

## Planning Obligations SPD

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## Core Guidance

The Core Guidance document forms part of West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities from 1<sup>st</sup> April 2015, alongside the Community Infrastructure Levy. It is intended as a guide for landowners, developers and residents.

### Document Status

*This SPD, currently draft, will take effect from 1st April 2015 following a public consultation period planned for Summer 2014, and adoption at a meeting of the Council in December 2014. For further details of how to take part in the consultation process please see the council's website at [www.westberks.gov.uk/contributionsspd](http://www.westberks.gov.uk/contributionsspd)*

*The current SPD 'Delivering Investment from Sustainable Development' will remain in full force and effect until the implementation of the Community Infrastructure Levy in April 2015.*

*This note will be removed upon adoption.*

## Introduction

**1** Well planned and sensitive development offers great benefits to society. It provides the homes, workplaces and facilities that we need and stimulates the economy. However, development of all scales also creates considerable impacts on the environment, facilities and services of the area in which it is located and places burdens and costs on the community. The Council wishes to ensure that the impacts of new development in West Berkshire are minimised and that such development provides appropriate social, economic and environmental benefits to the community as a whole.

**2** To implement these objectives and its Local Plan policies, the Council will seek to provide for the infrastructure demands that are generated as a result of new development through the use of planning conditions, and planning obligations such as:

- The Community Infrastructure Levy ("CIL"),
- Developer contributions and works secured through S106 obligations ("S106 obligations"),
- S278 Highways agreements ("S278 Obligations")

**3** The purpose of this SPD is to:

- Explain the Council's policies and procedures for securing developer contributions using S106 Agreements and other statutory measures;
- Explain the relationship between S106 obligations and the Community Infrastructure Levy;
- Provide guidance to developers and landowners about the types of planning obligations that may be sought and the basis for charges;
- Provide clarity to developers regarding the potential cost of development; and
- Give communities an idea of the types of planning obligations that may be sought to support growth allocated in their area.

## Core Guidance

**4** By making use of a combination of this SPD, and the Council's CIL Charging Schedule and CIL Regulation 123 list (both available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)) developers, landowners and residents are provided with a clear guide to the likely scope and scale of planning obligations and requirements applicable to different scales and types of development.

**5** Alongside CIL, S106 obligations will continue to be considered where necessary and appropriate and negotiated separately with developers in accordance with the provisions of the Community Infrastructure Levy Regulations 2010 (as amended by Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, and 2014 (and any other relevant provisions) ("the CIL Regulations") and the National Planning Policy Framework of 2012 ("NPPF").

### **Format of the Supplementary Planning Document**

**6** The SPD is presented as a set of documents – a Core Guidance paper supported by Topic Papers which set out what will be required by individual services. This Core Guidance document sets out the Council's overall approach to the provision of planning obligations in support of development plan policies. It also sets out the forms of development from which the Council will seek contributions, the nature of what will be sought and the scale of development from which particular types of contribution will be sought.

**7** The current set of supporting topic papers covers the following matters:

- Topic Paper 1 - Affordable Housing
- Topic Paper 2 - Transport
- Topic Paper 3 - Education
- Topic Paper 4 - Public Libraries
- Topic Paper 5 - Community Facilities
- Topic Paper 6 - Health Care Provision
- Topic Paper 7 - Open Space
- Topic Paper 8 - Waste Management
- Topic Paper 9 – Environmental Enhancements
- Topic Paper 10 - Archaeology, Conservation and the Historic Environment
- Topic Paper 11 - Provision of Fire and Rescue Infrastructure
- Topic Paper 12 - Preventing Crime and Disorder
- Topic Paper 13 - Adult Social Care

## Legislative Framework

**8** Section 106 of the Town and Country Planning Act 1990 includes a power which allows any person with an interest in land to enter into a planning obligation which may:

- Restrict the development or use of land in a specified way
- Require specific operations to be carried out
- Require the land to be used in a specified way
- Require a sum or sums of money to be paid to the local authority

**9** S106 agreements are completed by landowners in order to require them to do something in connection with the development taking place on their land that could not be secured by imposing a planning condition or by using other statutory means. S106 obligations are a proper and recognised part of the planning system. They can enhance the quality of development and enable proposals to go ahead which might otherwise be refused if such provision was not made. However, S106 obligations will not render acceptable developments which are otherwise inappropriate in terms of their impacts and relationship to planning policy.

**10** Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- 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.

## National Policy

**11** The principle that a development should bear a proportion of the cost of facilities, for which it creates a need, is supported in Government policy. The National Planning Policy Framework (NPPF), published in March 2012 provides the Government's current guidance on planning obligations. This is supported by further guidance on planning obligations in the National Planning Policy Practice published in October 2013. In addition, Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provides regulations which limit the use of planning obligations.

**12** Paragraph 203 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts of development through a planning condition.

**13** When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible and to secure development that maintains and where appropriate, enhances and improves the economic, social and environmental conditions in the area.

## Core Guidance

### Local Policies

#### Local Plan Core Strategy

**14** This SPD supports Policy CS5 of the adopted West Berkshire Core Strategy 2006-2026 which says;

The Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery, whilst protecting local amenities and environmental quality. The key infrastructure schemes required to facilitate development and secure the delivery of the Core Strategy include, but are not limited to, those schemes set out within the Infrastructure Delivery Plan. A schedule of the infrastructure which has been assessed as critical to the delivery of the Core Strategy is included within the Core Strategy as Appendix D.

**15** New development within West Berkshire needs to be supported by adequate infrastructure of all kinds including physical, social, and green infrastructure. The infrastructure requirements of new development need to be established to ensure necessary mitigation occurs alongside new development. Development should not be permitted unless essential infrastructure can be completed in pace with new development.

**16** The Council has worked in partnership with other infrastructure providers, including both internal Council departments and external agencies, throughout the development of the Core Strategy to identify the infrastructure required to facilitate the development set out in the Core Strategy, including where, when, by whom, and by what means this is to be delivered to ensure that the spatial strategy is robust in terms of delivery.

**17** Further details of the provision sought by the Council is set out in the following policies and other saved Local Plan policies as set out in the relevant Topic Papers:

CS 6	Affordable Housing
CS 14	Design Principles
SPD	Quality Design – West Berkshire SPD

**18** These policies will remain relevant until they are replaced by further parts of the Local Plan. For further information on the progress of the Local Plan please refer to the Planning Policy Information pages of the Council's website.

## Types of Planning Obligations

### S106 Agreements

**19** Unless it is stated otherwise, planning obligations which form part of a S106 agreement run with the land in perpetuity and may be enforced against the owners, mortgagees and their successors in title to the land (anyone with a legal interest in the land). S106 obligations can only be secured through the following types of Deed:

- Section 106 Agreements with mutual obligations between the Council and those with a legal interest in the application site,
- Unilateral undertakings), signed by those with a legal interest in the application site. Unilateral undertakings place legal obligations on the owners of the land but can impose no obligation on the Council.

### S278 Agreements

**20** S278 agreements also run with the land in perpetuity and may be enforced against the landowners, mortgagees and their successors in title to the land (anyone with a legal interest in the land). They generally require the developer to carry out works either on site or on adjacent highways to enable the development to take place (enabling works) or to mitigate the impact of the development by, for instance carrying out works like improving road junctions and access by other means of transport.

### Planning Conditions

**21** Planning conditions are attached to the planning permission and set out details of required standards, timeframes, and works which must be carried out at prescribed stages in the development process. Where necessary they also require further details which must be submitted in order to make the development acceptable. Planning conditions cannot require money to be paid. Failure to comply with planning conditions could render a development unlawful and un-implementable in its original form.

## Community Infrastructure Levy

**22** The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010. It enables local planning authorities to raise a levy on new development in their area. The levy is to be used to fund infrastructure to support the development of the area where it is collected – such as roads, schools, hospitals and parks. The 2010 Regulations have been amended by Amendment Regulations in 2011, 2012, 2013 and 2014 to date.

**23** West Berkshire Council adopted a CIL Charging Schedule in March 2014. The Charging Schedule identifies a levy of either £75 or £125 per square metre for residential development based on the geographical location within the district, and £125 per sq m for retail development.

**24** **The West Berkshire CIL Charging Schedule will be implemented on 1st April 2015. A CIL charge will be made on any liable development approved on or after 1st April 2015.**

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**25** CIL liability on a development is non-negotiable. As set out in CIL Regulation 70, CIL is payable within 60 days of commencement of development, unless the chargeable amount is of a level where the West Berkshire CIL Instalment policy would apply.

**26** Further details on the operation of the West Berkshire CIL is available on the Council's website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

**27** The Community Infrastructure Levy Regulations and guidance can be downloaded from the website of the Department for Communities and Local Government (DCLG) at [www.communities.gov.uk](http://www.communities.gov.uk)

### **The Relationship between CIL and Section 106**

**28** With the introduction of a CIL charge, the use of S106 obligations will be scaled back. Regulation 123 of the CIL Regulations effectively prevents the use of planning obligations to fund infrastructure projects or types of infrastructure that will be funded wholly or partly by the CIL. The Council will maintain on its website an up to date CIL Regulation 123 list of projects or types of infrastructure that it intends will be, or may be wholly or partly funded by CIL. These types of projects or infrastructure cannot therefore be funded through S106 planning obligations.

**29** In addition, upon the implementation of CIL, the pooling of contributions which are sought through a S106 agreement is limited to five Planning Obligations for a project or type of infrastructure, completed since April 2010. CIL receipts will be used to help fund, in whole, or in part, infrastructure needed to support or mitigate the impact of new development over an area, whereas S106 obligations will remain largely for direct mitigation arising from the impact of a specific development.

**30** The main exception to this is the provision of Affordable Housing, which the Government has stated will continue to be dealt with using S106 obligations. Topic Paper 1 refers to the Council's policies and provides guidance in relation to the provision of Affordable Housing.

**31** Large scale development typically tends to create a specific need for infrastructure provision and improvements and may necessitate site specific infrastructure such as schools, open spaces, community facilities and highway improvements or enabling works. These will generally be secured through planning obligations. In addition, smaller developments but with site specific impacts may also require planning obligations.

**32** In summary, S106 obligations may typically be secured for the following purposes:

- a. Affordable Housing,
- b. Infrastructure which is required as a result of specific development (and which is not included in the CIL Regulation 123 list as being funded wholly or partly by CIL),
- c. Commuted sums for the maintenance of site specific infrastructure and facilities that the developer and the authority would like another body (including the authority) to adopt.



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**33** This is further explained by the following table. This is for general guidance only and further reference should be made to each of the Topic Papers shown:

<b>Infrastructure Type</b>	<b>CIL</b>	<b>S106</b>	<b>S278</b>
<u>Topic Paper 1 - Affordable Housing</u>		Yes	
<u>Topic Paper 2 – Transport</u>			
Strategic highways or transportation infrastructure projects	Yes		
Site specific infrastructure		Yes	Yes
<u>Topic Paper 3 - Education</u>			
Incremental increases in school capacity	Yes		
Extensions and/or new school buildings required directly as a result of a development		Yes	
<u>Topic Paper 4 - Public Libraries</u>			
<u>Increasing capacity at libraries including increases in book stock</u>	Yes		
<u>Extensions and/or new library buildings required directly as a result of a development</u>		Yes	
<u>Topic Paper 5 -Community Facilities</u>			
<u>New provision required on-site as part of a major housing development including parish/town council facilities</u>		Yes	
<u>All other community Facilities</u>	Yes		
<u>Topic Paper 6 -Health Care Provision</u>			
<u>Increasing capacity at local surgeries</u>	Yes		
<u>Extensions and/or new doctors surgeries required directly as a result of a development</u>		Yes	
<u>Topic Paper 7 -Open Space</u>			
<u>Increasing capacity and improvements to quality of existing open spaces and play areas</u>	Yes		
<u>New provision required on-site as part of a housing development</u>		Yes	
<u>Topic Paper 8 -Recycling Facilities</u>			
Provision of waste and recycling receptacles, and expansion of waste collection and disposal infrastructure	Yes		

## Core Guidance

Infrastructure Type	CIL	S106	S278
Provision of new Mini Recycling Centres (MRC's) required directly as a result of a development		Yes	
<u>Topic Paper 9 -Environmental Enhancements</u>			
Strategic level mitigation measures	Yes		
Site specific mitigation measures required directly as a result of the development		Yes *	
<u>Topic Paper 10 -Archaeology, Conservation and the Historic Environment</u>			
Strategic level mitigation measures	Yes		
Site specific mitigation measures required directly as a result of the development		Yes *	
<u>Topic Paper 11 -Provision of Fire and Rescue Infrastructure</u>			
Strategic level expansion to Fire and Rescue Service infrastructure	Yes		
<u>Topic Paper 12 -Preventing Crime and Disorder</u>			
Strategic level mitigation measures	Yes		
On-site provision of Neighbourhood Offices		Yes	
<u>Topic Paper 13 -Adult Social Care</u>			
Strategic level mitigation measures	Yes		
On-site provision of facilities for use by Adult Social Services / day care facilities required directly as a result of the development		Yes	

\* Unless the mitigation can be dealt with using planning conditions

## Processes and Implementation

**34** One of the aims of this SPD is that it will assist the development industry by giving a framework for developers to identify whether there may be a requirement to complete a S106 and/or S278 agreement as part of the planning application, alongside CIL. It is important that securing appropriate developer contributions does not result in undue delays in the determination of planning applications once they are submitted.

