



Developer contributions

Supplementary Planning Document

Adopted October 2023

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Introduction

Introduction

1.1 New development plays a key role to meet the changing needs of communities, creating new homes, services and employment opportunities for instance. There may be resultant impacts on the capacity of local infrastructure such as schools, health facilities or community spaces depending on the scale of development and existing provision of infrastructure in the area. Local Plans should set out the level and type of contributions expected from development.

1.2 Developer contributions, also known as planning obligations or Section 106 (S106) agreements, represent a formal commitment entered into by the developer to mitigate the impacts of proposed new development. Developer contributions should only be used where it is not possible to address unacceptable impacts through a planning condition. Developer contributions must only be sought where necessary to make the development acceptable, directly related to the development and fairly and reasonably related to the development.

1.3 This Supplementary Planning Document (SPD) provides detailed guidance on the type and extent of developer contributions that Staffordshire Moorlands District Council may seek to secure from development. This document is intended to facilitate the developer contribution process between the Council and developers to provide transparency on the Council's approach.

1.4 The specific areas set out in this document are the most common types of developer contributions that are required; however, other infrastructure requirements not identified may also be considered necessary in certain circumstances where appropriate evidence is apparent, and to mitigate development impact. The Council will also work closely with delivery partners to plan for required public service infrastructure facilities (NPPF).

1.5 Supplementary Planning Documents (SPDs), whilst not part of the development plan itself, are documents which add further detail to the policies in a Local Plan. They are capable of being a material consideration in planning decisions and can be used to provide further guidance for development on specific sites or on particular issues, such as developer contributions. This document will sit alongside the adopted Staffordshire Moorlands Local Plan 2020 and whilst relating to Local Plan policies, in instances where more recent national planning policy or targets have been published, the latter may take precedence where appropriate.

1.6 The main purpose of this SPD will be to set out the Council's approach to the use of S106 agreements used to secure developer contributions from new developments. This will assist stakeholders in the development process, including planning officers, developers, service providers, councillors, town/parish councils and members of the public. More specifically, it will:

- Outline the mechanisms for securing developer contributions and explain the relevant legislative and planning policy context within which contributions are sought.
- Explain what is expected of applicants and what the applicant can expect from the Council in relation to securing S106 planning agreements.
- Ensure the developer contributions process is fair, transparent, and applied consistently.

1.7 Formulation of this document has involved various strands of engagement and consultation with key stakeholders throughout the process.

Legislation and Policy

Legislation and Policy

2.1 The current legislative framework for developer contributions is set out under section 106 of the Town and Country Planning Act 1990 ⁽¹⁾. Developer contributions, or planning obligations, can be secured via S106, which are legal agreements between the developer and/or landowner, the local planning authority and other service or infrastructure providers linked to a proposal or mitigation scheme. Developer contributions are legally binding obligations entered into to mitigate the impacts of a development proposal and should only be used where it isn't possible to address the unacceptable impacts of development through planning conditions or other statutory controls.

2.2 As set out in the [Community Infrastructure Levy \(CIL\) Regulations 2010](#) and paragraph 57 of the NPPF, S106 obligations should only be used to secure infrastructure where all of the following tests are met:

- necessary to make a development acceptable in planning terms;
- directly related to a development; and
- fairly and reasonably related in scale and kind to the development.

2.3 Developer contributions via S106 can provide via financial contributions for the delivery of on or off site mitigation; affordable housing provision; or the direct delivery of facilities. For example, contributions made 'in-kind' could include a new area of green space within a housing scheme, or in the form of a financial contribution, provide funding towards the requirement for school places.

2.4 A Section 278 agreement, which relates to Section 278 of the Highways Act 1982, is another form of developer contribution that is specific to works on existing adopted highways such as provision of junction improvements or traffic calming measures required as a result of development. Section 278 agreements are between the developer or landowner and the highway authority (i.e. Staffordshire County Council) and are out of the scope of this SPD.

National Planning Policy

2.5 The key purpose of the planning system is to promote sustainable development. The National Planning Policy Framework (NPPF) ⁽²⁾ sets out the Government's planning policies for England and how these should be applied. The NPPF highlights the importance of setting out the levels and type of contributions expected from development, including affordable housing and other supporting infrastructure such as education, health, transport and digital infrastructure.

2.6 Further guidance is provided by the National Planning Practice Guidance (PPG) ⁽³⁾ on Planning Obligations and the Use of Planning Conditions. Amongst other matters, PPG guidance also outlines the importance of identifying infrastructure that an authority intends to fund, the different sources of funding proposed and recording this information in an up to date Infrastructure Delivery Plan (IDP). An Infrastructure Funding Statement (IFS) ⁽⁴⁾ is also prepared annually to set out income and expenditure relating to developer contributions. The IDP and IFS can be found on the Council's website.

1 <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

2 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

3 <https://www.gov.uk/government/collections/planning-practice-guidance>

4 <https://www.staffsmoorlands.gov.uk/article/1168/Monitoring>

Local Planning Policy

2.7 Staffordshire Moorlands District Council adopted their Local Plan in September 2020, setting out the development strategy, strategic and development management policies for the District up to 2033. The latest Developer/Landowner Contributions Supplementary Planning Guidance (SPG) was adopted in November 2004 and precedes the current Local Plan, therefore this SPD provides an update to take account of changes within the legislative and policy framework.

2.8 Policy SS 12 Planning Obligations and Community Infrastructure Levy provides the overarching framework for collecting developer contributions, including the requirement for new development to agree to the provision of necessary on-site and off-site infrastructure before permission is granted. The Local Plan policies are supported by an Infrastructure Delivery Plan (IDP), to set out the specific infrastructure requirements needed to support the growth needs of the District.

2.9 Local authorities are required to demonstrate that supplementary planning documents are in conformity with the adopted Local Plan. The Staffordshire Moorlands Local Plan and its policies provide the overarching context for this document, which sets out more specific details on the Council's expectations for S106 contributions and provides further explanation on the type and level of contributions required. Further relevant local documents include other SPDs, Council strategies and Neighbourhood Plans, have formed the underpinning evidence in preparing this SPD.

2.10 Biddulph Town Council have been working on a Neighbourhood Plan since 2015 and consulted on the Regulation 14 draft Plan in 2019. This Plan highlights a number of priorities and policies that will be used to guide development in the area once made. The Plan specifically refers to the infrastructure requirements of new development and priority areas that should be considered in relation to developer contributions.

2.11 Staffordshire County Council is responsible for collecting contributions in relation to highways and education. This SPD has also considered the Integrated Transport Strategy for Staffordshire Moorlands and the Staffordshire Education Infrastructure Contributions Policy which is updated on a regular basis

Sustainability Appraisal

2.12 The 2008 Planning Act and associated regulations removed the requirement for a sustainability appraisal to be prepared alongside an SPD and in accordance with the legislative framework set out above. Local authorities are still required to screen the supplementary planning document to establish whether there will be significant effect as defined by the Strategic Environmental Assessment (SEA) Directive. A Screening Statement has been produced to accompany the SPD.

