

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



**Local Development Framework**

***Planning Obligations Supplementary Planning  
Document***

***Final Version***

***November 2006***

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## **SECTION A: INTRODUCTION**

- 1.1 This Supplementary Planning Document (SPD) outlines the Council's approach to planning obligations in relation to planning applications and reflects the Council's corporate priorities and objectives. It enables developers and landowners to be aware at an early stage what infrastructure, services and public facilities may be sought to cope with additional demands brought on by new development and offset any harmful effects to the natural, historic or built environment. The cost of these requirements can then be taken into account when land is acquired and development schemes are prepared. The document also provides guidance for all other parties involved in the consultation, submission and determination of planning applications.
- 1.2 The cumulative impact of development is recognised as an important issue within this SPD. Many small developments are not enough in themselves to have a major impact on infrastructure, services and facilities within an area. However, collectively they do as new development, through incremental growth, creates additional demands. For example, increased pressure on the public realm and open space, education, community facilities; or on the transport system where there is a need to cope with additional movement. This SPD uses a 'standard charge' approach to address some of the likely impacts. Therefore, development as small as one dwelling will be required to make contributions where there is a demand generated by that development and there is insufficient capacity or quality of infrastructure, services and facilities to cope with this demand.
- 1.3 The document is divided into four main parts. Section B outlines the overall approach to planning obligations; Section C identifies possible impacts of development and how they can be addressed, as well as other issues not covered by a standard charge; and Section D outlines the Council's procedures.
- 1.4 A background paper, which supports this SPD, is available on request. This provides a justification of the standard charges and other figures contained within this document.
- 1.5 The Council adopted the Planning Obligations SPD on 2<sup>nd</sup> November 2006.

## **SECTION B: THE OVERALL APPROACH TO PLANNING OBLIGATIONS:**

### **2.1 Main Aims**

2.1.1 The main aims of this document are to:

- Set out the requirements for planning obligations to ensure that the additional demands upon infrastructure, services and facilities arising from new development are provided for and are put in place at the right time;
- Meet the relevant sustainability objectives contained within the Sustainability Appraisal to ensure that existing communities are not significantly harmed as a result of new development and prevention, compensation or mitigation measures are secured where it is necessary to protect or enhance the natural, built and historic environment;
- Ensure the Council provides a more consistent, transparent, practical and streamlined approach to the negotiations of planning obligations in accordance with Circular 05/2005: Planning Obligations; and
- Contribute towards achieving the District's vision and the Council's mission and strategic objectives as set out in the Corporate Plan (2005 – 2015) (see paragraph 2.7.9)

### **2.2 Sustainability Appraisal**

2.2.1 The Government is committed to creating sustainable communities; communities that will stand the test of time, where people want to live and which enable people to meet their aspirations and potential. The Council has a role in delivering the four principles of sustainable development – economic development; social inclusion, environmental protection; and prudent use of resources.

2.2.2 A Sustainability Appraisal (SA) incorporating the requirements of the European Strategic Environmental Assessment (SEA) Directive (2001/42/EC) has been carried out. This is to ensure that the SPD supports the delivery of social, environmental and economic aspects of sustainability. A number of objectives and options were tested through the Sustainability Appraisal, which have informed the aims as

outlined above and the guidance set out in this SPD. The objectives are listed at Appendix A. A copy of the SA/SEA is available as a separate document.

## **2.3 Scope**

2.3.1 The main topics covered within the SPD are identified in alphabetical order below:

- Affordable Housing
- Community Facilities, such as community and leisure centres, town and village halls
- Hertfordshire County Council Contributions – Childcare, Education, Fire Hydrants, Libraries, Youth and Sustainable Transport
- Open Space, Outdoor Sports and Recreation
- Public Realm
- Waste Collection Facilities and Recycling

2.3.2 In addition, there are other areas negotiated on a case-by-case basis and these are grouped under the heading 'other issues'. Whilst this document provides the types of obligations sought by the Council, it must not be considered as a definitive list and is not in order of any particular priority. Each site will be assessed on an individual basis.

## **2.4 Status of this SPD**

2.4.1 This SPD provides further details and guidance of Policy 51 in the 'saved' North Hertfordshire District Local Plan No.2 with Alterations (adopted 1996) or any supervening policy. Under the Planning and Compulsory Purchase Act (Sept 2004) the policies of an existing Local Plan continue to have effect for a minimum of 3 years from the enactment of the above Act. (See paragraph 2.6.1)

2.4.2 This SPD will be a material consideration in the determination of planning applications, and refusal of planning permission is likely when proposals do not comply with the requirements of this SPD and all the tests contained in paragraph B5 of Circular 05/2005: Planning Obligations. Where obligations are sought and not agreed, developers will need to justify why they are inappropriate and whether there are any other material considerations that the Council should take into account.

## **2.5 What are planning obligations?**

2.5.1 Planning obligations are agreements that are negotiated between the developer and the local planning authority, usually as a result of a planning application. They are intended to make development acceptable, which would otherwise be unacceptable in planning terms. Developers may offer benefits over and above what is required. However, these may not make a development to which there are fundamental planning concerns acceptable. Where this is the case, planning obligations will not be used to compensate for substandard development. The points below outline examples of how planning obligations may be used to:

- prescribe the nature of development, as a requirement that a given proportion of housing is affordable or restricting the development or use of land;
- mitigate or compensate for loss or damage caused by development, such as the unavoidable loss of open space or natural habitat, this could be by habitat protection, enhancement or creation. Such measures will need to be based on seasonally appropriate and recent pre-development surveys as a sound evidence base. In some cases, on-going monitoring will be required particularly where species relocation (as a last resort) is involved.
- mitigate the impact of development, for example the provision of infrastructure, such as sustainable transport measures or a financial payment (contribution) towards education facilities.

2.5.2 Planning obligations can also be secured through a unilateral undertaking presented to the local authority by the developer. This normally occurs when an agreement has not been reached and the application is taken to appeal. The Council can either accept an undertaking by granting planning permission or refusing planning permission if the obligations offered do not deal with all the issues felt necessary to grant planning permission. In the latter case, it will be for an inspector to recommend whether or not the unilateral undertaking is acceptable. Unilateral undertakings can be submitted directly to an inspector at appeal.

2.5.3 Unilateral undertakings can also be used as a tool for streamlining and speeding up the decision making process for straightforward obligations such as those applications where only standard charges apply. A standard unilateral template is currently being prepared by the Council for developers to submit for small schemes.

For more complex applications, planning obligations negotiated to reach an agreement (s106 agreement) will be expected. The Council is also currently preparing standard agreements that contain model clauses to speed up the process. It is intended that both these documents will be established by adoption of this SPD (See Section 3.3 which explains the legal documents to be submitted with a planning applications).

## **2.6 Legislation and National Planning Guidance and Circulars**

- 2.6.1 The Town and Country Planning Act 1990 (as amended) sets out the current legal framework for planning obligations under Section 106. The Planning and Compulsory Purchase Act 2004 has given the Secretary of State the power to replace Section 106 with Sections 46 and 47, but the Secretary of State has not yet made regulations to do so.
- 2.6.2 In December 2005 the Government published 'Planning-Gain: A Consultation.' It proposes to introduce a Planning Gain Supplement (PGS). This would capture a proportion of the land value increases created by the planning process, the funding from this would be used to help finance additional infrastructure required by new development. The PGS money would go directly to the Treasury.
- 2.6.3 Alongside the PGS it is proposed to scale back the scope of planning obligations to only include affordable housing and those that specifically relate to the environment of the development site,. There will be draft legislation and further consultations. The Government has indicated that any changes will not be implemented before 2008. Therefore, in the interim period they have advised that Supplementary Planning Documents should be prepared on the basis of section 106 and Circular 05/2005 – Planning Obligations (See paragraphs 2.6.5 and 2.6.6 below). In this context, this SPD should be viewed as interim guidance and will be reviewed when fundamental changes are introduced by the Government.
- 2.6.4 The Government has set out its vision for sustainable communities in the document entitled Sustainable Communities – Building for the Future (February 2003) and is a key theme in all its guidance notes and publications.

Circular 05/2005 – Planning Obligations:

- 2.6.5 Circular 05/2005 is the main source of Government guidance on the use of planning obligations. It clarifies the basis on which planning obligations should be assessed for their acceptability. It also gives guidance on the process of securing obligations by encouraging local authorities to introduce changes to promote speed, predictability, transparency and accountability. The use of standard charges, together with standard clauses and agreements is recommended to provide greater clarity for developers. The approach taken within this SPD is consistent with the advice given in Circular 05/2005.
- 2.6.6 The Circular sets out the following tests that must be satisfied in order for planning obligations to be required. The obligations must be:
- relevant to planning;
  - necessary to make the proposed development acceptable in planning terms;
  - directly related to the proposed development;
  - fairly and reasonably related in scale and kind to the proposed development;
- and
- reasonable in all other respects.
- 2.6.7 The Government is intending to produce a Good Practice Guidance Note relating to the application of this Circular. Revisions to this SPD will take this future document and any other changes in policy, legislation or guidance into account.

Planning Policy Supplement 1 – Delivering Sustainable Development (2005)

- 2.6.8 This guidance requires planning authorities to ensure that sustainability through social inclusion, economic development, environmental protection and enhancement and the prudent use of resources are at the forefront of policy making and implementation. It also recognises the possible impacts that proposed development may have on people who do not directly benefit and that planning obligations can be used to mitigate these impacts.
- 2.6.9 Appendix B lists other Planning Policy Guidance notes and statements that are relevant to this SPD.

## 2.7 **Policy**

### Regional Planning Policy

- 2.7.1 Regional Planning Guidance for the South East, March 2001 (RPG9) sets out key principles for development within the region. North Hertfordshire now forms part of the East of England Region and the emerging East of England Plan. This sets out a strategy to guide planning and development in the East of England to the year 2021. It covers a number of issues covered by this SPD such as development, housing, the environment, transport, waste management, culture, sport and recreation. It aims to improve the quality of life, and sets out proposals, which will influence where people choose to work and live and how people move about the region. It also seeks to address issues such as social exclusion, the need for regeneration and the impact of climate change.
- 2.7.2 A deposit draft of the East of England Plan (EEP) was published in December 2004. The Examination in Public has taken place and finished in March this year. In June 2006, the Panel, which conducted the Examination in Public, published its report including recommended changes to the draft plan. This has been submitted to the Secretary of State. Proposed modifications to the draft plan are expected to be published in November this year. These will be subject to a further phase of public consultation, with responses being considered by the Government, prior to a final version of the East of England Plan being published in spring 2007.

### Hertfordshire Structure Plan Review 1991-2011 (Adopted April 1998)

- 2.7.3 Policy 2 – Design and Provision of Development. This requires developers to provide or finance the cost of provision that is fairly and reasonably related in scale and kind to the proposed development. It goes on to state that:

*“Planning obligations will be sought prior to the issue of planning permission. Provisions will cover those necessary to serve the development, to mitigate its impact or to offset the loss of or impact on an existing resource, or otherwise necessary in the interests of comprehensive planning and sustainable development.”*

- 2.7.4 The supporting text to this document outlines that account will need to be taken of the potential cumulative impact of development.

North Hertfordshire District Local Plan No.2 with Alterations (Adopted April 1996)  
(Local Plan).

- 2.7.5 Policy 51 – Development Effects and Planning Gain, highlights the importance of planning obligations and states that:

*“The Council will seek an agreement (usually under section 106 of the Town and Country Planning Act 1990) to ensure contributions towards offsetting the costs to the community arising directly as a result of the development where these are relevant to planning.*

*Where the effects of development relate to wider issues relevant to planning, the Council will ask for voluntary agreements with developers or landowners to contribute financially or in kind towards the provision and maintenance of works, amenity areas, facilities or services needed as a result, in particular in town centres or elsewhere the Council has a planned programme.”*

- 2.7.6 The Council is now required to produce a Local Development Framework (LDF), following the introduction of the Planning and Compulsory Purchase Act 2004. This will comprise a series of Local Development Documents that will set out the planning policies for the District. It will eventually replace the Local Plan and is intended that some of the Development Plan Documents will be submitted during 2007/8, in view of adoption in 2009. The Council has already approved a Local Development Scheme, which sets out an overall timetable and documents that will make up the LDF. In the interim period the Local Plan and Structure Plan are currently ‘saved’ under the above Act and are material considerations in assessing the acceptability or otherwise of planning applications.

- 2.7.7 This SPD provides guidance on the ‘saved’ policies and is one of the documents in the LDF. The Local Plan and Structure Plan policies were adopted before the recent Government Circular 5/2005. However, they do not conflict with the general aims of this circular. This SPD will be reviewed to take into account further documents produced for the LDF. It is expected that any revised versions that that will eventually supplement policies in the LDF will not differ significantly from this current document, unless national policies significantly change. Therefore, if there is an interim period whereby Policy 51 of the ‘saved’ plan is replaced by a new policy in the LDF, this SPD will still be a material consideration in the assessment of planning applications until a revised version is adopted.

