developer and District Council will agree a suitable location for the recycling centre and suitable screening if considered appropriate by the District Council. The District Council would not require ownership of the land where the recycling centre is located.
- 8.6 If there are genuinely no suitable sites within the new development for a recycling centre and there is a requirement for facilities, a commuted sum would be required from the developer to aide recycling in the locality. A fund will be set up and managed by the Recycling Section of the Council.

TYPE OF DEVELOPMENT THRESHOLD		REQUIREMENTS
HOUSING DEVELOPMENT	10 to 49 dwellings	An off-site contribution towards local recycling facilities.
HOUSING DEVELOPMENT	50 plus dwellings	Where existing facilities cannot meet the additional demand or there is an existing deficiency, land for a recycling centre will be required as part of the development. Where this cannot genuinely be provided at a discreet location within the development, a financial contribution equivalent to the cost of providing land for recycling facilities in the locality should be paid to the Council.
RETAIL DEVELOPMENT	A net increase of 500m ² or more	Where existing facilities cannot meet the additional demand or there is an existing deficiency, land for a recycling centre will be required as part of the development. Where this cannot genuinely be provided at a discreet location within the development, a financial contribution equivalent to the cost of providing land for recycling facilities in the locality should be paid to the Council.
BUSINESS, INDUSTRIAL, DISTRIBUTION OR STORAGE DEVELOPMENT	A net increase of 500m ² or more	Where existing facilities cannot meet the additional demand or there is an existing deficiency, land for a recycling centre will be required as part of the development. Where this cannot genuinely be provided at a discreet location within the development, a financial contribution equivalent to the cost of providing land for recycling facilities in the locality should be paid to the Council.
MAJOR TRANSPORT, LEISURE, RECREATION, TOURIST OR COMMUNITY FACILITY		Where existing facilities cannot meet the additional demand or there is an existing deficiency, land for a recycling centre will be required as part of the development. Where this cannot genuinely be provided at a discreet location within the development, a financial contribution equivalent to the cost of providing land for recycling facilities in the locality should be paid to the Council.

IMPROVING PUBLIC REALM

9. CONTRIBUTION TO TOWN CENTRE ENHANCEMENT

- 9.1 The Government and the Council recognise the importance of a good town centre environment to the economic and social well being of Leek, Cheadle and Biddulph.
- 9.2 The Staffordshire Moorlands Corporate Plan identifies regeneration as a local priority. The aim is to “encourage and promote physical regeneration and environmental enhancement to improve the quality of life of our towns.” The Community Strategy echoes this, stating local areas and towns need to be regenerated. A desire is also expressed to “develop a local infrastructure that encourages business growth, investment as well as helping people to access jobs, whilst maintaining a high quality of life for local residents and enhancing the local environment.”
- 9.3 Through the Moorlands Partnership, the Council will continue to enhance the town centres of Leek and Cheadle. Previous plans to pedestrianise Cheadle town centre are no longer an option because the Cheadle bypass is not now going to be constructed.
- 9.4 Although of a similar size, Biddulph, Cheadle and Leek each have their own unique character. The level and nature of enhancement required is different for each town. Development proposals in the towns (defined by the Local Plan Development Boundary) will be expected to contribute to town centre enhancement for that particular town.

Specific Town Proposals

Biddulph

- 9.5 The completion of the Biddulph bypass presents the need and opportunity for enhancement in and around High Street.
- 9.6 The Biddulph Forum has adopted the Nicol Jones & Lomax report ‘Biddulph Town Centre Regeneration Study’ (August 2000) as the basis for improvements to the town centre.
- 9.7 The study found that the general condition of the street furnishings, pavings and shop frontages gave a poor impression of the High Street area. It was concluded that High Street could be developed to give it a more distinctive appearance using better quality materials. For example,
 - resurfacing tarmac paths with small slabs to match those already in use,
 - improving the appearance of the road surface,
 - changing the street lighting columns and lamps in order to provide a ‘whiter’ light and a more attractive column,
 - replacing existing poor quality seats, barriers, bollards and litter bins with better co-ordinated designs painted in a distinctive colour,

- introducing trees,
- improving links between the town centre and the Biddulph Valley Way.

