

# Topic Paper

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## Addendum

Revisions to take account of Issues and Options Consultation results

### Planning obligations



# TOPIC PAPER

## Planning obligations

### SUPPLEMENTARY REPORT

#### Executive summary

- This paper is a supplementary paper to the original Planning obligations topic paper, and has been produced to respond to the consultation responses to the Issues and Options document Our Place in the Future.
- Questions were asked about the principles of developers paying to address the impact of development, the principle of establishing a community chest, targeting the funding in the main settlements and proposed the introduction of a tariff system.
- There was overwhelming support for the principle of developers paying to address the impact of development, the principle of establishing a community chest, targeting the funding in the main settlements and the introduction of a tariff system.
- It is therefore proposed that a policies to establish a community kitty, that the kitty should be targeted predominantly in the main settlements but with flexibility to be used elsewhere, a list of topics that the kitty / tariff could apply to and what level the threshold be for tariffs to be set be will be produced. All these options have been assessed in accordance with the sustainability appraisal, and national and regional policy.

#### Introduction, purpose of document and context.

This document is the second element of the series topic papers that were published in order to present a coordinated view of the assessment of the evidence upon which we based our Core Strategy Issues and Options consultation. In order to make it easier for stakeholders to understand how we had reached our conclusions and as a key part of identifying the challenges facing our district and feasible options for addressing them, a series of 16 topic papers were written. These were as follows:

- [Topic 1 - Climate Change](#)
- [Topic 2 - Housing](#)
- [Topic 3 - Settlement Strategy](#)
- [Topic 4 - Supporting Communities](#)
- [Topic 5 - Biodiversity](#)
- [Topic 6 - Flooding](#)
- [Topic 7 - Agriculture](#)
- [Topic 8 - Retail](#)
- [Topic 9 - Economy](#)
- [Topic 10 - Tourism & Leisure](#)
- [Topic 11 - Planning Obligations](#)
- [Topic 12 - Waste & Pollution](#)
- [Topic 13 - Conservation](#)
- [Topic 14 - Design](#)
- [Topic 15 - Transport](#)
- [Topic 16 - Inclusive Design](#)

The Issues and Options that were identified within the topic papers formed the basis for the consultation document, "Salisbury and South Wiltshire, Our Place in the

Future". This document represented a 'joined up' consultation exercise incorporating questions relevant to the Community Strategy and Salisbury Vision, as well as the LDF Core Strategy Issues and Options. This document was the subject of consultation for 10 weeks between the 26<sup>th</sup> July and 5<sup>th</sup> October 2007. Over 50 public events were undertaken, to promote the process, and over 6,000 responses were received.

## **Assessing the Local Need - Why Are We Developing Policies on planning obligations?**

The need for this topic to be included within the emerging Local Development Framework has emerged clearly from an analysis of national and regional planning policy and an appraisal of the growing body of specialist literature and guidance given to local planning authorities. Furthermore original work that has formed part of the base of evidence which will inform the Local Development Framework process has highlighted that there is a need for a new and effective set of policies to help meet our objectives.

## **What are we trying to achieve - what are our overall objectives?**

The core objectives as envisioned at the outset of this project were to develop a set of planning policies, which contribute to the following patterns of land use:

- social progress which recognises the needs of everyone
- effective protection of the environment
- prudent use of natural resources
- maintenance of high economic growth and employment

On a more specific level the desired outcomes at the outset of this project were:

- In order that development is sustainable, and does not place an additional burden on services, the infrastructure that supports it needs to be looked at. Under existing rules, councils are able to collect money towards the infrastructure if there is a proven need for it.

## **Taking a Spatial approach**

It would be a crude mistake to develop a set of policies which are based on a 'one size fits all' premise. South Wiltshire is a rich and varied part of the Country and the issues and challenges within it vary from place to place. For example, is it the case that the demand for affordable is uniform across the area or does it vary between settlements and should our policies reflect this. We feel that they should and this way we should produce spatial strategies that are rooted in the distinctive character of specific places and are tailored to solving their particular sets of problems. This is in a nutshell for us, what spatial planning is all about.

