

Uttlesford District Council

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Local Plan

# **Developer Contributions**

## **Guidance Document**

**June 2013**

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## 1.0 Introduction

- 1.1 This document is a Guidance Document, which supplements infrastructure delivery policies. The Guidance Document is intended as a guide to developers of residential schemes. It will also ensure the consistent application of policies by the Council. The Guidance Document does not address issues relating to provision or use of other Developer Contributions. Such issues will be considered during the consideration of individual applications. By publishing this guidance the Council wishes to establish a set of procedures which will assist developers in making applications and thus help to minimise planning delays. A systematic approach and the introduction of regular monitoring will ensure efficient use of resources.
- 1.2 Affordable Housing, Recreation Open Space provision, Landscaping and Education contributions, amongst others, are required for new housing development in recognition that the incoming residents will need access to amenities, often generating a requirement for additional or improved facilities. Contributions towards highway improvements may also be required on a site by site basis. New houses place a burden on existing provision which is deficient in many areas. The provision of conveniently located, accessible, safe and attractive communal facilities integrated into, or in close proximity to, residential areas can substantially improve the quality of life of residents and has social and health benefits.

## 2.0 Affordable Housing

- 2.1 The Council has adopted a Housing Strategy (2012) which sets out the Council's approach to housing provision over the next 3 years. This document has been prepared alongside the new Local Plan to ensure that the needs highlighted can be delivered through new development.

The Key Objectives are:

- To meet the housing requirement for Uttlesford and to make sure that the housing being provided creates balanced communities by delivering sustainable, safe, attractive and healthy places to live while meeting local housing needs in terms of type and tenure including affordable and special needs housing.
- To provide and maintain accommodation that meets the needs of older people living in Uttlesford.
- To maintain our housing to a high standard ensuring our tenants have a good quality of life.

- 2.2 Affordable Housing is defined in the National Planning Policy Framework (2012) and this definition is adopted by the Council.

'Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.'

2.3 The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal which can be supplied as part of pre-application discussions.

2.4 The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings;
- 20% on sites of 5-14 dwellings; and
- Financial contribution on sites of 1-4 dwellings

The Council will expect this to be complied with on all planning proposals unless it can be evidenced to the satisfaction of the Council that these requirements would render the development unviable. In these circumstances the council will require an 'open book approach' and will appoint an independent expert to review the submission. The developer will be expected to pay the costs of this independent review.

2.5 Developments which are contrived to try and avoid the clear policy requirements will be resisted. For example a development of 14 houses at a very low density, out of character with the surrounding area, will be resisted. In addition the sub-division of sites into two or more smaller developments in an attempt to avoid a higher provision of affordable housing will be resisted. The Council will expect the schemes to comply with policy requirements as if the schemes were submitted jointly as one proposal.

2.6 The Council encourages meeting affordable housing requirements through one of its preferred Registered Providers (RP), who have the management abilities and local knowledge to effectively manage new affordable housing.

2.7 The Council will calculate the financial contribution on sites of 1 – 4 dwellings in 2.3 above as follows:

- 4 unit development – would provide 0.8 of an affordable unit – contribution equates to 80% of 1 full plot value for that locality
- 3 unit development – would provide 0.6 of an affordable unit – contribution equates to 60% of 1 full plot value for the locality
- 2 unit development – would provide 0.4 of an affordable unit – contribution equates to 40% of 1 full plot value for the locality
- 1 unit development – would provide 0.2 of an affordable unit – contribution equates to 20% of 1 full plot value for the locality

The land value must be provided by an independent RICS valuer on a site specific basis. The valuer will be appointed by the Council, but with the fee payable by the developer. The payment will be index linked.

2.8 The Council will expect the following tenure, mix, distribution etc to be followed:

Tenure split

- 70% Affordable Rented or Social Rented Tenure (Rents in line with Government guidance)
- 30% Shared Ownership Tenure (Affordability to be a maximum of 30% of total household income)

(Maximum of 2.75% charge on remaining rent)

#### Housing mix

- Predominantly a mix of one, two and three bedroom houses (1 bedroom 2 person, 2 bedroom 4 person and 3 bedroom 5 person houses to be provided)
- 5% of total units one and two bedroom elderly person bungalows across tenure

Properties should be provided in clusters of no more than 10 units and the clusters should not be contiguous.

