
BOROUGH COUNCIL OF WELLINGBOROUGH



SUPPLEMENTARY PLANNING GUIDANCE IX ON THE USE OF PLANNING OBLIGATIONS

Adopted 4th November 2003

The draft version of this Guidance was subject to consultation between the 23rd June and 4th August 2003. A statement of the publicity undertaken in relation to this together with a schedule of replies and the Council's responses to these is available as a separate appendix to this document. Please contact the Council's Spatial Planning Team at Croyland Abbey, Tithe Barn Road, Wellingborough, Northamptonshire, NN8 1BJ for information on how to obtain this.

This guidance has been prepared by officers of the Borough Council (Spatial Planning and Legal Services) based upon the document 'Developer Contributions – a Policy Statement', South Northamptonshire Council, August 2001. The assistance of South Northamptonshire Council in allowing parts of the above document to be reproduced here is gratefully acknowledged.

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1. INTRODUCTION

- 1.1 This Supplementary Planning Guidance has been prepared to assist developers, landowners and others upon when planning obligations may be appropriate and the range of infrastructure, services and facilities for which the Council may seek to enter into planning obligations in relation to development proposals within the Borough.
- 1.2 New development can create a need for new services and facilities, and can have a detrimental effect on local amenity and the quality of the environment. Planning obligations between the Council and developers can be used to secure improvements to development proposals or to secure contributions from developers towards new services or facilities that are needed as a result of a new development and enable proposals to go ahead that might otherwise have been refused.

The need for guidance

- 1.3 A core value of the Council is 'integrity, fairness, courtesy and openness in internal and external relations and communications'. This document is intended to assist in promoting greater transparency, confidence and certainty in relation to planning obligations. It responds to advice in the Planning Users' Concordat (agreed between the Local Government Association, the voluntary sector and the business sector in July 2000 and adopted by the Borough Council), the East Midlands Planning Charter and in the Best Value inspection report (October 2001) of the Borough Council's Planning and Building Control Services that such guidance should be provided. The Best Value report also pointed to the possibility that a lack of guidance may result in the Council missing opportunities to secure contributions towards its aims. These aims are set out below.

<p>Aims</p> <p><i>Services</i></p> <ul style="list-style-type: none">.. To provide quality, reliable services, which meet needs and ensure value for money◆ To ensure courteous, effective and efficient delivery of services◆ To monitor the provision of services within agreed standards◆ To allow for flexibility in the way services are provided <p><i>Environment</i></p> <ul style="list-style-type: none">◆ To encourage and promote environmental stewardship◆ To provide for sustainable economic development <p><i>Communication</i></p> <ul style="list-style-type: none">◆ To allow for effective consultation with regard to provision of services◆ To promote a culture of openness◆ To work in partnership with other bodies <p><i>Valuing Staff</i></p> <ul style="list-style-type: none">◆ To improve the internal communication process and allow for feedback◆ To provide opportunities for training and development◆ To consider staff welfare

- 1.4 A further issue in relation to planning obligations addressed in the Planning Users' Concordat, referred to above, is the need to ensure that unnecessary delay should not occur between the approval of a planning application and the signing of an obligation. This requires an early and positive contribution from all parties (commenced at the pre application stage). To assist, the Council has prepared a guidance note from a legal

point of view for applicants in relation to planning obligations. A copy of this note is attached in Appendix 3.

Interpretation of guidance and review

- 1.5 Throughout this guidance the term 'developer contributions' is referred to in relation to the practice of seeking contributions (monetary or otherwise) from developers in order to carry out necessary measures arising from the impact of their development. These contributions are made under Section 106 of the Town and Country Planning Act 1990 (or where they relate to necessary highway works, under Section 278 of the Highways Act 1980). Such contributions are made under an agreement between the developer and local planning authority or other relevant organisation.
- 1.6 The guidance has been prepared in accordance with Circular 1/97 (see section 2 below) in order to provide an indication of what might be expected in terms of developer contributions. However, since such contributions should be directly related to an individual proposal, some or all of the elements contained in the guidance may not be appropriate and in certain instances additional or alternative elements may need to be addressed. Therefore the contents are not intended to establish precise requirements or impose rigid formulae. It should also be noted that a revised circular 1/97 is expected. When this is published it may be necessary to review some aspects of this Guidance.
- 1.7 Any financial elements are intended only to provide a guide to developers and landowners. Costs will vary over time and also be dependent on location and specific schemes. Detailed discussions as to the precise nature of contributions required, including specification, will need to be undertaken between the developer and relevant organisation.
- 1.8 Guidance of this nature will inevitably relate to a snapshot in time. Besides costs, changes may occur as a result of new legislation, Government advice, adoption of new development plans or experience gained through negotiation and secured agreements. Consequently the guidance will be appraised for review on a regular basis. Similarly, the detailed information which can be made available is at present limited in relation to some individual matters covered or can be improved by further studies.
- 1.9 It should be noted that throughout this Guidance the terms 'developer' and 'landowner' are used. Sometimes these will be the same party and are therefore interchangeable but often they will not. These terms should therefore be interpreted depending on the situation prevailing at a particular site.
- 1.10 Finally, it should be noted that Paragraphs 3.15 to 3.18 of Planning Policy Guidance Note 12 (Development Plans) (DETR, 1999) give advice on the need to distinguish between Supplementary Planning Guidance and Plan policy which forms the basis for more detailed guidance.

2. STATUTORY BACKGROUND AND GOVERNMENT GUIDANCE

- 2.1 Section 106 of the Town and Country Planning Act 1990 (as amended) provides the legal authority for the drafting of planning obligations between developers and the Council. A planning obligation is a legal agreement between the Council and a developer which requires the developer to carry out certain works or to provide appropriate benefits in connection with a proposed development. The Council will seek to enter into negotiations with developers to secure planning obligations where necessary. Where appropriate, Northamptonshire County Council may also be involved in negotiations and the legal agreement will be a tri-partite agreement between the Borough Council, the County Council and the developer. Alternatively, the Parish Council in whose area the development is taking place may be incorporated into the agreement if it is to benefit from the obligations.
- 2.2 Planning obligations can be used to secure benefits on the development site itself or on other suitable sites in the Borough. Alternatively, developers may be requested to make a payment of money to the Council to be spent on agreed benefits. The Council may also require commuted maintenance payments to help pay the on-going costs of a new facility.

When is a planning obligation appropriate

- 2.3 The Council will normally only seek to enter into a planning obligation with a developer where a planning obligation meets a number of key tests. These tests, as set out in Circular 1/97, are that a planning obligation should be :
- (i) necessary (to make a proposal acceptable in planning terms)
 - (ii) relevant to planning
 - (iii) directly related to the proposed development (not a remote connection)
 - (iv) fairly and reasonably related in scale and kind to the proposed development and
 - (v) reasonable in all other respects.
- 2.4 The Circular advises that planning obligations which do not meet the tests are not necessarily unlawful. However, where they are offered by a developer they should be given very little weight by a local authority when deciding an application. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant. By the same token, whilst a development which creates adverse effects which cannot be ameliorated against will be refused permission, acceptable development should never be refused because an applicant is unwilling or unable to offer benefits.
- 2.5 The Council recognises that there may be insufficient value in a development proposal to provide the full range of benefits which may be required. The Council will not seek a level of contributions that will jeopardise the viability of a proposed development, **subject to the submission of appropriate documentary evidence**. Where there are multiple requirements for planning obligations then the Council would need to prioritise which are the most important based on information on viability provided by the applicant and assessed by its own consultants, as appropriate. In prioritising benefits, and where proposals are of a sufficient size and complexity, further advice is contained in the Countryside Agency report 'Using quality of life capital to devise planning obligations' detailed in appendix 4 of this Guidance.

Planning condition or planning obligation

- 2.6 There may be situations when either a planning obligation or a planning condition could be used to overcome an objection to a development proposal. Circular 1/97 advises that in such circumstances it is better for local authorities to impose a condition rather than dealing with the matter by using a planning obligation. However, there are a number of general circumstances in which planning obligations may be more appropriate, for example where local authorities require measures that go beyond the scope of a condition or where there is a need for land to be transferred. Planning obligations should also be used when off site works are needed or where a developer is to make a payment of money.

The Development Plan

- 2.7 A development plan sets out those matters which must be addressed in order for development to proceed. This lays a basis for any planning obligations which may be sought. Where a planning authority is likely to seek planning obligations in connection with a particular type of development or in relation to specific development sites, it should make this clear by setting it out in policies in the local plan. Such policies should not, however, be unduly prescriptive and should principally address land use planning matters rather than e.g. financial matters. The relevance to a specific planning decision will always depend upon the circumstances of the individual application. Further the existence of plan policies should not preclude negotiations on proper and appropriate planning obligations on their merits in relation to individual planning proposals.
- 2.8 The Development Plan for the Borough of Wellingborough is mainly comprised of the Northamptonshire County Structure Plan and the Borough of Wellingborough Local Plan. A partial review of the Local Plan, focusing essentially on urban housing and employment Policies, to 2016 is being undertaken. It is anticipated that this will be adopted towards the end of 2003. At that stage it will form part of the Local Plan.
- 2.9 The County Structure Plan covers the period 1996-2016 and sets out both the overall level of new growth required within the Borough as well as the general locational strategy within which development will need to be accommodated. **Policy GS6** of the Plan seeks to ensure that local planning authorities will use their powers to secure the necessary infrastructure, facilities and services to support development.

POLICY GS6 reads as follows:

LOCAL PLANNING AUTHORITIES WILL USE PLANNING CONDITIONS, OBLIGATIONS AND OTHER POWERS TO SECURE THE NECESSARY INFRASTRUCTURE, FACILITIES AND SERVICES TO SUPPORT DEVELOPMENT.

- 2.10 The Borough of Wellingborough Local Plan provides the detailed and site specific basis for control of development and covers the period to 2006. **Policy G25** provides the overall basis for the Council's intentions in relation to planning obligations.

POLICY G25 reads as follows:

DEVELOPMENT WILL NOT BE GRANTED PLANNING PERMISSION UNLESS THE FOLLOWING EXIST OR WILL BE PROVIDED BY THE APPLICANT OR OTHER AGENCY:

- 1. ANY INFRASTRUCTURE OR PHYSICAL WORKS OR OPERATIONS MADE NECESSARY BY THE DEVELOPMENT;**
- 2. OPEN SPACE, SOCIAL, EDUCATIONAL, RECREATIONAL, SPORTING, OR OTHER COMMUNITY PROVISION, THE NEED FOR WHICH ARISES FROM THE DEVELOPMENT; AND**
- 3. PROVISION, WHERE REASONABLY REQUIRED, TO OFFSET THE LOSS OF OR ADVERSE IMPACT ON ANY AMENITY OR RESOURCE CAUSED BY THE DEVELOPMENT.**

PROVISION WILL BE SECURED BY CONDITION OR THROUGH SEEKING A PLANNING OBLIGATION FROM THE APPLICANT OR BY OTHER LEGALLY BINDING AGREEMENT.

2.11 All future planning applications which are likely to result in increased demand for infrastructure, services or facilities or in the need to offset a loss or adverse impact will be assessed by the Borough Council to determine the need for planning obligations. By reference to the advice in paragraph 2.7 above, such assessment will be first by reference to the development plan as a whole including, as appropriate, the Local Plan Alteration.

2.12 Various local plan policies/background text relating to individual land use matters or sites in both the adopted local plan and its partial review contain specific reference to possible planning obligations. These references are for broad guidance and neither they nor the development plan as a whole can form an exclusive list. Nevertheless, in most circumstances it will be helpful to refer first to the development plan.

2.13 The table below lists those policies of the Local Plan and the Local Plan Alteration which are likely to be most relevant to possible planning obligations. As noted in the introduction, these details will be supplemented/reviewed on an ongoing basis. In accordance with Planning Policy Guidance Note 12, Development Plans (DETR, 1999) this Guidance is aimed at supplementing these Policies.

