



WNDC Interim Planning Obligations Strategy

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1. Executive Summary

- 1.1 National and local planning policy seeks to ensure that all development contributes to the key objectives of delivering sustainable development and securing sustainable communities. There is a continuing need to ensure that development contributes in an appropriate way and to ensure that it meets WNDC's own objectives of delivering regeneration and sustainable development in West Northamptonshire and assisting public sector partners and other providers to deliver their visions and objectives. Developer contributions remain key to the achievement of these objectives.
- 1.2 WNDC's Planning Obligations Strategy (POS) was first adopted in 2008 as a development control tool to which weight may be given as a material consideration when making planning decisions. However, the planning and economic context has changed considerably since that time and taking into account the issues arising from the initial operation of the POS, it was considered appropriate to undertake a review. Notwithstanding the advent of the Community Infrastructure Levy (CIL), WNDC considers that there is still a role for an updated POS to provide clear and consistent guidance to developers to minimise the time taken to negotiate and agree relevant planning obligations. It will also provide a reliable funding stream to be used towards delivering the identified costed infrastructure for the area.
- 1.3 In anticipation of the review, a comprehensive, focussed pre-consultation exercise was carried out via e mail in October 2009. This sought feedback on the principle of the need and relevance of the POS review and the general matters which such a review should focus on. The responses were generally positive in terms of supporting the review, but cautious in terms of the need to ensure continued development viability in the light of the economic recession.
- 1.4 Following the above, in March 2010, workshops were held with key stakeholders from the public and private sector. This resulted in a useful level of debate on the main issues. Once again, much of the discussion focussed on the need to ensure that any changes took into account the difficulties in achieving an appropriate level of infrastructure to support viable development.
- 1.5 Thereafter a full 8 week public consultation exercise was carried out during October / November 2010. All consultation has been carried out in accordance with the Town and Country Planning (Local Development) Regulations 2004 (as amended). For the purposes of this consultation, revised POS documentation was produced including a Main Document and supporting Technical Documents and Evidence Base. This received a total of 20 responses from both public and private sectors. The key points that emerged were:
 - There was general support for the review but a need to recognise that CIL will emerge as the main means by which development will contribute towards infrastructure provision

- In the interim, any obligations must comply with the tests within the CIL Regulations, 2010.
- The appropriateness of any geographic variation should be considered, particularly where justified by varying levels of available capacity in infrastructure
- Key assumptions underlying the viability review should be justified / robust
- The level of the DSC must not threaten viability for the majority of cases
- Consideration should be given to exemptions

1.6 WNDC has fully considered all comments made / points raised and assessed them through an option appraisal process and sought further comment from expert consultants. As a result further revisions have been carried out to comprise the final suite of documents making up what is now termed the 'Interim' Planning Obligations Strategy (IPOS) in recognition that it will be superseded in due course by the successor planning authorities approaches which are likely to include a CIL. The final version includes the following key points:

- Developer contributions remain a key component to the provision of sustainable communities and a legitimate means of funding notwithstanding the recent change in government and likely changes to planning policy
- A review of development viability demonstrates that a standard charge approach remains appropriate however there is justification for a reduction in the discounted standard charge (DSC) (albeit that the full standard charge level has not changed significantly)
- An assessment of the Annex A items of infrastructure in respect of the CIL tests has shown that some items may no longer be justified on the basis of the evidence available
- There remains justification for a standard charge approach which reflects the genuine pre-estimate of the identified infrastructure costs of the majority of developments
- Where, notwithstanding the reduction in the DSC, developers consider that viability issues remain and are supported by an appropriate viability assessment, WNDC will take a flexible approach to negotiations, including the use of deferred contributions and the provision / phasing of the necessary infrastructure
- Where practical and appropriate the provision of on-site infrastructure is preferred
- A variation in the level of DSC based on geographic location is not justified either in terms of land cost / sales value or the level of necessary infrastructure provision as the DSC is set at level which is significantly below the FSC.
- WNDC's key objective to deliver sustainable development will remain the overriding consideration
- The IPOS will continue to apply to residential developments which are not subject to a resolution to grant permission from 1 June 2011. It will not apply to commercial developments although appropriate obligations will be negotiated on a site by site basis having regard to the benchmark figures set out later in this document.

- 1.7 The final version was considered by WNDC Board on the 17 May 2011 where it was agreed that it should be adopted as a development control tool and will be given appropriate weight as a material consideration when determining planning applications. For the purposes of clarification it is not, and cannot be interpreted as, development plan policy as WNDC is not a plan making authority.
- 1.8 It is acknowledged that the IPOS can only provide interim guidance which is likely in due course to be replaced by a CIL in any of the individual local planning authorities, or possibly one joint CIL for West Northamptonshire flowing from the Joint Core Strategy and associated Infrastructure Schedule. However, it is intended that it will provide a sound base for the future development of such guidance.

2. Introduction – The New Interim Strategy

Background

- 2.1 WNDC adopted the first Planning Obligations Strategy (POS) in December 2008 which established a standard charge approach based on development viability. Since that time there have been dramatic changes in the economic climate. However, whilst we are currently in a time of some uncertainty and change in the planning system, it is evident that the Coalition Government is committed to reforming the planning system to promote sustainable growth and jobs. The recently published Localism Bill has set out the Government's vision for the Big Society and the move to decentralisation. This includes the abolition of regional targets within the Regional Strategies in favour of democratic local decision-making and focused local plans as well as introducing the ability of local people to shape the development of the communities in which they live through Neighbourhood Plans¹.
- 2.2 The Government has confirmed that it intends to retain the Community Infrastructure Levy (CIL) albeit in a slightly varied form to that set out in the CIL Regulations (2010). The main change, as put forward in the Localism Bill, is that local planning authorities will be required to ensure that a percentage of monies raised are spent within the local area where development takes place. CIL will operate as a tariff, outside the S106 planning obligations regime, and is intended to be the main source of developer contributions towards infrastructure funding.
- 2.3 The details of any local CIL will be taken forward by the Local Planning Authorities who are the responsible Charging Authorities. The WNDC is not a charging authority and thus will not be able to set CIL. However, the formal process for setting the charging schedule and seeking approval through the formal examination will mean that a CIL is unlikely to emerge in any of the LPA's until around 2012/13. West Northamptonshire Joint Planning Unit (WNJPU) is anticipated to coordinate the preparation of the CIL's and any associated supporting documents.
- 2.4 In the interim, development will continue to need to make contributions toward additional necessary infrastructure to mitigate its impacts and provide sustainable, mixed communities. WNDC's role to ensure that such development contributes to the sustainable growth of the area will continue to be a legitimate one.
- 2.5 The government has confirmed² its commitment towards growth in proposing a pro-growth national planning policy framework and presumption in favour of sustainable development. Whilst a definition of sustainable development has yet to emerge, it is clear that the Government will expect development to come forward with the necessary supporting infrastructure.

(1) ¹ At the time of publication the RS's remain part of the development plan

(1) ² Planning for Growth, Statement of Rt. Hon. Greg Clark (March 2011), Planning and the Budget, March 2011, (DCLG), The Plan for Growth, BIS (March 2011)

- 2.6 A further challenge for all involved is to ensure that development meets its fair and proportionate cost of any necessary infrastructure whilst still being economically viable. This is a difficult balance as clearly development not supported by the necessary level of infrastructure may not be sustainable in itself. In addition, it is important in a growth area such as West Northamptonshire that the cumulative impacts of the overall level of development are taken into account. Equally it is recognised that the most efficient use should be made of existing infrastructure so as to ensure that development is not required to make contributions over and above that which relates to it and is essential to ensure sustainable development.

An Interim Standard Charge

- 2.7 WNDC recognises that the delivery of strategic and sustainable growth in West Northamptonshire will continue to require significant investment in infrastructure and service provision. Without Government and other public sector infrastructure providers' timely investment, the cost of such infrastructure provision would inhibit developers bringing forward land and implementing the schemes required to deliver housing and jobs on the ground. In the light of the current economic downturn and public spending cuts this remains a significant challenge for all involved.
- 2.8 Whilst recognising all the above factors, WNDC believe that in the interim before CIL is in place, there is a need to provide a clear and consistent framework which enables developers to understand clearly the nature of the contributions towards the necessary infrastructure to support their development. Whilst, in accordance with the emerging JCS it is appropriate that the larger sustainable urban extensions (SUE's) provide much of the necessary supporting infrastructure as on-site provision, there will remain a need for contributions to be made to off-site provision. In addition, appropriate financial contributions will need to be made by the smaller developments unable to provide such infrastructure on site, to enable a pooling of resources to secure off-site provision.
- 2.9 WNDC are of the view that there is a continuing role for the standard charge or tariff based approach but recognise that there is a need to respond to current challenges in a positive way to ensure that the area continues to grow and all involved can continue to deliver sustainable communities. In addition, it is recognised that there will be a need to respond positively to the changes to the planning system and to seek a collaborative approach with all local communities.

'Traditional' Planning Obligations

- 2.10 WNDC will continue to seek 'traditional' planning obligations for those items not covered by the standard charge or in respect of specific on or off site provision. In addition, there may be a need to negotiate appropriate levels of contribution where infrastructure normally covered by the

standard charge is to be part provided on site and thus for such 'in-kind' contributions to be off set.

- 2.11 Affordable Housing will continue to be sought via separate and specific obligations, in accordance with the policies applicable to the area in which the development is proposed.

Paving the way for CIL

- 2.12 Given that CIL is likely to be adopted by the LPA's and as such this is an interim approach to securing planning obligations, it will also provide evidence and technical information to support any emerging CIL within the West Northamptonshire area. It is considered that much of the work undertaken, particularly in respect of viability and infrastructure assessment will provide valuable evidence and assist in paving the way for CIL.

3. Background

Role of WNDC

- 3.1 The West Northamptonshire Development Corporation (WNDC) was set up in 2004 to deliver growth in the West Northamptonshire area following its designation in the former government's Sustainable Communities Strategy. Its' statutory objective is to promote and deliver regeneration and sustainable development in West Northamptonshire. Its roles cover both planning and regeneration involving the determination of larger scale and strategic applications, delivering its regeneration programme and assisting public sector partners and other providers to deliver their visions and objectives.
- 3.2 Following a recent review, it has been confirmed by Government that WNDC will continue until around 2013/14 although its role has been re-focussed on delivery / regeneration and the processing of the larger, strategic applications and supporting functions.
- 3.3 The role of developer contributions towards the provision of infrastructure to support and assist in the delivery of that growth remains key and negotiating / securing such contributions remains a fundamental part of WNDC's role in the determination of planning applications.

