



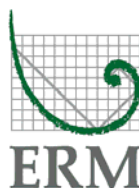
TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL A - THE DANETREE CONSORTIUM
(APP/Y2810/A/08/2071504) & (APP/M9570/A/08/2071505)
LAND TO THE EAST OF DAVENTRY AND NORTH OF THE A45 ROAD**

**APPEAL B – THE CAPEL HOUSE PROPERTY TRUST LTD
(APP/M9570/A/08/2082894)
LAND AT MONKSMOOR FARM WELTON LANE DAVENTRY**

**APPEAL C - CROUDACE HOMES LTD
(APP/Y2810/A/08/2083322) & (APP/M9570/A/08/2083327)
LAND AT LONG BUCKBY ROAD, DAVENTRY**

**PROOF OF EVIDENCE OF IAN GILDER
INFRASTRUCTURE AND PLANNING OBLIGATIONS**



22 DECEMBER 2008

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1 INTRODUCTION AND SCOPE OF EVIDENCE

1.1 My name is Ian Gilder. I am Head of Planning at Environmental Resources Management (ERM) Limited, a leading environmental management and planning consultancy. I hold a Master of Arts degree in Geography from the University of Cambridge, a Postgraduate Diploma in Town Planning from Anglia Polytechnic University and have been a Member of the Royal Town Planning Institute since 1978. I am a Fellow of the Royal Society of Arts.

EXPERIENCE

1.2 I have been Head of Planning at ERM since April 1998. From 1990, I was an Associate with Halcrow Fox, another planning, transportation and environmental consultancy. Before that I worked for local authorities in Suffolk and was a Chief Officer in a local planning authority, St Edmundsbury Borough Council, from 1986 to 1990.

1.3 I have had over 30 years experience, in both local government and consultancy, dealing with urban and rural planning projects, covering the full range from strategic policy and research to the implementation of infrastructure, regeneration and development projects 'on the ground'. In particular, I was involved in leading the delivery of community facilities and infrastructure projects to enable the expansion of Bury St. Edmunds, a market town of similar size to Daventry.

1.4 Apart from West Northamptonshire Development Corporation, I have prepared several planning obligations strategies, developing 'standard charge' systems for London Thames Gateway Development Corporation in 2006/08 and am currently working for Thurrock Thames Gateway Development Corporation to establish similar arrangements to secure appropriate developer contributions towards the provision of necessary strategic and local infrastructure. I have also prepared a number of 'schedule of charges/menu' planning obligation arrangements for local planning authorities, including the Planning Obligations SPDs for the London Boroughs of Greenwich and Bexley, which have been adopted, and for Havering, which is in preparation..

1.5 I am also advising on the planning and environmental assessment of major development and infrastructure projects including the Olympics Site Preparation and Facilities Planning Applications (for the ODA as Planning Authority); the Brent Cross Cricklewood Development (for Brookfield/Hammerson); Nottingham Express Transit Extensions (for the City and County Councils) and Ebbw Vale Steelworks Regeneration (for the Welsh Assembly Government and Blaenau Gwent Council).

KNOWLEDGE OF THE APPLICATIONS

- 1.6 I have been working with WDC since August 2007, as the Project Director leading the ERM team, preparing the WDC **Planning Obligations Strategy [CD4.3]** and advising more generally on infrastructure delivery and development viability.
- 1.7 I have visited Daventry and the planning application sites and am aware of the principal application documents and of the planning, economic and development context of the proposed schemes.

SCOPE OF THE INQUIRY

- 1.8 This Inquiry has been called by the Secretary of State and will open on 20 January 2009 with the purpose of dealing with appeals in respect of non determination of three planning applications, namely:
- Danetree Consortium – Urban Extension on Land to the east of Daventry and north of the A45 Road (Appeal Reference APP/M9570/A/08/2071505);
 - Capel House Property Trust – Urban Extension on Land at Monksmoor Farm (Appeal Reference APP/M9570/A/08/2082894); and
 - Croudace Homes Ltd – Urban Extension on Land at Church Fields, Daventry (Appeal Reference APP/M9570/A/08/2083327/NWF).
- 1.9 The applications will be referred to as the ‘Danetree appeal’, the ‘Monksmoor appeal’ and the ‘Church Fields appeal’ in this proof. The appeal sites and the planning authority boundaries are shown on **Figure IMG1.1** in **Appendix IMG1**.

Danetree Appeal

- 1.10 The Secretary of State has set out, by letter dated 14 April 2008, **[CD 6.2]** the matters to be addressed at the Inquiry in relation to the Danetree application. They are:
- i. the extent to which the proposed development would be in accordance with the Development Plan;
 - ii. the extent to which the proposed development would be consistent with PPS1 and its related documents;
 - iii. the extent to which the proposed development would be consistent with PPS3;
 - iv. the extent to which the proposed development would be consistent with PPG13;
 - v. whether any permission should be accompanied by a section 106 obligation and if so whether the proposed terms are acceptable; and

vi. whether any permission should be granted subject to conditions.

1.11 My Proof of Evidence deals principally with point (v) of the Statement of Matters in relation to the Danetree appeal and with the other matters, insofar as they are relevant to the provision of infrastructure and its delivery.

Monksmoor and Church Fields Appeals

1.12 The Secretary of State has not yet identified formally any matters about which she particularly wishes to be informed for the purposes of her consideration of the appeal. However, at the first Pre-Inquiry Meeting, on 23 September 2008, the Inspector identified a number of issues that he considered were common to all three appeals to be considered at the Inquiries. These issues are:

- i. the extent to which the proposed development would be in accordance with the Development Plan;
- ii. the extent to which the proposed development would comply with PPS1 and its related documents;
- iii. the extent to which the proposed development would be consistent with PPS3;
- iv. the extent to which the proposed development would be consistent with PPG13;
- v. impact on flood risk, drainage and sewerage capacity;
- vi. degree to which services and facilities would be duplicated or how they would be adjusted if two or more sites were allowed;
- vii. mix of housing including affordable and market housing;
- viii. mix of uses, services and facilities;
- ix. design quality, layout, scale, visual appearance, landscaping;
- x. environmental Issues;
- xi. whether any permission should be accompanied by s106 and s278 agreements and whether the terms are acceptable; and
- xii. whether any permission should be granted subject to conditions.

1.13 My proof of evidence deals, principally, with point (xi) of the matters for consideration but also covers points (ii), (iv), (v), (vi), (vii) and (viii), in relation to the adequacy and means of delivery of infrastructure and service provision.

Further Statements of Matters

1.14 The Inspector, at the Second Pre Inquiry Meeting on 17 November 2008, indicated that further Statements of Matters may be issued in relation to the Monksmoor and Church Fields Appeals. If there are, and these raise new issues, this Proof will be amended or a Supplementary Proof issued.

RESOLUTIONS IN RELATION TO POTENTIAL REASONS FOR REFUSAL

- 1.15 The three appeals for non-determination were lodged at a time when requests for additional information relating to the environmental impact of the development proposals made pursuant to Regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the Regulation 19 request”) remained outstanding.
- 1.16 Following the submission of further information, WNDC has reconsidered its position in relation to each of the three applications and relevant extracts of the resolutions are set out below.

Danetree Appeal

- 1.17 WNDC’s Daventry UDA Planning Committee on 2 December 2008 [CD 5.22] resolved that permission would have been refused, had the Corporation been able to do so.
- 1.18 The following reasons for refusal are relevant to my evidence:

(f) The applicant has failed to secure appropriate and necessary Section 106 obligations in respect of the provision of on-site and off-site infrastructure, facilities and services, including affordable housing, required in order to make the development acceptable in land use terms. As such, the application fails to comply with RSS8 Policy 1, MKSM Strategic Policy 3, Northamptonshire Structure Plan ‘saved’ policy GS6 and the WNDC Planning Obligations Strategy.

(h) The proposals fail to demonstrate appropriate quantitative and qualitative provision for formal and informal recreation and open space as part of the development. As such, the proposals would be contrary to Daventry Local Plan ‘saved’ policies RC1 and RC12, the Daventry Infrastructure SPD, the WNDC Planning Obligations Strategy and advice in PPG17.

(i) The proposals fail to demonstrate that sufficient land would be made available within the district/neighbourhood centres to provide a full and appropriate range of community facilities that would contribute to the creation of a sustainable urban extension. As such, the proposals would be contrary to Policy 3 of RSS8 and PPS3’

Monksmoor Appeal

- 1.19 WNDC’s Daventry UDA Planning Committee on 17 December 2008 [CD 9.30] resolved that permission would have been refused, had the Corporation been able to do so.
- 1.20 The relevant reason for refusal (b) states that “*The applicant has failed to secure appropriate and necessary s106 obligations in respect of the provision of on-site and off-site infrastructure, facilities and services including affordable housing, required in order to make the development acceptable in land use terms. As such, the application fails to comply with RSS8 Policy 1, MKSM*

Strategic Policy 3, Northamptonshire Structure Plan 'saved' Policy GS6, and the WNDP Planning Obligations Strategy

Church Fields Appeal

1.21 WNDP's Daventry UDA Planning Committee on 17 December 2008 **[CD 7.32]** resolved that permission would have been refused, had the Corporation been able to do so.

1.22 The relevant reason for refusal (b) states that *"The applicant has failed to secure appropriate and necessary Section 106 obligations in respect of the provision of on-site and off-site infrastructure, facilities and services, including affordable housing, required in order to make the development acceptable in land use terms. As such, the application fails to comply with RSS8 Policy 1, MKSM Strategic Policy 3 and Northamptonshire Structure Plan 'saved' Policy GS6."*

DOCUMENTS AND REFERENCING

1.23 The three Statements of Case included lists of documents which will be referred to at the Inquiry. A consolidated Core Document list has been prepared and Core Documents are prefixed **CD**.