9.8 These are the kinds of improvements for which contributions will be sought.

Leek & Cheadle

9.9 In Leek and Cheadle some enhancement work has taken place but both town centres would benefit from further improvements. Qualifying developments will be expected to contribute towards the enhancement of the town centre conservation areas to maintain and improve the vitality and viability of these areas. Examples of how monies could be spent are paving, street furniture, trees / planting schemes and other general enhancement.

General Development Size Giving rise to Obligation to Contribution

- 9.10 Major development consisting of more than 20 dwellings or other developments like retail and industry, where the floor space to be built is 1000m² gross + or where the site area is 0.5ha or more, give rise to make contributions.
- 9.11 Development sites in, on the edge of or within the catchment area of Biddulph, Leek or Cheadle will be expected to contribute to town centre improvements within that town as the occupants of the development will be using the town centre. Contributions will vary depending on the scale of the development proposed.
- 9.12 Funds collected will be spent by the Council through the Moorlands Partnership in consultation with the County Council, other interested parties such as the relevant Town Council and the developers who have contributed to the fund. Developers will also be credited appropriately.
- 9.13 A large enhancement project may require contributions from a number of developments in order to bring it to fruition. Therefore, in some cases, an expenditure period of 7 years will be specified in planning obligations in order to allow sufficient funds to be built up to fund the project.

10. PUBLIC ART

- 10.1 The Staffordshire Moorlands Corporate Plan and Public Art Policy emphasises the Council's commitment to promoting the arts and supporting the cultural diversity of the Staffordshire Moorlands.
- 10.2 Public art is beneficial in helping to establish a sense of place and local distinctiveness and can also provide a link to local history. Economic benefits can also be gained through their ability to attract visitors and the use of local businesses and individuals in the design. Involving the community in design and implementation can foster a sense of local pride and community spirit.
- 10.3 Public art is varied and could be anything from a stand-alone sculpture to an attractive piece of street furniture like a bench or cycle stand. Alternatively, it could be integrated into the design of a building like decorative brickwork or a mosaic.
- 10.4 This section should be read in conjunction with the Council's Public Art Policy which provides more detailed information about public art, its implementation and benefits both to the general public and developers. This document is due to be published at the end March 2004.

Requirements

- 10.5 Guidelines detailing development schemes where public art is required either on site as part of a development or as a contribution towards public art in the locality are as follows:
 - The Council will require the provision of public art in a location related to the development., or a contribution towards provision in such a location, as appropriate, on:
 - (i) housing developments of more than 20 dwellings; and
 - (ii) on office, employment and retail developments where the floor space to be built is 1000m² gross or more (or where the site area is 0.5ha or more),
 - Public art will also be required on enhancement schemes to contribute to the quality and interest of the environment.
 - The Council will consider waiving the above requirements where:
 - (i) it would demonstrably result in a proposed development, which offered other significant environmental benefits, becoming unviable, or
 - (ii) due to the location of the proposed development, (for example, in an isolated rural position) it would not be reasonable to require public art.

- 10.6 In all cases, developers may consult with the Council's Arts Officer and commission a public art project themselves, rather than just providing the funding. Such a project should be integrated in to a development to enhance its quality.
- 10.7 Design and implementation should be co-ordinated through the Council's Planning Officers and Arts Officer and the design theme should be appropriate to its setting. In implementing the art work, the location of underground utility services will be checked at an early stage in the process.
- 10.8 If artists are to be involved in development schemes, it is imperative that they are involved at the inception of a development. Early discussion with applicants and their agents will ensure a good practice process with a view to achieve high standards of design and development.
- 10.9 The value of public art within the development should be equal to 1% of the construction cost of a capital project.

Expenditure on public art can cover the following:

- Artists fees and fabrication
- Specialist advice and project management
- Public consultation processes
- Linked education programmes and community outreach work
- Maintenance of the public art (including general wear and tear, any vandalism, decommissioning of the work, an annual inspection of the work)

- 10.10 The use of commuted sums will be considered and allocated by the Council through the Arts Officer with the aim of producing public art of quality and relevance.
- 10.11 The Council will inform the developers of the end use of the sum and will credit the developer appropriately.