One of the drawbacks we have encountered in the past is that of plans and strategies being delivered over disparate areas, when it makes much more sense from the customers perspective to have them coordinated and covering the same areas. This is often called co-terminus service delivery and is based on joining up services and policy solutions so that they are more tailored to where they are needed.

To align our policy solutions to the areas where the issues are arising, we have taken a detailed look at how the diverse character of our district and assessed if there are broad areas which share similar characteristics and present similar sets of challenges.

The Wiltshire community areas were defined in the early 1990's in response to a review of local government boundaries that set greater store by 'natural' communities, i.e. areas that described real patterns of local life (shopping, employment, schooling, etc.) as opposed to administrative boundaries.

A number of dimensions were used to define these areas of local life including:- secondary school catchment areas, local convenience shopping patterns, postcode town boundaries, pre-1974 urban and rural district council boundaries, housing market areas, journey to work catchment areas, a historical study of patterns of local life by local historian, Dr. John Chandler, and the local geology/topography of the county. Six of Wiltshire's twenty community areas are in Salisbury district, namely:

- City community area
- Four Rivers community area (also known as Wilton area)
- Mere community area
- Nadder Valley community area (also known as Tisbury area)
- Southern community area (also known as Downton area)
- Stonehenge community area (also known as Amesbury or Northern area)

On analysis the justification for the Community areas appears just as valid today as it did when they were formed, being as they were based on a sound understanding of the hierarchy and function of settlements and how communities view their sense of place. Furthermore the issues and challenges identified do reflect the similarities within these existing areas and also the diversity between them.

However there is lilted point in rigidly sticking to a spatial pattern of interpreting the District if it is not appropriate to certain issues or challenges. For example the Military issues reach outside of the District to the north of the plain and similarly there is a huge synergy between Wilton and Salisbury. Therefore while, where appropriate the Community Plan areas will form the basis of our spatial model, it will not be pursued dogmatically so and where the functional relationship between places dictates we will promote a flexible approach. In other words the areas defined by the community plans should best be considered as soft verges rather than cliff edges.

## **FINDINGS OF THE 'OUR PLACE IN THE FUTURE' CONSULTATION ON THE CORE STRATEGY ISSUES AND OPTIONS**

### **What did we ask?**

The main thrust of the question was whether the principle of collecting funds for community uses from developments was acceptable, and whether the funds should be targeted in the six main towns of Amesbury, Downton, Mere, Salisbury, Tisbury and Wilton. The principle of a tariff approach was also raised, and that local communities should be consulted to identify what the money should be spent on.