Council Approach to Developer Contributions

Council Approach to Developer Contributions

3.1 Developer contributions will be negotiated on a site-by-site basis using the information contained within this SPD. The Council will take into account the individual characteristics of the site, the availability and quality of the relevant infrastructure, which the development of the site will impact. This approach ensures that obligations are necessary and directly related to the development from which they are sought. The specific areas set out in this document are the most common types of developer contributions that are required; however, other infrastructure requirements not identified in this document may also be considered necessary in certain circumstances where relevant evidence is apparent that demonstrates the need to mitigate development impact.

Pre-application stage

3.2 Developers are encouraged to engage with the Council's planning team at the earliest possible time to discuss the likely requirement for contributions and to ensure that proposals are policy compliant. Early discussions will ensure that all parties are clear on any issues that should be taken into account prior to submitting a planning application. If pre-application advice obtained is applied, it should also help avoid unnecessary delays once the application is submitted, as highlighted in PPG.

3.3 The pre-application advice service is subject to a fee but long term can save costs and/or unnecessary delay by ensuring applications comply with policy and include all the relevant information to enable the consultation process and assist the decision maker. Further details are available on the Council's website ⁽⁵⁾Staffordshire County Council also provides a [pre-application service](#) which provides an early assessment of the likely impact of proposed residential development on education and highways infrastructure.

Planning Applications

3.4 As mentioned above, discussion on developer contributions should be undertaken at the pre-application stage where possible, particularly for larger, more complex proposals, which ideally will allow heads of terms to be agreed before the submission of an application to help avoid delays later in the application determination process. The Council can also provide a precedent S106 agreement for applicants as guidance.

3.5 Once a planning application has been submitted, the Council will liaise with the County Council (for major developments of 10 or more dwellings) and other relevant stakeholders and discuss with the applicant specific obligations to be sought as Section 106 agreements.

Triggers / Payment of Contributions

3.6 Financial contributions are payable at specific stages in the development process, which are known as trigger points. Examples include 'prior to commencement' or 'prior to occupation'. During the negotiation stage of the S106 agreement, the trigger points for each obligation will be discussed between the developer, the Council and the County Council and any other infrastructure providers or consultees involved in the S106 agreement. Trigger dates will be included in the S106 agreement and will be discussed within each topic area where there may be a specific requirement in terms of payment. For example, larger housing developments may require payment on completion of a certain number of dwellings, or staged in line with the proportional impact of each phase of the development.

5 <https://www.staffsmoorlands.gov.uk/article/565/Get-advice-before-making-an-application>

3.7 Infrastructure providers and/or statutory consultees may suggest trigger points when submitting their requests for contributions which the Council will then take into account when drafting the S106 agreement. The Council will aim to ensure that trigger points are viable to the specific stage of the delivery of development.

3.8 If contributions have not been paid within the agreed time period then late payment interest will be charged at rate of 3% above the Bank of England standard base rate.

Indexation

3.9 All financial contributions contained in a S106 should be index linked from the Committee approval date to the trigger date when the contribution payment is due to ensure the real value of developer contributions is maintained up to the date of payment. The base date and index will be detailed within the legal agreement. The preferred index that is currently used is the All Items Group (item reference CHAW) of the Retail Prices Index published by HM Government Office of National Statistics, or for healthcare contributions the All In Construction Tender Price Index as published by the Building Cost Information Service (TPI). During any period when no such index exists, the index which replaces it or is the nearest equivalent will be used.

3.10 For certain types of infrastructure there may be more bespoke information about costings that is particularly relevant to a specific project, which could assist in informing and evidencing changes to costings. For example, Sport England publishes costing for certain types of sports facilities; therefore, if this information is available and supported by consultees then it could be used to support costing calculations. Contributions should not be less than the amount originally agreed if the indexation decreases.

Prioritisation of Contributions

3.11 All contributions required, in compliance with national or local policy, will be set out as a basis for assessment at pre-application or planning application stage. There may be circumstances where the total of all contributions sought might render the proposed development unviable and therefore sufficient contributions cannot be made to mitigate the impact of development. As developer contributions are considered necessary in order to make the development acceptable in planning terms, the Council may then decide to refuse the application and in these circumstances, viability is not considered a valid justification.

3.12 It may however be the case that some developments are not able to viably make contributions towards all of the infrastructure that is required but that the benefits of development are considered by the Council to outweigh the failure to provide policy compliant obligations. In such cases, where there are viability issues, contributions may be prioritised by the Council, who will seek to achieve a well-balanced package of contributions to best address mitigation. Whilst each case needs to be assessed on its own merits, the general approach that will be taken to prioritise contributions is outlined below:

- Critical on and off-site infrastructure needed to achieve the development of the site (e.g. highways, open space, sewer/drainage).
- On-site affordable housing.
- Contributions for education provision.

- Biodiversity ⁽⁶⁾ and other green infrastructure, playing pitches /leisure facilities, sustainable transport provision directly serving the site.
- Off-site affordable housing.
- Other infrastructure not specifically required by the Local Plan but reasonably requested by an infrastructure provider / consultee.

3.13 The contributions will be assessed using the above framework; however, this is on a case by case basis and will also relate to priorities outlined in the Local Plan, Neighbourhood Plans, Corporate Plan and other supporting Council Strategies. There may also be priorities and/or requirements for sub-areas in the District, which will be reflected through regular updates of the Infrastructure Delivery Plan (IDP). The IDP sets out current provision of infrastructure across the District and the infrastructure requirements necessary over the plan period to deliver the level of growth identified. Specifically, it outlines what infrastructure is needed, when it is needed, who is responsible for providing it, how much it will cost and how it will be funded. The IDP should be seen as an iterative document and will support the SPD by providing a regular review and update of infrastructure requirements.

3.14 A further consideration within the prioritisation process is to assess contributions according to their value. This would add a further level of assessment within the evaluation to enable the Council flexibility to maximise the overall contribution in terms of the most effective way to spend contributions based on their value, particularly where viability is an issue (e.g. for some development proposals, the Council may consider that contributions below £10,000 may have a more meaningful impact when spent on green infrastructure or open space and recreation or towards a specific scheme or project identified in the IDP). This assessment would therefore be supported by the infrastructure requirements needed to make a development proposal acceptable in planning terms and should relate back to the wider policy and priorities for required infrastructure, supported by the IDP and where possible, agreement with consultees.