STRUCTURE OF THE PROOF

1.24 I set out, in **Section 2** of this proof, the policy context for securing planning obligations and the delivery of infrastructure requirements. I deal with, in some detail, the scope and content of the WNDP **Planning Obligations Strategy [CD 4.3]** and refer to the WNDP **Daventry Infrastructure Studies (DIS) (Consultation Draft) [CD 4.2]**.

1.25 In the remaining sections of my evidence, I deal with, in:

- **Section 3**, progress with the agreement of planning obligations with the appellants for each of the three applications;
- **Section 4**, the infrastructure and service requirements and the adequacy of provision proposed in the three applications;
- **Section 5**, other matters to be subject of planning obligations proposed for each of the three applications; and
- **Section 6**, my interim conclusions.

1.26 My appendices, **IMG1** to **IMG9** are bound separately.

NEGOTIATION WITH APPELLANTS

1.27 Following the submission of evidence, WNDP will prepare draft planning conditions, for discussion with the appellants, to be provided to the Inquiry in due course.

1.28 WNDG is continuing to seek negotiated s106 agreements to deliver adequate planning obligations and highway improvements from each appellant. If these are agreed, this proof of evidence will be replaced by a Statement of Common Ground, together with the relevant documents. In the event that an appellant provides a unilateral undertaking, rather than a s106 agreement, I will make an appropriate submission in the form of a Supplementary Proof about the adequacy of that undertaking.

2 POLICY FRAMEWORK FOR SECURING PLANNING OBLIGATIONS AND DELIVERY OF SERVICES

INTRODUCTION

- 2.1 All three appeal sites fall within the area covered by 'saved' development plan policies in the adopted **Northamptonshire County Structure Plan (2001) [CD2.1]** and the adopted **Daventry District Local Plan (1997) [CD3.1]**. The Church Fields and Danetree appeal sites straddle the boundary between the areas for which WNDC and Daventry District Council are the development control authorities. The Monksmoor appeal site falls solely within the area for which WNDC is the development control authority.

WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION (WNDC)

- 2.2 WNDC was set up by Government in December 2004, as part of the Sustainable Communities programme, with a remit to promote and deliver the sustainable growth and regeneration of the three towns of Northampton, Daventry and Towcester. The West Northamptonshire Development Corporation's (WNDC) statutory objective is to promote and deliver sustainable growth and regeneration of West Northamptonshire. To achieve this aim, it is essential that public sector investment in social and physical infrastructure is supported by appropriate contributions derived from the developments that will contribute to the demand for such infrastructure in the future. Its overall objectives are set out in **Planning Principles [CD4.1]** and are to:

- bring land and buildings into effective use;
- encourage the development of existing and new industry and commerce;
- create an attractive environment; and
- ensure that housing and social facilities are available to encourage people to live and work in the area.

- 2.3 To achieve these objectives, WNDC has the power to:

- acquire, hold, manage, reclaim and dispose of land and other property;
- carry out building and other operations;
- seek to ensure the provision of water, electricity, gas, sewerage and other services;
- provide funding to organisations whose activities meet WNDC's operational objectives; and
- undertake any appropriate activity which may underpin the regeneration of the West Northamptonshire area.

- 2.4 Since April 2006, WNDC has been the development control authority for strategic planning applications in Northampton, Daventry and Towcester, in summary, covering applications for more than 50 dwellings or 2,500 sq m of business floorspace. In Northampton's central area, given its strategic importance to the county, WNDC is also responsible for determining most applications relevant to its purpose, that is all those except for 'householder'

development. WNDP is not a plan making authority but has adopted or is preparing a series of strategies that identify the interventions needed to deliver growth and regeneration. The **Planning Obligations Strategy** forms part of the WNDP's emerging Regeneration Framework, which will enable WNDP to deliver the infrastructure needed in the area to bring forward development and promote regeneration.

NATIONAL POLICY IN RELATION TO INFRASTRUCTURE AND PLANNING OBLIGATIONS

2.5 The current system of planning obligations, under section 106 of the Town and Country Planning Act 1990, allows local planning authorities to accept contributions from developments in a wide range of circumstances, as well as imposing restrictions and requirements on land. Government guidance on the application and use of planning obligations is set out in **Circular 05/2005 Planning Obligations [CD 1.31]**, which takes a narrower view than s106 itself as to what may be included within a planning obligation. Advice on good practice is amplified in **Planning Obligations: Practice Guidance [CD 1.32]** published by CLG in July 2006. For planning obligations to be acceptable, they must meet five tests set out in paragraph B5 of the Circular 05/2005. They must be:

- *'relevant to planning;*
- *necessary to make the proposed development acceptable in planning terms;*
- *directly related to the proposed development;*
- *fairly and reasonably related in scale and kind to the proposed development; and*
- *reasonable in all other respects.'*

2.6 Other relevant advice in the Circular relating to tariffs or standard charges in planning obligations includes:

- *Para.B4. There are no hard and fast rules about the size or type of development that should attract obligations.*
- *Para.B9. Planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision.*
- *Para.B18. It may be appropriate for the developer to make provision for subsequent maintenance (ie. physical upkeep). Such provision may be required in perpetuity.*
- *Para.B22. Spare capacity in existing infrastructure provision should not be credited to earlier developers. This paragraph, generally, supports 'pooling' and a strategic approach to contributions.*
- *Para.B33. Local authorities are encouraged to employ formulae and standard charges where appropriate.*

- 2.7 In my view, it is clearly appropriate that tariffs and standard charges are based on the overall costs of delivering the relevant infrastructure. This is supported by paragraph B10, which states:
- ‘In some instances perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by public sector infrastructure providers.’*
- 2.8 Possible changes to the current system for planning obligations are envisaged through the Government’s proposed introduction of a Community Infrastructure Levy (CIL). The enabling powers are set out in the Planning Act 2008. The purpose of CIL is to *‘ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by owners or developers of land’*. The Department for Communities and Local Government (CLG) briefing papers on CIL, issued in January and August 2008 [CD 1.35], indicate that the Government has still to resolve various procedural and technical issues before CIL can be implemented.
- 2.9 Draft Regulations for CIL are expected to be issued in early 2009 and may be in force in 2010. WNDC is not a charging authority for the purposes of CIL, but will continue to work closely with the local planning authorities, through the Joint Committee, if they decide to implement CIL. It is clear that no CIL proposals can be made until the Joint Core Strategy, relevant Site Allocation DPDs and appropriate infrastructure studies have been completed and examined.
- 2.10 **PPS12 Local Spatial Planning [CD 1.21]** refers to the provisions for Community Infrastructure Levy (CIL) in the Planning Act. The advice in PPS12 is that, *‘in the meantime local authorities should continue to advance their infrastructure planning in order to ensure that there is clear evidence about planned infrastructure, its cost, timing and other likely sources of funding to underpin their development strategies. This would also serve as a basis for establishing policies for charging CIL on developments in their areas’*.
- 2.11 The government has made it clear that, until CIL comes into force, local planning authorities should continue to develop standard charge or similar arrangements. The CLG Paper on the **Community Infrastructure Levy**, January 2008 [CD 1.35] endorsed the continuing work by local planning authorities in developing standard charge arrangements, even as the legislation enabling CIL was in progress, stating, in para 85, that *“many LPAs either have already developed standard charges or are considering them. The Government encourages them to continue this work, reflecting current law and policy”*.
- 2.12 WNDC’s **Planning Obligations Strategy** has been developed as a positive response to the challenges of delivering the growth agenda in West Northamptonshire and is clearly founded on a proper interpretation of national

planning policy. Tariff or formula based planning obligations policies have been adopted by a substantial number of local planning authorities. Research undertaken for CLG, **Valuing Planning Obligations in England: Update Study for 2005-06** [extract in **Appendix IMG2**], shows that 66% of local planning authorities have a standardised charge for affordable housing, 62% for open space and the environment and 52% for education contributions. In 2005/06, 75% of all obligations were direct payment obligations compared with 65% in 2003/04. This indicates a continuing trend towards greater use of standard charging approaches.

- 2.13 The underlying concepts of standard charges have also been taken forward, notably by the Milton Keynes Partnership and by LTGDC, in its adopted standard charge arrangements in **Planning Obligations Community Benefit Strategy, 2007**.

DEVELOPMENT PLAN POLICY

- 2.14 The adopted development plan for the three applications is made up of 'saved' policies from the **Daventry District Local Plan 1997 [CD 3.1]** and the **Northamptonshire County Structure Plan 2001 [CD 2.1]**, as well as the adopted **Regional Spatial Strategy for the East Midlands (RSS8) [CD 1.1]**. Until recently, the arrangements for securing planning obligations and development contributions relied on a range of policy and evidence in these plans and their emerging replacements.

Regional Policy Framework

- 2.15 The adopted **Regional Spatial Strategy for the East Midlands (RSS8)** did not contain any explicit policy statement or supporting text on planning obligations or infrastructure provision. The MKSM Sub Regional Strategy **[CD 1.10]** includes Strategic Policy 3, which provides an overall basis for WNDG's approach. In particular, it sets out key principles for implementing Sustainable Communities, including:

- *'Designing attractive cities, towns and public places;*
- *Maximising the opportunities afforded by growth to facilitate the regeneration of deprived communities;*
- *Improving skills levels and enterprise support; and*
- *Providing the social (eg health, education) and environmental (eg water supply and treatment) infrastructure in accordance with current deficits and additional demands.'*

- 2.16 The **Revised Draft East Midlands Regional Plan [CD 1.2]** Policy 55 states that local authorities should work with developers, statutory agencies and other local stakeholders to produce delivery plans outlining the infrastructure requirements needed to secure the implementation of the Local Development Documents and that *'These should include guidance on the appropriate levels of developer contributions and the mechanisms for securing the delivery of such contributions'*.