North Hertfordshire District Council Corporate Plan 2005-2015 (Corporate Plan) and Council Strategies

2.7.8 The Corporate Plan sets out the Council's corporate priorities. These reflect the Community Strategy process and consultation outcomes, together with the Social Inclusion, Diversity and Rural Strategies that provide evidence of community need. The Council has worked with its partners in the Local Strategic Partnership to develop a vision for North Hertfordshire, which determines the aspirations for the future of the District. This places the emphasis on:

*"Making North Hertfordshire a vibrant place to live, work and prosper."*

2.7.9 Six objectives are identified in the Corporate Plan that aim to achieve this overall vision and directly reflect the community aspirations within the Community Strategy, soon to be reviewed and revised to comprise The NHDC Sustainable Community Strategy. These six objectives are identified below:

1. *Sustainable Communities* – Promoting sustainable development of the District to ensure we deliver adequate affordable housing, protect the environment and conserve the heritage of our historic towns and rural settlements;
2. *Safer Communities* – Encouraging responsible citizenship and creating safe communities with less crime and fear of crime;
3. *Healthier Communities* – Promoting first class leisure and cultural facilities to contribute to healthy living for all our citizens;
4. *Equal Communities* – Targeting resources and areas of disadvantage in the District to reduce social exclusion and improve the quality of life for everyone;
5. *Prosperous Communities* – Creating opportunities for all by promoting sustainable local economic development;
6. *Listening to You* – Ensuring that we listen to our citizens and deliver high quality, value for money, customer focused services.

2.7.10 The planning process provides mechanisms by which some of these priorities can be addressed when they are related to the need arising as a result of proposed

development. The Council has produced a number of strategies, which are relevant to negotiation of s106 agreements. A list of these is contained within Appendix C. The review and preparation of new strategies that may be adopted will also be taken into consideration.

## **SECTION C: THE LIKELY IMPACTS OF DEVELOPMENT AND HOW THEY CAN BE ADDRESSED:**

3.1 This section includes guidance on thresholds by which the Council will assess whether or not planning obligations will be required. It is then divided into five main parts as outlined below:

- Standard Charges – Addressing the Cumulative Impact of Development
- North Herts District Council Standard Charges
  - Community and Leisure Centres, Town and Village Halls
  - Open Space, Outside Sport and Recreation
  - Public Realm
  - Waste Collection Facilities and Recycling
- Hertfordshire County Council Standard Charges
  - Education
  - Libraries
  - Childcare & Youth
  - Fire (standard clause for fire hydrants and not a standard charge)
  - Sustainable Transport Measures
- Affordable Housing
- Other issues that are dealt with on a site-by-site basis.

### **3.2 Thresholds**

#### *Residential Thresholds*

3.2.1 On the basis of the Council's approach to addressing the cumulative impact of development, the standard charges within this SPD relate to developments of one or more dwellings. A dwelling can be defined as any self-contained unit of residential accommodation. The threshold for affordable housing is on sites of twenty or more dwellings, which is consistent with Policy 29A of the saved Local Plan.

3.2.2 The threshold for sustainable transport and fire hydrants will be for one dwelling as outlined above. (See section 5.8) For other Hertfordshire County Council services contained within sections 5 on education, libraries, child and youth provision, the threshold is five houses or ten (one or two bedroom) flats. This threshold has been

set on the basis of balancing resources for dealing with planning applications on a countywide basis and the likely outcomes.

3.2.3 Contributions from developments of less than 300 dwellings can be calculated using Table 1 for North Herts District Council Standard Charges and Table 8 for the Hertfordshire County Council Standard charges. These tables illustrate the threshold requirements for dwellings outlined above and the maximum standard charges that could apply. The Council will assess each application to determine whether there is a demand generated by the development. It will then assess whether the capacity and quality of the existing services, facilities or infrastructure can cope with that additional demand. Where there is a need for a contribution relating to an item in the table the standard charge will apply for that item. Please note that there are some anomalies for, sustainable transport, waste collection and recycling where different standards apply depending on type of dwelling proposed or location of the site. These are identified with a \* in the table that applies to North Herts. A detailed explanation of these costs is contained within the relevant section for that particular standard charge.

3.2.4 Developments larger than 300 units will be considered individually and specific on-site or off-site provision may be sought for built facilities, such as schools and other community facilities. Where land is required, the cost of provision of the land and all services will normally be borne by the developer. Section 7.4 provides more details. On-site open space may be required for developments less than 300 dwellings. Section 4.5 explains the standards of open space provision in more detail.

#### *Non-Residential*

3.2.5 The Council's standard charges for non-residential development relate to the public realm and sustainable transport (Refer to sections 4.6 and 5.8 for the thresholds for these). Contributions towards libraries, childcare, open space and outdoor sports provision may also be sought from major employment related developments that result in a need to provide additional facilities to assist employees and/or the local community. These will be considered on an individual basis.

### *Other Issues not dealt with by the Standard Charge*

- 3.2.6 Other issues that are not dealt with by a standard charge such as health provision, mitigating flood risks and the environmental issues etc will be negotiated on a case-by-case basis. Section 7 provides further details.

### **3.3 Standard Charges and Addressing the Cumulative Impact of Development**

- 3.3.1 Many small developments are not enough in themselves to have a major impact on infrastructure, services and facilities within an area. However, collectively they do as new development, through incremental growth, creates additional demands. For example, increased pressure on the public realm and open space, education, community facilities, or on the transport system where there is a need to cope with additional movement.
- 3.3.2 This SPD uses standard charges as a means of addressing the likely cumulative impact of development in a fair and equitable way. Developers will be required to make financial contributions to fund both on and off-site provision, where the Council considers that the existing quality and capacity of local services, infrastructure or facilities cannot cope with the additional demand arising from the proposed development. This will be assessed on a site by site basis. Where there is a need for a contribution the standard charge will apply.
- 3.3.3 The pooling of contributions will be functionally and geographically linked to the application. They will be used in targeted areas to address particular needs arising as a result of new development in both the rural areas and the towns within the District. Annex B, paragraphs B21 – B24 of Circular 05/2005 – Planning Obligations legitimises this approach. The bullet points below illustrates how the standard charge approach complies with the five tests set out in the Circular:
- Relevant to Planning - All of the standard charges are relevant as they serve a planning purpose such as encouraging non-car accessibility through sustainable transport measures, through to the provision of and enhancement of community facilities and the public realm.
  - Necessary to Make the Proposed Development Acceptable in Planning Terms - Standard charges will ensure that additional needs brought on by new development are met.

- Directly Related to the Development - Expenditure of the money raised through standard charges will be spent so that it would benefit the future occupants of the development. As an example, contributions towards off-site play provision would be spent on those within the locality of the development site, such as within the rural areas, neighbourhoods or for those serving the town as a whole. Money allocated within Hitchin will not be spent in Royston or elsewhere.
- Fairly and Reasonably Related in Scale and Kind to the Proposed Development - The standard charges have been calculated using a formula approach so that the amount payable is directly proportional to the size and type of development proposed.
- Reasonable in all other Respects - The approach to planning obligations will be more consistent, transparent, practical and streamlined. This will provide more certainty for all involved.

### **3.4 Exceptions to the Standard Charge**

3.4.1 Applications may be refused unless there is a good reason why the standard charges should not apply to a particular scheme. In these cases, the applicant would need to submit a justification for non-compliance with standard charges with the planning application. Examples of when exceptions to the standard charges may apply are outlined below:

- Large scale schemes where specific facilities are provided on or in the vicinity of the application site. This may be through provision by the developer or by a contribution that is specific to the particular facility required and the application proposed;
- An area of open space such a play area may be provided on site. If this provision complies with part of the requirements in the 'saved' local plan, the standard charge would be scaled down accordingly to make an allowance for the cost of providing the play area on site;

- In the case of applications that may be exempt from some standard charges such as sheltered housing, rest homes, nursing homes (See paragraphs 4.5.17 and 5.7.1).
- Where it can be demonstrated that the existing quality and capacity of a service, infrastructure or facility can cope with the additional demand arising from the proposed development.

### **3.5 Applications involving Demolition**

- 3.5.1 The standard charge will apply to the net number of dwellings or floorspace gained where an application involves demolition. For example, if it is proposed to build 20 dwellings in total, involving the demolition of 12, the standard charge would apply to 8 dwellings only.

### **3.6 Legal Documents to be Submitted with a Planning Application**

- 3.6.1 In cases where only standard charges apply then applicants will need to submit a unilateral undertaking with submission of the application. This will be generally for application between 1 and 20 dwellings and for small non residential units. For other applications that have obligations in addition to the standard charge, such as affordable housing, specific highway measures, on-site provision and other issues contained within this SPD, proposed heads of terms will need to be submitted with the application. A s106 agreement will then be entered into if planning permission is granted. Standard documentation for both unilateral undertakings and s106 agreements are currently being prepared and will be available when this SPD is adopted. Further information in relation to what needs to be submitted with a planning application is contained within section 8.1 of this SPD.

### **4.0 Contributions Sought by North Hertfordshire District Council**

- 4.1 North Hertfordshire District Council is responsible for ensuring a range of provision and facilities. This section outlines the Council's approach to seeking contribution based on formula. These are summarised in the Table 1 for residential development. Non-residential development will be required to make contributions to the public

realm and sustainable transport the formula for these are identified separately in Tables 6 and 9. Contributions will only be sought where a need has been identified as a result of the proposed development as outlined in paragraph 3.2.3.

**Table 1: North Hertfordshire Council's Standard Charges for dwellings**

		Number of Bedrooms Per Dwelling			
		1	2	3	4+
	Occupancy Rate	1.26	1.78	2.51	3.07
Standard Charge	Cost Per Person in £	Cost Per Dwelling in £			
Community Centres/Halls	£188	£236.88	£334.64	£471.88	£577.16
Leisure	£311	£391.86	£553.58	£780.61	£954.77
Play Space	£296	£372.96	£526.88	£742.96	£908.72
Pitch Sport	£146	£183.96	£259.88	£366.46	£448.22
Informal Open Space	£160	£201.60	£284.80	£401.60	£491.20
Sustainable Transport (*Applies to applications outside the town centre, that comply with the Vehicle Parking Provision SPD see section 5.8 for within the Town Centre)		£625	£750	£1,125	£1,500
Waste Collection Facilities & Recycling (*For flats see section 4.7)		£71	£71	£71	£71
<b>Total Contributions Per Dwelling</b>		<b>£2,083</b>	<b>£2,781</b>	<b>£3,960</b>	<b>£4,951</b>
<b>Notes</b>					
Schemes of 5 houses and 10 (one or two bedroom) flats or above will also be required to meet County Council requirements outlined in section 6 of this SPD.					
Contributions are based at and will be index linked from first quarter of 2006. See Section 8.3 for further details.					
See the background paper accompanying this SPD for further details relating to the above figures in this table.					
For Sustainable Transport in circumstances where the number of spaces is different a charge of £500 will apply per space as outlined in paragraph 5.8.7.					

4.2 The standard charges in section 4.4 for Community and Leisure Centres and section 4.5 on Open Space provision are calculated per person. The table above indicates the likely occupancy rate relating to the number of bedrooms. The figures within the table have been derived from the District's Housing Needs Survey 2002. This can be used with the standard charge to give a figure relating to the dwelling mix proposed. In exceptional circumstances, the Council will agree to vary the occupancy rate where the applicant can demonstrate a valid reason for such a variation.

4.3 In the case of applications for outline planning permission where the dwelling mix may not be known a general standard of 2.36 occupants per dwelling (2001 Census) will be used or a formula approach that can be worked out at a later stage in the planning process. One way of achieving the latter approach would be to assess the impact at the time of the application and append a table to the s106 listing the agreed standard charge for each type of dwelling. At a later stage in the planning process, when the dwelling mix is known, it will be clear from the table what the contributions will be. The background paper contains an example of this approach.

#### **4.4 Community and Leisure Centres, Town and Village Halls**

4.4.1 Community and leisure centres, town and village halls offer a range of facilities such as meeting places, club venues, entertainment, learning, sports and leisure. They are an important focal point as they provide activities that develop local groups and promote a sense of belonging to a community for the District's residents.

4.4.2 Community consultation and visioning as set out in the Community Strategy, Area Visioning Action Plans, Town Centres and Rural Strategies and Youth and Children's Fundamental Service Review have identified the need for community facilities. These recognised needs, together with population increases arising from new development will increase the demand placed upon existing centres and halls. The Council would like to ensure that these continue to meet the needs of its new and existing residents. Therefore, contributions will be sought towards the provision of new centres, halls or enhancement of existing facilities, together with any related projects, services and programmes that may be necessary.

4.4.3 Based on Council experience of recent new developments the standard provision for community centres is 100 square metres of floor space per 1000 people. This amounts to 0.1 square metres per person. In rural areas the ratio may be more as there are usually no other community facilities within the vicinity, the populations are generally smaller and there needs to be a basic size of hall, toilet facilities etc to make the centre viable. However, for the basis of calculating a standard charge the above ratio will apply to both community centres and halls.

4.4.4 The standard provision for leisure centres is based on the recently built new facility in Royston. The ratio of provision is 190 square metres of floor space per 1000 people. This amounts to 0.19 square metres per person.

4.4.5 The contributions required per person are based on the capital cost for providing a community centre at £1,879 per square metre and £1,640 per square metre for a leisure centre and the standards of provision outlined as above. These contributions are outlined in Table 5 as follows:

**Table: 2: Standard Charge for Community Centres/Hall and Leisure Centres**

Community facility	Cost per person
Community centres/halls	£188
Leisure Centres	£311

4.4.6 Expenditure of contributions will be based on agreed programmes and any other agreed projects that may be necessary to cope with the cumulative increase in demand. This will be on the facility or project that serves the development. For example, where a proposal would result in a need for a contribution towards community facilities in relation to a development in Ashwell, the money received will be ring fenced for that purpose and spent on the village hall in Ashwell. Similarly, contributions for leisure facilities in Hitchin and the surrounding villages will be spent in Hitchin. There may be projects identified that would benefit residents on a town wide basis. If this is the case, contributions will be sought from developments within that town and the surrounding villages it serves. If a large scale development results in the need for significant extension or a new centre/ or hall this standard charge may not be appropriate. In these cases, there will be a need to assess such applications on an individual basis (Section 7.4 covers this in more detail).