Viability

3.15 The Council expects development to be delivered in accordance with national and local policies, including policies relating to affordable housing and infrastructure provision to support growth and development. Provision of supporting infrastructure, including affordable housing, is a necessary cost that should be factored into overall development costs. The NPPF highlights the expectation that compliance with local plan policies setting out developer contributions should assume that the proposal is viable. The applicant must demonstrate any particular circumstances to justify the need for viability assessment at application stage. The price paid for land is no longer an input into viability assessments nor a relevant justification for failing to accord with relevant policies in the Plan (see the PPG, guidance on 'Viability') ⁽⁷⁾ .

3.16 Where the applicant has reason to believe that there are viability issues they should engage with the Council at the earliest stage possible. The Council will seek to address any valid concerns by seeking other viability enhancements, such as deferring or phasing contribution payments to assist developers when necessary, if it is agreed that viability is marginal. To substantiate a claim, the Council will require the applicant to appoint on behalf of the Council and the applicant together an independent assessor, with instructions to be

6 Under the Environment Act 2021, all planning permissions (with a few exemptions) will be required to deliver at least 10% biodiversity net gain from 2023 (date TBC likely Nov/Dec)

7 <https://www.gov.uk/guidance/viability#standard-inputs>

agreed by the Council in advance, to conduct a full financial appraisal with all costs incurred to be paid for by the developer. The Council also reserves the right to appoint a suitably qualified person to undertake a review if required.

3.17 Where an applicant is able to robustly demonstrate to the satisfaction of the Council that the requirements of a planning obligation would cause a development to be unviable the Council will consider whether there is a legitimate planning reason to be flexible in seeking developer contributions or whether the need for policy compliance infrastructure contributions outweighs the planning benefits in developing the site. Further consideration will be given to the prioritisation framework in order to determine if the contributions are critical and therefore not acceptable to negotiate, or whether there can be further agreement in terms of the level of contribution that can viably be provided.

Monitoring

3.18 The [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#) allow fees for monitoring obligations to be sought from developers where:

- the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

3.19 Fees collected will cover the cost of monitoring and administration of developer contributions including:

- The maintenance and development of the planning obligations monitoring database system to assist in the co-ordination of obligation preparation, raising invoices, calculation of staged payments, collection, monitoring and review.
- Administration of S106 agreements, including affordable housing assessment of applications for discount market sale properties, calculation of OMV on disposal of shared ownership properties and resale of discount market sale properties and the cost of registering First Homes notifications at the Land Registry.
- The monitoring of trigger points and development progress.
- Recovery of planning obligations that have not been fulfilled, including any necessary enforcement or legal action.
- Liaison between council service departments and with Staffordshire County Council.
- Preparing the annual Infrastructure Funding Statement, which is a statutory requirement under the CIL regulations.

3.20 Where the Council uses S106 legal agreements to mitigate development proposals, it is important that they are monitored to ensure trigger points are adhered to. The monitoring fee will normally be £218.83 for every obligation trigger in the S106 agreement where the contribution is paid to Staffordshire Moorlands District Council. The fee will be based upon the occurrence of triggers for compliance of planning obligations (rather than each obligation individually). As there is additional time spent on residential applications relating to external (resale) valuations and Discount Market Sale S106 valuations there is an additional fee of £583.72 per S106 agreement for residential schemes. The monitoring fee is to be paid at completion of the S106 legal deed, to enable the council to cover the costs of monitoring the commencement of development. The fee will be index linked and periodically reviewed to ensure the administrative costs associated with monitoring and managing developer

contributions are covered by the fee, which is proportionate to the complexity of the proposal. This approach is considered a reasonable and fair basis to account for officer time to effectively monitor trigger points and carry out the tasks outlined above, which need to be done regardless of the size of development.

3.21 Staffordshire County Council also request monitoring fees for obligations for which it is responsible e.g. education and transport.

Planning obligations guidance

Planning obligations guidance

4.1 When considering the impact of proposed development there are certain key areas of infrastructure that will be affected by most major schemes. As necessary the Council will also consider any cumulative impacts of development, if there are various phases or a number of proposed developments in the adjacent area. This document therefore addresses the evidence, policy justification and scope of potential requirements associated with these infrastructure types in each of the following sections. As noted, the SPD will not cover every circumstance where developer contributions may be sought to make a specific new development acceptable in planning terms; however, the most common areas will be outlined in as much detail as possible.

Affordable Housing

4.2 To support the Government's objective of significantly boosting the supply of housing, the NPPF emphasises the importance of meeting the needs of groups with specific housing requirements. Where there is a need for affordable housing, planning policies should specify the type of affordable housing required and expect it to be met on site. The NPPF sets out where exceptions to this are considered appropriate.

4.3 The Council's overall approach to affordable housing is set out in Local Plan Policy H3 and the supporting text. This policy states that residential developments of 10 dwellings (or 0.5 ha) or more shall provide 33% affordable housing. Where affordable housing is below the requirement, applicants will need to provide evidence by way of a financial appraisal. Affordable housing should be provided on site, unless in exceptional circumstances when off-site of commuted sums may be considered where it will broadly be equivalent in value to on-site provision. If a proposed scheme is considered to fall within Use Class C2 (residential institutions) there will not be a requirement for affordable housing.

First Homes

4.4 The Government's First Homes scheme came into effect on 28th June 2021, setting the national policy requirement for at least 25% of all affordable homes provided by developers under S106 agreements to be First Homes. First Homes are a specific type of discounted market sale housing that:

- must be discounted by a minimum of 30% against the market value;
- are sold to a person(s) meeting the First Home eligibility criteria ⁽⁸⁾ ;
- on their first sale, will have a restriction registered on the title at HM Land Registry to ensure the discount (at a percentage of market value) and certain other restrictions are passed on at each subsequent title transfer; and
- after the discount has been applied, the first sale must be at a price no higher than £250,000.

4.5 First homes are the Government's preferred discounted market tenure and should therefore be the priority for delivery to meet the minimum requirement of at least 25% affordable housing. For Staffordshire Moorlands, Policy H3 states that 60% of all affordable dwellings should be social/affordable rented housing and the remaining 40% intermediate/starter homes. As national policy now requires at least 25% of all affordable homes delivered by developers under Section 106 agreements to be First Homes, this will

8 <https://www.gov.uk/guidance/first-homes>

take precedence, then provision of 15% intermediate/starter homes and the remaining 60% will continue to be social/affordable rented. Percentages will be rounded to the nearest whole unit. If the affordable housing contribution is not a whole number; up to 0.49 will be rounded down, whilst 0.5 and above will be rounded up to the nearest whole number with the table below providing a guide to the affordable housing requirements for sites of different sizes.