Current and Emerging Government Policy / Advice

- 3.4 The position of the Coalition Government towards investing in the development sector and providing incentives to the development industry, councils and local communities continues to evolve. The New Homes Bonus Scheme has been launched. This is paid as an unringfenced grant. Local authorities and their communities will have the freedom to spend New Homes Bonus revenues according to local wishes - for example, improving play areas, transport improvements, town centre regeneration and council tax discounts etc. Further changes in respect of business rate reform and revisions to the CIL have also recently been published.
- 3.5 However whilst these may well have a role to play in contributing to the funding and delivery of necessary infrastructure, it is clear that there remains a role for Developer Contributions achieved via planning obligations (PO) particularly in the interim period before any CIL is adopted in any of the LPA's. It is intended that these mechanisms will be considered as they evolve and will be likely to result in the need for the POS to be further reviewed.
- 3.6 Most recently the Government has confirmed that in reforming the planning system, the promotion of sustainable economic growth and jobs remains the top priority¹. This is to evolve

(1) ¹ Ministerial Statement of 23 March 2011 'Planning for Growth'

further in a commitment to a strong presumption in favour of sustainable development, to be introduced in the forthcoming National Planning Policy Framework. Whilst this has yet to be adopted, it is anticipated that the Government will continue to expect development to be supported by appropriate and necessary infrastructure, towards which it will need to contribute.

- 3.7 WNDC recognises that development viability remains a key element in the context of securing appropriate contributions. Whilst government has also emphasised the need for local authorities to be aware of such issues and to reconsider existing S106 obligations that currently render schemes unviable, this must be on the basis that development remains acceptable in planning terms.
- 3.8 This document sets out WNDC's approach to securing necessary infrastructure during the interim period before CIL is in place, having regard to the above and the relevant statutory and policy context which has also evolved since the original POS.

Policy Context and Relevant Statute

Policy Framework

- 3.9 The policy context for the POS has changed since the original document. The Regional Strategies, whilst still part of the Development Plan at the present time, are to be revoked. Government has made it clear that decisions on the provision of housing and growth should be made at the local level as far as possible with the need to consider wider growth implications through a 'duty to cooperate' between authorities. The Courts have held that the Government's intention to revoke the Regional Strategies, as provided for in the recent Localism Bill, may be a material consideration in the determination of planning applications but could not be taken into account in the preparation of development plan documents¹.
- 3.10 The Pre-Submission Joint Core Strategy (JCS) has now been published for consultation. It suggests a slightly lower level of growth than that set out in the East Midlands Regional Plan in terms of housing numbers for the WN area as a realistic target within the time period of the plan. It has also set out a comprehensive list of infrastructure requirements needed to meet the overall level of growth within the towns and wider area and the site specific infrastructure for the suggested specific locations for growth. This information has enabled the POS Annex A Infrastructure requirements to be reviewed and updated.
- 3.11 Circular 05/05 (Planning Obligations) and its supporting Best Practice Guidance remain relevant until updated or replaced by a new policy document. Of particular relevance is the guidance relating to the pooling and use of pooled contributions.

(2) ¹ Cals v SoS, [2011] EWCA Civ639

Statute

- 3.12 The advent of CIL and the requirements of Regulation 122 have also come into effect since the original POS, albeit that these requirements set out in law what was already within the policy of the SoS in Circular 05/05. The Reg. 122 tests however have specific implications for the operation of the POS and in particular the application of a standard charge approach to developer contributions. These are considered in more detail below.

The Effect of the Community Infrastructure Levy Regulations, 2010, ("the CIL Regs")

- 3.13 Regulation 122 of the CIL Regs has now set in statute the following legal requirement in respect of any CIL liable development:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development;"*

- 3.14 A summary of the effect of the CIL Regs and in particular Regulation 122 is set out in Technical Document A. This also sets out the justification for the approach taken forward in the POS in more detail.

- 3.15 The main points can be summarised as follows:

- W N D C has fully considered and tested the elements of the Standard Charge (SC) approach against Regulation 122.
- A review of the policy context demonstrates that the list of items of infrastructure set out within Annex A has not significantly changed on the basis that in principle there remains a policy requirement for them or they can be shown to be necessary to support most forms of development. Some have however been removed, on the basis that there is insufficient evidence available to demonstrate a need for the type or level of infrastructure sought or that there are projects / programmes in place that will deliver such infrastructure within an appropriate time frame.
- W N D C consider that the overall level of infrastructure required to support the growth in West Northamptonshire can be shown to be directly related to the vast majority of developments when considered on the basis of individual and cumulative impacts both of which are considered to be relevant in this context.

- The level of FSC necessary to support the overall costs of infrastructure required to support the planned growth far exceeds the discounted standard charge (DSC) sought.
- The charge is based on the cost of the total strategic infrastructure required to support the growth of the area as a whole and on the cost of more local infrastructure, taking into account the capacity of existing infrastructure.
- The SC is based on a proportionate approach relating to the average cost per dwelling and thus in the majority of cases will relate in scale and kind to the proposed development.
- The DSC thus represents a genuine pre-estimate of Regulation 122 compliant costs which are required to support the majority of all development.

3.16 WNDC therefore consider that in the majority of cases, it will be justified and appropriate to follow the DSC approach. In exceptional cases, for instance where it can be demonstrated that there is a particularly low level of infrastructure requirement associated with a development, or that its nature is such that certain types of infrastructure will not be directly related (eg. a large scheme of small units which may not justify a contribution towards education) the DSC approach may not be appropriate.

3.17 In addition, CIL Regulation 123 is also relevant. Although it does not come into effect until either a CIL Charging Schedule is in place or by April 2014, it will limit the number of Planning Obligations that may be entered into to secure pooled contributions towards a specific piece of infrastructure or type of infrastructure not identified within the CIL infrastructure list. It is likely that a CIL charging schedule within one or more of the LPA's will come into effect before the April 2014 date and at that time it will be necessary to review any effect on the operation of the IPOS.

Status and Application

Status

3.18 The IPOS will form part of WNDC's emerging Regeneration Framework. WNDC is a planning authority by virtue of the West Northamptonshire Development Corporation (Planning Functions) Order 2006 with the power provided to an Urban Development Corporation by section 136(3) of the Local Government Planning and Land Act 1980. S136(3) of the 1980 Act confers on WNDC a sufficiently wide power to generally do anything which is necessary or expedient for securing the regeneration of its area or for purposes incidental to that. Accordingly WNDC is a development control authority entitled to develop 'policy' on its approach towards developer contributions for infrastructure where it is considered necessary to deliver regeneration. However, this should not be confused with development plan policy which WNDC is not empowered to put in place.

In practice the IPOS will be used as a development control tool to provide guidance to which weight can be given in the determination of planning applications.

- 3.19 The IPOS is not a Supplementary Planning Document (SPD) but has gone through a consultation process akin to that of a SPD and its status is therefore comparable to that of supplementary guidance¹. The IPOS relates to the development and use of land and once adopted is capable of being a material consideration in the determination of planning applications. It has been the subject of public consultation and the comments and representations received have been taken into account in providing this final revised document. WNDC have sought to fully consult with all local planning authorities and as key partners in the process, it is anticipated that they will 'sign up' to this IPOS and apply it in their areas.
- 3.20 The approach adopted towards the review of the IPOS has been to closely follow the requirements of the Town and Country Planning (Local Development) Regulations 2004 insofar as it relates to the preparation of SPD; accordingly this has the effect of increasing the weight which can be attached to the IPOS when treating it as a material consideration in the determination of planning applications.
- 3.21 WNDC fully acknowledge that given the recent changes to introduce CIL and the further changes being put in place by the government to potential funding of infrastructure provision and community facilities, the IPOS will only be an interim approach. The local planning authorities are likely to take forward CIL, either individually or jointly, and the WNJPU will be putting in place a Developer Contributions SPD which will deal with other related planning obligation matters to complement any CIL.
- 3.22 However, until such measures are put in place, the IPOS will help to guide current negotiations on S106 planning agreements and WNDC planning decisions and it is intended that the revised Strategy will be formally applied in relation to all applications that are not the subject of a resolution to grant consent as of the 1 June 2011. It will also inform WNDC's position where applications have been appealed or called in by the Secretary of State but remain undetermined.

Consultation

- 3.23 The strategy adopted toward the Review has been to reflect as appropriate the requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). This included two rounds of consultation including a full 8 week consultation during October / November 2010. The comments have been tabulated, responses noted and revisions made to the document as appropriate.

(3) ¹ PPS12 para 6.3

- 3.24 A full version of the relevant Consultation Statement is provided within the companion document (Consultation Report) to this main document.

Sustainability Appraisal

- 3.25 This Strategy has not been the subject of a sustainability appraisal. WNDC has sought legal advice on this matter and has been advised that the IPOS is not a document capable of being a "Plan or Programme" to which the Strategic Environmental Assessment Directive and The Environmental Assessment of Plans and Programmes Regulations, 2004, would apply. Instead its purpose is to provide a basis upon which a standard approach to securing contributions towards infrastructure required within the Corporation's administrative and wider area is justified. The plan and programmes setting out the framework against which it decides an application for a "development consent" is set out in the Development Plan documents and not the IPOS. Therefore there is no requirement nor do WNDC consider it necessary that a Sustainability Appraisal is carried out in this context.

4. Basis for the Approach and Methodology Used

Introduction

- 4.1 This section outlines in more detail the proposed approach and methodology of the IPOS for the purposes of decision making on planning applications. WNDC's preferred approach in most cases will be to secure the appropriate financial contribution based on the Discounted Standard Charge. Where the development is proposing to provide a proportion or all of the necessary contributions via on-site infrastructure, the level of 'discounted' value will take into account the 'full standard charge' contribution that would otherwise have been sought for those elements of infrastructure.

Justification for Retaining the Standard Charge Approach

- 4.2 A number of representations received through the public consultation exercise referred to the principle of retaining a standard charge approach and whether this was lawful under the CIL regulations. WNDC remain confident that it is for the reasons set out below.
- 4.3 One of the fundamental elements of the POS review has been to re-evaluate the Full Standard Charge (FSC) (based on a thorough assessment of the individual infrastructure elements under regulation 122). The level of Discounted Standard Charge (DSC) that can be expected from development has been reviewed in the light of the economic downturn and development viability in general.
- 4.4 In this context and as a result of funding and restrictions placed upon public expenditure, it is also clear that there is a need for service providers and others to reconsider the ways in which necessary services and facilities are provided in order to identify cost and efficiency savings. WNDC has sought to encourage all key public sector partners to consider such an approach. Policy INF1 of the Pre-submission JCS requires developers to demonstrate whether existing infrastructure can be used more efficiently or whether the impact of development could be reduced through behavioural change.
- 4.5 INF2 however also sets out that where the combined impact of developments creates the need for infrastructure, any spare capacity (if shown to exist at the point of consideration of any individual development) will not be credited to development that comes forward earlier. This is to ensure that all development coming forward within the time period covered by the Core Strategy as part of the growth for the area makes a fair and proportionate contribution to these cumulative infrastructure requirements to which they are directly related. WNDC consider that this approach is entirely consistent with Circular 05/05 (see paras. B21 – 24.)

