



Planning Obligations Supplementary Planning Document (SPD)

Adopted: March 2020

Table of Contents

SUMMARY	5
Affordable Housing	7
INTRODUCTION	9
Purpose of the SPD.....	9
Status of the SPD.....	9
Structure of the SPD	10
SECTION ONE	12
National policy context	12
Wycombe Policy Context	13
When are requirements identified?.....	13
Mechanism to be used to secure infrastructure.....	14
Planning Obligations.....	14
Community Infrastructure Levy.....	17
Section 278 Agreements - Highway Improvements.....	17
S106 Agreements legal and monitoring processes	18
‘Triggers’ for planning obligations	19
Viability	20
The Council’s approach to viability	20
Viability Appraisals	21
SECTION 2: PLANNING OBLIGATION GUIDANCE.....	25
Affordable Housing.....	25
What is Affordable Housing?	25
Which developments should provide Affordable Housing?.....	25
How much affordable housing will be sought?	26
Factors that might reduce affordable housing	28
i. Sites that aren’t viable	28
ii. Vacant Building Credit (VBC)	28
iii. Permitted Development office to residential	29
What tenure split is being sought?.....	29
Affordable housing for rent	30
Affordable private rent on build to rent schemes	30
Other forms of affordable housing	31
1. Shared ownership	31
2. Shared Equity.....	31
3. All other forms of intermediate affordable housing	31
Starter Homes	31
Discounted Market Sales Housing.....	32
Phasing of the affordable housing provision.....	33
Design 33	
Where should the affordable housing provision be located?	34
Off-site Provision	34
Commuted Sums (Financial Contribution).....	34
What dwelling size mix is being sought?	35
Providing for the Housing Needs of Different Groups.....	36
Rural Exception Housing	37
Self – Build Plots	39
Open Space	40
Meeting open space standards.....	40
Maintenance	42

Biodiversity Accounting and Green Infrastructure	43
Canopy Cover	43
Air Quality.....	43
Flooding	44
Transport.....	44
Education	46
Community Facilities	47
Appendix 1 – Policy wording	48
Appendix 2 - Glossary	49
Appendix 3 - Key extracts from the NPPF 2019 relating to Planning Obligations and Viability	51

SUMMARY

This Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations from new development in the Wycombe District area, either to ensure infrastructure is put in place to address the impacts of development or to control and enhance certain aspects of the development.

It supplements a number of policies contained in the Wycombe District Local Plan (Adopted August 2019) and the Delivery and Site Allocations Development Plan Document (Adopted July 2013).

Planning obligations must be justified and have regard to the statutory tests in the Community Infrastructure Levy (CIL) Regulations and policy set out in the National Planning Policy Framework (NPPF). The Council considers that with CIL in place only rarely will it be appropriate to seek a planning obligation from developments that are less than ten dwellings/1,000sqm of commercial floor space.

Circumstances that may justify a planning obligation below this level include, for instance, where an obligation is required to secure affordable housing in the area of the District covered by the Chilterns Area of Outstanding Natural Beauty.

This document consists of two sections. Section 1 sets out the different mechanisms to be used in mitigating the impacts of development and securing infrastructure improvements and section 2 provides guidance on the different types of planning obligations that will be sought.

Table S1 below sets out which planning obligations will be negotiated in Wycombe District.

Planning Obligation	Qualifying development	S106
Affordable Housing	10 or more units outside the AONB	✓
	6-9 units in the AONB commuted payment; 10 or more units on site provision.	
Self-build	Any development which includes 100 houses or more is required to include 5% of the proposed dwelling numbers as self-build plots	✓
Public open space	40 dwellings or more (or 5,000 sqm or more commercial floorspace)	✓
Biodiversity Accounting and Green	See separate SPDs – on Biodiversity Accounting, Air Quality and Green Infrastructure and Canopy Cover.	✓

Infrastructure, Air Quality and Canopy Cover ¹		
Transport and highways (including sustainable transport and public transport)	Case by case (s38 and s278)	✓
SUDs	SUDS provision will normally be on-site and may require a maintenance payment	✓
Education	Case by case, normally on sites of 100 or more dwellings.	✓
Community Facilities	Case by case	✓

This section also sets out the Council's approach to using CIL, S106 Planning Obligations, Conditions and S278 Agreements. This is summarised in Table S2 below.

Table S2: How CIL, S106 Planning Obligations, Conditions and S278 Agreements may be used

Mechanism	Details	Use
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 s73a	CIL provides a consistent mechanism for pooling contributions from new developments towards the development of the area Infrastructure payment in kind against value of CIL Liability	District wide infrastructure
Section 278 Agreements	Requires developers to fund alterations to the public highway	Highway improvements

¹ The Canopy Cover and Air Quality SPDs are to be adopted in March 2020 and work on the Biodiversity Accounting SPD is underway, with adoption expected later in 2020.

Affordable Housing

Table S3 below sets out what the Council is seeking in terms of affordable housing provision. It summarises the key elements of affordable housing – the detail is set out in the main affordable housing section below.

Table S3: Summary of the main issues relating to affordable housing provision

Issue	Summary
Which developments should provide affordable housing?	<p>Within the area covered by Wycombe District:</p> <p>Developments of 10 or more dwellings or more than 1,000 sqm of residential floorspace (on-site affordable housing will be required).</p> <p>Within the Chilterns AONB:</p> <p>Developments of between 6 – 9 dwellings and those with fewer than 6 dwellings but which are over 1,000 sqm. of residential floorspace (a commensurate financial contribution will be sought).</p> <p>This applies to serviced apartments and other accommodation (what-ever use class) including extra care housing, where this has the basic characteristics of a dwelling house.²</p> <p>Where developments fall below the above size thresholds but are demonstrably part of a potentially larger development above these thresholds, the Council will require affordable housing on a pro rata basis.</p>
How much affordable housing will be sought?	<p>On greenfield sites and land last used for Class B business use or a similar sui generis employment generating use, at least 48% of the total number of units.</p> <p>On all other sites, at least 35% of the total number of units.</p>
What tenure mix is being sought?	<p>At least 80% of affordable housing provided should be Affordable Rent, Social Rent, or the affordable element of Build to Rent; and the remaining (20%) of affordable housing provided should be for other</p>

² Using the definition of self-containment taken from the Census.

	affordable housing products – mainly shared ownership products. ³
Phasing of the affordable housing provision	Delivery specified by a trigger mechanism in the S106. Where scheme viability is an issue, this can be assessed further and reviewed during the lifetime of the development.
Design	Affordable housing should be: <ul style="list-style-type: none"> • fully integrated with the rest of the development • not visually distinguishable • equivalent quality to the market housing on the site. • on large sites (50 plus), distributed in groups across the site, rather than being located in one particular area.
Where should the affordable housing provision be located?	Affordable housing should normally be provided on site. In circumstances where payments in lieu of provision are acceptable in exceptional circumstances, where it has been clearly demonstrated and can be robustly justified. An on-line calculator will be available on the website to provide details of this provision and what it equates to in terms of a financial payment.
What dwelling size mix is being sought?	The supporting text to Policy DM24 sets out current requirements (see Table 5 for information).

³ Based on the current evidence in the HEDNA 2016.

