



# PLANNING OBLIGATIONS

Supplementary Planning Document

April 2013



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## **Executive Summary**

The Planning Obligations Supplementary Planning Document sets out Wycombe District Council's approach to when planning obligations are to be used in new developments, detailed guidance on affordable housing provision and how development viability concerns may be dealt with.

Any planning obligation must be justified having regard to the statutory tests in the Community Infrastructure Levy (CIL) Regulations and the National Planning Policy Framework. The Council considers that with CIL in place, restrictions on the use of pooled contributions, potential costs and delays, and the benefits of increased certainty in the development process, only rarely will it be appropriate to seek a planning obligation from developments that are less than ten dwellings/500sqm of commercial floorspace. Circumstances that may justify a planning obligation below this level include for instance where an obligation is required to secure affordable housing in the rural parts of the district.

Part One of the document sets out the different mechanisms to be used in mitigating the impacts of development and securing infrastructure improvements; the Council's approach to using these mechanisms; the interaction between the Community Infrastructure Levy and planning obligations; the legal and monitoring processes involved; and finally how individual development viability concerns may be dealt with.

Part Two sets out specific guidance on the different types of planning obligations that may be sought including affordable housing, open space, transport, education and community facilities.



## Introduction

- 1.1 This Supplementary Planning Document (SPD) sets out Wycombe District Council's approach for securing planning obligations from new development either to ensure infrastructure is put in place to address the effects of development or to control and enhance certain aspects of the development.
- 1.2 The Council expects all eligible types of development in the district, where necessary, to contribute to site related infrastructure through one or more of the following mechanisms:
  - Planning conditions
  - Planning obligations (contained within s106 agreements and unilateral undertakings)
  - Section 278 Agreements for highway improvements
- 1.3 Site related requirements to be secured through planning conditions and planning obligations will be assessed against the needs of each site and project.
- 1.4 These requirements are additional to Community Infrastructure Levy (CIL) payments towards the broader infrastructure needs of the area.
- 1.5 This SPD is supplementary to Policy CS21 of the adopted Core Strategy which states that "where implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency in their provision, the developer will be expected to make such provision. Where the developer is individually or directly unable to make such provision, the District Council may require the developer to make a proportionate contribution to the overall cost which shall in all cases be wholly devoted to such provision".
- 1.6 Policy DM18 of the submission version of the Delivery and Site allocations document (June 2012) states "where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly, including through planning obligations and/or through financial contributions to the Wycombe Community Infrastructure Levy".
- 1.7 This SPD will be a material consideration in the consideration of all applications for planning permission determined on or after the date of adoption and will form the basis for planning obligations to deliver general planning improvements, including necessary infrastructure, for a development to proceed in an acceptable manner. It supersedes the Developer Contributions SPD, October 2011 and accompanying Developer's Guide, October 2011.

## ***Infrastructure Needs***

- 1.8 In order to support acceptable development of the area and to deliver growth in a sustainable way it is essential that additional infrastructure is put in place. This applies both to the direct infrastructure needs of developments such as highway accesses and landscaping but also wider infrastructure that may be less directly related to development.
- 1.9 In liaison with internal and external infrastructure providers the infrastructure needs across the District have been set out in the Wycombe Infrastructure Delivery Plan (IDP). This identifies what physical, social and green infrastructure is needed to deliver the spatial strategy for the area (as set out in the Core Strategy and emerging Delivery and Site Allocations document) and reflects the strategies and plans of service providers such as the Local Transport Plan and Community Facilities Strategy.
- 1.10 The IDP was accepted by the independent CIL Examiner in July 2012 as an accurate, up to date assessment of a range of needs.



## **2. Mechanisms to be used**

### ***Planning Conditions***

- 2.1 A planning condition may be placed on a grant of planning permission by local planning authorities. Such conditions permit development to go ahead only if certain conditions are satisfied.
- 2.2 Paragraph 206 of the National Planning Policy Framework (NPPF) states that planning conditions should only be imposed by local authorities where they are:
  - i. necessary;
  - ii. relevant to planning;
  - iii. relevant to the development to be permitted;
  - iv. enforceable;
  - v. precise; and
  - vi. reasonable in all other respects.
- 2.3 Planning conditions may not require the payment of money or the transfer of land ownership. A “Grampian” condition may be used to control aspects of the development which are required to occur outside the development site (such as related highway improvements) and on land which is not necessarily owned by the applicant. The condition is worded to the effect that the development being permitted must not be commenced (or must not be occupied, as appropriate), until the required off-site works had been completed.

### ***Planning Obligations***

- 2.4 Paragraph 203 of the National Planning Policy Framework (NPPF) states that planning obligations should only be used where it is not possible to address unacceptable impacts of development through a planning condition.
- 2.5 Where planning conditions are not suitable it may be possible to enter into a legal agreement with the applicant and anyone else who has a legal interest in the land, to secure planning obligations under section 106 of the Town and Country Planning Act 1990. Planning obligations can allocate specific actions to specific parties and can include payment of a financial contribution to allow the local authority to carry out works to mitigate the impacts of the development. They may also restrict the development or use of the land, operations or activities.
- 2.6 In line with Para 204 of the NPPF and CIL Regulation 122, planning obligations, in order to be a material consideration in reaching planning decisions, must be:

- Necessary to make the development acceptable in planning terms
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development
- 2.7 Unless it is stated otherwise, planning obligations run with the land in perpetuity and may be enforced against the owners, mortgagees and their successors. Planning obligations form part of the title deeds of a property and can only be secured through the following types of Deed:
- Section 106 agreements with mutual obligations between local planning authorities and owners with interests in the application site
  - Unilateral planning obligations, sometimes called unilateral undertakings (UUs) signed solely by owners of interests in the application site which can impose no obligations on the local planning authority.

### ***Section 278 Agreements - Highway Improvements***

- 2.8 A Section 278 agreement allows developers to enter into a legal agreement with Buckinghamshire County Council as Highway Authority to fund alterations or improvements to the public highway, having regard to the needs generated by a development. Where highway schemes require developers to offer up land within their control for adoption as public highway, a s278 agreement may be combined with clauses entered into under Sections 38/72 of the Highways Act 1980.

### ***Community Infrastructure Levy***

- 2.9 The District Council adopted a Community Infrastructure Charging Schedule, taking effect from 1 November 2012. This is a charge on most types of new developments to fund additional infrastructure to support the development of the area. Some types and sizes of development, including small extensions, affordable housing units and development by charities are exempt from liability to pay the levy, and some developments are zero rated. Details are set out in the Charging Schedule and accompanying documents.

### **3. The Council's Approach to Developer Funding of Infrastructure**

#### ***Community Infrastructure Levy***

- 3.1 CIL liability on a development is non-negotiable. There is separate guidance on the operation of the Wycombe CIL on the Council's website at [www.wycombe.gov.uk/planning](http://www.wycombe.gov.uk/planning).

#### ***S106 Planning Obligations***

- 3.2 A planning obligation will be sought where a development would otherwise be unacceptable and the objections cannot be overcome by condition. Where development gives rise to the need for planning obligations, they may typically be secured for the following purposes:
- Affordable housing
  - Open space
  - Transport/highways/green travel plans
  - Education and schools provision
  - Community and sporting facilities
- 3.3 It is considered unlikely that any requirement for planning obligations will arise from developments of less than 10 dwellings or below 500sqm of commercial floorspace, although particular circumstances may occasionally justify this (including for rural affordable housing where a planning obligation may be sought in respect of developments of five or more dwellings).
- 3.4 Policy in the emerging Delivery and Site Allocations document indicates that for developments of 40 dwellings or more (or 5,000 sq m or more commercial floorspace) local open space provision should be provided on site. This may require a s106 agreement.
- 3.5 Larger scale developments, typically have larger and more concentrated, or more acute, impacts and so may necessitate site specific infrastructure such as schools, open spaces, community facilities and junction improvements. Planning obligations will continue to be used, particularly relating to larger scale developments, where necessary, to secure funding for such local infrastructure improvements, or to control and enhance certain aspects of the development.
- 3.6 Development briefs and other policy guidance relating to these developments will provide more detail where applicable. Development viability will also be taken into account, in appropriate cases, in line with section 4 of this SPD.