**35** The Council would like as far as is possible to assist those considering the development of land to understand the likely scope and scale of any developer contributions which may be sought.

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**36** When land becomes available for purchase the Council is frequently inundated with requests for information, including likely levels of developer contributions. The Council is unable to give detailed advice in response to these early, speculative queries but it recommends that this SPD is used to gain a general impression. However, negotiations for purchase of land should only be undertaken on the basis that any developer contributions which may be sought can only be finally determined through the planning application process. Prospective purchasers are also advised to view the Council's CIL webpages and the CIL Charging Schedule.

**37** Developers and landowners seeking to submit planning applications for residential and commercial development are encouraged to make use of the Council's formal pre-application process in order that any site specific requirements are discussed at an early stage. Details of the Council's pre-application process can be found at <http://www.westberks.gov.uk/preapp>

### Development Viability

**38** Planning obligations, like CIL, are a necessary cost of development and it will be expected that the likely cost of obligations, including requirements for affordable housing provision, will be factored into the land acquisition and development costs from an early stage. The West Berkshire Core Strategy policies and the CIL charge have been through assessments of viability in a local context.

**39** In particular, the CIL charge set has been arrived at with regard to a specific CIL Viability Study completed as part of the CIL adoption process. The study made allowances for the full costs of providing Affordable Housing in accordance with Council policy, as well as other costs such as the Code for Sustainable Homes. The study can be viewed in full on the CIL webpage at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

**40** If an applicant wants to demonstrate that the S106 obligations cannot be provided due to exceptional viability circumstances, the applicant will be required to submit an open book viability assessment to the Council for consideration. There may be a fee charged to cover the Council's costs of reviewing the viability assessment. The viability assessment should use a recognised assessment model to be agreed with the Council. The assumptions used in the assessment should be clearly set out.

**41** If there remains dispute over the viability of a proposal, an independent financial assessor may be required. The assessor will be appointed by the Council and the reasonable costs of the assessment will be met by the applicant. The independent financial assessor's report will be provided to the Council and the applicant, and will inform the Council's final decision.

**42** Where the Council is satisfied that there are genuine viability issues in delivering the desired affordable housing and/or infrastructure elements, the Council may review the range and nature of obligations required but will still need to be satisfied that any changes to the infrastructure provision and/or affordable housing is still sufficient to make the development acceptable in planning terms.

### Legal Fees and Planning Administrative Costs

**43** If a S106 Agreement and/or a S278 Highways agreement are required, the Council will seek to recover the legal fees of negotiating and completing the agreement. In addition to meeting legal costs, planning administration fees will also be required to help to fund the staff and systems which manage and co-ordinate the process of handling applications liable to result in developer contributions from start to finish. Thereafter they will monitor the compliance of obligations including receipt of contributions where appropriate.

**44** Planning administration fees are £675 for minor applications, and £1,350 for major applications.

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**45** The costs of administering CIL are incorporated within the Levy itself so no separate fee is payable.

### Monitoring

**46** The Council will monitor planning obligations to ensure they are complied with. Enforcement action will be taken where conditions or planning obligations are not complied with.

**47** Payment of financial contributions will be in line with triggers which will be set out in the S106 Agreement. Triggers for the provision of infrastructure will also be set out in the Agreement. All agreements will include a requirement to provide prior notification of commencement of development.

**48** Legal agreements will specify timeframes for spending monies secured through planning obligations. There is no timescale for the spending of CIL receipts.

### Parish Plans

**49** Parish and Town plans will often identify services and facilities in local communities which would be subject to increased pressures in the event of new development. These may be taken into account by the Council when assessing the likely impacts of new development. The Council is required to pass a proportion of CIL income to town and parish councils where development has taken place, to spend within their local area. Further details on this are available on the Council's CIL webpage.

### Review – Keeping this SPD Up to Date

**50** The SPD will be kept up to date in the following ways:

**51** This Core Guidance document and the accompanying topic papers, are available on the Council's web site [www.westberks.gov.uk/contributionsspd](http://www.westberks.gov.uk/contributionsspd) where they can be viewed or downloaded free of charge.

**52** Information on costs which form the basis of developer contributions will be updated regularly. This regular updating will also take into account the retail price index and any inflationary impacts particularly associated with construction costs or service provision costs where there is an implication for developer contributions.

**53** It may be necessary from time to time to issue new topic papers or revise existing ones. Where material revision is needed the Council will undertake public consultation on its proposed changes.

**54** When the need arises this SPD will be subject to a comprehensive review. The new Supplementary Planning Document will be subject to public consultation before it is adopted.

## TP - 1 Affordable Housing

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This Topic Paper sets out how the Council will deal with planning applications where the provision of affordable housing will be required.

### Aim

**1.1** The overall aim of the Council's affordable housing planning policies and this SPD is to deliver, as far as possible, balanced and integrated communities. The Council also aims to ensure that those in housing need in West Berkshire, both now and in the future, have access to decent affordable homes. Ensuring that there is an adequate supply of affordable housing is one of the Council's corporate priorities.

### Introduction

**1.2** This paper specifically acts as supplementary guidance to policy CS1 (Delivering New Homes and retaining the Housing Stock) and policy CS6 (Provision of Affordable Housing) of the adopted West Berkshire Local Plan Core Strategy (2006-2026) and supports the Council's Housing Strategy. The Core Strategy constitutes part of the Development Plan which is the starting point for decision making in respect to planning applications. This guidance will be reviewed in response to any changes to Government policies and programmes for affordable housing.

**1.3** The Government's National Planning Policy Framework, (NPPF) March 2012, enables local authorities to seek affordable housing on suitable sites. Paragraph 50 of the NPPF states:

'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time'.

## 1 Affordable Housing

**1.4** The Council will continually monitor the delivery of all forms of affordable housing and the impact of changes in the housing market on housing needs. This will be reflected in its negotiations in respect of the required tenure mix on individual sites.

**1.5** The Council's priority is to secure on site provision of affordable housing on qualifying sites. However, in exceptional circumstances the Council recognises that this may not be appropriate, for example if the type of units proposed are not suitable for affordable housing or do not fit the need profile in the local area of the site. In such circumstances, the Council will consider whether a financial contribution in lieu of on site provision is appropriate, or whether alternatives, such as replacement provision on a separate site would meet its strategic priorities.

**1.6** Developers and landowners seeking to submit planning applications are encouraged to contact the Council directly for site specific advice.

### **Affordable Housing and the Community Infrastructure Levy ("CIL")**

**1.7** The Government currently states that the provision of affordable housing will remain within the Section 106 regime. Requirements to deliver affordable housing will be determined during the planning application process and secured through a Section 106 legal agreement, to be completed prior to determination of the planning application.

**1.8** In accordance with the CIL Regulations 2010 (as amended), the element of any development which is deemed affordable (in accordance with the West Berkshire Core Strategy) will be eligible for relief from paying CIL, together with a proportional element of any communal areas forming the development.

**1.9** Further details can be found within paragraphs 49 to 54 of the CIL Regulations 2010 (as amended).

### **Housing Needs in West Berkshire**

**1.10** The Council is seeking to address a range of affordable housing needs with the most vulnerable being its priority. The normal operation of the housing market does not act to meet these needs. Housing is in great demand and new dwellings secure high prices (usually above average prices), which are beyond the means of a significant proportion of those needing housing. Providers of subsidised housing are unable to compete with the private sector to secure land in the right locations to build affordable dwellings. Therefore, in accordance with Government policy it is necessary for the Council to intervene to ensure that the burden of providing affordable accommodation is shared with the development industry, rather than falling purely on the local community.

## Affordable Housing 1

**What is affordable housing?**

**1.11** The Core Strategy defines affordable housing in accordance with the NPPF as:

‘Affordable housing is 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.

Social rented housing is owned by local authorities and private registered provider (as defined in Section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Community Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as ‘low cost market’ housing may not be considered as affordable housing for planning purposes.

The Council uses the above definition of affordable housing and defines the term affordable as accommodation which is available at a price or rent which is not more than 30% of a households net income.

Affordable housing is normally and preferably provided on-site and through Housing Associations (Registered Provider; RP). Affordable housing can sometimes be provided on sites owned by the Housing Associations, but more often the provision comes through obligations placed on developments by the planning system’.

**1.12** Further details about each type of affordable housing are outlined in Appendix 1. The Council will encourage developers and Registered Providers to bring forward innovative proposals which meet the demonstrable needs of local communities.

**1.13** In order to accord with the definition, accommodation secured through planning policies must, regardless of tenure, be genuinely affordable to those in need having regard to the relationship between costs/rents and incomes.

**1.14** The Council considers it is critical for prices or rents of property of any form of tenure to be affordable to those categories of persons the Council is seeking to assist as a priority. Therefore, in assessing any affordable housing proposals, the Council will consider the projected cost, (whether via fixed equity, shared ownership or rent), and the level of incomes of households targeted.



## 1 Affordable Housing

### Meeting Priority Needs

**1.15** The Council's Housing Strategy states that a broad range of affordable housing types and tenures will be required if the objectives of the NPPF and the needs of the whole community are to be met. Therefore, the Council will not accept forms of affordable housing provision which will solely meet the needs of one particular group to the exclusion of others. Such provision will not be considered to provide affordable housing in terms of local plan policies and proposals for such forms of provision will not be permitted unless there are sound reasons.

### The Level and Type of Affordable Housing Obligations

**1.16** This section sets out how the Council will consider individual development proposals and what form of affordable housing contribution will be sought. Provision of affordable housing or contributions towards such provision will be sought from the following forms of development in accordance with Policy CS6 of the West Berkshire Core Strategy:

'Subject to the economics of provision, the following levels of affordable housing provision will be sought by negotiation:-

On development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision will be sought on previously developed land, and 40% on greenfield land;

On development sites of less than 15 dwellings a sliding scale approach will be used to calculate affordable housing provision, as follows:-

- i. 30% provision on sites of 10 – 14 dwellings;
- ii. and 20% provision on sites of 5 – 9 dwellings.'

**1.17** The Core Strategy explains that on-site provision of affordable housing will be sought in all but exceptional cases. Today the Council faces a climate of reduced public finance following the cessation by the Government of Local Authority Social Housing Grant, which subsidised the delivery of affordable rented homes, in particular. The Housing Corporation, now the Homes and Communities Agency, stated in 2003 that, in future, it would not expect to grant fund schemes negotiated through Section 106 agreements. This position has now been reinforced by the introduction of the Affordable Homes Programme.

**1.18** Due to these changes the Council will have to balance its primary aim of securing on-site provision of dwellings with the necessity to secure financial contributions to enable dwellings to be developed elsewhere.

**1.19** Therefore, on sites where planning applications are submitted for residential development the required level of affordable housing must now be provided without undue pressure on public finance. The Council therefore needs to ensure that affordable housing developed on these sites is passed on to housing associations at a cost which ensures that it is really affordable to those in the priority need groups. Appendix 2 sets down the criteria at which affordable housing will be made available to Registered Providers in West Berkshire, that is the developer's on-site contribution on qualifying sites. Appendix 3 sets out the methodology to be used in the calculation of an in lieu payment on qualifying sites.