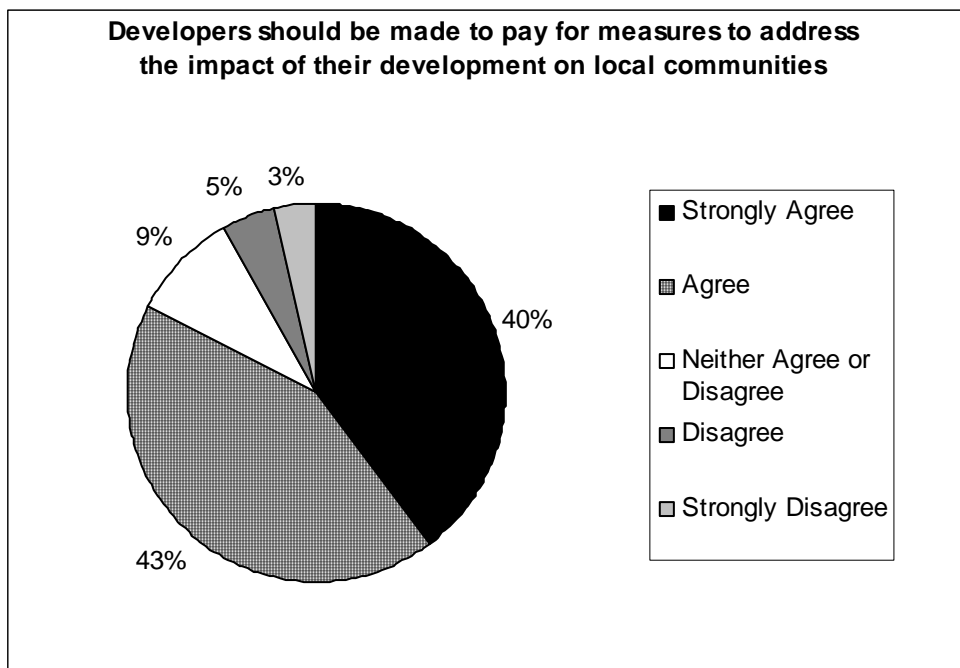
### **Summary of responses**

There is generally overwhelming support for the principle of the community chest, with the only exception being on targeting the funds to the six main settlements, with

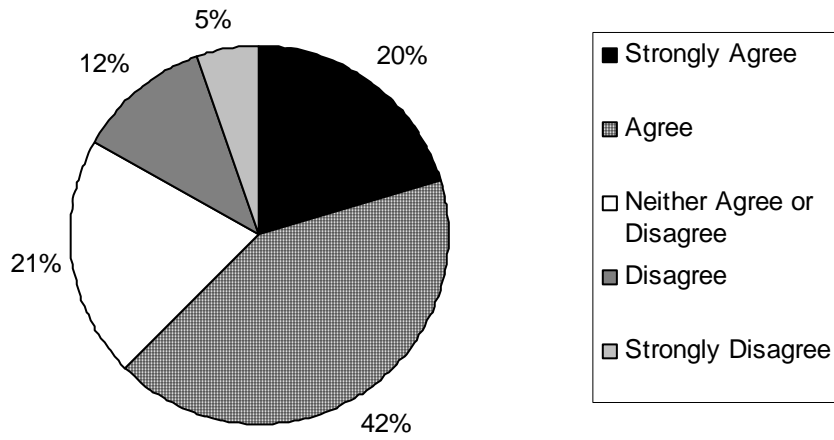
41 agreeing / strongly agreeing, 32.% neither agreeing or disagreeing (neutral) and 27% disagreeing / strongly disagreeing.

The following is a summary of the comments received on the principle of the community chest.

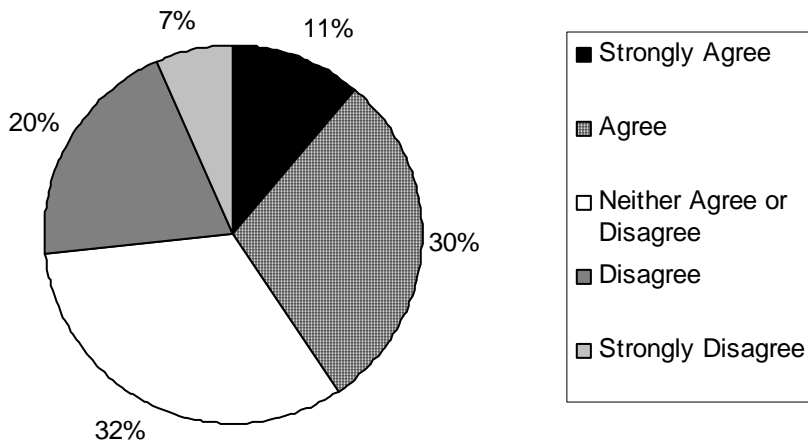
- It will increase the cost of houses
- Don't spend money for the sake of it
- Money should be targeted in the area that the money was raised, not just the main towns
- Should target areas of need
- Money should be used in smaller villages with no development or they will stagnate.
- Community chest should be in the control of the local community.
- What about the parish councils.
- Who decides the priorities
- Bad and unworkable idea
- Topic is embarrassing and distasteful. Development tax is the way forward
- Principle is wrong. Money should come from stamp duty
- How much will be raised. Will diminish over time as developers will go elsewhere.