**4.5 Open Space, Outdoor Sports and Recreation**

4.5.1 New residential development places increased pressure on open space, sport and recreation provision within the District. The Council’s responsibility is to enable and co-ordinate the provision of these, to ensure that they are located in the right places, are of high quality, offer opportunities for biodiversity and are well maintained to meet the needs of the community. Planning obligations play a role in ensuring that these facilities can cope with additional demand placed upon them by new development. This may be through contributions towards off-site provision and enhancement to take into account the cumulative impact of small schemes on the

quality of the existing open space, or the provision of on-site areas of open space and a contribution towards their maintenance.

### **National Planning Policy Guidance**

4.5.2 Planning Policy Guidance Note 17: Open Space, Sport and Recreation 2002 (PPG17) states that:

*“...Local authorities should ensure that provision is made for local sports and recreation facilities (either through an increase in the number of facilities or through improvements to existing facilities) where planning provision is granted for new developments (especially housing). Planning obligations should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities, and the enhancement of existing facilities”* (paragraph 23).

4.5.3 The guidance also states that:

*“...Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity and quality of provision is inadequate or under threat, or where new development increases local needs”* (paragraph 33).

### **The Council's Strategy**

4.5.4 The Council has produced a number of strategies that assess existing quantity and quality of outdoor play and sport provision within the District, as recommended by PPG17. These strategies are:

- (i) Play Area & Outdoor Youth Provision Strategy 2004 –2010, Agreed (adopted) by the Council's Cabinet Committee on the 13<sup>th</sup> April 2004.
- (ii) A Pavilions, Playing Fields & Sports Pitches Strategy for North Hertfordshire 2005 – 2010. Agreed (adopted) by the Council's Cabinet Committee on the 24<sup>th</sup> February 2005
- (iii) Green Space Strategy – Currently being prepared. This work will bring the above strategies together into one strategy and feed into the new Local

Development Framework with the aim of identifying local standards as recommended by PPG17.

- (iv) Parish Playground Challenge, The Way Forward: Draft Discussion Document 2004.

4.5.5 These strategies identify areas of under provision where the Council will seek to create new areas of open space, sport and recreation and will be used as a tool for negotiating on planning applications. They also identify areas where the Council is seeking to improve the quality and quantity of existing facilities to meet the needs of new and existing residents. Contributions from new development will be used to assist in implementing these strategies by meeting the needs of new and existing residents and mitigating the impact of development in accordance with the policies contained within the saved Local Plan. The level of provision and/or contributions sought will be directly proportionate to the scale of development proposed and the impact as a result of the demand brought on by the new residents.

4.5.6 Until the Green Space Strategy identified in paragraph 4.5.4 (iii) above and the Local Development Framework have reached material weight as a consideration in assessing planning applications, the Council will use the NPFA Six Acre standards (2001) when calculating the level of open space and recreational facilities required through planning obligations. These standards are referred to in the saved Local Plan and are currently used by the Council for all new open space provision in new developments.

### **Local Plan Policy**

4.5.7 The saved Local Plan Policy 57 – Residential Guidelines and Standards, Guideline 8 states that where public space can reasonably be expected, the National Playing Fields Association (NPFA) standards will be used. These standards recognise that the level of open space and play space required will be dependent upon the nature and extent of existing provision within the locality. The standards are as follows:

- Informal Open Space - 0.4 hectares per 1000 population
- Children's Play Space – up to 0.8 hectares per 1000 population

4.5.8 The saved Local Plan does not identify standards for sports pitch and recreational provision. However, local standards are outlined in the Council's adopted Pavilions, Playing Fields & Sports Pitches Strategy as:

- Pitches - 1.2 hectares per 1000 population.
- Outdoor Sport – 1.6 hectares per 1000 population

The pitch standard forms part of the overall standard for outdoor space. These are also based on NPFA Standards. The type of open space, sport and recreation provision for which the Council will seek to negotiate financial contributions are defined in Appendix D.

### **On-Site Provision**

4.5.9 In assessing planning applications, the location of development in relation to existing facilities close to the site and whether there are deficiencies will be taken into account to determine whether on-site provision will be required. As an example, if a new residential development is close to an existing play area, it may be more appropriate to seek an off-site contribution towards the improvements of that existing facility rather than a new facility within the development area. In addition, the Council will consider the types of dwellings proposed and the likely requirements of the future occupants. Off-site contributions will not be required if appropriate provision is provided for within the development.

4.5.10 Where open space, sports and recreation provision is required on site, advice should be sought from the Council's Parks and Countryside Department as to the appropriate design, size and type. Specifications for play areas are contained within the Appendix 1 and 6 of the Play Area & Outdoor Youth Provision Strategy 2004 – 2010.

### **Maintenance and Transfer**

4.5.11 The Council is normally prepared to adopt and maintain properly laid out public open space, recreation and play areas. This will be subject to a ten year commuted sum paid by the developer on the transfer of the land. The commuted sum will be calculated using the current maintenance contract prices and will be index linked. The conditions of the site, existing features and proposed features will be assessed

on an individual basis. However, as a guide Table 3 outlines the Council's contract prices for 2006/2007:

**Table 3: Maintenance Contract Prices for Open Space 2006/7**

<b>Feature</b>	<b>Unit</b>	<b>Annual Cost 2006/2007 in £</b>
Existing Woodland	1 HA	19,297.70
New Woodland	1 HA	23,177.56
Existing Hedgerow	1 Linear metre	2.54
New Hedgerow	1 Linear metre	3.87
Newly Planted Formal Tree (E.g. Avenues, roadside and specimen etc)	1 Tree	42.60
Newly Planted Informal Tree (E.g. within a park)	1 Tree	20.44
Existing Mature Tree	1 Tree	50.00
LAPS (Equipped)	Activity zone and buffer	2,798.66
LAPS (Not Equipped)	Activity zone and buffer	1,465.64
LEAPS (5 pieces of equipment)	Activity zone and buffer	3,565.06
NEAPS (8 pieces of equipment)	Activity zone and buffer	7,500.26
Football Pitch (grass)	Including buffer	5775,16
Amenity Grassland (parks & greens spaces)	1 m <sup>2</sup>	0.18
Fine Turf	1 m <sup>2</sup>	0.95
Conservation	1 m <sup>2</sup>	0.09
Ornamental Shrub Borders (Including herbaceous and Rose borders)	1 m <sup>2</sup>	1.53
Seasonal Bedding	1 m <sup>2</sup>	20.88
Open Space Hard surfaces (Footpaths that are not adopted by the County Council)	1 linear metre	0.32
Litter Bin	1	47.67
Dog Bin	1	151.39

4.5.12 These indicative annual costs provide a guide to the Council's current costs and will be reviewed on a regular basis. In calculating a ten-year commuted sum there would need to be a percentage increase per annum to take into account inflation. In addition, a discount will be calculated over a ten-year period based on the interest accrued annually. Outlined in Table 4 below is an example of a ten year commuted sum of £5,000 per year taking into account inflation and interest rates at this current time.

**Table 4: Calculation Example for 10 year commuted sum towards maintenance provision**

	Annual Maintenance Cost		Inflation Rate			Sinking Fund Capital	Interest Rate
					Initial E*	43929.53	C* 4.50%
End yr 1	A*	5000.00	B*	2.50%		40906.36	4.50%
End yr 2		5125.00		2.50%		37622.15	4.50%
End yr 3		5253.13		2.50%		34062.02	4.50%
End yr 4		5384.45		2.50%		30210.36	4.50%
End yr 5		5519.06		2.50%		26050.76	4.50%
End yr 6		5657.04		2.50%		21566.00	4.50%
End yr 7		5798.47		2.50%		16738.00	4.50%
End yr 8		5943.43		2.50%		11547.79	4.50%
End yr 9		6092.01		2.50%		5975.42	4.50%
End yr 10		6244.31			Residual	D* 0.00	

Notes:	
Value A*	The current annual cost of maintaining the proposed facility.
Value B*	The retail price index for the one year period immediately prior to calculation of the commuted revenue maintenance contribution.
Value C*	The current Bank of England base rate.
Value D*	Residual Capital at end of term
Value E*	Committed sum payable

4.5.13 The Council currently contracts out all ground maintenance works. Any development that results in substantial areas of open space maintenance (such as major urban extensions) may be required to pay an increase in maintenance costs to take into account additional contractor overheads. These would include an increase

in depot resources and facilities, together with head office support. The increase will be 32% as set out in the Council's Ground Maintenance Contract.

4.5.14 Any open space to be transferred would need to have been laid out, planted and maintained to the satisfaction of the Council. For equipped play areas RoSPA (or suitable alternative organisation) will be required to undertake post installation certification inspections to confirm construction of any equipped play area is to appropriate British Standards or EN1176 and EN1177. Any recommendation of any such inspection will need to be implemented to the satisfaction of the Council prior to adoption. Alternatively a sum of money will need to be paid to the Council to bring areas of open space up to a standard that can be adopted. If developers do not intend to offer areas for adoption, the Council needs to be assured that satisfactory alternative arrangements are in place for maintenance in perpetuity. In Letchworth, the Letchworth Garden City Heritage Foundation is responsible for maintaining significant areas of open space and public realm. If development is proposed on the Foundations land, which will be managed by them, appropriate long-term maintenance will need to be agreed. This may involve a sum of money being paid to the Foundation.

#### **Off-Site Provision**

4.5.15 The Council wishes to ensure that the cumulative impact of development on the quality and quantity of open space, sport and recreation is addressed through the planning obligation process. This SPD provides a clear framework to ensure that small developments make a proportionate contribution towards the capital expenditure required to enhance existing areas of open space, sport and recreation as well as providing new facilities in areas where there are deficiencies in numbers.

4.5.16 It is important to note that 'necessary' as defined in Circular 05/2005 is not just what is physically required to make a development go ahead, but also includes the mitigation of off-site impacts resulting from the development. The incremental growth of small developments increases the population of the area and the demands placed upon existing facilities. It is, therefore, only right and proper that all residential new developments where there is a need should contribute. New residents expect the provision of open space, sport and recreational facilities whether the development is on a large estate with on-site facilities or a single dwelling. Large scale developments that are not proposing to provide open space, sport and recreation facilities on-site will also be expected to make off-site

contributions. The level of off-site contribution will be scaled down accordingly if developments meet part of their open space requirement.

Methodology for Calculating Contributions

Standard Charge for Residential Developments

4.5.17 Contributions towards the provision or improvement of open space are calculated using the capital costs of provision. This is set out in Table 5:

**Table 5: Standard Charge for Open space Provision for Residential Development**

<b>Facility</b>	<b>Standard in sqm</b>	<b>Cost per sq m</b>	<b>Contribution per person</b>
Play Space (Children's and youth provision)	8 per person	£37	£296
Pitch Sports (Including pavilions)	12 per person	£12.17	£146
Informal Open Space, such as parks.	4 per person	£40	£160
		<b>Total</b>	<b>£602</b>

Non-Residential

4.5.18 Non-residential schemes will be required to make a contribution towards open space provision. This is because a number of employees may use these facilities before and after work hours. These contributions will be negotiated on a case-by-case basis and will be dependent on the use proposed and number and types of employees.

### Circumstances whereby Off-site Contributions will not be required

4.5.19 Off-site contributions outlined in Table 5 above will not be required for developments that meet all the open space requirements on-site. In cases where some, but not all the open space is provided on-site the standard charge will be scaled down accordingly. Contributions towards children's play space will not be required for rest homes, nursing homes and hostels. Requirements for other specialist housing will be considered on its merits.

### **Expenditure of Contributions**

4.5.20 The strategies outlined within paragraph 4.5.4 above list potential projects where s106 monies for off-site provision could be effectively spent. These will be the priority areas. The projects for improvement will enable existing areas of open space and recreation to cope with the additional usage and demand resulting from new developments within the District. The Council will also seek to create new areas of open space in areas where there is an identified quantitative deficiency.

4.5.21 Contributions collected will relate to the area of open space that serves the development and will be ring fenced for that purpose. However, a number of parks, play areas, open spaces and sports pitches within the District serve the wider community and are for the benefit of the residents of the whole town and in some cases the surrounding villages. Therefore, if there are any of these areas of open space identified within a town or surrounding village where a particular development is proposed, contributions may be spent on these as well as or instead of in the immediate locality. Contributions towards children's play space will normally be spent within 600 metres of the boundaries of the development site where a need has been identified. This is considered to be a reasonable distance based on NPFA suggested catchment areas.

## **4.6 Public Realm**

4.6.1 This standard relates to non-residential development within the Town Centre as defined in the 'saved Local Plan' and for out-of-centre retail. The quality of the environment within the District's towns makes an important contribution towards maintaining sustainable communities. The public realm for the purposes of this document relates to areas that are open to all members of the public.

4.6.2 Development that attracts visitors and employees into the public realm can result in increased wear and tear. This may result in the following additional needs:

- new and improved public spaces
- surfacing
- street lighting and furniture
- hard and soft landscaping
- improved signage
- public art
- litter bins
- CCTV

4.6.3 Healthy, safe and attractive environments within towns has clear benefits for occupiers and visitors of new developments in terms of their vitality, social and economic potential within the District. They also provide opportunities for biodiversity, such as improvements to the River Hiz walkway within Hitchin Town Centre. Contributions will be sought towards improvements to the public realm for all non-residential development that result in new floor space. This may be either a new build or extension to an existing building.