Scale of development (dwellings)	Total number of Affordable Homes required (ie. 33% - Policy H3)	First Homes (25%)	Remainder in line with Local Plan - Policy H3 (75%)	
			Social / Affordable Rent (60%)	Intermediate / Starter (15%)
10	3	1	2	0
15	5	1	3	1
20	7	2	4	1
25	8	2	5	1
50	17	4	10	3
100	33	8	20	5

Table 4.1

4.6 Government guidance allows local authorities to set local eligibility criteria to enable First Homes to work effectively in the area, although these only apply for a maximum of three months of marketing. To align with our existing approach to affordable housing, we will therefore require purchasers (at least one person within the household) of First Homes to have a local connection to the District (including priority for defined key workers*) in line with the following criteria:

- Being a current resident of the District;
- Permanently employed within the District; or
- Needing to move to take up employment within the District.

*as defined by ONS.

Calculating Commuted Sums

4.7 In exceptional circumstances, the Council may accept a commuted sum in lieu of on-site provision to facilitate the delivery of affordable housing on an alternative site. Financial contributions will be based on the values registered providers ordinarily pay to acquire affordable housing. The Open Market Value (OMV) should be the value of each whole unit, which reflects the anticipated net achievable price i.e. net of any discounts or marketing incentives. Sources of information that should inform the OMV are: RICS local valuers; internet research; local estate agents; and comparative similar development values.

4.8 On this basis, commuted sums will normally be calculated at a rate of 40-55% OMV for affordable/social rent and approximately 30% for an intermediate/starter home, which relates to a notional affordable unit in order to reflect the 'developer subsidy' element of affordable housing provision.

4.9 To assist in the calculation, the Council will determine what proportion of each house type (1,2,3,4 bed house/apartment/bungalow) would be required to be affordable to meet Policy H3. As an example only, a site for 15 units gives rise to an affordable housing component of five units (2 x 2 bed and 2 x 3 bed houses). First Homes will always be expected to be delivered on site, which would be one unit on a site of this size. The remaining four units would be paid as a financial contribution broken down by the remaining tenure split in line with the policy. In this example, 3 rented and 1 shared ownership unit. If the OMV of a two-bedroom open market property was £160,000 and the three bedroom £230,000 the following commuted sum would be due:

- 50% of £160,000 (£80,000 x 2 units) = £160,000 (2 bed affordable rent)
- 50% of £230,000 = £115,000 (3 bed affordable rent)
- 30% of £160,000 = £48,000 (2 bed shared ownership)
- Total Contribution = £343,000

Space Standards for Affordable Housing

4.10 Policy H1 (New Housing Development) refers to the nationally described space standards (NDSS) set out in the Technical Housing Standards requirements (DLUHC,2015)⁽⁹⁾ for internal space within new dwellings across all tenures. Individual dwelling types are expressed with reference to the number of bedrooms and the number of bedspaces (or people) that can be accommodated within these bedrooms. This allows for different combinations of single and double/twin bedrooms to be reflected in the minimum Gross Internal Area. The breakdown of the minimum Gross Internal Area therefore allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy. In order to comply with space standards (Policy H1) and maximise the number of affordable housing bedspaces, dwellings should aim to provide larger bedrooms to allow greater flexibility and better living conditions for their occupants. For example, providing a 2 bedroom, 4 person dwelling rather than a 2 bedroom 3 person dwelling; and a 3 bedroom 5 person dwelling rather than a 3 bedroom 4 person dwelling. Provision of bedspaces should meet the identified needs, as set out in the Strategic Housing Market Assessment (SHMA) or successor document, supported by annual monitoring of provision and/or latest evidence on housing need.

Registered Providers

4.11 The Council expects all developers to ensure that they identify a Registered Provider (RP)⁽¹⁰⁾ to support the delivery of affordable housing on site as soon as possible in the development process. RP's will be required to own and manage the affordable housing units directly.

Vacant Building Credit

4.12 To support the use of brownfield land, the NPPF makes provision for vacant buildings being reused or redeveloped to reduce affordable housing contributions by a proportionate amount. Vacant Building Credit (VBC) is designed to encourage this type of development for a qualifying building or land to be brought back into use. PPG provides further guidance,

9 <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard/technical-housing-standards-nationally-described-space-standard>

10 A provider of affordable housing registered with Homes England pursuant to the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act)

stating that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. A vacant building is considered to be a building that has not been in continuous use for any 6 month period during the last 3 years. This means the whole building must have been vacant, not just a single planning unit or part of the building. The building must be vacant at the time the application is validated for the VBC to be applied.

4.13 Affordable housing contributions will be sought for any additional increase in floorspace, which will be calculated in the same way as any other development. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation (PPG). A worked example is provided in Appendix 1.

4.14 Satisfactory evidence should be provided to demonstrate that the site meets the definition of 'previously developed land' in the NPPF. VBC will only apply when in the Council's opinion the building has not been abandoned, the assessment for which will take into consideration the following factors:

- the condition of the property;
- the period of non-use;
- whether there is an intervening use; and
- any evidence regarding the owner's intention, including attempts to sell the property.

4.15 The Council will also consider whether the building has been made vacant for the sole purpose of redevelopment and may require the applicant to provide records to demonstrate that vacancy has arisen for other reasons. Relevant planning history will also be assessed to ensure that the building isn't covered by extant or recently expired permission for the same or similar development.

Rural Exception Sites

4.16 Policies SS8, SS9, SS10 and H1 outline the circumstances to allow for affordable housing on rural exception sites that would not normally be released for housing development. A S106 used to secure the affordable housing on these sites will require the affordable housing to be prioritised for those who can demonstrate local need. 'Local need' in the context of this policy, is applied to the following:

- People who have lived continuously in the village or Parish for at least five years;
- People who have a strong connection with the village or Parish by birth or upbringing or by a previous period of residence;
- People who need to support their family currently living in the village or Parish or are themselves in need of family support;
- People who are employed in the village or Parish.

Open Space Sport and Recreation

4.17 The NPPF highlights the importance of having access to a network of high quality open spaces and opportunities for sport and activity in supporting health and wellbeing. The Council will seek to promote the provision of high quality recreational open space, indoor

and outdoor sports and children's play facilities throughout the District (Policy C2). Residential development of 10 or more dwellings (or of 0.5 ha or more) will be expected to make provision or a contribution towards open space, sports and recreation facilities in line with the Open Space Study, Playing Pitch Strategy and Indoor Sports Facility assessment or successor documents. Policy C1 of the Local Plan also highlights the support of the Council for schemes that will protect, retain or enhance community facilities, which includes sports and physical activity facilities.