Local Policy Framework

- 2.17 Most of the policies in the adopted **Northamptonshire County Structure Plan** have now been superseded by policies in the RSS and MKSM Strategy. Structure Plan policy GS6 Infrastructure, Service and Facilities, has been 'saved', and states that '*Local planning authorities will use planning conditions, obligations and other powers to secure the necessary infrastructure, facilities and services to support development*'. In support of Policy GS6, Northamptonshire County Council (NCC) has prepared a **Planning Obligation Framework and Guidance**, Second Consultation Draft, March 2008 [CD 2.4].
- 2.18 The principles that underpin the NCC draft **Planning Obligation Framework and Guidance** are set out on page 4 of that Framework and are:
- that developers may reasonably be expected to pay for, or contribute to the cost of infrastructure, which would not have been necessary but for their development;
 - to take a single corporate approach to negotiations;
 - to promote a consistent and transparent approach towards the requirement for a calculation of development contributions for NCC provided services;
 - to push for a similar approach to be taken for other services;
 - wherever possible, practical and viable, to identify and promote opportunities for integrated service planning and best practice;
 - to support the Local Delivery Vehicles (LDVs) in their 'ringmaster' role including the development of business plans for infrastructure prioritisation and provision to ensure that there is a clear rule base in place for decisions on funding;
 - to work with others to explore, develop and establish 'banker' arrangements to address the challenge of front-funding the infrastructure required to support growth; and
 - to continue to develop effective processes and practices for joint working with LPAs and LDVs.
- 2.19 NCC has adopted specific Supplementary Planning Guidance (SPG) on **Planning Obligations and Local Education Authority School Provision** (adopted 2004, as updated February 2006) [CD 2.11]. The SPG sets out the levels of financial contributions that will be sought for nursery, primary, secondary and further education provision.
- 2.20 The requirements set out in the NCC **Draft Planning Obligation Framework and Guidance** and SPG were tested by WNDC and have been translated into the WNDC **Planning Obligations Strategy**.
- 2.21 Saved policy GN3 of the **Daventry District Local Plan [CD3.1]** states that '*Before planning permission for any development is granted, the Council will require to be satisfied that the infrastructure, services and amenities made necessary by the development are in existence or will be provided by the developer or other agency*'. In relation to affordable housing provision, Policy HS25 states that '*Planning permission will normally be granted for large scale residential development provided that affordable housing is included in response to a demonstrable need, as necessary having regard to:*

- A. District Council targets; and
- B. District Council approved surveys of housing need in the town/parish of and parishes adjoining, the proposed development that identify eligible persons; and
- C. Site conditions; and
- D. Market conditions; and
- E. The proximity of local services and facilities and access to public transport.'

- 2.22 The **Planning Obligations Strategy** takes forward and applies the adopted local plan policies on using planning obligations to secure infrastructure and affordable housing provision.
- 2.23 Daventry District Council adopted an **Infrastructure Interim Supplementary Planning Document** in 2004 [**CD 3.2**] which identifies and quantifies the infrastructure elements required to create sustainable communities and identifies those elements to be provided by developers. The SPD lists these under the general headings of transport, housing, community facilities, environmental safeguarding and enhancement, regeneration, economic development and central area development and utilities infrastructure.
- 2.24 Daventry District Council adopted a further **Interim Policy on Infrastructure** in 2008, commonly referred to as the **Daventry Draft Infrastructure Schedule [CD 3.24]**, which identifies the infrastructure required to support the sustainable development and regeneration of Daventry. The total infrastructure cost comes to £247 million, excluding Daventry contributions to a small number of West Northamptonshire and Northamptonshire projects. The total cost is apportioned as a unit cost per dwelling for large greenfield developments (£31,600 per dwelling), small greenfield developments (£32,600) and small brownfield developments (£12,600). The allocation of costs to different types of development in the **Daventry Draft Infrastructure Schedule** are based on assumptions on uplifts in land value, which is a different approach to that adopted in the **WNDC Planning Obligations Strategy**.
- 2.25 Daventry District Council's Strategy Group, on 27 November 2008 has given further consideration to the planning obligations and service provision that should be required for major applications in its area, prior to the completion of a Joint Core Strategy. This report is in **Appendix IMG3**. This takes a similar approach to that in the **WNDC Planning Obligations Strategy** based on a menu of 'service charges', although it includes certain locally derived charges which differ marginally from those in the Strategy.
- 2.26 Daventry District Council, Northampton Borough Council, South Northamptonshire Council and Northamptonshire County Council have agreed to prepare a Joint Core Strategy, covering West Northamptonshire. This will inform separate Local Development Documents, to be prepared by each authority. The preparation of the Joint Core Strategy is being managed by the West Northamptonshire Joint Planning Unit (WNJPU) under the West Northamptonshire Joint Strategic Planning Committee (WNJSPC). The **Joint Local Development Scheme for West Northamptonshire [CD3.18]** timetables the publication of a pre-submission draft Core Strategy for Autumn 2009. The Joint Core Strategy is at an early stage, with the **West**

Northamptonshire Joint Core Strategy Issues and Options report [CD3.19] published in October 2007 for public consultation. Section 3.6 of the **Issues and Options** report addresses the issue of planning obligations, stating that when granting planning permission for both residential and commercial development, the local authorities and the WNDC “*will require appropriate contributions through Section 106 (legal) agreements. These will be used to support a substantial infrastructure investment programme*”.

- 2.27 The potential for delay and lack of certainty in the preparation of a local development plan policy framework to deliver the growth envisaged in the RSS, and WNDC’s statutory purpose, have been the driving force behind the preparation of WNDC’s intervention strategies, including the **Planning Obligations Strategy**.

WNDC PLANNING PRINCIPLES 2007

- 2.28 The draft **Planning Principles** was published in June 2007 [CD 4.1] and pre-dates the adoption of the **Planning Obligations Strategy**. It set out WNDC’s approach to development control and stated WNDC’s intention to adopt a standardised charging system. It also confirmed that affordable housing will be negotiated separately. Following public consultation, **Planning Principles** was approved by the WNDC Board in December 2007.

THE WNDC PLANNING OBLIGATIONS STRATEGY, 2008

Status of the Planning Obligations Strategy

- 2.29 The **Planning Obligations Strategy** sets out WNDC’s approach to planning obligations, in particular, the arrangements for a ‘standard charge’ to be applied, initially, to new residential development within WNDC’s area. It was approved by the WNDC board in September 2008, with minor revisions in December 2008. It is intended that the Strategy will be applied to all applications that are not the subject of a resolution to grant consent as at 1 October 2008. It will also inform WNDC’s position where applications have been appealed or called in by the Secretary of State.
- 2.30 The **Planning Obligations Strategy** is not a development plan document, but has been subject to substantial consultation and scrutiny, not least by landowners and developers. It should therefore be afforded considerable weight as a material planning consideration and helps to guide negotiations on s106 planning agreements and to inform WNDC planning decisions.
- 2.31 The draft **Planning Obligations Strategy** was subject to consultation and significant stakeholder involvement, prior to approval by the WNDC Board. A series of workshops and one-to-one sessions were held with developers, landowners and key service providers between February and April 2008. The purpose of these was to test the assumptions underpinning the approach to formulating the standard charge and to refine the detailed provisions of the Strategy. All three appellants attended at least one of the workshops.

- 2.32 Formal public consultation on the draft **Planning Obligations Strategy** took place from May to June 2008. WNDC reviewed the comments received and, where appropriate, amended the detailed provisions of the Strategy. The WNDC Board's consideration of the main issues raised in consultation, and its response to these, is provided in the **Consultation Responses Report [CD 4.6]**.
- 2.33 In general, developers and landowners accepted the principle of a standard charge in that it would provide a practical basis for the delivery of essential infrastructure to support growth in West Northamptonshire. There was also acknowledgement that the Strategy would enable WNDC to determine applications in a timely manner, and most felt that the progress of CIL made such an approach inevitable. There was also acceptance of the value of the Strategy and WNDC's investment programmes, taken together, as a tool to lobby Government and other agencies for public funding to enable the timely delivery of necessary infrastructure.
- 2.34 All three appellants submitted written consultation responses to the May 2008 draft of the **Planning Obligations Strategy**. Croudace Strategic Limited in their written response, dated 27 June 2008, **[Appendix IMG4]** stated that they have '*consistently supported the concept of a standard charging system (subject naturally to the level of charge imposed), on the premise that such a mechanism would both simplify and accelerate the planning determination process, at the same time expediting the delivery of essential infrastructure*'.
- 2.35 Kember Loudon Williams, representing Capel House Property Trust, the promoters of the Monksmoor development, in their written response dated 30 June 2008, stated that they had '*concerns that the standard charge concept is not wholly in line with current Government advice*', but go on to state that '*we are not objecting to the per dwelling charge but the methodology and approach in defining how it should be applied and at what rate*' **[Appendix IMG5]**.
- 2.36 Marrons, on behalf of the Danetree Village Consortium (DVC), the promoters of the Danetree development, in their written response dated 28 June 2008 **[Appendix IMG6]** raised concerns that '*gross requirement is used for assessing the target levels of contribution, an approach which is fundamentally at odds with Circular 05/2005 and the CIL guidance note*'. In a subsequent letter to WNDC dated 31 October 2008, also in **Appendix IMG6**, Marrons stated that DVC has '*always been content with the principle of a standard charge*'. although they disagree with some of the methodology and some of the amounts included in the standard charge.