4.6.4 Community safety such as CCTV and street lighting are also integral parts of the public realm as they contribute towards people's perceptions of whether an area is safe and useable. It also directly delivers against the Government's Cleaner, Green, Safer, Streets and Respect Agendas. All premises or land used by the public has the potential to be perceived as unsafe, particularly those that are in isolated locations, not just in the towns but also within the rural areas. Community safety is dealt with in more detail in section 7.7 of this SPD including an indication of costs for CCTV provision.

### **National Planning Policy**

4.6.5 Planning Policy Statement 6: Planning for Town Centres March 2005 – Seeks to promote high quality design, improve the quality of the public realm and protect and enhance the architectural and historic heritage of centres. It also states that centres should provide a sense of place that is attractive, safe and accessible.

## **The Council's Strategy**

- 4.6.6 Many small developments are not enough in themselves to have a major impact on the public realm. However, collectively they do. Therefore, the pooling of contributions will be used in targeted areas to address particular local need. Contributions will be put into a project fund for the town in which it is located and allocated to improvement projects within a reasonable distance of the site used by the occupiers of the development. Such contributions will be functionally and geographically linked to the planning application.
- 4.6.7 Paragraph 4.6.8 below lists the Council's strategies. These provide a context for promoting changes and improvements that will benefit the future viability and vitality of the District's public realm. They also identify particular areas where improvements are required. Contributions from development within town centre project fund will be used to assist in implementing these strategies.
- 4.6.8 In May 2001, the Council adopted a Town Centre Template, which sets out the Council's intentions for developing town centre strategies. Work has already commenced on a number of strategies and planning briefs as outlined below:
- Hitchin Town Centre Strategy – Adopted November 2004
  - Paynes Park Planning Brief – Adopted January 2005
  - Churchgate Development Area Planning Brief – Adopted November 2005
  - Baldock Town Centre Strategy and Action Plan – Adopted January 2006
  - Letchworth Town Centre Strategy – in preparation
- 4.6.9 In addition to the town centre strategies, Action Plans have been prepared which identify community priorities:
- Area Action Plans for Letchworth, Baldock, Hitchin and Royston, December 2005
  - Revised Rural Area Action Plan May 2005
  - North Hertfordshire District Council Community Strategy
  - Street Scene Fundamental Service Review – Action Plan
- 4.6.10 The following additional strategies are also planned:
- Letchworth Town Centre Consultation Draft Autumn 2006
  - Royston Town Centre Consultation Draft Autumn 2007

- CCTV and associated lighting Strategy. This will identify areas that are currently perceived as unsafe or reprioritise the use of CCTV through the priority led policing and information agenda.

### **Expenditure of Public Realm Contributions**

4.6.11 The projects identified in the above strategies will help to meet additional demands as a result of new development. Those identified within the strategies are not considered to be final and will change over time, depending on priorities within the District. However, they do provide a basis for which public realm contributions will be targeted. Additional suitable projects will be considered for funding by s106 contributions following consultation from time to time with Area Committees, Parish Councils, local residents and organisations.

4.6.12 The extent of contribution required has been calculated by assessing the existing floorspace of units within the town centre and their relationship with the public realm. This provides a ratio per town so that the public realm contribution is directly proportionate to the location and size of non-residential development proposed. A reasonable cost has been calculated for relating to the provision of public realm at £344 per square metre. In addition, a period of 20 years has been used which assumes a typical period in which areas of public realm would need to be replaced. The cost per square metre of non-residential development in each town is outlined in the Table 6 below as follows:

**Table 6: Public Realm contributions for Non-Residential Developments**

<b>Town</b>	<b>Ratio of Public Realm to Town Centre Floorspace</b>	<b>Cost Per Square Metre (Ratio x £344 divided by 20)</b>
Hitchin	1.09	£19
Letchworth	0.9	£15
Baldock	1.14	£20
Royston	1.04	£18

4.6.13 Direct works to the public realm will be accepted instead of or in addition to monetary contributions. For example, enhancements to the River Hiz in Hitchin, which may be directly adjacent to a proposed development. In addition, large-scale

developments will also need to provide areas of public realm within the application site. This could also be dealt with as part of the planning application.

4.6.14 Developers will be responsible for the maintenance of the areas of public realm provided as part of the application site. All parts of the public realm including any street furniture and signage and/or planting, would need to have been laid out and maintained to the satisfaction of the relevant authority. Alternatively a sum of money would need to be paid to the relevant authority to bring areas of the public realm up to a standard that can be adopted. If developers do not intend to offer areas for adoption, the relevant authority needs to be assured that satisfactory alternative arrangements are in place for maintenance in perpetuity.

#### **4.7 Waste Collection Facilities and Recycling**

4.7.1 This standard charge will always apply to new developments of one dwelling or above, as new facilities will always be required. The Council is committed to minimising domestic waste sent to landfill. This is an identified strategic priority within the Council’s Corporate Plan. A programme for North Herts is contained within the Hertfordshire Waste Partnership’s, Hertfordshire Waste Strategy 2002-2024. This has been modified since it was published and in September 2005 the Council agreed a programme that would ensure additional kerbside recycling facilities for all properties by September 2007 (Cabinet Report 20<sup>th</sup> September 2005). This will include collection of green garden waste for composting, glass, paper, plastic bottles and cans. Each dwelling will be provided with appropriate containers and the collected materials will be taken away to a recycling centre.

4.7.2 Contributions sought towards the capital costs of equipping new properties with kerbside and domestic waste containers are set out in the following table:

**Table 7: Contributions towards Kerbside Recycling**

<b>Type of Property</b>	<b>Cost per dwelling</b>
House	£71
Flat with its own self contained garden	£54
Flat with shared or no amenity space	£26

4.7.3 Whilst the cost of providing these facilities is relatively small for each household, contributions will ensure that new developments will not drain existing resources. The contribution will provide for the following for houses:

- Two bins (residual and green garden waste for composting)
- Two boxes (glass and paper recycling)
- One Box (plastic and cans)
- Initial publicity material, such as instructions in relation to the recycling scheme

The cost of provision for flats is reduced, as some of the facilities will be provided communally. The cost will be index linked to the 'Retail Price Index'.

4.7.4 The revenue costs of collection will be covered through Council Tax. However, in the case of large-scale residential development, implementation costs may be required to cover the purchase of additional vehicles and setting up new or extended rounds. Contributions towards the provision of recycling banks and land to accommodate these will also be required for large development schemes.

4.7.5 Properties with no immediate access to the rear, together with flats may have no obvious means for storage of waste and recycling containers. This results in containers being permanently left in front gardens or by the roadside. Therefore, development schemes will be required to ensure appropriate arrangement for the storage of waste collection and recycling containers at the outset. This may be through communal shelters.

## **5.0 Contributions Sought by Hertfordshire County Council**

5.1 Hertfordshire County Council (HCC) is responsible for ensuring the provision of a range of services and seeks contributions and/or facilities from development which would have an additional impact on service provision, including:

- Education
- Libraries
- Youth & Childcare
- Fire and rescue services
- Sustainable Transport Measures
- Other Issues, such as special needs housing and public rights of way.

5.2 This section outlines the role of the County Council in seeking planning obligations in relation to proposed development. Standard Charges based on a formula approach are used for most of the categories above and are summarised in a contribution table below. Contributions will only be sought where the need for improvement has been identified as outlined in paragraph 3.2.3.

**Table 8: Hertfordshire County Council Standard Charges for Dwellings**

<b>Contributions required per dwelling</b>						
<b>Open market, shared equity, key worker &amp; other</b>						
<b>Number of bedrooms</b>	<b>1</b>	<b>2 (flat/app)</b>	<b>2 (house)</b>	<b>3</b>	<b>4</b>	<b>5 or more</b>
<b>Primary</b>	£0	£573	£1,127	£2,745	£3,415	£4,369
<b>Secondary</b>	£0	£474	£989	£3,204	£4,198	£6,820
<b>Nursery education</b>	£0	£112	£224	£453	£539	£596
<b>Childcare</b>	£0	£46	£80	£166	£194	£241
<b>Youth</b>	£0	£11	£20	£59	£78	£126
<b>Library</b>	£102	£129	£153	£206	£228	£266
<b>Total all headings</b>	<b>£102</b>	<b>£1,346</b>	<b>£2,594</b>	<b>£6,834</b>	<b>£8,651</b>	<b>£12,417</b>
<b>Affordable dwellings for social rent only</b>						
<b>Number of bedrooms</b>	<b>1</b>	<b>2 (flat/app)</b>	<b>2 (house)</b>	<b>3</b>	<b>4</b>	<b>5 or more</b>
<b>Primary</b>	£0	£2,043	£2,043	£3,880	£5,649	£6,957
<b>Secondary</b>	£0	£960	£960	£1,834	£2,680	£3,358
<b>Nursery education</b>	£0	£290	£290	£610	£887	£1,046
<b>Childcare</b>	£0	£121	£121	£224	£316	£373
<b>Youth</b>	£0	£18	£18	£38	£59	£77
<b>Library</b>	£51	£71	£71	£102	£110	£128
<b>Total all headings</b>	<b>£51</b>	<b>£3,503</b>	<b>£3,503</b>	<b>£6,686</b>	<b>£9,700</b>	<b>£11,939</b>
<b>Notes</b>						
Contributions are based at and will be indexed from PUBSEC base index of 168 (This is the indicative index for 2Q2006 - as of June 2006)						
The figures for social rented affordable housing are different, as population figures indicate that child yield is higher. These would be considerably higher than shown but have been discounted to allow for the fact that some occupants of new affordable housing are likely to move locally and are already using the services.						
Further details relating to the figures contained within this table are in the background paper supporting this SPD.						

### 5.3 Education

5.3.1 The County Council is the Local Education Authority and has statutory responsibility for the provision of education services. It has a duty to ensure that there are sufficient school places to meet the needs of the population. This provision includes nursery, primary, secondary, and sixth-form education and special needs services and facilities.

5.3.2 The demand for school and nursery education places from each development are calculated using a census based model, which forecasts child yield by age group. (Further details are available on request. [Please contact HCC Services Planning Obligations Team for further information - 01992 588137](#)). The model accounts for the number, type and mix of dwellings proposed. The cost of individual places is multiplied by the child yield to result in a contribution figure per dwelling, according to tenure and number of bedrooms (using an assumed relationship with habitable rooms) as outlined in the table 8 above.

## 5.4 **Libraries**

5.4.1 Library services contribute to the educational, economic, social, cultural and recreational well being of the community. The County Council has a duty to provide a comprehensive and efficient library service for everyone who lives, works or studies in the County. Facilities can range from large central libraries within towns, to community libraries, resource centres providing electronic access to services within multi-use buildings and mobile facilities.

5.4.2 New residential development will add pressure on the library service. The likely impacts have been looked at in the context of the Government's Public Library Service Standards (PLSSs). These are assessed on a countywide basis, of the ten standards Hertfordshire fully meets five. The remaining five standards are areas where improvement is required and additional demand by proposed development will impact the County Council's ability to achieve these. These standards are as follows:

- Opening hours (PLSS2) – This will be met from March 2007.
- The total number of electronic workstations with access to internet and library catalogue per 10,000 populations (PLSS4)
- Library visits per 1,000 population (PLSS6)
- Percentage of library users 16 and over who view their library service as good or very good (PLSS7)
- Percentage of users under 16 who view their library service as good (PLSS8)

5.4.3 Hertfordshire has recently launched its 'Libraries for the 21<sup>st</sup> Century' Change for Excellence 2005-2015 initiative. This takes account of national and local policy and sets out proposals for the improvement of Hertfordshire's library service. The web

site [www.hertsdirect.org/libsleisure/libraries/services/L421C/](http://www.hertsdirect.org/libsleisure/libraries/services/L421C/) contains further details. The aim is to improve all libraries fit for the 21<sup>st</sup> Century.

- 5.4.4 In terms of North Hertfordshire, the areas of stress on the service have been assessed. Details of which are contained in the background paper accompanying this SPD. It indicates that all of the library services are at capacity in terms of the standards set and any additional impacts as a result of new development will put pressure on these. Therefore, the standard charge indicated in Table 8 will be sought in most cases.

## **5.5 Youth and Childcare**

- 5.5.1 A combined figure has been sought in the recent past for youth and childcare. However, they are separate contributions in terms of expenditure and are dealt with independently below.

### **Youth**

- 5.5.2 As required by the 1944 Education Act, the County Council provide youth services for 13-19 year olds such as social/meeting places plus support, information, advice and informal education opportunities. These responsibilities are distinct from and complementary to provision that may be sought from the District Council from a leisure perspective. The youth service also supports and works in partnership with HCC Children Schools and Families Service and local voluntary/community organisations to enhance local provision.
- 5.5.3 The County Council works in line with current national and local requirements and developments, in particular the Government strategies, 'Every Child Matters', 'Youth Matters' and 'Transforming Youth Work - Resourcing Excellent Youth Services'.
- 5.5.4 Resourcing Excellent Youth Services, published in 2002, sets out standards for youth work provision. It has a target that 25% of the total population aged 13-19 should be reached. This figure is the basis for the formula used to identify the standard charge indicated in Table 8. The background paper accompanying this document provides a full justification for this. Objective 2 states that authorities must secure convenient and suitable access for young people to high quality youth work

in safe, warm, well-equipped locations. Objective 3 states that provision should be attractive and relevant to promote participation.