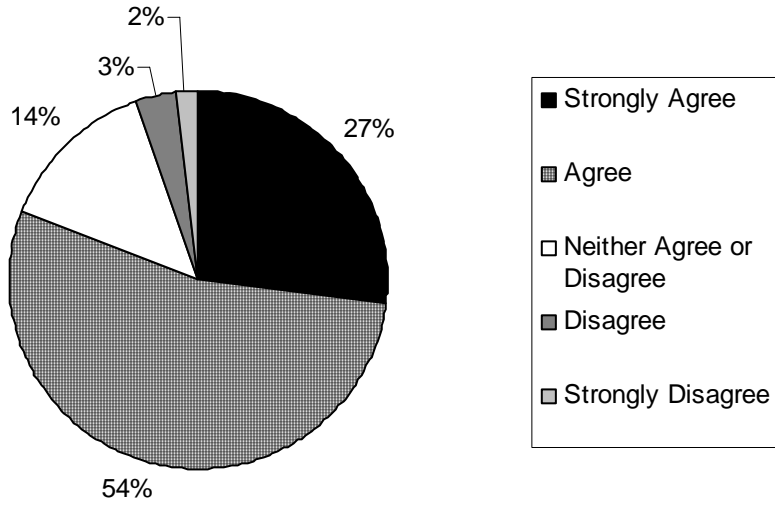
**We should set up a community chest (financial fund) to allow money raised from new developments to be targeted at priorities within the wider community area**



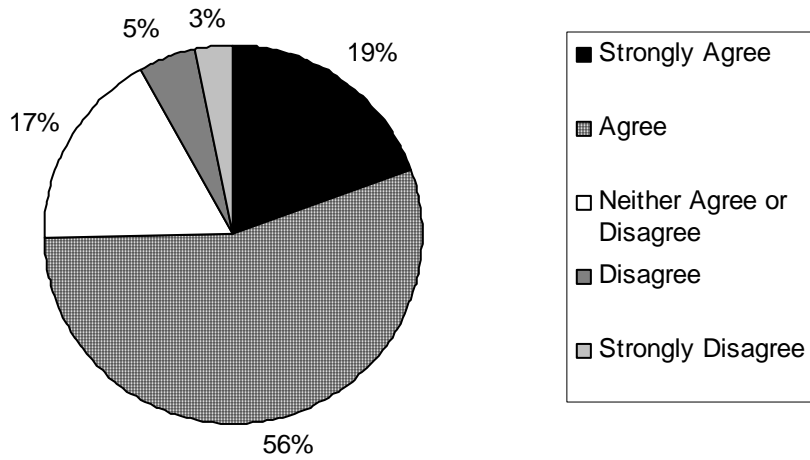
**We should target the community chest funding on the six main market town areas - Amesbury, Salisbury, Downton, Mere Tisbury and Wilton**