Content of the Planning Obligations Strategy

- 2.37 The **Planning Obligations Strategy** provides a necessary tool, in the absence of LDF policies, for securing contributions for infrastructure development. It is based on standard costs for infrastructure, related to the quantum of development. It establishes robust arrangements for securing appropriate developer contributions towards the provision of strategic and local infrastructure. The Strategy will provide greater transparency and consistency for negotiating s106 agreements.

2.38 The **Technical Report [CD4.5]**, which accompanies the **Planning Obligations Strategy**, sets out the approach to assessing the infrastructure requirements and costs. The full Standard Charge represents the total cost of the infrastructure requirement that can be attributed to residential development based on the strategic housing requirement that remains to be met in West Northamptonshire between 2007 and 2026. The infrastructure requirement is derived from local or other comparable standard unit requirements for a defined range of physical and social infrastructure. For non-standardised infrastructure (ie transport and green infrastructure), the requirement has been derived from published strategies (eg the **Northamptonshire Transport Strategy for Growth [CD2.3]** or precedents from previous s106 negotiations locally. The infrastructure and community facilities included in the standard charge, the standards of provision and the sources of costs and other information on which they are based are summarised in Annex A of the **Planning Obligations Strategy**.

2.39 In summary, the logic for including or excluding particular infrastructure is fairly simple:

- (i) any infrastructure that has been included can be related to the development proposed, meeting the tests in Circular 05/2005, properly interpreted;
- (ii) certain forms of infrastructure and services were excluded, where they are normally fully funded by statutory or contractual arrangements between developers and providers (eg utilities) and/or by end user charges;
- (iii) national strategic highway improvements were excluded because the analysis of the proportion of such costs that could be related even to the whole of the development in WNDC was not sufficiently advanced. Local highway improvements needed for particular developments and not included in the NCC Transport Strategy for Growth were also excluded. These remain to be negotiated separately by applicants, the Highways Agency and NCC. WNDC will ensure that there is no double counting of these obligations with the transport elements of the standard charge;
- (iv) other services, which might meet the tests in Circular 05/2005, were excluded, where there was insufficient reliable information about the likely future costs of provision; and
- (v) for certain facilities, where it has been normal practice for local authorities to secure commuted payments for maintenance, these have been included in the standard charge.

2.40 Apart from maintenance of certain facilities, the full Standard Charge is generally derived from capital cost estimates, although where 'pump priming' or 'start up' revenue costs for facilities can be justified and assessed, these have been included. Land costs have been included for a limited range of services to take account of the need for service providers to acquire land for new facilities. Overall, this has resulted in a conservative approach to setting a robust standard charge and the WNDC schedule of services is certainly more

narrowly defined than in many other authorities 'tariff' and 'standard charge' arrangements. I consider this is one of its strengths. As infrastructure plans advance, covering the West Northamptonshire area, it will be appropriate to update the charge schedule, replacing unit cost data with specific information derived from infrastructure programmes and studies.

- 2.41 It is important to note that because the standard charge and many of its components are based on a unit cost approach taking a long term view of projected development, it is fairly robust and will not be affected by, for example, short term changes in the rates of development that could arise, either from market forces or from the timing of individual planning decisions.
- 2.42 Based on the best available information, the full Standard Charge necessary to provide infrastructure to support development is £31,300 per dwelling. Based on development appraisals undertaken by WNDC and taking account of evidence submitted by consultees, a discounted Standard Charge of £20,000 per dwelling was approved in September 2008, as part of the Strategy. This is an amount which mixed tenure residential development should be able to afford, alongside normal site and development costs. Para 2.8 of the **Planning Obligations Strategy** sets out the considerations that were taken into account in setting the discounted Standard Charge. The charges are to be reviewed regularly and are index linked from 1 April 2008 applying the BCIS index. The standard charge applies to all forms of housing. No standard charge has been set for commercial development. Contributions from commercial applications will continue to be negotiated on a case by case basis. Where developers are prepared to agree the discounted Standard Charge, there will normally be no requirement for the remainder of the full Charge to be paid.
- 2.43 WNDC has recognised that, given the weak market conditions, even a standard charge set at the discounted level of £20,000 per dwelling may render certain development proposals unviable in the short term. Detailed provisions relating to the negotiation of the standard charge and other planning obligations are set out in paras 2.16 to 2.50 of the Strategy. In summary, these establish:
- (i) the normal requirement for affordable housing to be 25% Social Rented and 10% Intermediate Housing to be provided on site. An applicant may, for housing or other reasons, propose alternative affordable housing arrangements, provided that these are supported by an 'open book' development appraisal (paras 2.20 to 2.29);
 - (ii) where the applicant proposes to provide facilities covered by the standard charge on-site, there are arrangements for the costs of these to be offset against the standard charge. Where the applicant is providing facilities which are larger than is necessary for that development and will serve a wider community, the costs of the over provision can be offset (paras 2.30 to 2.38); and
 - (iii) an applicant may, if the scheme cannot afford the full amount of the discounted Standard Charge, submit a detailed 'open book' development appraisal to justify that position, If following scrutiny,

WNDC accepts that appraisal, it will seek to negotiate an alternative package of contributions (paras 2.42 to 2.45).

2.44 The normal timetable for the payment of Standard Charges is in stages, with 25% of the total payable on commencement (para 2.46). Both WNDC and the applicant will be concerned to ensure that the necessary facilities are available when they are required to create sustainable communities. Where an applicant is seeking to agree an alternative package of contributions, this remains the principal consideration. Recognising that cash flow represents a considerable cost to any large development, WNDC will be prepared to consider:

- (i) adjusting the amounts of the commencement payment and the timing of the remaining payments; and/or
- (ii) adjusting the 'triggers' for delivery of on-site facilities, where this can be justified.

2.45 If these are not sufficient, WNDC will consider other arrangements for 'deferred charges', intended to recover any deferred element of the charge from later phases of the development. The normal arrangement for this would be to link those payments to future sales values, if these are higher than the baseline used in the initial appraisal, as set out in para 2.45 of the **Planning Obligations Strategy**. I am not aware that any of the appellants intends to raise viability concerns in relation to these applications.

2.46 The **Planning Obligations Strategy** enables WNDC to seek a reasonable level of contribution from development and, crucially, to pool s106 funds together with other public sector funds, to deliver a programme of infrastructure coordinated and, in part, funded by WNDC.

WNDC INFRASTRUCTURE DELIVERY PROGRAMME

2.47 WNDC is preparing an **Infrastructure Delivery Programme** (IDP). This is essentially a project database and management system which identifies all of the essential infrastructure, including utilities that will be required to meet anticipated development needs to around 2014. It brings together project definitions, interrelationships and preliminary cost estimates into a single project management tool. The IDP is subject to ongoing stakeholder consultation with a view to approval by the WNDC Board in Spring 2009.

2.48 The IDP will identify the infrastructure requirements that are needed over the medium term. The priorities for individual projects will need to remain flexible in order to match the location and rate of new development, and also to take account of individual project funding and affordability.

2.49 The projects set out in the IDP will be brought forward by a range of means, coordinated or assisted by WNDC. Key projects will be included in WNDC's **Annual Investment Programme** and other documents which are used, inter alia, to bid for funding from Government, through the Growth Area Fund and other sources. The delivery of some projects will be led, for example, by the local authorities or utility companies, with WNDC providing funding, as appropriate, derived from grants or developer contributions. The IDP will

cover a much wider range of infrastructure over a shorter timescale than is included in the **Planning Obligations Strategy** Standard Charge. The IDP will be kept consistent with the POS, where they overlap.

WNDC DAVENTRY INFRASTRUCTURE STUDIES

- 2.50 The **Daventry Infrastructure Studies** (DIS) [CD4.2], until recently called the **Daventry Infrastructure Strategy**, was commissioned by WNDC to consider the implications of growth and urban expansion of the town of Daventry for a range of infrastructure and to determine synergies or constraints on development based on the existing or required future infrastructure capacity. The **Daventry Infrastructure Studies** (DIS) form part of WNDC's evidence base and are a material consideration that will help to inform infrastructure and spatial planning decisions. The **Daventry Infrastructure Studies** cover the service areas of transport, green infrastructure, sewage disposal and water, utilities and social infrastructure, such as health and education.
- 2.51 The findings of the consultation draft of the **Daventry Infrastructure Strategy**, May 2008, have informed WNDC's emerging **Infrastructure Delivery Programme**, which will be used as the basis for prioritising WNDC's investment in coordinated infrastructure provision. Part of the purpose of the DIS was to focus on alternative spatial options for development. Insofar as they are relevant, I am satisfied that the analysis of infrastructure requirements and costs in the DIS are compatible with those used for the **Planning Obligations Strategy**.

SUPPORT FOR AND EVOLUTION OF THE PLANNING OBLIGATIONS STRATEGY

- 2.52 The Standard Charge approach adopted by WNDC has the support of the Northamptonshire County Council and the Daventry District Council. It reflects the approaches being taken to seeking developer contributions by other public agencies eg the Northamptonshire Teaching PCT. The Highways Agency did not feel able to support the Strategy, as adopted, because it does not address strategic national highway provision. In the context of these appeals, local and strategic highway matters are being taken forward by joint working by NCC, the Highway Agency and the appellants. This will, in due course, enable the **Planning Obligations Strategy** and the **Infrastructure Delivery Programme** to be updated for Daventry.
- 2.53 More generally, WNDC takes the view that the **Planning Obligations Strategy** represents a 'best available approach' to securing planning obligations, but this will be moved forward as the 'evidence base' is improved. As WNDC, the local authorities and other agencies develop more detailed infrastructure plans and as planning permissions are granted, this basis for assessing the Standard Charge and its components will be updated. WNDC will also review, at regular intervals, development viability, the housing trajectories for each of its areas and the potential to apply 'standardised' charge arrangements to other forms of development eg commercial development.