Lifts will be required in blocks of flats over two-storey.

### **3.0 Recreation Open Space**

3.1 Recreation open space is defined according to the 'Fields in Trust' definition of outdoor playing space. That is:

*“space which is available for sport, active recreation or children's play, which is of suitable size and nature for its intended purpose and safely accessible and available to the general public.”*

3.2 This definition includes:

- facilities such as pitches, greens, courts, athletics tracks and miscellaneous sites such as croquet lawns and training areas in the ownership of local government;
- facilities as described above within the educational sector which are, as a matter of practice or policy, available for public use;
- facilities as described above within the voluntary, private, industrial and commercial sectors which serve the leisure time needs for outdoor sport of their members or the public;
- outdoor equipped playgrounds for children of whatever age;
- play facilities for children which offer specific opportunities for outdoor play, such as adventure play grounds.

#### **Definition and provision of Children's Playspace**

3.3 The 'Fields in Trust' makes a distinction between equipped and informal playspace. Equipped playspace is an area of land specifically dedicated for children to use for play, which will usually include play equipment. Informal or casual playspace is open space of a useful size and safe location providing opportunities for informal play activities.

3.4 Two categories of equipped playspace are sought as part of new development. The first, the local equipped area for play or LEAP, is intended for children of early school age and should be located close to people's homes. It has a minimum area of 400 square metres and contains at least 5 pieces of play equipment with safety surfaces and preferably buffer zones or landscape screening around the activity area.

3.5 The second, the neighbourhood equipped area for play or NEAP, is larger and equipped for both young and older children. It has a minimum area of 1,000 square metres and contains at least 8 pieces of play equipment with safety surfaces, a

kickabout area and wheeled play area, with buffer zones or landscape screening around the activity area.

- 3.7 Residential developments of 10 or more dwellings will be required to meet the need for children’s play on site as part of the overall development proposals. This provision should be to a minimum rate of 0.2 ha per thousand population.
- 3.8 Residential development of 10 or more dwellings will be required to provide amenity greenspace on site as part of the overall development proposals. This provision should be at a minimum of 0.8 ha per thousand population.

**Completion of Recreation Open Space Provision**

- 3.9 On completion of the on-site provision, and prior to occupation of the first dwelling (or such other time as agreed), the developer will notify the Council in writing. Council Officers will convene a site inspection to ensure that all requirements of the planning permission have been met. Upon completion of works to the written satisfaction of the Council, the transfer of the open space will be arranged to the appropriate Town or Parish Council together with the maintenance contribution. Where the recreation open space is to remain in the ownership of the developer, or under the ownership of a Management Company, an agreement will be required to ensure that the site is adequately maintained and will be retained as recreation open space with public access. The maintenance contribution will be index linked.

**Maintenance of Recreation Open Space**

- 3.10 The Council considers that the best owners and maintainers of the land are the appropriate Town/Parish Council. Developers should open discussions with these bodies at the earliest opportunities, assisted by Council officers. The developer will pay the legal costs for both parties of the transfer. The developer will be responsible for maintenance until such time as the transfer takes place. At the time of the transfer, the developer will be required to pay a sum for future maintenance. The value of the payment will be calculated as being sufficient (with interest) to cover 20 years maintenance and will be ring-fenced for use in upgrading and maintaining facilities. The calculation of the costs will normally be based on published price book estimating rates and prices. Beyond this, future maintenance and other recurrent expenditure will be borne by the authority in which the asset is vested. The payment will be index linked.

**As an example the maintenance costs at March 2013 are as follows:**

**Maintenance cost for equipped play area to LEAP standard.**

Annual maintenance cost per 400m <sup>2</sup> play area (£)	£6,869.12 per annum
Cost per m <sup>2</sup> (£)	£343.45 for 20 years maintenance

**Maintenance cost for equipped play area to NEAP standard.**

Annual maintenance cost per 1000m <sup>2</sup> play area (£)	£13,685.80 per annum
Cost per m <sup>2</sup> (£)	£273.71 for 20 years maintenance

## **4.0 Landscaping**

- 4.1 The Council aims to lead the process of ensuring high quality landscaping of residential development throughout the District. The guidance focuses on the issues which should be addressed by developers in formulating proposals and which the Council will have regard to in considering applications for residential development. The intention is to aid all those involved in the development process: developers, architects, and landowners. To achieve the objective of high quality development the Council encourages early contact and discussion with potential applicants prior to formal submission.