INTRODUCTION

Purpose of the SPD

1. This Supplementary Planning Document (SPD) sets out the Council's approach to securing planning obligations from new development in the Wycombe District area, either to ensure infrastructure is put in place to address the impacts of development or to control and enhance certain aspects of the development.
2. More specifically, it sets out:
 - The Council's approach to securing planning obligations from new developments;
 - The planning obligations likely to be needed for new developments and signposting readers to where more detailed information can be found; and
 - Further detail on the mechanisms for delivering affordable housing, the mix of dwelling sizes and the tenures expected.
3. These requirements are additional to the Community Infrastructure Levy (CIL) payments towards the broader infrastructure payments of the area. CIL is a charge on most types of new development to fund additional infrastructure to support the development of the area. Further details are available on the Council's website.

Status of the SPD

4. As of 1st April 2020, Wycombe District Council and Wycombe District will no longer exist and will be replaced by Buckinghamshire Council.
 - This SPD will be carried forward and be an extant document in the new Buckinghamshire Council;
 - It will apply to the Wycombe District area of the new authority, as it supplements policies in the Wycombe District Local Plan;
 - Any references to the 'Council' contained in this document, refer to the Buckinghamshire Council from 1st April 2020.
5. The SPD has been prepared in accordance with the National Planning Policy Framework ("NPPF") February 2019 and The Town and Country Planning (Local Planning) (England) Regulations 2012 and CIL Regulations 2010 (as amended) and Planning Practice Guidance (PPG) on Planning Obligations and Viability (September 2019).

6. Consideration of planning proposals will involve the assessment of a number of planning issues and whether a planning obligation is required. The Wycombe District Local Plan (Adopted August 2019) and the Delivery and Site Allocations for Town Centres and Managing Development plan (DSA) (Adopted July 2013) apply. This SPD supplements, in particular, the following policies:

Policy CP7: Delivering the Infrastructure to Support Growth

Policy CP10: Green Infrastructure and the Natural Environment

Policy DM2: Transport requirements of development sites (DSA)

Policy DM16: Open space in new developments (DSA)

Policy DM19: Infrastructure and delivery (DSA)

Policy DM24: Affordable housing

Policy DM25: Rural exception housing

Policy DM29: Community Facilities

Policy DM34: Delivering Green Infrastructure and Biodiversity in Development

Policy DM41: Optional Technical Standards for Building Regulation Approval

Various site specific policies which specifically set out infrastructure requirements.

7. This SPD will be a material consideration for all planning applications and will form the basis for considering planning obligations to deliver general planning improvements, including the infrastructure necessary for a development to proceed in an acceptable manner.
8. The Planning Obligations SPD (April 2013) is superseded by this SPD.

Structure of the SPD

9. The SPD is divided into two sections:

Section one sets out the Council's overall approach to planning obligations. It shows how the SPD complies with national and local policy, and deals with procedural matters relating to the drafting and enforcement of section 106 agreements.

Section two sets out the types of obligation that the Council may seek to secure from development. It identifies the relevant policy basis, types

of development to which the obligation will apply, thresholds over which the obligation will be sought and it sets out the basis on which the level of obligation will be calculated.

SECTION ONE

10. This section sets out the national and local context for planning obligations. It provides guidance on the different mechanisms that can be used to mitigate the impacts of development and secure infrastructure improvements and how this operates with regards to planning applications in the area covered by Wycombe District and the types of planning applications that are likely to be required in the District and the thresholds for them. It also sets out what the Council's approach to Viability Appraisals.

National policy context

11. The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Section 106 allows anyone interested in land in the area of the planning authority to enter into planning obligations. Section 106 (1) allows a planning obligation to:
- Restrict development or use of the land in any specified way;
 - Require specified operations or activities to be carried on, in or over the land.
 - Require the land to be used in any specified date or dates periodically;
 - Require a sum or sums of money to be paid to the local planning authority on a specified date or dates.
12. Further legislation is set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)⁴. Regulation 122(2) makes it unlawful for an s106 agreement to be taken into account when determining a planning application for a development, if the obligation does not meet all of the following three tests:
- 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.
13. In September 2019, amendments were made to the CIL Regulations. These included the abolition of Regulation 123⁵, as well as lifting the pooling restriction on the use of s106 contributions.

⁴ <http://www.legislation.gov.uk/ukxi/2010/948/regulation/122/made>

⁵ CIL regulation 123 required that the Council publish a list of infrastructure projects that CIL funding may be spent on. This list of infrastructure projects was known as a CIL regulation 123 list or R123 list, and was based on the needs identified by the Infrastructure Delivery Plan.

14. The removal of the pooling restriction provides greater scope by allowing obligations from more than five developments to be used for each infrastructure project.
15. Government policy on planning obligations is set out in Paragraphs 34, 54 - 57 of the National Planning Policy Framework (NPPF) (February 2019). A summary of the NPPF 2019 and its key advice on Planning Obligations and Viability Appraisals is set out in Appendix 3 of this SPD.

Wycombe Policy Context

16. A summary of the policy context for planning obligations in Wycombe District is set out below, with further detail relating to specific topic areas being picked up under the appropriate topic areas within Section 2 of this SPD.
17. The Council's policy approach to infrastructure provision and viability is set out in Policy DM19 of the Delivery and Site Allocations Plan. This policy sets out that CIL will be the main mechanism for securing funding for infrastructure. However, where appropriate the Council will continue to use planning obligations to ensure the delivery of infrastructure.
18. The Infrastructure Delivery Plan (IDP) identifies what physical, social and green infrastructure is needed to deliver the spatial strategy and will be used as part of the assessment for planning obligations. It was produced in September 2017 as part of the Council's evidence base for the new Wycombe District Local Plan. It was produced in liaison with internal and external infrastructure providers.
19. The IDP will remain a 'live' document and will be updated from time to time as new and better detail becomes available.

When are requirements identified?

20. There are a number of stages associated with new development proposals during which the Council will identify and assess the need and details of new infrastructure and planning obligations.
21. The NPPF highlights the importance of early engagement and front loading to improve the efficiency and effectiveness of the planning application process. The more issues that can be identified and resolved at pre-application stage, including the need to deliver infrastructure and affordable housing, the greater the benefits.
22. The Council offer an advice service for those who wish to seek early engagement on their planning proposals. Information regarding the

services that we offer and how to go about getting this can be found on [the Council's web site \(external website\)](#).

23. The need for planning obligations may be identified at the initial advice stage but will be confirmed during the planning application stage. It is preferable for a planning application to be accompanied by draft Heads of Terms for a legal agreement.
24. Where a legal agreement is required, the approval of planning permission will be subject to the completion of the legal agreement. If a development is liable for CIL, CIL liability notices will be issued following the grant of planning permission.”

Mechanism to be used to secure infrastructure

Planning Obligations

25. Planning obligations, also known as Section 106 Agreements, are legally binding agreements entered into between a local authority and a developer. They provide the mechanism by which measures are secured to mitigate the impact of development on the local area.
26. 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 the Council 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.
27. A planning obligation will be sought where a development would otherwise be unacceptable and the objections cannot be overcome by condition. They will be negotiated on a site by site basis. Table 1 below sets out the planning obligations which will be collected in Wycombe District.
28. It is considered unlikely that any requirement for planning obligations will arise from developments of less than 10 dwellings or below 1,000sqm of commercial floor space, although particular circumstances may occasionally justify this.
29. Larger scale developments, typically have larger and more concentrated impacts. They may require site specific infrastructure

such as schools, open spaces, community facilities and junction improvements to mitigate the impacts.

Table 1 sets out how planning obligations will be negotiated in Wycombe District.