4.18 There are a number of evidence documents ⁽¹¹⁾ that consider the provision of open space and recreation and set out areas of need. These are updated periodically but currently comprise:

- Staffordshire Moorlands Open Space Update Report (2017)
- Staffordshire Moorlands Open Space Standards Paper (2017)
- Playing Pitch Strategy Assessment Report (2017)
- Playing Pitch Strategy and Action Plan (2017)
- Staffordshire Moorlands Green Infrastructure Strategy (2018)
- Play and Outdoor Facilities Investment and Delivery Plan (2021)
- Leisure Facilities Plan (2022).

4.19 The Council's Service Commissioning team will ensure that obligations sought for open space and recreation are based on a tailored approach relevant to each development site, using the evidence base provided within the most recent studies in order to justify the needs arising, how they are to be met and ensuring that requests are reasonably related and proportionate in scale and kind. The IDP will set out key priorities and projects identified in the above studies and strategies and will be updated as new studies and strategies become available.

Open Space

4.20 The 2017 Open Space Study (Standards Paper) identified a total of 236 open space sites across Staffordshire Moorlands, equating to over 665 hectares. However, the study also identified a number of shortfalls in quality and accessibility standards across the District for different types of open space. In order to maximise opportunities to successfully deliver strategic outcomes and consultation with Service Commissioning should take place at the pre-application stage. Unless agreed otherwise with the Council, open space will be provided on site. If agreed, off-site provision of part or all the requirements will be provided by means of a commuted sum to the Council based on a monetary figure per dwelling.

4.21 The basis for calculating the level of developer contribution required under Policy C2 is set out below, setting out how much open space provision (in hectares per 1,000 people) is needed to strategically serve the Staffordshire Moorlands plan area in the future. This assumes the local average occupancy figure of 2.3 per dwelling.

11 The list provided is the latest documents at the time of publishing; however, these may be superseded by updated evidence in the future.

Nature of open space	Provision required in hectares per 1,000 population	Standard per new dwelling m ²	Cost per m ² *	Contribution per dwelling
Amenity Greenspace	0.6	14	To be provided on site by the developer.	
Equipped children's play	0.08	1.8	a) to be provided on site by the developer or	
			b) £83.10	Off-site contribution £149.60
Allotments	0.1	2.3	a) to be provided on site by the developer or	
			b) £16.60	Off-site contribution £38.20
Parks and Gardens	0.14	3.2	£23.50	£75.20

Table 4.2

* costs are dated January 2023 and are subject to indexation

4.22 All major developments should incorporate growing areas for residents as part of scheme design and where this is not possible a contribution for allotment provision off-site will be required in accordance with provision standards outlined.

4.23 Management and ongoing maintenance of areas of open space and any on-site play provision will be the responsibility of the developer. Before the commencement of development, the developer will confirm the details of maintenance responsibility with the Council. If a management company is chosen to have responsibility transferred, details will be required on the company structure, funding mechanisms (including any proposed management fees payable by dwelling owners) and contingency arrangements should the company cease to operate or exist. If in exceptional circumstances, on agreement with the Council, the developer wishes to transfer responsibility to the Council, a commuted sum contribution will be collected to cover a minimum 25 year period, lifecycle costs to contribute towards maintenance and day to day costs.

Outdoor Sports and Playing Pitches

4.24 The Playing Pitch Strategy Assessment and Action Plan (2017) provides a strategic framework which ensures that the provision of outdoor sports facilities meet the local needs of existing and future residents within Staffordshire Moorlands. The strategy produced in accordance with PPG, provides robust and objective justification for future needs throughout the District. It identifies likely demand for pitch sports generated from housing growth in the Local Plan, which is set out in the table below. The Council is due to review the 2017 Playing Pitch Strategy to ensure that demand and requirements for provision continues to be up to date.

Pitch Sport	Estimated demand by sport (2031)
Adult football	1.36 match equivalent sessions per week
Youth football	1.53 match equivalent sessions per week
Mini soccer	1.04 match equivalent sessions per week
Rugby Union	0.34 match equivalent sessions per week
Hockey	0.41 match equivalent sessions per week
Cricket	48.00 match equivalent sessions per season

Table 4.3

4.25 The Local Football Facility Plan 2018 identifies opportunities to accurately target investment in football facilities across the Staffordshire Moorlands.

4.26 Contributions towards playing pitches and outdoor sports facilities will be sought from residential developments of 10 or more dwellings (or of 0.5 ha or more) to ensure that the sporting needs arising from the residents of new developments are met where there is a demonstrable need for additional provision. The requirement will be considered on a case by case basis. The required level and mix of provision, and if this should be provided on or off -site, will be informed by up to date evidence from the Sports England Playing Pitch Calculator, Playing Pitch Strategy, Local Football Facility Plan and other sports needs assessments and/or any successor document(s).

Built Facilities

4.27 Built sports facilities include sports halls, swimming pools and the use of community venues for activities. The Council has been working with Sport England in the preparation of the Leisure Facilities Plan and has followed the Sport England Strategic Outcomes Planning Guidance (SOPG) to undertake demand and supply modelling. Developer contributions should be provided where new development will increase the demand for such facilities and contributions will be directed to the nearest accessible facility to the development. S106 contributions will be assessed on a case-by-case basis in consultation with the Service Commissioning team with contributions informed by the Sport England facility calculator and the Council's Leisure Facilities Plan and/or any successor document(s).

Informal Recreation

4.28 Greenways, woodlands and wildlife sites can provide informal opportunities for play, sport and recreation and in some instances these sites may be better placed to facilitate those wider experiences than traditional play areas, parks and gardens. The Staffordshire Moorlands Green Infrastructure Strategy (May 2018) states that the Council will create appropriate access for a wide range of users to enjoy the countryside, including improved linkages to, and provision of formal and informal recreation opportunities and accessible woodland areas to encouraging walking, cycling and horse riding. The canal network is an important recreational facility that supports healthier and more active lifestyles. Increased use and footfall generated by residential development near waterways can often lead to increased liabilities for the Canal and Rivers Trust. It is important to be able to secure developer contributions to help maintain the canal infrastructure when it is impacted by development, to enhance quality and ease of access.

Biodiversity and Green Infrastructure

4.29 The NPPF highlights the need to protect biodiversity, including designated sites, priority habitats and wider ecological networks. It promotes the conservation, restoration and enhancement of priority habitats and ecological networks, including watercourses and priority species. In accordance with paragraph 174 of the NPPF, planning policies, and development decisions should minimise the impacts on and provide net gains for biodiversity.

4.30 Policy C3 Green Infrastructure, sets out the requirements of new development to protect and enhance biodiversity and green infrastructure. This includes contribution to the creation or enhancement of an integrated network of high quality and multi-functional green infrastructure. Policy NE1 Biodiversity and Geological Resources also underpins the Council's commitment to conserve and enhance the District's natural assets with positive management and control of development. The policy also expects all development to deliver net gain where possible; however, the Environment Act 2021 supplements existing legislation and policy to introduce new incentives, actions and planning tools to drive further improvements for nature. A key component of the Act is the requirement for development proposals to deliver at least 10% improvement to biodiversity. Policy NE1 also sets out the need to meet the objectives and targets in the UK and Staffordshire Biodiversity Action Plan, with particular reference to increasing grassland and heathland habitats.