Adopted Local Plan	
G1 General principles (inc. sustainability)	L5 Loss of important amenity areas
G2 Flooding	L6 Town wide open space system
G15 Archaeological remains	L7 Recreational open space
G16 Public art	L8 Maintenance of open space
G18 Nature conservation	L14 Public rights of way
G22/G23 Landscaping	T3 Routing agreements
H8/H9 Affordable housing**	T4 Public transport

H12 Housing general design guidance*	T5/6/7 Footpaths and cycleways
H16 Non residential development in housing areas	T9 Traffic impact
E6 Commercial development in the countryside	C5/8/9 Town centre redevelopment
E9 Potentially polluting development	C11 Parking
E12 Design/landscaping of industrial development.*	FN1/2 Townside Farm/Milner Rd, Finedon
S6 Local shopping	LH1 Finedon Sidings
S10 Specialised retailing	SY1 Sywell aerodrome
W01 Land off the Pyghtles/ Dando Cl, Wollaston	
*See also UH5 and UE1 of the Local Plan Alteration ** To be the subject of separate guidance	
Local Plan Alteration	
UH1 Urban housing windfall sites	U5 rear of 86-92 Finedon Rd, Wellingborough
UH3 Phasing	U7 Park Farm Way/Shelley Rd, Wellingborough
UH5 Urban housing design guidance	U8 Redhill Farm, Wellingborough
UE1 Urban industrial/commercial design	U9/U10 East of Wilby Way/Windsor Rd, Wellingborough
U1 Leys Rd/Highfield Rd, Wellingborough	U13 Land to NE of Wellingborough
U2 St John Street, Wellingborough	U14- U20 Wellingborough East
U3 Burrow's Bush, Wellingborough	
U4 Doddington Road, Wellingborough	

2.14 The Local Plan is accompanied by a series of Supplementary Planning Guidance notes (such as one on sustainable development entitled 'Building Better Places') which may also be of assistance in discussions relating to planning obligations. Appendix 4 of this Guidance details the relevant documents that the Council will use. As these may be subject to change over time, the reader should check the latest situation with the Council.

2.15 Finally, it should be noted that work relating to reviewing planning obligations is being taken forward as part of the planning reform process. In particular, the consultation document 'Planning Obligations: Delivering a Fundamental Change' is of relevance.

3. IMPLEMENTATION

3.1 In the first instance, discussions will take place between those submitting proposals for development and the Council, in order to ascertain the requirements for particular sites. The Council will liaise with Northamptonshire County Council and other agencies (including the Local Strategic Partnership and its constituent agencies/organisations who have access to a broader range of information than the Council alone) to determine the level and extent of contributions for the services for which they are responsible before determining priorities between contributions. Discussions and

negotiations will involve the landowner, developer, agents and officers of the relevant local authority or agency to ensure that a development is only required to contribute to the extent that it directly impacts upon service needs. In accordance with Circular 1/97, this will ensure that required development proposals remain viable and are not frustrated by onerous demands for developer contributions. The Council has a duty to determine planning applications as soon as possible. Accordingly, when taking part in these discussions it is important that all interested parties recognise the need to provide speedy responses to the Council. Failure to do this, could result in topics being excluded from the final agreement.

3.2 Each development proposal will be considered in relation to the general standards set out in this guidance, any spare capacity in the existing provision of facilities and services in the particular locality and in light of the specific requirements and programmes set out in other policy documents such as the Local Plan, planning briefs and the Local Transport Plan, various items of Supplementary Planning Guidance and the Community Plan. Appendix 4 of this Guidance details the relevant documents that the Council will use. As these may be subject to change over time, the reader should check the latest situation with the Council. Finally, it should be noted that the Council will seek to involve local communities in the process of preparing planning briefs relating to larger development sites. The Countryside Agency document 'How communities can be involved in negotiating and managing benefits secured from development via planning obligations' detailed in Appendix 4 gives further advice on this point .

3.3 Under certain thresholds the Borough Council will regard developments to be *de minimis* in respect of obligations which relate to the provision of community facilities or infrastructure. The current thresholds are set out below. These may be subject to variation as a result of any subsequent ones set by Government in the future (for example, in relation to Regional Planning Guidance). Where an individual application falls below the threshold but is part of a larger (10 dwellings or more in total) development, the thresholds will not apply. Similarly, a development forming part of a group of smaller (each less than 10 dwellings) scale developments in the same area may each be asked to contribute to facilities or infrastructure justified by the combination of these proposals. The Borough Council will use the wider site area to determine whether or not the threshold is triggered. In relation to the actual thresholds the area to be used is the gross floor area and, depending on size, the thresholds may also apply to extensions.

Thresholds for the provision of community facilities or infrastructure.

The provision of dwellings where-

- the number of dwellings to be provided is 10 or more; or
- the development is to be carried out on a site having an area of one third of a hectare or more and dwelling numbers are unknown.

The provision of non-residential development where:

- the floor space to be created by the development is 1000 square metres (net) or more; or
- the development is to be carried out on a site having an area of 1 hectare or more.

- 3.4 Many developments above these thresholds by themselves may not warrant major investment in new infrastructure, services or facilities. For example, a development of ten houses in itself would be of insufficient size to require an extension to a primary school. However, a number of small developments are likely to have a cumulative impact on existing infrastructure, services and facilities and those responsible for provision will find it more cost effective to make a single improvement after a number of small developments have taken place.
- 3.5 To achieve this, consideration will be given to negotiating a contribution from all developments of a size above the thresholds indicated in paragraph 3.3 of this guidance where it is likely that several developments that are sufficiently close either geographically or in timescale will generate a need for particular infrastructure, services or facilities. The level of contributions required will depend on the size of the development and in the event of a cash sum being required this will be placed in a fund controlled initially by the Borough Council. The payments will be subject to legal agreements whereby the money will be spent on improvements to meet the needs of the development as well as a method of reimbursement, with interest, should the money not be spent within a defined period following the completion of the development. This approach will only be followed where the Council is reasonably certain (perhaps if a number of planning applications have been submitted in close proximity at the same time) that a number of other developments above the threshold are likely to follow in the near future. Where this is not thought to be the case, it is considered unreasonable to ask for one small development to contribute to future facilities.
- 3.6 Any financial contributions that are required as part of a development proposal will normally be required to be paid prior to the commencement of development or on a date specified in the legal agreement. However, there may be occasions, for example, where the contribution is to be placed in a fund awaiting expenditure on works at a future date, when the landowner covenants to pay contributions to the relevant authority when the works are to be implemented. In this event, the landowner will also be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay. In these cases the agreement would include a stop-date, of for example 5-10 years depending on the nature of the contribution, after which both the landowner's liability and the bond ceases should the works not be implemented. Payments are normally made to the Borough Council and monitored by the Council's Development Control team.
- 3.7 It is critical that all the legal agreements requiring contributions are clear and transparent to all parties. The Council proposes to draft a specimen document including examples of the types of clauses that will be applied to each category of contribution. It is important that both the type and amount of contribution required, whether material or financial and the time at which it is to be paid is clearly and unambiguously stated. For example, a contribution may be required, 'one year following the commencement of development', 'prior to the occupation of the 50th dwelling' or 'no more than 10 properties shall be occupied until...'. In respect of the financial contributions the Council will endeavour to include actual sums of money (index linked appropriate to the subject matter) rather than, for example, referring to the 'market value' of a particular site at a given time which could be capable of different interpretations and definitions. It will prove impossible to produce model clauses for a wide range of categories and be specific about actual sums of money. The use of a formula may however be possible in some instances – there are already examples of this elsewhere in the SPG.

- 3.8 Any legal agreements requiring developer contributions will be enforceable against any future freehold or leasehold owners of the land who may derive the title from the person who originally entered into the agreement. This would include subsequent freehold or leasehold owners of any property developed on a site but not usually individual householders. Agreements will also usually exclude the right of third parties to enforce via the Contracts (Rights of Third Parties) Act 1999.
- 3.9 Finally, it should be noted that the Council has established a monitoring process to ensure the requirements of planning obligations are carried out.

4. DETAILED GUIDANCE

- 4.1 The following pages contain more detailed guidance upon potential developer contributions towards those matters for which agreements are likely to be most commonly sought.
- 4.2 Agreements are also likely to be sought for **affordable housing**. This topic is the subject of separate guidance.
- 4.3 In relation to development proposals above the defined thresholds, the items needed to be covered by planning obligations will come about as a result of the conclusions of such documents as environmental and transport impact assessments and flood risk assessments.

5. AIR QUALITY AND NOISE

- 5.1 **Policy G1.2** of the adopted Borough of Wellingborough Local Plan gives scope for air quality and noise implications to be considered in relation to development proposals.
- 5.2 There is the potential for new development to have a major impact on the environment. The effects of air quality and noise should be assessed as a part of the planning process. The Council will require any application for development, which may have a significant effect upon air quality or noise to include a full assessment of this issue.

Air Quality

- 5.3 The impact in terms of air quality may be direct from a new development in the form of industrial pollutants from a process or from emissions arising from combustion processes. It will also include heavy goods vehicle and cars travelling to and from the site and this impact will also arise from commercial or residential developments.
- 5.4 The Council has carried out a review of air quality in the Borough as required by The Environment Act, 1995. This regime prescribes pollutants of concern and objectives which must be achieved by various dates. The reviews have highlighted and assessed the state of air quality in the area. This information is available in reports published by the Environmental Development and Protection Section of the Council, which gives information on the various pollutants and their distribution.
- 5.5 The Council will seek to ensure satisfactory development by requiring an assessment of the potential for pollution generation from the proposals and which quantifies the effect. This should be carried out by reference to existing conditions and appropriate modelling of impact with particular reference to national objectives. The applicant should therefore consider proposals in their submission to ameliorate the effects of any adverse impact to be included in any approval and the Council may consider negotiating contributions towards items such as travel plans, bus stops, cycle routes and cycle facilities.

Noise

- 5.6 Noise impacts may arise from an industrial process, transport to and from it, and also from vehicle movements generated by commercial and residential uses. PPG 23 (Planning and Pollution Control) is also relevant.
- 5.7 The impact of noise from development is considered in Planning Policy Guidance Note (PPG) 24 Planning and Noise (DOE, 1994). This sets criteria of noise exposure for road, rail, air traffic and mixed transportation and industrial noise. These assessment criteria are designed to be applied to domestic development in proximity to the above sources. However a suitable assessment should be carried out whenever the development may have a significant affect upon the noise climate.
- 5.8 The Council will seek to ensure satisfactory development by requiring an assessment of the potential for noise generation from the proposals and which quantifies the effect. Generally this will involve measurement of existing noise levels and an assessment of the increase.
- 5.9 Applicants should therefore consider proposals in their submission to ameliorate the effects of any adverse impact. Mitigation measures may include separation distances,

physical barriers and restrictions on the use of the site to be included in any approval. The Council may also consider negotiating contributions towards items such as travel plans, bus stops, cycle routes and cycle facilities in an attempt to reduce noise from traffic associated with the development.

6. ARCHAEOLOGY AND THE HISTORIC ENVIRONMENT

- 6.1 Planning Policy Guidance Note 16 (Archaeology and Planning) (PPG16) (DOE 1990) sets out the Government's policy on archaeological remains on land with particular regard to their treatment within the development plan and development control systems. It states that there should be a presumption in favour of the physical preservation of nationally important archaeological remains, whether scheduled or not, and their settings. This is reflected in **Policy AR6** of the County Structure Plan (which seeks to conserve and enhance environmental assets) and **Policy G14** of the adopted Local Plan.

POLICY G14 reads as follows:

PROPOSALS FOR DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE SITE OR SETTING OF ARCHAEOLOGICAL REMAINS OF NATIONAL IMPORTANCE, WHETHER SCHEDULED OR UNSCHEDULED, WILL NOT BE PERMITTED.

- 6.2 PPG16 also advises that in appropriate circumstances it is reasonable for planning authorities to require an applicant for planning permission to provide information on the character and extent of archaeological remains that exist in the area of a proposed development. Where important archaeological remains are threatened by development, planning authorities may enter into legal agreements or impose conditions to secure the excavation, recording and publication of archaeological remains where these will be destroyed by the development. **Policy G15** of the adopted Local Plan refers to this matter.

POLICY G15 reads as follows:

ON SITES WHERE THERE ARE ARCHAEOLOGICAL REMAINS PROPOSALS FOR DEVELOPMENT WHICH DO NOT PROVIDE FOR THE PRESERVATION OF THE REMAINS IN SITU WILL NORMALLY BE REFUSED.

EXCEPTIONALLY, WHERE SUCH PRESERVATION IS NOT JUSTIFIED, PLANNING PERMISSION WILL ONLY BE GRANTED SUBJECT TO CONDITION, OR AGREEMENT WHERE NEGOTIATED, TO PROVIDE FOR THE SATISFACTORY EXCAVATION AND RECORDING OF THE REMAINS PRIOR TO DEVELOPMENT TAKING PLACE.

- 6.3 Archaeological projects fall in to four general categories:

- assessments - which aim to collate existing written and graphic information about the nature of the archaeological resource in an area. This is usually a desk based study resulting in the production of a report.
- evaluations - which aim to gain sufficient information about the nature of the resource in order to allow its importance to be assessed and an appropriate strategy for its future management defined. The preferred "mitigation" strategy is normally to seek effective preservation in situ. This stage normally involves a report and fieldwork. The assessment and evaluation stages are normally carried out prior to the determination of a planning application.