## ***Interaction between CIL and Planning Obligations in the provision of infrastructure***

- 3.7 Regulation 123 of the CIL Regulations effectively prevents the use of planning obligations to fund infrastructure projects or types of infrastructure that will be wholly or partly funded by the CIL. The Council has published on its website a CIL Infrastructure (R123) list of projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. These types of infrastructure or projects can therefore not be funded through s106 planning obligations. The CIL Infrastructure list will be reviewed at least annually as part of the process whereby the Council's Cabinet considers the use of CIL and s106 funds.
- 3.8 In addition Regulation 123 limits the scope for pooling contributions secured by planning obligations to no more than five developments for each infrastructure project or type, taking account of planning obligations secured for that project or type since April 2010. Hence pooled contributions to wider area strategies designed to address wider impacts of development, to which more than five developments contribute, will no longer be sought.
- 3.9 The provision of affordable housing currently lies outside of the remit of CIL and will continue to be secured through planning obligations.
- 3.10 Table 3.1 below summarise the various mechanisms outlined above.

**Table 3.1: How CIL, S106 Planning Obligations, Conditions and S278 Agreements may be used**

<b>Mechanism</b>	<b>Details</b>	<b>Use</b>
Planning Conditions	To make otherwise unacceptable development acceptable	Planning applications and other types of applications under the Planning Acts, such as listed building consent and advertisement consent
Planning Obligations	S106 planning obligations can secure particular on-site/localised requirements or control that cannot be secured by condition to make otherwise unacceptable development acceptable	Affordable Housing
		To address the direct impacts of development
CIL	CIL provides a consistent mechanism for pooling contributions from new developments towards the development of the area	District wide infrastructure – see CIL Infrastructure (R123) list
Section 278 Agreements	Allows developers to fund alterations to the public highway	Highway improvements

## **S106 Agreements legal and monitoring processes**

- 3.11 S106 Agreements and Unilateral Undertakings (UUs), for which templates exist to streamline the process and minimise costs, will normally be drafted by the Council's Legal Services team. Applicants will be required to pay the Council's reasonable legal and administrative costs (and where appropriate the County Council's) in drafting and completing agreements, and pending completion, this will need to be supported by a solicitor's undertaking or advance deposit of cash.
- 3.12 Title has to be deduced to the Council and mortgagees must enter into the document. The Council carries out searches to make sure there have been no new owners or mortgages in the period before completion. Agreements and UUs are registered as local land charges and their provisions bind future purchasers/tenants of the site. Completed s106 agreements and UUs are public documents.
- 3.13 Where the obligations involve County Council functions they may be set out in a tripartite section 106 agreement entered into with both the District and County Councils.
- 3.14 Each Agreement or UU has to be entered into before any planning permission is granted. In non-appeal cases the Council seeks to issue the planning permission within 3 days of completion of the Agreement or UU. In appeal cases the Agreement or UU needs to be completed before the appeal is determined by the Planning Inspectorate.
- 3.15 The Council will track compliance with each provision contained in a legal agreement as a development proceeds to ensure that payment of financial contributions and completion of non-financial obligations is in accordance with the terms in the agreements. We will require a contribution of £800 towards the administrative costs of doing the above tasks which enables us to employ resources to enhance our service to applicants. Where a s106 agreement contains obligations in relation to education provision Buckinghamshire County Council will also require a contribution of £500 towards their administrative costs.
- 3.16 Details regarding planning obligations will be recorded on a database. This will include what payments are due, 'triggers', and what the funds are spent on. Reports will be made quarterly to Cabinet as part of regular financial monitoring reports which are available on the Council's website.

## **‘Triggers’ for Planning Obligations**

- 3.17 The deed giving rise to planning obligations must for legal reasons bind the site immediately but the actual performance of an obligation can be deferred to a suitable stage in the site’s development.
- 3.18 Payment of financial contributions for off-site works will often be expected on commencement of development but in some cases payment on occupation or staged payment may be acceptable so long as this secures infrastructure when it is needed.
- 3.19 Time limits for the expenditure of s106 financial contributions will be included within planning obligations. The Council will usually seek a 5 year time limit to spend financial contributions, although for secondary school contributions, or where contributions are to be pooled with up to four other contributions a longer time limit such as ten years may be more appropriate. After the agreed time limit if there are any unused contributions these will be returned to the developer with interest.
- 3.20 Decisions on the release of funds will usually be made by the Council’s Cabinet after appropriate consultation, alongside decisions on the release of CIL funds.

## **4. Viability**

### ***Principles***

- 4.1 A set out in section 3 above s106 planning obligations may be required to address site specific impacts from individual developments, alongside any CIL payments.
- 4.2 The NPPF (paragraph 173) indicates pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. In the context of plan-making, that the sites and scale of development identified in the plan should not be subject to such as scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements applied to development, taking account of normal development costs, should provide competitive returns to a willing land owner and willing developer.
- 4.3 Viability and deliverability issues are addressed in policy DM18 of the Council's Proposed Submission Delivery and Site Allocations Plan June 2012, including the balance to be struck between the adverse impact of permitting a scheme that does not fully meet all planning policy requirements in addition to paying the CIL for financial viability reasons, with any identified planning benefits of the scheme.

### ***The Council's approach to viability***

- 4.4 A developer will be aware of their likely CIL charge from the published charging schedule and can confirm this with the Council.
- 4.5 The requirement for s106 planning obligations to address site specific impacts may be set out in development briefs, in development plan documents and from early negotiations with the Council.
- 4.6 If developers wish to raise the viability of their development as an issue for its deliverability they will be expected to set out in a submission to the Council:
  1. Whether viability considerations mean that they are not able to provide the full policy requirements deemed to be necessary to be secured through a s106; affordable housing provision and the statutory CIL charges.
  2. What they consider the benefits of not meeting the policy requirements are for the site to be delivered immediately.
- 4.7 The assessment of what may constitute "benefits" will be considered on a case by case basis. It will involve weighing the identified planning benefits of a scheme with the degree of harm resulting from

potential under-provision or delayed provision of infrastructure (including affordable housing) and other policy requirements.

## ***Viability Assessments***

- 4.8 If the Council considers that there are benefits of delivering the site immediately and the developer has raised the issue of viability affecting the level of planning obligations and is making a case for a reduction or deferral of obligations (including affordable housing), then the developer will need to submit a viability assessment.
- 4.9 An evidential approach to viability is required and the Council will not consider possible reductions simply on the basis of generalised arguments about the economy at large. What matters is the specific development economics of the scheme and an informed view as to what can and cannot be reasonably and fairly afforded. This also allows for a fair and even-handed approach when the Council is considering a number of competing proposals.
- 4.10 The following additional guidance on viability assessments should be adhered to:
- Provision of financial information about the scheme will be on an “open book” basis;
  - Developers should provide the following as part of their viability assessment:
    - Electronic version of the viability assessment in the form of the HCA Economic Appraisal Tool
    - Full Quantity Surveyors cost Assessment
    - Market Evidence for Sales rates
    - Market Evidence for Site Value
    - Development and Sales Programme
    - Likely CIL charge including showing payments in line with adopted Instalments Policy
  - The basis of the valuation will be on current values and costs, including current land values, rather than historic values or the price originally paid for the land. Larger schemes with longer development periods or with later implementation timeframes are likely require a review of costs and values part way through the development.
  - The Council may seek independent valuation advice to review the viability assessment – the cost of that advice should be met by the developer. At the moment such advice is sought from the District Valuers office.
  - If necessary and justified, the Council will keep the detailed information in the assessment “confidential” but will need to share the conclusions from the assessment, for instance with elected



members at the time of their consideration of the planning application.