CONCLUSION

2.54

WNDC is seeking to work closely with the local planning authorities, Northamptonshire County Council and other public service providers to deliver the necessary infrastructure to enable the challenging targets for new housing and related development to be met in its three areas. It has adopted a **Planning Obligations Strategy**, as part of its wider remit to ensure infrastructure delivery. This provides a fair and robust policy framework within which individual planning permissions will be negotiated. The Strategy is compatible with the guidance in Circular 05/2005 and fully in accord with the emerging arrangements for the Community Infrastructure Levy.

3 **PROGRESS WITH AGREEMENT OF SERVICE PROVISION AND PLANNING OBLIGATIONS WITH THE APPELLANTS**

INTRODUCTION

- 3.1 All three applications subject to these appeals were submitted while WNDC was developing its approach and finalising the **Planning Obligations Strategy**. However, the broad basis of the approach has certainly not been a surprise to the appellants, who were aware of the development plan policies and SPDs and, as noted in Section 2, they were engaged in consultation with WNDC about the **Planning Obligations Strategy** and its contents.
- 3.2 WNDC, with the support of DDC and NCC, has made it clear to the appellants that, in progressing towards an agreed position in relation both to conditions, and any planning obligations, it would strongly urge that the ‘standard charge’ approach be adopted. The appellants are fully aware of this, which was reiterated in letters to the appellants’ solicitors on 20 November 2008. Copies of these letters are in **Appendix IMG7**.
- 3.3 The appellants have indicated that they prefer a traditional negotiated approach to s106 agreements, for each application. WNDC considers it to be important for good planning that these agreements should be in a consistent form, address a common set of service requirements and be capable of successful implementation under the different cumulative development scenarios that the Secretary of State must consider. There will, of course, be differences between the agreements to take account of the particular circumstances of each site.
- 3.4 WNDC, with the support of DDC and NCC, is seeking to secure a single agreement in relation to each site, to which all three authorities will be parties in respect of those obligations relevant to that authority.
- 3.5 WNDC is engaged in the negotiations for each agreement and is using the service standards and costs that have recently been adopted in the **Planning Obligations Strategy** as minimum standards of physical provision that need to be met, in relation to those services covered by the **Planning Obligations Strategy**. Where there are matters not explicitly set out in the Strategy, a standard approach to evidencing and negotiation these obligations is being followed.
- 3.6 In the case of highways and transport matters, requirements for specific highway improvements are being tested and modelled under the joint working arrangements agreed by appellants, NCC and the Highways Agency and, it is hoped, will be agreed for each appeal proposal separately (and in combination when more than one appeal may be allowed). Where public transport or other non-specific measures are necessary, WNDC will encourage the parties to adopt a standardised approach, involving financial contributions, based as far as possible on the **Planning Obligations Strategy**.

PROCESS BEING UNDERTAKEN BY WNDC IN NEGOTIATING SERVICE PROVISION AND OBLIGATIONS

- 3.7 WNDC, in the December Committee Reports and resolutions relating to each application, has identified the key elements of on-site services and facilities being proposed by each applicant. WNDC has noted that all three applications are unclear about the nature and timing of many of the community facilities and affordable housing that are being proposed. The nature and timing of that provision (which may need to vary depending on whether the Secretary of State grants one or more of the applications) is being negotiated with each applicant.

Housing Trajectories

- 3.8 WNDC, as set out in Chris Simkin's evidence, has taken a view on the likely trajectories for housing delivery on each site and in combination. As far as possible, these are to be agreed with the appellants. Although these should inform discussions on the phasing and timing of development, any agreements will be based on the conventional use of development 'triggers'. An important point to note is that, since most of the infrastructure and facilities required by the **Planning Obligations Strategy**, are tied directly to the construction of housing on a unit basis, the planning obligations required do not depend to any significant degree on the exact timing within the housing trajectories. The trajectories proposed by WNDC and the appellants, which may or may not be agreed, all anticipate reaching the RSS target by 2026, albeit with different time profiles.

Infrastructure Provision

- 3.9 WNDC, in conjunction with NCC and DCC (and, where appropriate, in consultation with other service providers) has reviewed the nature and amounts of community facilities proposed by each application and benchmarked these against the **Planning Obligations Strategy** and other evidence of community need. This benchmarking is summarised in Section 4.

Development Phasing

- 3.10 A crucial requirement in the delivery of sustainable urban extensions rests with the phasing of both basic infrastructure and community facilities, so that they are available when needed by residents. WNDC considers this is a key part of its responsibility as a development corporation. It will seek to secure agreements which ensure that community facilities and infrastructure can be delivered when needed. Apart from provision to be made by the appellants on-site, or is otherwise to be fully funded by the appellants, the exact timing of provision cannot be guaranteed. WNDC and the other public sector parties to the agreements will commit to using reasonable endeavours to secure necessary public funding and will then coordinate and deliver these any facilities which are their responsibility. WNDC does not, generally, believe that specific 'clawback' arrangements will be appropriate in relation to the financial contributions obtained through the Standard Charge. This is principally because of the reliance on a mixture of other public and private funding to deliver most of the facilities.

4 INFRASTRUCTURE AND SERVICE REQUIREMENTS, PROPOSED LEVELS OF PROVISION AND DELIVERY TIMETABLES

INTRODUCTION

- 4.1 In this Section of my evidence, I deal with each appeal proposal separately looking at the adequacy of the infrastructure and service provision that has been proposed and the development programme for delivery.
- 4.2 The **Planning Obligation Strategy** provides benchmark standards for infrastructure provision for those types of infrastructure and facilities covered by the standard charge. These are set out in detail in Annex A of the **Planning Obligations Strategy**. A useful summary table showing the breakdown of financial contributions, which is derived directly from the Strategy and the Technical Report, is included as **Appendix IMG8**. I have included, in **Appendix IMG9**, a table assessing the overall financial contributions expected by WNDC towards off-site provision.
- 4.3 Unless otherwise stated, the required amounts and costs of infrastructure provision set out below have been derived from the standards set out in the **Planning Obligations Strategy**. An assumption on population levels has been derived using the approach set out in the **Planning Obligations Strategy**, which adopted a consistent average household size of 2.4.
- 4.4 The levels of infrastructure provision derived by applying the **Planning Obligations Strategy** have been compared to levels of provision as stated for each application. Where there is an identified shortfall in on-site provision WNDC will seek a financial contribution or other arrangements to meet that shortfall.
- 4.5 I have also set out WNDC's requirements regarding the location and phasing of provision, where these need to be defined in the agreements.

SUMMARY OF WNDC'S APPROACH TO NEGOTIATING S106 AGREEMENTS FOR THESE APPLICATIONS

- 4.6 As I have already noted, there is broad support for WNDC's approach from the two local authorities, Northamptonshire County Council and Daventry District Council.
- 4.7 It is unfortunate that none of the appellants recognises that the Standard Charge approach is not inflexible and could deliver significant advantages for them as well as for WNDC, NCC, DDC and other service providers.
- 4.8 Despite the appellants' unwillingness to fully embrace the Standard Charge, WNDC's approach to negotiation derives directly from the **Planning Obligations Strategy**, modified slightly to take account of the circumstances of three conjoined appeals. The key steps are:

- Benchmarking of the appellants 'non-transport' infrastructure and community facilities proposals against the Strategy, adjusted where necessary to take account of local circumstances.
- Separate analysis and negotiation of highway and other transport requirements, to be incorporated into the s106 agreements, in due course.
- Where the appellants are proposing on-site provision of facilities, WNDC will negotiate appropriate triggers for that provision and will be prepared to negotiate 'offsets' for any agreed provision above standards, that meets a wider community purpose.
- In terms of affordable housing, WNDC will follow the provisions of the Strategy, which provides a coherent approach to securing appropriate provision.
- In the case of other infrastructure and services, for which a financial contribution is appropriate, WNDC expects the appellants to propose an aggregate contribution based on the elements of the full Standard Charge. WNDC also expects the appellants to agree a payment timetable that is consistent with the intentions of the Strategy; and
- If any of the appellants has good reason to propose variations to these arrangements, these will be properly examined by WNDC. If those variations involve significant changes to affordable housing, below that required in the Strategy, or substantial deferral of payments or reductions in the financial contributions set out above, the appellants need to support their case by the submission of a detailed development appraisal to WNDC.

DANETREE APPEAL SITE

- 4.9 The analysis has been undertaken based on the amended scheme of 5,150 dwellings which equates to an assumed population of 12,360.
- 4.10 The appellant has provided limited details on the phasing of the infrastructure provision.

Education (Early Years, Primary and Secondary Schools)

Level of Provision

- 4.11 The proposed Danetree development contains proposals for three nurseries, three (two form entry) primary schools and one (eight form entry) secondary school in the application. Northamptonshire County Council, as the LEA, has stated that the overall level of education provision is sufficient and it meets the requirements of WNDC.