5.5.5 The objectives above underlie that where such facilities are not available, young people often feel they are not valued as part of their community. As a result there may be increased incidents of youth nuisance and vandalism. Therefore, in order to overcome this, the youth service supports young people's transition to adulthood by providing alternative opportunities that enable them to reach their full potential. This is of benefit not only to young people but also the wider community.

5.5.6 Hertfordshire Youth Service Strategy for North Hertfordshire identifies a need to modernise centres, increase storage, equipment and activity space and extend the range of activities for the disabled. In some cases there is a need to relocate services in terms of the existing and future population. The provision of youth facilities and programmes makes an important contribution to reducing crime and disorder and encourages social inclusion for young people. New residential development may generate a proportion of young people, resulting in a demand for youth provision. This will require increased resources to enable equal access to those activities. Examples of resource requirements as a result of an increase in demand are contained in the background paper supporting this SPD.

### **Childcare**

5.5.7 The County Council seeks childcare contributions from development. Contributions will be used to assist in the provision of a variety of facilities, in which Children's Centres and Extended Schools are currently a priority. These form an integral part of the national childcare strategy and impose a statutory duty on HCC in partnership with private and voluntary sectors.

### **Children's Centres**

5.5.8 Children's Centres are part of a government initiative providing universal entitlement for all children up to the age of 5. They are crucial to the delivery of the Government's 10 year Childcare Strategy that now forms part of the Childcare Act 2006. They also contribute to improving child outcomes set out in 'Every Child Matters'.

5.5.9 In North Hertfordshire there are plans to provide ten Children's Centres. Each will cater for approximately 800 children providing integrated 'one-stop' facilities of childcare, health and parenting services. These are intended to help to tackle child poverty, improve children's achievements at school and enable parents to work that may not have otherwise been able to. Although both Central and local funding is available, it is often insufficient. Assistance with start up costs, and provision of accommodation are often required. Therefore, a proportion of the costs will need to be funded from new development, which generates children.

5.5.10 The first Children's Centre has already been provided at Oughton Primary School in Hitchin. This provides a day nursery, pre-school, toy library and community learning room, toddler group and speech therapy. As this provision exists, development in the area served by it may be required to make a reduced contribution to childcare. This will be considered on a site-by-site basis.

#### Extended Schools

5.5.11 Extended Schools will offer children, young people, families and the community access to a range of services through their local school. This would include childcare for school age children before and after school and within the summer holidays, which is becoming increasingly important for working parents. The target is that by 2008 one half of all primary schools and one third of secondary schools and all schools by 2010 will have access to these facilities.

5.5.12 A contribution is therefore sought towards the cost of providing the above facilities. This will be based on the number of children expected to live within the proposed development and contributions are shown in table 8.

## **5.6 Fire and Rescue Services**

5.6.1 The County Council, in its capacity as the Fire Authority, has a statutory duty to ensure that all development is provided with adequate water supplies for fire fighting. Therefore, the developer is required to provide fire hydrants for all new developments. Every dwelling needs to have a suitable hydrant within 150 metres of its front door. This provision will be sought through standard wording in planning obligations. In practice, the need for hydrants is determined at the time the water services for the development are planned in detail, which is usually after planning

consent is granted. If adequate hydrants are available when the water mains are planed then no extra hydrants will be needed.

- 5.6.2 The ability of large-scale developments to be adequately served by fire and rescue services will be assessed on an individual basis. Any impacts will need to be addressed through planning obligations. This may be through the provision a new fire station or an extension to an existing facility.

## **5.7 Circumstances whereby Contributions will not be required in Relation to County Council Services**

- 5.7.1 Sheltered housing, retirement homes, nursing homes, hostels, student accommodation, will be exempt from payment of the contributions for education, youth and childcare. Requirements for other specialist housing will be considered on its merits.

## **5.8 Sustainable Transport**

### **Policy background**

- 5.8.1 PPG 13 promotes accessibility to jobs, shopping, leisure facilities and services by passenger transport, walking and cycling and seeks to reduce the need to travel, especially by car. New development should be located so as to help achieve this objective.
- 5.8.2. Planning obligations can be used to ensure safe access and egress, minimise development-related impacts such as traffic congestion and maximise accessibility by non-car modes. In addition, well designed and located sustainable transport facilities such as cycleways, footpaths and greenways can provide links between habitats and provide opportunities for biodiversity. The Council has adopted a North Hertfordshire Towns Proposed Cycle Route Network, which identifies the types of facilities and cycle routes to which contributions would be sought.

## **A two strand approach**

- 5.8.3 Safe access and egress and minimising development related access requirements are typically met by road and other infrastructure improvements in the area around the development where safety issues and traffic impacts are most concentrated and significant, using s106 agreements (or s278 agreements under highways legislation). These requirements are usually identified through Transport Assessments (TAs) or via site specific negotiations.
- 5.8.4 Smaller developments do not require TAs but the cumulative impacts of smaller developments are very significant and may well exceed those of larger developments in total. There is a need, therefore, for all developments to contribute towards maximising accessibility by non-car modes in line with the Hertfordshire Local Transport Plan objectives.
- 5.8.5 The Council will, therefore, use a two strand approach to planning obligations in order to address the immediate impacts of new development (the first strand) as well as the cumulative impacts of all development, large and small, on non-car networks (the second strand). The 'second strand' approach will provide pooled funding derived from a rate per parking space (See Table 9 for standard charges relating to the second strand approach). This funding is intended to be modest in scale and used to help enhance non-car accessibility within the catchments of new development. Funds will be spent on local schemes, as identified in the Local Transport Plan (LTP) and in the urban transport plans for Hitchin, Letchworth Garden City, Baldock and Royston. Schemes in addition to these plans will be considered where they are identified in other recognised strategies and a need has been identified as a result of new development.

### *The Standard Charge: Residential Development*

- 5.8.6 A means of reflecting the accessibility of different locations is required to ensure reasonableness. This should ensure that obligations relate to development impacts, which should be reduced in those locations that are more accessible by non-car modes i.e. the better the existing accessibility by non-car modes, the lower the charge should be. It is proposed to base this variation on the number of on-site car parking spaces, as this is a good proxy for traffic impact: the better the accessibility, the fewer the spaces needed; the fewer the spaces, the lower the traffic impact.

5.8.7 Using provision of a parking space as a proxy measurement of travel impact, a reasonable benchmark charge for a single parking space (including garages) should be of the order of £500.<sup>1</sup> Contributions will be based on actual car parking spaces provided on site.

5.8.8 The Council's SPD on Vehicle Parking Provision at New Development (adopted on 1<sup>st</sup> March 2006) illustrates variation in parking provision according to accessibility, as determined by the location of development. (See paragraph 3.61 in the above-mentioned SPD, which can be viewed on the Council's website at: <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148>).

5.8.9 Using the relationships between parking standards in table 3.2 of the SPD on Vehicle Parking Provision at New Development, charges will vary as outlined in Table 9. In circumstances where the number of spaces is different a charge of £500 will apply per space.

**Table 9: Sustainable Transport Second Strand Approach: Standard Charges for Residential Developments based on the Vehicle Parking Provision SPD.**

Location	Second strand charge per dwelling (£)			
	Number of bedrooms			
	1	2	3	4+
Zone 2 (town centre)	£375	£500	£750	£1000
Elsewhere	£625	£750	£1125	£1500

*The Standard Charge: Non-Residential Development*

5.8.10 The residential charge provides a benchmark against which non-residential charges can be set. The appropriate basis for comparison is some measure of traffic impact: the greater that impact, the greater the need for accessibility measures.

5.8.11 Non-residential charges will be calculated at a rate per on-site car parking space, mirroring the residential charge where a charge of £500 equates to one space. Thus each on-site parking space associated with non-residential development will incur a

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<sup>1</sup> The standard charge rate is derived from an assessment of the quantum of housing/likely number of parking spaces to be provided in North Hertfordshire and the level of private investment in infrastructure as a percentage of LTP capital investment. In addition benchmarking against other local authorities has been used as a check to determine reasonableness. The background paper associated with this SPD provides more detail and is available on request.

second strand charge of £500. This approach means that more accessible sites will incur lower charges, in accordance with the zone-based parking provision set out in the SPD on Vehicle Parking Provision at New Development. (See the SPD on the Council's website at <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148> for detail on zoning and relevant urban maps).

#### *Practicalities and exceptions*

5.8.12 In all cases, contributions will be passed directly by the developer to either the planning authority or the highway authority as appropriate. Expenditure assessed in this way will include not only capital scheme costs but also administration costs, fees and any contingencies incurred in connection with a scheme.

5.8.13 It is intended to impose the second strand charge for one or more dwellings and for all non-residential developments in order to fully mitigate cumulative impacts.

5.8.14 The charge for non-residential developments will be calculated on the basis of the parking provision actually provided on-site in line with the Council's adopted guidance on Vehicle Parking. See the SPD on the Council's website at <http://www.north-herts.gov.uk/council/default.asp?step=4&pid=1148>.

5.8.15 Non-payment of the second strand charges will be considered only in very exceptional circumstances. These circumstances may include development where all aspects of accessibility are fully addressed.

#### *Off-site car parking improvements*

5.8.16 In accordance with the SPD on Vehicle Parking Provision at New Development, the Council may require developers to fund new car parking off-site where a shortfall in provision is identified. Developers may also be required to provide funding for Controlled Parking Zones (CPZ's) to ensure that developments do not have adverse consequences on street. Contributions such as these will be secured within a conventional s106 agreement (i.e. second strand charges are not for this purpose).

## **Travel Plans**

5.8.17 Where Travel Plans are secured as part of the planning permission, the Council will seek contributions towards Travel Plan measures and the cost of on going monitoring within a conventional s106 agreement, as in the case above. Some of the measures may be “target triggered” but are unlikely to be second strand related. Travel Plans are normally required when an application is supported by a Transport Assessment (TA) for developments that have significant transport implications. Further guidance is contained within Section 3 of the Council’s Supplementary Planning Document: Vehicle Parking Provision at New Development. See the SPD on the Council’s website at [http://www.north-herts.gov.uk/council/default.asp?Step=4&pid= 114 8](http://www.north-herts.gov.uk/council/default.asp?Step=4&pid=1148)

## **Passenger Transport**

5.8.18 The provision or enhancement of passenger transport is considered to be an important means of encouraging sustainable travel. Where there is a need for new enhanced services, passenger transport subsidies will be sought for large scale schemes, such as major urban extensions. In other cases, the pooling of contributions relating to the standard charge will include expenditure on passenger transport where necessary.

## **6.0 Affordable Housing**

6.1 This section clarifies the Council’s approach to the negotiation for affordable housing on development sites, which fall over the threshold for affordable housing. It should be read in conjunction with policies in the saved Local Plan (particularly Policies 29 and 29A). [The definition of development sites includes smaller parcels of land, whose amalgamation could achieve the threshold number of dwellings.]

6.2 It covers three situations in order of preference:

- (i) where affordable housing units are built and the land and buildings are transferred for future management by a registered social landlord or other approved landlord.

- (ii) Where there are sound planning reasons why on site provision of affordable housing is not viable, the preferred option is to provide affordable housing on an alternative site. In these circumstances, we will negotiate a clause in the s106 agreement to prevent the release of a proportion of the open market housing on the principal site until the affordable housing has been delivered on the alternative site.
- (iii) In exceptional circumstances the Council may permit a payment in lieu of on site provision of affordable housing. This alternative will only be considered where neither the provision of affordable housing on site or on an alternative site is viable. Payments received will be used to aid provision of affordable housing elsewhere within the local community.

6.3 In all these cases the Council normally expects provision for affordable housing to be secured through a planning obligation. Future Local Authority social housing grant is likely to be restricted from April 2008. Therefore, funding will need to be established at an early stage through other resources, such as the Housing Corporation, an RSL with development capital, or the developer.

#### **What is affordable housing?**

6.4 It must be:

- subsidised (public or private) to enable occupation by those in housing need, i.e. those who need to move or need to be housed and who cannot afford a property on the open market that is suitable to their needs;
- provided to a reasonable space standard such as the Housing Corporation space and scheme development standards; and
- provided at or below Housing Corporation target rents.

6.5 In the case of private development schemes, land for affordable housing should be provided at a substantially lower value than for open market housing in order for the provision of affordable housing to be viable.

6.6 The current housing needs survey undertaken for the Council indicates that 65% of affordable housing should normally be provided by a registered social landlord (often referred to as social rented housing), with the remaining 35% being other tenures

aimed at those households on intermediate incomes. (These figures may vary in light of future Housing Needs Assessments).

### **General Provision**

- 6.7 The Council expects developers and builders to take account of its policies, particularly the need for affordable housing, when acquiring land for housing development.

#### Level of Affordable Housing

- 6.8 The Council will negotiate for levels of affordable housing, which are consistent with its Housing Strategy 2004-2007 and Policies 29 and 29A in the saved Local Plan. Policy 29A requires 25% affordable housing on sites of twenty or more dwellings.

#### Design

- 6.9 The Council expects affordable housing to be provided on all development sites including 'design and build' schemes. They will need to take into account sustainable measures for water conservation and energy efficiency. The Council's requires all affordable houses to meet at least the very good standard for EcoHomes 2006 or equivalent. In exceptional circumstances where this cannot be achieved the applicant will need to demonstrate why this should be acceptable to the Council.
- 6.10 Dwellings (both affordable and general market housing) should be designed in accordance with Part M of the Building Regulations and where possible as Lifetime Homes – i.e. homes which are designed around a life cycle of needs, being adaptable to accommodate households with children, elderly occupants and / or the disabled. See Joseph Rowntree Foundation Study ([www.jrf.org.uk](http://www.jrf.org.uk)). Registered Social Landlords signed up to the Council's Partnership Agreement will be aware of this requirement, together with other good practice guides such as Secured by Design, Egan compliant buildings, and the use of materials from renewable sources.