- Any concerns regarding viability of the development should be highlighted by the developer at pre-application stage.
- Viability assessments should also be provided at the late/final pre-application stage, just before submission of the planning application, and certainly no later than when the planning application is submitted.

- 4.11 If the proposal involves an element of affordable housing, due to the policy requirements set out in the Wycombe Development Framework Core Strategy Policy CS13 and the detailed guidance in the Planning Obligations SPD, the valuation assessment must assess the scheme on the basis of no grant for affordable housing.

## **Possible Actions**

- 4.12 If the Council considers that there are benefits of bringing forward the scheme even though policy requirements would not be fully met and that, following an independent review of the viability assessment, the Council considers that the full policy and guidance requirements including CIL charges cannot be met, a number of potential courses of action will be considered that may enable the development to proceed whilst also ensuring the early delivery of the scheme and capturing any enhanced value arising from improved market conditions during the course of the development. These are as follows:

### *Deferred timing of planning obligations*

This option should be explored first before considering reducing the overall costs of planning obligations.

This may entail:

- Provision of site specific infrastructure in phases with some on commencement and some at a later date related to a specified trigger point
- Deferral of financial payments due under a planning obligation to a later stage of the development – the Council will expect appropriate mechanisms to be included in the section 106 agreement and security may be required.

### *Reduce overall cost of planning obligations including affordable housing*

The following principles apply:

- Reductions will be the minimum necessary to make the scheme viable

- A judgment will need to be made by the Council in terms of the scale of reduction required relative to the benefits of the scheme and the need for early delivery of the scheme
- In relation to affordable housing provision options may include reviewing the percentage of affordable housing provision and its tenure mix

Where the Council's judgement is that development should go ahead without all necessary planning obligations secured, it cannot be assumed that any CIL contribution from the development will make up any shortfall. When Cabinet comes to consider the use of CIL funds (which is expected to be on an annual basis), it may consider whether the CIL Infrastructure (R123) list should be reviewed to enable CIL funding of improvement schemes that would have been expected to be funded by a s106 planning obligation, had viability considerations not indicated that this was not possible. The decision of Cabinet in this respect cannot be presumed or pre-empted, and will depend on what it sees as priorities.

#### *Mechanisms to secure early delivery*

Where changes to the timing or quantum of contributions are accepted by the Council, given that this will be justified on the need for immediate delivery of the site, the Council will expect mechanisms to be included to secure the early delivery of the scheme. These may include:

- Granting of a short life planning permission – maximum of 12 months
- Securing commitments to commence development within a specified period of time after the granting of planning permission
- Specifying time limits on the time allowed to complete the scheme, and/or specific phases or elements of a scheme.

#### *Securing additional funding*

To help assist with the delivery of infrastructure and affordable housing, particularly where contributions have been reduced or the timing of infrastructure delayed as a result of viability considerations, the Council will expect developers and their partners to bid for other funding streams.

#### *Mechanisms to capture any uplift in the market*

As there is the possibility of market conditions improving during the period of a development being undertaken, where the Council has accepted reductions in the level of obligations such as affordable housing based on the current viability situation, it will also expect mechanisms to be included that allow additional provision to be made later in the scheme if viability has improved. This is likely to take the form of overage or clawback clauses in the section 106 agreement.

The Council will expect any such clauses to be based on the following principles:

- Any calculations of clawback should be based on the uplift in net profit of the scheme (not gross development value);
- The “clawback” should constitute a substantial element of the additional net profit, secured as identified financial obligations e.g. for off-site affordable housing if additional provision cannot be made on site;
- Clawback/overage clauses will require a re-assessment of costs and values (and validation) of the scheme the near the end of the development, usually at around the time that 90% of the development has been completed although it can be earlier;
- The re-valuation will require independent assessment (such as by the District Valuer) with the cost of this independent assessment is to be met by the developer;
- Any enhanced value/profit identified from the scheme should not include any input from any grant secured – such grant should be used in full for delivering the infrastructure/affordable housing that it was provided for;
- Clawback may be in the form of affordable housing units rather than financial contributions;
- The amount of overage or clawback secured will be limited to the full policy requirement for the scheme.

### **Where sufficient benefits do not exist**

4.13 Where the Council considers that the benefits of permitting a development and the justification for the immediate delivery of a site do not outweigh the harm of not meeting policy requirements this is likely to lead to refusal of planning permission. If the developer’s proposal complies with the policy and guidance in relation to planning obligations and affordable housing, but the scheme is currently not viable, the Council will consider granting a longer life permission of up to 5 years, to extend the time to enable the scheme to become viable.

## SECTION 2: Planning Obligation Guidance

Negotiations in relation to the specific planning obligations which are necessary to make a development acceptable will take place on a case by case basis. As stated in chapter 3 of the SPD a variety of planning obligations may be necessary dependent on the specific development and its impact on the local area. This list is not exhaustive and items will be considered on a case by case basis and in line with any new evidence, guidance or policy that becomes available.

### A - Affordable Housing

#### Summary

This section sets out what the Council is seeking in terms of affordable housing provision. The following table summarises the key elements – the detail is set out in the remainder of this section.

<b>Issue</b>	<b>Summary of guidance and existing policy</b>
<b>Which developments should provide affordable housing</b>	<ul style="list-style-type: none"> <li>• In High Wycombe Urban Area, Marlow and Princes Risborough – sites of 15 dwellings or more or a minimum of 0.5ha</li> <li>• In Remainder of District – sites of 5 dwellings or more or a minimum of 0.16ha</li> </ul>
<b>How Much Affordable Housing will be sought?</b>	<ul style="list-style-type: none"> <li>• On greenfield sites and land last used for business (i.e. “B” use classes) or a similar sui generis employment-generating use, at least 40% of the total bedspaces.</li> <li>• On other sites, at least 30% of the total bedspaces.</li> </ul>
<b>What tenure mix is being sought?</b>	<ul style="list-style-type: none"> <li>• Two-thirds (66%) of affordable housing provided should be Affordable Rent or Social Rent, or a combination of the two;</li> <li>• One third (34%) of affordable housing provided should be for certain intermediate affordable housing products – mainly shared ownership or shared equity products. (See Table 6.3 for detail)</li> </ul>
<b>What dwelling size mix is being sought?</b>	<ul style="list-style-type: none"> <li>• For Social and/or Affordable Rented accommodation, around 50% one and two bed properties, 50% three and four bed (or more) properties.</li> <li>• For shared ownership/shared equity the vast</li> </ul>