4.31 It is expected that biodiversity and green infrastructure enhancements will generally be secured through planning conditions; however, there may be some circumstances where it will be necessary to ask for specific mitigation or compensation to make a development proposal acceptable as set out in national legislation. Policy NE1 seeks to deliver net gains in biodiversity and by engaging with stakeholders to outline key requirements to strengthen biodiversity in the District, the IDP can help link objectives, strengthen ecological networks and create corridors to ensure effective land management and biodiversity value. Planning obligations could also support blue infrastructure such as de-culverting or daylighting of existing watercourses, enhancement and maintenance of wetland areas or naturalisation of riverbanks.

4.32 In accordance with the Environment Act, the developer is required to maintain the enhancement for at least 30 years after the completion of works. The habitat should be delivered on-site; however, where this is not possible offsite contributions or statutory biodiversity credits may be applied. The requirements of Environment Act will be implemented as mandatory in winter 2023; however, the Council will work with developers to proactively encourage that appropriate contributions are sought for Biodiversity Net Gain (BNG) in advance of the 2023 date and in accordance with policy NE1. Discussions will be informed by the Staffordshire Biodiversity Action Plan and with regard to the Staffordshire Moorlands Biodiversity Opportunity Map.

4.33 The Council's Climate Change Action Plan, Aiming Low: The Way to Net Zero ⁽¹²⁾, also sets out its commitment to mandate implementation of BNG requirements through planning. The Council will continue to work with key stakeholders and engage as widely as possible to update the IDP which will identify and link priorities and objectives, to strengthen ecological networks and create corridors of biodiversity value. This should also reflect new evidence such as the Council's Biodiversity Strategy and wider Local Nature Recovery Strategies.

12 <https://www.staffsmoorlands.gov.uk/ClimateChange>

4.34 Developer contributions will also recognise the maintenance need of established sites to manage increased pressures from development additional to any net gains made by the development. The NPPF notes the importance of minimising impacts on and providing net gains for biodiversity, including establishment of coherent ecological networks that are more resilient to current and future pressures. Similarly, this is also reflected in the NPPF, with specific regard to impact of development and improvement of biodiversity integrated through good design, especially to secure net gain or enhance access to nature.

Retail and Town Centres

4.35 The NPPF acknowledges the importance of town centres and the key role they play at the heart of local communities. It is therefore noted that planning policies should take a positive approach to their growth, management and adaptation. The NPPF also outlines the preference for locating main town centre uses in town centres rather than edge, or out of centre locations. In accordance with this, policy TCR3 of the Local Plan also notes that developer contributions may be sought to mitigate identified impacts of town centre uses of 200 sq m or more outside of defined centres. Contributions will therefore be sought for development that is considered to have a detrimental impact on town centres and their overall vitality.

4.36 Specific measures will be identified and updated within the IDP that can help provide better connectivity, accessibility, street furniture, public realm, wayfinding etc to promote regeneration and vitality within town centres. A Neighbourhood Development Order (NDO) is being prepared for Biddulph Town Centre which relates to the replacement of shopfronts. Town centre improvements to increase accessibility for people with disabilities may also be sought through S106.

Health

4.37 The NPPF outlines the importance of promoting healthy and safe communities, stating that planning authorities should work with delivery partners to plan for required public service infrastructure facilities. Local Plan Policy DC1 sets out guidance for new developments which includes 'designing out crime' and healthy active environments.

4.38 Facilitating health and well-being is a key theme incorporated throughout the Local Plan. Policy SS1 Development Principles, outlines the requirement to provide necessary local services including healthcare and associate facilities to promote community wellbeing. Each of the area strategies also consider the importance of increasing provision of health and community facilities with reference to reducing health inequality in certain areas. In addition, a key priority within the corporate plan 2019 -2023 is to ensure effective health provision.

4.39 Housing development can add substantially to the demand for health care as it generates population growth in given areas. It is important that the planning system ensures not only that development creates an environment that supports health and wellbeing; but that there should be a reasonable level of developer contributions towards the capacity and resilience of health facilities. Additionally, demographic factors such as an ageing population and wellbeing needs of the population including secondary and specialist support services, should also be considered in terms of provision of health infrastructure to support the needs of area.

4.40 It is important that community meeting spaces and access points are included as part of health infrastructure, in recognition of their contribution towards prevention of ill health by providing spaces for exercise, health/wellbeing classes or other social activities which engender a sense of community and help avoid loneliness. Access to provision regarded as social care is also important, including personal care and support for individuals, such as home-based care or access to facilities within communities for those needing additional care and support (e.g. older adults, those living with dementia, working age adults with disabilities).

4.41 The Council works closely with key stakeholders in the health and wellbeing sector, including NHS, the Staffordshire and Stoke-on-Trent Integrated Care System (ICS) and Public Health, to ensure a coordinated approach for effective collection of developer contributions, including consultation on all major planning applications of 10 dwellings or more. The primary method of calculating developer contributions will consider the likely impact of new population as referred to in HBN11-01: Facilities for Primary and Community Care Services ⁽¹³⁾. S106 contributions may be required to support construction costs for additional facilities/extension etc or new health facilities that may be co-located with other health or social care providers, as advised by ICS or relevant health provider.

Training and Employment

4.42 It is important that local people have access to develop the skills, knowledge and qualifications to support the labour market and therefore equally contribute towards the economic growth in the area as well as benefit from the opportunities that comes with growth. The NPPF recognises the important role of economic growth to create jobs and prosperity.

4.43 Policy E1 and supporting text in the Local Plan considers the importance of supporting the local workforce and economic base, which include improving skills by encouraging provision of training programmes, employment support and employment access schemes. The Council will work collaboratively with applicants and stakeholders to ensure that the needs of the local workforce and businesses are met and relevant initiatives are provided for proposals. Staffordshire County Council are preparing a Framework Employment and Skills Plan document that will also help developers in the preparation of their own proposals. Liaison with the County Council's Head of Employability Skills will be advised at an early stage of the process to advise on relevant support.

Transport Infrastructure

4.44 The NPPF requires the planning system to promote sustainable travel. It also states that transport issues should be considered from the earliest stages of plan making and development proposals. When assessing development proposals, it should be ensured that any significant impacts from the development on the transport network, or on highway safety can be cost effectively mitigated to an acceptable degree. Developments that generate a significant amount of movement will usually be required to provide a travel plan. Very large sites may also be required to employ a travel plan coordinator for a set period. A contribution towards the County Council monitoring of the plan will also be required based on the size of the development.