- recording actions - are normally carried out following the grant of planning permission either prior to or during development where remains cannot be preserved in situ. They aim to investigate, record and publish the archaeological resource within the area in sufficient detail to achieve stated objectives. This will normally involve both field and desk-based studies and an assessment report, research archive and publication report.
- monitoring - aims to ensure the satisfactory implementation of a specified strategy for preserving archaeological remains within a development.

- 6.4 Within the areas of national or county archaeological importance, any proposal involving ground disturbance will be assessed for its archaeological importance. Where an applicant considers that there may be archaeological remains on a particular site it is advised that early contact be made with the Built and Natural Environment Service of Northamptonshire County Council.
- 6.5 This service advises the Borough Council on the implementation of PPG16 through the identification of archaeological considerations of planning applications, advising on the need for evaluations, planning conditions and legal agreements; preparation of briefs for archaeological work; monitoring and advising developers and archaeological contractors on how to meet archaeological planning requirements. They are notified of every planning application submitted to the Council.
- 6.6 Where the County Council considers that there may be important archaeological remains within an application site the applicant will be required to provide an adequate assessment and evaluation as to the character and extent of the remains in the area prior to the determination of that application. This work will be required to be undertaken by an appropriately qualified archaeological contracts organisation in a manner and to a level considered acceptable by the County Council. This work would be carried out at the applicant's expense.
- 6.7 Following the completion of this evaluation the County Council will determine the likely archaeological impact of the proposal and the need for any further work which may be required. If it is considered that further recording and monitoring would be appropriate this will, again, be required to be carried out to the satisfaction of the County Council at the expense of the applicant or developer. The extent of this work will vary depending on the location and size of the site and degree of archaeological significance. On those sites considered to be of greatest importance the applicant will be required to enter into a legal agreement specifying both the works required and their timing.
- 6.8 Consideration will be given to negotiating appropriate contributions from developments of all sizes as each will be assessed on its own merits.
- 6.9 In addition, there may be less clear cut cases where it might be appropriate to seek benefits for the historic environment that might be affected by a proposed development, for example, the impact on its setting. This might include a contribution towards interpretation or enhancement of archaeological remains for the public benefit.
- 6.10 Furthermore, paragraph 3.23 of PPG15 (Planning and the Historic Environment) refers to the desirability of recording the features of listed buildings that might be destroyed as a result of demolition or alterations. This may be a situation where the Council may consider that a legal agreement might be appropriate.

- 6.11 There is also the case of enabling development. The Council only sees this as a last resort in accordance with Policy G20 of the Local Plan. However, this is another area where the use of legal agreements, such as a section 106 agreement, may be necessary to tie the implementation of the proposals to securing the future of the asset. English Heritage's Policy Statement "Enabling development and the conservation of heritage assets" 2001 gives further guidance.
- 6.12 The Council may also wish to consider, where a development is in close proximity to a Listed Building, the opportunities for the enhancement of historic buildings and structures, such as restoration/ maintenance or improvements to their setting. As well as the improvements to the public realm listed, the Council may wish to add improvements to surfaces and the removal of 'street clutter' provided they are related to the proposed development. English Heritage is shortly to publish regional versions of their 'Streets for All' guidance that suggests how improvements can be made to the street scene. Another possible area might be improvements to public parks.

7. COMMUNITY FACILITIES AND ENVIRONMENTAL ENHANCEMENT

- 7.1 Criterion 2 of **Policy G25** of the adopted Borough of Wellingborough Local Plan seeks to ensure developments have adequate social, educational and other community provision.
- 7.2 New development places additional pressure on the physical fabric of the Borough in terms of community facilities, increased traffic movement and by increased wear and tear on the local environment brought about by higher numbers of residents. Developers will therefore be required to contribute to sustaining and improving the quality of life and local environment that it is seeking to utilise and which makes the development attractive to potential purchasers. In doing this, they should have regard to the importance of community facilities, urban design and high quality public space. Where a development is proposed which has an effect on such an area contributions will be required to assist in securing these.
- 7.3 Considerable importance is attached to supporting community development, for example, via support for a community trust, endowment for management of the trust's resources and examining the opportunities for innovative 'commonhold' approaches e.g. road verges and other public spaces. Support should be offered for setting up new community trusts in large development areas.
- 7.4 Examples of the types of contributions which may be sought include:
- provision and maintenance of bus shelters
 - community centres/halls
 - new woodlands
 - provision of new or replacement allotments
 - provision of lighting on footways, roads and public places
 - provision of litter bins
 - provision of roadside seats and shelters
 - provision of public walks
 - funding traffic calming works/home zones
 - provision of town squares/plazas (major urban extensions or large developments)
 - provision of public art (see Local Plan Policy G16)
 - street trees
 - burial grounds
 - religious facilities (To secure the allocation of a site for this purpose)
 - community safety- closed circuit television
 - bins for the disposal of litter, dog waste or needles ('sharps')
 - signage and maps
 - youth shelters
 - community development support/activities

- 7.5 Some of these matters are detailed design issues and could be secured by way of planning conditions. All contributions, whether physical or financial, will be negotiated with and co-ordinated by the local planning authority. This will be in liaison with the local parish council where they are likely to be responsible for the provision or maintenance of the environmental improvements.
- 7.6 Finally, within major housing developments, on-site facilities may be needed for use by voluntary sector playgroups, a neighbourhood worker, intensive work with families, meals on wheels and as an office base for community workers in the area. It may be possible to incorporate some of these facilities in community halls provided primarily for other purposes. The need for this type of provision will be assessed for each development proposal and negotiations with the appropriate agency undertaken.
- 7.7 Consideration will be given to negotiating appropriate contributions to improvements to community facilities or the local environment from all developments of 10 or more dwellings or estimated dwellings if the site is 1/3 of a hectare or larger or 1000m² (net) or more of industrial, leisure or commercial floorspace or on a site of 1 hectare or larger. (The level of contributions required will be based on the additional population (based on the number of dwellings multiplied by the average household size for the Borough (currently 2.5)) or jobs estimated to be generated from the development (as provided by applicants for planning permission). In cases where the number of jobs to be created is being discussed, companies will be required to submit detailed information to justify the figures being claimed.

*** NOTE THE ABOVE SECTION CONTAINS SOME FACTORS WHICH OVERLAP WITH SECTION 13 ON OPEN SPACE, SPORT AND RECREATIONAL FACILITIES AND SHOULD BE READ IN CONJUNCTION WITH IT. THE MAINTENANCE REQUIREMENTS DESCRIBED IN SECTION 13 (RELATING TO OPEN SPACE) APPLY TO THIS SECTION TOO.**

8. CRIME AND DISORDER

- 8.1 Planning Policy Guidance Note 1, General Policy and Principles (DOE, 1997) together with Government Circular 5/94 give general advice on designing developments so as to reduce the risk of crime.
- 8.2 In addition, in October 1998 the Government introduced the Crime and Disorder Act. This placed a new statutory duty on the Borough Council, Northamptonshire County Council and Northamptonshire Police to work together in Partnership with other agencies and organisations to address issues of crime and disorder. In 2002, in conjunction with Northamptonshire Police the Council published a new Community Safety Strategy and produced a three-year action plan. The overarching aim is to make Wellingborough a safer place to live and work.
- 8.3 Many of the priorities contained in the strategy that have land-use planning implications are an integral part of a development itself e.g. layout and siting of facilities. In addition to the use of planning conditions, the Council in consultation with the Police will also seek appropriate developer contributions that address these issues and secure a safer environment. Areas where contributions may be sought include:
- proper lighting and physical security measures;
 - safe routes to school;
 - closed circuit television;
 - police facilities within the 'community core' on larger developments;
 - on site community policing facilities;
 - 'safe' landscaping (offsite) e.g. hedges, trees; and
 - concierge (reception/security) services/ maintenance
- 8.4 In accordance with the third criterion in **Policy GS5** of the County Structure Plan, a developer will be expected to provide evidence that issues of crime and disorder have been fully considered as part of a planning application and that this is reflected in the layout and other design criteria of a development. This is also referred to in **Policies G1 (criterion 11) and H12 (criterion 5)** of the adopted Local Plan and **Policies UH5 and UE1** of the Local Plan Alteration. Local authorities can refuse applications where, on the advice of the Police, they have significant concerns about the implications of a proposal on community safety. In order to show that such issues are properly taken into account applicants where appropriate are strongly advised to obtain 'Secured by Design Certificates' from the Police to accompany planning applications. Supplementary Planning Guidance on the subject of Planning out Crime in Northamptonshire has also been published in order to provide guidance on the implementation of **Policy GS5** of the County Structure Plan.
- 8.5 Consideration will be given to negotiating appropriate contributions from developments of all sizes; clearly for smaller developments certain requirements may be inappropriate but all development should be viewed in the context of the aim of the Development Plan and Community Safety Strategy. Smaller schemes (for example, 'infill' developments)

will only be subject to requirements relating to their immediate surroundings, for example 'safe' landscaping.

9. EDUCATION

- 9.1 Criterion 2 of **Policy G25** of the adopted Borough of Wellingborough Local Plan seeks to ensure developments have adequate social, educational and other community provision.
- 9.2 School needs must be taken into account when planning new housing. Often either new or enlarged schools are “essential community facilities required as a direct result of a proposed development” (Circular 1/97). Northamptonshire County Council is the authority responsible for education provision in the Borough of Wellingborough. Any new educational establishments should be provided early in the house building programme.
- 9.3 In determining whether developer contributions are appropriate, account will be taken of information in the Schools Organisation Plan which forecasts pupil numbers for each school area. Estimates of the number of pupils generated from a new development are based on census information for the Borough. In future post-coded information should be available for this purpose. The anticipated number of children likely to be generated from a new development is calculated by applying a pupil yield factor to the proposed number of homes to be built. Separate factors are used for primary and secondary age pupils. These assume (based on the 1991 census) currently that in the Borough on average, every 100 houses will generate 24.2 children of primary school age and 16.7 children of statutory secondary school age. Where a new development generates additional primary and/or secondary school places which cannot be met by the existing schools most likely to serve that development, developers will be expected to meet the full cost of any additional accommodation required, as follows:
- for new schools – the developer will be expected to provide a site of sufficient area and meet full construction costs including fees, fixtures and fittings;
 - for extensions to existing schools - to provide a contribution based on the DFEE cost multiplier for providing additional pupil places – this will produce an amount per house for the primary and/or secondary school places including sixth formers that the developer will be expected to contribute.
 - nursery and pre-school facilities.
- 9.4 Although the Local Education Authority uses a simple formula to assess the need for additional educational facilities based on the pupil yield factors in 9.2 above, each proposal will need to be assessed individually to adjust estimates in the light of the type of housing to be provided. A development of large family houses, for example, would be expected to generate a higher number of primary and secondary age children than a development of small one and two bedroomed houses. For guidance a mixed development of 860 dwellings would generate sufficient children to support a primary school of at least 30 children per age group (i.e. a one-form entry school with a minimum of 210 children on the roll). In order that requirements for additional facilities are fair and reasonable, the Local Education Authority will supply a statement of need (within a timescale to be agreed with the Planning Authority) which will include information on numbers on the roll and the physical capacity of schools within the vicinity of the housing development. In making an assessment for any contribution, it will be for the Local Planning Authority to make the final decision, having consulted the Local Education Authority and taking into account such factors as the influence of private education and parental preference.

9.5 Agreement will need to be made between the developer and the Local Education Authority as to whether the facility will be funded by or constructed by the developer. Construction of the education facility is an option for new build schools only.

If the developer is to fund the education facility then:

- Agreement will be sought whereby the developer pays a number of instalments following the completion of an agreed number of dwellings or after a specified time period following the commencement of the whole development.
- The developer will also be obliged to pay for the design work to be carried out in respect of the new facility by a specified time period.
- In the case of a new school, the developer will also be obliged to transfer the land required for the facility to the Local Education Authority at no charge and free from financial and any other incumbrances by a specified time period. The land is to be fully serviced and an access provided to the boundary to an adoptable standard. The precise amount of land required will depend upon the size and type of facility. However, for guidance a one form entry primary school with appropriate playing field, parking and landscaping would require approximately 1.2 hectares of land.
- The financial contribution required for a facility will depend upon the size and type of facility. However, again for guidance only, the estimated cost of a one form entry primary school in September 2003 was £2.3m in addition to the land.