### **Landscape structure**

- 4.2 All larger developments should be designed around a landscape structure. A scoping study early in the design process will assist in identifying the opportunities and constraints on a site and inform the development of a landscape master plan.

### **Existing landscape features**

- 4.3 Existing landscape features such as trees, hedgerows, watercourses should be identified and where appropriate retained and suitably integrated into developments, together with the provision of sufficient open space in their vicinity to ensure they and their visual setting is protected. Where existing trees, and hedgerows, are proposed to be removed the layout should include proposals for compensatory planting.

### **Edge of settlements**

- 4.4 The integration of development at the edges of settlements is important and buffer planting will normally be required to help assimilate and soften its impact on the countryside. Native species and mixtures characteristic of the locality will be required. Broad agricultural type hedgerows, and hedgerows in combination with 'copse' planting (normally with a dominant species) shall be required to provide buffer planting. Such planting will contribute to the promotion of biodiversity.

### **Public open spaces**

- 4.5 Open space areas should be suitably located and of appropriate proportions to their use and setting. Narrow or peripheral areas which are difficult to access or maintain will not be considered appropriate. Open space provisions should form an integral part of the design and layout and meet the need generated by the development.

### **Private Gardens**

- 4.6 In low density developments front gardens should be designed to allow the planting of trees and shrubs to enhance the visual quality of the development. Hedges should be used to provide enclosure and to provide a unifying element within the development.

### **Land drainage and attenuation structures**

- 4.7 The surface water run-off system should be formulated as an integral part of the landscape design. Attenuation structures should contain a permanent body of water to contribute to bio-diversity and provide a landscape feature. They should be designed to reduce risks to people or animals from drowning.

### **External lighting**

- 4.8 External lighting provisions should be designed to ensure that light spillage into the countryside is reduced to a minimum.

### **Wildlife mitigation areas**

- 4.9 Many developments contain wildlife mitigation areas which will be subject to specific management regimes over a number of years. Details will need to be provided and considered as part of the planning application.

### **Maintenance of landscaping areas**

- 4.10 The Council considers that the best owners and maintainers of the land are the appropriate Town/Parish Council. Developers should open discussions with these bodies at the earliest opportunities, assisted by Council officers. The developer will pay the legal costs for both parties of the transfer. The developer will be responsible for maintenance until such time as the transfer takes place. At the time of the transfer, the developer will be required to pay a sum for future maintenance. The value of the payment will be calculated as being sufficient (with interest) to cover 20 years maintenance and will be ring-fenced for use in upgrading and maintaining facilities. The calculation of the costs will normally be based on published price book estimating rates and prices. The payment will be index linked. Beyond this, future maintenance and other recurrent expenditure will be borne by the authority in which the asset is vested.

## **5.0 Education contributions**

- 5.1 Essex County Council (ECC) is the Education Authority for the District. ECC have published a 'Developers' Guide to Infrastructure Contributions' which sets out how contributions for Education are calculated. The current document was published in 2010 but this will be periodically updated and the most recent version will be used.
- 5.2 Essex County Council Council will request contributions towards pre-school, primary, secondary and sixth form/post 16 schooling where these are justified by evidence from ECC. The provision of land is often sought from larger developments. The District Council does not require contributions towards school transport costs.

## **6.0 Planning Obligations**

- 6.1 The Council will require developer contributions to be secured through a planning obligation which will normally be prepared by the Assistant Chief Executive – Legal.
- 6.2 Obligations need to meet the tests set out in the National Planning Policy Framework:
- 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.
- 6.3 The Council will take account of changes in the market over time and this is explicit in the relevant planning policies.