Planning Obligation	Qualifying development	S106
Affordable Housing	10 or more units across the district area	✓
	6-9 units in the AONB commuted payment;	
Self-build	Any development which includes 100 houses or more is required to include 5% of the proposed dwelling numbers as self-build plots	✓
Public open space	40 dwellings or more (or 5,000 sq m or more commercial floorspace)	✓
Biodiversity Accounting, Air Quality and Green Infrastructure, and Canopy Cover	See separate SPDs – on Biodiversity Accounting, Air Quality and Green Infrastructure and Canopy Cover. ⁶	✓
Transport and highways	Case by case (s38 and s278)	✓
Sustainable transport	Developments exceeding the threshold requiring a Travel Plan ⁷ , Transport Statement or Transport Assessment.	✓
Transport and highways (including sustainable transport and public transport)	Case by case (s38 and s278)	✓
SUDs	SUDS provision will be required on-site and may require a payment for its future maintenance and management over the development's lifetime.	✓
Education	Case by case, normally on sites of 100 or more dwellings.	✓
Community Facilities	Case by case	✓

⁶ The Biodiversity Accounting SPD is expected to be adopted in late 2020.

⁷ As set out on the Buckinghamshire County Council [website \(external website\)](#) (page 10).

30. 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. Development viability will also be taken into account, in appropriate cases, see the Viability section of this SPD.

Community Infrastructure Levy

31. The Community Infrastructure Levy (CIL) is a charge which is levied by local authorities on new development in their area. Wycombe District Council adopted a CIL charging schedule in November 2012. It is an important tool for local authorities to use to help them deliver the infrastructure needed to support development in their area.
32. The Council may also secure CIL 'payments in kind' via section 73a agreements in very exceptional cases where the infrastructure provided helps to realise the Council's wider strategic objectives.
33. There are currently two charging zones within the Wycombe District Area. Further details on each of the charging zones, a summary of the CIL rates currently being applied, exemptions and the most up to date guidance can be found on the [Council's website \(external website\)](#).

Section 278 Agreements - Highway Improvements

34. A Section 278 agreement allows developers to enter into a legal agreement with the 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 \(external website\)](#).
35. Table 2 below summarises the various mechanisms outlined above.

Table 2: How CIL, S106 Planning Obligations, Conditions and S278 Agreements may be used

Mechanism	Details	Use
Planning Obligations	S106 planning obligations can secure particular on-site/localised requirements	Affordable Housing
		To address the direct impacts of development
CIL CIL s73a	CIL provides a consistent mechanism for pooling contributions from new developments towards the development of the area Infrastructure payment in kind against value of CIL Liability	District wide infrastructure
Section 278 Agreements	Allows developers to fund alterations to the public highway	Highway improvements

S106 Agreements legal and monitoring processes

36. S106 Agreements will normally be drafted by the Council's Legal Services team.
37. Applicants will be required to pay the Council's reasonable legal and administrative costs in drafting and completing agreements, and pending completion, this will need to be supported by a solicitor's undertaking or advance deposit of cash. The legal costs are payable on the completion of the legal agreement.
38. Completed s106 agreements and UUs are public documents. Each Agreement or UU has to be entered into before any planning permission is granted.
39. 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 delivery of infrastructure is in accordance with the terms in the agreements.
40. We will require a contribution towards the monitoring and administrative costs of doing the above tasks. These costs will be reviewed and updated on a regular basis and the latest version put on the Council's website.
41. 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

42. The legal agreement requiring planning obligations must for legal reasons bind the site immediately but the actual meeting of an obligation can be deferred to a suitable stage in the site’s development.
43. Payment of financial contributions for off-site works will often be expected on commencement of development but in some cases payment on anniversary of commencement, occupation or staged payment may be acceptable so long as this secures infrastructure when it is needed.
44. Where appropriate, trigger points for the payment of financial contributions will be included in the s106 agreement, as will any time periods by which the contribution is to be spent.
45. Time limits for the expenditure of s106 financial contributions will be included within a planning obligation. The Council will usually seek a 10 year time limit to spend financial contributions, although in some cases a longer time period may be more appropriate. After the agreed time limit if there are any unused contributions these will be returned to the developer with interest.
46. Decisions on the release of funds will usually be made in accordance with the Council’s Standing Orders after appropriate consultation, alongside decisions on the release of CIL funds.
47. Funds secured through s106 agreements will be index-linked, using the BCIS All-In Trade Prices Index, to reflect the inflation of costs associated with providing infrastructure in the time between an agreement being signed and the contribution becoming due for payment.

Viability

The Council's approach to viability

48. Wycombe District Council has an up-to-date Local Plan, having been adopted in August 2019. The policies in the Local Plan have been tested against the Whole Plan Viability Study (May 2017) and found to be sound by the Inspector.
49. This study included the Council's best estimates of the expected contributions for infrastructure, including CIL⁸, considered necessary for the developments to proceed and the levels and type of affordable housing required.
50. In line with revised national planning policy and guidance, it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability appraisal at the planning application stage. It is clear from the PPG that there will be limited circumstances where viability testing at the planning application stage is considered necessary.
51. Examples of circumstances where a Viability Appraisal will be accepted, set out within the PPG, and used as the basis for the Council's approach include:
 - where development is proposed on unallocated sites of a wholly different type to those used in the viability assessment that informed the plan;
 - where further information on infrastructure or site costs is required;
 - where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or
 - where a recession or similar significant economic changes have occurred since the plan was brought into force.
52. Planning applications that are accompanied by a viability appraisal should be based upon and refer back to the viability appraisal that informed the plan. The applicant should provide evidence of what has changed since then, in line with national policy advice, to demonstrate the need for a viability appraisal to be undertaken.
53. In accordance with guidance, set out in the Planning Practice Guidance⁹, the price paid for land is not a relevant justification for failing to accord with relevant policies in the Plan.
54. The weight to be given to a viability appraisal is a matter for the decision maker. The decision maker should have regard to all the

⁸ CIL contributions are index linked and increase annually.

⁹ Viability Para. 009 Reference ID: 10-009-20190509 Revision date: 09 05 2019

circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency and robustness of assumptions behind evidence, submitted as part of the viability assessment.

Viability Appraisals

55. Viability appraisals are sensitive to minor changes in the figures used to calculate viability and also to variations in methodology. Where viability is cited as a barrier to development and is supported by a viability appraisal (if justified in accordance with paragraphs 50-51 above), the Council will assess the Viability Appraisal to ensure that the maximum viable level of contribution to planning obligations are received.
56. When a viability appraisal is submitted, an editable electronic version of the viability model should be made available to the Council, or anybody acting on its behalf, to enable a robust review of the submission. The Council should also be provided with all the assumptions and calculations included in the appraisal. The following, amongst others, will be analysed as part of the review of the viability appraisal:

- **Existing use value plus premium (benchmark land value)**

EUV is the value of the land in its existing use. It is not the price paid for the land and should disregard hope value.

The PPG sets out that, “To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.”

“Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).”

It goes on to state that, “Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency data; public sector estate/property teams’ locally held evidence”.

The premium (or the ‘plus’ in EUV+) is the second component of benchmark land value. The PPG defines it as, “the amount above existing use value (EUV) that goes to the landowner. The premium

should provide a reasonable incentive for a land owner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements.”