- 4.6 WNDC is thus satisfied that both the individual and cumulative impacts of a development should be taken into account when considering its direct impacts in the context of CIL Regulation 122.
- 4.7 Furthermore, the level of the DSC has already taken into account viability and is significantly below the full standard cost (FSC) so that any site specific variations or geographic variations (referenced to the LPA's) are unlikely to result in the DSC being above the costs of the impact of the individual development. In other words, as set out above in para. 3.15 the DSC is a genuine pre-estimate of Regulation 122 compliant costs reflecting the minimum cost of infrastructure generated by qualifying development (irrespective of scale or location) and that payment is expected to be the norm rather than the exception.

Viability Review

- 4.8 The level of the discounted charge has been given a thorough re-appraisal in the light of the economic downturn. It is of note that a recent High Court decision, which was upheld in the Court of Appeal¹, determined that it is appropriate to consider both current and improved market conditions provided that is reasonable taking account of the timescales involved. There is also support for the 'residual land value' approach as used in the original POS².
- 4.9 It is clear that the full costs of meeting all the necessary infrastructure requirements remains beyond the ability of developers to fund. The funding and delivery of the FSC remains reliant on the public sector to facilitate and deliver, and it is clear that in the current circumstances the reconsideration of wider public sector service standards and funding models will be necessary to deliver these full requirements. The review process has demonstrated that the FSC has reduced as a number of the previous components do not currently satisfy the Regulation 122 tests. That said, it is concluded that the critical matter remains a developer's ability to meet the costs associated with the mitigation of the impacts of their development and hence the review has focused on assessing the level of the discounted standard charge (DSC).
- 4.10 It is concluded therefore that, on the basis of viability alone, while there may be a justification for a reduction in the DSC in some exceptional cases, given the current situation, it is reasonable for the DSC to be set at around £18,000 per dwelling across WNDC's area for all scales of residential development in order to ensure that appropriate levels of contribution towards the necessary infrastructure can still be achieved.

(4) ¹ Barratt Developments PLC v The City of Wakefield Metropolitan District Council and ANR, [2010] EWCA Civ 897

(5) ² Appeal decision Countryside Properties, Clay Farm, Cambridge APP/Q0505/A/09/2103599

Commercial Development

- 4.11 The use of a standard charge for commercial development is more difficult due to the fact that the range of actual / potential schemes and site circumstances are so varied. It is acknowledged that in respect of 'brownfield' sites in particular there may be significant costs involved in site preparation and construction. Furthermore, there will be a range of impacts and not all of the infrastructure items set out in Annex A are likely to be relevant. It is intended therefore that contributions will continue to be negotiated on a case by case basis having regard to specific site circumstances and the identified impacts of those developments.
- 4.12 However, in order to assist negotiations further a 'standard benchmark' to assess schemes, particularly those involving greenfield B2 / B8 development and retail development where the costs and values are more consistent will be used. The viability report identifies a benchmark of between £30 and £50 per sq.m for B2/B8 and £107 per sqm for retail development¹. No standard benchmark has been set for other commercial uses such as offices, hotels, leisure development etc. Discussions on Section 106 contributions for uses not defined within the standard benchmark will be considered on a case by case basis.

Review of Infrastructure Requirements

- 4.13 A thorough review and assessment of the necessary levels of infrastructure and programmes for their delivery to support the planned growth in West Northamptonshire has now been published by the West Northamptonshire Joint Planning Unit (WNJPU) within the Pre-submission version Joint Core Strategy (JCS) (February 2011). The West Northamptonshire Infrastructure Schedule (WNIS) is produced as Appendix 4 of the pre-submission JCS and provides a list of infrastructure projects necessary to meet the wider growth of the area as well as town wide requirements. It also sets out the infrastructure necessary to support the individual site allocations.
- 4.14 The original Annex A list has been reviewed against the development plan and national policy context, and updated against the JCS WNIS.
- 4.15 It has also been thoroughly assessed against the Regulation 122 tests, as set out above in paragraph 3.13. It has been concluded that there are some elements previously included which cannot be supported at this time due to the lack of evidence demonstrating a clear need and / or specified programmes / projects. In addition, whilst the test of 'clearly related' is met in many instances, in the absence of any costings for any specific item of infrastructure or details of any programme for project delivery coming forward, it is difficult to ascertain what the level of contribution 'reasonably related in scale and kind' would be, thus it is deemed to be inappropriate to identify

(6) ¹ Annex C Viability Report POS Technical Document

specific contributions for these elements of infrastructure. It is also necessary to ensure that there is a clear audit trail between the contributions made and the infrastructure provided.

- 4.16 However, where it is known that service providers are in the process of re-assessing requirements with a view to producing programmes and strategies for facilities and/or infrastructure that still meet the other Regulation 122 tests, the incorporation of those sums will be reconsidered as part of an ongoing review of Annex A. In the absence of clarity over the necessary strategic cost of that infrastructure across the Corporation's area, there is likely to be an on-going need to negotiate these elements on a case-by-case basis through the determination of individual applications.
- 4.17 The revised schedule is provided as Annex A to this document. The unit costs have been derived using the information provided within the WNIS and having regard to any updated evidence eg. PPG17 assessments. The maintenance costs associated with the IPOS elements have also been removed from these unit costs as it is intended that such costs will be met through a Local Development Trust (LDT) or similar (see Topic Paper J (ii)). Where no LDT is appropriate, an additional commuted sum to cover future maintenance may be appropriate – this will be negotiated on a site by site basis (see relevant PPG17 documents).

Geographic Variations

- 4.18 The work on the POS review has also considered in some detail whether there is justification for a variation between different geographic areas. For instance, in carrying out the viability study it was found that there is a 10% range in average residential sale price across the three towns. However, this factor on its own was not considered to be sufficient to justify a geographic variation in the charge.
- 4.19 There may be justification for a variation due to the different levels of local infrastructure required and the need to ensure that each item satisfies the Regulation 122 test of 'directly related'. For instance, the existing provision in schools and local sports facilities varies between the main towns and therefore the levels of existing available capacity will also vary. However, it must be remembered that the proposed growth levels for each town also vary and therefore any variation to the 'standard charge' should reflect the different costs of certain types of necessary infrastructure taking into account the likely levels of growth within those areas and how that is likely to impact on infrastructure provision and services. Thus the availability of apparent 'spare capacity' will need to be considered carefully in the context of the overall level of growth identified for the area and taking into account the cumulative impacts of the totality of those planned developments.
- 4.20 In any event, there will still be a requirement for all development to contribute to certain larger elements of infrastructure which are intended to serve a wider catchment / population across

and between the three towns. In all likelihood, these elements will be the more costly, eg. strategic transport schemes and thus the variation between towns / local areas may not be that significant.

- 4.21 It is therefore intended to apply the DSC consistently across the three towns as this allows for ease of strategic application across West Northamptonshire and to allocate and spend the monies on infrastructure related to the development except where it is clear that there is a need to mitigate wider impacts. This may be in relation to such items as strategic transport or where the supporting community infrastructure is provided within the wider area (usually within the Principal Urban Area of Northampton), eg regional / sub-regional sports facilities, parks & gardens, public realm and cultural investment, and Green Infrastructure. Where developers consider a reduction in the charge to be appropriate to reflect more local contexts, they will be encouraged to demonstrate this at either application or implementation stages through the submission of evidence relating to viability and/or infrastructure provision/ capacity.

5. Application of the Charge and 'Traditional' Planning Obligations

Development Type

- 5.1 As with the previous POS, the standard charge will apply to all forms of housing to be determined by WNDC, including that provided within mixed-use developments, affordable housing (AH) and specialist housing, in that all of these give rise to requirements for a range of infrastructure and community facilities.
- 5.2 It is acknowledged that affordable and other types of specialist housing will not be liable to CIL. However, at least in the case of the latter, it is noted that the government intends to introduce various incentives to encourage the provision of AH. Currently it is envisaged that this is to be in the form of a 'Matching Fund' which will provide for 125% of the Council Tax for an AH unit to be provided for a period of 6 years. It is also noted that the first round of payments under the New Homes Bonus Scheme has been published. Whilst these monies may be spent on local infrastructure, there is no 'ringfencing' applied and local authorities will be able to use the monies as they see fit, following the wishes of the local community.
- 5.3 Thus, there is still a need to mitigate the impact on infrastructure, services and facilities by all types of housing and thus it is intended that the DSC will apply to AH.
- 5.4 Commercial development will be generally negotiated on a site by site basis, though as indicated in paragraph 4.12 above, it is intended that a standard benchmark value will be used in respect of B2 and B8 uses on green field sites and retail development as the associated costs and values are more consistent than other commercial forms of development.

Specific Types of Development Scenario

Other Development including Residential Development in the Northampton Central Area

- 5.5 Planning obligations for all other types of development that fall to WNDC to determine, including development within the Northampton Central Area, will be taken forward through the standard approach, unless viability matters dictate otherwise. Where viability issues can be demonstrated proposals will be negotiated on a scheme-by-scheme basis, taking account of the nature of the proposed development, site circumstances and the need to manage any potential impacts of the development.

Mixed Use Developments

- 5.6 The standard charge arrangements will apply to the residential element of any mixed use proposal. Planning obligations sought in respect of all other proposed uses will be considered separately,

taking account of the nature of the proposed uses, site circumstances and the need to manage any potential impacts arising as a result of the proposed uses. Those which include B2 / B8 development which is located on a Greenfield site or retail development(s) will be negotiated having regard to the standard benchmark for that element.

Public Sector Land

- 5.7 The standard charge will apply to all land within WNDC's area, including land owned by WNDC, the local authorities and other public bodies.

Cross-boundary Applications

- 5.8 Where the development site and planning application falls partly in another local planning authority area, WNDC will encourage that authority to apply a similar approach to the types of infrastructure and level of any financial contribution to ensure consistency in the obligations sought. To the extent that a conflict arises in connection with the determination of an application and the type or form of obligations to be sought, then both authorities will have to negotiate planning obligations, for the portion of the development that fall to them to determine, in accordance with their own approaches.
- 5.9 As noted above, in respect of the larger sites, these are those identified as being so significant that they will be implemented well beyond the life time of the Corporation and as such could be considered as forms of 'legacy'. In these circumstances, it is likely that a 'hybrid' approach will be adopted and therefore it will be possible for other authorities to be a party to those agreements.