Public Art & Public Open Space

- 10.12 The provision of public open space as part of eligible new development proposals is required by the Council (refer to the separate Supplementary Planning guidance on Public Open Space for full details).
- 10.13 There may be an opportunity for a developer who is required to provide children's play space or playing fields as part of their development to incorporate public art features into these areas to meet the Council's public art requirements. Examples include:
 - Laying out new children's play areas or informal open space
 - Extending or improving existing facilities
 - Provision of play equipment
 - New landscaping, lighting, seating, shelters, features

- Involving the community in the design and function of the space

10.14 Liaison would be required with the Council's Arts Officer and the Open Spaces Officer to agree a suitable scheme.

Further Guidance

10.15 Wherever possible proposals should use local artists, suppliers and manufacturers, to maintain local links. Community involvement will also be encouraged.

10.16 All public art work, whether it be functional or stand alone features, long term permanent or temporary, should comply with Health and Safety Regulations. They should also be securely located and fixed to avoid theft or vandalism. Materials should be appropriate to their setting and purpose and be appropriately durable.

10.17 Where installation is in a public place and adopted, by agreement, by a public body, they will be responsible for its on-going maintenance. Where installation is on private land, ownership and maintenance responsibility may be transferred to the Council. If not, the landowner would be responsible for maintenance.

11. COMMUNITY SAFETY

- 11.1 Community feedback is consistently clear that what people want is to have a safe, healthy and attractive environment in which to live, work and play. Section 17 of the Crime & Disorder Act 1998 means that the Council must place a high priority on community safety. It is one of the main areas of concern which has emerged from Community Plan consultation. This is reflected in the Corporate Plan which aims to “take full account of community safety issues in the decisions we take and the services we provide”.
- 11.2 Local Plan policy B13 says that development proposals will be expected to “make provision for safety and security by maximising opportunities for natural surveillance through the relationship between adjoining land uses and through the layout and design of buildings and spaces.”
- 11.3 The Council’s Local Plan Review document, ‘Revised Policies & Proposals’ (July 2003) modifies the policy to read “development proposals will be expected to ensure that development and its relationship to the environment will not impact on the crime and community safety profile of the area either directly or indirectly. Provision should be made for safety and security by considering surveillance issues, design, layout and both physical and technical security measures.” (‘The Council’s Revised Policies & Proposals document is a set of policies saved from the Local Plan Review for inclusion in the Local Development Framework in due course. They constitute a material planning consideration when determining planning applications.’)
- 11.4 In many cases, any negative impact of development on community safety will either result in the refusal of planning permission or a request for revised plans to be submitted. Relevant planning conditions may also be attached to a planning approval.

General Development Size Giving rise to Obligation to Contribution

- 11.5 There are certain circumstances where a s.106 agreement is applicable to ensure that new development proposals do not compromise community safety. One type of development where contributions will be sought are public houses, take-aways with late opening hours and late night entertainment venues. These types of development are more likely to generate public safety concerns that require increased security measures.
- 11.6 Contributions will be based on the estimated cost of providing or enabling the package of community safety measures identified in connection with the development. Any development proposals for entertainment venues in town centre locations will be expected to contribute to surveillance in the form of provision of or improving CCTV coverage and lighting in the town centre.
- 11.7 The use of contributions will be specified in each planning obligation and will be targeted towards community safety needs related to the development. For example, contributions may be required towards late night bus services,

improvement or provision of signage to public transport points, provision of CCTV and improved lighting.

- 11.8 The payment required will vary according to the nature of the installation and the maintenance regime required – this will be assessed by the Council. However, it will normally involve a commuted capital sum to be invested to provide an annual maintenance sum.