- **Alternative use value**

The PPG sets out that, “For the purpose of viability assessment alternative use value (AUV) refers to the value of land for uses other than its existing use. AUV of the land may be informative in establishing benchmark land value. If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan. Where it is assumed that an existing use will be refurbished or redeveloped this will be considered as an AUV when establishing benchmark land value.”

- **Market and sales values**

The values arrived at must take account of real current market values for the type and location of development. The source of this information must be clearly justified.

Viability Appraisals should incorporate relevant analysed sales evidence in justification of the sales value proposed. Sales evidence used must demonstrate true comparability, for example, in terms of new build, location size, aspect and amenity and any adjustments/assumptions made by the valuer in applying this evidence.

- **Comparable evidence;**

Analysis of land transactions has limited use in determining appropriate benchmark land values. Transactions may only be considered as a basis for cross checking values derived by Existing Use Value plus or Alternative Use Value methods. Transactions must be recent, reflect full policy compliance and be based on transactions where planning consent was in place prior to the purchase. A high level of understanding underpinning developer assumptions is also required to provide meaningful analysis. Although consideration of land transactional evidence is a RICS mandatory step, Viability Appraisal’s will not be expected to submit evidence on this basis unless relevant evidence compliant with the conditions outlined above is evidenced.

- **Abnormal costs**

It is important that any site-specific or abnormal costs are disaggregated and supported by robust evidence (including contractor costs). The presence of abnormal costs would normally be expected to influence land value, as is set out in the PPG. The applicant should have been aware of abnormal costs prior to purchasing the site, therefore the presence of abnormal costs (alongside relevant requirements of the development plan) are assumed to have influenced the level of premium above the existing use value a land owner would

expect. Thus, it should not be assumed that abnormal costs will be offset at the expense of compliance with the Development Plan.

Viability Appraisals should also reflect the potential benefit of Land Remediation Relief, or Contaminated Land Tax Relief, which allows businesses to claim relief of 150% of the cost in cleaning up the site, against their Corporation Tax bill.

57. All viability appraisals will be independently assessed by a party of the Council's choosing. The assessment will only be undertaken once the applicant has entered into an agreement to meet the Council's full costs in appointing consultants to undertake the assessment. The submitted financial viability appraisal should accord with the guidance set out in the Planning Practice Guidance.
58. Viability appraisals will remain valid until such time as it is considered by the Council that significant changes have occurred which require an update of the Appraisal to be undertaken. These changes could relate to factors such as a change in land values, a recession or alternatively an economic upturn.
59. Any planning application scheme which fails to deliver a policy compliant scheme because of viability should be subject to a late stage review, based on the actual costs and values generated by the scheme. The review will, in accordance with the advice in the PPG, only apply to uplifts in compliance with planning policies over the lifetime of a project. Unless otherwise agreed with the Council, the s106 agreement will contain inter-viability review mechanisms, at the applicant's expense, and at trigger point(s)/ times agreed with the Council (e.g. completion or occupation of the development) when construction contracts have been agreed) to ascertain the extent of any changes in these values and costs.
60. The PPG is clear that, "Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. Where an exemption from publication is sought, the planning authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public."

61. The Council expects viability to be undertaken using a residual land value approach. The Residual Land Value is the amount that a developer is able to pay for a site, whilst still being able to deliver the project. A fixed land value should be used as the proposed benchmark value with the target profit also included. The outcome is expected to be presented as a surplus/ minus profit level.
62. The accessibility standards for new dwellings are set out in the Policy DM41. For the avoidance of doubt, on sites that meet the threshold set out in DM24 for affordable housing but on the basis of viability make no provision for it, the market housing will be expected to comply with the requirements set out in Policy DM41- Optional Technical Standards.

SECTION 2: PLANNING OBLIGATION GUIDANCE

63. This section provides guidance on the different types of planning obligations that will be sought. These will be identified on a case by case basis, dependent on the specific development and its impact on the local area.

Affordable Housing

What is Affordable Housing?

64. The Wycombe District Local Plan uses the definition of Affordable Housing, as set out in the NPPF (Feb. 2019 or any subsequent updated versions). In terms of registered providers, only organisations that are registered with the Regulator of Social Housing, including 'for profit' organisations, are accepted as being registered providers.
65. Policy DM24 of the Wycombe District Local Plan (August 2019) sets out the requirements for affordable housing (see Appendix 1) in Policy DM24: Affordable Housing and Policy DM25: Rural Exceptions Affordable Housing.

Which developments should provide Affordable Housing?

66. The site size thresholds for where affordable housing will be sought are summarised as follows:
- All developments – affordable housing to be sought on sites of 10 or more dwellings (gross) or more than 1,000 sqm of residential floor space;
 - Developments within the AONB – a commensurate financial contribution towards the provision of affordable housing will be sought from developments of 6-9 dwellings (gross) and for developments below 6 units but more than 1,000 sqm of residential floor space.
67. Planning applications will be checked to ensure that development areas haven't been sub-divided to take them below the thresholds. This is to ensure that applicants and developments provide the appropriate level of affordable housing contribution or affordable housing units on sites that are suitable.
68. The purpose of the following examples is to demonstrate how this works in practise:

Example 1

Prior Approval is sought to convert an existing office building into flats through permitted development. Planning permission is also being sought to redevelop part of the existing office car park into 8 flats. No affordable housing is required for the conversion of the offices. It is considered that the flats in the car park form part of a larger developable area and as such a contribution of 48% affordable housing will be required to be provided for the 8 additional flats i.e. 3.8 (rounded up to 4) affordable units will need to be provided on that site.

Example 2

In the second example, it is proposed that a new access road is built for the development of 8 new dwellings. A subsequent permission is submitted to use the same access road for an additional 4 dwellings. It is clear that whilst neither of the developments triggers the affordable housing requirement in its own right the two sites together, regardless of ownership, form part of a larger developable area. Both sites would therefore be expected to provide a proportion of the affordable housing on a pro rata basis i.e. 48/35% (depending on the previous use of the land) x 8 units and 48/35% x 4 dwellings.

How much affordable housing will be sought?

69. The proportions of affordable housing that will be sought on sites is summarised as:

- 48% of the total number of units¹⁰ on greenfield¹¹ sites and land last used for Class B business use or a similar sui generis employment-generating use.
- 35% of the total number of units on all other sites.

70. Below is a worked example of how to calculate the affordable housing percentage on a mixed use site:

Example 3

A site consists of a mix of land uses, so that 50% of the land is greenfield and 50% is an existing residential use.