4.45 Policy T1 Development and Sustainable Transport seeks to ensure that development reduces reliance on the private car and can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport in line with the Integrated Transport Strategy. Applicants should also consider how proposals

13 <https://www.england.nhs.uk/publication/facilities-for-primary-and-community-care-services-hbn-11-01/>

can enhance the existing path network in line with the Staffordshire County Council Rights of Way Improvement Plan. Developer contributions will be used to deliver transport and accessibility improvements required to accord with this policy. Further Information is provided in the [Guidelines for Transport Assessments and Travel Plans](#) produced by Staffordshire County Council.

4.46 Staffordshire County Council are responsible for collecting contributions in relation to highways and therefore will be consulted at the earliest stage possible. The majority of highways improvements and modifications are secured by planning conditions, in consultation with the highways department. Developer contributions sought through a Section 106 agreement may be used by the Highway Authority to carry out improvements to the highway network to accommodate the development. This mechanism can also allow the Highway Authority to seek contributions towards travel planning, public transport services, sustainable travel and pedestrian and cycle infrastructure, provided that the NPPF planning tests are met. Active and sustainable travel have also been considered under the Climate Change section.

4.47 The adopted Staffordshire Moorlands Local Plan recognises the need for an assessment of the cumulative implications of traffic at the A50/A521 junction with planned growth in the neighbouring authorities' Local Plans undertaken at the appropriate time when there is further information regarding details of development (para 8.100). As agreed by all parties and developers, a fair and proportionate cost is to be provided towards Strategic Road Network (SRN) infrastructure, and this is calculated through the following approach outlined by National Highways for each location/junction where mitigation is required.

1. Determine the cost of each mitigation scheme required at each location to accommodate the cumulative traffic demands from the Local Plan's growth aspirations.
2. Determine each specific development site's traffic impact on each junction as a proportion of all developments' cumulative traffic impact on each junction.
3. Multiply the cost of improvement at each junction by each development's proportionate impact.

The County Council and National Highways will advise on each application on a case-by-case basis, in delivering a fair and proportionate developer contribution towards highway mitigation.

Education

4.48 Schools are a crucial element of local infrastructure and therefore provision of school places must be considered alongside the delivery of new homes. The NPPF notes the importance of having a sufficient choice of school places available to meet the needs of existing and new communities. The NPPF states that local planning authorities should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

4.49 Policy SS1 acknowledges the requirement for new development to contribute positively to the social, economic and environmental improvement of Staffordshire Moorlands and will work in partnership with other agencies and statutory providers to deliver key services such as education. The County Council is the Local Education Authority and has the statutory duty for the provision of education. The SPD will therefore not set out the County Council's

education infrastructure contributions policy, as the Staffordshire Education Infrastructure Contributions Policy ⁽¹⁴⁾ sets out the approach to identify the impact of new residential development on education infrastructure. It also provides the basis for calculating likely education infrastructure contributions.

4.50 An important consideration that is particularly relevant for education provision, but may apply across other S106 typologies, is the requirement for 'forward funding'. The County Council may need to spend money in advance of receiving S106 funding in order to meet demand at a specific time. Accordingly, the S106 may provide for contributions due under the agreement to be spent in advance if required for the purposes set out in the S106 before the trigger in the S106 is reached to pay the money to the County Council. Education contributions will continue to be sought for infrastructure that is being built or has completed when the County Council has been required to forward fund.

Air Quality

4.51 Air Pollution is the largest contributor to the burden of disease from the environment which impacts on the whole population. Current evidence indicates that air pollution is associated with cardiovascular disease, lung cancer, respiratory disease, asthma and stroke. In the Staffordshire Moorlands, the primary source of air pollution is from road traffic emissions and two [Air Quality Management Areas \(AQMAs\)](#) have been declared within the district, Leek and Cellarhead, due to exceedances of the annual mean objective for nitrogen dioxide (NO₂) from this source.

4.52 The impact on air quality is a material consideration in making planning decisions. Paragraph 181 of the NPPF highlights that planning decisions should ensure that new development in AQMAs is consistent with the Councils local air quality action plan, and local policies should contribute to meeting national objectives for air quality.

4.53 Staffordshire Moorlands District Council's Air Quality Action Plan (AQAP) has been produced as part of statutory duties required by the Local Air Quality Management Framework. It outlines the action the Authority will take to improve air quality in Staffordshire Moorlands between June 2019 -2024. Larger developments may be required to submit an Air Quality Assessment, to determine impacts of the proposal and then by providing mitigation measures to offset any identified impacts or by making a financial contribution. If a financial or in-kind contribution is deemed necessary, a project sum will be identified and agreed on a case by case basis, based on the [Air Quality appraisal: damage cost guidance](#) issued by Defra.

4.54 Contributions could relate to the following:

- Mitigation of construction impacts such as dust control and related emissions.
- On or off-site monitoring of air pollution.
- Green travel plans.
- Measures identified in local Air Quality Action Plans (where relevant).
- Low emission vehicle refuelling infrastructure.
- Renewable fuel and energy generation projects.
- Public transport improvements.

14 <https://www.staffordshire.gov.uk/Education/Schoolsandcolleges/PlanningSchoolPlaces/Information-for-developers/Planning-policy.aspx>

Climate Change

4.55 The NPPF outlines the importance of the planning system in shaping places to reduce emissions, support renewable and low carbon energy, improve resilience, support resource efficiency and endorse sustainable design and construction methods. Staffordshire Moorlands District Council declared a climate emergency on 10th July 2019. The declaration commits the Council to become carbon neutral by 2030, by working with partners across the District and region to address emissions from both consumption and production. Since declaring the Climate Emergency, the Council has produced the Climate Change Action Plan 2021/30 (Part 1), which outlines the key targets to reach its Net Zero aim by 2030. This includes tackling emissions and improving energy efficiency in buildings as well as increasing public transport use, cycling and walking, managing waste and looking after the environment. Part two of the action plan, Aiming Low: The Way to Net Zero, refers to this SPD in terms of its role in securing developer contributions to support climate change adaptation and mitigation.

4.56 Staffordshire County Council have also declared a climate emergency and since the commitment to achieve net zero carbon emissions by 2050 was made in July 2019, it has produced a Strategic Development Framework. Priority themes for the County are waste, air quality, organisational carbon reduction, natural environment and behaviour change.

4.57 There are number of policies in the Local Plan that support a sustainable, low carbon future, as well as mitigating against the impacts of climate change such as flooding and protection of the natural environment. Policy SS1 states that developments will be supported where they secure high quality, sustainable environments that contribute effectively to tackling climate change and reduced carbon emissions. Policy SD1 also seeks to ensure that development proposals adapt to climate change through the sustainable use of resources and good practice design, demonstrating energy efficiency, water conservation and sourcing sustainable materials.