## Affordable Housing 1

### Allocated Local Plan sites

**1.20** The sites that were identified in HSG.5 (the now superseded policy which allocated new housing sites in the West Berkshire District Local Plan 1991 - 2006) have largely been completed or are under construction. These sites have provided excellent opportunities for the family size affordable housing most required across the district. The strategic sites allocated in the Core Strategy will provide further such opportunities in Newbury, while allocations to be made in the forthcoming Local Plan documents will deliver affordable housing on sites throughout the District.

### Unallocated housing sites

**1.21** Unallocated sites in this context are residential development sites which come forward during the Plan period which have not been specifically allocated in the Local Plan. Policy CS6 of the Core Strategy indicates that the Council will seek at least 20% of the dwellings to be affordable housing on residential developments of 5 to 9 dwellings and 30% of the dwellings to be affordable housing on residential developments of 10 dwellings or more. For those sites of 15 dwellings or more, or 0.5 ha or more the policy seeks 30% of the dwellings to be affordable on brownfield sites and 40% on greenfield sites. As stated in the supporting text to Policy CS6 of the adopted West Berkshire Local Plan Core Strategy, the requirement for affordable housing will be a percentage of the total number of gross dwellings on the proposed development site.

**1.22** The size, location and character of unallocated sites vary considerably from densely developed sites in town centres to development in suburban areas, villages and countryside locations.

**1.23** In accordance with policy CS6 the requirement will be for full on-site provision unless there are exceptional reasons why this is not appropriate or an alternative approach is required in order to meet the Council's strategic housing priorities. It will be for the Council to determine in each case the appropriate form of obligation to be provided. In assessing the type and balance of provision of affordable housing obligations it will seek from unallocated sites, the Council will have regard to the following factors:

- The degree and type of housing need in the locality of the site
- The desirability of securing additional on-site provision having regard to the site's size or location
- The proposed or potential form of the residential development
- Existing provision of affordable housing in the vicinity, including proposed development sites likely to deliver on-site provision in the near future

**1.24** The Council will consider a range of options for affordable housing obligations on unallocated sites (including but not limited to):

- full on-site provision;
- a mix of on-site provision and a financial contribution; to
- full provision on an alternative site or financial contribution.

## 1 Affordable Housing

**1.25** The Core Strategy sets out that the Council's expected tenure mix for affordable housing will be a 70:30 split in favour of social rented accommodation, with other intermediate tenure options contributing the remaining 30%. This ratio reflects the housing needs requirements of the District as set out in the Housing Needs Assessment 2012. Any diversion from this policy position will need to be backed up by a full open book viability assessment using the Homes and Communities Agency (HCA) toolkit or any subsequent methodology released by the HCA.

### Financial contributions

**1.26** It will be a requirement that a full consideration of other options is made before the Council agrees to accept a financial contribution in lieu of on-site provision.

**1.27** Where financial contributions are considered appropriate in place of some or all on-site provision, the value of the contribution will be calculated as set out in Appendix 3.

**1.28** The financial contribution will be ring-fenced by the authority for the procurement of affordable housing.

## Layout, Design and Integration

### Integration of affordable housing

**1.29** The Council wishes to ensure that new developments form balanced and mixed communities. In the past, the absence of a 'tenure mix' approach precipitated the neighbourhood problems and unbalanced communities which it is now in the public interest to avoid.

**1.30** To ensure satisfactory integration, affordable housing on new developments should be fully integrated within the general market housing. The Council expects affordable housing to be 'pepper potted' throughout a development. Where practicable, this means that affordable housing should be in groups of not more than 5 dwellings at any single location within the development. This approach is fully consistent with Government policy. The NPPF recognises the need 'to deliver a wide choice of high quality homes, widen opportunities for homeownership and create sustainable, inclusive and mixed communities' (paragraph 50, NPPF).

**1.31** The NPPF places the responsibility upon the Local Planning Authority to determine the strategy for the need and provision for addressing housing need on a local level.

**1.32** The report on Responses to Housing Green Paper (December 2000) highlighted the practical value of pepper potting. Paragraph 8.5 states:

'On the issue of mixed tenure development a number of respondents point out that mixed tenure developments may be more successful if the social element of the development is pepper-potted within the development, rather than concentrated within one specific area. Regardless of size of development, pepper potting is seen to be the best approach, integrating the tenures and not creating a recognised 'social housing' area or block of dwellings.'

## Design and Sustainable Development

**1.33** To complement the pepper potting approach it is essential that affordable housing is of good quality and indistinguishable from general market housing. The Council will take into account the quality of layout and design of the affordable dwellings. In addition, to ensure that rented homes are sustainable for families in the long term, and to ensure the development qualifies for any grant funding which might become available, all affordable housing must conform to the latest Design and Quality Standards published by the Homes and Communities Agency (HCA).

**1.34** Policy CS15 of the Core Strategy (Sustainable Construction and Energy Efficiency) requires the following standards of construction for residential development:

- From 2013: All development – Code for Sustainable Homes Level 4
- From 2016: All development – Code for Sustainable Homes Level 6

**1.35** All new build affordable housing should be constructed to a standard which accords with the approaches to energy and resource efficiency referred to in Core Strategy Policy CS15, in the Council's supplementary planning document 'Quality Design' West Berkshire - Part 4 Sustainable Design Techniques' and in accordance with the Housing Strategy. The Council will encourage developers and Registered Providers to provide affordable housing which is environmentally sustainable in the use of energy and water. Where possible affordable housing should include the following features:

- rainwater collection butts
- low energy light fitting
- condensing boilers
- use of passive solar gain
- solar hot water systems.

**1.36** It is more cost effective to incorporate such measures at the initial construction stage of a new dwelling rather than add them later. Such features also contribute to reducing energy consumption helping with the continuing affordability of each unit.

## 1 Affordable Housing

**1.37** The Council will assess all affordable housing development proposals against the following minimum standards which reflect standards required by the HCA HQI calculator. This will ensure the dwelling sizes are suitable for future occupants.

Bed size	Minimum Gross Internal Area	Bed space
1 bed flat	50 sq m	2 bed spaces
2 bed flat	67 sq m	3 bed spaces
2 bed house	85 sq m	4 bed spaces
3 bed house	90 sq m	5 bed spaces
4 bed house	100 sq m	6 bed spaces

N.B. 5 beds should provide a minimum of 7 bed spaces, and 6 beds should provide a minimum of 8 bed spaces

**1.38** The Government has announced the introduction of national space standards, a draft of which is likely to be available in summer 2014<sup>(1)</sup>.

### Accessibility

**1.39** All the affordable dwellings should be constructed to Lifetime Homes standards to ensure that they are readily adaptable for those with special needs if required. Further information on the Lifetime Homes standards can be found at [www.jrf.org.uk/housingandcare/lifetimehomes](http://www.jrf.org.uk/housingandcare/lifetimehomes)

### Special needs

**1.40** The Council's Housing Strategy highlights the needs of particular categories of persons with a special need for supported or adapted housing. The target group for specialist housing changes from time to time depending on changes in legislation (such as the Homelessness Act 2002), government funding priorities, changes in legislation (such as National Care Standards which affect residential care home standards), gaps in local provision identified through the Supporting People programme etc. As the Planning, Housing, and Social Services Authority, the Council has a duty to ensure that affordable housing is provided to meet a whole range of needs. Future revisions of the Housing Strategy will include details of housing priorities for special needs groups.

**1.41** Developers will be expected to consider the inclusion of special needs housing on appropriate sites. These will be part of the affordable housing provision. However, where larger residential or shared housing is required, the affordable housing requirement will be calculated based on the assumption that the average affordable dwelling size required is 76 m<sup>2</sup> and a shared housing project larger than this will be equivalent to more than one affordable dwelling.

**1.42** The vast majority of special needs housing delivered on private sites will be for tenants who are already living independently. In most cases, the affordable housing will not require any special facilities or adaptations. There is however need for a greater proportion of wheelchair 'standard' housing as part of the affordable housing element. Developers should discuss the number of wheelchair standard housing within the site with the Council.

1 Further information can be found at:  
<https://www.gov.uk/government/topics/providing-effective-building-regulations-for-new-and-old-buildings-as-safe-accessible-and-efficient-supporting-pages/technical-housing-standards-review>

## Phasing of the Affordable Dwellings

**1.43** The Council will normally require all affordable housing to be in place before a maximum of 80% of the open market housing on the site has been completed. A phased implementation approach will be expected on larger sites and will be agreed on a site-by site basis.

## Summary – contents of S106 agreement

**1.44** Section 106 agreements for developments of 5 dwellings (or 0.5ha) or more will be required to cover the following issues as set out in detail above:

- Arrangements for, and cost of transfer of affordable units
- Methods of securing affordability in perpetuity
- Proportion, mix of types and tenure of affordable dwellings
- Design and construction standards
- Creation of small groups of dwellings
- Inclusion of environmental design features
- Any arrangements for off site provision or financial contribution
- Arrangements for special needs dwellings.

## Rural Exception Schemes

**1.45** Policy HSG.11 of the West Berkshire District Local Plan 1991 – 2002, Saved Policies allows for the development of small scale affordable housing schemes to meet identified needs on sites in rural areas which would not otherwise receive planning permission for housing development. The Council expects exception schemes to be supported by the local Parish Council and actively encourages Parishes which are aware of a need for affordable housing to work with the Rural Housing Enabler to undertake housing needs analysis.

**1.46** When published in March 2012, the NPPF amended the definition of rural exception sites and introduced the ability of such sites to deliver small numbers of market homes at the Council's discretion, for example where essential to enable the delivery of the affordable units without grant funding. Policy HSG.11 should therefore be read alongside the NPPF.

## 1 Affordable Housing

### Sources/ Documents referred to:

Homes and Communities Agency, Affordable Homes Programme Framework 2011-15  
National Planning Policy Framework March 2012  
Housing Green Paper 2000  
HCA Design and Quality Standards April 2007  
Lifetime Homes [www.jrf.org.uk/housingandcare/lifetimehomes](http://www.jrf.org.uk/housingandcare/lifetimehomes)  
West Berkshire Local Plan Core Strategy 2006-2026 (adopted July 2012)  
West Berkshire District Local Plan 1991 - 2006 (Saved Policies)  
West Berkshire Council Housing Strategy 2011-15  
West Berkshire Council Supplementary Planning Document 'Quality Design' West Berkshire - Part 4 Sustainable Design Techniques'

### Contacts

Housing Strategy Team  
Social Care Commissioning and Housing  
West Berkshire Council  
West Street House  
West Street  
Newbury  
RG14 1BZ  
Tel: 01635 519586

## Appendix 1: Types of Affordable Accommodation

**1.47** The Council wishes to see developments which meet a broad range of needs, from the most vulnerable groups, those with special needs or the homeless to those on modest incomes such as key workers who need a more limited level of subsidy to enable them to purchase a home. Affordable housing will always need to meet local needs. The Council will encourage developers and Registered Providers to bring forward innovative proposals which meet the demonstrable needs of local communities. As a general guide large developments of around 10 affordable dwellings or more, should include a mixed scheme of subsidised rented and some form of low cost ownership (LCHO). The Council's expected tenure mix for affordable housing will be a 70:30 split in favour of social rented accommodation, with intermediate tenures such as new build homebuy contributing the remaining 30%. This ratio reflects the housing needs requirements of the District as identified in the Housing Needs Assessment 2012.

**1.48** The various forms of affordable housing provision, and their suitability to meet needs in West Berkshire, are explained in more detail below. As outlined above, the key test will be whether it is genuinely affordable.

### AH1 – Social Rent from a Registered Provider

**1.49** This form of affordable housing contributes most to meeting housing needs in West Berkshire, and will therefore be expected on most sites where provision is to be made. Expectation is that social rent will constitute a minimum of 70% of the overall percentage of affordable housing provision on any qualifying planning gain site. Delivery of affordable housing through a Registered Provider ("RP") ensures appropriate building and space standards for housing for rent. The Council will expect all affordable housing (whether via an RP or not) to meet the HCA's current Design and Quality Standards published April 2007 or subsequent versions.

**1.50** Subsidised rented housing is especially important as it is the only tenure available to individuals or families who are unable to obtain a mortgage to purchase even a significantly discounted property e.g. households in receipt of benefits or those with support needs. RP rents are regulated by the HCA. This ensures homes are affordable in perpetuity.

