Working towards a Core Strategy for Wiltshire

Draft topic paper 9: Planning obligations

Wiltshire Core Strategy Consultation June 2011
Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as large print and audio. Please contact the council on 0300 456 0100, by textphone on 01225 712500 or by email on customerservices@wiltshire.gov.uk.
Draft Topic Paper 9

Planning Obligations

June 2011
Executive summary

This document is one of a series of draft topic papers to support the Wiltshire Core Strategy Consultation Document, which is out for a full public consultation between 13 June and 8 August, 2011. The draft topic papers will undergo revision before the publication of the submission draft Wiltshire Core Strategy, which will be the subject of a further public consultation towards the end of 2011.

Topic Paper 9 – Planning Obligations summarises the council’s approach to securing developer contributions through planning obligations (Section 106 agreements) and the Community Infrastructure Levy (CIL). This topic paper should be read in conjunction with Topic Paper 12 – Infrastructure.

Infrastructure planning is a critical part of the preparation of the Core Strategy and is deeply embedded in the central vision and strategic objectives. The funding of the necessary infrastructure is important in showing that the development proposed in the Wiltshire Core Strategy is deliverable. An important funding stream for infrastructure is developer contributions, which is based on the principle that development should contribute towards the cost the infrastructure necessary to support it and create a sustainable community.

The council needs to have robust mechanisms in place to secure funding from developers towards the cost of infrastructure. These mechanisms must be supported by a comprehensive infrastructure planning evidence base, which shows what infrastructure is needed, how much it costs, how it will be funded, and when and how it will be delivered. Presently, the council uses Section 106 agreements to negotiate developer contributions towards infrastructure from each separate development. The intention of Section 106 agreements is to ‘make acceptable development which would otherwise be unacceptable in planning terms’.

However, the introduction of CIL, a new charge on development, is based on the principle of providing infrastructure to support development. In other words, it is a system of pooled contributions that can be spent on infrastructure across a wider area, whereas Section 106 contributions will in future be limited to site specific infrastructure and affordable housing. In time, the current use of Section 106 agreements to collect pooled contributions will be limited because CIL is the Government’s preferred mechanism in this regard.

The development of the council’s approach to securing developer contributions will involve partnership working with other service providers and stakeholders in the development of a CIL Charging Schedule or guidance on the council’s approach to Section 106 agreements. A charging schedule and an Infrastructure Delivery Plan will be influenced by and, in turn, facilitate the delivery of a range of other plans and strategies, such as the Wiltshire Council Corporate Plan, the Wiltshire Community Plan and the Wiltshire Local Investment Plan (LIP).

The charging schedule will set out the rate(s) of CIL to be applied across Wiltshire but, in order to charge CIL, there will need to be an up-to-date development plan, a viability assessment and an infrastructure planning evidence base. The charging schedule will be subject to public consultations and examination, similar to a development plan document (DPD) like a core strategy.

Core Policy 3 of the Wiltshire Core Strategy sets out the council’s approach to securing developer contributions through both Section 106 agreements and CIL.

The next step in developing the council’s approach to securing developer contributions will be to develop the infrastructure planning evidence base, through preparing an IDP, undertaking a viability assessment and consulting on the Wiltshire Core Strategy. There will also be interim guidance on existing planning obligations policies and preparation of a CIL Charging Schedule. Further down the line, there may be more detailed guidance on developer contributions, possibly in the shape of a supplementary planning document (SPD).
Table of contents

Executive summary

Main chapters

Chapter 1: Introduction p.1
Chapter 2: What are the national, regional and local policy requirements? p.4
Chapter 3: How will we work in partnership with others? p.8
Chapter 4: What are the links with other plans and strategies? p.11
Chapter 5: What can we learn from experiences elsewhere? p.16
Chapter 6: What is the Community infrastructure levy (CIL) p.18
Chapter 7: What are the community's aspirations? p.23
Chapter 8: What are the policy options? p.26
Chapter 9: What are the next steps p.39
Glossary p.40
1. Introduction

Overview

1.1 This chapter provides a brief background and explanation of planning obligations, before summarising their importance in delivering the Wiltshire Core Strategy. Cross-linkages with other topic papers are covered before the chapter concludes with an outline of the structure of this topic paper.

Importance of planning obligations

1.2 In 2007/2008, the total value of planning obligations in England was estimated at around £5bn.

1.3 Local Planning Authority approaches to coordinating planning obligations fall into three main categories:

- Preparation and implementation of Supplementary Planning Documents and Guidance
- Case-by-case negotiation
- Fixed tariff systems, such as in the case of Milton Keynes or the Community Infrastructure Levy

1.4 Planning Obligations will play a key role in delivering the proposed new Wiltshire Community Plan, which will help to prioritise funding streams, including the revenue necessary to deliver future housing and economic development.

