

Developer Contributions to Infrastructure and Community Facilities

- 10.37 New development may require the provision or upgrading of existing infrastructure, including drainage, waste water treatment, water and power supply, and highways. Similarly, residential development may have a direct impact on the provision of community facilities, including recreation open space (for which separate provision is made in POLICY RT2) and education. The impact of development on pedestrian safety and highway safety is also a relevant planning consideration.
- 10.38 Where new development results in a need for new physical and social infrastructure and community facilities which are directly linked to the development, it is reasonable to expect developers to provide or contribute toward the provision of these facilities, so as not to place an undue burden on existing infrastructure or services.
- 10.39 It is equally important to ensure that, where appropriate, proposals for development incorporate measures to compensate for the consequences of development including off-site works. These may include the provision of traffic calming, footpath and cycleway links and the enhancement or creation of wildlife habitats and other resource protection.
- 10.40 DETR (now ODPM) Circular 11/95 provides guidance on the use of planning conditions to deliver facilities necessitated by new development. (See Paragraph 11.11 of Chapter 11 of the Plan). Section 106 of the Town and Country Planning Act 1990, as amended by the 1991 Act, also enables planning authorities to seek financial contributions, or contributions by way of buildings, land and direct works, to enable development to go ahead in circumstances where planning conditions are inappropriate and where the proposal might otherwise be refused.
- 10.41 DETR (now ODPM) Circular 1/97 provides guidance on the use of such planning “obligations” to enhance the quality of development. Annex B, paragraph 2, stresses the need for planning obligations to be necessary, relevant to planning, directly related to the proposed development and fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. In the case of education, this could mean asking developers for a contribution towards the cost of providing new or extending existing educational facilities, provided it can be demonstrated that there is, or will be, no spare capacity in local schools; and a burden or “planning loss” would therefore be imposed on the community. A similar situation would exist if a development would impose a traffic problem on local roads.
- 10.42 POLICY CS6 is intended to apply over and above the provisions of site-specific policies for housing and employment land allocations. Further advice on the calculation of developer contributions for specific community needs will be provided in Supplementary Planning Guidance. The Council’s specific requirements in relation to the provision of recreation open space and affordable housing are set out in separate POLICIES RT2 and H4.

CS6 The District Council will expect developers to provide for or contribute to the provision of infrastructure and community facility needs that are directly related to a development, and to ensure that measures are incorporated to mitigate or minimise the consequences of that development.

Normally, these requirements will be imposed through conditions attached to the grant of planning permission.

Where this is not appropriate, the district council will seek to negotiate planning obligations with developers to secure direct provision and/or a financial contribution towards the provision of facilities or works:

- 1) That are fairly and reasonably related in scale and kind to the proposed development; and**
- 2) Which are necessary to remedy any shortfalls or adverse impacts resulting from the proposed development; or**
- 3) Are necessary to make the proposal acceptable in land use planning terms.**