**1.51** While the Council will not impose a particular RP partner on any developer, it will advise developers on those RPs which are currently active in the West Berkshire area. The Council will normally only support development by those RPs which have existing stock in or near West Berkshire, those which have a particular expertise which may be lacking amongst the RPs already active in the area or those which can demonstrate that they can maintain on-going investment within West Berkshire.

**1.52** The Council considers it is important that the units for rent are let at social rents, are available for rent in perpetuity and are built to the required standard. Long term ownership and management by an RP partner is the Council's preferred option for the majority of the affordable housing to be provided on residential development sites. However, the Council will consider alternative models which achieve these aims.

**1.53** Housing management standards should comply with the Homes and Communities Agency document: The Regulatory Framework For Social Housing in England From April 2012, or any subsequent guidance.



## 1 Affordable Housing

### AH2 – Affordable Rent from a Registered Provider

**1.54** Affordable rent was introduced in the spending review on 1st April 2011 as part of the Affordable Homes Programme. Affordable rented homes are made available to tenants at up to 80% of market rent and will be allocated in the same manner as social rent via the Council's choice based lettings scheme. The Government has introduced new measures for affordable tenancies; among those is the opportunity for RP's to offer flexible tenancies at a minimum of 2 years. The definition of affordable rented housing in the NPPF is:

'Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable)'.

**1.55** The Council considers it essential that rents remain as affordable as possible. Therefore it will be seeking, where possible, to achieve a percentage of market rent below the 80% cap.

**1.56** Whilst providing a useful alternative, affordable rent does not meet the needs of the majority of the clients on the West Berkshire Housing Register. This need is predominantly met by the social rented tenure. Therefore affordable rent will only be considered on planning gain sites if a full viability assessment backed up by a recognised tool-kit proves that it would not be viable to provide 70% social rent on site.

**1.57** The Council expects all tenancies to run for a minimum of 5 years to help maintain sustainable communities.

### AH3 - Shared Ownership

**1.58** Shared ownership refers to dwellings which are part purchased and part rented to leaseholders, usually but not exclusively by an RP freeholder. It is normally built to the same standards as rented accommodation but shared ownership requires occupiers to purchase a part share of a property (say 25-50%) and rent the remaining share from the freeholder. It is therefore affordable to a narrower range of people. To be affordable such accommodation needs to be targeted towards particular income groups. Proposals for shared ownership will be expected to demonstrate that the prices, inclusive of mortgage, rent and service charges, are affordable to the income group at which they are aimed.

**1.59** Shared ownership leaseholders usually have the right to 'staircase up' their equity share, even to full ownership. If this is permitted in the leasehold agreement and the section 106 planning agreement, the leaseholder is able to purchase additional equity at the current property valuation pro rata. Where an RP owns the freehold, the proceeds of sale by the leaseholder's purchase, must be used by the RP to fund additional affordable housing in West Berkshire in some other way. It is also essential that the RP has the first option on the eventual resale of a shared ownership property so that it remains affordable for subsequent occupiers.

**1.60** The Council's preferred model is for shared ownership to be provided and managed by a RP. The Council will consider models which do not involve an RP provided the basic parameters described above are applicable.



## Affordable Housing 1

### AH4 - Key Worker Accommodation

**1.61** The difficulties with recruitment and retention of key workers, due in part to the high cost of housing in the South East are well documented. The Council has participated in a joint project with other Berkshire authorities, which has identified a need in the District for this type of accommodation and the Council will continue to assess proposals for the provision of accommodation of this type on a site by site basis.

### Appendix 2: The developer's contribution to on site affordable housing

**1.62** The provision of affordable housing will normally be achieved through the involvement of a Registered Provider (RP) agreed by the Council and registered with the Homes and Communities Agency (or its successor), so that properties can be secured for successive occupiers. The Council would expect the freehold interest in the affordable housing to be transferred to the Registered Provider. Where the transfer is a leasehold arrangement, the lease will be for a minimum of 125 years (99 years in exceptional circumstances) and the land rent will be restricted to a peppercorn charge.

**1.63** The Council expects all affordable housing on planning gain sites to be delivered with nil public subsidy. Developers are expected to make full provision for nil grant affordable housing on all qualifying planning gain sites and pay due consideration when negotiating the land value of a site.

**1.64** Where an element of the on-site affordable housing is for shared ownership or fixed equity, the amount of the developer's contribution will be calculated as 35% of the open market value for each unit type. The open market value will be agreed between the receiving Registered Provider and the developer, or, in the event that agreement cannot be reached between those parties, by an average of three independent valuations.

### Appendix 3: Calculation of financial contributions

**1.65** In the exceptional cases where the Council agrees to accept a financial contribution in lieu of on-site affordable housing the following calculation will be used:

**1.66** Any financial contribution should be broadly equivalent to the contribution that would have been made to provide the housing on site. The financial contribution being sought in lieu of on-site provision is therefore based on the general ability of an RP to purchase in the current market.

**1.67** A registered provider can borrow against its rental income as well as its own financial resources. In order to be able to provide a dwelling, the RP will require a financial subsidy equal to the proportion of the market value that it cannot afford.

**1.68** The most appropriate way to calculate the contribution is to calculate the Gross Development Value (GDV) of the entire proposed development. The financial contribution will be directly proportionate to the GDV of the scheme assuming it is 100% private sales. Sales values which appear to be artificially low may be scrutinised using an open book evaluation during the planning application process.

**1.69** The evidence in the market place generally is that a RP will be able to fund approximately 50% of the market value of a unit and therefore a financial contribution of 50% of the market value is required from the developer in order to provide each unit. The requirement will be detailed in a legal agreement drawn up during the planning application process and payment is usually required on commencement of development.

## 1 Affordable Housing

### **Example 1 - Sites of 5-9 dwellings (gross)**

Policy CS6 seeks an onsite contribution of 20% for schemes of between 5-9 units. However where exceptional circumstances require an off-site contribution in lieu of on-site provision, the following calculation should be applied. In accordance with Policy CS6, where the proportion of affordable housing sought will result in the provision of a part unit, the part unit will be rounded up or down to provide the nearest whole unit.

A scheme of 6 houses (requiring 20% affordable housing)

20% equals 1 unit (1.2 units rounded down)

The units are to be sold at £200k each as private sales.

Gross Development Value (GDV) of 6 houses at £200k each = £1,200,000

GDV of affordable housing element = £200,000

RP purchase at 50% = £100,000

Developer contribution = £100,000

### **Example 2 - Sites of 10-14 dwellings (gross)**

Policy CS6 seeks an onsite contribution of 30% for schemes of between 10-14 units. However where exceptional circumstances require an off-site contribution in lieu of on-site provision, the following calculation should be applied. In accordance with Policy CS6, where the proportion of affordable housing sought will result in the provision of a part unit, the part unit will be rounded up or down to provide the nearest whole unit.

A scheme of 13 houses (requiring 30% affordable housing)

30% equals 4 units (3.9 units rounded up)

The units are to be sold at £300k each as private sales.

Gross Development Value (GDV) of 13 houses at £300k each = £3,900,000

GDV of affordable housing element = £1,200,000

RP purchase at 50% = £600,000

Developer contribution = £600,000

## Affordable Housing 1

**Example 3 – Mixed Sites**

Sites where a mix of unit sizes are proposed will be accommodated by the following calculation:

Sites of 10-14 dwellings (gross)

Policy CS6 seeks an onsite contribution of 30% for schemes of between 10-14 units. However where exceptional circumstances require an off-site contribution in lieu of on-site provision, the following calculation should be applied.

A scheme of 10 flats (requiring 30% affordable housing) consisting of:

5no 1 bed flats valued at £150,000 each

3no 2 bed flats valued at £200,000 each

2no 3 bed flats valued at £250,000 each

This development would require 30% affordable housing which equals 3 units

Gross Development Value (GDV) of 10 flats totals £1,850,000

Average Sale Price per flat ( $£1,850,000/10$ ) = £185,000

GDV of affordable housing element ( $£185,000 \times 3$ ) = £555,000

RP purchase at 50% = £277,500

Developer contribution = £277,500

## 2 Transport

### TP - 2 Transport

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on transport infrastructure and services is mitigated.

#### Introduction

- 2.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.
- 2.2** In considering planning applications for new development, the impact on the highway network will be assessed and consideration given as to how the impact could be overcome with the use of planning conditions or by planning obligations.
- 2.3** Developments should also include full provision of integrated transport and safety measures, commensurate with the development proposed.
- 2.4** Where possible the Council will aim to ensure that the impact of developments on the wider transport network will be paid for by the Community Infrastructure Levy.
- 2.5** Where site specific mitigation measures are required these may be sought using either Section 106 of the Town and Country Planning Act 1990 or Section 278 of the Highways Act 1980.

#### Improvements to Highways and Transport Infrastructure

- 2.6** All development proposals will be assessed on their own merits in relation to the impact they have on the highway network. There are no types of development which are exempt from such highways infrastructure obligations. The level of contribution, or works required, will be assessed having regard to the level of floorspace, the likely transport demands created and the character and volume of traffic likely to be generated.
- 2.7** Development proposals will need to mitigate their own impact through the provision of appropriate mitigation measures. These may include on-site estate roads, footpaths, bridleways and cycleways, parking spaces, lighting, bus stops, lay-bys and associated landscaping depending on the highway impact and the type and scale of the development proposed.
- 2.8** In addition, where appropriate, West Berkshire Council will seek contributions towards off-site improvements which are required directly and solely as a result of development and are necessary to make it acceptable in planning terms. This could include (but is not restricted to) new and improved road infrastructure, traffic calming, public transport improvements, car clubs, cycleways, footpaths, lighting and associated landscaping. In appropriate circumstances the Council may also seek ongoing revenue contributions to fund the running of a service which is necessary directly as a result of the development.
- 2.9** Further details of other site mitigation measures which may be required directly as a result of specific developments are set out below.

## Transport Assessments and Travel Plans

**2.10** Planning applications for larger developments will be expected to be accompanied by Transport Statements or Transport Assessments and a Travel Plan. These should be provided in accordance with national 'Guidance on Transport Assessments' (March 2007) and the indicative thresholds in Appendix B of the guidance. There may be some other occasions where the local authority will require such assessments as a result of local circumstances which should be highlighted through pre-application discussions.

**2.11** Travel Plans are an important tool in the delivery of sustainable outcomes. They provide, together with transport assessments, the mechanism for assessing and managing access to sites. In addition, they can help improve accessibility, both to and from the site, and to local amenities and services.

**2.12** The NPPF states that a travel plan is a key tool in the promotion of sustainable transport modes and should be submitted alongside planning applications that are likely to generate significant amounts of movement. Travel Plans are likely to be sought on applications for retail, leisure, business, employment, health, residential and educational development as appropriate. This includes applications for redevelopment, mixed use schemes, changes of use of buildings and applications to extend the duration of an existing planning permission. It may also be necessary for audits to be prepared covering road safety and provision for safety for motorbikes, pedestrians, and cycles.

**2.13** Further information is also available in National Planning Policy Guidance (March 2014) at <http://planningguidance.planningportal.gov.uk/blog/guidance/travel-plans-transport-assessments-and-statements-in-decision-taking/>

## Public Transport

**2.14** To ensure that the public transport service to a development meets the Council's objectives as identified in the Local Transport Plan and Passenger Transport Strategy, revenue contributions may be required to support that service. These will be for a period of not less than five years and may be in the form of an equivalent lump sum payable before the commencement of any service. These contributions will only be required where the provision of the public transport service is necessary to make the development acceptable in planning terms, and has arisen directly as a result of the development.

**2.15** Public transport services provided as a result of new development should not undermine existing service provision, particularly those services which are commercially viable.

**2.16** The Council can advise on the level of service provision that will be sought together with the necessary standards and definitions.

## Walking and Cycling

**2.17** Improved pedestrian and cycling facilities will be sought as a result of new development where a direct impact results from that development. This may include pedestrian priority measures, pedestrian friendly crossing, traffic calming, cycleways, and staff shower facilities at large industrial, commercial, retail and leisure developments.