#### Nature of Affordable Housing Provision

- 6.11 The Council will seek the provision of affordable housing on site. This approach will also be followed in cases where land parcels are being assembled to form a greater site, unless it is agreed that this would be impractical.

### Size of Property

6.12 The Housing Corporation build requirements are set out in their scheme development standards for affordable housing, which should be met in order to obtain grant monies ([www.housingcorp.co.uk](http://www.housingcorp.co.uk)). The Council considers these are appropriate standards to meet for all affordable housing. The Council will use the most up to date standards, which currently are:

**Table 10: Housing Corporation Scheme Development Standards for Affordable Housing**

	<b>Gross Internal Floorspace</b>	<b>Persons</b>
1 bedroom flat	45 – 55 sq m	2 and 3
2 bedroom house	65 - 75 sq m	3 and 4
3 bedroom house	85 – 90 sq m	4, 5 and 6
4 bedroom house	95 – 100 sq m	5 and 6

### Involving Registered Social Landlords

6.13 The involvement of a registered social landlord approved by the Council in its Partnership Agreement is recommended at an early stage.

6.14 The choice and approval of registered social landlords will be recommended by the Council's Head of Housing and Environmental Health in conjunction with the Housing Strategy and Renewals Manager. The selected list of registered social landlords will take into account the character and nature of the development proposed, and the development will be offered to the RSL that best meets the following criteria:

- They have existing stock within the proximity of the new development;
- They have a specialism that is required to achieve the project aims;
- They have a record of development success within the District.
- Value for money – where all other criteria are met, NHDC will favour the proposal that has the best value for money not only in terms of cost but also in terms of quality. There are two ways of considering value for money. Firstly, the Housing Corporation consider each scheme for grant application

using their in house system before making an allocation. A grant will only be provided by the Corporation when they are satisfied that value for money has been achieved. Secondly, the Registered Social Landlord should provide evidence to the Council that value for money will be achieved, based on independent consultant advice.

#### Type of Property

6.15 The developer/applicant will need to discuss with both Planning and Housing Officers the type of affordable housing to be provided. The Council's view on the type will depend on the character of the proposed development and the surrounding area, the Council's planning policies and the priority needs assessed by the Council as the local housing authority for the area.

6.16 Development proposals should specify:

- the number of affordable housing units;
- their size by number of bedrooms;
- the type of property, e.g. flat, bungalow, house; and
- the location of the affordable housing units on site.
- Relevant information will be incorporated into the planning obligation or condition.

#### Intermediate Income Household Accommodation

6.17 Intermediate Income Households comprises the following:

- households in need because they cannot afford suitable housing in the private market either as tenants or homebuyers, but could afford to pay more than social rent; and
- households who cannot afford to meet their housing need within the authority or housing market area (e.g. for households requiring larger accommodation suitable for families) and therefore are unable to access suitable housing to meet their needs.

6.18 Intermediate income households includes the term 'Key Workers'. These groups of people have a particular occupation where there is a recognised shortage of skills

such as a policeman/woman, teacher, nurse etc and are unable to afford the relatively high cost of open market housing. Therefore, they are considered to be in housing need. A full definition of those that are eligible under the Key Worker scheme is available upon request from the Council's Housing Strategy and Renewals Manager.

- 6.19 Intermediate income households can be accommodated by tenure other than social rented, such as shared ownership. In exceptional circumstances higher proportions of shared ownership accommodation may be accepted on some sites (possibly up to 50% of the total), if overall numbers of affordable housing units are substantially increased. This would be a matter for discussion between the applicant and the Council, and would take into account provision made for intermediate income households, the relative suitability of the site for rented/general needs housing and the amount of affordable housing in total offered on the site.

#### **Cost of Affordable Housing to be provided**

- 6.20 The Council wishes to ensure that the affordable housing units are truly affordable by households on low incomes. The units provided should therefore be transferred to the registered social landlord at a sum, which meets the following conditions:

- *for rented properties:* the dwellings will be provided at current Housing Corporation target rent levels
- *for shared ownership properties:* the dwellings should be affordable to at least 10% of the applicants registered on the Council's Housing Register who are in housing need.

- 6.21 The New Homes Federation recommends that whole housing cost (i.e. mortgage, rent and any service charge) should not exceed one quarter of gross household income of the future occupants.

- *For intermediate rental properties:* rents should be no more than 70% of open market rents in the locality of the new development.

- 6.22 Advice may be obtained from the Council's Housing Strategy and Renewals Manager on a scheme by scheme basis. Average income per head in North

Hertfordshire for 2005 is £25,300 (mean), £21,428 (median) (Source: Annual Survey of Hours and Income, Office of National Statistics). [www.statistics.gov.uk](http://www.statistics.gov.uk)

### **Cost of Land for Affordable Housing**

- 6.23 Land for affordable housing should have a considerably lower value than open market housing land, i.e. being made available at a proportion of the open market value for housing or provided at open space or agricultural value.
- 6.24 However in some cases it may be necessary to ascertain land values for the purpose of the planning obligation, for example in an outline planning application where the principle of residential use is being sought.

### **Transfer of Land and Affordable Housing Units**

- 6.25 The provision of affordable housing units will be governed by a clause in a planning obligation. The clauses would control how the open market or unsubsidised part of the development may proceed. This will be discussed with the applicant, and one of two options followed:
- (i) A proportion or percentage of open market housing units cannot be sold or occupied until the transfer of affordable housing land has taken place, together with buildings; or
  - (ii) a specified part of the open market housing development will not be commenced until the transfer of affordable housing land with buildings to an RSL or equal approved social housing provider has taken place.

- 6.26 It will be reasonable to consider more detailed phasing arrangements on very large sites.

### **Building Costs**

- 6.27 The Council expects affordable housing units to be built at reasonable cost, taking account of appropriate economies of scale and good working practices. The effective lower land value given to affordable housing should not be eroded by other costs.

## **Mortgagee in Possession Clause**

- 6.28 Because registered social landlords invariably need to raise some money for their projects from the private sector, a mortgagee in possession clause may be requested. Its purpose is to enable the mortgagee (e.g. the bank) to sell the affordable housing units on the open market in order to reclaim money if the registered social landlord has defaulted on the repayment of a loan.
- 6.29 The Council will be guided in its judgement on this by the needs of the registered social landlord and the practicality of securing successful implementation of the affordable housing units.
- 6.30 The wording of any mortgagee in possession clause should ensure that if a registered social landlord is unable to repay its private loan, another registered social landlord has the opportunity to take over the affordable housing units (and financial liability), before the units could be sold on the open market.

## **Local Labour in Construction**

- 6.31 The Council encourages developers and social housing providers to work together to employ local labour as part of its social inclusion and economic development initiatives.

## **Off site provision and Commuted Payments in lieu of Land/Buildings**

- 6.32 The Council will normally only accept off-site provision in the circumstances outlined below. The developer will need to submit evidence to support this course of action.
- There are sound planning reasons why it is not reasonable to provide affordable housing on a site, and/or
  - There is an additional benefit. Such as additional affordable housing units or particular types of provision that would be best suited elsewhere.

### Off-site provision

- 6.33 The requirement for balanced, sustainable communities and adherence to our strategic aims will need to be taken into account before off-site provision is given permission.

- 6.34 Developers wishing to provide affordable housing at a location away from the application site should be aware that this would increase the number of affordable dwellings required. This is because the Council will regard the total of on-site plus off-site dwellings as the number to which the affordable housing percentage applies – not just those dwellings provided on the application site.
  
- 6.35 Table 11 explains this. On a site capable of accommodating 100 dwellings (Site A, Scenario 1), the Council’s policy would require 25 affordable units and 75 private market dwellings, if the affordable housing were provided on-site. However, if the affordable housing is to be provided off-site the simple provision of the 25 units would reduce the original figure to only 20% of the total number of dwellings provided (Scenario 2). This is because of the increase in total number of dwellings to 125, of which 25 dwellings would be affordable.
  
- 6.36 In order to provide the 25% sought by policy in the North Hertfordshire District Local Plan No.2 with alterations, the off-site provision must equal to one third (33%) of the number of dwellings on the main site (Scenario 3). The total number of dwellings will be 133, i.e. 100 private market dwellings on the site (Site A) and 33 affordable units elsewhere (Site B). 25% of the total of 133 dwellings is of course 33, and hence the requirement in accordance with the policy is for 33 affordable units to be provided.

**Table 11: Scenario for off-site provision of Affordable Housing**

Private and affordable provided on the same site (Scenario 1):				
	Total dwellings	Private	Affordable	% affordable
Site A	100	75	25	25%
Off-site provision of same number of affordable units as example above (Scenario 2):				
Site A	100	100	0	
Site B	25	0	25	
Total	125	100	25	20%
Off-site provision to provide correct overall ratio of affordable housin (Scenario 3):				
Site A	100	100	0	
Site B	33	0	33	
Total	133	100	33	25%

6.37 In other words, a decision to build affordable housing off-site means that 33% of the private market housing to be built on-site will be provided as affordable housing elsewhere. When off-site provision is required there will be a clause in the agreement preventing the release of a proportion of the open market housing on the main site until the affordable housing has been delivered on the other site.

Commuted sums

6.38 In exceptional circumstances the Council may permit a payment in lieu of on site provision of affordable housing. This alternative will only be considered where neither the provision of housing on site or an alternative site is viable.

6.39 As 100% of the development will be open market provision the payment in lieu of affordable housing must be equivalent to 33% (at 25% affordable development levels). This is based on the calculations for off-site provision outlined in paragraphs 4.33 to 4.37 above. The formula for calculating such a payment is:

*Number of dwellings on development site x 0.33 x Housing Corporation grant level available. (Current grant levels for the District will need to be discussed with the Council's Housing Strategy and Renewals Manager).*

**7.0 Other Issues to be Negotiated on a Site-By-Site Basis**

7.0.1 There are a number of issues where it is not appropriate to have a standard charge, as it is difficult to predict and quantify likely impacts. Many of the issues identified below are equally as important but are likely to vary considerably depending on specific site circumstances.

**7.1 Biodiversity and Environmental Issues**

7.1.1 The Council seeks to conserve and enhance public rights of way (PROW), archaeology, wildlife, geology, habitats and the landscape as well as creating opportunities for new environmental features including biodiversity. Where this is not possible, for reasons that outweigh these issues, the Council will see to minimise harm. Developers may be required to carry out Environmental Impact Assessments

or other studies to assess the likely impacts of proposed schemes and inform decisions on appropriate mitigation or compensatory measures.

7.1.2 Development that has the potential to have a significant impact on the environment will be required to contribute to the compensation and mitigation of these effects. The mechanisms for securing these measures will be either by planning condition or planning obligation. Obligations may involve the following:

- carry out specific works such as providing new habitats, river restoration or enhancing existing ecological features and wildlife;
- restrict development or access in sensitive areas (such as important natural or archaeological resources, wildlife sites and protected species) to ensure there is no harm or damage;
- The preservation in situ which allow development to take place without causing harm;
- provide for financial contributions so that the Council or other party can carry out the mitigation measures instead of the developer;
- ongoing monitoring to ensure mitigation measures are working and any unexpected adverse impacts can be remedied;
- compensation for the loss or damage of an area of particular nature conservation, historic or landscape value (only considered in exceptional circumstances);
- require short, medium and long term management and maintenance plans;
- provide education and information facilities such as information boards, display of archaeological finds, signs and leaflets;
- employment of specialists to maintain particularly sensitive habitats;
- measures to encourage local access to the countryside, such as creating new PROW;
- the development of countryside management schemes and/or the
- Community Forest Initiatives.

7.1.3 Each application will be assessed on its merits as to whether such obligations are required. Regard will be given to the relevant planning policies and government guidance, such as PPS9: Biodiversity and Geological Conservation and the Hertfordshire County Council's Biodiversity Action Plan: A 50 Year Vision for the Wildlife and Natural Habitats of Hertfordshire. In addition, the Council has adopted the North Hertfordshire District Council Biodiversity Action Plan (July 2005) and a

Landscape Character Assessment (April 2005). Appropriate mitigation and compensation measures must take these documents into account.

## **7.2 Economic Development**

7.2.1 Large scale development both residential and commercial may create additional needs to serve economic development. The provision of a local labour manager and training initiatives (including those run in partnership with training providers such as the local colleges) to encourage skills that create demand as a result of new development within the District may be required. In addition, the provision of flexible units or start up units for small businesses within mixed use schemes that have employment uses work/live units will be encouraged.

## **7.3 Information Technology**

7.3.1 All new development will need to provide information technology cabling to enable up-to-date links to the internet. For major residential schemes developers may be required to establish a community website where it would encourage the development of a sense of belonging and community spirit within a particular area.

## **7.4 Community Facilities**

7.4.1 Creating sustainable development requires there to be consideration of appropriate facilities to serve the needs of the community both existing and new. These may include consideration for accommodation for persons who have special needs by reason of their age, vulnerability, illness, disabilities, health provision, social services, together with places of worship and emergency services. The relevant bodies, such as the Primary Care Trust and Hertfordshire Constabulary will be consulted to see if there is a need for additional provision as a consequence of the demand brought on by large scale developments.

7.4.2 The timing of the provision of these facilities will also be important to ensure people needs are met at the outset. If they are delayed, this could have adverse implications on the existing area in terms of spare capacity, sense of belonging to a community and whether or not people choose sustainable transport measures.