Provision of Affordable Housing

- 5.10 Affordable housing provision does not fall within the standard charge contribution; contributions will be sought as a 'traditional' planning obligation where required in accordance with relevant local policy. WNDC are aware that in the current economic climate, the provision of affordable housing may be directly affected by viability issues. However, national and local policy stresses the need to make appropriate provision for the needs of all the community. Thus with the ability to access an affordable home also being directly affected by the current economic downturn, WNDC wish to retain the ability to negotiate on a site by site basis where the 'normal' requirements cannot be met to ensure that the development meets sustainability objectives.
- 5.11 Residential development is required to provide affordable housing consistent with the requirements of the development plan, Planning Policy Statement 3 (PPS3) and with the findings in general of any applicable Housing Market Assessments. It is of note that the WNJPU have also published a consultation version of the Affordable Housing SPD (May 2009) which sets out more detailed requirements in respect of the local policies. In relation to the level of provision of

affordable housing for a particular site, WNDC will in the first instance seek to follow the level set by the policy of the respective local authorities, having regard to emerging policy in the Joint Core Strategy.

- 5.12 As affordable housing contributes towards housing mix and inclusive communities, provision should be made on-site as an integral part of the development proposal. This approach is supported by PPS3 and other relevant local policies. Only in exceptional circumstances where it has been demonstrated as justified / necessary by appropriate evidence, will alternative provision such as off-site or financial contributions, be considered.
- 5.13 Applicants are advised to discuss their proposed scheme at pre-application stage to enable the proportion and mix of affordable dwellings to be agreed with WNDC and the relevant LPA in the context of the wider development objectives. This is especially important if the applicant is proposing a variation to the minimum policy requirements, or variation to the normal on-site arrangements or provision other than on-site.
- 5.14 In determining the final arrangement to be included in any particular S106 planning agreement, WNDC will take account of the local need for affordable housing, site circumstances, and development viability, which may require an 'open book', development viability appraisal. Any appraisal should take into account the non-availability of Social Housing Grant as appropriate. In such cases, WNDC may consider the phased provision of affordable housing provided that overall the development can satisfy the principle of sustainable mixed communities.

On-site Community Facilities

- 5.15 Where appropriate as part of larger scale proposals on-site community facilities, including community centres, health centres and open space facilities (including playing pitches and play areas) will be negotiated via 'traditional' planning obligations. The size of such facilities should relate to the population they are intended to serve; in some circumstances, this may be more than the population of the immediate development itself and WNDC will negotiate with developers to seek such provision where appropriate and practical. In such cases, negotiations will also consider whether such wider provision triggers a requirement for any relevant off-set payments (refer to paras. 6.22 - 6.24 below).
- 5.16 Community Centres should include indoor sports facilities where appropriate as well as facilities for the local community such as meeting and social rooms, information / travel centres and community safety offices. An example specification is provided in Technical Document J(i). Such multi-use buildings might also accommodate health and other facilities where appropriate and practical to enable resource efficiencies to be gained.

- 5.17 Where on-site community facilities are provided, WNDC will seek to negotiate with the developer to set up a Local Community Trust to be responsible for the future management and maintenance of those facilities. Details of how such trusts may be set up / operate are set out in Technical Document J(ii). Where this is not an option or impractical for other reasons, negotiations may need to be undertaken with the respective local authority or other relevant body to enable the transfer of the land. In such cases a separate maintenance contribution will be payable.
- 5.18 Separate financial contributions to wider town-based infrastructure provision (eg. Public realm, parks & gardens, burial, libraries) may still be required and these will be negotiated having regard to the standard charges set out in Annex A in relation to the individual items.

6. The Process for Negotiating the Standard Charge and other Planning Obligations

Pre – Application Discussions

- 6.1 In accordance with the advice set out in PPS1 and WNDC's own Planning Principles, prior to submitting a planning application, applicants are strongly encouraged to engage with WNDC to discuss the planning issues and requirements to be taken into account in preparing the development proposal. The pre-application discussion should also extend to the impacts of the proposed development and any specific planning conditions or obligations required to manage and / or mitigate those impacts.
- 6.2 This Strategy document is intended to provide clear and consistent advice in order that developers will be fully aware of the obligations necessary to make their development proposals acceptable. However, it is acknowledged that there may be site specific considerations that need to be taken into account and it is intended that such pre-application discussions be conducted in as open a way as possible to ensure that all matters are fully considered at the initial stages of scheme preparation.
- 6.3 It is intended that consultation with the public sector and others will be undertaken at the pre-application stage, if necessary, to seek advice on levels of contribution sought and how they are to be dealt with.

Statement of Proposed Obligations

- 6.4 Applicants will be requested to provide a 'Statement of Proposed Obligations' with any application to which the strategy applies. For the smaller sites this should simply comprise the following:
- agreement to meet the standard charge
 - agreement to meet the requirements of the Model Planning Agreement (see para. 6.7 below);
 - details of the provision of any affordable housing proposed, to include any variation proposed to phased provision;
 - agreement to meet WNDC's legal costs of preparation; and
 - agreement to meet the appropriate monitoring contribution
- 6.5 In respect of the larger schemes, in addition to the above, Annex A should be used to identify infrastructure requirements and to note how these are being met either through on-site physical infrastructure provision or by way of standard charge contribution. Where the on-site provision does not meet the full impacts arising from the development, this should be highlighted in order to enable discussion / negotiation regarding the most appropriate means of meeting the

'shortfall'. Similarly, where the on-site provision exceeds that required specifically to meet the needs and impacts of the development proposed, the applicant should clearly identify the additional provision. This will assist WNDC to identify and assess any off-set / in-kind payments applicable.

- 6.6 Clearly if there are viability issues the process of 'open book' viability assessment will need to be followed, although the provision of a draft statement to be used as an aid to discussion will still be useful as part of that process.

Model Planning Agreement / Clauses

- 6.7 A model planning agreement to be used in the case of the application of the standard charge has been prepared and will be made available on the WNDC website. It has been prepared to assist developers and landowners to understand how the arrangements will work, in detail, and help with the timely consideration of planning applications. It is designed to cover the standard charge and other non-financial obligations. Following pre-application discussion, a draft agreement should be provided with any application submission.
- 6.8 In respect of the larger schemes, where it is likely that the obligations will 'cascade' into the hybrid approach of part 'traditional' obligations and part standard charge contributions, or where viability is an issue, further guidance in respect of how certain schedules / clauses of development will be drafted will be made available via the Corporation's website. These matters can usefully be discussed at the pre-application stage to enable any variation from the 'standard approach' to be agreed in advance.

Viability Assessments, Deferred Contributions and DSC Reductions

- 6.9 Where an applicant proposing an otherwise acceptable scheme has good reason to seek a reduction to the discounted standard charge, supported by evidence of unusual or exceptional circumstances, WNDC will take this into account, by seeking the submission of an 'open book' development viability for review by WNDC and verified by a suitably qualified independent adviser (to be paid for by the applicant). In such circumstances, WNDC will be prepared to negotiate the deliverability of necessary infrastructure. Options such as reductions to the DSC, deferred charges, phasing / delayed triggers of payment, or delayed (phased) provision of affordable housing may be appropriate.
- 6.10 WNDC's key objective underlying such negotiations will however remain the need to ensure that the development is compliant in planning policy terms and contributes to the creation of sustainable communities. Exceptional cases may be considered in line with the advice in para. B10 of Circular 05/05.

Viability Assessment – the general approach

- 6.11 Where issues of viability become apparent, the Corporation will seek to apply a consistent approach across differing scales of development through adopting common approaches towards developing and reviewing viability assessment. It is recognised that developers are best placed to assess the viability and feasibility of delivering viable schemes and it is not for the Corporation to specify one particular viability model above all others. However, it is critical that a common understanding and language is used to develop and assess viability assessments in an open and transparent way. To assist this process, a standard list of inputs to any viability assessment has been developed these are set out in the Guidelines for Viability Assessments topic paper within the Supporting Technical Document D.
- 6.12 Through the review, the difficulties of delivering developments, especially large scale proposals, which are viable and comply with government policy are recognised. Whilst the merits of development must be considered on a case by case basis, it is acknowledged that a degree of consistency and clarity of approach is necessary to expedite the delivery of sustainable growth. Full details of the approach to be adopted is set out in Topic Paper D within the Supporting Technical Document.

Deferred Contributions

- 6.13 As indicated above there remains a need to consider, in exceptional circumstances, whether a mechanism to allow deferred contributions is appropriate. In this context it should be noted that whilst WNDC wish to accommodate developers requests for lower up front contributions, where fully justified, there is a need to ensure that this is not at the expense of being able to fully fund and bring forward necessary infrastructure.
- 6.14 It should be noted that deferred contributions are not a means to seek additional contribution amounts over and above that required to mitigate development impacts, by way of, for instance, profit-sharing. Rather they are a means whereby in recognition of on-going cashflow issues and affordability related to development implementation, the necessary and appropriate contributions can be made at an agreed point during the development process. In general this would allow for a reduced amount to be paid initially with the deferred element being payable, subject to certain predetermined viability criteria being met, at a later date. Such an approach is contained within the current POS. This position has been re-appraised and informed by a topic paper (Supporting Technical Document C).
- 6.15 The adopted mechanism will be based on the principle that the developer will know the maximum liability at the start of the development but may pay less if market conditions and scheme viability do not facilitate full payment. Negotiations will have regard to the particular circumstances on a case by case basis. However, development will need to demonstrate how it

will provide for necessary infrastructure to support the achievement of sustainable communities. The topic paper proposes a number of options for taking forward the deferred contribution mechanism. Although it is likely that a number of approaches may have to be available to deal with the variety of circumstances encountered across the range of planning applications dealt with by the Corporation, the preferred approach is set out in Topic paper C within the Supporting Technical Document.

Advance Infrastructure Provision

- 6.16 There are occasions where developers have chosen to provide infrastructure works in advance of development which that infrastructure would be required to serve. In these instances, the Corporation will work proactively with the developer to identify the infrastructure relevant to any subsequent application submitted for determination. Where a clear link between infrastructure provision and the proposed development can be established and agreement reached to the apportionment of capacity, cost and (wider) profit achieved (where relevant) a discount to FSC will be available. Applicants wishing to follow this route should note that the reasonable costs incurred by the Corporation in verifying any submitted information will be expected to be met by them. However, development will still be expected to be policy compliant and contribute to sustainable communities.

Other Matters

Costs to be met by Developers and Landowners not to be Offset against Standard Charge

- 6.17 WNDC does not anticipate further contributions from developers beyond the standard contributions (where relevant, offset by any agreed physical infrastructure provision by the developer in lieu of a charge) to meet the cost of infrastructure specified in the infrastructure cost schedule. There will, obviously, be additional on and off site infrastructure requirements, which were not considered in calculating the standard charge, the need for which directly arises as a consequence of the development proposals. These will be subject to conditions and/or further obligations.
- 6.18 The cost of on-site infrastructure, including those identified as a condition or requirement of the grant of planning permission, are considered 'normal' development costs, which WNDC considers should be accounted for in any negotiations with the landowner. Other than exceptional on or off site infrastructure costs, WNDC do not anticipate making any further allowances in relation to such costs.