**2.18** Cycle parking and Motorcycle parking will be sought in line with the Council's current guidance (Cycling and Motorcycle Advice and standards for New Development Guidance note).

## 2 Transport

### Accessibility

**2.19** Improvements will be expected to provide for safe access for people with disabilities, the elderly and the sick, and those with young children, in accordance with West Berkshire Council's standards of accessibility.

### Contacts and further advice

**2.20** Applicants are advised to make use of the formal pre-application process in order that any highways and transport requirements are discussed at an early stage.

**2.21** For further information please contact:

Highways and Transport Service  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD

Tel: (01635) 519207

### Sources/ Documents referred to:

Department for Transport - Guidance on Transport Assessments published 7th March 2007.  
Appendix B – Indicative Thresholds for Transport Assessments.

National Planning Policy Framework (NPPF), Adopted March 2012.

National Planning Policy Guidance (NPPG) March 2014.

## TP - 3 Education

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on the provision of education is mitigated.

### Introduction

**3.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**3.2** West Berkshire Council is responsible for education provision in West Berkshire. In accordance with Government guidance, the Council recognises the importance of making proper provision for education needs in the early years, primary, secondary and post 16 age groups. The Council also recognises the need to make suitable and sufficient provision for pupils with Special Educational Needs and for children and families through Children's Centres. Provision will be made within the West Berkshire administrative area only.

**3.3** The Community Infrastructure Levy will be used to provide these educational facilities for all developments other than those excluded as detailed in the Regulation 123 list.

**3.4** The methodology set out below will be applied where specific facilities are required as a direct result of any development within the West Berkshire Council administrative area. It will also be followed for any applications for change of use (which are not normally CIL liable in that they do not usually create new build floorspace) where the proposals satisfy the exclusions in the Regulation 123 List.

### Assessing the application

**3.5** Where S106 obligations are to be sought the application will be assessed by reference to the following:

- The likely child yield from the development.
- The likely yield of pupils with Special Educational Needs, requiring specialist provision, from the development
- The need for new provision or the ability of the existing catchment school to meet the impact with additional infrastructure.
- The anticipated costs of providing the solution. This will involve an analysis of building costs across the district, land values in the district (where additional land is required), Government policy with regard to space standards, the nature of the site, the survey requirements, feasibility costs and any other costs associated with providing the solution. This will be assessed on a case by case basis.



### 3 Education

- Each new school site should have a total site area based on the recommended area from Building Bulletin 99, Baseline Designs and the Early Years Framework. Total site area includes the school building footprint, on site nursery, access roads, car park, habitat, sports pitches, hard court(s), and hard and soft social area. This is at the top range of the recommended site area, and is advisable until the proposed site shape, topography and other site details are known.
- Land made available for the provision of a primary school(s) should be suitable and sufficient for that purpose, such as but not limited to, meeting DfE and Sport England requirements, being flat and level, being free of contamination, be central to the site, not have rights of way across and not be subject to any restrictive covenants. Proposed sites will have been surveyed in line with current British Standards (BS5930 and any updates), as per recommendations from the DfE. Provision should be located central to the housing it serves, with good vehicular and pedestrian access. Access arrangements for pedestrians should be in the form of safe walking routes.
- New provision will need to be suitable and sufficient. External areas must meet a performance specification established by WBC. School accommodation provision will be required to meet local standards, such as but not limited to, accommodation, planning and construction standards. Accommodation shall also meet or exceed the standards laid out in the latest DfE guidance and Building Bulletins.
- Public Sector Procurement legislation will need to be met. This will determine if the land and school(s) are provided or if a monetary payment is made.
- Any land provided to the Council for a school to mitigate the impact of a development, should be transferred at no charge to the Council and free from financial ties. The land should have planning permission for educational use, must be fully serviced, and should be fully accessible (to a standard specified by the Council).
- The cost of the development and delivery of a project to meet the impact of the development. This will include the LAs costs in finding an Academy partner or free school provider and any resulting competition activity that are required as a result of the development.

#### The Child Yield

##### The Yield of Pupils in Early Years Settings

**3.6** The yield of early years pupils will be calculated using the numbers of 3 year olds from the housing study described below.

##### The Yield of Pupils in Mainstream Schools

**3.7** The child yield likely to be generated by a development is derived from research commissioned by five of the ex-Berkshire Unitary Authorities. An independent market research company carried out doorstep interviews across more than 500 new homes in West Berkshire in 2010 and 2011. A representative sample of dwelling types and sizes across the district was included in the survey. This survey updated the original housing study that was carried out by Revolution Research on behalf of all the ex-Berkshire unitary authorities in 2001 and the subsequent e-feedback survey of 2005. A copy can be made available electronically upon formal written request.

**3.8** *The child yield will be calculated on the basis of the actual impact and will not be rounded up or down. The child yield will therefore be shown in fractions. The primary and secondary child yield calculations will be reduced by 1% to allow for the number of pupils requiring specialist SEN provision.*



## The Cost of Project Development and Delivery

**3.9** Once the contribution has been calculated, an additional 1% of the total cost will be sought. This will cover the costs of a Commissioning Officer's involvement in the development and delivery of a project. This will also include the Officer's time necessary to find an Academy partner or free school provider and to complete any related activities. This will be directly related to the development and will take place solely to mitigate the impact caused by the development.

### Contacts

**3.10** For further information please contact:

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### Sources/ Documents referred to:

Baseline Designs – Education Funding Agency 2012

Building Bulletin 99: Briefing Framework for Primary School Projects – DfE

Building Bulletin 98: Briefing Framework for Secondary School Projects – DfE

Building Bulletin 77: Designing for Pupils with Special Educational Needs and Disabilities in Schools

Survey establishing the number of pupils resulting from new 1 and 5-bed dwellings 2011 – Cognisant Research Ltd on behalf of WBDC

Survey establishing the number of pupils resulting from new development 2010 – Qa Research on behalf of the six Berkshire Unitary Authorities

Survey establishing the number of pupils resulting from new development 2005 – E-feedback Ltd on behalf of five of the Berkshire Unitary Authorities

Survey establishing the number of pupils resulting from new development 2001 - Revolution Research on behalf of Berkshire Unitary Authorities

## 4 Libraries

### TP - 4 Libraries

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on public library facilities is mitigated.

#### Introduction

**4.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**4.2** Paragraph 70 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

**4.3** Libraries play a key role in underpinning education in its broadest sense. The information they supply promotes a wider understanding of the past, offers individuals the opportunity to acquire new skills and knowledge and gives everyone the opportunity to enjoy a rich and varied cultural life.

**4.4** Public libraries have an increasingly important role to play in making available the wealth of information now being provided electronically across the world. They also form a focal point for the local community improving self confidence and stimulating learning at all levels. New technologies will allow citizens to use their local libraries as an interface with Government at all levels.

**4.5** West Berkshire Library and Information Service aims to provide access to informational, educational, cultural and recreational library materials in a variety of formats and technologies and to be responsive to the public library needs of the community. The service seeks to encourage independent learning and lifelong reading enjoyment and access to information in printed and digital form.

#### Library Service - Standard of Provision

**4.6** As a library authority West Berkshire Council has a statutory duty to provide a public library service and to ensure that it is "comprehensive and efficient". Whilst its obligation to lend extends only to those who live, work or study full time in the District, it has a duty to allow access to all comers to each of the District's libraries.

**4.7** The Library Service is currently provided from nine static libraries and two mobile libraries. The mobile libraries cover every parish within the authority's boundaries, providing library and information services to the rurally isolated, the housebound and those in residential or care homes.

## Libraries 4

**4.8** Any development, be it residential or commercial, which increases the potential number of library users to which the authority has an obligation to lend, will undoubtedly impose an additional financial burden on the service.

**4.9** West Berkshire's local standards for library service provision state that the Council will seek to ensure that:

- Communities with up to 1,500 people are to be served by mobile libraries;
- Communities with populations between 1,500 and 4,000 are to be served by permanent libraries open from 10 - 30 hours a week;
- Communities with a population of 5,000 or more are to be served by a branch library open not less than 30 hours per week;

**4.10** A report on S106 contributions for library services in the South East commissioned by South East Museums Libraries and Archives Council called "Paying for Growth" recommended a minimum space standard of 30 square metres per 1000 population based on an average of a number of different authorities' standards and this increased space requirement is recommended for West Berkshire libraries.

## Meeting the Needs of Residential Development

**4.11** For smaller developments, the additional pressure on the library service can often be mitigated by the purchase of additional book stock or public access PC's. As the West Berkshire Library service operates as a single unit with book stock being accessible through all libraries, any additional stock will form part of the total stock of the service and would not necessarily all be located permanently in the library nearest the development

**4.12** Smaller new developments which include the provision of sheltered accommodation or other specialised housing for elderly or disabled people may require the extension of the Mobiles and At Home Library service.

**4.13** The council will aim to mitigate the pressures placed on the library service by smaller developments using receipts from the Community Infrastructure Levy.

**4.14** The additional need generated by a development may be met in a number of ways. A large scale development resulting in a new community of the sizes as set out in Paragraph 9 above, may require the provision of a new library or require the upgrading of an existing service, e.g. an extension to an existing building or additional mobile library stops.

**4.15** The level of provision required will be based on the estimated increase in library use the development is expected to generate. The cost of provision would include the cost of stock and furniture and fittings as well as the building itself. The required standards and precise requirements will reflect local need and the scale of development proposed.

**4.16** Any requirements as a result of larger development would be set out in a S106 legal agreement completed during the planning application process. Applicants are advised to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

## 4 Libraries

### Contacts

**4.17** For more information please contact:

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### Sources/ Documents referred to:

National Library Standards – Department of Culture Media and Sport

Paying for Growth. Professor Martin Elson. November 2005. Report commissioned by Semlac.  
See [http://www.semlac.org.uk/payingforgrowth\\_finalreport.html#tariff](http://www.semlac.org.uk/payingforgrowth_finalreport.html#tariff)

The South East Public Library Tariff. MLA SE. Revised edition January 2007

## TP - 5 Community Facilities

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on community facilities is mitigated.

### Introduction

**5.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**5.2** Paragraph 70 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

**5.3** The Local Plan Core Strategy has made allowance for an additional 10,500 new dwellings over the local plan period 2006 – 2026. There are a number of community facilities which are at or near capacity within West Berkshire. The Council considers that new residential development will place additional demands on services over and above existing provision. This applies equally to major new residential development and the cumulative effect of new single dwellings.

**5.4** The Council has a duty to ensure that the community has sufficient facilities over the coming years to keep pace with the overall level of new residential development within the district.

### General Community facilities

**5.5** Facilities such as community centres, youth facilities and meeting rooms, play a vital part in community life. Community facilities provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. It is important that adequate facilities are provided with new development and that social and community facilities are accessible by all.

**5.6** Provision or extension of community facilities including community centres, meeting halls, heritage facilities, museums, youth centres, day centres and other similar social infrastructure, health facilities and places of worship may be sought in connection with new residential development. See Topic Paper 10 in relation to museums and/or other heritage provision.

**5.7** Any development, however small, will place pressure on community facilities. This will be mitigated either using CIL receipts, or in the case of larger developments, as detailed below, onsite provision may be required.

## 5 Community Facilities

### Community and Youth Centres

**5.8** Large scale housing developments may be expected to make on-site provision for community facilities in the form of community and youth centres, often as part of a neighbourhood centre. This would be secured through a S106 legal agreement, and may include requirements for a contribution towards future maintenance. Developers may be required to undertake a community needs assessment to assess the scale and nature of facilities required.

**5.9** Any facilities provided should be capable of use as a venue for voluntary groups, the Youth Service and where necessary social service uses. Where appropriate, these facilities shall be capable of dual use as community and youth centres. Community facilities should meet the appropriate registration standards in respect of space requirements and other physical facilities for playgroups or nursery provision.

**5.10** Applicants are encouraged to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

### Contacts

**5.11** For more information please contact:

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## TP - 6 Healthcare

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on the provision of health care is mitigated.

### Introduction

**6.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**6.2** The National Planning Policy Framework ("NPPF") identifies that planning should support local strategies to improve health (Para 17). Local authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (Para 171). Although a local planning authority does not have direct control over the provision of health services delivered in the District, the Council has a responsibility to set out the policy framework to enable those who provide services to make investment decisions.