Therefore, the Council will seek obligations that provide facilities early on in the development process. Appropriate triggers will be negotiated on an individual basis. The developer will also be required to provide suitable temporary accommodation to avoid any time lag between the commencement of development and the availability of a new facility for public use.

- 7.4.3 In order to ensure that new development relates well to established communities, views will be sought on likely community obligations that may be required during the normal consultation process of a planning application. Parish Councils, Ward Members, Community Groups, Residents Associations and the public have an important role in understanding the communities that they live in and the impacts development may have. In addition, the visioning work that has been carried out with local people to inform the Community and Rural Strategies, together with Area Action Plans, already provides a good understanding of the needs of the community. In addition, other strategies prepared by the Council as listed in Appendix C and other agencies may also be relevant. These will be taken into account in assessing what community facility obligations are required.
- 7.4.4 In the case of major urban extensions and new settlements there may be additional size requirements to the standard outlined for community centres in section 4.4. This will depend on the location and type of development proposed. Major development will be expected to provide a range of facilities to serve its residents, along with capital start up costs, fitting out, equipment and provision of the land. The size of built facilities and level of contribution will be negotiated on an individual basis. As an alternative to a financial contribution, a developer or other outside agency may wish to build a community facility. This approach will only be acceptable where a specification is submitted to and approved by the local authority, following consultation with local residents. This will ensure that the use, design, location and functions will meet the needs of the community.
- 7.4.5 Developers that will be providing or contributing towards new built community facilities such as pavilions and community centres, for the purposes of the residents within their development, will be required pay a 10 year commuted sum towards upkeep and maintenance. In calculating a ten-year commuted sum reference should be made to paragraph 4.5.12 and Table 4. This figure will be negotiated on a case-by-case basis. As an example, the figures in the Table 12 below provided an idea of the likely annual costs for the upkeep and maintenance of a community centre. This works out at £3.75 a square metre. These example figures relate to the

cost of buildings only. Refer to paragraphs 4.5.11 to 4.5.14 and Table 3 for current contract prices for the maintenance of outside space. In addition, upkeep costs relating to potential vandalism will be negotiated on a case-by-case basis as these will depend on where the facility is located.

**Table 12: Annual Maintenance Costs for Community Centres**

<b>Size of Community Centre in sqm</b>	<b>Total Estimated Annual Cost</b>
400	£1,500
500	£1,875
600	£2,250

7.4.6 Where developers or other agencies wish to run and maintain facilities themselves from the outset, the Council will need to agree suitable management arrangements and that satisfactory measures are in place in the event of third party default. These will be negotiated as part of the s106 agreement.

## **7.5 Development and Flood Risk**

7.5.1 In locations where development proposals in flood risk areas passes the sequential and exception tests applied in recent Government guidance, appropriate measures to mitigate the risk of flooding will need to be put in place. PPG25 Development and Flood Risk (July 2001) and more recently the PPS25 Consultation Document (December 2005) provide guidance on this. The Council is currently preparing a Strategic Flood Risk Assessment. Development will need to have regard to this.

7.5.2 Sustainable approaches to surface water drainage management are encouraged as they have benefits in relation to biodiversity, water quality and local amenity. Where practicable, Sustainable Urban Drainage Systems (SUDS) should be incorporated into development schemes. Examples of these are identified in PPS25 consultation document as:

- preventative measures including rainwater recycling, drainage-enhancing design and green roofs;
- infiltration devices to allow water to soak into the ground;
- filter strips and swales that mimic natural drainage patterns;

- filter drains and porous pavements;
- basins and ponds to hold excess water.

7.5.3 Construction and maintenance costs would need to be funded by the developer and incorporated into a legal agreement.

## **7.6 Sustainable Construction Methods**

7.6.1 Sustainable construction methods such as energy efficiency and water conservation are important. New development will be required to meet with at least the Ecohomes 'very good' or equivalent standards and the BREEAM or equivalent standards for other developments. Policies relating to these will be developed within the LDF. Planning obligations or conditions will be required to secure these.

## **7.7 Community Safety**

7.7.1 Safer Places – The Planning System and Crime Prevention, ODPM February 2004, states that the prevention of crime and community safety are matters that Local Planning Authorities should consider. It also states that planning applications should demonstrate how crime prevention measures have been considered and that this should form part of the applicant's design statement submitted with the application. The Secured by Design award scheme is promoted by the Hertfordshire Constabulary as a means of achieving some of the aims of safer places. Applicants are advised to consult with the Architectural Liaison Officer at Hertfordshire Constabulary before submitting an application.

7.7.2 Development has the potential to have an impact on community safety and may result in a need for additional policing, resources and extensions to or new police buildings. Hertfordshire Constabulary will be consulted on planning applications where it is felt there may be an impact in terms of community safety. They are already consulted for their views in relation to the layout of schemes and designing out crime, which is an integral part of the planning process.

7.7.3 The provision of CCTV has already been discussed in section 5.6 on the Public Realm in this document, where it relates to the cumulative impact on the public realm. In addition, it may be identified as a need from the outset of a large scale

development, particularly mixed use schemes and those incorporating entertainment and leisure venues, commercial and retail. Other isolated areas may also require CCTV. All these cases will be looked at on an individual basis. Where it is felt necessary as a consequence of development, the provision of or a contribution towards CCTV will be required. This will include the cost of the equipment, its initial set up, linking to the control centre, maintenance and running costs over an agreed time period.

7.7.4 Where it is known at the planning stage that CCTV is required, developers will be expected to lay the necessary cabling and connections at the outset. This will avoid unnecessary disruption to local residents when the cameras are installed and linked to the control centre. An indication of costs for CCTV cameras is outlined in Table 13 below:

**Table 13: Costs for CCTV Camera Provision**

Description	Cost
Camera installation and linking to control room	£26,709
Annual operating & maintenance costs	£5,000

## **7.8 Allotments**

7.8.1 In the case of large-scale residential developments, the provision of allotments will be required. These will be negotiated on a site-by-site basis taking into account the capacity of the existing allotments in the locality.

## **SECTION D: COUNCIL PROCEDURES:**

### **8.1 The Drafting and Completion of Legal Agreements**

8.1.1 Planning applications that are subject to s106 agreement(s) are generally perceived as time-consuming, costly, uncertain and responsible for delaying the process of implementing a development. Through adopting this SPD the Council would like to ensure that planning obligations are dealt with as quickly and effectively as possible. The procedures for assessing applications requiring planning obligations are shown in Table 16 at Appendix E. These procedures will be put in place at the time of adopting this document.

8.1.2 The Council expects planning applications to be determined within the timescales set by the Government. These targets are as follows:

- Major applications – 13 weeks
- Minor and other applications 8 weeks

8.1.3 In order to ensure that these standards are adhered to the Council does require that certain information is provided with a planning application where a deed under section 106 of the Town and Country Planning Act 1990 is expected. The checklist below sets out the scope of the information, which the Council requires in order to validate an application for planning permission.

8.1.4 This checklist is adopted by the North Hertfordshire District Council as a direction under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and section 62 of the Town and Country Planning Act 1990. Failure to submit the information required by this Direction may result in an application being treated as invalid under Article 5(4) of the General Development Procedure Order 1995. Section 42 of the Planning and Compulsory Purchase Act 2004 will replace Section 62 referred to above. Once this is enacted the validity of applications will be considered on the basis of Section 42 and any Development Order issued by the Secretary of State.

### Checklist

- Proposed heads of terms (the main aspects) of a legal agreement, draft s106 agreement or unilateral undertaking or a justification for non-compliance with the standard charges;
- Proof of the owners Title. All the owners of the site will need to enter into the agreement. If the land is registered this will be by recent office copy entries. If it is unregistered, an epitome of title should be provided;
- Names and addresses of any charges, lessees, mortgagees or other holders of security on the land, as all parties with an interest in the land;
- A solicitor's undertaking to pay the Council and County Council's reasonable legal costs in connection with the negotiation and preparation of the legal agreement/unilateral undertaking;
- Contact details if there is a solicitor acting on behalf of the applicant

8.1.5 Should the Council regard an application as invalid because the applicant has failed to provide the necessary information, the Council will write to the applicant explaining this and asking them to supply the information. The Council will acknowledge but not register the application until the information is supplied or written justification is provided as to why it is not appropriate in the particular circumstances. Meeting these requirements will mean that the Council can process the application more efficiently.

8.1.6 A timetable for completion of the legal agreement will be forwarded to the applicant following registration of the application. If a planning agreement or unilateral undertaking has not been completed within the appropriate time period, and it is believed that there has been an unreasonable delay, planning permission will be refused on the basis that planning obligations have not been entered into. A revised timetable may be agreed if a delay is considered by the Council to be unavoidable.

8.1.7 Pre-application discussions with a Planning Officer and other relevant parties are strongly recommended before a planning application is submitted. This will help establish the likely heads of terms and other planning requirements and ensure delays in registering and processing applications are avoided.

## **8.2 Phasing and Timing of Payments**

8.2.1 The provision of infrastructure and facilities and the timing of payment of contributions will be negotiated on an individual basis for large-scale schemes. This may involve a phasing agreement with appropriate trigger points. Phasing will depend on the needs of the development, the type and scale of the proposal and the impacts it would have. Applications requiring a unilateral undertaking or a straightforward s106 agreement will be expected to pay contributions before commencement of development. The Council will accept a variation to this if the applicant can demonstrate a good case why payment of contributions should be made on a different basis. This will depend on site specific circumstances.

8.2.2 Interest will be payable if contributions are not paid to the Council at the agreed time. This will be 2% above the Bank of England base rate. A clause will be included in s106 agreements so that if the Council does not spend contributions within 10 years from the date of payment (or 20 years relating to the public realm) it will be paid back to the applicant. Should the applicant wish to negotiate a shorter time period, the Council will need to be satisfied that circumstances will allow for the money to be spent within the agreed time.

## **8.3 Index Linking Contributions**

8.3.1 The commencement of development may not take place immediately after an agreement has been reached and could take a number of years. Therefore, financial contributions will be index linked so that their value stays in line with inflation and reflects changes in costs over time.

8.3.2 All figures within this document will need to be updated annually to reflect changes in capital costs. In the interim index linking will be from April 2006 and will continue to be the same until the following April, when they will be reviewed. Index linking for education, libraries, youth and childcare contributions will be from July 2006 as this is the base date the figures are taken from. The Retail Price Index (RPI) will be used for areas of open space and public realm contributions. Other contributions relating to construction use the Public Sector Index PUBSEC. Transport contributions will use the price adjustment formula for construction contract in the monthly bulletin of indices published by HMSO, as collated into a single index in

accordance with SPONS All Engineering Works Constructed Civil Engineering Cost Index.

#### **8.4 Bonds**

8.4.1 Bonds will be required where a developer intends to carry out work themselves instead of payment of contributions to the Council. For example, building a community centre that is required to meet the needs of the development. The bond sum can be drawn upon to provide the facility if the works are not carried out as agreed.

8.4.2 In addition, any buildings to be constructed by developers will need to have a specification agreed with the Council, in order to ensure that they will meet the appropriate standards and community requirements.

#### **8.5 Payment of Legal and Monitoring Costs**

8.5.1 Agreements will be drafted by the Council's Solicitor. The Council will require an undertaking from the Solicitor acting on behalf of the applicant to pay the Council's legal costs for preparing a legal agreement regardless of whether it is completed. The undertaking should be given in the sum of £1000 each for the Council and County Council. If negotiations exceed this amount the applicant will be notified that the undertaking should be increased to reflect the additional costs. This fee will be collected at the time of entering into an agreement.

8.5.2 Applications that require a unilateral undertaking will be required to pay a fixed sum of £250 towards legal costs.

8.5.3 The cost of administration and the monitoring obligations once entered into will also be required. The cost will be as follows:

- Unilateral Undertakings - £822
- S106 Agreements - £1370
- S106 Agreements for large-scale schemes (Generally in excess of 300 dwellings) – Individual basis

## **8.6 Monitoring, Enforcement and Expenditure**

- 8.6.1 Obligations and/or financial contributions will be monitored to ensure that they are being undertaken or paid at the agreed trigger points. If there is a failure to comply, the Council will take appropriate enforcement action and full cost recovery will be sought. The spending of received contributions that are either specific to the application or pooled will only be used to fund provision that has a geographical or functional relationship with the proposed development. The s106 legal agreement for each application will ensure this. Contributions will also be closely monitored to ensure that they are spent by the Council or other agencies on what was agreed and within the correct time period. The Council will liaise closely with Hertfordshire County Council on matters such as sustainable transport, education, libraries and childcare to ensure appropriate monitoring and enforcement of all obligations covered by legal agreement.
- 8.6.2 Monitoring reports will be presented to the Performance, Audit and Review Committee (PARC) on an annual basis. These will include information on agreements reached, contributions received and expenditure. The monitoring report will also link to the objectives of the Council's Corporate Plan and indicate how obligations sought are directly related to the Council's priorities.

## **8.7 Viability**

- 8.7.1 As stated in section 2.1 the purpose of this SPD is to ensure that likely requirements as a result of development are clearly set out at the outset. This allows for costs to be factored into early negotiations on land acquisition and when development schemes are prepared.
- 8.7.2 Where an applicant considers that the requirements by the Council would significantly harm the viability of a proposal, the onus will be on the applicant to demonstrate this. Where there is a need for the Council to appoint an independent valuation advisor to assess submitted viability evidence, the costs will be met by the applicant. Proven impact on viability will be a material consideration in the assessment of a planning application and the relevant weight given to this and failure to comply with the SPD will be considered on a case-by-case basis.