Building Standards / Design Quality / Zero Carbon

- 6.19 Local and national policies set out that high standards of design and build quality will be expected in all development. This is endorsed in WNDC's corporate and business approach and the Corporation supports the national standard for well designed homes and neighbourhoods as set out in 'Building for Life'. WNDC also wishes to encourage a flexible and forward looking approach to development and as new technologies arise, applicants are encouraged to consider alternative, sustainable forms of construction.
- 6.20 WNDC has adopted a corporate approach in relation to sustainability to seek to move towards zero carbon development and has produced a suite of documents setting out the approach. The Manual for Design Codes provides advice on site layout and built form in respect of energy efficiency measures and the West Northamptonshire Sustainability Manual provides a framework and guide for low and zero carbon energy measures. The IPOS sets out the means whereby development is enabled to offset its carbon emissions by securing allowable off-site solutions through carbon trading¹. This element will be optional and operate outside the standard charge but could apply to all types of development.
- 6.21 WNDC take the view that in the context of existing and emerging national and local policy, standards which apply at the commencement of development are taken to be 'normal' development costs and no further reduction should be made to the DSC. As set out in the Sustainability Manual, any 'higher level' costs associated with the achievement of zero carbon development may be off-set against development costs or alternatively, the development will be enabled to make appropriate contributions as part of the suggested 'carbon off-set' contribution impacts. It is acknowledged that national policy is continually emerging on this matter but on the basis that a formal policy basis for carbon off-setting is likely to emerge, WNDC wishes to ensure that the IPOS includes relevant criteria. Further information and the current local evidence base are set out within revised Annex A to this document.

Off-set / In-Kind Payments - Land and Construction Costs

- 6.22 WNDC's approach will be to encourage the provision of on-site physical infrastructure wherever practical and appropriate. In general it will be assumed that any on-site provision will need to be such as to provide for the needs and mitigate the impacts of the development itself, eg. open space or community facility buildings in accordance with the adopted standards, usually in the form of a quantum of space / amount related to population numbers.

(7) ¹ see pages 53-54 of Annex A

- 6.23 However, there may be instances where it will be desirable or practical to provide a facility which is in excess of the size that would be required only by that development, particularly where a need has been identified through other development requirements where it is not possible to provide any on-site facilities in relation to that development. In these instances it will be necessary to consider whether there is a need to take into account or off-set the benefits / value of that part of the infrastructure over and above that necessarily required to mitigate the impacts of that particular development. Such 'off-set' payments will need to take into account the clear 'excess' that is being provided and a value attributed to that element only. Clearly, some infrastructure provision has a minimum size threshold (eg. Primary and secondary schools) which cannot for practical reasons be reduced below that minimum size. This will be taken into account when assessing the amounts to be off-set.
- 6.24 The value to be assigned will be based on land and construction costs of the particular facility in question. Normally, the appropriate land value will be determined by the District Valuer having regard to any appropriate alternative use. In the main it is considered that this will be a 'community land value' and a residential land value will only be agreed where it can be demonstrated that such use is a viable and appropriate alternative use of the land in question.

Maintenance Costs

- 6.25 Most items of physical community infrastructure will require ongoing maintenance the cost of which will be borne by the body which retains or is transferred ownership. This cost is no longer included in the DSC. Where related to on-site physical infrastructure provision, it will be appropriate to require a developer contribution towards maintenance costs (eg. where public open space is to be transferred to a local authority). This approach is supported by Circular 05/05 paragraph reference B18 – B20. The annual cost and number of years covered will be specifically related to the type of infrastructure provision in question.
- 6.26 However, WNDC will promote the setting up of Local Development Trusts (LDT), where appropriate, to take on board responsibility for the future running and maintenance of community facilities so as to enable full local accountability. In such instances whilst the payment of maintenance contributions may not be appropriate, provided it can be demonstrated that such costs will be fully met through a 'residents levy' or similar, it may be necessary for the developer to provide an up front 'pump priming' payment to enable the LDT to be up and running at the earliest practical opportunity. Further guidance as to how the setting up of such organisations can be secured through a planning obligation is set out in Topic Paper (Hii) included within the Supporting Technical Document.

Monitoring and Legal Costs

- 6.27 Applicants will be required to pay WNDC's legal and other professional costs incurred in preparing individual planning agreements and reviewing 'open book' development viability appraisals (in accordance with paragraph 6.9 above).
- 6.28 A separate monitoring contribution will also be payable dependant on the number, type and complexity of planning obligations contained in the agreement. Full details of how such contributions are calculated are contained in the supporting document Monitoring Contributions Topic Paper in the Supporting Technical Document (J). It is considered that such contributions are justified in the context of ensuring that developments are able to proceed in a timely manner and also to ensure that there is a proper recording of the whole process to demonstrate a clear audit trail as set out in Circular 05/05. Such monitoring will also include the provision of regular monitoring reports so as to demonstrate full accountability and to identify how schemes are progressing towards the delivery of sustainable communities.

7. Collection & Spending of Contributions and Delivery of Infrastructure

Collection of the Charge / Contributions

Implementation

- 7.1 The IPOS will be applied to all applications that are not the subject of a resolution to grant permission as of the 1st June 2011. It will also inform WNDC's position where applications have been appealed or called in by the Secretary of State but remain undetermined.

Timing of Payments

- 7.2 25% of the total financial contribution for the application site (or for phases on larger sites) will normally become payable on commencement on site, with the balance payable quarterly based on unit completions over the previous quarter. Any variation sought in respect to the amount or timing of the payments will need to be agreed by WNDC and the applicant prior to the grant of planning permission, and will be set out in the S106 planning agreement. Further information on these approaches, can be found in paras. 6.13 – 6.15 above and the Deferred Contributions Topic Paper (C) (contained within the Technical Document).

Long Stop Date

- 7.3 WNDC will set a 'long stop' date, which will relate to the scale of development proposed and will be conditional upon commencement of development, where all charges owed will need to be paid. The 'long stop' date recognises that WNDC and other service providers may need to forward fund the provision of infrastructure items ahead of development taking place.

Index Linking

- 7.4 The standard charge will be indexed from April 2008 to the date of payment(s) using the higher of BCIS Construction Cost Index or Nil, applicable to WNDC. The nominal value for the land cost included in the standard charge will not be index linked but will be the subject of review at such time as the Strategy is reviewed.

Security

- 7.5 Initially, WNDC will rely on the value of the land with the benefit of planning permission as the security for unpaid contributions. Security may be required in relation to payments falling due later in the development programme and for deferred charges or if the development is built out in such a way that the value of the remaining land is not equivalent to or greater than outstanding contributions. The model planning agreement contains provisions to this effect.

Collection Arrangements

- 7.6 WNDC will be the holding and 'collection authority' for standard contributions and any other payments made under s106 agreements for applications determined by WNDC. WNDC will normally be the sole signatory to a planning agreement. For those schemes that are strategic or legacy based projects in their own right, the Corporation in discussion with the relevant local authorities will consider whether other parties should sign the agreement.

Covenants and Commitments to be made by the Developer and WNDC

Developer Commitments

- 7.7 As indicated above, WNDC will expect there to be pre-application negotiations in order to identify any key issues early in the process, particularly where the developer is seeking to vary any provisions or obligations from that set out in this document.
- 7.8 As part of the obligation, the developer will be required to notify WNDC of various stages in the development programme and triggers in order to ensure that monitoring of the obligations can be carried out as efficiently as possible. In relation to monetary contributions, WNDC will expect these to be made in a timely manner in full accordance with the terms of the agreement.
- 7.9 In terms of the provision of specific elements of on-site infrastructure, it will be important that they are brought forward in a timely manner to ensure that the occupants of the development are served by an appropriate level of facilities. Trigger dates by which time certain infrastructure or facilities are provided, negotiated and agreed as part of the detailed planning obligations should therefore be adhered to. Where it becomes evident that programmes for delivery may be at risk, the developer should inform WNDC at the earliest opportunity to discuss how this should be managed. WNDC will seek to ensure that this is done in a consistent manner and to ensure the provision of sustainable communities. Trigger levels will normally be equated with occupancy levels to ensure that the local population is supported by appropriate and accessible facilities and the levels which will normally apply are set out in the accompanying topic paper in the Supporting Technical Document (G).
- 7.10 It should be noted that in respect of public transport provision, particularly in the case of new or improved bus services, and other elements of any travel plan, certain measures or facilities may be required very early on in development phases in order to ensure that there is the best possible chance of such facilities being well used and hence achieving the desired levels of modal choice.

WNDC Commitments

- 7.11 WNDC will use 'reasonable' endeavours to deliver the infrastructure projects identified where it has the ability to do so. WNDC will only consider covenanting to bring forward a particular facility which is required in connection with a specific development, if it is fully fundable from existing receipts or spending commitments or the applicant undertakes to meet any funding shortfall. Projects which are the responsibility of other providers will be outside the direct control of WNDC but reasonable endeavours will also be used to ensure that those projects / facilities are brought forward in a timely manner. To facilitate this WNDC intends to update the Annex A infrastructure list and related information in conjunction with progress on the JCS and associated Infrastructure Schedule.
- 7.12 WNDC expect that the full amount of standard charge receipts will be expended in providing the necessary facilities and infrastructure required for the regeneration of the area and do not envisage any circumstances where it would need to repay any financial contributions. However, if, after provision of all infrastructure to mitigate the impacts of development, a surplus remains, WNDC will follow best practice guidance and covenant to use reasonable endeavours to return that surplus on an equitable basis.
- 7.13 WNDC will not normally impose conditions restricting development by reference to infrastructure that it is committed to providing, other than by reference to the programme date of delivery. Accordingly, if WNDC have programmed a new junction or a school required to serve a development by, say 2014, there will not normally be any condition that prevents development after July 2014 relating to the provision of that junction or school.

Spending and Delivery

- 7.14 In the period before the JCS Infrastructure Schedule is approved, monies will be spent in accordance with existing published infrastructure programmes or as specifically identified within individual planning obligations. The timing of provision of those elements will be as set out in the published programmes or other relevant documents.
- 7.15 WNDC will undertake to follow a 'Partnership Working' approach involving both public and private sector partners. WNDC will liaise with the key public service providers (including the Joint Planning Unit), to advise the Board on the delivery of infrastructure (and the expenditure of standard charge receipts) within an Infrastructure Advisory Group (IAG) or similar. A wider Developers Forum, that will include developers and landowners, will also be convened from time to time to ensure that development interests are properly represented.
- 7.16 The IAG will be responsible for advising on the infrastructure provision to be prioritised and included for delivery in the WNDC Annual Investment Programme. WNDC considers that this

approach promotes co-ordinated investment in infrastructure delivery and helps service providers to consider options for service delivery beyond the scope of negotiations on an individual scheme by scheme basis and to seek funding via their own means towards enhanced or new provision to cater for the needs of both new and existing communities. Given that the IAG will include representatives of the local planning authorities, it is anticipated that there will be a joint understanding of spending and delivery priorities so that when the WNDC's planning powers are transferred back the agreed programmes are delivered.