- 6.4 The Council has a standard obligation and clauses which are attached as an appendix to this Guidance Document and will be used by the Council to prepare each obligation.
- 6.5 The Council will use the Retail Price Index to Index link all the payments due. For Education payments the Index used is the Department for Business Innovation and Skills Tender Price Index of Public Sector Building Non-housing (PUBSEC Index).
- 6.6 The estimated interest rate will be determined with reference to LIBOR 20 year swap rates.
- 6.7 As part of pre-application discussions the Council will wish to agree Heads of Terms and commence drafting an obligation. This does not mean the Council pre-determines applications and the process will be carried out 'subject to planning assessment and resolution'.
- 6.8 The approval of all major planning applications is a matter for the Planning Committee and the Heads of Terms and justification will be clearly set out in the committee report. The report will set out a timescale for completion of the legal obligation. Failure to complete the agreement within the given timescale will result in the application being refused for the reasons as set out in the committee report. It is therefore important to ensure that all necessary legal issues and titles to land are up to date prior to submitting an application.
- 6.9 The Council will include within the legal obligation a developer contribution to monitor the contributions received. The contributions payable are set out below:

<b>Details</b>	<b>Fee</b>	<b>Calculations/Methodology</b>
Hourly rate for 2013/14	£54	
Minimum charge	£810	£54 x 15hrs
Occupational or future trigger	£1296	£54 x 24hrs
Clause with commencement trigger	£810	£54 x 15hrs
Clause with future trigger	£1296	£54 x 24hrs
Clause with over 5 yrs monitoring	£2376	£1296 + £1080 (4x1hrx5yrs)
Clause with over 10 yrs monitoring	£3456	£1296 + £2160 (4x1hrx10yrs)
Clause with over 15 yrs monitoring	£4536	£1296 + £3240 (4x1hrx15yrs)

- 6.10 The hourly rate will be reviewed yearly. Once the s106 agreements are agreed, the monitoring fees will be paid on completion of the deed, along with the council's legal fees.

- 6.11 The charges reflect officer time involved in draft discussions, compliance, recording of payment, proof of expenditure, meetings, all correspondence, site visits and data entry. The obligation will then be monitored for correct expenditure and audit trail. All obligations will require some degree of these elements even if they are paid on commencement. The minimum amount of officer time that will be attributed to managing one clause has been set as a minimum charge per clause. The occupational/future obligations result in increased site visits and therefore are higher.
- 6.12 Obligation triggers that require monitoring over 5 years will require quarterly checks and so reflect the extended nature of their compliance dates.

## **7.0 Further Information**

- 7.1 For queries on planning matters you are encouraged to consult the Council's Planning Officers who will be pleased to assist.
- Telephone: (01799) 510510  
Fax: (01799) 510550  
E-mail: [planning@uttlesford.gov.uk](mailto:planning@uttlesford.gov.uk)  
Or write to: Assistant Director Planning and Building Control, Council Offices,  
London Road, Saffron Walden, Essex, CB10 4ER.

## **8.0 Useful References**

- 8.1 This Guidance Document can be viewed on the Council's website ([www.uttlesford.gov.uk](http://www.uttlesford.gov.uk))

Draft Uttlesford Local Plan 2012.

Uttlesford Local Plan 2005

Essex Design Guide 2005.

The Department for Communities and Local Government (DCLG). Circular 05/2005. Planning Obligations.

The Department for Communities and Local Government (DCLG). How to Guide: Parks and Open Spaces, ODPM, 2005.

Fields in Trust. Six Acre Standard 2001

Royal Society for the Prevention of Accidents  
Publish useful guides, recommendations and technical advice.

BS EN 1176 Playground Equipment Parts 1-7

BS EN 1177 Impact Absorbing Playground Surfacing, Safety Requirements and Test Methods (used in conjunction with BS 7188)

PAS 30 Multi-Games Facilities  
PAS 35 Wheeled Facilities

Sport England: Design Guidelines.

For guidance on meeting the needs of disabled people, refer to:

Sport England Design Guidance Note: *Access for Disabled People, 2002*

NPFA: *Can Play, Will Play Playgrounds for Disabled Children*

Town and Country Planning Association (TCPA): *Biodiversity by Design, 2004*

Football Foundation Organisation

## **Appendix**