	majority should be for 1 and 2 bed properties. (See Table 6.4 for details)
<b>Securing Affordable Housing</b>	<ul style="list-style-type: none"> <li>• Affordable housing will be secured through a Section 106 agreement</li> <li>• The involvement of a Registered Provider is strongly encouraged. Where not involved, the Section 106 agreement will be required to control occupancy and affordability.</li> </ul>
<b>Financial Considerations</b>	<ul style="list-style-type: none"> <li>• Developers will need to take account of the advice in the Homes and Communities Agency “2011-15 Affordable Homes Programme – Framework” document, particularly with regard to price to be paid for Affordable Rented and Affordable Home Ownership products.</li> <li>• The assumption is that no grant will be available for affordable housing provided through Section 106 agreements.</li> </ul>
<b>Affordability</b>	<ul style="list-style-type: none"> <li>• In relation to affordable home ownership a range of initial equity shares should be provided to help meet a range of housing needs.</li> </ul>
<b>Where provision should be made?</b>	<ul style="list-style-type: none"> <li>• Affordable housing should be provided on site</li> <li>• Only exceptionally will off-site provision be acceptable</li> <li>• Payments in lieu of provision will only be acceptable where it has been clearly demonstrated that both on and off site provision is not possible.</li> </ul>
<b>When provision should be made?</b>	<ul style="list-style-type: none"> <li>• Provision should be made at the beginning of the development. Where scheme viability is an issue this can be assessed further.</li> <li>• For larger sites, provision can be phased across the development</li> </ul>
<b>Design</b>	<ul style="list-style-type: none"> <li>• The affordable housing should well designed, fully integrated with the rest of the development and not visually distinguishable from the remainder of the development</li> </ul>

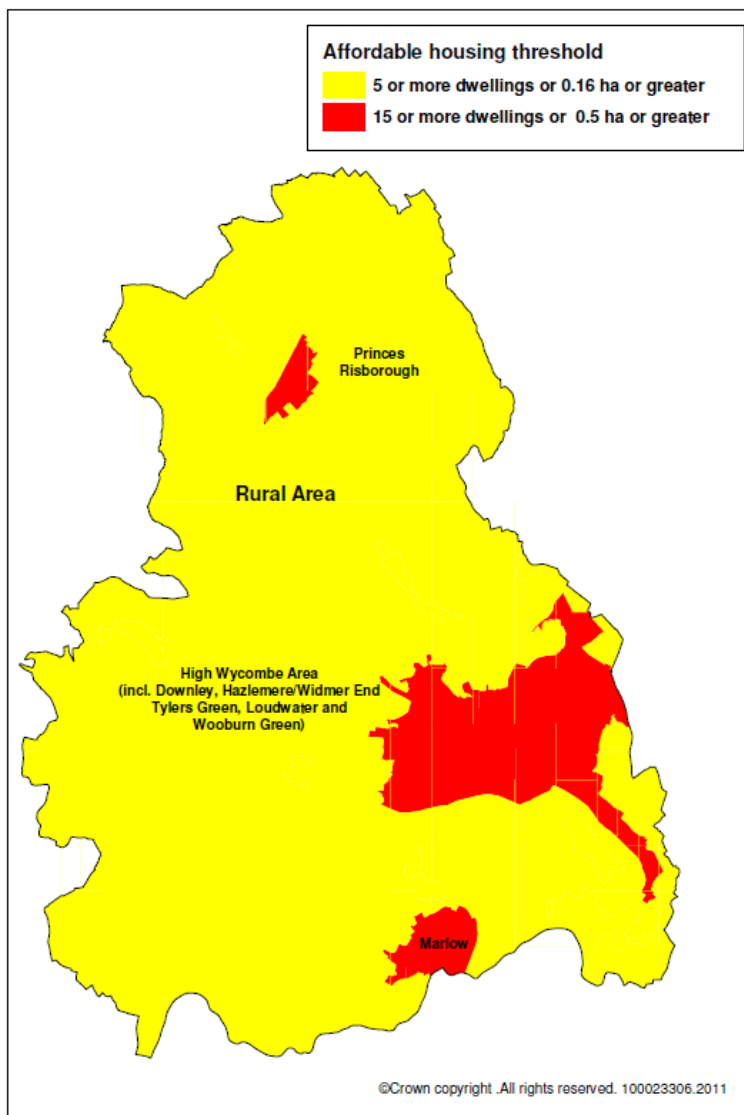
### **Which Developments Should Provide Affordable Housing?**

- 5.1 There is a significant local need for affordable housing and this need exceeds the total housing target (for all tenures) set out in the Wycombe Development Framework (WDF) Core Strategy.
- 5.2 Core Strategy Policy CS13 sets out the site size thresholds for where affordable housing will be sought. These are summarised as follows:

- *Urban areas* – affordable housing to be sought on sites of 15 dwellings (gross) or more or a site area of 0.5ha or more at High Wycombe Urban Area (including Downley, Hazlemere/ Widmer End/Tylers Green, Loudwater, Wooburn Green), Marlow and Princes Risborough.
- *Rest of District* – in the remainder of the District outside of the three urban areas above affordable housing to be sought on sites of 5 dwellings (gross) or more or a minimum site area of 0.16ha.

Figure 6.1 illustrates these different areas on a map of the District

**Figure 5.1 - Map showing areas where different affordable housing thresholds apply**



## How Much Affordable Housing will be sought?

- 5.3 Core Strategy Policy CS13 sets out the proportions of affordable housing that will be sought on sites. This can be summarised as:
- On greenfield sites and land last used for business (i.e. “B” use classes) or a similar sui generis employment-generating use, the Council will aim to achieve at least 40% of the total bedspaces.
  - On other sites, the Council will aim to achieve at least 30% of the total bedspaces.
- 5.4 These are subject to site and market conditions. Different proportions may be specified in subsequent local plan documents.
- 5.5 There may be instances where a site consists of a mix of land uses, some of which may result in a 40% affordable housing proportion, some a 30% proportion. In these circumstances the affordable housing proportion will be derived on a pro rata basis in relation to the proportion of different land uses on the site (e.g. if 50% of the site area is Greenfield, and 50% in an existing residential use, the affordable housing requirement would be 35%). In cases where there is vertical mixed use on all or part of a site, the assessment for that part of the site would relate to the relative proportion of the floor area of the buildings, not the site area.
- 5.6 In June 2010 the Government revised the definition of previously developed land to exclude private residential gardens. This revision did not indicate that private residential gardens should be re-defined as greenfield land, only that it should not be considered to be previously developed land. Having regard to this revision and the potential viability implications, for the purposes of this guidance and the application of Core Strategy Policy CS13, private residential gardens and hence schemes for the intensification of residential development should provide at least 30% of bedspaces as affordable housing, not at least 40%.

## What is a “Bedspace”?

- 5.7 For the purposes of affordable housing policy, ‘bedspaces’ are defined as in Box 6.2 below.

### **Box 5.2: Definition of Bedspaces**

1. All the rooms in a dwelling are bedrooms EXCEPT:
  - (a) Kitchens
  - (b) Bathrooms
  - (c) WCs
  - (d) Utility Rooms

- (e) Corridors, vestibules and stairwells
  - (f) Integral garages
  - (g) One room designed to be used as a living room, dining room, study, playroom, conservatory, or for some purpose other than sleeping accommodation, unless the dwelling is studio accommodation where the living room doubles as a bedroom and all other rooms in the dwelling would otherwise be excluded from the definition of 'bedroom', the room shall be counted as a bedroom
  - (h) Up to 2 other dayrooms (but no more than 2) which are designed to be used as a living room, dining room, study, playroom, conservatory, or for some purpose other than sleeping accommodation, provided that the number of dayrooms allowed under this clause is less than the number of bedrooms that remain.
  - (i) For the purposes of calculating the floor area in roof spaces, areas with ceilings less than 2 metres high shall be excluded.
2. Each bedroom in a dwelling is considered to equate to two bedspaces, unless the bedroom is less than 8.36 sq m gross (including any fitted furniture or storage space), in which case it contains only one bedspace.
  3. Rooms within market housing units and affordable housing units shall be assessed on a like-for-like basis