8. Monitoring and Review

Monitoring of Obligations

- 8.1 WNDC already has in place a monitoring system enabling the recording and monitoring of all agreements. Throughout the monitoring period, WNDC will maintain contact with the developer and other key partners in the process to seek to ensure that obligations are fulfilled in a timely fashion and monetary contributions are properly secured and recorded. WNDC intend to produce twice yearly reports setting out the status of individual obligations and more general information relating to monies received / spent, progress on physical infrastructure provision and the monitoring of other programmes and projects on which monies have been committed. The release of more detailed reports in relation to individual sites as a result of an applicant / developer request will be considered on a case by case basis.
- 8.2 The County Council have indicated an intention to have in place a monitoring and financial system that ensures all contributions are tracked over time and information on their spending is readily available. The County Council will produce mid-year and annual monitoring reports. These will outline the monies agreed, received and spent and development facilitated. The County Council is also intending to explore the ability to establish a web-based monitoring system. WNDC intends to continue to liaise with the County in order to establish joint or linked systems wherever possible. This should avoid duplication and may reduce the costs associated with the maintenance of the systems. However, it is not the intention of the Corporation through the IPOS to seek additional monitoring contributions to cover the costs of the County undertaking its monitoring role above those already sought by the Corporation in discharging its monitoring function.

Further Reviews of the Strategy

- 8.3 This Interim Strategy is intended to provide guidance in the determination of planning applications by WNDC until all development management powers are transferred back to the Local Planning Authorities. However, during that time if one or more of the LPA's adopt a CIL charging schedule it will be necessary to review how that will impact on the strategy. The CIL regulations contain restrictions on planning obligations once a charging schedule has taken effect so as to prevent 'double charging'. However, there may still be a need to seek contributions towards other infrastructure projects (although the number of obligations that can be entered into in respect of any specific project will be limited to 5). In addition, 'traditional' obligations to seek non CIL related infrastructure, such as affordable housing, will need to continue to be sought.
- 8.4 WNDC also intend to undertake regular reviews of various elements of the IPOS, including the progress on the setting up of specific programmes and projects which might legitimately form

part of any of the identified infrastructure and facilities provision identified in Annex A. It will also continue to review the costs of those items and the need for individual developments to contribute to those elements subject to compliance with the Regulation 122 tests.

- 8.5 It is known that there are various plans and strategies underway at present, including most importantly, the emerging West Northamptonshire JCS, the outcome of which is likely to have a significant impact on this document. Close liaison and discussions have taken place between the Corporation and the JPU to ensure that the revisions proposed are in principle supported and follow the approach being adopted in taking forward the JCS. However, it will be necessary to undertake periodic reviews as that document progresses particularly with regard to reviewing the levels of FSC and DSC as the Infrastructure Schedule is updated.

The IPOS is a suite of documents comprising this main document and the following supporting documents:

1. **IPOS Supporting Technical Document (June 2011) comprising:**
 - A. Policy and Legal Context
 - B. Viability Topic Paper
 - C. Deferred Contributions Topic Paper
 - D. Guidelines for Viability Assessments
 - E. Construction Futures Topic Paper
 - F. Community Cohesion Topic Paper
 - G. Triggers for infrastructure provision
 - H. (i) Community Centres – example specification
(ii) Local Development Trusts
 - I. Police Contributions Topic Paper
 - J. Monitoring Costs Topic Paper

Annex: Evidence Base / Schedule
2. **IPOS Consultation Report (June 2011)**
 - a. Consultation Statement
 - b. Comments, Response & Option Appraisal Table
 - c. Supplementary report on Robustness of Standard Charge Approach
 - d. Supplementary report on Review of Infrastructure Costs and Geographic Variations

Annex A - Infrastructure & Facilities Schedule

The previous Annex A list has been reviewed particularly in the light of the CIL Regulations and clearer links with policy and evidence base identified.

It should be noted that this is a 'living document' and will continually evolve as relevant matters are brought to the attention of WNDC in connection with any infrastructure item.

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Primary School including Early Years (and all Special Needs)	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) Where can be demonstrated that lack of capacity generally will be justified on basis that clear impacts ie lack of infrastructure to support increased population generation b) Generally accepted that where new residential development proposed it will impact on educational facilities within the relevant catchment area; c) NCC evidence so far is not fully detailed enough to demonstrate that there will always be an impact ie. is there any spare capacity within any such areas? Arguably there is a need to identify a more localized approach to support the pooling of contributions and how they will be spent.	(a) Northamptonshire County Council Planning Obligations and Local Education Authority Facilities SPG, which was adopted in 2004 and later updated in 2006 (b) NCC's Planning Obligations Framework and Guidance (Mar 2011) (c) BSF Minimum design standards; http://www.cabe.org.uk/design-review/schools/minimum-design-standard (d) Building Bulletin 98 and 99 NB Based on people generation survey, 2005, which is to be updated in 2011	Yes	4429
Secondary School including	PPS1 PPS3 Strategic	a) In situation of full capacity clear need to contribute to provision of necessary infrastructure	(a) NCC's Planning Obligations Framework and Guidance (Mar 2011) (b) Northamptonshire County Council	Yes	3051

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Post-16	Policy 3 (MKSM)	b) Residential development – associated population increase / pupil generation c) Per pupil / per dwelling contribution calculated on basis of above but need to consider how in kind to be offset.	Planning Obligations and Local Education Authority Facilities SPG, which was adopted in 2004 and later updated in 2006, from Tables 7 and 8, derived from Pupil Generation Survey for Northamptonshire County Council, BMG Research, Final Report, May 2005 (c) DTZ's Strategic Housing Market Assessment for West Northants (June 2007): Figure 8.17 – dwelling requirement by size to accommodate household growth in Western Northants 2006 to 2021 (d) Calculated from (iii), (iv) and (v) (e) Calculated from (vii) and (i) (f) Calculated from (viii) and (vi) NB Based on people generation survey, 2005, which is to be updated 2011		
Libraries	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) Yes – increased population equates to increased demands b) Yes – clear links to residential c) Need more localized information to identify capacity / need in separate towns. Any justification for contributions to County wide provision in Northampton?	a) NCC Library Strategy to 2021 (target of 85% population to be within 2 miles of library – through improved existing or new) b) NCC's Planning Obligations Framework and Guidance (Mar 2011); based on Public Libraries, Archives and New Development prepared by Museums Libraries Archives (MLA) South East (June 2008)	Yes	221 Plus 51 for archives
Archives	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) No clear evidence base demonstrating need for individual provision at this time – although can be considered to constitute part of library provision b) Yes – would meet this test as linked to population increase	a) NCC's Planning Obligation Framework and Guidance (Mar 2011); b) Public Libraries, Archives and New Development prepared by Museums Libraries Archives (MLA) South East (June 2008)	Yes (to be provided as part of library facilities)	See above

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
		c) Costs met as part of library provision	NB The County Council will be establishing a service plan to highlight the impact of growth on the service and identify where new or expanded services are required to support growth in the county - this provision is referred to in the various Cultural Strategies of the LPA's and it is therefore relevant to include this within the Library element		
Community Centres / Halls (may include sports facilities / hall - see sports hall below)	PPS1 PPS3 Emerging JCS policy on existing and future neighbourhoods	a) Key element of sustainable, cohesive, inclusive, safer communities b) Equally related to residential or commercial development c) Clear relationship between the level of costs related to population increase	(a) Sport England Design Guidance Notes: Village and Community Halls, 2001. (b) SPG on Planning Obligations for Leisure, Recreation and Sport Facilities (2004) Milton Keynes Borough Council (guidance on size of community centre) (c) DDC Interim Infrastructure SPD (d) Northamptonshire Community Cohesion Framework, 2006 (e) DDC Older Persons Strategy (f) Daventry District Community Cohesion Strategy, 2007 (g) WNDC guidance on multi-use buildings	Yes	534 (including emergency services office)
Play space (equipped and non-equipped)	PPS1 PPS3 PPG17 Strategic Policy 3 (MKSM) HI4 & L4, L6(NLP) RC10 (SNLP) RC1, RC12, RC14 (DDL P)	a) Clear need to provide for play space to service residential development b) Clear link between population increase in impact on use / need for additional play space c) Costs of increased provision and maintenance can be identified and linked to population / dwelling increase	(a) Planning and Design for Outdoor Sport and Play, Fields in Trust (formerly NPFA) standards (b) Open Space Standards for Northampton Borough Data taken from PMP/ Northampton Borough Council (2006) (c) NBC Open Space, Sport and Recreation Needs Assessment and Audit, Update Report Sep 2009 (d) NBC Open Space Strategy, 2009 (e) Open Space Standards for Daventry District (Northampton fringe sub-area).	Yes	721

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
	Emerging JCS policy on Leisure, Sport and Recreation Draft PPS on Planning for a Natural and Healthy Environment		Data taken from PMP/ Daventry District Council (2008) Draft Open Space, Sport and Recreation Needs Assessment and Audit. (f) Play Strategy 2007-2011, Daventry District Council (g) Open Space Standards for South Northamptonshire Council (rural areas) Data taken from PMP/ Northamptonshire District Council (2006) South Northants Open Space Strategy 2007-2021(Dec. 07)		
Playing pitches	PPS1, 3 and PPG17 Strategic Policy 3 (MKSM) HI4 & L4, L6 (NLP) RC12 (DDL P) RC10 (SNLP) Emerging JCS policy on Leisure, Sport and Recreation Draft PPS on Planning for a Natural and Healthy Environment	a) Clear policy requirement linked to population increases b) Increase in population has clear and measurable impacts on pitch provision c) Requirements and costs known which can be used to identify clear and reasonable contributions	(a) Sport England Toolkit(2 nd Quarter 2008); (b) Sport England Planning Kitbag and Sports Facilities Calculator, 2010. (c) Planning and Design for Outdoor Sport and Play, Fields In Trust (d) Sports Facilities Strategy for West Northamptonshire April 2009 (e) Open Space Standards for Northampton Borough, Data taken from PMP/ Northampton Borough Council (2006) (f) NBC Open Space, Sport and Recreation Needs Assessment and Audit, update report, PMP, (Sep. 09) (g) Northampton Playing Pitch Strategy (2005) (h) Open Space Standards for Daventry District (Northampton fringe sub-area). Data taken from PMP/ Daventry District Council (2008), Open Space, Sport and Recreational Strategy, 2009. (i) Open Space Standards for South	Yes	233