12. IMPLEMENTATION OF PLANNING OBLIGATIONS

- 12.1 The Council will confirm the infrastructure requirements relating to individual proposals for new developments based on detailed consultations with the various public and private undertakers.
- 12.2 It is not considered to be appropriate to set an overall threshold below which infrastructure contributions will not be sought. Various services will need to be provided to support relatively minor developments. For example, an adequate highway arrangement must be provided for all new developments.
- 12.3 It must also be recognised that it may not always be possible for all service inadequacies to be addressed if a development is to be brought forward. The Council will normally expect service infrastructure to be provided in full but landowners and developers may, in special circumstances, be able to demonstrate a case to the satisfaction of the Council for more limited contributions to be made if the development of a particular site would otherwise be frustrated. This could apply particularly to previously used sites where there would be environmental benefits in achieving a suitable development but where development costs could be significantly higher than would normally be expected. Cases made out for limited contributions will be considered individually (against any supporting evidence) by the Council on their own merits.
- 12.4 Planning obligations will be drawn up by the Principal Planning Solicitor for the Council. More complex agreements take longer to negotiate and to draft into a finally agreed legal agreement.
- 12.5 The developer will normally be expected to make a full contribution to legal and administrative costs reasonably and necessarily incurred by the Council.
- 12.6 The timing of the payment of financial contributions agreed as a planning obligation will be separately negotiated as part of drawing up the planning obligation agreement. Normally they would be paid on commencement of the development but may, where reasonable, be payable by installments (index-linked to inflation) related to defined stages in the development process.
- 12.7 All payments received by service providers pursuant to planning obligations will be dedicated to the purpose for which they are intended as specified in the agreement. If the funds are not used within 7 years from the date the capital sum is received the contribution will be returned to the developer with accumulated interest.

APPENDIX 1

EDUCATION PLANNING OBLIGATIONS POLICY

ANNUAL UPDATE 2004/05

- Policy approved:
November 2003
- Cost multipliers
updated: April 2004

Staffordshire
County Council

Produced by
Education and Lifelong
Learning Directorate,
School Organisation and
Information Unit

Context

1. New housing development often places pressure on existing infrastructure. This infrastructure includes: facilities such as roads, parking, landscaping and affordable housing, as well as services such as the provision of education, social services, libraries, recreation, leisure, police and fire and rescue.
2. The Town and Country Planning Act 1990 (as amended) Section 106, sets in place a method of obtaining funding from developers, through Planning Obligations. A Planning Obligation is a legally binding document, drawn up as a legal agreement between all the parties involved. These usually consist of the Developer or landowners, the Local Planning Authority (usually the District Council) and any infrastructure or service providers (in the case of educational provision the County Council as the LEA).
3. This system was reinforced by Government guidance. A Department of the Environment Circular 1/97 "Planning Obligations" stresses that contributions must be directly related to the development and must not constitute the buying or selling of planning permissions. Put simply, this means that the contribution must relate to something "without which the development ought not to be allowed to proceed"
4. The Staffordshire and Stoke-on-Trent approved Structure Plan 1996-2011 includes Policy D8, which states:

"Where appropriate, development schemes should be accompanied by the provision of necessary on- and off-site infrastructure, community services, and/or mitigating measures. Local Authorities should include in their local plans policies on planning obligations with the aim of securing benefits where these are necessary, relevant to planning, directly related in scale and kind to the proposed development and reasonable in all other respects..."
5. Furthermore, many of the Staffordshire District Councils' Local Plans also include similar policies.
6. The Education and Lifelong Learning Directorate does not have sufficient resources to construct buildings and other infrastructure to keep pace with the rate of new development. With assistance from the Development Advice Service in the Resources Directorate and Legal Advice Section of the Governance Directorate, and in keeping with the legislation, contributions towards providing additional educational infrastructure have been, and continue to be sought from developers, through Planning Obligations.

Procedure

7. Resource Directorate staff will identify and obtain planning applications from District Councils for those developments likely to result in a requirement for a contribution and advise other Directorates as appropriate. To be considered, a development must fall within one of the thresholds. The thresholds are a residential development of 7 or more dwellings, or a site of greater than 0.2 hectares. The Corporate Director (Education and Lifelong Learning) considers how many additional pupil places the development will add and what effects this will have on accommodation in the schools where children from the development will be expected to attend. Local spare capacity in existing schools will be taken into account and may reduce or even avoid the need for contributions. Developers will be expected to contribute financially towards any shortfall in places that are directly related to the development.