### **What Tenure Mix is being sought?**

- 5.8 In April 2011 the Government introduced a new affordable housing product called "Affordable Rent". This is to be offered by Registered Providers to new tenants at a rent of up to 80% of market rents. Tenancies have to be for a minimum period of 2 years, but providers have the flexibility to offer longer tenancies, including lifetime tenancies. It will be allocated in the same way that social rented housing is allocated at the moment. The Government anticipate that Affordable Rent will form the principal element of the supply of new affordable housing. The guidance below takes account of this new product.
- 5.9 To meet the identified need and to achieve a better mix of housing on sites, the following broad targets for the type of affordable housing to be provided apply:
- Two-thirds (66%) of affordable housing provided should be Affordable Rent or Social Rent, or a combination of the two;
  - One third (34%) of affordable housing provided should be for certain intermediate affordable housing products



**Table 5.3 Summary of what Affordable Housing Tenure is being sought**

	<b>At least two thirds Affordable and/or Social Rented</b>	<b>One third certain intermediate products</b>
<b>Appropriate</b>	<ul style="list-style-type: none"> <li>• Affordable Rented housing</li> <li>• Social Rented housing</li> <li>• A mix of Affordable Rented and Social Rented</li> </ul>	<ul style="list-style-type: none"> <li>• Shared equity</li> <li>• Shared ownership</li> <li>• Potential for an element of Intermediate Rented if the two thirds rented consists of Social Rented not Affordable Rented, or where the Affordable Rents are significantly below 80% of market rents<sup>1</sup></li> </ul>
<b>Not Appropriate</b>	All other tenure types	<ul style="list-style-type: none"> <li>• Intermediate rented – where the two thirds rented consists of Affordable Rented (at or close to 80% of market rents)</li> <li>• Discounted Sale – unless it can be demonstrated that it meets the needs of eligible households and the home (and the discount) can be retained for future eligible households</li> <li>• Low cost market housing</li> </ul>

5.10 The provision of Intermediate Rented accommodation when Affordable Rented is being provided as the “two thirds rented” element of the affordable housing may be acceptable. This is because intermediate rents and affordable rents are potentially very similar “products”, particularly from an “affordability” perspective and hence could serve similar client groups. It is also desirable for there to be element of home ownership within the affordable housing provided.

5.11 Low cost market housing is not regarded as affordable housing either in local or national policy. Its provision as part of an affordable housing scheme is not therefore considered appropriate.

5.12 The mix of tenure for the affordable element of a scheme is a matter that should be discussed with the Council’s Homes and Housing Service at an early stage, as needs may change over time.

<sup>1</sup> Where the rented element consists of a mix of Social Rented and Affordable Rented the appropriateness of an element of Intermediate Rented will need to be assessed in the light of the degree of Affordable Rented being proposed. Similarly where the Affordable Rented proposed is significantly below 80% of market rents there may be some scope for intermediate rents (at say 80% of market rents) as this may help to meet a different need/assist a different client group.

- 5.13 Given the guidance and legislative changes are still emerging at this point in time, this guidance is subject to review due to the need to take account of any further changes at the national level.

### What Dwelling Size Mix is being sought?

- 5.14 The Council expects that, wherever possible, a range of dwelling sizes and types will be provided, with percentages of the affordable housing total in accordance with the Table 5.4. These percentages take account of the size requirements of those in priority need as expressed on the Council's Housing Register and also the size characteristics of the supply of re-lets of properties.

**Table 5.4 Dwelling Size Mix for Affordable Housing Provision**

Dwelling Type / Size by No of Bedrooms & Persons	Percentage of Affordable or Social Rented Homes (or Bedspaces) for this Dwelling Type	Percentage of Shared Ownership/Equity Homes (or Bedspaces) for this Dwelling Type
1 bed/ 2 person flat	20	35
2 bed/ 4 person flat	15	35
2 bed/ 4 person house	15	15
3 bed/ 5 or 6 person house	35	15
4 or more bed / 6-8 person house	15	0

- 5.15 Where a range of unit sizes is proposed within a development scheme, the Council will generally expect the larger homes to be the ones mainly provided for Affordable and/or Social Rent. Proposals for rural exceptions housing schemes are to be treated individually based on the findings of local housing needs surveys.
- 5.16 The dwelling size mix for the affordable element of a scheme is a matter that should be discussed with the Council's Homes and Housing Service at an early stage, as needs may change over time.

### Providing for the Housing Needs of Different Groups

- 5.17 The guidance on housing tenure and dwelling size mix will help to ensure that the housing needs of a range of different households, in terms of size and income can help to be met. There are however certain other specific groups who have specific housing need, notably those requiring Supported Housing.
- 5.18 On appropriate sites the Council may seek an element of the affordable housing to be of a form that is both affordable and meets the specific needs of one or both of these groups.

## **Securing Affordable Housing - Involving a Registered Provider**

- 5.19 We strongly encourage the involvement by a developer of a Registered Provider<sup>2</sup> as the most effective way of satisfying the requirements of our policies and developers are advised to contact the Council's Homes and Housing Service to discuss possible Registered Provider partners. We will normally look to secure affordable housing and control its future occupation by means of a Section 106 agreement to ensure that all dwellings remain permanently, solely and exclusively available to those in affordable housing need. Any application which does not propose to secure the affordable housing provision through the involvement of a Registered Provider will not be granted permission unless a planning obligation is entered into regarding, inter alia, occupancy and affordability criteria.
- 5.20 The Council does not have preferred Registered Providers, but has established links with several, based on experience and performance in development and management. Any Registered Provider considering developing in the Wycombe District should contact the Council's Homes and Housing Service before making offers or giving any commitment to a scheme.

## **Financial considerations**

- 5.21 In February 2011 the Homes and Communities Agency published the "2011-15 Affordable Homes Programme – Framework" document which sets out the Government's approach to delivering affordable housing over the next 4 years, including the funding regime. In relation to affordable housing delivered through Section 106 agreements, the Framework document indicates that the expectation is that this can be delivered without grant, both for affordable home ownership products (e.g. shared ownership/shared equity) and for Affordable Rent<sup>3</sup>.

In relation to Affordable Rent it goes on to state:

*"...our assumption is that the price paid will be no more than the capitalised value of the net rental income stream of the homes."*

For affordable home ownership it states that:

*"...we will expect the price paid to include reasonable assumptions about the likely value of homes and the initial average share to be offered (which we expect to allow a range of shares to be sold to meet a range of incomes of potential purchasers). The price paid should also be based on assumptions about the rent to be charged on the unsold equity in the home."*

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<sup>2</sup> A body which is registered as a provider of social housing (under Section 111 of the Housing and Regeneration Act 2008) with the Tenant Services Authority

<sup>3</sup> See paragraphs 5.14 – 5.19 of the Framework document, pages 28-29

- 5.22 In addition the Framework document indicates that where HCA funding is requested on Section 106 sites they would expect, as part of the appraisal, to see evidence that this will result in provision of additional affordable housing which would not otherwise be developed.
- 5.23 The Council will expect developers and Registered Providers to adhere to the Framework document guidance on these issues as they bring forward schemes in Wycombe District.
- 5.24 Where there are issues regarding the financial viability of meeting the requirements of Policy CS13 and this guidance, developers will be expected to follow the guidance on viability set down in chapter 4 of this guidance. The basis of any assessment will be that there is no grant available. If grant is secured for affordable housing, the Council will expect to see added value arising from the grant, normally in the form of additional affordable housing units over and above the number that would have been secured if no grant was provided.