$$50\% \times 48\% = 24\%$$

$$50\% \times 35\% = 17.5\%$$

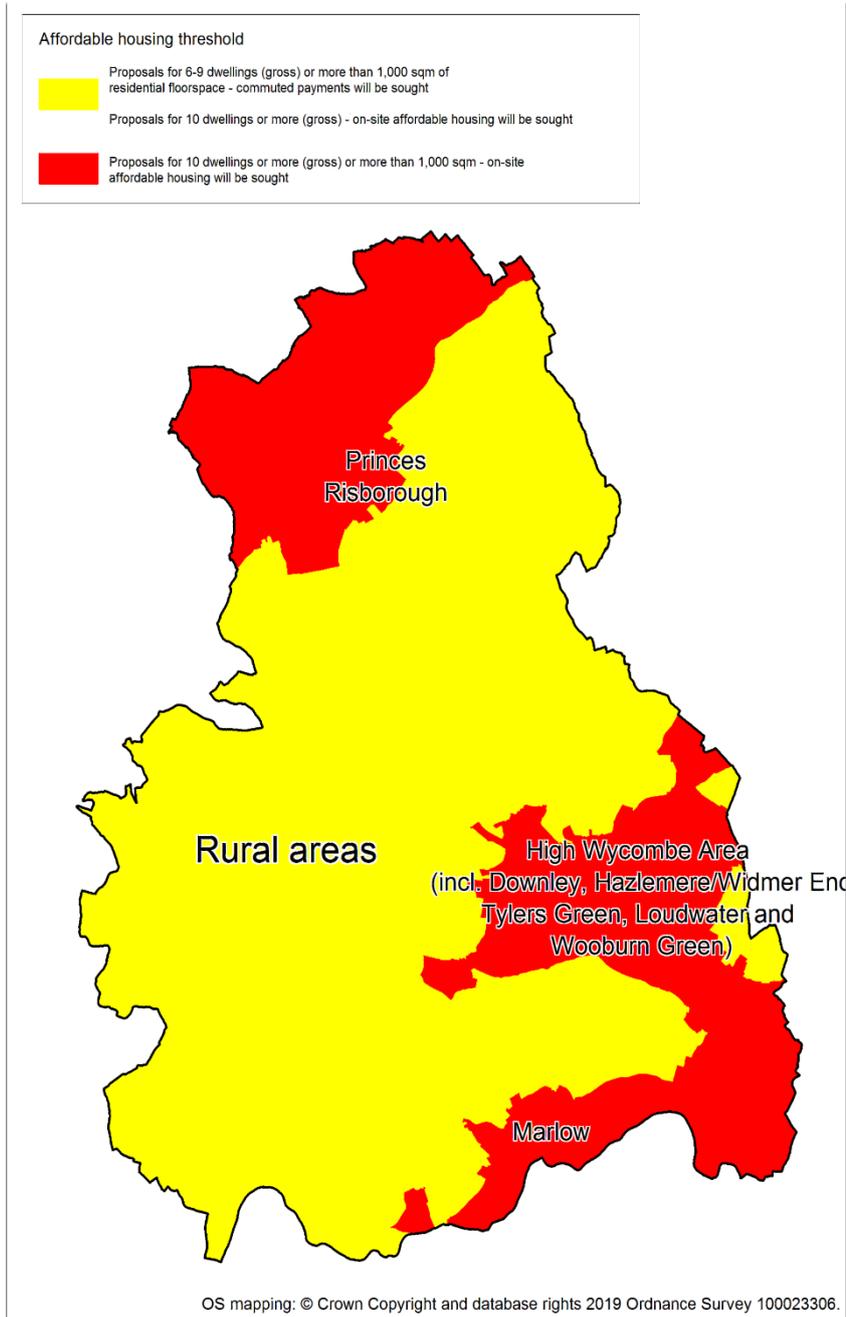
$$\text{Total} = 24\% + 17.5\% = 41.5\% \text{ (round it up to 42\%)}$$

42% of the total number of units on the site must be provided as affordable housing.

¹⁰ In terms of rounding, where a scheme results in a figure below 0.5 of a unit this should be rounded down but where the figure is 0.5 or above this should be rounded up.

¹¹ For the purposes of this guidance, the lower 35% threshold will apply to private residential gardens.

Figure 1: below shows the areas where these different thresholds will apply in the District



Factors that might reduce affordable housing

i. Sites that aren't viable

71. The Viability section of this SPD recognises that there may exceptionally be occasions where development proposals are unable to meet all the relevant policy requirements and still remain viable.
72. Where the Council is satisfied that an otherwise desirable development cannot be fully policy compliant and remain viable, a reduced package of planning obligations may be recommended.

ii. Vacant Building Credit (VBC)

73. The NPPF (2019) and Planning Practice Guidance (PPG)¹² include advice on the vacant building credit. VBC reduces the requirement for affordable housing planning obligations based on the amount of vacant floor space being brought back into use or redeveloped (see para 63 of the NPPF 2019 and footnote 28). This applies to sites where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building.
74. When assessing the applicability of the vacant building credit, the Council will require the following criteria are met, as per national guidance:
 - The building is not in use at the time the application is submitted;
 - The building is not included within an extant or recently expired permission;
 - The site is not protected for an alternative land use; and
 - The building has not been made vacant for the sole purpose of redevelopment.

For example, where a building with a gross floor space of 8,000 sqms is demolished as part of a proposed development with a gross space of 10,000 sqms, any affordable housing contribution should be one fifth of what would normally be sought i.e. $10,000 - 8,000 = 2,000 / 10,000 = 0.2$ (one fifth).

Applying the VBC in the Wycombe District area

75. To demonstrate that a building has not been made vacant for the sole purpose of redevelopment, an applicant will be required to show that

¹² All references in this report to the Planning Practice Guidance (PPG) are to its contents as at the start of March 2020.

the buildings they are claiming the credit for have been vacant for a continuous period of time. This time period must be at least three years before the submission of the application. Evidence will also be needed to prove that the site has been actively marketed for at least one of those three years at a realistic price.¹³

iii. Permitted Development office to residential

76. Local planning authorities cannot seek affordable housing from office-to-residential conversions that are made possible through permitted development rights.

What tenure split is being sought?

77. The majority of the affordable housing need¹⁴ is for rented accommodation, the supporting text to Policy DM24 identifies a preferred tenure mix of 80% rented affordable housing and 20% other products, e.g. shared ownership. This mix is supported by the viability assessment produced to support the local plan.¹⁵
78. The change in definition of Affordable Housing in the new NPPF, results in the inclusion of new forms of affordable housing products including starter homes and low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent).

Table 3: Summary of what Affordable Housing Tenure is being sought using the NPPF (2019) definition of affordable housing

Rented (80%)	Other (20%)
Social rent	Shared ownership
Affordable rent	Equity share
Affordable element of build to rent scheme	Starter homes
	Discounted market sales housing
	Other affordable routes to home ownership

¹³ For more advice see the Scattered Business Sites: Advice note on the Council’s website

¹⁴ This is based on the Housing and Economic Needs Assessment, 2016, the latest evidence at the time that the Local Plan was adopted.

¹⁵ Wycombe District Council Viability Assessment, Adams Integra, May 2017.

Affordable housing for rent

79. The publication of the new NPPF in July 2018 (and the further update in February 2019), changed the definition of affordable housing to include a new category of affordable rented accommodation, known as Affordable Private Rent on Build to Rent developments.
80. It is considered essential that the units secured for affordable housing are affordable to those most in need. In relation to affordable housing for rent, the rents must be set in accordance with the Government's rent policy for Social Rent or Affordable Rent or be at least 20% below local market rents (including service charges where applicable).
81. The rent also should not exceed the Local Housing Allowance level applicable to the location in which the affordable unit is situated at the time of letting the affordable unit. This is so that the Council can be assured that the rent levels proposed can meet the needs of those in the greatest housing need, albeit with assistance from Housing Benefit for those who are eligible.