If the developer is to construct the education facility then:

- The developer will be obliged to prepare a detailed design and specification for the facility in accordance with a schedule of accommodation requirements and fixtures and fittings available from the Local Education Authority. This will be required to be completed by a specified time and will be subject to the approval of both the Borough and County Councils.
- The developer will be required to erect the facility in accordance with the approved design and transfer it to the Local Education Authority at no cost and free from incumbrances by a specified time.

9.6 Contributions to education provision will be expected to be sufficient so as to fund a 'Turnkey' facility and not merely a building shell. In calculating the level of contributions required the Education Authority will include the capital costs for fixtures and fittings as well as the equipment expected to be provided within a new facility. However contributions will not be required for replacement fixtures, fittings or equipment as this is recurrent revenue expenditure and is allowed for within DFEE funding and, in accordance with Circular 1/97, should be borne by the body or authority responsible for the school.

9.7 Contributions to education provision will normally be sought from all residential development proposals of 10 dwellings or more (or 1/3 hectare or greater where the dwelling numbers are unknown or if a number of planning applications have been submitted in close proximity at the same time) where there is shown to be insufficient pupil capacity and it can be demonstrated that the development is likely to generate a

need for additional school places. Where a number of small developments, possibly fewer than 10 dwellings, are anticipated to take place in a specific area (perhaps if a number of planning applications have been submitted in close proximity at the same time or where a number of commercial sites are becoming vacant and seeking other uses), the Education Authority would also wish to be consulted. A combination of such developments could give rise for requirement for extra pupil places living in the area. No contributions towards education provision will be sought from developments comprising solely elderly persons accommodation.

- 9.8 In developments where facilities for primary age children are to be provided the new school should be provided early in the house building programme. The location should ideally be within a neighbourhood centre with provision for expansion to meet the long-term needs of the community. Innovative approaches to finance, facility provision and education management may be needed in the early years following the opening of the school when numbers are low.
- 9.9 It may be appropriate for an educational facility to serve a multifunctional purpose if it is identified as suitable for a wider community need.

10. FLOOD COMPENSATION AND ALLEVIATION

- 10.1 Planning Policy Guidance Note 25, Development and Flood Risk (DTLR, 2001), **Policy AR8** of the County Structure Plan, the Council's Sustainable Communities Plan and **Policy G2** of the adopted Borough of Wellingborough Local Plan seek to ensure that new development is not at risk from flooding and/or that it does not put other areas at risk.

POLICY AR8 reads as follows:

DEVELOPMENT WILL NOT BE PERMITTED IN AREAS AT DIRECT RISK FROM FLOODING, OR WHERE IT WOULD BE LIKELY, INDIVIDUALLY OR CUMULATIVELY, TO INCREASE THE NUMBER OR EXTENT OF PEOPLE, LAND OR PROPERTIES AT RISK FROM FLOODING ELSEWHERE, UNLESS ADEQUATE MEASURES ARE TAKEN TO MITIGATE THE EFFECTS. IN ADDITION, LOCAL PLANNING AUTHORITIES WILL SEEK TO NEGOTIATE WITH DEVELOPERS, WHEREVER POSSIBLE, IN ORDER TO ACHIEVE DEVELOPMENTS WHICH PROVIDE FOR AN OVERALL REDUCTION IN EXISTING LEVELS OF FLOOD RISK.

IN ALL AREAS PROPOSALS MUST INCORPORATE SUSTAINABLE URBAN DRAINAGE SYSTEMS AND PROVISION FOR THEIR MAINTENANCE.

PARTICULAR CONSIDERATION WILL BE GIVEN TO FLOODING ISSUES IN RELATION TO THE RIVER NENE (SEE POLICY RN1).

POLICY G2 reads as follows:

UNLESS FLOOD PROTECTION AND MITIGATION MEASURES APPROPRIATE TO COMPENSATE FOR THE IMPACT OF THE DEVELOPMENT ARE PROVIDED, PLANNING PERMISSION WILL BE REFUSED FOR DEVELOPMENT:

- 1. WITHIN THE FLOODPLAINS AS SHOWN ON THE PROPOSALS MAP; OR**
- 2. IN OTHER AREAS AT RISK OF FLOODING; OR**
- 3. WHICH WILL INCREASE THE RISK OF FLOODING ELSEWHERE; OR**
- 4. RESULT IN PROBLEMS DUE TO ADDITIONAL SURFACE WATER RUN OFF.**

Policy AR8 of the County Structure Plan and **Policies UH5 and UE1** of the Local Plan Alteration also indicate that developments must incorporate sustainable drainage systems together with provision for their future maintenance.

- 10.2 As part of its strategic review of the impact of development on flood risks in the Upper Nene Catchment the Environment Agency intends that flood defences for Wellingborough should be at least to a 1:100 year standard and that developments will need to include mitigating action against the effects of the development up to at least the same level of storm event governing the flood defence standard. The Upper Nene Catchment includes the major tributary the River Ise.
- 10.3 In connection with the 'Wellingborough East' (WEAST) Strategic Development Area, work has taken place on defining a 1000-year flood line for the River Ise at this location. This information was produced in July 2002 and will be used to guide any development proposals in this area in line with the overall aim of developing WEAST as an exemplar of sustainable development.

- 10.4 Furthermore, wherever possible, the Planning Authority will seek to achieve a tangible reduction in flood risk in the floodplain possibly by the introduction of extra mitigation measures or by a contribution to increased floodplain flow or floodplain storage to achieve a progressive reduction in flood risk.
- 10.5 Development in the flood plain itself will normally be resisted irrespective of the willingness of a developer to offer necessary mitigation. Exceptions will be made for essential infrastructure which must cross the floodplain or in locations where development in the wider interest is unavoidable.
- 10.6 In conjunction with the Environment Agency this Council will seek to ensure that each development proposal will include a minimum 1:100 year standard of mitigation for increased runoff. The WEAST drainage systems are being designed to store 1:30 years on site, 1:100 years within basins and ponds onsite and 1:200 years within ponds in the floodplain. This ensures that there is no increase in the 1:1000 year flood plain limits.
- 10.7 Sustainable drainage (sometimes referred to as Sustainable Urban Drainage systems (SUDs)- but not necessarily only applicable in urban areas) is a concept that focuses decisions about drainage design, construction and maintenance on the quality of the receiving environment and people. At its simplest it can involve measures such as water butts and typically includes ponds and basins, wetland swales and porous surfaces. These can be designed to improve amenity and biodiversity. For instance ponds can be designed as a local feature for recreational purposes and to provide valuable wildlife habitat whilst providing regulation of surface water flows. In accordance with Policies AR8, UH5 and UE1 referred to above, developers will be required to incorporate sustainable drainage systems within their proposals. The Supplementary Planning Guidance on 'Building Better Places' gives further advice on this subject.
- 10.8 For all the matters referred to in the preceding paragraphs developer contributions should normally include appropriate provision for maintenance (for example, annual checking and cleaning out) over a 30-year period.
- 10.9 Consideration will be given to negotiating appropriate contributions from developments of all sizes; clearly for smaller developments certain requirements may be inappropriate: each will be assessed accordingly.
- 10.10 The Environment Agency may be able to negotiate developer contributions (and subsequently manage the funds) under Section 30 of the Water Act. These can be for new flood defence works (either cash payments or works in kind) or for maintenance (again, either for works in kind or for cash payments to the Agency as operating authority). Section 30 is not specifically tied to new development which is subject to a planning permission. In those cases, however, where a Section 30 is being negotiated in association with a planning application, the Agency would expect the developer to be obliged to undertake the negotiations under a S106 agreement. This gives the Agency a basis for starting the negotiations, and gives it confidence to withdraw an objection subject to a future agreement. It would also tie the developer into undertaking the negotiations and give the Council confidence that the payments/works would be undertaken. Section 30 could be used in the same way as Section 278 of the Highways Act 1980 is used to get funds for highways works/maintenance, although the Agency would only expect to use this power in exceptional circumstances.

11. LIBRARIES

- 11.1 Criterion 2 of **Policy G25** of the adopted Borough of Wellingborough Local Plan seeks to ensure developments have adequate social, educational and other community provision.
- 11.2 Libraries are important in meeting the educational, recreational and information needs of local people and need to be close to housing areas. Static service points need to be located in places that attract people for other leisure purposes - particularly shopping. A Public Mobile Library Service ensures that all rural populations are provided with access to the service ensuring that basic recreational and community facilities are available.
- 11.3 Northamptonshire County Council has a statutory responsibility to provide a comprehensive and efficient library service. Housing development may justify the provision of a new library facility or require the upgrading of an existing service e.g. from a mobile service to a fixed building, or an extension to an existing fixed building. Alternatively, or in addition, a financial contribution may be justified.
- 11.4 The following guidelines for provision are currently relevant:
- Mobile Libraries -
These do not operate within 1.5 miles of a static library. They serve all communities above 500 population. The number of stopping places in any locality relates to the population and level of use.
 - New static Library building -
These are viable in communities of 4,000 population and above. New facilities may be included within a multi-functional building alongside other appropriate uses including community hall, homework centre and coffee bar.
- 11.5 There are currently libraries in Wellingborough, Earls Barton, Finedon, Irchester and Wollaston. This is considered to be a very good coverage for a Borough of this size. Furthermore, the compact area covered by the Borough and their distribution within it means that those villages/hamlets of less than 500 population that do not receive a mobile library service have the benefit of a library within a nearby settlement.
- 11.6 The largest new housing area proposed for the Borough is within the 'Wellingborough East' (WEAST) development. This is likely to result in excess of the 4000 threshold which, in principle, justifies a new static library building. However, the existing Wellingborough library is only just in excess of 1 kilometre from the edge of the WEAST development. This is an acceptable travelling distance. It is also understood that this library was built with the potential to provide additional capacity because of Wellingborough's past history as an 'expanded town'. Accordingly, at the present time, it does not look like a new library will be justified. However, a smaller scale community learning centre may be justified instead.
- 11.7 Any discussions relating to libraries should therefore relate to providing improved facilities at existing libraries and, in particular, Wellingborough library. Consideration will be given to negotiating appropriate contributions to improved library facilities from all developments of 10 or more dwellings (or 1/3 hectare or greater where dwelling numbers are unknown) where it can be demonstrated that the development will

generate a need for the additional provision of library services. The level of contributions required will be based on the additional usage of the library services expected to be generated by the development (assessed on the basis of extra population to be generated).

12. NATURAL ENVIRONMENT

- 12.1 Any development, especially of greenfield land, can result in a loss of natural environmental assets such as landscape quality, biodiversity or purely countryside for its own sake. Paragraph 28 of PPG9 (Nature Conservation) (DOE, 1994) states that planning obligations can be used to secure long term management or provide funds for management of designated nature conservation sites or to provide nature conservation features to compensate for losses as a result of development. Paragraph 14 of PPG1 (General Policy and Principles) refers to landscape design as being an integral part of urban design; in Annex A of PPG1 it is confirmed that planning obligations can be helpful in securing a high quality of design.
- 12.2 **Policies AR3 and AR5** of the County Structure Plan seek to ensure that there is no net loss of biodiversity in the county as a result of development.
- 12.3 In addition, **Policy G17** of the Adopted Local Plan seeks to protect statutorily designated Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves (LNRs). **Policy G18** seeks to conserve other Sites of Nature Conservation Value (SNCVs). The Council will also seek to conserve Regionally Important Geological/Geomorphological Sites (RIGS) as referred to in paragraph 2.34 of the Plan. Woodlands, trees and hedgerows are specifically protected under **Policy G21; Policy G22** sets out overall landscape requirements. Other policies deal more generally with the protection of the open countryside (**G6 & G3**), environmentally important open space (**G19**), together with overall design and sustainability issues (**G1**). Supplementary Planning Guidance appended to the Local Plan includes: i) Trees on Development Sites; and vii) SSSIs and Ancient Woodlands.
- 12.4 In determining the need for planning obligations in relation to the natural environment, the Council will also pay particular regard to the Wellingborough Nature Conservation Strategy (June 1997, review underway in 2003) and the Biodiversity Action Plan (BAP) for Northamptonshire (March 2002). (www.Northants-BAP.org.uk).
- 12.5 Where development will create a need for measures to safeguard the environment, developers will be required to meet or contribute towards the cost of providing such measures. The value of open space, woodland or landscaping can be reduced if not adequately maintained. Where these are principally of benefit to the development itself rather than the public at large, the Council will seek through an agreement to secure commuted sum payments to ensure necessary maintenance. Usually, this will be to secure maintenance in perpetuity. This is vital for protecting natural assets which very often require long-term management to retain their interest.
- 12.6 Examples of where contributions might be expected include the following:
- Substitution/replacement/habitat enhancement or translocation to offset the loss of or impact upon a resource present on a site or nearby. Substitute areas for public rights of way, open space or open access land should be secured as the most appropriate – not the easiest – substitute provision. With respect to the creation of replacement wildlife habitats, substitution will not normally be considered to be an adequate alternative to conservation of the existing especially in relation to meadow and wetland habitats.