### **Affordability**

- 5.25 It is essential that the units secured are affordable to those in need. In relation to Affordable Rented accommodation, the rents can be set at up to 80% of market rents. However the Council will want to be assured that the rent levels proposed can meet the needs of those in greater housing need, albeit with assistance from Housing Benefit for those who are eligible.
- 5.26 In relation to affordable home ownership a range of initial equity shares should be provided to help meet a range of housing needs.

### **Timing**

- 5.27 The timing of affordable housing provision will be controlled through the Section 106 Agreement. The Council expects the early delivery of affordable housing on a site. In particular the developers will be expected to:
- Not commence the development until the Affordable Housing Scheme has been submitted to and approved in writing by the Local Planning Authority
  - Transfer the affordable housing land to a Social Housing Body prior to occupation of any of the units comprised in the development or enter into an agreement to transfer the affordable housing land to the Social Housing Body (on terms as set out in the agreement)

- Not occupy more than 25% of the market units comprised in the development until the affordable housing units have been completed
- 5.28 Where there are issues of viability in relation to the development, the Council may be more flexible regarding the timing of the transfer of the affordable housing units or land and their subsequent occupation.
- 5.29 Agreements for developments that are built in phases will incorporate provisions for phased completion of the affordable housing.

### **Design Considerations**

- 5.30 The affordable housing element should be well integrated with the development as a whole; this may involve the distribution of small groups of affordable housing across a site, rather than it all being concentrated in one location. Pepperpotting may be required where practicable. The marginalisation of the affordable housing from the remainder of the development should be avoided.
- 5.31 To ensure the creation of mixed and integrated communities the affordable housing should be of equivalent quality to the market housing on the site and not be visually distinguishable from the market housing in terms of materials, details, levels of amenity space, parking provision and privacy.
- 5.32 We expect affordable housing schemes to meet the Homes and Communities Agency Design and Quality Standards<sup>4</sup>.

### **Off-site Provision and Commuted Payments**

- 5.33 The Council will expect affordable housing to be provided on site. This assists in providing a better mix of housing on sites in line with national and local policies. However, we recognise that for practical reasons there may occasionally be exceptional local site specific circumstances for provision to be made off-site on an alternative site made available by the developer. This could be because:
- Physical or other constraints or circumstances which would mean that on-site provision is not practicable.
  - Where affordable housing may not be required on-site in the form proposed.

### **Off-Site Provision**

- 5.34 Any proposals for off site provision must still ensure that a mix of dwellings is achieved on the sites concerned and the developer must

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<sup>4</sup> Currently April 2007 – available from [www.homesandcommunities.co.uk](http://www.homesandcommunities.co.uk)

demonstrate that there are strong qualitative or practical reasons for why the affordable housing cannot be incorporated on the original site. A financial contribution in lieu of provision of affordable housing will only be accepted if the developer is able to demonstrate that there is no scope for on- or off-site provision. It should be noted that the Council does not consider the marketability of the private housing as a factor that would result in affordable housing being provided off-site.

- 5.34 Where the Council agrees that affordable housing is able to be provided on an alternative site provided by the developer, provision should be in a location considered suitable by the District Council. It should result in provision of no less than the number of bedspaces that would have been required on site.

#### Commuted Sums (Financial Contribution)

- 5.35 Where the Council agrees to a financial contribution in lieu of on or off site provision, the Council will expect the contribution to be of broadly equivalent value to the provision that would have been provided on site. This means the financial contribution should be broadly equivalent to the level of developer subsidy that would have been necessary to ensure that the affordable housing policy requirements were met on site. The calculation of this should reflect the approach set out in the Homes and Communities Agency Framework document referred to in the Financial Considerations section of this guidance set out above. As such, this should be calculated on the basis of the following principles:

- The number of affordable bedspaces required on site, split two thirds Social or Affordable Rented, one third Shared Ownership/Shared Equity, and the resulting number of properties required to meet the affordable bedspaces requirement.
- For the Social/Affordable Rented element that would have been provided on site, the contribution should be based on the full market value of the required number of social/affordable rented homes if the homes were provided on the site, less the capitalised value of the net rental stream from the homes.
- For the Shared Ownership/Shared Equity element, the contribution should be the full market value of the required number of homes if they were provided on site less the value of the equity share that would have been offered to the occupier, less the capitalised value of the net rental income from any rent charged on the unsold equity.

- 5.36 The capitalised rental income should be calculated net of any service charges, management charges and voids.

- 5.37 The Council will expect the developer to set out in detail their calculations when assessing the level of a financial contribution. This will require independent review by a professional valuer, normally the District Valuation Service, at the developer's expense.
- 5.38 Any commuted sums will normally be required prior to the occupation of the first dwelling on the site. Where there are issues relating to the viability of the development, the timing of the payment of the commuted sum may be subject to further negotiation.
- 5.39 The Council will utilise the monies received from such commuted sums for any purposes it considers appropriate for the provision of affordable housing. This will include working with Registered Providers to:
- Identify suitable alternative land or property, ideally with planning permission or with the likelihood of receiving planning permission;
  - Prepare and submit schemes for approval, using the funding provided by such financial contributions, either singly or collectively;
  - Agree a timetable for the purchase of alternative sites or properties;
  - Utilise the financial contributions on sites with existing planning permission in order to either increase the amount of affordable housing or to increase the proportion of homes for Affordable or Social Rented accommodation.
- 5.40 The pooling restrictions on planning obligations under CIL Regulation 123 do not apply to affordable housing financial contributions as there is no pooling restrictions on infrastructure that cannot be funded through CIL.

*Rural Exceptions Affordable Housing:*

- 5.41 The Council's approach to Rural Exceptions Affordable Housing is set out in the adopted Local Plan as saved in 2007. This contains details of the policy for rural exception schemes, aimed at providing affordable houses to meet local needs in settlements with a population below 3,000 (see Policy H14). Reference is also included in paragraph 4.73 of the Core Strategy. This policy will be reviewed as part of the production of the new Wycombe District Plan during 2013 and 2014.

## B - Open Space

### Policy Context

- 6.1 Policy CS17 of the adopted Core Strategy states that the Council will conserve and improve the environmental assets of the District by requiring the protection of open spaces and action to address deficiency in open space. Policy CS19 requires that appropriate provision is made for open space, addressing open space deficiency in terms of quality, quantity and accessibility. The themes of the Core Strategy include improving and protecting sports and open space provision and achieving 'greening' of urban areas. All new developments have to provide appropriate levels of useable open space to meet the needs of their occupants (Policy CS19).
- 6.2 The Council adopted the Wycombe Open Space Framework (OSF) in December 2010, which sets out policy objectives, the Council's approach to open space planning, current levels of open space provision by type across the District, local standards for providing open space in new developments, and action plans for addressing open space deficiencies in terms of quantity, quality or accessibility. The Open Spaces Framework demonstrates deficiencies across the District in open space provision.