Affordable private rent on build to rent schemes

82. Build to Rent schemes should include an element of affordable private rent. This affordable private rent should be managed collectively by a single build to rent landlord but this doesn't need to be a registered provider.
83. The rent for the Affordable Private Rented units within a Build to Rent scheme must be set at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property.
84. Build to rent and the affordable private rented element of it was not considered specifically in the new Wycombe District Local Plan and consequently, is not referred to in Policy DM24: Affordable Housing and its supporting text. The NPPF (2019) and the changes it introduced to affordable housing are however a material consideration in future development management decisions.
85. New affordable private rent homes within Build to Rent schemes will be secured by a legal agreement which will also include a 'clawback' mechanism in the event of any homes within the Build to Rent scheme being sold.
86. The level of affordable housing will be set on a case-by-case basis but will start at 20%, as per the NPPF. The s106 agreement will clearly set out how the planning obligations and the clawback will operate, including details of how the clawback will be calculated.

Other forms of affordable housing¹⁶

87. In terms of non-rented Affordable Housing, the Council's preference for the type of products is set out below:
1. Shared ownership;
 2. Shared equity; and
 3. All other forms of intermediate affordable housing

88. This order of preference is considered in more detail below:

1. Shared ownership

89. The Council's first preference for intermediate housing is shared ownership schemes (at 25% - 75% equity shares). These schemes are expected to account for the majority of the 20% intermediate housing. Registered Providers have confirmed that they are willing to continue to deliver and manage affordable homes for shared ownership sale in the District.

90. The text below considers other forms of affordable home ownership which can be considered if it proves difficult to provide shared ownership schemes on a particular site.

2. Shared Equity

91. This approach is based on the unsold equity balance of 20% being gifted to the Council by the developer. Upon the first resale, the new purchaser is then required to acquire 100% of the total equity at market value.
92. The Council will receive a sum for the 20% equity balance, which if prices have increased will be more than the original sum but the converse could also apply i.e. if prices were to reduce. The receipts from the sale will be ring-fenced for use towards the provision of additional affordable housing elsewhere in the Wycombe District area.

3. All other forms of intermediate affordable housing

Starter Homes

93. Starter homes are a relatively new affordable housing product designed to specifically meet the housing needs of younger people and to allow them to access home-ownership. The homes are available at a minimum 20% discount on market value to first-time buyers under the age of 40. Starter homes are exempt from s106 contributions but are

¹⁶ Non-rented affordable housing products are known in the HEDNA as 'Intermediate Housing'.

liable for CIL, unless they are classed as social/ affordable housing and thus are exempt.

Discounted Market Sales Housing

94. These are homes for sale at a price at least 20% lower than the local market value. The Council has provisions in place, in the form of legal agreements, to ensure that the same 20% discount applies to sales in perpetuity.
95. If applicants wish to provide discounted market sales housing, an administration charge will be made for the work needed by the Council to administer them.
96. It should be noted that, under no circumstances, will the Council allow developers to give the Council a financial contribution of 20% to make the units into market units instead of discounted market sales housing.

Tenure split worked examples

97. In order to illustrate the affordable housing tenure mix set out in the new Plan, two worked examples are set out below:

Example 1: A development scheme on a greenfield site for 100 dwellings. This scheme would require 48% affordable housing i.e. 48 units.

$80/100 \times 48 = 38.4$ (rounded down to 38) would be for rent
 $20/100 \times 48 = 9.6$ (rounded up to 10) would be for affordable home ownership (intermediate housing).

Example 2: A development scheme to build 12 dwellings on a site that is currently occupied by two houses. This scheme would require 35% affordable housing for the 12 dwellings (gross) i.e. 4.2 units (rounded down to 4 units).

$80/100 \times 4 = 3.2$ (rounded to 3) would be for rent
 $20/100 \times 4 = 0.8$ (rounded to 1) would be for affordable home ownership (intermediate housing)

98. Please note that, it is clear from example 2 above, that the requirement for 1 dwelling for affordable home ownership in this instance does not adhere to the NPPF requirement of “at least 10% affordable home ownership” in that 1.2 of a dwelling would be needed. To meet the ‘at least’ requirement this would, theoretically, need to be rounded up to 2 dwellings. However, it is considered that local evidence contained within the HEDNA justifies this slight discrepancy from the NPPF requirement. As such, the affordable home ownership level would remain at 1 for this scheme.

Phasing of the affordable housing provision

99. 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 registered provider prior to occupation of any of the units on-site or enter into an agreement to transfer the affordable housing land to the registered provider (on terms as set out in the agreement).
 - Not occupy more than a specific percentage or number of the market units¹⁷, depending on the size and layout of the development, until the affordable housing units have been completed
 - 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.
100. Agreements for developments that are built in phases, or that are of a substantial size, circa 250 dwellings or more, will incorporate provisions for phased completion of the affordable housing.

Design

101. The affordable housing would normally be expected to be provided on-site, this ensures a better mix of housing on sites in line with national and local policies.
102. The affordable housing element should be well integrated with the development as a whole. The marginalisation of the affordable housing from the remainder of the development should be avoided.
103. On smaller sites, this may mean that the affordable housing is concentrated in one location. On larger sites, defined as those containing 50 dwellings or more, the Council would expect the affordable housing to be distributed in groups across the site, rather than being located in one particular area.

¹⁷ As per the legal agreement

104. Proposals are expected to reflect the Council’s design policy and guidance in any residential proposals, including the Residential Design Guide¹⁸. 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. This will help in creating developments that are ‘tenure blind’.

Where should the affordable housing provision be located?

105. The Council will normally expect affordable housing to be provided on site, apart from exceptions set out in Policy DM24. 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 e.g. applications for schemes designed for elderly people in areas where there is a need for affordable housing for families.

Off-site Provision

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

Commuted Sums (Financial Contribution)

107. A commuted sum is an amount of money, paid to the Council by a developer, where the size of a development triggers a requirement for affordable housing, but it is not possible to achieve appropriate affordable housing on site. This will be the case for sites in the AONB for developments of between 6 -9 dwellings (see Table S1 above). The commuted sum paid in lieu of on-site provision will be used by the Council to provide suitable affordable housing elsewhere in the District.
108. For developments not in the AONB, a financial contribution in lieu of the provision of affordable housing will only be accepted if the

¹⁸ The Residential Design Guidance SPD (adopted June 2017) provides guidance relating to the design of residential developments.

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.

- 109. Where the Council agrees to a financial contribution in lieu of direct provision, the Council will expect the contribution to be of at least a 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.
- 110. The kind of circumstances in which commuted sums may be considered as an alternative to all or part of the on-site share are out in Table 4 below.

Table 4: Considerations for commuted sums

Practicality	Registered providers may highlight sites that will not work from a management point of view.
Type of housing	It may not be possible to provide on-site affordable housing of the right type or tenure to accommodate those on the Council’s housing register.
Viability	Some developments, particularly small developments, may not be able to viably provide affordable housing on site. An off-site commuted sum should be broadly equivalent to the cost of providing the affordable housing on another local site.

- 111. The calculation of the financial contribution should reflect the approach set out below. It should be based on average sales price data based on postcode areas. The Council considers that these sums are reasonable and broadly equivalent to delivering on-site provision.

The Council is producing an online commuted sum calculator and this should be used by developers/ applicants to calculate any commuted sum payments, once it is available online.

What dwelling size mix is being sought?

- 112. The supporting text to Policy DM24 is based on the latest housing need evidence (HEDNA Addendum Table 123). This evidence takes account of the housing register as the basis for the figures included in Table 5 below. Delivering this mix is integral to meeting identified affordable housing needs in the District.
- 113. Smaller affordable units are best delivered in a mix of flats and houses, and the most appropriate mix will vary site by site. Larger affordable units are only appropriate as family houses, not as large flats.