Location of Provision

- 4.12 The locations of the schools are defined in the Danetree Revised Masterplan, October 2008. There is one primary school proposed close to each of the three local centres. The secondary school is located in the Northern Neighbourhood close to the local centre. The location and distribution of education provision is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.13 The appellant in a draft Head of Terms, received on 9 December 2008, has provided an indicative phasing programme for delivery of the schools. The nursery and primary provision are to be delivered on the same site and the indicative phasing applies to provision of both facilities. The appellant is proposing delivery of the first nursery/primary school on completion of the 301st dwelling. The second primary school will be delivered as part of Phase 2, in Sept 2017, and the third primary school on completion of the 4,501st dwelling.
- 4.14 The appellant is proposing that the actual timing of provision, particularly of the secondary school, should be kept under review by an Education Review Group, which will include both the developers and NCC. The arrangements for the education provision are broadly acceptable, subject to detailed negotiation with WNDC and NCC.
- 4.15 In the event that Church Fields is also given permission, only one new secondary school will be required. The s106 agreements for both sites will need to contain provisions to resolve this and to secure financial contributions for off-site provision from one or both appellants.

Culture & Community (Libraries, Archives and Community Facilities)

Level of Provision

- 4.16 The appellant has committed to provide 750m² of on-site community facilities, which meets the requirements of WNDC, based on the **Planning Obligations Strategy**. In addition to the physical provision, the appellant proposes to fund a Community Hall Manager for an initial period of five years. In addition, a site for a place of public worship has been allocated within the Central Neighbourhood.
- 4.17 The appellant has committed to providing on-site library provision, although there is no information provided about the scale of that provision. WNDC would expect the development to deliver 368m² of library provision and 62m² of archive provision or an equivalent financial contribution. NCC and WNDC take the view that small branch libraries are unlikely to be cost effective and that financial contribution towards expanding the main library in Daventry and archive services for Northamptonshire as a whole would be more appropriate.

Location of Provision

- 4.18 The community facility is to be developed within the Central Neighbourhood. However, it is unclear from the submitted information whether the community facility as set out in the Danetree **Design and Access Statement** is to be

provided within the land area allocated for neighbourhood centres or that identified for schools. Given that the schools are located close to each of the district centres, provision of the community facility in either of these locations would be acceptable in planning terms, provided that sufficient land could be made available.

Triggers and Phasing of Provision

- 4.19 The phasing for the community facility proposed by the appellant is to be no later than the occupation of 1,200 dwellings. WNDC is seeking earlier provision of at least a temporary facility.

Open Space (Play Space, District Park and Green Infrastructure)

Level of Provision

- 4.20 The Danetree proposals contain provision of around 63 ha of formal and informal green space, of which 48 ha appears to be informal public open space. The overall level of provision is acceptable to WNDC. However, there are no specific levels of provision for children's play areas (LEAP, NEAP or Non-Equipped Play Area (NEPA)), within the overall provision. The required provision of 10 ha for LEAP, NEAP and NEPA could be accommodated within the 48 ha of proposed informal public open space, but not necessarily at satisfactory locations within the development.
- 4.21 In addition to the informal open space provision, WNDC would expect a financial or in kind contribution towards green infrastructure. The appellant has proposed a £0.25m contribution to Daventry District Council towards the management of Borough Hill, which falls well short of the requirement..

Location of Provision

- 4.22 The masterplan shows that the majority of open space is to be provided around the edge of each of the neighbourhood centres and on the periphery of the whole development. With the exception of the village green in the Central Neighbourhood, the application does not demonstrate whether an adequate network of informal open space, which includes a hierarchy of accessible children's play areas, can be provided within the residential areas.

Triggers and Phasing of Provision

- 4.23 The appellant is proposing to develop a Green Infrastructure Scheme which, subject to the approval of WNDC, will set out the programming for the provision of the open space. This could be the subject of a condition.

Public Realm

Level of Provision

- 4.24 WNDC would expect a financial contribution towards public realm improvements. There are potentially two elements to this, namely improvements to the town centre or other public areas and more specific proposals that may be necessary to improve the pedestrian and cycleway

linkages from Danetree to the town centre and other employment areas. The appellant is proposing a public realm contribution of £0.25m towards improvements to the public realm in the Marches, which is no more than 10% of the amount required.

Cultural Investment

Level of Provision

- 4.25 WNDC would expect a financial contribution of towards cultural investment in Daventry to support the sustainable urban expansion.

Burial Grounds

Level of Provision

- 4.26 WNDC would expect a financial contribution towards provision of additional burial grounds.

Leisure and Sports (Playing Pitches, Sports Hall and Swimming Pool)

Level of Provision

- 4.27 The appellant has committed to providing 15 ha of formal outdoor space/sports pitches. Based on the **Planning Obligations Strategy**, WNDC would expect the development to deliver around 20 to 22.5 ha of on-site provision. There is an identified shortfall of 5 to 7.5 ha, which WNDC would expect to be met.
- 4.28 The appellant is proposing to provide a four court sports hall. In addition, the appellant is proposing to provide land to accommodate a five lane, 25 m swimming pool, plus a £2.5m financial contribution.
- 4.29 The appellant has not demonstrated that suitably located level sites are available for additional playing pitches. While an on-site sports hall is acceptable on a suitable site, WNDC takes the view that any financial contribution to swimming pools should not be earmarked for on-site provision but provided for the extension of facilities to meet the wider needs of Daventry residents.

Location of Provision

- 4.30 The Danetree masterplan identifies four locations for the provision of playing pitches, namely:
- to the north of the development, adjacent to Norton Road;
 - within the grounds of the proposed secondary school in the Northern Neighbourhood;
 - to the east of the Central Neighbourhood; and
 - to the south of the Southern Neighbourhood.

- 4.31 The arrangement of the playing pitches is not acceptable to WNDC. It would disadvantage residents of the Southern Neighbourhood, as the provision is

focussed in the north of the development. The size and shape of the site in the southern neighbourhood is inadequate. Additionally, provision of playing pitches shared with the secondary school is unlikely to be acceptable unless adequate public access can be secured.

- 4.32 WNDC would expect any sports hall to be sited in an accessible location, close to the centre of the development.

Triggers and Phasing of Provision

- 4.33 The appellant is proposing to develop a Green Infrastructure Scheme which, subject to the approval of WNDC, will set out the programme for the provision of the playing pitches and other greenspace.

Emergency Services (Police and Fire Stations)

Level of Provision

- 4.34 WNDC would expect a financial contribution towards enhanced emergency services provision.

Health Services (GP Health Centre, Dentist, Acute Hospital and Intermediate Health Care Provision)

Level of Provision

- 4.35 The appellant has made a commitment to provide a 1159 m² health centre and a 630 m² dental surgery as part of the on-site provision. This is acceptable, in principle, to WNDC and the PCT, although the appellant is proposing that this should be built and let on commercial terms. The PCT has also requested additional s106 contributions towards revenue costs calculated using the HUDU model. Although WNDC considers financial contributions towards investment in acute and intermediate healthcare provision to be justified, it does not, in accordance with the Strategy, consider that it would be reasonable to pursue contributions towards revenue costs derived from the HUDU model.

Location of Provision

- 4.36 The health centre and dental surgery are to be located within the Central Neighbourhood. The location of the health facilities is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.37 The appellant is proposing to build the health centre no later than the occupation of 1,500 dwellings. The timing of the health centre is likely to be acceptable to WNDC and the PCT. The ownership arrangement for these facilities needs to be negotiated with the appellant.

Waste Disposal

Level of Provision

- 4.38 WNDC would expect a financial contribution towards waste management and disposal facilities to be provided off-site to serve Daventry as a whole and this site.

Training

Level of Provision

- 4.39 WNDC would expect a financial or in kind contribution towards employment training.

Voluntary Sector Support

Level of Provision

- 4.40 WNDC would expect a further financial or other contribution towards voluntary and community sector support, noting the appellant's offer to provide funding for a community centre manager for a limited period. Reinforcing and establishing new social and community activity is an integral part of creating successful new communities, as the appellant will recognise.

Affordable Housing Provision

- 4.41 The **Planning Obligations Strategy**, in paragraphs 2.20 and 2.21, clearly sets out WNDC's position in relation to affordable housing provision. WNDC will, in the first instance, seek to achieve 35% of total housing provision with a tenure split for the entire development of 25% social rented and 10% intermediate housing. The general assumption is that all affordable housing provision should be on-site. The WNDC target of 35% is in accordance with the recommendations of the **West Northamptonshire Strategic Housing Market Assessment** in 2007.
- 4.42 Policies in the adopted **Daventry Local Plan** (1997) do not prescribe specific targets for affordable housing provision. Saved policy HS25 sets out a negotiated approach to affordable housing provision in large schemes of over 40 dwellings levels, where there is a 'known need'. There are no saved affordable housing policies in the **Northamptonshire County Structure Plan**.

Level, Location and Phasing of Provision

- 4.43 Draft Heads of Terms submitted by the appellant on 9 December 2008 commit to provision of 35% affordable housing with an anticipated tenure split 25% social rented and 10% intermediate housing. This, in principle, meets WNDC's requirements. The appellant is proposing to submit an Affordable Housing Scheme prior to the commencement of development that will include details on:

- the programme of provision of affordable housing and timing of construction in relation to each phase of open market housing;

- the broad location of affordable housing within each phase;
- the anticipated tenure (with a default of 70% rented and 30% intermediate);
- the identification of Affordable Housing Providers involved;
- any nominations rights to be granted; and
- the cascade mechanisms to be used.

WNDC would expect the key elements of that commitment to be set out in the s106 agreement and reserves its position until that is done.