- Measures to protect or reduce harm to protected or other sites/species acknowledged to be of importance – for example habitats or species targeted in the Biodiversity Action Plan. These could include management agreements for example. Other examples are referred to in paragraph 2.33 of the adopted Local Plan.
- Provision of strategic structure or focus planting to reduce the impact of development proposals within the local landscape.
- Examples of where developer contributions may be sought either to compensate for “countryside” loss (or access thereto) or to provide for informal recreation to serve a development could include also woodlands, country park, green corridors (including the town linear park system), visitor centre, picnic sites, pocket parks, nature reserves, footpaths/bridleways/cycleways and/or payments for countryside management agreements.
- The expansion of Wellingborough to the East (WEAST) needs to support and maintain the development of a ‘Town Park’. Studies as to the nature, extent and functions of such a park have been undertaken by the Council.
- Advanced planting of trees to help screen developments.
- Planning obligations should also be used, if necessary, to secure long-term monitoring. This is particularly important in sensitive cases, such as where a development might affect the hydrology of a site. The same planning obligation should make provision for action (e.g. a mitigation package) in the event that monitoring identifies a problem (e.g. deterioration of wildlife interest). It should be clear who is going to be responsible for deciding what action is needed and who will undertake the necessary action.

12.7 Clearly a number of aspects discussed above are relevant to other sections of this guidance: in particular recreation and transport. Accordingly reference should be made also to these sections.

12.8 Developers will therefore be required to ensure that every development is planned to a high standard of design. This should include high quality assessment of landscape and environmental design and its interpretation within the proposal. Where a proposal would adversely affect the features discussed, whether directly or indirectly, contributions will be required which help alleviate these effects and strengthen/protect the habitats or uses. Special areas are protected from damaging development; however, all development has some impact on landscape and habitats for which it can compensate by assisting in management and enhancement of special areas.

12.9 The majority of developments, by themselves, will not be of sufficient size to justify a new or improved countryside asset. However, a number of small developments are likely to have a cumulative impact on the local countryside environment. It would therefore be more appropriate and cost-effective to make a single improvement to provision after a number of smaller developments have been completed. Consideration will therefore be given to negotiating appropriate contributions from developments of 10 or more dwellings or 1/3 or more hectares and industrial, commercial and leisure developments which comprise at least 1000m² or on sites of 1 hectare or more.

12.10 The Council believes that planning obligations should be used to ensure that there no loss of biodiversity as the result of development and, where possible, there is a net gain. Wellingborough East is an example of a development where such an improvement is possible and should be sought. Currently, this landscape is largely intensively farmed with minimal wildlife interest. However, it could be improved by creating new natural habitats and restoring damaged features (e.g. hedgerows). Where possible such wildlife

gains should contribute to biodiversity targets in local and regional Biodiversity Action Plans (BAPS). Other large sites offer similar potential. Examples could include the provision of artificial roost sites for barn owls or bats and suitable riverside habitats for otters and water voles – all BAP species in Northants. Planning obligations are vital in ensuring that such opportunities are not missed.

13. OPEN SPACE, SPORT AND RECREATIONAL FACILITIES.

- 13.1 Planning obligations have the potential to provide major benefits to sport and recreation by maintaining and improving levels of provision, by ensuring that future developments make adequate provision for sport and recreation, and by ensuring that adequate contributions are made towards community facilities.
- 13.2 Planning Policy Guidance Note 17, Planning for Open Space, Sport and Recreation (DTLR, 2002) gives advice on sport, open space and recreation. Likely contributions include play areas, sporting and community facilities.
- 13.3 In addition, the Council has prepared an improvement plan for play provision in the Borough. This is a document intended to establish a framework for developing and improving children's and young people's play areas over the next few years.
- 13.4 With the above in mind, contributions towards open space, sport and recreational facilities could be used for:-
- the provision of on-site and off-site recreational facilities related to the development (including formal, informal and wildlife areas).
 - a contribution to nearby sport and recreation or open space provision (in the case of small developments).
 - alternative provision of at least equivalent quantity and quality when recreational land or open space is lost.
 - the future maintenance or upkeep of open space to be adopted by the Council or other body such as a Parish Council.

Publicly accessible and recreational open space

- 13.5 **Policy RT2** of the County Structure Plan seeks the provision of open spaces for formal and informal recreation.
- 13.6 The Borough Council's adopted Local Plan contains two policies that are relevant in relation to the provision of publicly accessible and/or recreational open space and its subsequent maintenance. These are **Policies L7 and L8**.

POLICY L7 and the associated text read as follows:

PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT INVOLVING TEN OR MORE DWELLINGS WILL NOT BE GRANTED UNLESS ADEQUATE PROVISION FOR NEW RECREATIONAL OPEN SPACE, TO INCLUDE PLAYING PITCHES, INFORMAL AMENITY SPACE AND CHILDREN'S PLAY SPACE, IS INTENDED.

REQUIREMENTS, TO A MINIMUM STANDARD OF 0.35 HECTARES PER 50 DWELLINGS (PRO-RATA), ARE AS FOLLOWS:

**YOUTH/ADULT USE, COVERING BOTH
PUBLIC AND PRIVATE SECTOR,
INCLUDING PUBLICLY ACCESSIBLE
SCHOOL FACILITIES 0.22 HECTARES/50 DWELLINGS⁽¹⁾**

**CHILDREN'S USE : OUTDOOR EQUIPPED
PLAYGROUNDS, ADVENTURE PLAYGROUNDS,**

INFORMAL PLAY SPACE0.09 HECTARES/50 DWELLINGS⁽¹⁾

AMENITY OPEN SPACE
(INFORMAL USE) 0.04 HECTARES/50 DWELLINGS⁽¹⁾

TOTAL :0.35 HECTARES/50 DWELLINGS

PROVIDED THAT:

- A. NO DEVELOPMENT SITE SHALL HAVE A RESULTANT RECREATIONAL SPACE OF LESS THAN 0.04 HECTARES;
- B. NO DWELLING IS LOCATED MORE THAN 250 METRES FROM AN AREA OF OPEN SPACE; AND
- C. ON DEVELOPMENT SITES OF LESS THAN 50 DWELLINGS THE DEVELOPER WILL MAKE PRO-RATA COMMUTED SUM PAYMENTS IN LIEU OF OPEN SPACE PROVISION FOR YOUTH AND ADULT USE.

⁽¹⁾ *based on the National Playing Fields Association "6 acre standard" and assuming a household size of 2.58 persons.*

Provision of additional open space is a fundamental requirement of new planned development. Developers will, therefore, be expected to provide public open space within housing developments in accordance with the standards set out in Policy L7. Areas such as unusable landscape strips and small incidental pieces of land within housing estates will not normally be counted towards public open space requirements. Additionally, wherever possible, all dwellings should be located within 250 metres of a piece of recreational open space and, in the town, in reasonable proximity to the linear park system. Some flexibility in applying the breakdown of open space may be desirable in certain circumstances, especially with specialised housing schemes, for example it would not be necessary to provide equipped children's playgrounds in sheltered accommodation for the elderly.

POLICY L8 and the associated text reads as follows;

THE LOCAL PLANNING AUTHORITY WILL SEEK TO ENTER INTO A LEGAL AGREEMENT WITH DEVELOPERS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR PUBLIC MAINTENANCE OF SMALL AREAS OF OPEN SPACE OR LANDSCAPING AGREED FOR ADOPTION WHICH ARE OF BENEFIT TO THE DEVELOPMENT ITSELF RATHER THAN TO THE WIDER PUBLIC. THE DEVELOPER'S PAYMENT SHOULD BE IN THE FORM OF A COMMUTED SUM SUFFICIENT TO COVER ON-GOING COSTS IN PERPETUITY.

The type of public open space covered by Policy L8, above, is small areas of open space or landscaping of benefit to the development itself rather than to the wider public. It is intended that such areas should remain in permanent use for these purposes, in accordance with Plan objectives, by providing for its formal adoption and maintenance. The adoption of prospective areas of public open space will be considered following the successful completion of a twelve months maintenance period commencing on substantial completion of all works. An

extended liability period of five years for all planting through death, disease or damage will also be imposed upon the developer. On transfer to the Borough Council provision should be made for the maintenance of the public open space. This will normally be in the form of a commuted sum sufficient to cover on-going costs in perpetuity.

- 13.7 Appendix 5 to this guidance gives further information on what exactly is required in relation to the provision of children's play areas.

Maintenance

- 13.8 If the land remains in the developer's ownership, public access and satisfactory maintenance standards must be ensured in legal terms. In such circumstances, the developer will be required to provide the Council with detailed information about how this is to be achieved.
- 13.9 As an alternative, open space and the related maintenance can be transferred to be adopted by the Council or run by another body (e.g. a Parish Council). Many developers are willing for this to happen. If this situation occurs, as the transfer of a maintenance obligation is in perpetuity, it is necessary to calculate a commuted sum payable by the developer to reflect this obligation. The value is based on the annual maintenance cost against an expected rate of return. This is a rate of return which the authority would expect to be able to receive on its' investments and is currently 4.7% (April 2003). In order to take account of inflation the rate is reduced by the prevailing Retail Price Index (currently 3.1%) giving a revised rate of 1.6%. To reflect the time over which the maintenance is to be provided, a 60 year period is used and the present value of an annual payment of £1 at 1.6% is multiplied by the annual maintenance cost to arrive at the commuted sum required.

Other recreation-related facilities

- 13.10 There are a number of sources which provide information on the amount of other sport and community-related recreation provision which is required to serve an area. These include Sport England, the National Playing Fields Association and local authorities. The Sport England Facilities Planning Model is one tool which can be used in the planning and development of sports facilities. The model can show the distribution of demand in relation to the catchment areas of existing facilities, together with the location of supply and can provide a guide to the provision of facilities.
- 13.11 Such facilities can include
- sports halls
 - neighbourhood halls
 - village halls
 - synthetic turf pitches
 - floodlit and non floodlit multi-use games areas
 - tennis courts
 - bowling greens/pavilions
 - athletics tracks
 - skateboard facilities
 - grass playing fields

- 13.12 All pitches need to be well drained and parking, fencing and appropriate changing rooms need to be provided.
- 13.13 The Council has produced a Playing Pitch Strategy in conjunction with the County Council. Information on the costings for facilities can be found in the 'Building Cost Information Service' data which includes regional weightings and is recommended by Sports England. The Playing Pitch Strategy should be used to inform discussions about the need for and location of new playing pitches.
- 13.14 Consideration will be given to negotiating appropriate contributions from developments of 10 or more dwellings or 1/3 hectare or more or employment development where it can be demonstrated that the development will generate a need for additional sport and recreation provision. Major developments (such as Wellingborough East and other significant Local Plan sites) which are large enough to include on-site sport and recreation provision will be required to meet the full capital cost (including design, land, buildings and fittings) together with a lump sum for ongoing management and maintenance.
- 13.15 Industrial and commercial developments also put pressure on existing facilities. People who use these facilities are not always residents of the Borough and additional burdens are put on resources as a result. Where appropriate a financial contribution will therefore be sought from these developments. This will be based on the estimated number of people likely to be employed by the development who do not already live in the Borough of Wellingborough. This information should be provided by the applicants for any large industrial and commercial developments. In the case of speculative developments, where the breakdown of staff is not known, it is likely that a contribution would be placed on deposit pending a later analysis of where staff live (based on census data).
- 13.16 In the rural areas of the Borough there will be few developments of sufficient size to justify an area of recreational space that makes a worthwhile contribution to the local community. In most instances, it may therefore be more appropriate to seek a commuted sum towards other village facilities or enhancement of existing facilities such as providing new play equipment on existing open space.