8. Where the development is of sufficient size to exceed the capacity of the existing provision the County Council reserves the right to require the construction of a completely new school and the acquisition of the land, access and relevant services.
9. The County Council will put in place policies to ensure forward planning of future needs for school facilities against local plan residential allocations and windfall potential. To ensure fairness, proportionate contributions will be sought from those developments, which in combination with other proposals, lead to a requirement for additional facilities. This may on occasions necessitate seeking contributions to be held against future developments.
10. The majority of Staffordshire schools operate catchment areas as part of their published admission arrangements in line with statute.
11. The number of pupils at the schools is the projected roll in the academic year three years after the planning application has been received. The projection will exclude the effects of the proposed development.
12. The County Council uses the standard DfES "Net Capacity Method" formula to determine the number of pupils that a school can accommodate in permanent buildings. Temporary accommodation will be excluded from the formula.
13. The number of pupils arising from a new residential development will be based on figures advised by the Education and Lifelong Learning Service. (See Annex 1.)
14. The amount of money per place will be based on the latest DfES cost multipliers. (See Annex 2.)
15. Each planning application will be treated individually. Factors which may lead to an adjustment to the above calculation include:
 - (a) Specialist accommodation for elderly persons e.g. sheltered housing will normally be excluded from calculations
 - (b) Developments of purely one and two bedroom flats will normally be excluded.
 - (c) Social or Affordable housing. Following a planning appeal decision at Hounslow, there can be no request for secondary places from social/affordable housing under nomination from the district council or a registered social landlord. However, primary places will be still included in the calculation. "Affordable" housing offered on the open market will be included.
 - (d) Catholic pupils will be taken into consideration in the calculation.
 - (e) Where a school has over 10% of its total roll from outside its catchment, these pupils can be excluded from the calculation of need if there are sufficient local surplus places.
 - (f) Pupils going into independent education. No account will be taken of the proportion of children going into private sector schools since most areas of Staffordshire have little independent school provision.
 - (g) Other local factors may be taken into account on a site by site basis.
 - (h) The additional costs in educating pupils with special educational needs will not be taken into account in the calculation.

Early Years Provision

16. From September 2003, it will be a statutory requirement for the County Council to provide childcare places for all three-year olds. Where the development falls within an area identified by the Early Years and Childcare Partnership as being full in terms

- of early years provision, a contribution towards provision for early years will be sought.
17. The number of nursery pupils arising from a new residential development will be based on figures advised by the Education and Lifelong Learning Directorate. (See Annex 1)
18. The amount of money per nursery place will be based on the Education and Lifelong Learning Directorate formula. (See Annex 2)

Procedure for Negotiation

19. Principles:
- (a) Negotiations with Developers are confidential as they relate to commercial matters, but the Agreement will be registered as a Local Land Charge.
 - (b) Negotiations will be related to education need, but may take account of wider issues affecting the development.
 - (c) Staff of the Governance, Resources and Education and Lifelong Learning Directorates acting together will conduct negotiations.
 - (d) The final negotiated contribution will be agreed with the Head of School Organisation and Information Unit before the agreement is sealed.
 - (e) The outcome of negotiations will be reported to the Corporate Director of Governance prior to the preparation of a formal legal agreement.
 - (f) Monies will be specifically allocated and carefully monitored according to the requirements of each agreement by the Corporate Director of Education and Lifelong Learning.
 - (g) The County Council will seek to recover its reasonable costs towards legal and administrative expenses. Legal costs are charged at an hourly rate, which may be reviewed from time to time.

Procedure for Payment

20. The arrangements for payment are open to negotiation with developers. In most cases, the County Council would request payment upon signing of the agreement. It shall be the responsibility of the Local Planning Authority granting the approval to inform the Education and Lifelong Learning Directorate as soon as any trigger points for payments have been reached.
21. Where future payments are requested, then, the contribution will be index-linked.