Danetree Conclusion

- 4.44 I am not satisfied, in accordance with the Committee Report and my evidence, that the Danetree application could make adequate provision for formal sports or childrens play provision within the masterplan or DAS submitted. Children's play provision must be in an appropriate hierarchy and in close proximity to the residential development. The spatial distribution and area of sports pitches is not satisfactory, nor is the particular reliance on dual use school facilities. Other matters are capable of being resolved by condition and/or a s106 agreement.

MONKSMOOR APPEAL SITE

Infrastructure and Community Facilities

- 4.45 The analysis has been undertaken based on a scheme of 1,000 dwellings, which equates to an assumed population of 2,400.

Education (Early Years, Primary and Secondary Schools)

Level of Provision

- 4.46 The appellant proposes to build one primary school of 330 places on a 1.7 ha site. This level of provision is considered acceptable to WNDC and NCC, as the LEA.
- 4.47 There are no on-site proposals for secondary school provision. A financial contribution to off-site provision will be required in accordance with the **Planning Obligations Strategy**.

Location of Provision

- 4.48 The primary school is located centrally within the development, on an accessible site. The location is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.49 The phasing plan indicates that the primary school will be constructed within three to five years of the commencement of development. This follows the construction of 160 dwellings in the first three years of construction. An additional 200 dwellings will be built in the same phase as the primary school. The timing for the primary school is acceptable. The amount and timing of the

contribution to secondary education provision will be subject to negotiation with WNDC.

Culture & Community (Libraries, Archives and Community Facilities)

Level of Provision

- 4.50 The proposed masterplan provides for a multi-purpose community facility of 1,020 m², which includes provision for community facilities and indoor sports provision. The split between these two uses is unclear from the present information submitted by the appellant. WNDC would require minimum on-site provision of 146 m² for a community hall, which can be accommodated in the proposed building and is acceptable to WNDC.
- 4.51 A financial contribution towards off-site provision of library facilities and archives is required.

Location of Provision

- 4.52 The multi-purpose community centre is to be located within The Square, as part of the local centre. This central accessible location is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.53 The delivery of the community centre is planned for between years five and seven of the construction programme. This would be half way through the nine to ten year construction phase. At this time 360 dwellings would have already been constructed with a further 170 dwellings to be constructed during the same phase as the community facility. The timing for delivery of the community facility is acceptable, subject to agreeing an exact 'trigger' with WNDC.

Open Space (Play Space, District Park and Green Infrastructure)

Level of Provision

- 4.54 The appellant is proposing 0.5 ha of children's play area, which leaves a 0.1 ha shortfall in LEAP and NEAP provision.
- 4.55 The application includes 5.17 ha of informal open space, which is adequate provision for a district park and would also support the requirement for 1.34 ha of Non-equipped Play Areas (NEPA).
- 4.56 In addition, a financial contribution towards Green Infrastructure would be required.

Location of Provision

- 4.57 The distribution of the open space provides for both open space within residential areas and on the northern and eastern boundaries of the development, linked to residential areas by green pathways. The three equipped areas of play are dispersed throughout the development. One is

close to the primary school, with the other two located within the northern and southern residential areas, which makes them accessible for the majority of the population. The location of the playing areas and open space is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.58 The delivery of open space is phased throughout the construction programme as residential areas are developed out. Any specific triggers for the open space provision will be confirmed in negotiation with WNDC.

Public Realm

Level of Provision

- 4.59 WNDC would expect a financial contribution towards improvements to the public realm. There are potentially two elements to this, namely improvements to the town centre or other public areas and more specific proposals that may be necessary to improve the pedestrian and cycleway linkages from Monksmoor to the town centre and other employment areas.

Cultural Investment

Level of Provision

- 4.60 WNDC would expect a financial contribution towards cultural investment in Daventry to support the sustainable urban expansion.

Burial Grounds

Level of Provision

- 4.61 WNDC would expect a financial contribution towards provision of additional burial grounds.

Leisure and Sports (Playing Pitches, Sports Hall and Swimming Pool)

Level of Provision

- 4.62 The Monksmoor proposal includes 4.9 ha of playing pitches, which is acceptable to WNDC and Sport England. Within the multi-purpose community centre, there is provision for some indoor sports facilities. Details on the split of uses within the building has not been provided by the appellant. WNDC would require 0.2 of a sports hall (137m²), which appears to be feasible as part of this facility.
- 4.63 There is no provision for a swimming pool. Therefore, a financial contribution towards off-site provision will be required.

Location of Provision

- 4.64 The community centre is located on an accessible site within the local centre, which is acceptable in planning terms. The masterplan shows that the majority of playing pitch provision is within the central part of the development

and is easily accessible from the residential areas. Their location is broadly acceptable in planning terms.

Triggers and Phasing of Provision

- 4.65 The community centre is planned to be delivered between years five and seven of the construction programme. This would be around half way through the nine to ten year construction phase. This follows the building of 360 dwellings and 170 dwellings within the same phase and is broadly acceptable.
- 4.66 The playing pitches will be constructed in the third phase, between years five and seven of the construction programme. Exact triggers and management arrangements for these will be negotiated by WNDC.

Emergency Services (Police and Fire Stations)

Level of Provision

- 4.67 WNDC would expect a financial contribution towards enhanced emergency services.

Health Services (GP Health Centre, Dentist, Acute Hospital and Intermediate Health Care Provision)

Level of Provision

- 4.68 A two GP surgery of 410 m² is proposed as part of the scheme. This meets the standard set by WNDC and the PCT, who have not commented on the appropriateness of the proposal for such a small surgery. There are no other health facilities proposed on the site. Therefore, a financial contribution towards dental, acute hospital and intermediate health care provision would be required.

Location of Provision

- 4.69 The health centre is to be provided within The Square, which is a central and accessible location in the local centre. It is considered acceptable in planning terms.

Triggers and Phasing of Provision

- 4.70 The health centre and pharmacy would be provided between years five and seven of the construction programme which is acceptable. The exact triggers for the health provision and any financial contributions will be subject to negotiation with WNDC.

Waste Disposal

Level of Provision

- 4.71 WNDC would expect a financial contribution towards waste management and disposal facilities to be provided off-site.

Training

Level of Provision

- 4.72 WNDC would expect a financial or in kind contribution towards employment training.

Voluntary Sector Support

Level of Provision

- 4.73 WNDC would expect a financial contribution towards voluntary and community sector support. Reinforcing existing and establishing new social and community activity is an integral part of creating successful new communities, as the appellant will recognise.

Affordable Housing Provision

Level, Location and Phasing of Provision

- 4.74 It is unclear from the submission what the proposed tenure and size breakdown of the affordable housing offer will be. The appellant is prepared, in principle, to enter into a s106 agreement to ensure that affordable housing is secured. However, no agreement has yet been reached on the details of the affordable housing provision in terms of tenure type and mix, how they will be provided and other types of housing nor any other types of housing, such as lifetime/mobility homes to be provided.
- 4.75 At present there is no means whereby affordable housing provision is secured, therefore the proposal would be contrary to policy HS25 of the **Daventry District Local Plan**. WNDC would expect the appellant to observe the advice in paras 2.20 to 2.25 of the **Planning Obligations Strategy** and will seek to negotiate key parameters for the affordable housing within the agreement.

Monksmoor Conclusion

- 4.76 The appellant submitted a draft Heads of Terms for a s106 agreement on 17 December 2008. I have not had the opportunity to comment on these and this will be dealt with, in negotiation, after submission of proofs of evidence. All of the outstanding matters are capable of resolution by conditions and/or a s106 agreement.

CHURCH FIELDS APPEAL SITE

Infrastructure and Community Facilities

- 4.77 The analysis has been undertaken based on a scheme of 4,000 dwellings which equates to an assumed population of 9,600.

Education (Early Years, Primary and Secondary Schools)

Level of Provision

- 4.78 The Church Fields development contains proposals for three (two form entry) primary schools and one (eight form entry) secondary school. This is considered an adequate level of provision by NCC, as the LEA, and WNDC.

Location of Provision

- 4.79 The three primary schools are dispersed throughout the development and within residential areas. The secondary school is located centrally within the development as part of the neighbourhood/local centre. The broad location of the school provision is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.80 There are three proposed phases within the scheme. The first phase will deliver one of the primary schools, which would support up to 1,125 dwellings. The second phase (years six to twelve of the construction programme) provides a second primary school and the secondary school. The final primary school would be built in the third phase. The arrangements for the education provision are broadly acceptable, subject to detailed negotiation with WNDC, in consultation with NCC.
- 4.81 In the event that Church Fields is also given permission, only one new secondary school will be required. The s106 agreements for both sites will need to contain provisions to resolve this and to secure financial contributions for off-site provision for one or both appellants.

Culture & Community (Libraries, Archives and Community Facilities)

Level of Provision

- 4.82 The masterplan shows one multi-purpose community building on a 0.2 ha site in the District Centre. The requirement in the **Planning Obligations Strategy** for community facilities is 586m² on a nominal 0.24 ha site.
- 4.83 There are no library or archive facilities proposed. A financial contribution towards off-site facilities would be required.

Location of Provision

- 4.84 The community centre is located within the District Centre, which is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.85 The appellant proposes that the community hall would be provided in the second phase of the development, within years six and twelve of the construction programme. The trigger for the community facility provision and its management will be subject to negotiation with WNDC. A temporary centre will be needed for the first phase of the development.

Open Space (Play Space, District Park and Green Infrastructure)

Level of Provision

- 4.86 The development provides 84 ha of parks and open space. This includes 8 ha of children's play space, which is adequate to cover provision of LEAP, NEAP and Non-equipped Play Areas. The remaining 76 ha is sufficient to meet the requirements for other park provision in the Strategy and to provide substantial informal open space and land managed for ecological purposes.