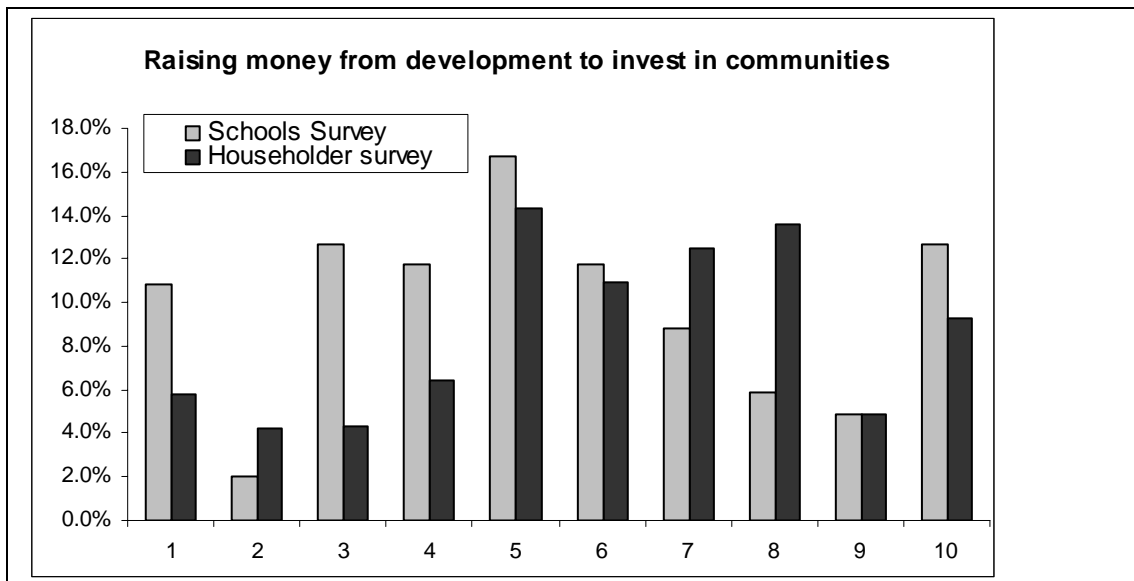


**We should identify the things that new development will be expected to contribute towards in consultation with local communities**



**We should introduce a tariff system so that developers can work out in advance how much they will be asked to pay**





## Analysis of responses

From the consultation, it is clear that the principle of a community chest, via a tariff system is supported. This is in line with the Planning Bill introduced in November 2007, which proposes a new Community Infrastructure Levy (CIL), which if passed will empower local authorities to apply a CIL (tariff) on new developments in their area to support infrastructure delivery.

Although there is the argument that making developers pay for the impact of their development will increase the cost of homes, and may encourage developers to go elsewhere, the CIL system is being introduced throughout the country, so wherever developers chose to develop, they will have to pay towards the need generated from the development. Whilst in the short term it may have an impact on house prices, as some land deals will have been negotiated before the introduction of the CIL, it is normally the land owner and not the developer who makes a reduced profit from planning contributions or facilities to be provided.

Some comments related to that the money should be raised via stamp duty or a development tax. This is a decision to be made by Government, who have decided to introduce the Community infrastructure levy, and is therefore beyond local authority control.

The issue of the money being spent where it was raised also came up. Where development is to be focused in the district is dealt with under the settlement strategy. This proposes that a hierarchy is established and that outside of these settlements, development will not be encouraged. Therefore, the majority of money / facilities generated will be spent within the areas that it is raised. However, it is acknowledged that smaller settlements may need some infrastructure investment, therefore the policy can be written to have some flexibility in it. That way, if as part of the SPD that a particular settlement is highlighted as having a need in a particular area, that the collective funds can be used to remedy the need.

As for who determines the priorities, this will be done in consultation with key stakeholders including parish councils, at a strategic level as part of the preferred options and in detail in the Planning Obligations SPD, where specific projects will need to be identified.

The proposed CIL is proposing to remove the connection of the money having to be spent on a project directly relevant to the development, therefore the money can be pooled for projects that under the current system could not be used, for example towards improvements to the river system.

## **Implications on a district-wide, a wider area and the six community areas**

The tariff system would have to apply on a district wide basis. However there may be different tariff requirements in the different community areas. This work will be done at the later stage of the planning obligations supplementary planning document (SPD).

The core strategy will need to have a district wide policy on the community kitty with a shopping list of the topics that may require contributions or facilities provided, with the detailed work of how it will work, where the areas of need are and how the tariffs are calculated in the SPD.

With the move towards the one council for Wiltshire, there may be sense in joining up this important SPD with neighbouring authorities, so that a consistent, county wide approach is pursued.

## **Follow-up work required as result of consultation**

Will need to keep up to date with any new government advice or legislation on planning obligations/ tariffs, to ensure any policies are in line with the most recent guidance.

## **THE IDENTIFICATION OF PREFERRED OPTIONS FOR THIS TOPIC AREA**

- 1) Policy to establish a community kitty
- 2) Community kitty should be targeted predominantly in the main settlements but with flexibility to be used elsewhere.
- 3) List of topics that the kitty / tariff could apply to
  - Affordable housing
  - Education
  - Community facilities, meeting places (community halls)
  - Health services
  - Recreation provision, including public open space, play and sports provision
  - Allotments
  - Highway infrastructure
  - Pedestrian, cycleway and public transport initiatives
  - Nature conservation, wildlife and biodiversity improvement and mitigation measures
  - Town centre improvements

CCTV and security measures  
Library, museum and theatre funding  
Public art  
Public realm  
Local labour and training initiatives  
Flood risk management schemes  
Waste management  
Community waste and energy projects  
Tourism  
Cemeteries

Are there any other areas / issues specific to Salisbury that we should seek to collect contributions for? Can you provide / signpost us to the evidence to back up this need?