1.5 In the last 10 years alone, it is estimated that there have been between 800 and 900 Section 106 agreements across Wiltshire.

Definition

1.6 Planning obligations are legal agreements negotiated between local authorities and developers in relation to applications for planning permission. They are intended to 'make acceptable development which would otherwise be unacceptable in planning terms'. Planning obligations can either be a planning agreement between the local authority and a developer/landowner with a legal interest in land associated with a development proposal, or a unilateral undertaking made independently by a developer.

1.7 Obligations can take the form of direct provision of infrastructure, land or buildings by a developer, such as the construction of a school, a road, or a play facility as part of a development. They can also involve a financial contribution to the local authority for a specific purpose, such as the expansion of an existing school or public art. Planning obligations could also be used to shape the development, such as requiring a certain percentage of affordable homes within the development, or stipulating specific management arrangements for on-site facilities.

1.8 National and local planning policies, along with other material considerations, help to determine what planning obligations are sought in relation to a particular development. This occurs when whatever is necessary to make the development acceptable in planning terms cannot be achieved by other means, such as planning conditions.

---

1 Crook, Tony, *Incidence, Value and Delivery of Planning Obligations* (March, 2010), a presentation based on a CLG funded research project involving researchers from Cambridge and Sheffield Universities.
Legal basis

1.9 Section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991 and amended by the CIL Regulations 2010) provides the legal basis for planning obligations.

Planning conditions

1.10 Planning conditions or planning obligations can often both be used to ensure that a development is acceptable in planning terms. In such situations, planning conditions are preferable in terms of time and costs because they:

- Do not need a legal agreement
- Have an immediate right of appeal for applicants, and
- Are simple to enforce.

1.11 When the delivery of on-site infrastructure is necessary to make the development acceptable in planning terms, conditions are more likely to be possible. In any case, duplication should be avoided.

Core Strategy vision and objectives

1.12 The delivery and funding of infrastructure is central to the Wiltshire Core Strategy and, as such, assumes a central position within the Spatial Vision for Wiltshire, which states that future development will be ‘supported by the necessary infrastructure’\(^2\). Individual visions for each of the community areas form part of the spatial strategies for these areas and the specific infrastructure requirements for, including those for any allocated strategic sites, are listed in the Wiltshire Core Strategy Consultation Document and covered in Chapter 6 of Topic Paper 12 – Infrastructure.

1.13 The delivery of the necessary infrastructure to support new development is so important that it is one of the key strategic objectives of the Wiltshire Core Strategy. Strategic Objective 9 aims to ensure that the appropriate infrastructure is in place to contribute towards sustainable communities. In relation to the funding of infrastructure, Strategic Objective 9 states that ‘the strategy will need to ensure that infrastructure requirements are appropriately secured and implemented’\(^3\). One of the key outcomes of Strategic Objective 9 is that ‘appropriate contributions will have been secured from developers towards the cost of new and improved infrastructure’\(^4\).

Cross-linkages

1.14 There will eventually be 19 topic papers that will form part of the evidence base to support the emerging Wiltshire Core Strategy. These topic papers have been produced in order to present a coordinated view of some of the main evidence that has been considered in drafting the Core Strategy.

1.15 The main cross-linkage is Topic Paper 12 – Infrastructure, which should be read in conjunction with this topic paper. There is also an important cross-linkage with the South Wiltshire Core Strategy, which is supported by Topic Paper 11 – Planning Obligations. However, the wide scope of infrastructure means that some types are covered in other topic papers, as follows:

- Transport (Topic Paper 11 - Transport)

---

4 As above.
1.16 However, in developing the council’s approach to securing developer contributions, through Section 106 agreements and the Community Infrastructure Levy (CIL), there will need to be partnership working with the owners of these other topic papers to ensure that any information about the potential for developer contributions to particular types of infrastructure feeds into the process.