Table 5: Affordable housing mix

Tenure	Type	Dwelling Size	Required proportion of each tenure
Affordable Rented	Flats or Houses	1 bedroom / 2 person	At least 12%
	Flats or Houses	2 bedroom / 4 person	At least 35%
	Houses only	3 bedroom / 5 or 6 person	At least 35%
	Houses only	4 bedroom or larger / 7 or 8 person	No more than 15%
Intermediate	Flats or Houses	1 bedroom / 2 person	At least 12%
	Flats or Houses	2 bedroom / 4 person	At least 45%
	Houses only	3 bedroom / 5 or 6 person	No more than 35%
	Houses only	4 bedroom or larger / 6 or 7 person	No more than 5%

114. The size of units is expressed as a combination of bedroom numbers and person numbers. This is to ensure that bedrooms are adequately sized for optimum occupation of the affordable housing.
115. The required proportions include a combination of maxima and minima. This allows for a degree of flexibility in design and delivery whilst ensuring the most critical housing needs are prioritised.
116. The evidence used to provide the bedroom size data is being analysed and may well be updated in the near future. If this update requires changes to be made to Table 5 above, an update will be made to this SPD.

Providing for the Housing Needs of Different Groups

117. 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.
118. It is clear from the supporting text to Policy DM24 (para. 6.30) that the Affordable Housing requirements also apply to serviced flats and other accommodation (what-ever use class), which may provide communal

facilities but which provide all of the facilities of a single dwelling in self-contained units.¹⁹

119. On appropriate sites providing communal facilities, the Council will therefore seek either on site affordable housing provision to meet the specific needs of these groups or where this isn't considered suitable, a commuted sum.

Rural Exception Housing

120. The Council's approach to Rural Exceptions Affordable Housing is set out in the Wycombe District Local Plan (Policy DM25) adopted August 2019. Rural exception sites are small-scale developments in rural areas, which would not usually secure planning permission but which have been permitted by the Council in order to meet an evidenced local housing need.
121. The NPPF sets out²⁰ that Councils should consider meeting the housing needs of rural areas through rural exception sites. It also advises that a small proportion of the homes provided may, at the local authorities' discretion, be market homes.
122. The Council supports the development of affordable housing to meet a locally identified need in locations that would not normally be acceptable, by making an exception to adopted policy, subject to material considerations. The Council considers that such schemes are an important way of helping to sustain rural communities.
123. The Council accepts that market housing might be acceptable on these sites in certain circumstances. These circumstances are set out in the supporting text to Policy DM25: Rural Exceptions Affordable Housing (see para. 6.50).
124. Where an exception site is being proposed, an up-to-date Housing Need Survey for the Parish (and where appropriate adjoining Parish) will be needed. The geographical extent of the survey should be agreed with the Council.
125. To be up-to-date this Survey should be no more than three years old at the time of submission of a planning application for the development. The Survey will be used not only to justify the development of a site, but also to ensure that the type of housing proposed meets the identified need and that this need cannot be met on a site that would otherwise accord with policy.

¹⁹ Self-containment means that all rooms, including the kitchen, bathroom and toilet are behind a door (but not necessarily a single door) only that household can use. In most cases, a single household space will be an unshared dwelling.

²⁰ Para. 77 of the NPPF (2019)

126. The housing provided on these sites can only be occupied by households who have a strong local connection to the area covered by the needs assessment. Local market conditions, and local wage rates, will need to be taken into account in assessing the extent to which local people can afford accommodation in their area, and to determine what level of payment would be within their means.
127. The Council will expect occupancy controls to be put in place by the Parish Council that ensure that priority is given to people with a strong local connection in perpetuity. Long term control over occupancy must be able to be enforceable by the Council and will need to be the subject of a legal agreement to which the Council is a party.
128. In deciding on the appropriateness of the proposal, the location proposed must be shown to be the best practicable location within the local area as per part c. of the policy. As part of this assessment, the relationship of the proposed site to an existing settlement will also need to be taken into account. The preference would be for the exceptions site to be located in close proximity to amenities and facilities such as shops, schools and public transport routes.

Self – Build Plots

129. The Government is keen to support and encourage individuals and communities who want to build their own homes, and is taking proactive steps to stimulate the growth of the self-build market. The Council maintains a register of local residents who have expressed an interest in self-build.
130. Policy DM22 of the plan requires that any development which includes 100 houses or more is required to include at least 5% of the proposed dwellings as self-build plots. These will be secured through the use of a legal agreement. It should be noted that the requirement for the provision of self-build only applies to houses and wouldn't apply to flats or other types of development such as sheltered housing schemes.
131. CIL will not be chargeable on self-build plots, provided that a valid self-build relief claim is made and granted to the occupier of the self-build plot and that they occupy the plot for at least three years following the date that the completion certificate for their plot is issued. More information is available on the [CIL page of our website \(external website\)](#).
132. Other section 106 obligations may be levied against sites as a whole, including self-build plots, to provide infrastructure to offset the impact of development.

Open Space

133. Policies CP7: Delivering the infrastructure to support growth and DM16: Open Space in New Development apply to the provision of open space in new development. This includes the provision of facilities for sports, open space and recreation.

Meeting open space standards

134. Policy DM16 sets out open space standards for residential and commercial developments and Table 6 below sets out strategic and local open space requirements:

Table 6: Wycombe District Council Open Space Standards

	Standard (ha/ 100 0)	Approach
Strategic	3.30	<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"> • Public outdoor sport (1.2ha/ 1000) • Park and semi-natural greenspaces (1.67ha/ 1000) • Allotments (0.23ha/ 1000) • Strategic play comprising NEAPs (Neighbourhood Equipped Areas of Play) and/or MUGAs (Multi-Use Games Areas) (0.2ha/ 1000) <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).</p> <p>Strategic contributions will typically have to be spent within the local community area where they occur.</p>
Local	1.15	<p>Some open space facilities such as play are important to be provided locally. These include:</p> <ul style="list-style-type: none"> • Local play comprising LEAPs (Local Equipped Area of Play) and LAPs (Local Area of Play): 0.6 ha/ 1000 • Public informal amenity space (0.55ha)

		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.
Total	4.45	

135. These standards are based on the Wycombe Open Space Framework. The framework also identifies open space deficiencies and action to plans to address them which may need to be considered alongside development proposals.
136. 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
137. Sites above this threshold should provide local open space onsite. If this isn't practicable, a payment will be taken to secure the provision off-site through a condition or a section 106 agreement.
138. On all sites 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 be accepted as a payment in kind.
139. There are site-specific policies in the Local Plan for a number of the larger development sites. Where appropriate these identify specific open space requirements. These sites are:

High Wycombe Abbey Barn South, Abbey Barn North, Gomm Valley, Terriers Farm, Land off Amersham Road Hazlemere.

Bourne End Hollands Farm, Slate Meadow

Princes Risborough Expansion Area.

140. Applicants for these sites need to look in detail at the site specific policies and SPDs (where they have been produced) for detailed guidance relating to these sites and their development.
141. Development briefs are being produced for these sites. These SPDs will provide more detail with regards to these requirements.