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
			Northamptonshire Council (rural areas) Data taken from PMP/ Northamptonshire District Council (2006) Open Space, Sport and Recreation Needs Assessment and Audit. (j) SNC Playing Pitch Strategy, (Dec. 07)		
Parks & Gardens	PPS1 PPS3 PPG17 Draft PPS on Planning for a Natural and Healthy Environment	a) Clear policy requirement for sustainable healthy communities b) Increase in population has clear and measurable impacts on pitch provision c) Requirements and costs known which can be used to identify clear and reasonable contributions	a) NBC Open Space, Sport and Recreation Needs Assessment and Audit, update report, PMP (Sep. 09) b) Open Space Standards for Daventry District (Northampton fringe sub-area). Data taken from PMP/ Daventry District Council Open Space, Sport and Recreational Strategy, , 2009 c) Daventry District Council Open Space, Sport and Recreational Facilities Strategy, PMP, April 2009 d) Open Space Standards for South Northamptonshire Council (rural areas)Data taken from PMP/ Northamptonshire District Council (2006) Open Space, Sport and Recreation Needs Assessment and Audit.(Updated 2008) e) Northampton Central Area Action Plan, Aug. 09, (Emerging Strategy Document) f) SNC Moat Lane, Towcester, Planning Brief, (Nov. 07) g) Daventry and Towcester Masterplans To include provision/extension of existing Country Parks, eg. Daventry; enhancement of existing parks in Northampton (City Meadows) and Towcester (Water Meadows)	Yes	438

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Green infrastructure (GI) (incl. Woodlands, Inland Waterways, Strategic Flood Mitigation and SUDS)	PPS1 PPS3 PPS9 PPS12 PPG17 Strategic Policy 3 (MKSM) EMRP policies 26, 28 & 30 H14 (NLP) RC12 (DDL) RC10, EV21, 24, 25 (SNLP) Emerging JCS policy on Green Infrastructure Draft PPS on Planning for a Natural and Healthy Environment	a) Policy requirement to support sustainable, healthy communities b) The need derives from increased use by rise in population or increase use by local workers / employers / employees; c) Area requirement related population / dwelling or related to increased floorspace	a) Northampton Landscape Sensitivity and Green Infrastructure Study (Prepared by Living Landscapes Consultancy Ltd On behalf of the River Nene Regional Park CI Final Report, February 2009) b) Open Space Standards for Northampton Borough, Data taken from PMP/ Northampton Borough Council (2006) c) NBC Open Space, Sport and Recreation Needs Assessment and Audit, update report, PMP (Sep. 09) d) Open Space Standards for Daventry District (Northampton fringe sub-area). Data taken from PMP/ Daventry District Council Open Space, Sport and Recreational Strategy, 2009. e) Open Space Standards for South Northamptonshire Council (rural areas)Data taken from PMP/ Northamptonshire District Council (2006) Open Space, Sport and Recreation Needs Assessment and Audit.(Updated 2008) f) Towcester Landscape Sensitivity and Green Infrastructure Study Prepared by Quartet Design on behalf of the West Northamptonshire Joint Planning Unit June 2009 g) Northampton Central Area Action Plan, Aug. 09, (Emerging Strategy Document) h) SNC Moat Lane, Towcester, Planning Brief, (Nov. 07)	Yes	250
Public realm & Town Centre	PPS1 PPS3	a) Element of sustainable, high quality communities; Mitigation of legitimate	a) Northampton Central Area Action Plan,	Yes	480

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Enhancements	PPS4 PPG13 Strategic Policy 3 (MKSM) Northamptonshire Policies 2 & 3 Emerging JCS Design Policies Emerging Northampton Central Area Action Plan	impacts on public realm and town centre(s) and reduce the need / necessity for new residents to travel to access appropriate town centre facilities b) Both residents and workers benefit / place demands upon such infrastructure c) Need for clear costs / details of proposed projects in order to calculate proportionate contributions	Aug. 09, (Emerging Strategy Document) b) NBC Open Space, Sport and Recreation Needs Assessment and Audit, update report, PMP (Sep. 09) c) Town centre strategies & masterplans– DDC d) SNC Draft Towcester Masterplan SPD, (2009) e) SNC Moat Lane Towcester, Planning Brief SPD, (Nov. 07)		
Cultural investment (arts, theatre, heritage & the historic environment etc)	PPS1 PPS3 PPS4 PPS5 PPG13 Strategic Policy 3 (MKSM) Northamptonshire Policies 2 & 3 Emerging JCS policy on Culture and Cultural Heritage	a) Element of sustainable / inclusive communities; Mitigation of impacts b) Increased population arising from residential development would place additional demands on such facilities c) Need to be clear about costs / projects and proportionate amount of contribution required	(a) The Place of Choice A Cultural Strategy for the East Midlands 2006 – 2011 (b) Creating Connections – A Strategy for Culture and Sport in Northamptonshire 2009-2012, Northamptonshire County Council (Draft) (c) Northampton Borough Council (Interim) Cultural Strategy 2008 – 2013 (section 2.1 for list of properties / programmes / events)	Yes	360
Burial grounds / cemeteries	PPS1 PPS3 PPG17 Strategic	a) Clear link to mitigation of impacts b) Link to residential – increase in population within an area – geographic link c) Directly relate to costs of provision	a) Open Space Standards for Northampton Borough Data taken from PMP/ Northampton Borough Council (2006) Open Space, Sport and Recreation	Yes	12

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
	Policy 3 (MKSM)		Needs Assessment and Audit, Update Report Sep 2009. b) Open Space Standards for Daventry District (Northampton fringe sub-area). Data taken from PMP/ Daventry District Council (2008) Draft Open Space, Sport and Recreation Needs Assessment and Audit. c) Open Space Standards for South Northamptonshire Council (rural areas) Data taken from PMP/ South Northants District Council (2006) Open Space, Sport and Recreation Needs Assessment and Audit.		
Sports hall	PPS1 PPS3 PPG17 Strategic Policy 3 (MKSM)	a) Mitigation of impacts arising from increased use of facilities b) Can arise both in relation to residential and commercial development as residential population and workforce will use c) Town/County based and relative to capacity	(a) Sports England Toolkit (2 nd quarter 2008) (b) Sport England Planning Kitbag and Sports Facilities Calculator, 2010. (c) Sports Facilities Strategy for West Northamptonshire April 2009 (d) Daventry Sports Development Strategy, 2005-09 (e) South Northants Leisure Needs Study (produced by Nortoft Consultants) (2010)	Yes	481
Swimming pool	PPS1 PPS3 PPG17 Strategic Policy 3 (MKSM)	a) Mitigation of impacts arising from increased use of facilities b) Can arise both in relation to residential and commercial development as residential population and workforce will use c) Town based and relative to capacity? Is there a County wide facility which needs to be taken into account	a) Sports England Toolkit (2 nd quarter 2008) b) Sport England Planning Kitbag and Sports Facilities Calculator, 2010. c) Sports Facilities Strategy for West Northamptonshire April 2009 d) Daventry Sports Development Strategy, 2005-09 f) South Northants Leisure Needs Study (produced by Nortoft	Yes	254

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
			Consultants) (2010)		
Police Facilities	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) Found in policy requirement b) Residential and commercial development will impact on resources and facilities c) Once full projects / costings identified and demonstrated will be possible to satisfy	(a) Northamptonshire Police Draft "Policing Contributions from Development Schemes" (undated) (b) ACPO Toolkit, 2010 (see Topic Paper)	Yes	327
Fire & Rescue Facilities	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) On basis of existing evidence it is not clear that such a contribution is necessary as there appears to be no evidence to justify b) If the above can be evidenced there would be a clear link to population / dwelling / commercial floorspace increase c) Once costs known and justified these can be fairly and reasonably related	NCC's Planning Obligations Framework and Guidance (Mar 2011) The above document assumes a continuation of the existing level of service (ie. X persons per fire station) However, there is no justification given for simply continuing with this level of provision nor is there a capital programme to identify where such monies would be spent.	No	0
Health centre	PPS1 PPS3 Strategic Policy 3 (MKSM)	a) Clear policy requirement / context for provision to ensure sustainable and healthy communities - b) Clear link to population increase c) Known costs of increased provision therefore can be fairly and reasonably related	(a) Government target for average number of patients per GP (implicit in GP contracts) (b) Technical Report on Infrastructure Requirements in the South East 2006-2026" SQW for SEERA (Sept 2006) – advice from Dept of Health (b) (c) Northamptonshire Teaching Primary Care Trust (communication June 2008) (d) Calculated from (ii) and (iii)	Yes	775
Dentist (incorporate in health centre)	Strategic Policy 3 (MKSM)	As these are essentially commercial businesses their provision could logically and practically be incorporated within health centres	(a) Northamptonshire Teaching Primary Care Trust (communication June 2008)	Yes (within health centres)	0
Acute hospital	PPS1 PPS3 Strategic	No known current programme for delivery though Estates Strategy nearing agreement / adoption.	(a) Northamptonshire Teaching Primary Care Trust, based on HUDU model (communication June 2008)	No	0

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
	Policy 3 (MKSM) Northamptonshire Policies 2 & 3: Northampton Central Area & NIA				
Intermediate health care provision	PPS1 PPS3 Strategic Policy 3 (MKSM) Northamptonshire Policies 2 & 3: Northampton Central Area & NIA	No known current programme for delivery though Estates Strategy nearing agreement / adoption	(a) Northamptonshire Teaching Primary Care Trust, based on HUDU model (communication June 2008)	No	0
Waste disposal	EMRP policy 38	a) At present there is no evidence that development results in additional costs / need for improved or new services – therefore does not meet necessity test b) Yes – would comply if above proven c) Yes – once costs known contribution can be fairly and reasonably related	Northamptonshire County Council Planning Obligations and Local Education Authority Facilities SPG, which was adopted in 2004 and later updated in 2006 NCC's Planning Obligation Framework and Guidance (Mar 2011) NB current review being undertaken in relation to the HWRC provision – no exact costs or projects to provide costings at present	No	0
Transport (to be identified separately as	PPS1 PPS3 PPG13 SP policy SDA1	a) Clear policy context which requires development to ensure that is appropriately and safely served in most accessible and	Highways Agency Access Management Strategy "Transport Strategy for Growth", Northamptonshire County Council (Sept	Yes	8381