A key issue for WNDC and DDC will be the long term management of these areas, which will need to be addressed in the s106 agreement.

Location of Provision

- 4.87 The open space provision, in particular the children's play areas, are located throughout the development and are accessible from residential areas. The locations of the informal open space is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.88 Open space would be provided through all three phases of the development, with the second (and largest) phase featuring the principal provision of open space. The triggers for the delivery of strategic landscaping, informal and local areas of open space will need to be included in the s106 agreement.

Public Realm

Level of Provision

- 4.89 WNDC would expect a financial contribution towards improvements to the public realm. There are potentially two elements to this, namely improvements to the town centre or other public areas and more specific proposals that may be necessary to improve the pedestrian and cycleway linkages from Church Fields to the town centre and employment areas.

Cultural Investment

Level of Provision

- 4.90 WNDC would expect a financial contribution towards cultural investment in Daventry to support the sustainable urban expansion.

Burial Grounds

Level of Provision

- 4.91 WNDC would expect a financial contribution towards provision of additional burial grounds.

Leisure and Sports (Playing Pitches, Sports Hall and Swimming Pool)

Level of Provision

- 4.92 The Church Fields development proposes 10.2 ha of playing pitches and 3.1 ha of dual use playing fields in the schools. Even taking account of the dual use provision, which brings the total to 13.3 ha, there is still a shortfall against the requirement for between 15.7 and 18.4 ha of playing pitches. The appellant has sought to address this shortfall through the provision of a Synthetic Turf Pitch (STP) and Multi-Use Games Area (MUGA) at each of the primary schools, as well as improvements to facilities at Southbrook. The artificial surface pitches can accommodate greater use and represent a qualitative uplift in provision. Subject to mechanisms to secure adequate public access to the school facilities, WNDC accepts that this qualitative uplift may be acceptable to off-set the quantitative shortfall.
- 4.93 The development generates a requirement for 0.7 of a sports hall (478 m²) on a 0.24 ha site. As the application stands, there is insufficient floorspace or site proposed to deliver both sports and community facilities within the same building. WNDC will seek to resolve this by an appropriate financial contribution or an enlarged community centre/sports hall.
- 4.94 There is no on-site provision for a swimming pool. Therefore, a financial contribution to off-site facilities will be required.

Location of Provision

- 4.95 The community centre is located within the District Centre, which is acceptable in planning terms. The majority of the playing fields are located to the east of the developed areas, north of the District Centre or within the four schools distributed throughout the scheme. These are within easy walking distance of most residential areas and are acceptable in planning terms.

Triggers and Phasing of Provision

- 4.96 The majority of the sports provision will be delivered in the second phase of the scheme (years six to twelve). This is likely to be generally acceptable to WNDC, including contributions to improve sports provision at Southbrook to achieve appropriate provision in the first phase of development.

Emergency Services (Police and Fire Stations)

Level of Provision

- 4.97 WNDC would expect a financial contribution towards enhanced emergency services provision.

Health Services (GP Health Centre, Dentist, Acute Hospital and Intermediate Health Care Provision)

Level of Provision

- 4.98 The application indicates that a health centre will be provided on-site. Details are not provided as to the extent of this provision. There is a requirement in

the Strategy for a five (5.3) GP health centre of 894 m². Provision for one dentist is proposed, against a requirement for two (1.8) dentists in a building of 295 m².

- 4.99 A financial contribution towards acute hospital and intermediate health care provision would be required.

Location of Provision

- 4.100 The health centre and dental provision would be located in the District Centre, which is central and accessible. This is acceptable in planning terms.

Triggers and Phasing of Provision

- 4.101 The facilities are planned to be delivered in the second phase of the development ie years six to twelve of the construction programme, which is likely to be acceptable. The floorspace, triggers for delivery and management of the health provision will be subject to negotiation with WNDC.

Waste Disposal

Level of Provision

- 4.102 WNDC would expect a financial contribution towards waste management and disposal facilities to be provided off-site to serve Daventry as a whole and this site.

Training

Level of Provision

- 4.103 WNDC would expect a financial or in kind contribution towards employment training.

Voluntary Sector Support

Level of Provision

- 4.104 WNDC would expect a financial contribution towards voluntary and community sector support. Reinforcing existing and establishing new social and community activity is an integral part of creating successful new communities, as the appellant will recognise.

Affordable Housing Provision

Level, Location and Phasing of Provision

- 4.105 It is unclear from the application submission what the proposed tenure split and mix of house sizes will be. The appellant is prepared, in principle, to enter into a s106 agreement to ensure that affordable housing is secured. However, no agreement has yet been reached on the details of the affordable housing provision in terms of tenure and mix, how they will be provided and other types of housing such as lifetime/mobility homes to be provided.

4.106 At present, there is no means by which affordable housing provision is secured therefore the proposal would be contrary to policy HS25 of the **Daventry District Local Plan**. WNDC would expect that the appellant will observe the advice in paras 2.20 to 2.25 of the **Planning Obligations Strategy** and WNDC will seek to negotiate key parameters for the affordable housing within the agreement.

Church Fields Conclusion

4.107 All of the outstanding matters are capable of resolution by conditions and/or a s106 agreement.

5 OTHER MATTERS TO BE SUBJECT TO PLANNING OBLIGATIONS

OTHER MATTERS

- 5.1 The necessary arrangements for the definition and delivery of the highway and transport improvements agreed by each appellant will need to be reflected in each s106 agreement. There will need to be agreement, in principle, about which matters should also be subject to a future s38 or other agreement, under the Highways Act, for each application.
- 5.2 Each of the agreements needs to include appropriate arrangements to take account of the possibility that the Secretary of State will decide to grant more than one of the permissions. These obviously need to take account of such issues as the alternative locations for the Secondary School, but also a range of other issues concerned with the potential parallel implementation of more than one permission.
- 5.3 Other matters, which I summarise below, will need to be incorporated into the relevant agreements. These were set out in detail in the WNDC December Committee Reports.

DANETREE APPEAL SITE

- 5.4 Other matters to be secured through the s106 agreement include arrangements for:
- maintenance and long term management of sports pitches, play areas and other greenspace as part of the Green Infrastructure Scheme;
 - operation and maintenance of the community hall, including funding for the initial period of management;
 - public art, as part of the cultural investment;
 - habitat management, as part of the Green Infrastructure Scheme;
 - a Waste Management Plan;
 - an updated Health Impact Assessment;
 - a Construction Environmental Management Plan;
 - the triggers for and safeguarding of the delivery of local shops and services;
 - the safeguarding of the minerals haul route through the site; and
 - provisions for ensuring that renewable energy targets and the appropriate levels under the Code for Sustainable Homes are met.

MONKSMOOR APPEAL SITE

- 5.5 Other matters to be secured through the s106 agreement include:
- maintenance and long term management of sports pitches, play areas and other greenspace;
 - operation and maintenance of the community hall, including funding for the initial period of management;

- provision for a place of worship;
- public art, as part of the cultural investment;
- habitat management;
- a Construction Environmental Management Plan;
- the triggers for and safeguarding of the delivery of local shops and services;
- contributions towards and improvements to canal access and interpretation;
- any air quality and noise mitigation that is necessary following the updated traffic modelling; and
- provisions for ensuring that renewable energy targets and the appropriate levels under the Code for Sustainable Homes are met.

CHURCH FIELDS APPEAL SITE

5.6 Other matters to be secured through the s106 agreement include:

- maintenance and long term management of sports pitches, play areas and other greenspace;
- operation and maintenance of the community hall, including funding for the initial period of management and provision of temporary facilities;
- provision for a place of worship;
- public art, as part of the cultural investment;
- habitat and ecology management;
- a Health Impact Assessment;
- a Construction Environmental Management Plan;
- the triggers for and safeguarding of the delivery of local shops and services;
- the provision of parking and changing facilities for sports facilities;
- improvements to the Southbrook sports facilities;
- any air quality mitigation that is necessary following the updated traffic modelling;
- contributions towards and improvements to canal access and interpretation; and
- provisions for ensuring that renewable energy targets and the appropriate levels under the Code for Sustainable Homes are met.

6 INTERIM CONCLUSIONS

- 6.1 I have set out in this Proof of Evidence, WNDC's position in relation to the provision of infrastructure and community facilities that would be required, if the Secretary of State were to grant permission for any one or more than one of the appeals.
- 6.2 WNDC, through its **Planning Obligations Strategy** and commitment to infrastructure delivery, has adopted a robust and coherent policy which is being applied to these and other applications.
- 6.3 The majority of my detailed evidence confirms that, in the case of the Monksmoor and Church Fields applications, there is scope to secure all outstanding matters relating to infrastructure and community facilities by conditions and/or s106 agreements.
- 6.4 In the case of the Danetree application, I am not satisfied, in particular, with either the quantity or spatial distribution of sports pitches or the spatial distribution of land for informal and equipped children's play areas. This is a fundamental flaw with this application which cannot merely be resolved by conditions or a s106 agreement. Many other aspects of the provision of infrastructure and community facilities, in respect of this application, can be resolved through conditions and/or a s106 agreement. .
- 6.5 In conjunction with relevant officers of the Corporation, NCC and DDC, and in consultation with other witnesses, I am seeking to progress negotiations with each of the appellants, so that a signed s106 agreement can be provided to the Inquiry, preferably before the start of each case, and if not by then, before a deadline set by the Inspector in advance of the date when he wishes to consider planning conditions and these agreements.
- 6.6 In the event that agreements cannot be reached, I will prepare a Supplementary Proof of Evidence or a Position Statement, to cover matters that have not been agreed.