### Meeting open space standards

- 6.3 Through the Open Spaces Framework and the emerging Delivery and Site Allocations documents the Council has adopted local open space standards for residential and commercial developments. The separate elements of the standards have been grouped by strategic and local open space as outlined below:

**Table 6.1 Wycombe District Council Local Open Space Standards**

	Standard (ha/1000)	Approach
<b>Strategic</b>	<b>3.30</b>	<p>Some types of open space are realistically best provided at a strategic level as they a) require a large space and/or b) serve larger catchments. These include:</p> <ul style="list-style-type: none"> <li>▪ Public outdoor sport (1.2ha/ 1000)</li> <li>▪ Park and semi-natural greenspaces (1.67ha/ 1000)</li> <li>▪ Allotments (0.23ha/ 1000)</li> <li>▪ Strategic play comprising NEAPs (Neighbourhood Equipped Areas of Play) and/or MUGAs (Multi-Use Games Areas) (0.2ha/ 1000)</li> </ul> <p>Generally an off-site contribution with the exception of some strategic development sites, which will have to provide these categories on-site (see site-specific policies). Strategic contributions will typically have to be spent within the local community area where they occur.</p>
<b>Local</b>	<b>1.15</b>	<p>Some open space facilities such as play are important to be provided locally. These include:</p> <ul style="list-style-type: none"> <li>▪ Local play comprising LEAPs (Local Equipped Area of Play) and LAPs (Local Area of Play): 0.6 ha/ 1000</li> <li>▪ Public informal amenity space (0.55ha)</li> </ul> <p>Generally an on-site provision above certain development threshold (40 dwellings or 5,000sqm) or if the development site is in an area where no other meaningful spaces exist. Could be an off-site contribution to a nearby site where this is more appropriate.</p>
<b>TOTAL</b>	<b>4.45</b>	



- 6.4 As a general rule, developments of less than 40 units (gross) or 5,000sqm (gross) are not required to provide public open space on site, but will need to provide both private and communal open space with appropriate landscaping to ensure the creation of high quality developments. Incidental open space and landscaping will be secured as part of development design or through planning conditions and will not be considered as formal open space and will therefore not accepted as a payment in kind.
- 6.5 With the introduction of CIL the majority of strategic open space improvements will be delivered using accumulated CIL funds. Open space projects to be undertaken through CIL will be outlined in the CIL Infrastructure (R123) list and projects will be delivered in line with programmes put forward by service providers on an annual basis. When considering how to address open space deficiencies in quantity, quality and accessibility in different parts of the District, the Council will be guided by the OSF, in particular the settlement analysis, the open space principles and the action plan. Delivery against the standards will be closely monitored and the OSF and the Infrastructure Delivery Plan will be updated regularly.
- 6.6 As set out in the local standards it is expected that developments of 40 dwellings and above or 5,000 sqm of commercial floorspace should provide local open space onsite. Such local open space provision that is required to make a development acceptable in policy terms will be secured through a condition or a s106 agreement. As this provision is required to meet the on-site needs of the development CIL funds will not be used to deliver the same piece of infrastructure.
- 6.7 Major sites are one of the main opportunities to increase the quantity of open space and will be required to provide open space on site. On-site playing fields may be sought on very large sites in line with the standards and the developer will be required to lay out the pitches and provide changing rooms, parking and all appropriate support infrastructure.

**Table 6.2 How Open Space will be delivered**

<b>Development Design/Planning Condition</b>	<b>Community Infrastructure Levy</b>	<b>S106 Planning Obligations</b>
Incidental open space/landscaping/toddler play areas	District wide strategic open space.	Open space provision necessary and directly related to development

## **Maintenance**

- 6.8 The District Council or relevant Parish or Town Council may be prepared to adopt and maintain properly laid out public open space and play areas, subject to a payment by the developer of a commuted sum. This payment should cover fifteen years' costs of maintenance. On payment of the commuted sum, and when all liabilities for construction, equipment and maintenance have been met to relevant body's satisfaction, the open space will be transferred.
- 6.9 The commuted sum figure is calculated using current contract prices and maintenance costs for maintaining open space. This figure is multiplied to establish a fifteen-year maintenance figure, which allows for inflation of contract prices.
- 6.10 Should a relevant Parish or Town Council or the District Council not be in a position to agree to the adoption, or if the developers do not intend to offer these areas for adoption, the Council will need to be satisfied that alternative arrangements have been made for their long-term maintenance and that they will be kept as public open space in perpetuity. This may be through some form of private management arrangements, or some other form of partnership such as a local Trust.

## C - Transport

- 7.1 The WDF Core Strategy stresses the importance of mitigating the impacts of new development on the transport network. Policy CS16 states that development proposals shall be consistent with and contribute to the implementation of the agreed transport strategy set out in the Buckinghamshire Local Transport Plan (LTP). This has themes and objectives that include improving safety, enhancing accessibility especially for disadvantaged people, protecting and improving the environment, and improving health and wellbeing. The LTP includes action plans for different parts of the district, and specific proposals which are also set out in the Core Strategy.
- 7.2 Policy 20 of the Core Strategy sets out particular transport requirements which are expected to be met in development proposals, including securing the preparation and implementation of measures that minimise and manage parking and travel demand, including travel plans.
- 7.3 The Wycombe District Local Plan includes a number of policies and proposals for improving transport infrastructure, including the need to improve cycle and pedestrian movement and access to public transport.
- 7.4 New developments may increase the demands on a transport network that at certain times already operates above capacity. Traffic problems include congestion, traffic intrusion (e.g. additional traffic on quiet lanes), road safety, air quality and the impact of additional traffic on other, especially vulnerable, highway users. Such development also increases the need to improve transport alternatives such as walking, cycling and public transport; this requires further investment so as to make these modes more attractive.
- 7.5 Where justified in line with the statutory tests (R122), specific transport related infrastructure, secured through planning obligations, are likely to be particularly relevant to developments that are larger in scale or are associated with intensive patterns of traffic and parking demand. Examples may include relevant junction improvements, a new bus service, or walking and cycling links between development and local destinations, particularly where these form part of a wider network. These improvements will be geographically or functionally linked to the development by providing for the traffic arising from it, or by creating localised capacity for new trips which enables the network to cope better with traffic arising from the new development.
- 7.6 Agreement with the highway authority on the timescales for providing such infrastructure as required by the s106 agreement will also be sought.

- 7.7 Policy CS20 of the adopted Core Strategy states that development proposals will be expected to secure the preparation and implementation of measures that minimise and manage parking and travel demand, including as appropriate travel plans, parking management plans and car clubs. Saved Policy T16 of the Local Plan states that the Council will require the development and implementation of agreed green travel plans as an integral part of planning permission for all new major non-residential development, and in other situations where existing or future congestion problems of a serious nature could be mitigated through such an approach.
- 7.8 Where a travel plan is required as part of a development proposal it is expected this will be secured through a s106 Agreement between the relevant parties and Buckinghamshire County Council. The County Council will require an annual fee for monitoring the travel plan and penalties will apply where the parties subject to the travel plan fail to meet their targets and objectives.

## D – Education

- 8.1 Education infrastructure is an integral component of balanced sustainable communities. CIL funds may be used to address the cumulative impacts of developments on school places. The Local Education Authority (LEA) (or other appropriate education providers) may as part of infrastructure programming, seek CIL funds to expand school places. These school improvement projects will be named on the CIL Infrastructure (R123) list.
- 8.2 Evidence in relation to school capacity and provision is kept under review by the LEA with figures updated annually. A number of primary and secondary schools in the district are at or near capacity and thus new developments in their catchment areas may exacerbate these shortfalls: See link for further information - [http://www.buckscc.gov.uk/bcc/schools/education\\_planning\\_obligations.page](http://www.buckscc.gov.uk/bcc/schools/education_planning_obligations.page). Planning obligations may therefore be sought from developments within these catchment areas towards specific school improvement projects within the relevant planning area. BCC will make an assessment of the need for education contributions on large sites of at least 100+ dwellings where it may be necessary to provide either new on-site provision or expansion of an existing school in the area to meet the direct needs of the development.
- 8.3 The LEA will be mindful of the constraints on pooling planning obligations of no more than five developments towards one improvement project, and that the projects must not be included on the CIL Infrastructure (R123) list. The timeframe within which school places will be provided should be clear at the time of making any s106 agreement. This will support the view that such provision is directly necessary to support the new developments.
- 8.4 The calculation of any financial contributions will relate to the number of children likely to be accommodated by the development multiplied by the cost of providing school places. The Local Education Authority provides this information and will lead negotiations.