4.58 Policies SD2 provides more specific reference to the Council's approach to endorse a low carbon/renewable energy future. The Local Plan supports small and large scale renewable or low carbon sources of energy within development proposals if there are no significant adverse impacts as outlined within the policy. Further sustainability measures in development to support carbon saving or water saving measures are outlined in Policy SD3. The Local Plan policies recognise the importance of planning in reducing emissions as well as supporting a low energy future, to help deliver the key actions of the Net Zero strategy. The [Climate Change Strategy](#) also recognises that some actions are more effective in producing more lasting reductions in emissions. This is known as the Carbon Management Hierarchy, which looks at ways of avoiding or mitigating impacts as a preferred option to reduction or off-setting.

4.59 Policy SD4 states that for development proposals that result in pollution, mitigation will be sought through the use of planning obligations. Policy SD5 also considers flood risk management and appropriate measures that should be taken to ensure that potential development does not increase the risk of flooding and natural features of the environment can be used to alleviate flooding and the impacts of climate change as far as possible.

4.60 The proposed measures outlined in the following section refer to the main ways that developer contributions will be sought to help adapt and mitigate against climate change, contributing to the District's targets and ambition to become carbon neutral by 2030, in accordance with the overarching policies and strategies at local, regional and national level.

Carbon Offsetting

4.61 Cutting emissions should be the first priority; however, where some emissions are hard to avoid, carbon offsetting can be used. Carbon offsetting is based on achieving a carbon balance between emissions generated and emissions removed from the atmosphere. Carbon sequestration measures that are recommended for inclusion in development proposals include tree planting, restoration of improved grassland or heather moorland, green walls and roofs (particularly in urban areas) and community energy initiatives.

Other Greenhouse Gas Emissions

4.62 Carbon dioxide is the most abundant of greenhouse gases; however, other gases such as methane and nitrous oxide also need to be reduced to limit global warming. Key sources of methane in the UK are agriculture, landfill waste, natural gas leakage and coal mining, whilst nitrous oxide is produced by agricultural soils, fuel combustion (particularly transport) and nitric acid production. Therefore, land use associated with these sources will need to consider appropriate action to help reduce emissions.

Walking, Cycling and Public Transport Infrastructure

4.63 Related to the above measures to improve air quality and in order to promote more sustainable transport modes, developments that generate significant demand for travel should provide features such as walking/cycle path linkages or improved access to public transport and encourage modal shift to more sustainable transport modes.

Electric Vehicle Charging

4.64 In order to facilitate new technologies and future proof developments the provision of Electric Vehicle Charging Points should be incorporated into the design of residential and non-residential development in accordance with Building Regulations ⁽¹⁵⁾.

Decentralised, Low Carbon and Renewable Energy Networks

4.65 In accordance with Policy SD2 and SD3 of the Local Plan, opportunities to meet the District's future energy demand through renewable or low-carbon energy sources, district heating networks or community energy schemes will be favoured and may be supported by developer contributions, particularly for larger developments. Developer contributions may also be applicable for renewable energy storage infrastructure associated to the development.

Flood Protection

4.66 The NPPF outlines some of the key challenges of climate change and flooding. It states that planning authorities should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, water supply and demand considerations.

4.67 Flood risk measures required to mitigate a development proposal should be managed on-site by way of S106 agreement or conditions. In some circumstances, a Section 106 agreement is the most effective mechanism to ensure mitigation of flood risk and drainage issues. These measures may cover design and maintenance of sustainable drainage systems (SuDS), flood management features or maintaining and improving (where relevant) an

15 <https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

existing flood alleviation scheme (Policy SD5). The Council will expect any flood management measures to be agreed with the Environment Agency (or other relevant authority) and in place prior to occupation of the development if required through S106.

Water Quality and Efficiency

4.68 Pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourse, which can also be managed by SuDs. Policy SD4 outlines the requirement for new development to mitigate potential adverse impacts of pollution (including air/water/noise/vibration/light/ground contamination), which may also be addressed by developer contributions.

4.69 Planning conditions may be applied when granting permission to ensure that water quality and resources aren't compromised. In certain circumstances, if a condition cannot effectively mitigate the impact of development, it may be suitable to request specific developer contributions to mitigate or compensate the impacts of development on this valuable resource. It may also be appropriate for a S106 agreement to be used to secure a future main foul sewer connection e.g. where there are capacity problems. Advice will be sought through consultation with relevant statutory bodies to ensure that appropriate measures and contributions are provided.

Sustainable Design and Construction

4.70 In order to ensure that new development proposals make the fullest contribution to minimising greenhouse gas emissions and thermal efficiency, new developments will be encouraged to achieve the highest standards of sustainable design and construction. This could encourage measures such as energy assessments, CO₂ reduction, siting and design considerations. Policy SD1 also advocates the use of sustainable resources (and associated processes), which includes re-use of materials that should be sourced locally when possible. The Local Plan implementation and monitoring framework also highlights the importance of S106 as a mechanism to reduce the rate of climate change and address impacts of development through sustainable construction methods, energy use and design (Policies SD1-3).

Heritage

4.71 In accordance with Policy DC2, the Council will conserve and enhance heritage assets to ensure that new development contributes positively to the character of the built and historic environment. Where appropriate, contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where an impact affecting a heritage asset, including its setting, is directly linked as a consequence of a development site and requires mitigation. There may be further opportunities to benefit the historic environment through works to non-designated heritage assets, public realm improvements, town centre improvements, green infrastructure and open spaces.

Appendix 1

Appendix 1

Worked example of vacant building credit.

Proposal	Housing development of 50 dwellings Affordable Housing requirement 33% The Proposed Gross Internal Floor Area (GIA): 5,000sqm The existing Gross Internal Floor Area (GIFA): 1,000sqm	
Step 1	Calculate the affordable housing contribution based on the total number of eligible dwellings and the affordable housing percentage (33%) required by the council's planning policy	Affordable housing contribution 50 units x 33% = 17 units
Step 2	Calculate the amount of existing floorspace, if any, as a proportion of the floorspace provided by the development: $E/P \times 100$ (where E = existing floorspace and P = proposed floorspace)	$1,000 \text{ sqm} / 5,000 \text{ sqm} \times 100 = 20\%$
Step 3	Calculate the amount of AH credit: Step 1 AH units x Step 2 percentage	$17 \text{ units} \times 20\% = 3 \text{ units}$
Step 4	Deduct the AH credit from the policy compliant affordable housing contribution, Step 1 AH number – Step 3 AH credit	$17 \text{ units} - 3 \text{ units} = 14 \text{ units}$ (14 affordable dwellings to be delivered on-site)