**6.3** The National Improvement Plan for the NHS (June 2004) describes the investment, new capacity & diversity of provision to be pursued by the NHS. This includes a wider range of primary care services to facilitate greater access and convenience for all and an increasing number of diagnostic procedures for NHS patients.

**6.4** The responsibility of commissioning primary care for the residents of West Berkshire lies with the Thames Valley Area Team of NHS England working with the Newbury and District Clinical Commissioning Group.

### Meeting the Needs of Residential Development

**6.5** The provision of adequate levels of health care is an essential part of any sustainable community. Within larger new developments land may be required to be allocated to enable the provision of healthcare facilities required directly and solely as a result of that development. Alternatively financial contributions may be required to support the needs of that new development either to provide new facilities or to enable a project to extend existing facilities that are needed to meet the additional demand arising from that development.

**6.6** Any requirements as a result of larger developments would be set out in a S106 legal agreement completed during the planning application process. Applicants are advised to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

**6.7** The Council will aim to mitigate impact caused by smaller developments using receipts from the Community Infrastructure Levy.

## 6 Healthcare

### Contacts

**6.8** For more information please contact:

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### Sources/ Documents referred to:

“Statement of Fees and Allowances” (April 2002) – Department of Health

The National Health Service (General Medical Services-Premises Costs) Directions 2013

NHS Property Services Thames Valley – ‘Developer Contributions towards the healthcare infrastructure implications of population growth.’



## TP - 7 Open Space

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will deal with planning applications where public open spaces and play areas are required.

### Introduction

**7.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**7.2** In considering planning applications for new development, the requirement for public open spaces will be assessed, and consideration will be given as to how this can be mitigated. Developments may be required to provide an area of open space and/or a play area as part of the site. For smaller sites, the Community Infrastructure Levy may contribute towards projects at local areas of open space.

**7.3** Paragraph 7.5.1 of the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007), defines public open space as land available to satisfy the recreation and leisure needs of the community. The Plan notes that such open space can fulfil a number of functions including:

- Areas for formal sporting activity;
- Areas for informal recreation and leisure purposes;
- Play areas; and
- Amenity land.

**7.4** This Supplementary Planning Document uses the same definition of open space as that set out within the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007). Accordingly, the following guidance should be considered as valid for sports provision, informal recreational provision, children's play areas, and other amenity space.

**7.5** Notwithstanding the above, National Planning Policy Framework (March 2012) ("NPPF") advises that open space should be taken to mean all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and recreation and can also act as a visual amenity.

## 7 Open Space

### The Value and Provision of Open Space

**7.6** West Berkshire District Council, in line with government policy, recognises the value of open space, sport and recreation facilities. In paragraph 7.4.1 of the West Berkshire Local Plan 1991 – 2006 (Saved Policies 2007) the Council's aims for the provision of open space, sport and recreation are set out. These aims are:

- To ensure the appropriate level and distribution of public open space and recreational facilities to meet local needs;
- To improve available opportunities for recreation provision in West Berkshire and to make them accessible to as wide a section of the community as possible;
- To seek improved access to the countryside in a manner which conserves its landscape and wildlife value, is sustainable in the long term, and which minimises the conflict between users, landowners and local residents;
- To continue to support the restoration of the Kennet and Avon Canal and measures to enhance its recreational value, providing such measures do not demonstrably harm the environmental character and ecology of the canal;
- To identify and maintain an appropriate balance between recreation and nature conservation in areas important for both activities.

**7.7** Policy RL1 of the West Berkshire District Local Plan 1991 – 2006 (Saved Policies 2007) sets a public open space standard for developments of between 3 and 4.3 hectares per thousand population in such form, scale and distribution as may be considered appropriate depending on local circumstances. West Berkshire's standards for both Playing Fields, and for Equipped Play Space, are in line with the FIT (Fields in Trust) recommended levels. The standard is broken down as follows:

	Per 1000 population
Playing fields and specialist activity areas	1.20 ha
Equipped Play Space	0.25 ha
Public Amenity Space	1.6 ha
Total	3.05 ha

**7.8** Policy RL1 recognises the form, scale and distribution of the public open space will depend on local circumstances, however, in determining the appropriate mix of open space types, the above breakdown will be used. It should also be noted that the above standards are minimum standards.

### Commuted Maintenance Sums for Developments of 10 or More Dwellings

**7.9** Policy RL.1 of the Local Plan 1991 – 2006 (Saved Policies 2007) requires developments of ten or more dwellings to provide open space on site at a standard of between 3 and 4.3 hectares per 1000 population. The policy seeks the transfer of the open space to local authority ownership, together with any appropriate sum for ongoing maintenance.

**Methodology**

**7.10** The Council’s methodology for calculating the appropriate sum for ongoing maintenance is set out below:

**7.11** The sum is calculated according to an approved landscaping plan for the open space to be provided, as set out within the approved planning application (normally dealt with by way of a condition requiring the submission and agreement of a landscape plan prior to development commencing). The approved landscape plan should show all relevant details of proposed landscaping, shrub planting and trees and, as appropriate, any recreational facilities such as play areas and equipment.

**7.12** The Council recognises Spon’s “Landscape and External Works Price Book 2014” (Spon Press 2014) as providing the industry standard costs for the majority of grounds maintenance work, and will use the prices set out within the document to calculate the cost of maintenance per annum. As the “Landscape and External Works” document is updated annually, to reflect changing costs for maintenance, the Council’s grounds maintenance costs will be subsequently updated in line with revised editions of “Landscape and External Works Price Book”

**7.13** In recognising Spon’s Price Book as providing industry standard costs, the Council also recognises that Spon’s does not necessarily provide figures for all landscaping and maintenance activities. Additionally the cost of landscaping and maintenance may vary as a result of factors such as local labour rates. In order to accommodate this variation the Council will apply in-house cost rates where costs cannot be calculated using Spon’s. It may also apply landscape and maintenance costs lower than those set out within Spon’s where there is clear evidence that the required maintenance can be provided at a lower cost than that calculated using Spon’s. Conversely the Council also recognises that in exceptional circumstances required landscape and maintenance costs may exceed those set out in Spon’s. Accordingly where there is clear evidence that the required works can only be provided at a higher cost than that calculated using Spon’s the Council will apply the higher costs.

**7.14** Where it appears that the grounds maintenance figure cannot be calculated using Spon’s “Landscape and External Works Price Book” or that it would be inappropriate to do so in the light of other factors (such as those set out in the above paragraph) applicants are advised to contact the Council’s Grounds Maintenance Manager.

**7.15** The cost of the maintenance per annum figure is then multiplied by 20 years, including compound growth of the maintenance cost based on the General Index of Retail Prices (all items) published by the Central Statistical Office, at the time of the agreement.

**7.16** Maintenance Cost

Playing fields and specialist activity areas	
Cost of maintaining playing fields	£1,092 per hectare
Minimum provision standard per 1000 persons	1.20 hectares
Maintenance cost per 1000 persons per year	£1,310
Maintenance cost per person per year	£1.31

**7.17** The same methodology is also applied to equipped play space and public amenity areas, which results in the following costs:

## 7 Open Space

Equipped Play Space	
Cost of maintaining equipped play space	£46,856 per hectare
Minimum provision standard per 1000 persons	0.25 hectares
Maintenance cost per 1000 persons per year	£11,714
Maintenance cost per person per year	£11.71

Public Amenity Space	
Cost of maintaining public amenity space	£2,098 per hectare
Minimum provision standard per 1000 persons	1.6 hectares
Maintenance cost per 1000 persons per year	£3,357
Maintenance cost per person per year	£3.36

Total maintenance cost per person per annum	£16.38 (2014 prices)
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**7.18** The cost of the maintenance per annum figure is then multiplied by 20 years, including compound growth of the maintenance cost based on the General Index of Retail Prices (all items) published by the Central Statistical Office, at the time of the agreement.

Total maintenance cost per person for 20 years	£440.18 (2014 prices)
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### Commercial Development

**7.19** The Council considers that commercial, as well as housing development impacts upon existing public open space. In order to minimise this impact the Council will encourage open space provision on site as an integral part of the development.

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## Waste Management 8

**TP - 8 Waste Management**

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities'. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will deal with planning applications where the impact on the Waste Management service requires mitigation.

**Introduction**

**8.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**8.2** West Berkshire Council has a statutory responsibility for the collection and disposal of all municipal waste, the majority of which is household waste. In 2002 West Berkshire Council adopted its 20 year plan for Waste Management entitled 'A Municipal Waste Management Strategy for West Berkshire'. This sets out one of the Council's strategic priorities to maximise recycling and composting and limit the amount of waste confined to landfill.

**Meeting the Needs of Development**

**8.3** In 2012/2013 77,011 tonnes of household waste was collected meaning that each household on average creates 1.17 tonnes of waste per annum. Additional residential development will increase the pressure on the district's existing household waste and recycling services.

**8.4** The need for Municipal Waste Management in the district for the future is the expansion or upgrading of the Mini Recycling Centres (MRC's) and Household Waste Recycling Centres (HWRCs) to deal with recyclables that may not necessarily be collected as part of the household waste collections, such as metals (excluding cans), cartons and Waste Electronic and Electrical Equipment.

**8.5** It is anticipated that potential new sites of hard standing together with contributions for the infrastructure capital cost will be sought for MRC's. Space for these facilities may either be sought within new housing developments of over 1000 dwellings or in association with new local centre/shopping provision.

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## 9 Environmental Enhancements

### TP - 9 Environmental Enhancements

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities'. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on the environment is mitigated.

#### Introduction

**9.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**9.2** The Council expects new development to contribute to and enhance the quality of the natural environment. To this end this topic paper has been guided by the specific aims contained within the relevant sections of the Overall Strategy and Policies CS17 & CS18 of the West Berkshire Core Strategy (2006-2026) (adopted July 2012).

**9.3** The National Planning Policy Framework (adopted March 2012) (NPPF) together with DEFRA Circular 01/2005 provide guidance on how Local Authorities should protect and enhance biodiversity and geodiversity. Section 40 of the Natural Environment and Rural Communities Act 2006 placed a duty on Local Authorities to conserve biodiversity so far as it is consistent with the proper exercise of its functions. It defines conserving biodiversity as including the restoration or enhancement of populations of a living organism or type of habitat. The Natural Environment White Paper (June 2011) provides further guidance on the value of the environment to business, health and education.

**9.4** It is also, in turn, supplemented by background strategies, plans and agreements which have increased information, understanding and consensus regarding the environmental qualities in the District. They ultimately provide a more detailed policy framework and include:

- North Wessex Downs AONB Management Plan
- Landscape Character Assessment for Berkshire
- North Wessex Downs AONB Landscape Character Assessment
- Newbury District-wide Landscape Assessment
- Newbury 2025 A Vision for Newbury Town Centre
- West Berkshire Sustainable Community Strategy 2008 – 2026 – 'A Breath of Fresh Air'
- Lower Kennet Valley Management Plan
- The Berkshire Biodiversity Strategy
- Parish Plans/Village and Town Design Statements
- West Berkshire Living Landscape Project Agreement

#### Assessing the impact of development and opportunities for environmental enhancement

**9.5** Where planning applications affecting a site or feature of environmental interest are submitted, detailed site surveys will be sought from developers to establish the quantity and quality of the existing features so that decisions may be made about those which should be safeguarded and enhanced and others where offsetting benefits may be acceptable. In appropriate circumstances the Council will require an environmental assessment at the application stage.

## Environmental Enhancements 9

**9.6** The Council will seek to ensure that there is no overall loss to the environment and quality of life as a result of development. The Council is not just concerned with the rare and special, but with conserving, enhancing and creating the more commonplace which provide a sense of locality and are valued by local people.

**9.7** Any development, whether residential or commercial, which is associated with a site or issue of environmental significance (such as Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest, Local Wildlife Sites, Biodiversity Opportunity Areas, Nature Improvement Areas, and Local Geological Sites) will need to be assessed individually. Within the context of the development proposals, if the Council considers that the development requires environmental mitigation to make it acceptable and that this cannot be appropriately secured through planning conditions, then the Council will seek to secure appropriate mitigation through planning obligations. Consideration will also be given to negotiating appropriate actions or contributions, (subject to the restrictions on the use of section 106 under the CIL Regulations) to provide net gains in biodiversity from residential and commercial development as advised in Paragraph 109 of the NPPF.