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Strategic and local requirements) including cycling & walking	Strategic Policy 3 (MKSM) Northampton hire Policies 2 & 3: Northampton Central Area & NIA EMRP policies 43, 44, 46, 51, 52, 53 & 54	sustainable way b) Impact of development can be clearly set out / identified in TA etc. c) Relevant costs of necessary infrastructure can be identified Need to set out as Strategic requirements and local requirements (as per the towns) (Costed items associated with Northampton, Daventry, and Towcester, and proposed mainly for funding by developers, County Council or regionally)	2007): NCC Residential Travel Plans guidance NCC Town Strategies / costs: Local Transport Plans: LTP2 and Interim LTP3		
Land		Relates to the land element of infrastructure provision and the costs associated with purchase. To be considered in relation to the need to value land which is to be offered as part of in-kind payment NB the calculation of how such value is to be assessed in the case of in-kind (on site physical infrastructure provision is to be carried out on a site by site basis.	Where land is provided by the developer which exceeds the amount directly required by that development, the amount to be off-set will be determined by applying a 'community land value' to that part of the site which is provided over and above the direct requirements	Yes	6654
Training	PPS1 PPS3 PPS4 Strategic Policy 3 (MKSM)	a) Integral part of creation of sustainable communities and support the development itself b) All development will have an impact on and need for provision of training schemes c) Costs of relevant projects can be assessed and related to increases in population / development size	Construction Futures Programme: Refer to CF Topic Paper	Yes	97
Community	PPS1	a) Integral part of creation of sustainable and	Northampton Community Foundation:	Yes	260

Facility	Policy Context	Compliance with CIL Regulation 122: a) Necessary to make development acceptable b) Directly related to the development c) Fairly and reasonably related in scale and kind	Evidence Base: Sources and calculations Project Details (where relevant)	To be taken forward	Cost (per unit)
Cohesion	PPS3 Strategic Policy 3 (MKSM) EMRP policy 19	a) cohesive communities b) All development will have an impact on and need for community cohesion c) Costs of relevant projects can be assessed and related to increases in population	Northamptonshire Community Cohesion Framework, 2006 Daventry District Community Cohesion Strategy, 2007 See also Community Cohesion Topic Paper		

NOTES:

Policy Context (Refer to the Evidence Base document where all relevant documents are listed – Annex to the Supporting Technical Document)

¹ The following policy context is relevant to all infrastructure elements – Policy 57 of the EMRP; Policy SDA1 of the Northamptonshire Local Plan; Policy E19 of the Northampton Local Plan (1997), Policy IMP1 of the South Northants Local Plan (1997) and Policies GN2(D) and GN3 of the Daventry District Local Plan (1997) which provide for ensuring that development provides necessary supporting infrastructure and community facilities.

Policy INF1 (Approach to Infrastructure Delivery) and INF2 (Contributions to Infrastructure Requirements) of the Pre-submission West Northamptonshire Joint Core Strategy are material considerations. Policy H2 (affordable housing) and the Places Policies (chapters 12, 13 and 14) may also be a material consideration. The West Northamptonshire Infrastructure Schedule (Appendix 4 of the Pre-submission JCS) is also of relevance and has been taken into account as part of the review of infrastructure requirements.

At the national level there are various relevant Planning Policy Statements (PPS) but of particular note are PPS1 (Delivering Sustainable Development), PPS1 Supplement on Climate Change, PPS3 (Housing) and PPS4 (Planning for Sustainable Economic Growth), PPS12 (Local Spatial Planning); The Draft PPS, Planning for a Natural and Healthy Environment is also relevant.

The additional policies referred to are specific to the types of infrastructure / facilities listed.

SP policy SDA1 only refers to the Strategic Development Areas (mixed-use urban extensions)

The Community Infrastructure Levy Regulations 2010, regulation 122 in particular.

Circular 05/05 Planning Obligations

The following adopted SPG / SPD is also relevant:

Daventry District Council Infrastructure Interim Supplementary Planning Document (2004)
Daventry District Council Design Codes (2005)
Daventry District Council Energy and Development SPD (2007)
Northamptonshire County Council Planning Out Crime SPD (2005)
Northamptonshire County Council Planning Obligations and LEA Schools Provision SPG (2004)
Northamptonshire County Council Sustainable Communities Planning Obligations Framework and Guidance, Jan 2010
South Northamptonshire Council's Affordable Housing SPG (2003)

Draft SPD and other guidance:

Interim Draft Daventry Masterplan (2006)
DDC Draft Infrastructure Schedule (2007)
South Northamptonshire District Council Developer Contributions SPD Consultation Draft, (May 2010)
Draft Towcester Masterplan, SPD, (2009)
WNDC Manual for Design Codes, 2010
WNDC Sustainability Manual, 2010

Community Strategies

Northamptonshire: The Best Place to Grow in England: Sustainable Communities Strategy for Northamptonshire (2008)
Northampton's Sustainable Community Strategy, 2008-2011 (2008)
Daventry Sustainable Community Strategy (2007)
South Northamptonshire Community Strategy, 2004-09

ADDITIONAL ITEMS

THE ELEMENTS BELOW WILL BE CONSIDERED ON A CASE BY CASE BASIS AS APPROPRIATE BUT DO NOT FORM PART OF THE STANDARD CHARGE					
Carbon Offset / Climate Change Projects	PPS1 PPS1: Climate Change Supplement Strategic Policy 3 (MKSM) EMRP policies 39 & 40 Emerging JCS policy on Climate Change	<ul style="list-style-type: none"> a) Integral part of the creation of sustainable communities b) All development will have an impact unless it has been demonstrated that through use of sustainable construction and design the development in question would be zero carbon or have neutral impact on climate change c) Can relate to amount development and take into account what measures are proposed as part of the development 	The Climate Change Act 2008 The UK Low Carbon Transition Plan, 2009 Reviewing Renewable Energy and Energy Efficiency Targets for the East Midlands, Final report East Midlands Regional Assembly 12 June 2009 Tackling Climate Change in the East Midlands, a Regional Programme of Action, 2009-11 Draft Northamptonshire Climate Change Strategy 2010-2014, Northamptonshire Partnership: Draft South Northamptonshire Climate Change Strategy, 2010-2014. Community Energy Fund UK Green Building Council Energy Saving Trust LA's and local trust delivery programme	Yes	To be negotiated
Adult / Child Social Care / day centres / facilities (including Older Persons needs)	PPS1 PPS3 Strategic Policy 3 (MKSM)	<ul style="list-style-type: none"> a) Integral part of creation of sustainable and cohesive communities b) All development will have an impact on and need for social care unless it is specifically provided for within the development proposal c) Costs of relevant projects can be assessed and related to pop. increases 	Northamptonshire Community Cohesion Framework, 2006 DDC Older Persons Strategy Daventry District Community Cohesion Strategy, 2007 Older People's Housing Needs Study For East Midlands Regional Assembly Final Report, April 2009		To be incorporated as physical infrastructure as appropriate
ICT Development	PPS1 PPS3 EMRP Policy 25	<ul style="list-style-type: none"> a) Clear link and requirement of sustainable development b) All forms of development likely to have some impact c) Need for provision can be related to the type of development proposed 	Broadband Delivery UK, DCMS, June 2010 (Statement) Propel Northants Supplementary Report Environmental Benefits and Costs of Next-Generation Broadband Networks, University of Northampton, March 2010	Yes	To be negotiated as part of the development

NOTE ON ADDITIONAL ANNEX A ITEMS

Carbon Offset / Climate Change Projects:

National Policy in PPS1, Climate Change Supplement, sets out that the Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government's principal concern for sustainable development. Policies and priorities for action, both in the UK and internationally, are set out in the Climate Change Programme and the 2007 Energy White Paper. The Climate Change Act 2008 and the UK Low Carbon Transition Plan, 2009, set out more recent strategies. It is acknowledged that there is little by way of adopted local development plan policy although the Emergent Joint Core Strategy sets out a policy approach in relation to climate change which will seek to reduce impacts by promoting the enhancement of the GI network, increasing woodland cover, safeguarding wetlands and considering impacts on the water cycle.

WNDC has committed to the development of sustainability advice and guidance (Planning Principles 2009). This has resulted in the production of a Sustainability Manual which provides a legacy setting framework to guide considerations on policy issues and technology options directed towards securing highly sustainable forms of development. It provides clarity to all those involved in the development process through setting a clear framework against which the components of planning applications will be assessed. In summary the framework provides a means whereby the sustainability impacts of a development can be fully assessed so as to ensure compliance with national policy and other relevant guidance. Development that is unable to fully mitigate its own impacts by other means may be able to do so through contributions towards other carbon offset or climate change projects.

This is provided for by the PPS1 Climate Change Supplement at paragraph 45 where it states "*Planning conditions or planning obligations can be used to secure the provision and longer-term management and maintenance of those aspects of a development required to ensure compliance with the policies in this PPS.*" WNDC note that similar tariff schemes have been set up by the MK Partnership and it is intended that a similar approach can be justified locally and could link to the recent consultation document, the Northamptonshire Climate Change Strategy 2010-2014 (Northamptonshire Partnership) and to deliver programmes and projects run by the local authorities.

Adult / Child Social Care / day centres / facilities (including Older Persons needs)

A key objective of government policy is to create sustainable communities and one element of this is to meet the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens. Relevant local policies seek to ensure a mix of housing types and sizes to provide for all sections of the community. NCC's Planning Obligation Framework and Guidance (Mar 2011) identifies a need for social care facilities to support the vulnerable but also sets out that as far as possible the needs of such persons should be met in their own homes, either through appropriate new build or adaptation of the existing stock. The document identifies the following relevant factors that need to be addressed:

The Strategic Housing Market Assessments highlight the numbers of people with high needs as a result of frailty, disability or ageing. These are significantly higher in Northamptonshire than the national average. As a result more people in Northamptonshire are currently living in inappropriate accommodation or their home will not be suitable for long-term habitation. The availability of affordable and social rented accommodation is significantly below market requirements. Demographic growth will see increasing life expectancy. This will result in greater numbers of frail, disabled and older people. These impacts put pressure on the availability of housing for vulnerable people and therefore the demand on social care funded residential.

Generally it is to be expected that the needs of such sections of the community will be met through the design and implementation of development, through for instance the requirement for Lifetime Homes and Secure by Design standards. Day centre facilities however, will where possible need to be accommodated within proposed community

centres or local centres and for developments which are unable to make such on-site contributions, it may be appropriate to require contributions. The NCC document sets out the level of contributions expected.

NB the actual costs are not given just expressed as a simple cost per person (based on cost of existing provision x persons within development).

(Strategic Housing Market Assessments (SHMA): North Northamptonshire SHMA, Fordham Research, August 2007 and West Northamptonshire SHMA, DTZ, April 2007)

ICT Development

The importance of technological advance is recognised in PPS1 and PPS4 in supporting sustainable economic development and helping to combat climate change. Of particular importance is enhanced, next generation, broadband which can bring significant benefits to the delivery of services, production, quality and cost reduction. Such supporting infrastructure may be provided as part of the development proposal (on-site infrastructure) but there may also be justification to seek contributions towards the general enhancement within the wider area to achieve much more wide ranging benefits.