Table 7: How Open Space will be delivered

Site size	Open space - local	Open space - strategic
Developments of less than 40 dwellings (gross) or less than 5,000 sqm (gross) of non-residential development.	CIL	CIL
Developments of more than 40 dwellings (gross) or more than 5,000 sqm (gross) of non-residential development.	Onsite	CIL
Allocated sites/ strategic sites ²¹	Onsite	Onsite

Maintenance

142. 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 twenty five 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.
143. The commuted sum figure is calculated using current contract prices and maintenance costs for maintaining open space. This figure is multiplied to establish a twenty five-year maintenance figure, which allows for inflation of contract prices.
144. 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 (such as a management company), or some other form of partnership such as a local trust.

²¹ Or other strategic sites which may come forward which are of a similar scale.

Biodiversity Accounting and Green Infrastructure

145. A number of policies cover Biodiversity and Green Infrastructure key policies that may result in the need for a planning obligation are CP10: Green infrastructure and the natural environment and DM34 Delivering Green Infrastructure and Biodiversity in Development. These set out the Council's approach to achieving and maximising green infrastructure and enhancements to local biodiversity²².
146. A separate SPD is being produced for Biodiversity Accounting and Green Infrastructure. This SPD will set out how the Council expects applicants to ensure that there is a measurable net gain in biodiversity for development proposals.
147. It will set out what and how the biodiversity value of habitats should be 'measured' before, during and after a development. It will also identify what is required if the development proposal results in a loss of biodiversity and green infrastructure.
148. This SPD is being drawn up in partnership with the National Environment Partnership. This SPD should be referred to for details relating to planning obligations for both biodiversity and green infrastructure.

Canopy Cover

149. A separate SPD is also being produced for Canopy cover. This SPD will set out how the Council expects applicants to ensure that they meet the canopy requirements, set out in the Wycombe District Local Plan Policy DM34, for development proposals.

Air Quality

150. A separate SPD is also being produced for Air Quality. This Supplementary Planning Document (SPD) supplements policies CP12, DM33 from the Local Plan and DM2 from the Delivery and Site Allocations Plan, providing detailed guidance to assist applicants in meeting air quality requirements of development.

Flooding

151. Policy DM39 of the Wycombe Local Plan includes a requirement for development to incorporate sustainable drainage systems (SuDS). SUDs can also be integrated with wider objectives to improve blue and green infrastructure and achieve an overall improvement in biodiversity.
152. Details of the future maintenance and management of SuDS over the lifetime of a development will need to be included within a planning obligation.

Transport

153. Policies CP7 Delivering the infrastructure to support growth and DM2 Transport requirements of development sites; cover transport related challenges created by major developments. This includes seeking to mitigate the impacts of new development on the transport network.
154. The policy also sets out that the Council will require the development and implementation of agreed Travel Plans, in line with [Buckinghamshire County Council's advice on Travel Plans \(external website\)](#).
155. This will be secured through a legal agreement between the relevant parties and Buckinghamshire County Council. The County Council will require an annual fee for monitoring the travel plan and penalties may apply on larger developments, where the parties subject to the travel plan fail to meet their targets and objectives.
156. Development proposals need to be consistent with and contribute to the implementation of the agreed transport strategy set out in the Buckinghamshire Local Transport Plan²³ and also the emerging High Wycombe Transport Strategy.
157. Where the need for specific transport related infrastructure is identified through transport assessments, statements or in discussion with the highways authority, they will be secured by a planning obligation. This is likely to be the case for larger developments or developments 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.
158. These improvements will be geographically or functionally linked to the development by providing for the traffic arising from it, or by creating

²³ See the [Buckinghamshire Local Transport Plan \(external website\)](#)

localised capacity for new trips which enables the network to cope better with traffic arising from the new development. Buckinghamshire County Council's Highways Development Management Guidance highlights key guidance points to help make developments work.

159. Agreement with the highway authority on the timescales for providing such infrastructure, as required by the s106 agreement, will also be sought. A number of transport schemes relate to specific sites are also included in the IDP (see para. 18 above).

Education

160. 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.
161. 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.
162. Education contributions are in the main funded by CIL in the area covered by Wycombe District. We currently have a [funding protocol \(external website\)](#) that earmarks 15% of CIL income for education.
163. In some circumstances a section 106 obligation may be sought from residential developments (normally sites with 100 or more dwellings). Each site will be reviewed on its merits and the assessment would normally be based on a specific contribution to a local school within the development's catchment – or in the case of a major urban expansion such as Princes Risborough, the delivery of a new school within the vicinity of the development or expansion area.
164. 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 new developments.
165. 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 to ensure that a coherent and consistent approach is taken by developers to providing or making appropriate contributions to meet the costs of additional education infrastructure requirements generated by new housing developments.

Community Facilities

166. Policy DM29 sets out the Council's position on Community facilities and new development. A range of uses can be considered as community facilities, the policy identifies the following as being included as community facilities²⁴:
- Public halls (including Community/Youth Centres),
 - Places of worship, churches and church halls
 - Post Offices (standalone)
 - Local/neighbourhood shops within both urban and rural areas
 - Indoor and outdoor sports facilities
 - Schools and non-residential education and training centres
 - Libraries
 - Day nurseries/crèches
 - Health centres, clinics, consulting rooms (including doctor's surgeries and dental practices)
 - Museums, art galleries, exhibition halls
 - Public houses
167. For developments that result in the need for new community facilities, the requirement for the type of provision and location i.e. on site or off-site will be dependent on the specific circumstances and may be related to enhancing existing facilities off –site where appropriate.
168. This provision will be secured through a legal agreement. CIL funds will generally be used to address existing 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.
169. The Council will be reviewing its Community Facilities SPD to provide more details on the application of Policy DM29 Community Facilities.

²⁴ This list is not exhaustive and other uses may also be considered subject to local circumstances

Appendix 1 – Policy wording

Policy DM24 – AFFORDABLE HOUSING

The Council will require all developments for 10 or more dwellings or more than 1,000 sqm of residential floorspace to provide on-site affordable housing of at least:

48% of the total number of units on sites that are greenfield land or were last used for Class B business use or a similar sui generis employment-generating use, or;

35% of the total number of units on all other sites,

Within the Chilterns AONB, the Council will require a commensurate financial contribution towards the provision of affordable housing from all developments of between 6 and 9 dwellings and/ or over 1,000 square metres residential floorspace (inclusive).

Where a development falls below the size thresholds in 1 or 2 but is demonstrably part of a potentially larger developable area above those thresholds, the Council will require affordable housing on a pro rata basis.

The required affordable housing mix and tenure shall be provided in accordance with current evidence.

Policy DM25 – RURAL EXCEPTIONS AFFORDABLE HOUSING

The Council will require development for small scale, rural affordable housing (including starter homes) to demonstrate that:

There is specific, identified local housing need within the community;

This need cannot be met on a site that would otherwise accord with policy;

The location proposed is the best practicable location within the local area with regards to material considerations such as access to schools, jobs and services via sustainable transport modes;

Any element of open market housing is necessary to secure the delivery of the affordable housing.

Appendix 2 - Glossary

Affordability

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.

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 regime³, 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.

Build to rent is:

Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

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.

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.

Registered Provider - the Council considers that further clarification is needed with regard to what constitutes a Registered Provider. The Council includes only organisations that are registered with the Regulator of Social Housing, including 'for profit' organisations, as being a registered provider.

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.

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.

Appendix 3 - Key extracts from the NPPF 2019 relating to Planning Obligations and Viability

Paragraph 34 of the 2019 NPPF states “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”

Paragraph 54 states that “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

Paragraph 56 reiterates that planning obligations must only be sought where they meet all of the three tests set out in paragraph 12 above.

Paragraph 57 states “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”