**9.8** Where appropriate planning obligations could be used to:

- restrict development so as to reduce, mitigate or compensate existing features e.g. the protection and enhancement of appropriate habitats and species through translocation or other appropriate mitigation; pollution mitigation measures e.g. noise mitigation, soil decontamination, air quality amelioration measures, landfill gas management plans, and flood alleviation measures.
- support works/projects that provide a net gain in biodiversity, such as public sector initiatives like the Berkshire Local Nature Partnership, the West Berkshire Farming & Countryside Project, the Kennet Chalkstream Project, the RENEWAL Project, and West Berkshire Council/BBOWT's Living Landscapes Project.
- secure the works necessary to restore, maintain or enhance existing features e.g. the improvement of visual amenity and biodiversity through tree and hedgerow planting and habitat management agreements.
- secure the works necessary to create new features e.g. local environmental improvement schemes; village design/street scene improvements; or habitat creation schemes
- secure contributions to facilities in the vicinity of the site e.g. provision of a village/urban green, allotments, country park, pocket park, picnic site, visitor/interpretation centre; contributions to existing countryside sites e.g. Snelsmore Country Park, Thatcham Nature Discovery Centre including additional staff resources; access for informal recreation such as through a greenway system, waymarked trail, footpath/bridleway/cycleway, community woodland, nature reserve, green corridors, payment for countryside access agreements, biodiversity education leaflets and interpretation boards.
- secure management/monitoring to ensure that environmental gain is delivered e.g. funding of and monitoring of mitigation and/or enhancement schemes, collections of environmental records, implementation of management plans/agreements; sustainable urban drainage systems (SUDS)<sup>(2)</sup>.

<sup>2</sup> The following documents may be of assistance to developers - National SUDS Working Group (July 2004) Interim Code of Practice for Sustainable Drainage Systems and the CIRIA SUDS Manual - [www.susdrain.org/resources/SuDS\\_Manual.html](http://www.susdrain.org/resources/SuDS_Manual.html)



## 9 Environmental Enhancements

**9.9** The costs associated with such obligations will need to be individually assessed for each project/development and could involve either one of or a combination of the following:

- a cash commission of the relevant programme of work.
- control of a sensitive site in order to safeguard its future in the public interest.
- commuted sum for capital costs of implementation and/or revenue costs for maintenance/monitoring.

**9.10** Where appropriate, commuted sums will be calculated according to an approved environmental management plan for the site/area as set out within the approved planning application.

**9.11** Such management plans should at least detail:

- All aims and objectives required to produce net environmental gain
- All proposals to enable the creation, strengthening and enhancement of identified environmental features
- Any requirements to ensure that any environmental features are adequately protected and enhanced
- All necessary tree works to be carried out - including protection measures for planting trees, maintenance standards and a specification for planting to include size, density and species.
- Specific timings for all works relating to the plan
- Any restrictive requirements imposed on the applicant
- Proposals for the maintenance and monitoring of those identified environmental features over a specified period of time (not less than 5 years)
- Proposals for the longer term management/maintenance of the site/features such as an agreement with the local Wildlife Trust, the West Berkshire Farming & Countryside Project, the local Parish or Town Council or West Berkshire Council

**9.12** The Council recognises Spon's "Landscape and External Works Price Book" (Spon Press) as providing the industry standard costs for the ongoing maintenance of appropriate features, and will use the prices set out within the document (which is updated annually) to calculate the costs of implementation and also of maintenance per annum<sup>(3)</sup>. In cases where this cannot be used the Council will substitute its existing 'in house' contract costs, or usual supplier costs, to calculate the appropriate sum or use costs identified by the West Berkshire Farming & Countryside Project, as appropriate. The cost of the maintenance per annum figure is then multiplied by the appropriate number of years, including compound growth of the maintenance cost based on the General Index of Retail Prices (all items) published by the Central Statistical Office, at the time of the agreement.

**9.13** Although each planning application will be assessed individually, it is acknowledged that in general the larger the development the greater the cumulative impacts. For example, as far as the provision of public art is concerned, smaller development should aim for an appropriate uplift over normal construction/finishing costs to incorporate artistic elements in the scheme. Developers of major schemes may be requested to commission works of public art that are fully accessible, for the benefit of the community and which make a significant contribution to the appearance of the scheme or the character of the area.

**9.14** Similarly, as far as air quality is concerned, any large application should be accompanied by appropriate air quality amelioration measures. Larger developments are likely to have an effect upon air quality beyond their site boundaries, particularly through the additional traffic they may generate. The monitoring of air quality both within the locality of the proposed development and along identified



## Environmental Enhancements 9

transport routes is, therefore, vital in ensuring that national objectives are not exceeded. Contributions will therefore normally be sought from large developments of 550 dwellings or more and from industrial and commercial development on sites larger than 10 hectares, or with a gross floor space of more than 20,000 square metres. In addition contributions may be sought on smaller sites where the location or nature of development is felt to warrant monitoring of air quality. The financial contribution will need to be calculated on a site-by-site basis.

### Contacts

**9.15** Developers and landowners seeking to submit planning applications for residential and commercial development are advised to make use of the formal pre-application process in order that any requirements are discussed at an early stage. Early discussions will also provide guidance as to whether and how a site could be developed from an environmental perspective.

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## 10 Archaeology, Conservation and the Historic Environment

### TP - 10 Archaeology, Conservation and the Historic Environment

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will deal with planning applications where mitigation measures towards archaeology, conservation and the historic environment will be sought.

#### Introduction

**10.1** The Government's policies on the conservation and enhancement of the historic environment are set out in the National Planning Policy Framework, published in 2012 ("NPPF"). It states that the purpose of planning is to help achieve sustainable development, and that the environmental dimension necessitates 'contributing to protecting and enhancing our natural, built and historic environment' (Para 7). 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment' (Para 9), and one of the 12 core planning principles is that planning should 'conserve heritage assets<sup>(4)</sup> in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations' (Para 17).

**10.2** The NPPF continues, 'Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance' (Para 126). Local planning authorities should consider the impact of a proposed development on the significance of all heritage assets when determining applications: for a designated heritage asset, 'great weight should be given to the asset's conservation' (Para 132).

**10.3** The NPPF attaches particular importance to pre-application engagement with the local authority. Applicants should 'describe the significance of any heritage assets affected, including any contribution made by their setting' (Para 128); as a minimum the relevant Historic Environment Record (HER)<sup>(5)</sup> should have been consulted, and the assets assessed 'using appropriate expertise where necessary' (Para 128). Emphasis is also put on making information gathered as part of plan-making or development publicly accessible. If heritage assets will be wholly or partly lost as the result of a proposal, developers should be required to record and advance understanding of the significance of these assets, in a manner proportionate to their importance and impact. 'Copies of this evidence should be deposited with the relevant HER, and any archives with a local museum or other public depository' (Footnote to Para 141).

4 A heritage asset is 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest' (NPPF Annex 2), and includes those that are nationally designated and assets identified by the local planning authority (including local listing).

5 Historic Environment Records are 'Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use' (NPPF Glossary).

## Archaeology, Conservation and the Historic Environment 10

### Stewardship of the Historic Environment

**10.4** West Berkshire has a very rich cultural heritage. The buildings, townscapes, landscapes, collections and archives that comprise the heritage of West Berkshire include many that are nationally and regionally significant. The heritage of West Berkshire contributes to the overall quality of life of everyone in the District. It represents many of the essential characteristics of the area which contribute to the pleasures of living and working in or visiting West Berkshire. The future of this valuable resource depends on public understanding and appreciation - this is critical for its long-term care and well being.

**10.5** To this end the West Berkshire Local Plan Core Strategy (adopted July 2012) has a strategic objective for Heritage: 'to ensure that development to 2026 is planned, designed and managed in a way that ensures the protection and enhancement of the local distinctive character and identity of the built, historic and natural environment in West Berkshire's towns, villages and countryside.' This is elaborated in Policy CS19:

'In order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard will be given to:

- a. The sensitivity of the area to change.
- b. Ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- c. The conservation and, where appropriate, enhancement of heritage assets and their settings.
- d. Accessibility to and participation in the historic environment by the local community.'

**10.6** West Berkshire's Council Strategy 2013-2017 has the priority of 'Protecting the Environment', with a particular objective to 'ensure the protection and promotion of our historic environment and heritage'.

### Assessing the development

**10.7** Any development, whether residential or commercial, which is associated with a site or issue of cultural or heritage significance (including archaeological remains) will need to be assessed individually.

**10.8** Within the context of the development proposals, if the Council considers that archaeological or other works are required and that these cannot be appropriately secured through planning conditions, then the Council will seek to secure them through planning obligations.

**10.9** The costs associated with such obligations will need to be individually assessed for each project/development. In most cases this will normally mean a cash commission of the relevant programme of work. In other cases it may mean that control of a sensitive site through an appropriate legal agreement might be appropriate in order to safeguard its future in the public interest. In addition, contributions to capital or revenue costs may also be appropriate for site management and/or on or off-site management/research/interpretation schemes such as:

## 10 Archaeology, Conservation and the Historic Environment

- Historic Landscape Character Assessment
- Monument Management Projects
- Projects identified through the North Wessex Downs Area of Outstanding Natural Beauty (AONB) Management Plan
- Small Towns Survey
- HER database enhancement and environment surveys

### Archaeology

**10.10** It is particularly relevant for heritage assets of archaeological interest<sup>(6)</sup> to be considered at a pre-application stage. 'Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation' (NPPF Para 128).

**10.11** Where planning conditions are not appropriate, S106 obligations will be used to secure the protection and/or investigation of archaeological remains in advance of development. For example, it may be appropriate to secure an area containing significant remains so as it is protected in perpetuity and incorporated into the design of the scheme. The best way to safeguard a site of archaeological significance is for it to be preserved in situ and positively managed. Excavation is very much a second best option as although knowledge can be increased through this process, the site is destroyed. An obligation may, therefore, require the investigation, recording, excavation and publication of any archaeological features and finds. There may also be occasions where obligations should be used to secure the conservation of archaeological finds recovered and/or to secure wider 'public benefit', for example through the interpretation of the results of archaeological investigation, publication, touring exhibition or display. Contributions to existing museums or other buildings and facilities or to new buildings or facilities to enable their touring exhibition or museum display might also therefore be appropriate.

**10.12** It is the responsibility of the developer to pay for any and all archaeological work required. This will include any fieldwork, the analysis of findings after fieldwork, conservation of objects where appropriate, report writing and publication, museum archiving, and any educational material required to explain the site or findings to the public. The archaeology service can provide information on archaeological organisations that are available to carry out work in West Berkshire. The scope of any work that needs to be done should be agreed in advance with the archaeology service.

### Historic Buildings, Conservation Areas, Historic Parks and Gardens, Historic Battlefields and the wider historic landscape

**10.13** Where planning conditions are not appropriate, S106 obligations will be used to enable restoration enhancement and/or other works to be carried out to a Listed Building or to enable restoration, enhancement and/or other works to be carried out on buildings, structures, or other land in a Conservation Area in order to conserve or enhance its character.

**10.14** Similarly, planning conditions or S106 obligations may be used to enable the restoration/enhancement and/or other works to be carried out to historic parks and gardens where they form part of the development site. This could also include works to enable the preservation/management of historic battlefields, locally significant heritage assets and the wider historic landscape.

<sup>6</sup> 'There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them' (NPPF Glossary).

## Archaeology, Conservation and the Historic Environment 10

**10.15** There may also be occasions, in large scale developments, where obligations will be used to secure the off-site interpretation of particular sites through publication (e.g. cycle/walks leaflets, website development and/or enhancement), touring exhibition or display.

### Museums and Heritage Facilities

**10.16** Where appropriate, and in accordance with thresholds and other provisions set out in respect of contributions towards community facilities set out in Topic Paper 5, the Council will seek the provision and/or enhancement of museums and/or other heritage facilities within the District or contributions towards such provision. Such facilities may include the provision of space in new community buildings; adaptation, or extension of existing museums or other buildings to afford locations across the District suitable for the display of temporary or permanent museum or local history exhibitions or of archaeological discoveries such as those resulting from developer funded archaeology in the locality. They may also include projects to involve communities in the investigation and interpretation of their local history and the development of local themes through the acquisition of objects, images and audio-visual recordings.