## **8.8 Applications to Discharge or Vary an Obligation**

- 8.8.1 In exceptional cases, where an agreement has been entered into and a change in circumstances has resulted in the inability for an obligation to be carried out, applicants can apply for an obligation to be discharged or varied. However, this would only be agreed by the Council if it can be fully justified and is the last resort. This situation may arise where an anticipated need for a particular facility at the time of the grant of planning permission is no longer required. The variation or discharge of obligations will not be used as a means for developers to backtrack on obligations agreed where needs as a result of development still arise.

## **APPENDICES**

Appendix A: Objectives of the SPD

Appendix B: List of Relevant PPG's PPS's

Appendix C: List of Council's Strategies

Appendix D: Definitions of Open Spaces

Appendix E: Table 15: Procedures for assessing planning applications requiring planning obligations.

### LIST OF THE PLANNING OBLIGATIONS SPD OBJECTIVES

A.1 The full assessment of the objectives for the Planning Obligation SPD are set out in the Sustainability Appraisal/Strategic Environmental Statement of the Planning Obligations SPD. This is available as a separate document.

A.2 The final SPD Objectives are:

- To be compliant with Circular 05/2005: Planning Obligations and any other relevant guidance;
- Ensure that both urban and rural infrastructure and services are sustainable and meet the needs of the communities in which they serve;
- Ensure that the necessary infrastructure and services to serve the development are in place at the right time by putting in place mechanisms for securing facilities and that they are implemented so that requirements are delivered;
- Ensure that affordable housing is delivered in accordance with local needs;
- Ensure adequate recreational facilities (including open space, sports and play space);
- Limit the impact of the motor vehicle by seeking improvements to passenger transport, walking and cycling;
- Make available recycling and composting facilities at the outset of new developments;
- Limit impacts of new development by mitigating or securing compensation that seeks to enhance the natural and historic environment;
- Protect and improve the quality of the public realm from the impact of new development;
- Provide greater clarity and transparency on the types of contribution and mitigation measures sought from the outset.

## APPENDIX B:

### LIST OF RELEVANT PLANNING POLICY GUIDANCE NOTES AND STATEMENTS:

- PPG3: Housing (2000)
- Draft PPS3 Housing Consultation Draft ODPM 2005
- PPG4: Industrial, Commercial Development and Small Firms (2001)
- PPG13: Transport (2001)
- PPG15: Planning and the Historic Environment (2001)
- PPG16: Archaeology and Planning (2001)
- PPG17: Planning for Sport, Open Space and Recreation (1991)
- PPG25: Development and Flood Risk (2000)
- Draft PPS25 Development and Flood Risk (Consultation Draft ODPM 2005)
  
- PPS1: Delivering Sustainable Development (ODPM 2005)
- PPS6: Planning for Town Centres (ODPM 2005)
- PPS7: Sustainable Development in Rural Areas (OMDP 2004)
- PPS9: Biodiversity and Geological Conservation (ODPM 2005)
- PPS10: Planning for Sustainable Waste Management (2005)
- PPS12: Local Development Frameworks (ODPM September 2004)
- PPG17: Planning for Sport, Open Space and Recreation (2002)
- PPS 22: Renewable Energy (ODPM August 2004)

**LIST OF RELEVANT NHDC AND OTHER ORGANISATIONS STRATEGIES**

C.1 Note: This is not an exhaustive list as new strategies are being prepared and the existing Strategies as listed below will be reviewed and possibly replaced. The most relevant and up-to-date Strategy will be referred to when negotiating a S106 application.

C.2 **NHDC Strategies and Plans:**

- North Hertfordshire District Council Corporate Plan (2005)
- North Hertfordshire District Local Plan No.2 with Alterations (April 1996)
- North Hertfordshire Housing Needs Study (2002)
- North Hertfordshire Housing Strategy 2004 - 2007
- North Hertfordshire Community Strategy (2003)
- Area Visioning Action Plans for Letchworth, Baldock, Hitchin and Royston, (December 2005)
- North Hertfordshire Community Safety Strategy (2005)
- The Rural Strategy for North Hertfordshire 2005-2010. (May 2005).
- Revised Rural Area Action Plan (May 2005)
- Social Inclusion Strategy 2005
- Play Area & Outdoor Youth Provision Strategy 2004 –2010. (April 2004)
- Pavilions, Playing Fields & Sports Pitches Strategy for North Hertfordshire 2005 – 2010. (February 2005).
- North Hertfordshire District Council Biodiversity Action Plan (July 2005)
- Review of Voluntary Managed Community Centres (March 2005)
- Leisure and Cultural Strategy
- Hitchin Town Centre Strategy (November 2004)
- Paynes Park Planning Brief (January 2005)
- Churchgate Development Area Planning Brief (November 2005)
- Baldock Town Centre Strategy and Action Plan (January 2006)
- North Hertfordshire District Council Car Parking Strategy (June 2004)
- Supplementary Planning Document: Vehicle Parking Provision at New Development (March 2006)
- North Hertfordshire Cycling Strategy (1999)

- North Hertfordshire Towns Cycle Route Network Study (2000)
- Hitchin Transportation Plan (1998)
- Museums Fundamental Service Review 2005
- Street Scene Fundamental Service Review – Action Plan 2006

### C.3 **Other Organisations Strategies & Plans:**

- Hertfordshire Structure Plan 1991 – 2011
- Hertfordshire Local Transport Plan – 2006/7 – 2010/11
- Northern Area Transport Plan
- Hertfordshire Waste Strategy
- Hertfordshire Waste Local Plan 1995 – 2005
- Economic Development Strategy for Hertfordshire 2000 – 2005
- Hertfordshire environmental Strategy (2001)
- Health Improvement and Modernisation Plan (Himp)
- A 50 Year Vision for the Wildlife and Natural Habitats of Hertfordshire, A Local Biodiversity Action Plan (1998)

### C.4 **Strategies under Preparation:**

- Letchworth Garden City Town Centre Strategy – (anticipated adoption Jan 2007)
- Royston Town Centre Strategy – (anticipated adoption Jan 2008)
- Baldock and Letchworth Urban Transport Plan - (anticipated adoption 2006/07)
- NHDC Green Space Strategy – (2007/08)

**DEFINITIONS OF OPEN SPACES**

D.1 The open space required under the standards in the SPD is defined as any land/greenspace<sup>2</sup> laid out as a public garden or used for the purposes of public recreation. Such areas must be of a suitable size and nature for sport, active or passive recreation or children’s and teenager play. All areas of public open space have the ability to provide opportunities for biodiversity and wider environmental gain. The SPD refers to four broad categories of open space. These can be defined as follows:

**Children’s Play Space:**

D.2 The main components of this type of open space includes a mix of carefully located facilities, such as equipped areas, and more natural/informal areas in which children and young people can take part in energetic activities. The facilities should normally be located within a large area of open space, which would provide the necessary buffer zone for the more energetic activities. The Council uses the NPFA 2001 standards, which recommends three categories for children’s play space provision. These are described below:

**Table 14: Summary of Children’s Play Space Requirements**

Type of Play Area	Characteristics	Catchment Area (Straight Line Walking distance)	Activity Zone (Minimum size)	Buffer Zone (minimum depth from edge of activity area to boundary of nearest residential property)
<b>LAP</b> (Local Area for Play)	Small, low-key play area (may include demonstrative play features) Catering mainly for up to 6 year olds.	60m	100m <sup>2</sup>	5m

<sup>2</sup> English Nature’s Accessible Natural Green Space in Towns is also relevant to the definition of open space. (See [www.English-nature.or.uk/special/greenspace/default.htm](http://www.English-nature.or.uk/special/greenspace/default.htm)).

<b>Type of Play Area</b>	<b>Characteristics</b>	<b>Catchment Area (Straight Line Walking distance)</b>	<b>Activity Zone (Minimum size)</b>	<b>Buffer Zone (minimum depth from edge of activity area to boundary of nearest residential property)</b>
<b>LEAP</b> (Local Equipped Area for Play)	Min 5 types of play equipment, small games area Catering mainly for 4-8 year olds.	240m	400m <sup>2</sup>	10m
<b>NEAP</b> (Neighbourhood Equipped Area for Play)	Min 8 types of play equipment, opportunities for ball games and wheeled sports. Catering mainly for all ages up to 16 year olds.	600m	1000m <sup>2</sup>	30m

D.3 The activity area will need to have safety surfacing, protective fencing where appropriate, seating and an adequate buffer area to protect residential amenity. The exact content and location of play areas will be subject to detailed negotiations to achieve the highest quality. All play equipment, fencing and surfacing should comply with standards BS EN 1176 and BS EN 1177, or any superseding standards, as well as the Council's adopted Play Area & Outdoor Youth Provision Strategy 2004 – 2010.

D.4 Provision should also be made to meet the needs of older children who can travel independently to use facilities, and whose aspirations will be different from younger children. This would include kick about areas, multi use games area, games walls and basketball hoops and wheeled sport facilities for example. Associated areas for sitting and socialising with friends can also be an important element. Such facilities could be included as part of a NEAP area.

### **Outdoor Youth Provision:**

- D.5 Provision should be made to meet the needs of older children 15 years + and young people, who still need physical challenges and enjoy unsupervised interaction with peers. This would include making provision for:
- Wheeled sports – such as skateboard, roller blade or roller skate and bmx parks.
  - MUGA – Multi Use Games Areas
  - Youth shelters – these provide facilities/places for older children to meet and socialise.
- D.6 Such facilities should reflect the needs of the users, i.e. the young people and individual safety while respecting the rights in terms of residents.
- D.7 Details for the provision of such facilities are included in the NHDC Play Area & Outdoor Youth Provision Strategy 2004 –2010. (April 2004)

### **Pitch Sports:**

- D.8 The Council in its Pavilions, Playing Fields and Sport Pitches Strategy (2005) refers to the NPFA standard for pitch space provision – i.e. youth and adult provision. Pitch sports include:
- Football, hockey, cricket and rugby pitches
  - Artificial turf pitches
  - Tennis Courts
  - Bowling Greens
  - Or pitches used for American football, baseball, Australian football, hurling, and polo or cycle polo.
- D.9 The playing pitch includes a delineated area for the sport pitch together with any run-off area. Car Parking, lighting and provision of a pavilion may also be included. The exact location and associated facilities and infrastructure of sport pitches will be subject to detailed negotiations to achieve the highest quality. All pitch sports and surfacing should comply with quality standards as specified in the NPFA Standards and any other relevant superseding standards. Sport England has prepared a

variety of design guidance documents some of these are outlined below. These together with other Sport England guides are available on their website at [www.sportengland.org](http://www.sportengland.org).

- Comparative Sizes – Pitches and Courts (July 2006)
- A Guide to the Design, Specification and Construction of Multi-Use Games Areas, including Multi-Sport Synthetic Turf Pitches
- Design Guidance Note, Natural Turf for Sport (2000).

### **Informal Open Space:**

D.10 This is open space/greenspace within towns and villages that is not formally laid out for sports, children's play or youth provision. It can be used for passive and active informal recreation such as:

- Parks and gardens within the District's towns, which tend to be more formally laid out with bedding plants and shrub borders and areas for seating.
- Amenity Green spaces are areas provided as part of new housing developments or employment areas, both to enhance the appearance of the area with landscaping and provide opportunities for informal activities such as jogging, relaxing, sitting, dog walking etc.
- Natural green spaces include areas suitable for passive recreation such as woodland and grasslands. They should provide wildlife habitats and opportunities for walking, jogging or sitting out.
- Access corridors should provide links to other open spaces and open countryside where appropriate. They should be wide enough to allow wildlife to flourish, linking small and large habitats as well as providing opportunities for walkways and cycleways.
- District Parks are large areas of open space comprising a mixture of the above types of informal open space.

### Appendix E: Table 15: Planning Application Timetable

<b>Days 1-4 Week 1</b>	Completed application and heads of terms or unilateral undertaking →	Application checked, validated and registered/ returned for more information, cheque etc.	Case officer allocated within 2 days	Validated in 24 hours if simple. If complex/ controversial case officer needs to see prior to validation	Legal Services instructed to prepare draft legal agreement or check unilateral. Consultations needed identified and sent out for return in 21 days.	Notification of EIA
<b>Days 2-10 Week 1-2</b>	Case history and development plan data sent to case officer →	Site visit by case officer Preliminary view reached & assessment of need for minor amendments/ further information →	Amendments to make acceptable  Likely to be recommended for refusal  If YES attached is it acceptable?		If a major application, Identify if part if 60% target or 40% (if longer than 13 weeks)  If member site visit necessary arrange within next 4 weeks →	
<b>Week 3-5</b>	Consultations returned →	Letter to applicant requesting additional information/ amendments/further S106 contribution if required. Draft legal agreement sent. Applicant to respond within 10 days. Meeting held with applicant if necessary.				
<b>Week 6-7</b>	Further amendments/ information received. Delegation/ committee report drafted including conditions and heads of terms for S106. →	Members site visit if necessary	Draft report checked by line manager, signed off if delegated and issued in 24 hours	If to go to committee material needed gathered, those who have made representations advised. Report sent to Committee Services		
<b>Week 7-8 Week 7-13</b>	Report to Committee or delegated report and decision notice issued within 24 hours if a unilateral undertaking submitted or no planning obligations required. Within 8 weeks or 13 weeks depending on type of application. →	If S106 applicant to sign by the 8 or 13 week deadline.		If application part of 40% more time allowed		