Procedure for Monitoring Payment

22. a) Following completion of a Planning Obligation, the Governance Directorate will provide copies to the Education and Lifelong Learning and Resources Directorates and the relevant clauses relating to the Education contribution will be highlighted.
- b) The Governance Directorate will review payment trigger dates and advise the Education and Lifelong Learning and Resources Directorates accordingly if monies are received.
- c) Where appropriate, the Education and Lifelong Learning Service will need to take further steps in order to monitor the progress of developments to ascertain whether trigger dates/events have taken place.
- d) The Education and Lifelong Learning Joint Finance Unit will monitor income and expenditure and provide statements upon request.

Expenditure

23. Once payment has been received, the Education and Lifelong Learning Joint Schools Property Unit will be informed and the Unit, in consultation with the relevant school(s), will determine how the monies should be spent.

Annex 1

Formula for calculating the number of pupils generated from housing

The Formula for calculating the number of pupils attributable from new housing is 3 children per year group per 100 houses. This formula is applied on a pro rata basis.

The Education and Lifelong Learning Directorate's School Organisation and Information Unit have calculated this formula, in association with the Development Services Department. It is based on research into the actual number of children generated by new housing, derived from the 2001 Census.

Our calculation of three pupils per year group per 100 houses is consistent with the formulas used by several other Local Education Authorities.

Phase of Education	Pupil Ages	Number of year groups	Total number of pupils generated from 100 houses
Early Years/Nursery	2 – 4	2 *	3
Sixth Form	16 - 18	2 **	3
2 tier system ***			
Primary: primary schools	4 – 11	7	21
Primary: infant schools	4 – 7	3	9
Primary: junior schools	7 – 11	4	12
Secondary	11 – 16	5	15
3-tier system ****			
First School	4 – 9	5	15
Middle School	9 - 13	4	12
High	13 – 16	3	9

Notes:

*** There are 2 year groups in early years, but the total number of pupils generated is based on 1 year group, as pupils normally attend part-time.**

**** There are 2 year groups in Sixth Forms, but the total number of pupils generated is based on 1 year group, as average staying-on rates are 50%.**

***** Staffordshire operates a predominately 2-tier system of primary and secondary schools. In some areas the primary provision is provided in separate infant and junior schools.**

****** In the Biddulph, Codsall, Leek, Penkridge, Stone and Uttoxeter areas there is a 3-tier system of first, middle and high schools.**

Annex 2

Contribution per pupil place

The contribution is for capital, based on the cost of providing additional educational infrastructure. The basis for the amount is the latest DfES capital building cost multiplier, taking into account the Staffordshire weighting (0.92).

The cost multipliers to be used from April 2004 are as follows:

Phase of Education	<u>Cost multiplier per pupil including weighting</u>
Early Years/Nursery, First and Primary (including infant and junior schools)	£7,635
Middle	£9,198
Secondary and High	£10,760
Sixth Form	£12,695

The cost multiplier figures are set annually by the DfES.

Updates since November 2003:

01/04/2004 Annual update of DfES cost multipliers added for 2004/05, w/e 1 April 2004
01/09/2004 Cover added and slight formatting changes

APPENDIX 2

LAND / LAYOUT COSTS (2003/2004)

	PLAYING FIELD	PLAY AREA		
	LAND / BEDROOM ¹	LAYOUT / BEDROOM	LAND / BEDROOM ²	LAYOUT / BEDROOM ³
Leek	£64	£385.12	£270	£85.56
Cheadle	£64	£385.12	£270	£85.56
Biddulph	£64	£385.12	£270	£85.56
Rural	£64	£385.12	£300	£85.56
1 Bedroom = Playing Field 16m ² Play Area 6m ²				

N.B.

1. **These figures are updated on an annual basis. Please contact the Head of Leisure Services for the latest updates.**
2. **Legal fees are not included in the figures above and will be calculated separately.**
3. **The costs shown do not apply to developments which will not generate a need for play areas like elderly persons housing and one bedroom units. For full details refer to the Council's 'Public Open Space' Supplementary Planning Guidance, adopted in November 2004.**

¹ Figure of land cost for playing fields assumes that the land is agricultural with 'hope' value.

² Figure for land cost for children's play area assumes that land will be of residential value.

³ Figure for layout per bedroom includes an activity area (11.10% of play area) and a buffer zone (88.90% of play area).