*** NOTE THE ABOVE SECTION CONTAINS SOME FACTORS WHICH OVERLAP WITH SECTION 7 ON COMMUNITY FACILITIES AND ENVIRONMENTAL ENHANCEMENT AND SHOULD BE READ IN CONJUNCTION WITH IT**

14. PHASING

- 14.1 For large developments it will often be unreasonable to ask developers to fund all of the items secured by planning obligations immediately. This is either because it is not until the land is developed that sufficient monies will be generated to fund all the items made necessary by the development or the proposal will not be of sufficient size to justify all of the facilities it will generate for a number of years.
- 14.2 However, it is also unreasonable to expect the residents of a new development to wait until the development is completed before any of its facilities become available. Indeed an early critical mass for any neighbourhood centres must be achieved with a good range of local community services.
- 14.3 In such cases, and in order to reach a compromise with the developer, it will be necessary to agree a phased programme of release for the facilities to be provided by the development. It may be necessary to seek independent advice on the financial implications associated with a development before agreeing any items to be provided in a phased way. This phasing can be incorporated into the planning obligation and will start with the most essential facilities (for example, without prejudice to any priority in relation to this matter, transport links) and end with those facilities that will only be necessary when the new population justifies it (for example, without prejudice to any priority in relation to this matter, a community hall).
- 14.4 Further guidance on sites where phased development is considered appropriate is contained within **Policy UH3** of the Local Plan Alteration.
- 14.5 A programme of close monitoring by the Council is essential to ensure any agreed phasing programme is followed.

15. PRIMARY HEALTH CARE

- 15.1 Criterion 2 of **Policy G25** of the adopted Borough of Wellingborough Local Plan seeks to ensure developments have adequate social, educational and other community provision.
- 15.2 The provision of adequate levels of primary health care (GP practices and NHS dentists) is an essential part of any sustainable community. Increased population levels will require increased numbers of primary health care professionals. The demand for such services has also increased due to factors such as higher public expectation. The need for more GPs, dentists and nurses should be considered by the Primary Care Trust at the earliest opportunity in the planning of any significant housing development.
- 15.3 Developer contributions as described in the following paragraphs will be expected to help meet any new requirements. When calculating the expected population growth resulting from a new housing development account will be taken of the size of dwelling to be developed on a particular site, if known. Where this is not known it will be assumed that each dwelling will equate to 2.5 new patients. The average list size for a full time equivalent GP is around 1800 patients and for a NHS dentist 3,000. In order, therefore, to determine whether a contribution would be required an assessment will be carried out based on these figures.
- 15.4 If there is an identified need for additional primary health care provision within a particular area then there are three alternative courses of action that can be taken:
- increase the number of full-time equivalent GPs or other healthcare professionals working within an existing practice if space permits;
 - physically extend an existing practice and increase the number of full-time equivalent GPs or other healthcare professionals working within it;
 - build a new practice
- 15.5 The funding of practices is complex. It is based on a per capita basis and item of service performed. Many GP practices are owned and funded by the GPs themselves. It would therefore be unacceptable for a developer to make a contribution to new or extended premises which are then owned by an individual rather than a representative organisation such as a local authority or Primary Care Trust, particularly where the GP can then charge a 'cost rent' to the health authority for the use of those premises. A new GP contract voted in on 20th June means the way GPs are funded will change from 2004. This will remove the item of service fee.
- 15.6 It is not therefore reasonable to expect a developer to contribute towards the funding either of new or extended premises or to the funding of additional GP provision within an existing practice. However primary health care providers have in the past found it difficult to secure sites for the provision of new facilities. This is because of the high demand for land by house-builders and the aspirations of landowners as land values for health care facilities are generally lower than for housing.
- 15.7 As part of developments that are sufficiently large enough to justify a new GP practice or NHS Dentist facility the developer will be required to set aside an appropriate area of land, suitably located within the development. This would then be offered to GPs and/or dentists or the Primary Care Trust for purchase or lease at the market rate for such land should the demand be there. A legal agreement will be completed including the following elements:

- the location and size of the land involved. This will need to be agreed with the appropriate Health Authority (The Primary Care Trust) and will be based on the standards set out in *General Medical Practice Premises – A Commentary* available from the Health Authority;
- the mechanism by which the land would be valued (usually by the District Valuer or other independent source);
- the length of time that the land would be offered (usually 5 years); and
- an indication of the future use of the site should it not be required for primary health care.

15.8 The size of housing development where this would be required will be based on the criteria in Section 3 of this Guidance and the information provided in paragraph 15.2 above together with the ability of existing provision to meet the needs arising from the new development.

15.9 Location should be very easily accessible, with adjacent bus stops, cycle racks, disabled parking and good access for the elderly and those with young children.

15.10 It may be appropriate for a medical facility to serve a multifunctional purpose if it is also suitable for an identified community need of a different type. The provision of complimentary and alternative health and well-being, of retail elements that are directly related to the provision of health care (e.g. pharmacy) together with other services such as an advice centre would be appropriate for such a multi-functional centre.

16. RE-CYCLING AND WASTE MANAGEMENT

16.1 The implementation of the recent UK Waste Strategy and the EU Landfill Directive, encouraging the reduction, reuse and recycling of waste ahead of disposal, will require the rapid development of local authority waste management services in the next few years. Careful consideration will be required of the type and levels of contributions that will be appropriate under this regime. Planning Policy Guidance Note 23 gives general advice on waste management and **Policy W1** of the Northamptonshire County Structure Plan seeks to increase the re-use, recycling and recovery of waste. The County Council has also prepared a deposit Draft Waste Local Plan which gives similar advice.

POLICY W1 of the Structure Plan reads as follows:

THE STRATEGY FOR THE MANAGEMENT OF WASTE IN THE PERIOD 1996-2016 WILL BE IN ACCORDANCE WITH THE FOLLOWING HIERARCHY:

- **REDUCTION**
- **RE-USE**
- **RECYCLING, COMPOSTING AND ENERGY RECOVERY FROM WASTE**
- **DISPOSAL**

WHEN APPLYING THE HIERARCHY, REGARD WILL BE HAD TO THE PROXIMITY PRINCIPLE, REGIONAL SELF-SUFFICIENCY, THE WASTE PLANNING POLICIES AND PROPOSALS OF NEIGHBOURING AREAS AND THE BEST PRACTICABLE ENVIRONMENTAL OPTION.

16.2 In general terms, in relation to **Policy W1**, this can mean either the provision of, or contributions being sought towards the following:

Combined heat and power schemes for locally produced waste
Renewable energy schemes
Grey water recycling
Waste sorting/ processing facilities

16.3 In addition, **Policy UH5 (9)** of the Local Plan Alteration indicates that in housing developments “**LAYOUTS PROVIDE FOR APPROPRIATE RECYCLING AND WASTE STORAGE AND COLLECTION AREAS**”. The overall design of an area can ensure it can accommodate suitable storage and collection areas. In addition, a number of locations are suitable for recycling facilities including public car parks, retail sites, community halls and recreational facilities. To assist with achieving the above, where a need for such facilities arises from a proposed development, then appropriate provision or contributions will be sought towards the following:

Recycling centres/ sites
Civic amenity sites

Ideally, proposals such as these should be included within any overall planning applications for development on sites and not treated as a separate matter.

Kerbside Recycling

- 16.4 Finally, in residential developments of 10 or more dwellings (or the site is more than 1/3 of a Hectare) in areas where an existing scheme operates, it is considered reasonable to ask the developer to make a contribution to facilities for kerbside recycling. Such contributions may include the provision of recycling boxes, wheeled bins and home composting units as well as the vehicles required for the collection of recyclable materials. This sum will be calculated as a figure per dwelling (based on the overall cost of the scheme related to the total number of dwellings in the scheme as a whole).

17. SKILLS TRAINING

- 17.1 Recent studies (for example, the 1997 Annual Employment survey) confirm that the Borough has a high dependence on certain employment sectors such as manufacturing (30% of the workforce) and distribution (24% of the workforce). Traditional manufacturing is in decline in this Country and also generally offers lower wages below County and Regional averages. It is recognised that continued dependence on such sectors could adversely affect the economy of the Borough.
- 17.2 Furthermore, the scale of new housing and commercial development promoted by the Local Plan in general will bring about the need for large numbers of employees in the construction industry. In addition, it is hoped that new types of employment may be attracted to the Borough.
- 17.3 Training for the construction industry is currently facilitated through the STAR project linking Tresham and Moulton colleges with developers and the industry.
- 17.4 Wellingborough's Sustainable Community Plan seeks to help provide an appropriate skills base for these matters. In circumstances where there is likely to be a shortage of labour to serve a new use, where this use would be of benefit to the area as a whole in terms of diversity and where a company is willing to locate in this area (perhaps due to the area's attractive location in accessibility terms) it may be appropriate to ask the developers to contribute towards a means of training in these areas for members of the indigenous population. Examples of the types of use where this would be encouraged include the research and development sector.
- 17.5 Related to the above, the population attracted to the large number of houses proposed in the Local Plan may not have the skills to work in these new employment areas. It may therefore also be appropriate to ask developers of major housing sites (such as those specifically allocated in the Local Plan) to contribute towards some skills training for new residents.

18. TRANSPORT

- 18.1 Guidance is given in Planning Policy Guidance Note (PPG) 13, Transport (DETR, March 2001) on the appropriate use of planning obligations for transportation projects. Attached below (in paragraphs 18.2 to 18.5) is a summary of the guidance given: -
- 18.2 The development plan should indicate the likely nature and scope of contributions which will be sought towards transport improvements as part of development in particular areas or on key sites. This will give greater certainty to developers as to what will be expected as part of development proposals and also provide a firmer basis for investment decisions in the plan area.
- 18.3 Planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures. Examples might include improvements to a bus service or cycle route that goes near to the site, or pedestrian improvements that make it easier and safer to walk to the site from other developments or from public transport. When entering into a planning obligation consideration should be given to the usual statutory and policy tests.
- 18.4 Planning obligations where appropriate in relation to transport should be based around securing improved accessibility to sites by all modes, with the emphasis on achieving the greatest degree of access by public transport, walking and cycling. While the individual circumstances of each site and the nature of the proposal will affect the details of planning obligations in relation to transport, developers will be expected to contribute more to improving access by public transport, walking and cycling for development in locations away from town centres and major transport interchanges, than for development on more central sites. Where development can only take place with improvements to public transport services, a contribution from the developer (payable to the local authority) would be appropriate.
- 18.5 Where new roads are provided, flexible, well-positioned service trenches should be provided alongside them. These should be capable of being upgraded as time progresses.
- 18.6 Given that there should be no minimum parking requirements for development, it is inappropriate for a local authority to seek commuted payments based purely around the lack of parking on the site. However, it may be appropriate to negotiate contributions where this will improve accessibility to the site by public transport, or towards the costs of introducing on-street parking controls in the vicinity of the site.
- 18.7 The above are obvious considerations when analysing the scope that planning obligations could play in transportation projects within Wellingborough. As well as Section 106 payments that can be used for a wide range of infrastructure requirements there will also be consideration of the role of Section 278. Section 278 of the Highways Act 1980 is used to fund highway works. This is where additional highway works are an essential pre-requisite to the granting of planning permission. Whereby, a Section 278 agreement is being considered to fund major highways works, the proposed mitigation measures to be covered, under the agreement, must be demonstrated to conform to the requirements of DTLR Circular 4/2001.

- 18.8 The most significant current development with major transportation implications in the Borough is Wellingborough East (WEAST). It is anticipated that the site will accommodate approximately 3,000 new homes and 110 hectares of new employment land. The transport implications of such a development are large and a separate Appendix (1) of this guidance is devoted to consideration of the particular transport requirements of WEAST.

Potential for funding transport improvements through planning obligations in Wellingborough.

- 18.9 The following sections consider possible subjects for consideration in relation to Section 106 agreements on the topic of transport.

New Highways Provision

- 18.10 The major highway scheme proposed for the Borough (apart from any scheme that is likely to arise out of the WEAST proposal) is the A509 Isham Bypass. The other major scheme shown in the Local Transport Plan is the A4500 Wilby roundabout. It is proposed to signalise this roundabout to allow the provision of a safe pedestrian/cycle link to Wellingborough from Wilby and Northampton. Proposed developments should not be required to fund schemes that only address existing problems. Funding towards these schemes could be sought from any development proposals that are considered likely to generate significant traffic increases (beyond that which will occur naturally) at the locations subject to them. Where developers propose any highway schemes(s) in relation to the A509 Isham bypass, the A4500 Wilby Way or any other which may impact on the safe and efficient operation of the highway network, to support their development proposals, a detailed Transport Assessment shall be prepared and submitted for consultation. The Transport Assessment should demonstrate compliance with Government Policy as set out in DTLR Circular 04/2001 and also consider, in addition to the proposed development, other committed developments within the area.
- 18.11 With regard to highway improvements required for new development each case needs to be taken on its own merits. Developers can reasonably be expected to pay for or contribute to the cost of infrastructure that would not be necessary but for their development.
- 18.12 Developers may also reach agreement with an infrastructure provider through Section 106 agreements to bring forward in time a project that is already programmed but is some years from implementation.

