

**Guidance on the Council priorities in negotiating Planning Obligations and Developer Contributions (June 2010)**

- 1.1 There will be circumstance with some planning applications where a developer will not be able to provide all of the developer contributions set out in the Planning Obligations and Developer Contributions Supplementary Planning Document (SPD). In such circumstances, the County Council will negotiate such proposals against the Council's following list of Priorities. In prioritising the developer contributions, the County Council has been guided by Council's Sustainable Community Strategy, 20 year vision statement and Strategic Aims and Objectives from the Corporate Plan:

**Priority One will be to provide for the physical infrastructure needed to deliver the project, as without this the scheme will not proceed.**

- 1.2 This would include the provision of highway works, sustainable transport requirements and dealing with public rights of way, all of which are needed before the development can take place. Other infrastructure requirements such as off site flood defence or drainage improvements would also fall within this category.
- 1.3 Cost specifics for a development must also be taken into account. This could include, restoring a listed building, meeting archaeological requirements, protecting the biodiversity site or dealing with contamination. Requirements to meet sustainable construction, sustainable waste management and air quality and renewable energy are also included here.
- 1.4 The County Council will bear in mind that seeking high specifications on essential infrastructure will reduce the availability of funds for other planning obligations and come to a balanced view. They will also have regard to the overall quality of the development.

**Priority Two will be to provide for essential community needs – these would be a second call on developer contributions**

- 1.5 Priority two relates to the provision of community facilities that are required to support a development – particularly a residential development. Contributions towards education facilities, open spaces (both new and the enhancement of existing open space) and play areas will be sought as set out in the SPD.
- 1.6 In assessing these obligations regard will be given to:
- The extent of existing facilities available in the vicinity of the development and their accessibility. e.g. new housing requires educational facilities, but if there is capacity at an existing school in the area, which can be utilised, this would then reduce the developer's potential obligations.

- The extent which other agencies (or the County Council) could fund such facilities.

1.7 In the case of residential development, the presumption should be that there will always be some affordable housing (up to 50% of the affordable housing requirement). The County Council will discuss various combinations or options, which could be sought. In doing so, it will take into account the most recent housing needs assessment, the Council's strategies and policies.

**Priority Three will be to provide for the other planning obligations listed in the SPD – these would be a third call on developer contributions**

- 1.8 Priority three relates to the provision of other community facilities that are required to support development. Contributions towards sports and leisure facilities, libraries, museums and archives, local health services, adult social services, fire service, police, civic waste amenity and recycling facilities. This is not a comprehensive list and other potential planning obligations may arise during the pre application process. In assessing these obligations regard will be given to the factors in paragraph 1.6 above.
- 1.9 Market Town/Public realm improvements are important in their own right in meeting community needs particularly in Oakham and Uppingham Town Centres but have the added benefit of increasing the end value of developments. This can lead to an increase in the amount of developer contributions which can in turn be used to fund other requirements.
- 1.10 The remaining affordable housing provision also falls under this category.
- Conclusion
- 1.11 The use of a prioritisation approach will ensure the Council secures the most appropriate level of planning obligations to mitigate the impact of the development proposal or compensate for any loss or damage it would cause to any environmental or community resources. The requirement for developers to submit a viability appraisal to the Council will enable the Council to facilitate a fair, consistent and transparent basis for negotiating planning obligations, whilst being flexible in light of economic market forces.