### Contacts and further advice

**10.17** Developers and landowners seeking to submit planning applications for residential and commercial development are encouraged to make use of the Council's formal pre-application process in order that any site specific requirements are discussed at an early stage. Early discussions together with an examination of the West Berkshire Historic Environment Record<sup>(7)</sup> will provide guidance as to whether a site could be developed from an archaeological and/or conservation perspective.

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### Sources/ Documents referred to:

National Planning Policy Framework - March 2012  
West Berkshire Local Plan Core Strategy - adopted July 2012  
West Berkshire Council Strategy 2013-2017

<sup>7</sup> The West Berkshire HER is the primary index of all known archaeological and historical sites in West Berkshire. It also includes information on fieldwork and excavations (Events), bibliographic references (Sources) and archaeological objects (Finds). Much of this knowledge is stored in a database linked to a computerised map. At present over 9000 monuments are known. However, the record is growing all the time as new sites and objects are discovered. HER resources also include books, articles and unpublished reports, aerial photographs, and historic and modern maps.

## 11 Fire and Rescue Infrastructure

### TP - 11 Fire and Rescue Infrastructure

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will deal with planning applications where mitigation measures are required to safeguard the provision of fire and rescue infrastructure.

#### Introduction

**11.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**11.2** The Council considers that Fire and Rescue infrastructure should not be distinguished from other items of community infrastructure necessitated by a development. Where development would result in increased risk or the extension of developed areas then mitigation measures will be required to safeguard the provision of adequate fire and rescue infrastructure.

#### Assessing the Requirement

**11.3** Water supply works may be needed to fulfil the Royal Berkshire Fire & Rescue Service's duty to ensure the provision of an adequate supply of water for fire fighting. Requirements for the provision of fire hydrants and for other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be required by the fire service. Developers should bear in mind that these requirements may relate to small-scale developments, particularly in more isolated locations without adequate infrastructure.

**11.4** The nature of risk will vary according to the type, density and location of development and each development will need to be assessed on an individual basis. The following guidelines are intended to inform and assist landowners and developers in assessing potential fire and rescue requirements;

- In residential areas fire hydrants should generally be positioned at 400 metre intervals and no dwelling should be more than 200 metres from the nearest hydrant. In industrial areas hydrants should be positioned at 250 metre intervals and not more than 125 metres from any development. Fire hydrants covering public buildings, hotels, and commercial developments should be spaced at distances determined on a risk assessment basis defined by the fire service.
- The cost of providing a new fire hydrant on a new water main will vary depending upon the size of the main. This cost will be met by the developer.
- The size of water mains provided is determined by the Water Undertaking. Where water undertakers are not proposing to lay mains of adequate size for fire fighting purposes, the cost of a supply from the nearest main of adequate size would be determined on an individual basis. Before laying a main, confirmation from the fire service would be required that the intended size would fulfil the fire fighting needs identified for the nature of risk presented by the proposed development.

## Fire and Rescue Infrastructure 11

- In planning provision of fire hydrants in countryside areas, particular attention should be given to specific risks and no definitive distances can be provided.
- For developments that are considered to be of significant risk e.g. processing activities involving the use of highly flammable materials, proposals will be considered on their merits to ensure that the overall provision for fire fighting is adequate. This may include internal water based protection systems, private fire hydrants, statutory fire hydrants and other “open water” supplies where appropriate.
- Fire hydrants should be sited in positions to be agreed by the Royal Berkshire Fire Authority and the Local Planning Authority. Such locations will be at main roads, feeder roads or road junctions where they are readily visible.

### Contacts

**11.5** For more information please contact:

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## 12 Preventing Crime and Disorder

### TP - 12 Preventing Crime and Disorder

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will deal with planning applications where the effects of the development on crime and disorder issues require mitigation.

#### Introduction

**12.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**12.2** Crime prevention can be a material consideration in the determination of a planning application and new development in the District should be designed to reduce the potential for crime and disorder. Failure to do so could result in the Council refusing planning permission.

**12.3** Policy CS14 – Design, of the Council's Core Strategy (adopted July 2012) expects development proposals to 'create safe environments, addressing crime prevention and community safety'.

**12.4** Supplementary Planning Document 'Quality Design West Berkshire', which sets out guidelines for the design and layout of new development in District and encourages creative designs which balance the need to prevent crime and disorder with the need to create high quality environments.

**12.5** This Topic Paper is not intended as a substitute to the Council's existing Quality Design SPD. It is not guidance on the layout of schemes or 'planning out' crime. This Topic Paper provides guidance on the contributions or mitigation measure the Council may seek from developers towards initiatives aimed at deterring and preventing crime and disorder.

#### Crime and Disorder Act 1998

**12.6** The Crime and Disorder Act 1998 places a duty upon local authorities to seek to prevent crime and disorder in its area in carrying out its duties.

**12.7** Specifically, Section 17 of the Act requires:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

**12.8** The duty imposed by the Crime and Disorder Act therefore is for the Council (together with other responsible authorities) to seek to prevent crime and disorder, to have regard to the crime and disorder implications of its decisions and the need to do all it reasonably can to prevent crime and disorder in its area. The duty applies to all of the Council's functions; therefore the issue is neither the responsibility of any particular department nor one particular element of its theatre of operation,



## Preventing Crime and Disorder 12

but a cross-departmental corporate responsibility. In this regard planning can contribute to the success of preventing crime and disorder, but does not operate in isolation and will not, on its own, provide the mechanism or the means for the Council to prevent crime and disorder in its area.

**12.9** Under the requirements of the Crime and Disorder Act 1998, and in line with National and local policy, the Council considers that it is appropriate to seek to minimise the impact of development on community safety and ensure the development contributes to measures to prevent and deter crime and disorder.

### Government Guidance

**12.10** Planning Policy Statements were superseded by the National Planning Policy Framework (NPPF) in March 2012. The fifth bullet point of paragraph 58 states that;

‘Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion’

### Crime Prevention Initiatives

**12.11** With its partners the Council is engaged in a number of crime prevention initiatives. The Council will look to implement additional initiatives as and when resources permit and need arises as a result of development.

**12.12** There are other initiatives and schemes promoted by other bodies, in particular Thames Valley Police (“TVP”), which may provide assistance in reducing crime and disorder. These could include the provision of buildings or other facilities, police kit and equipment.

### CCTV

**12.13** The Council is committed to sustaining a CCTV system, known as the ‘West Berkshire CCTV System’ comprising a number of cameras installed at strategic locations throughout the district. The Council’s CCTV Policy notes that the use of CCTV in West Berkshire is considered a suitable tool to help achieve a reduction in crime, reduce fear of crime and improve public safety.

**12.14** TVP, via the Council, may seek contributions towards the provision of Automatic Number Plate Recognition Cameras (“ANPR”) when considered necessary, appropriate and directly and solely related to a proposed development. ANPR has proved particularly effective in rural areas and in areas on or close to the strategic road network. West Berkshire clearly has large rural areas and its proximity to the A34 and M4 means that it is readily accessible from large parts of the wider region.

## 12 Preventing Crime and Disorder

### Safer Communities Partnership

#### Partnership Strategic Assessment

**12.15** The Community Safety Partnership, of which the Council is a responsible authority, conducts a Partnership Strategic Assessment on an annual basis. This Strategic Assessment is required to:

- analyse levels and patterns of crime, disorder and substance misuse in West Berkshire;
- analyse changes to these levels or patterns;
- seek to determine why changes have occurred;
- assess the extent to which the previous strategy or partnership plan was implemented.

**12.16** The Strategic Priorities identified by the Partnership Strategic Assessment 2013/14 are:

- Anti-social Behaviour
- Offender Management
- Domestic Abuse
- Communications
- Rural Crime
- Assaults
- Domestic House Burglaries

#### Safer Communities Partnership Strategic Action Plan

**12.17** The Safer Communities Partnership Strategic Action Plan sets out the Outcomes for each of these Strategic Priorities, objectives and actions.

**12.18** Developers are advised that further information on these initiatives can be obtained from the West Berkshire Safer Communities Partnership Team Manager.

#### Requirements as a result of Development

**12.19** In line with West Berkshire Council's SPD 'Quality Design – West Berkshire' (adopted June 2006) the Council expects all new development to be designed so as to reduce the potential for criminal activity and anti-social behaviour.

**12.20** Development may result in an increased risk to actual or perceived public safety or an increased risk of vandalism or anti-social behaviour. The Council considers such development will place a greater burden on the crime prevention initiatives adopted by the Council, (in association with its crime prevention partners), and CIL receipts could be used towards funding measures which aim to mitigate this additional burden.

**12.21** On significant new developments, Thames Valley Police ("TVP") may seek the provision of appropriately sized Neighbourhood Offices that will provide TVP officers with a location to utilise as a touch down office and allow members of the public and community groups to directly speak to and liaise with the officers patrolling their neighbourhood.

**12.22** Typically such facilities would only be delivered on significant new developments, often those which propose facilities such as schools, neighbourhood centres and community facilities. However each case will be assessed on its own merits. Any requirements would be set out in a S106 legal agreement completed during the planning application process. Applicants are advised to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

## Preventing Crime and Disorder 12

**12.23** The Council expects all commercial development schemes to recognise the need to prevent crime and ensure, through the design and layout of any scheme, that the potential for criminal activity and anti-social behaviour are reduced. However, the Council recognises the security risks for commercial development will differ from those for residential development.

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### Sources/Documents referred to:

Quality Design West Berkshire – Supplementary Planning Document Adopted June 2006  
National Planning Policy Framework (NPPF) – National policy adopted March 2012  
West Berkshire Core Strategy – Development Plan Document adopted July 2012

## 13 Adult Social Care

### TP - 13 Adult Social Care

This document is one of the supporting topic papers which form West Berkshire Council's Planning Obligations Supplementary Planning Document (SPD). The SPD sets out West Berkshire Council's approach to securing planning obligations and developer contributions towards local infrastructure, services and amenities. It is intended as a guide for landowners, developers and residents. This topic paper sets out how the Council will aim to ensure that the impact caused by development on adult social care infrastructure is mitigated.

#### Introduction

**13.1** The overarching policies supporting this guidance note are detailed in the Core Guidance Document.

**13.2** West Berkshire Council is responsible for assessing the care needs of adults in West Berkshire, and commissioning services to meet these needs. In accordance with Government legislation, the Council has a duty to support those individuals with the greatest care needs, who are unable to finance their own care. Adults may have care needs because of impairment or disability, frailty through age or vulnerability and isolation. Many adults with care needs are supported by families, and the Council has a duty to offer support to family carers as well.

**13.3** New housing development generates an increased demand for social care. Many of the key Government indicators measure the Council's performance by the proportion of the total population it is supporting, clearly showing an expectation that the service is directly linked to the number of people resident in the area.

#### Large Scale Developments

**13.4** Following the implementation of the Community Infrastructure Levy in April 2015, the use of S106 planning obligations and developer contributions will be restricted to the provision of infrastructure required directly as a result of development. In the case of the provision of Adult Social Care infrastructure this is likely to be large scale development only; smaller scale development is unlikely to generate a need for infrastructure.

**13.5** Within large scale housing developments on-site facilities for use by adult social services and their partners, such as voluntary organisations, and those operating at the health/social care delivery interface, such as community health practitioners, may be required. Such facilities may also be needed to provide day facilities run by the voluntary sector, other voluntary groups, meals on wheels and as an office base for staff working in the area. These facilities could be integrated into existing or proposed community centre/halls where appropriate.

**13.6** The Council may also seek the provision of housing within major developments for older people and those with physical and learning disabilities and mental health problems.

## Adult Social Care 13

**13.7** Large scale housing development will also generate pressure and demand on other existing social services and voluntary sector delivery resulting in a need for expanded or additional services, not necessarily on site. For example day care facilities for older people, people with mental health problems and people with learning and physical disabilities may require to be expanded directly as a result of a large scale development, and contributions will be expected to fund any necessary expansion project.

**13.8** Specific requirements will be assessed on a site by site basis, and will be secured in a S106 legal agreement completed during the planning application process. Applicants are advised to make use of the formal pre-application process in order that any such requirements are discussed at an early stage.

### **Contacts**

**13.9** For further information please contact:

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