## **E – Community Facilities**

- 9.1 Community facilities are vital to the vibrancy and success of local communities. They can come in many forms, including meeting places, youth centres, places of worship, local theatres and cultural facilities and local heritage facilities. CIL funds will generally be used to address deficiencies of community facilities across the district. Services providers including WDC Community Services, Parish or Town Councils, or locally accountable community groups may as part of infrastructure programming seek funds to provide new or improve existing community facilities where they support the development of the area.
- 9.2 On larger scale sites, where the development itself creates the need for new community facilities, it may be necessary to provide community facility buildings directly on site or suitable off-site provision to ensure the development is acceptable in planning terms. This provision will be secured through a s106 agreement. The current standard of provision is 0.14sqm per person.
- 9.3 As set out in the Community Facilities SPD (adopted 2011) where a development results in a loss of a community facility in an area of deficiency (or its loss would subsequently create a deficit), and a replacement facility cannot be accommodated on site, offsite provision (physical provision or a financial contribution towards an off-site facility) may be considered appropriate.

## **Appendix 1: Policies to which the SPD is supplementary**

### **Extract from Wycombe Development Framework Core Strategy, Policies CS13 and CS21**

#### **Policy CS13 Affordable Housing and Housing Mix**

1. New housing developments will be expected to provide for a mix of dwelling size, type and tenure that meet the identified housing needs of the community.

2a. The Council will seek to secure affordable housing on sites of 15 or more dwellings (or of minimum size 0.5ha) at High Wycombe Urban Area, Marlow and Princes Risborough, or (in the rest of the District) of 5 or more dwellings (or of minimum size 0.16ha).

Subject in every case to the physical circumstances of the site and prevailing and anticipated market conditions, the Council will seek to ensure that at least 30% of the total bedspaces within a development are within affordable dwellings, unless the site is greenfield land or was last used for business use or a similar sui generis employment-generating use, in which case the Council will aim to achieve at least 40% of total bedspaces within affordable dwellings.

2b. Where sites are allocated in a Site Allocations Development Plan Document, that document may specify a different housing target, having regard to the site specific circumstances referred to above.

2c. Where a site proposed for housing development falls below the above size thresholds but is demonstrably part of a potentially larger developable area above those thresholds, the Council will seek to achieve affordable housing on a pro rata basis.

3. Further detail on the operation of this policy and the nature of the needs to be met including tenure requirements, will be set out in the Supplementary Planning Document on Developer Contributions.

#### **Policy CS 21 Contribution of Development to Community Infrastructure**

1. Where implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency in their provision, the developer will be expected to make such provision.

2. Where the developer is individually or directly unable to make such provision, the District Council may require the developer to make a proportionate contribution to the overall cost which shall in all cases be wholly devoted to such provision.

## Wycombe District Local Plan (saved)

<b>Policy</b>	<b>Subject</b>	<b>Requirement</b>
G26	Community Safety	Developments should be designed for safer communities
H19	Open space in residential developments	Residential development should include amenity space
E3-4	Safeguarding employment land	Employment areas and sites to be retained for employment use
HW1-8 (where saved and extended)	High Wycombe proposals	Identifies requirements for specific sites and areas
T4	Provision for walking	Links with existing or proposed rights of way to be provided
T5	Provision for cycling	Creation of cycle network supported
T7-8	Public Transport	Major development may require network improvements
T13	Traffic management	Proposals to provide on- and off-site traffic control where appropriate
T16	Travel Plans	Required for all major non-residential development
L3	Open space	Alternative provision to be made where green space is lost
L5	River corridors	Opportunities should be taken to improve river corridors
RT19	Little Marlow Gravel Pits	Opportunities should be taken to create Country Park



## Adopted WDF Core Strategy

<b>Policy</b>	<b>Subject</b>	<b>Requirement</b>
CS4.1-4.3	High Wycombe	Identifies requirements for specific sites and areas
CS5	Marlow	Identifies areas for environmental enhancement and seeks creation of a country park on the Little Marlow Gravel Pits area
CS6	Princes Risborough	Identifies areas for environmental enhancement and seeks to improve built sports facilities and open space provision
CS11	Land for Business	Intensification and regeneration of employment-generating activities encouraged in order to meet the needs of the local economy. This is to be achieved through negotiations with developers and the use of appropriate developer contributions.
CS15	Community Facilities	Existing facilities to be safeguarded. New developments to contribute towards the provision of new community facilities, particularly where there are known deficiencies.
CS16	Transport	Development proposals to contribute to the implementation of the agreed transport strategy set out in the Buckinghamshire Local Transport Plan (LTP) 2006-11. Developer contributions to be secured for the necessary transport infrastructure and service improvements and to encourage modal shift.
CS17	Environmental Assets	Development proposals to protect open spaces, address open space deficiency, and implement objectives with regard to green infrastructure and public realm identified in relevant strategies.
CS19	Creation of New Places	Development to achieve attractive and safe public and private environments, make appropriate provision for open space and address open space deficiency in terms of quality, quantity and accessibility.
CS20	Transport and Infrastructure	All developments to include particular transport requirements

## Appendix 2

### Affordable Housing Definitions

#### Revised definition of affordable housing in draft Planning Policy Statement 3 Update (Feb 2011) Annex B Definitions - Affordable Housing

Affordable housing includes social rented, *affordable rented* and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

#### **Social rented housing** is:

Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

#### **Affordable rented housing** is:

Rented housing provided by registered providers of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime<sup>3</sup>, but is subject to other rent controls that require it to be offered to eligible households at a rent of up to 80 per cent of local market rents<sup>4</sup>.<sup>5</sup>

#### **Intermediate affordable housing** is:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.

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3. The national rent regime is the regime under which the social rents of tenants of social housing are set, with particular reference to the Guide to Social Rent Reforms (March 2001) and the Rent Influencing Regime Guidance (October 2001).

4 There is further guidance on Affordable Rent in the Homes and Communities Agency Affordable Homes Rent Framework document.

The definitions replace those given in previous editions of Planning Policy Statement 3 (2006 and 2010) and related guidance.

The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing.

Whereas, those homes that do not meet the definition, for example, 'low cost market' housing, may not be considered, for planning purposes, as affordable housing.

The terms 'affordability' and 'affordable housing' have different meanings. 'Affordability' is a measure of whether housing may be afforded by certain groups of households.

'Affordable housing' refers to particular products outside the main housing market.

### **Other Definitions (as set out in “Delivering Affordable Housing”)**

#### **Intermediate Affordable Housing Definitions**

The following are included within the Government's "Delivering Affordable Housing" document (Nov 2006) as Intermediate Affordable Housing. The Government's definition as set out in that document is shown in normal text; my comments are set out below in brackets and as *italics*):

**Intermediate rented** homes are provided at rent levels above those of social rented but below private rented. The Government offers these to some key workers who do not wish to buy.

**Discounted sale** homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate.

**Shared equity** is where more than one party has an interest in the value of the home e.g. an equity loan arrangement or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

**Shared ownership** is a form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy additional shares ('staircasing'), and this payment should be 'recycled' for more affordable housing. In most cases, a purchaser may buy the final share ('staircase out') and own the whole home, though this may be restricted in some rural areas.

#### **Other Definitions (not set out in Government publications)**

**Low Cost Market Housing** – this is market housing sold for prices at the lower end of the private market spectrum, and for which no discount or subsidy is provided by the developer, registered provider or any other body.