Maintenance of new highway works

- 18.13 Annex B of Circular 1/97 considers precisely what is reasonable to ask for in terms of maintenance. Paragraph B14 indicates that the costs of subsequent maintenance and other recurrent expenditure should normally be borne by the body or authority in which the asset is to be vested. Payments should be time limited and not be required in perpetuity by planning obligations. As a general rule, the planning authority should not attempt to impose commuted maintenance sums when considering the planning aspects of the development. Exceptions may be made, for example, where additional highway works are an essential prerequisite to the granting of planning permission and an agreement is entered into under section 278 of the Highways Act 1980 (which specifically provides for maintenance payments).

- 18.14 Section 278 of the Highways Act 1980 as amended by the New Roads and Street Works Act 1991, relates to contributions towards highway works by persons deriving special benefit from them. Similar provision is made under section 38, of the Highways Act 1980 relating to “Power of highway authorities to adopt by agreement”. Section 37 of the Highways Act 1980 relating to “provisions whereby highway created by dedication may become maintainable at public expense” makes reference under subsection 2 to “if the council consider that the proposed highway will not be of sufficient utility to the public to justify being maintained at the public expense, they make a complaint to a magistrates’ court for an order to that effect.”. In considering the utility aspect the authority must be mindful of its ability to undertake maintenance and repair of same at some future date.
- 18.15 As part of any development proposals the authority will be seeking contributions towards future maintenance of highway infrastructure in part or in whole from the developer. The types of development which would be expected to contribute are residential, retail and employment proposals.

Public Transport

- 18.16 Wellingborough has a network of bus services ensuring that all residential areas are covered. The bus service comprises a mix of commercially operated and County Council subsidised services. The railway station, located approximately one mile from the town centre, is currently very difficult to serve by bus. Inter-urban bus services run between Wellingborough and Northampton, Kettering, Corby, Peterborough, Rushden and Milton Keynes.
- 18.17 Following the guidance in Planning Policy Guidance Note 13 on Transport (DETR 2001), developers will be required to ensure the provision of public transport both to meet social need and to achieve a modal shift in favour of sustainable forms of transport. Developers of sites, of 10 dwellings or more or sites over 1/3 Hectare and significant employment, leisure or shopping developments in locations where public transport access is poor, will be expected to contribute more to improving access by public transport in locations remote from the town centre and the existing public transport network.
- 18.18 Developers will be expected, in accordance with Planning Policy Guidance Note 13 on Transport (DETR 2001), to contribute towards the costs of bus services or demand responsive services serving the site until the development is complete and the properties occupied.
- 18.19 **Policy T4** of the Borough of Wellingborough Local Plan indicates that planning permission for development proposals on allocated sites in the Local Plan will be conditional upon the provision of effective route for buses. As well as ensuring that sufficient highway space is allocated there should be provision of bus stops to ensure that all dwellings and other activities are within 400 metres walking distance of a bus stop.
- 18.20 The Council would expect a phased introduction of subsidised services for any major development such as Wellingborough East.

Public Transport Interchanges

- 18.21 The Local Transport Plan notes that the public transport interchange facilities are particularly poor at Wellingborough town centre and railway station.

Wellingborough Town Centre Bus Terminal

- 18.22 Works are identified in the Local Transport Plan (LTP) for Wellingborough town centre bus terminal. Town centre provision for buses in Wellingborough is currently “on street”. The provision of better bus facilities and terminal buildings to offer comfort, security and information to passengers has been identified as a priority. This is allocated in the Integrated Transport Block of the LTP and has been given a cost contribution of £150,000 (assuming full funding) for 2002/03. This includes items such as new bus shelters and raised kerbs. In recognition of this, in addition to any public funding, and in relation to further proposals within and around Wellingborough town, developers will be expected to provide additional infrastructure at the town centre in relation to bus facilities. The amount to be provided will be linked to the number of additional trips that the development is expected to generate. The location of new development will be a consideration, development away from the town centre (such as the proposed Wellingborough East development) will be expected to contribute more due to out of centre development generating more motorised trips.

Wellingborough Railway Station

- 18.23 Wellingborough railway station is not integrated into the town’s transport network at present. This needs to occur to give added value in terms of bus, taxi, pedestrian and cycle travel. Ideally, this should be co-ordinated by means of a design brief.
- 18.24 In relation to buses, provision of a link to that network, particularly the town centre, would allow passengers to make seamless journeys by public transport. An appropriate passenger information system should be provided at the station together with facilities to aid pedestrian and cycle access. Where appropriate developers of sites, within and associated with the town, will be expected to contribute towards the development of these facilities in addition to any public funding. Also, the improvement of taxi rank facilities at the station would assist with transport links. The amount of contribution will be based on the number of dwellings in the scheme in relation to the likely number of new houses in the town as a whole (as defined in the Local Plan) as a proportion of the overall cost of any such works.

Cycling and Pedestrian Facilities

- 18.25 Planning Policy Guidance Note 13 on Transport (DETR, 2001) outlines that it is reasonable to expect developers to make significant contributions towards cycling and walking. Under **Policy T6** of the Borough of Wellingborough Local Plan development proposals will only be granted permission where they incorporate a safe and attractive footpath and cycleway system. This should provide access from housing areas to employment areas, shops, schools, community facilities, open space and the town centre. The Borough Council has prepared a Cycle Route Master Plan for the town, and has shown these routes on the Local Plan. Developers will be expected, where appropriate, to contribute towards the development of a network through planning obligations. Paragraph 7.16 of the Borough of Wellingborough Local Plan indicates that “Routes required as part of development proposals should be provided by the developer and care should be taken to ensure effective continuity between sites.”. It is

reasonable to expect developers to contribute towards cycling and pedestrian provision off the site as well as on if trips are to be generated to and from the site.

- 18.26 In order to facilitate cycling it is important that cycle parking facilities are readily available. An appropriate level of cycle parking must be provided on site, at public transport interchanges and at town and local centres (in accordance with the County Council's parking standards). These must be satisfactorily secure and funded by the development where there is a recognised need in relation to facilities likely to be used by occupiers of the new development. The local planning authority will seek to secure through Section 106 agreements the provision of suitable changing and shower facilities at employment sites. Where the threshold of individual units are not big enough to justify individual changing facilities contributions towards shared facilities may be appropriate. The proposed County-wide Supplementary Planning Guidance Note on parking gives further information on standards.
- 18.27 As with public transport, developers will be expected to contribute more to improving access for pedestrians, and cyclists in locations away from town centres and major transport interchanges, than for development on more central sites.
- 18.28 In appropriate cases the Council will look to secure, through Section 106 agreements, new public rights of way.

Green Travel Plans

- 18.29 Developers will be required to submit a Green Travel Plan alongside planning applications that are likely to have significant transport implications. The criteria for determining whether a Green Travel Plan is required is outlined in paragraph 89 of Planning Policy Guidance Note 13 on Transport (DETR 2001). The developer when preparing the Green Travel Plan should refer to "A guide to travel plans – Notes for Developers, Highway Engineers and Planners" produced by Northamptonshire County Council. This document is currently only in draft form. The guidance states that "To secure the operation of a travel plan, it is expected that either a planning condition or an agreement under Section 106 of the Town and Country Planning Act with the Local Planning Authority, and/or the Highways Authority, through the development planning process would be the appropriate means." Also of relevance is the Office of the Deputy Prime Minister and Department of Transport best practice guide entitled 'Using the planning process to secure travel plans' (July 2002).
- 18.30 The County Council and other Local Authorities are proposing to produce draft Supplementary Planning Guidance on this topic in the near future.

Appendix 1

Specific transport requirements for Wellingborough East (WEAST)

Introduction

Existing planning policy gives guidance on the requirements of WEAST. The Borough of Wellingborough Local Plan Alteration sets the importance of planning a sustainable transportation network for this development.

“ Planning a sustainable transportation network for Wellingborough East is seen as a key objective. It should ensure that priority is given to non-car modes of travel, whilst still providing excellent access to the strategic transportation network to encourage economic development. In order to ensure that the area is fully integrated with the existing town effective transportation links with the existing fabric must be provided. Extensive footpaths and cycle routes should be provided throughout the development in accordance with policies **T5, T6 and T7**, which as well as linking to the town and providing links to the surrounding countryside. The existing Public Rights of Way network should be protected and enhanced. Where new routes are provided their future maintenance should be secured.”

Highway Requirements.

Access to and from the primary road network, the existing urban areas and through the site

Developers of WEAST will be expected to ensure that there is appropriate access to and from the primary road network. The developer will finance the construction of new and upgraded highway infrastructure to facilitate suitable access from the primary road network. The current highway infrastructure providing access to this area of land and also the wider highway network that is potentially affected by the development has been assessed by the Council and a report has been prepared entitled the “Wellingborough East Preliminary Development Plan – Area Land-Use/Transportation Study – A Preliminary Transport Assessment” (June 2002). The report indicates a number of junctions on the existing road network that are showing distress at peak times. The developer will be required to demonstrate the mitigation measures proposed regarding the development traffic on both the proposed and existing networks. It is considered essential that future traffic must be able to access the site from the north and south without travelling through large sections of the existing Wellingborough urban area.

Access from the primary network must be as set out in the Borough of Wellingborough Local Plan (BOWLP) Alteration. The principle objective is that highway access through Wellingborough East must be achieved from the A510 (Nothern Way)/A509 in the North and the A45 (Trunk Road) from the South. Any proposed access route must be consistent with **Policy UT1 and Policies U14-U20** of the BOWLP Alteration.

The developer needs to ensure that effective north-south movement can be made through Wellingborough East so that large amounts of freight and private motor vehicle traffic are not transferred to the western side of the railway onto existing congested north-south routes (for example Eastfield Road). The “new” north-south distributor road must be capable of dealing with the locally generated traffic including heavy goods vehicles. It is envisaged that the route will be a high standard local distributor along the lines of Nothern Way (A510 – Wellingborough) but with pedestrian crossings.

As well as the north-south links there is also a need for a seamless “east-west” link. It is key that a seamless highway link is created from the settlements to the east of WEAST through to the railway station, town centre and the rest of Wellingborough. The main North-South and East-West roads will be appropriately designed to ensure the residential amenity of the development is protected and encourage modal shift, whilst also meeting the wider transportation needs of the development.

The route forming part of the proposed road network and any modifications to the existing highway infrastructure required to support the development is to be agreed with the County Council as highway authority in consultation with the Council. The developer should also consider the requirements of the public transport providers to ensure that transport routes are suitable for the provision of an effective bus service.

Where the requirements referred to do not solely relate to the Wellingborough East development (i.e. access to the rail station from the town centre and wider town is referred to), this should be reflected in the source of finance for the required infrastructure in the wider area.

Cycling and Pedestrians

The general cycling and walking principles outlined in section 18 of this guidance should be followed. It is key that the development should be planned in such a way as to encourage walking, cycling and the use of public transport and reduce dependency on the car.

Within the development new highways should be designed to give maximum safety to vulnerable road users. This includes giving priority and specific allocation of highway space as appropriate. It is expected that this work will be financed as part of the costs to be met by the developer.

It is expected that extensive footpaths, cycle routes and appropriate road hierarchies (suitable for cyclists sharing with other motorised traffic in an integrated and safe manner) should be provided throughout the development linking up with key services such as the railway station, local centres, schools and the town centre. It is vital that the employment components of WEAST are easily accessible from the new build housing and existing residential areas of Wellingborough. The existing Public Rights of Way network should be protected and enhanced. Where new routes are provided their future maintenance will be secured through the appropriate sections of the Highways Act 1980. The developer will be required to consider any permanent or temporary diversion orders required for any affected rights of way as part of the development proposals.

The National Cycle Strategy identified that “Much of the considerable potential for cycling is derived from the existing journey patterns of other modes. 72% of all trips are less than five miles in length. Half are less than 2 miles”. Anything less than five miles is a reasonable distance to expect a healthy individual to cycle on safe attractive routes, across the development and from the vast majority of residential areas to the neighbourhood centre, the town centre as well as to the main development employment centres.

The aim is that WEAST will become a sustainable urban extension of Wellingborough. It is reasonable to assume that residents from the existing urban area of Wellingborough will need to access WEAST for employment and other facilities and vice-versa future residents of WEAST will be visiting the existing urban area of Wellingborough for a variety of services. The size of Wellingborough means that it is reasonable to expect a healthy individual to be able to cycle from one side to the other. It is therefore reasonable for the WEAST development as a

large trip generator to contribute financially towards the implementation of routes shown on the Wellingborough Cycle Master Plan across the whole of the Wellingborough urban area.