- 4) What should the threshold be for tariffs be? Single (additional) dwellings? Any increase in floorspace (retail and employment land) ?

Preferred Option from Stakeholder feedback	Sustainability Appraisal*	Alignment with national and regional policy**	Deliverability***	Other and action****
Policy to establish a community kitty	<p>Positive</p> <p>In accordance with the SA objectives 1,2,3,4,5,6,10,13,14,15,16,18,19, 23</p>	<p>In accordance with PPS1 delivering sustainable development.</p> <p>In accordance with the principles in the planning bill of the Community Infrastructure Levy</p> <p>In accordance with RSS policy D, SD4</p>	Yes – other authorities are already using this approach	Policy to establish a community kitty
Community kitty should be targeted predominantly in the main settlements but with flexibility to be used elsewhere.	<p>Positive</p> <p>In accordance with the SA objectives 1,2,3,4,5,6,10,13,14,15,16,18,19, 23</p>	<p>In accordance with PPS1 delivering sustainable development.</p> <p>In accordance with the principles in the planning bill of the Community Infrastructure Levy</p> <p>In accordance with RSS policy D, SD4</p>	Yes – other authorities are already using this approach	Community kitty should be targeted predominantly in the main settlements but with flexibility to be used elsewhere.
List of topics that the kitty / tariff could apply to Affordable housing	<p>Positive</p> <p>In accordance with the SA</p>	In accordance with PPS1 delivering sustainable	Yes – other authorities are already using this approach	List of topics that the kitty / tariff could apply to Affordable housing

<p>Education Community facilities, meeting places (community halls) Health services Recreation provision, including public open space, play and sports provision Allotments Highway infrastructure Pedestrian, cycleway and public transport initiatives Nature conservation, wildlife and biodiversity improvement and mitigation measures Town centre improvements CCTV and security measures Library, museum and theatre funding Public art Public realm Local labour and training initiatives Flood risk management schemes Waste management Community waste and energy projects Tourism</p>	<p>objectives 1,2,3,4,5,6,10,13,14,15,16,18,19, 23 and RSS</p>	<p>development.  In accordance with the principles in the planning bill of the Community Infrastructure Levy  In accordance with RSS policy D, SD4</p>		<p>Education Community facilities, meeting places (community halls) Health services Recreation provision, including public open space, plays and sports provision Allotments Highway infrastructure Pedestrian, cycleway and public transport initiatives Nature conservation, wildlife and biodiversity improvement and mitigation measures Town centre improvements CCTV and security measures Library, museum and theatre funding Public art Public realm Local labour and training initiatives Flood risk management schemes Waste management Community waste and energy projects Tourism</p>
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<p><b>Cemeteries</b> Are there any other areas / issues specific to Salisbury that we should seek to collect contributions for? Can you provide / signpost us to the evidence to back up this need?</p>				<p><b>Cemeteries</b> Are there any other areas / issues specific to Salisbury that we should seek to collect contributions for? Can you provide / signpost us to the evidence to back up this need?</p>
<p>What should the threshold be for tariffs be? Single (additional) dwellings? Any increase in floorspace (retail and employment land) ?</p>	<p>Positive  In accordance with the SA objectives 1,2,3,4,5,6,10,13,14,15,16,18,19, 23</p>	<p>In accordance with PPS1 delivering sustainable development.  In accordance with the principles in the planning bill of the Community Infrastructure Levy  In accordance with RSS policy D, SD4</p>	<p>Yes – other authorities are already using this approach (Windsor and maidenhead)</p>	<p>Question in the preferred options on what level the threshold should be</p>

***\*With the Sustainability Appraisal rank from Positive, neutral or negative***

***\*\* does it accord with strategic policy say yes or no***

***\*\*\* Is it a realistic goal?***

***\*\*\*\* Any other influencing factors and given the assessment should it be pursued as a preferred option***