Public Transport

Effective public transport is key to the success of WEAST as a sustainable urban extension. The highway elements are already dealt with above. Developers will be expected to contribute towards bus provision linking key destinations within WEAST and to the existing urban area of Wellingborough particularly the town centre, employment areas and the railway station. The route between the town centre, the station and the neighbourhood centre is the most important service and needs a high quality attractive regular and frequent service and needs a high quality attractive regular and frequent service. Opportunities for innovative facilities and management, such as road trains, real-time information screens etc, could be considered useful both for the service they offer and for the encouragement of public transport use.

It is envisaged that bus enhancement measures will be required. These new measures will be required due to the trips generated by WEAST and the need to encourage sustainable patterns of movement. Developers will be expected to contribute towards the development of appropriate bus priority measures which are required as a result of extra trips generated by WEAST. These will include measures both on and off site.

Bus shelters should be designed with clear sides all around and be located in very safe positions. They should also offer protection from the elements. Further guidance on this topic is contained in the Council's proposed Urban Design Framework for WEAST.

Developers must also demonstrate a means of encouraging residents to use public transport, for example through the provision of free or reduced fare travelcards. It is important that a site is served by public transport as soon as properties start to be occupied. The developer will be required to enter into an agreement with a bus operator to ensure the provision of bus services as follows to Wellingborough railway station and town centre. It may be that initially the service will comprise part of a demand responsive network. The following standards should form the basis for negotiation:

Phase 1 : 10-99 dwellings occupied – Hourly service, Mon-Sat daytime only.

Phase 2 : 100-249 dwellings occupied – Half-Hourly service, Mon-Sat daytime. Hourly service, Evenings and Sundays one journey (Mon-Sat daytime) must operate by the most direct route.

Phase 3 : 250-499 dwellings occupied – Three buses per hour, Mon to Sat daytime, plus one early morning journey. Hourly service, Evenings and Sundays. Two journeys (Mon to Sat daytime) must operate by the most direct route.

Phase 4 : 500 and over dwellings occupied – Each dwelling must be within 400m of a bus stop with a 20-minute frequency service Mon to Sat daytime plus two early morning journeys. Half-hourly service, Evenings and Sundays. Two journeys (Mon to Sat daytime) must operate by the most direct route. Peak journeys will be required to operate via the appropriate industrial estate.

School Transport : Except where the LEA is required to provide free home to school transport, at least one journey to and one journey from the nearest or appropriate educational establishment must be provided, except where the nearest or appropriate establishment is within the boundaries of the development and/or there is deemed to be a safe walking or cycling route.

The following standards will be expected for buses :

- a) The vehicles operating the services must be low floor buses to a specification which complies with the requirements of the Disability Discrimination Act.
- b) No dwelling should be more than 400 metres walking distance from a designated bus stop accessible by a well-lit footpath network or road. The route must not require buses to turn round and retrace their steps at a designated terminus.
- c) The route must usually be free from vertical traffic calming measures. Speed cushions are acceptable.
- d) Each designated bus stop must usually be constructed with a 180mm high kerb to a standard which enables buses to stop parallel with a kerb and with room adjacent to an area of hardstanding which can be easily accessed by disabled people from the footpath network.
- e) Each designated stop expected to be used by boarding passengers in significant numbers must be equipped with a power source and lighting. Stops should normally be equipped with a flag and pole. The shelter and pole must be to a standard applied to stops as part of bus enhancement schemes elsewhere.
- f) All services must be routed so as to link in with other existing bus services or with interchanges with other modes of public transport including rail stations.

Railway Interchange Facilities

The developments at WEAST must improve the public transport interchange at the rail station as its location adjacent to the proposal will be an important strategic interchange point. It is essential that the station is integrated with the overall transport system and offers added value in terms of connectivity and as a 'gateway' via the proposed bridge to WEAST. An appropriate passenger information system must be provided at the station. There must also be appropriate provision of facilities to aid pedestrian and cycle access and improvements to the facilities for taxis at the station plaza. The Council's draft Wellingborough East Supplementary Planning Guidance provides further advice on this point.

Appendix 2

CONTACTS LIST

Environmental Services Borough Council of Wellingborough Croyland Abbey Tithe Barn Road Wellingborough Northants NN8 1BJ	☎ 01933 229777 Fax: 01933 231982 Email: environment@wellingborough.gov.uk Web: www.wellingborough.gov.uk
Development Control Team	☎ 01933 231930 - 6
Spatial Planning Team	☎ 01933 231920/1/2/4/6
Conservation Officer	☎ 01933 231925
Landscape Officer	☎ 01933 231923
Building Control Team	☎ 01933 231940/2/3/4
Environmental Development and Protection	☎ 01933 231961/2/3
Environmental Business Development Officer	☎ 01933 231915
Wellingborough East Project Team	☎ 01933 231984/5/6
Head of Community Development	☎ 01933 231804
Head of Legal Services	☎ 01933 231515
Head of Economic Development	☎ 01933 231915

Northamptonshire County Council County Hall Northampton NN1 1AN	☎ 01604 236236 web: www.northamptonshire.gov.uk
Structure Plan	☎ 01604 236057
Highways	☎ 01604 236715
Archaeology	☎ 01604 237243
Minerals and Waste	☎ 01604 236638
Landscape	☎ 01604 237476

Environment Agency Anglian Region Waterside House Waterside north Lincoln LN2 5HA	Web: www.environment-agency.gov.uk Planning Liaison Officer ☎ 01522 785882
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Appendix 3

GUIDANCE NOTES IN RELATION TO LEGAL AGREEMENTS FOR PLANNING APPLICANTS

- * The Agreement will be prepared by the Council's Head of Legal & Committee Services and will need to be completed before the Planning Permission is issued. This will take approximately one month from the date of the Planning Committee at which the application was considered.
- * The Applicant will be responsible for the Council's legal costs. These will normally be in the region of £150 - £200 for a standard Agreement. The Council reserves the right to charge a higher fee for more complicated Agreements and details can be obtained directly from the Council's Head of Legal and Committee Services – telephone number 01933 231515.
- * The Agreement will be registered as a Local Land Charge.
- * On receipt of instructions from the Head of Development Control, the Head of Legal & Committee Services will prepare a draft Agreement for approval by the Applicant. This will be forwarded to the Applicant for approval. Once approved the Head of Legal & Committee Services will send an engrossed document for signature.
- * Upon receipt of the signed document the Head of Development Control will issue the Planning Permission.
- * The Head of Legal & Committee Services will need to see evidence of the Applicant's title to the land which is to become the subject of the Agreement. In most circumstances a copy of a conveyance or office copy entries from the Land Registry will be sufficient.
- * All persons with an interest in the land (e.g. mortgagees, co-owners) will need to be parties to the Agreement. Details should be supplied to the Development Control Officer handling your application.
- * When the land is subject to a Legal Charge or mortgage the consent of the mortgagee to the terms of the Agreement will be necessary.
- * This Planning Agreement is a legal Agreement which will be binding on the Applicant and Successors in Title. Applicants may wish therefore to take independent legal advice.

prepared by the Council's Head of Legal Services.

Appendix 4- Some useful related documents .

- Borough Council of Wellingborough (1997) *Nature Conservation Strategy*
- Borough Council of Wellingborough (1999) *Borough of Wellingborough Local Plan*
- Borough Council of Wellingborough (2000) *Wellingborough's Sustainable Community Plan*
- Borough Council of Wellingborough (2002) *Borough of Wellingborough Local Plan Alteration – Revised Deposit*
- Borough Council of Wellingborough (2002) *Wellingborough's Community Plan*
- Borough Council of Wellingborough (2003) *Building Better Places- How to contribute to sustainable development- Supplementary Planning Guidance VIII*
- Borough Council of Wellingborough (2003) *Wellingborough East, draft SPG*
- Borough Council of Wellingborough (2003) *Land East of Eastfield Road, draft SPG*
- Borough Council of Wellingborough (2003) *Station Island, draft SPG*
- Borough Council of Wellingborough (2003) *Wellingborough East Neighbourhood Centre, draft SPG*
- Borough Council of Wellingborough (2003) *Affordable housing, draft SPG*
- Countryside Agency (2002) *How communities can be involved in negotiating and managing benefits secured from development via planning obligations*
- Countryside Agency (2002) *Increasing the effectiveness of planning obligations*
- Countryside Agency (2002) *Using quality of life capital to devise planning obligations*
- DETR (1999) *Planning Policy Guidance Note 12: Development Plans*
- DETR (2000) *Planning Policy Guidance Note 3: Housing*
- DETR (2001) *Planning Policy Guidance Note 13: Transport*
- DOE (1990) *Planning Policy Guidance Note 16: Archaeology and Planning*
- DOE (1994) *Planning Policy Guidance Note 9: Nature Conservation*
- DOE (1994) *Planning Policy Guidance Note 23: Planning and Pollution Control*
- DOE (1994) *Planning Policy Guidance Note 24: Planning and Noise*
- DOE (1994) *Circular 5/94 – Planning Out Crime*
- DOE (1997) *Planning Policy Guidance Note 1: General Policy and Principles*
- DOE (1997) *Circular 1/97- Planning Obligations*
- DOE and Department of National Heritage (1994) *Planning Policy Guidance Note 15: Planning and the Historic Environment*
- DOE and Welsh Office (1993) *Planning Policy Guidance Note 22: Renewable Energy and Annexes (1994)*
- DTLR (2001) *Planning Policy Guidance Note 25 : Development and Flood Risk*
- DTLR (2002) *Planning Policy Guidance Note 17, Planning for Open Space, Sport and Recreation*
- DTLR and CABE (2001) *By Design: Better Places to Live, A companion guide to PPG 3* Thomas Telford Publishing
- East Midlands Regional Local Government Association (2003) – *Revised regional planning guidance for the East Midlands public consultation draft*
- English Partnerships and The Housing Corporation (2000) *Urban Design Compendium*, English Partnerships
- GOEM (2002) *Regional Planning Guidance for the East Midlands (RPG8)*
- Northamptonshire County Council (2001) *Northamptonshire County Structure Plan* (amended by High Court Challenge 8/2/02)
- Northamptonshire County Council (2002) *Biodiversity Action Plan*
- Northamptonshire County Council (2002) *Waste Management Strategy for Northamptonshire*
- Northamptonshire County Council (2003) *Deposit Draft Waste Local Plan*
- Northamptonshire County Council (2003) *Planning Out Crime in Northamptonshire, Consultation Draft Supplementary Planning Guidance.*
- ODPM (2002) *Using the planning process to secure travel plans.*

Appendix 5 - National Playing Fields Association minimum standards for outdoor playing space (2001). These are to be used by the Council in deciding what standards to apply to play areas.

Further to Section 13 of this Guidance, in accordance with the National Playing Fields Association's '*Six Acre Standard*', the Council will expect the following types of children's play areas to be provided:

a) LAP: Local Areas for Play

- ◆ Each site must be formally designated by the Council as a play area catering mostly for children aged 4-6, close to where they live (1 minutes walk/100m).
- ◆ Each site must be enclosed by a fence or barrier.
- ◆ Each site must have minimum area of 100m².
- ◆ Each site must have no play equipment.
- ◆ Each site must be overlooked by housing, pedestrian routes or other, well-used public facilities.

b) LEAP: Local Equipped Area for Play

- ◆ Each site must be of a minimum area of 400m².
- ◆ All equipment and facilities must have been assessed as safe for continued use by a competent playground inspector.
- ◆ All equipment with a fall height greater than 600mm must have appropriate impact-absorbing surfacing.
- ◆ Each site must have a minimum of 5 different activities. Multi-play may be counted as having up to 3 separate activities e.g. sliding, climbing, rocking, swinging or social play.
- ◆ Each site must have a small games area (may be grassed) within the boundary of the playground.
- ◆ Each site must be entirely fenced with self-closing gates.
- ◆ Each site must be overlooked by housing, pedestrian routes or other, well-used public facilities.

c) NEAP: Neighbourhood Equipped Area for Play

- ◆ Each site must be of a minimum area of 1000m²
- ◆ All equipment and facilities must have been assessed as safe for continued use by a competent playground inspector.
- ◆ All equipment with a fall height greater than 600mm must have appropriate impact-absorbing surfacing.
- ◆ Each site must have a minimum of 8 different activities. Multi-play may be counted as having up to 3 separate activities e.g. sliding, climbing, rocking, swinging or social play.
- ◆ Each site must have a hard surfaced kickabout/skating/cycle play area within the boundary of the playground.
- ◆ Each site must be entirely fenced with self-closing gates.
- ◆ Each site must have signs excluding dogs.
- ◆ Each site must be overlooked by housing, pedestrian routes or other, well-used public facilities.