Structure of this topic paper

1.17 *Table 1.1* summarises the organisation of the main chapters in this topic paper.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>What are the national, regional and local policy requirements?</td>
<td>A summary of national, regional and local policies relating to planning obligations.</td>
</tr>
<tr>
<td>3</td>
<td>How will we work in partnership with others?</td>
<td>The key deliverables of the council’s approach to securing developer contributions and how this will involve working with others</td>
</tr>
<tr>
<td>4</td>
<td>What are the links with other plans and strategies?</td>
<td>A survey of related plans and strategies and the role of the IDP, which will act as a basis for securing developer contributions, in relation to all of these documents.</td>
</tr>
<tr>
<td>5</td>
<td>What can we learn from infrastructure planning elsewhere?</td>
<td>An examination of best practice examples from other local authorities and lessons learnt.</td>
</tr>
<tr>
<td>6</td>
<td>The Community Infrastructure Levy (CIL)</td>
<td>An overview of the Community Infrastructure Levy (CIL), including how to develop the charging schedule, set a rate(s) of CIL, how it will apply in practice and its relationship with Section 106 agreements.</td>
</tr>
<tr>
<td>7</td>
<td>What are the community’s aspirations?</td>
<td>An summary of community aspirations with relation to securing developer contributions for their Community Areas.</td>
</tr>
<tr>
<td>8</td>
<td>What are the policy options?</td>
<td>The emergence of policy options for inclusion in the Wiltshire Core Strategy designed to address the issues identified through progressing the council’s approach to securing developer contributions.</td>
</tr>
</tbody>
</table>
2. What are the national, regional and local policy requirements?

Overview

2.1 The Core Strategy will guide development in Wiltshire for the next 15 to 20 years but it must be in conformity with a broad framework of national policies. This chapter will identify what the national policies relevant to the topic area tell us we 'have' to do. It will also summarise the regional and local policies that are currently in place.

National planning policy

2.2 The basis for a planning agreement or unilateral undertaking is that it should 'make acceptable development which would otherwise be unacceptable in planning terms'. In some cases, this may be achieved by the use of one or more planning conditions and, in such cases the use of planning conditions is preferable.

2.3 National Policy in relation to Planning Obligations is set out in Circular 05/2005 and the basic principles for their use stated in Planning Policy Statement 1. Planning obligations can be used to:

- Prescribe the nature of development to achieve planning objectives
- Mitigate the impact of a development
- Compensate for loss or damage caused by a development

2.4 However, the Community Infrastructure Levy (CIL), which came into force in April 2010, narrowed the scope of Section 106 agreements down to the provision of on-site infrastructure and affordable housing, while the rest of the benefits from development will be paid for through CIL.

2.5 From 6 April 2010, it has been unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether CIL is in operation or not, if the obligation does not meet all of the following tests:

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

2.6 ODPM Circular 05/2005 had already set out these requirements as policy tests and also stated that a planning obligation must be relevant to planning and reasonable in all other respects. The CIL Regulations made it a legal requirement to meet these three tests.

2.7 On the local adoption of CIL or nationally after a transitional period of four years (6 April 2014), the regulations restrict the local use of planning obligations for pooled contributions towards items that may be funded via the levy. CIL is the government's preferred vehicle for the collection of pooled contributions.

2.8 However, where an item of infrastructure is not locally intended to be funded by the levy, pooled planning obligation contributions may be sought from no more than five developments to maintain the flexibility of planning obligations to mitigate the cumulative impacts of a small number of developments.

2.9 For provision that is not capable of being funded by the levy, such as affordable housing, local planning authorities are not restricted in terms of the numbers of obligations that may be pooled.
Strategic planning policy

2.10 The Wiltshire and Swindon Structure Plan 2016 provides the strategic level planning policy for the Wiltshire and Swindon local authority areas. Policy DP2 sets out the overarching strategic approach to infrastructure delivery and the broad policy basis for section 106 planning obligations. The policy requires infrastructure to be provided in order for development to proceed and allows for planning conditions and/or obligations to be used to ensure that this happens.

Local planning policy

2.11 The following section summarises the existing policy background present in the four district local plans in Wiltshire. These were adopted prior to Wiltshire becoming a unitary authority and remain the valid local development plans for their respective areas until such time as they are replaced by new policies within emerging development plan documents (DPD), such as the Wiltshire Core Strategy. Attention has been concentrated on the core policies relating to infrastructure. Other local plan policies, such as those concerned with the provision of green infrastructure and transport infrastructure, are covered in the relevant draft topic papers.

2.12 The extant local plans are listed in Table 2.1 below.

<table>
<thead>
<tr>
<th>Local plan</th>
<th>Adoption date</th>
<th>Area covered</th>
<th>Community areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Wiltshire Local Plan 2011</td>
<td>June 2006</td>
<td>North Wiltshire</td>
<td>Chippenham, Calne, Corsham, Malmesbury and Wootton Bassett &amp; Cricklade</td>
</tr>
<tr>
<td>Kennet Local Plan 2011</td>
<td>June 2003</td>
<td>East Wiltshire</td>
<td>Devizes, Marlborough, Pewsey and Tidworth</td>
</tr>
<tr>
<td>Salisbury District Local Plan 2011</td>
<td>June 2004</td>
<td>South Wiltshire</td>
<td>Salisbury, Amesbury, Southern Wiltshire and South West Wiltshire</td>
</tr>
<tr>
<td>West Wiltshire District Plan 1st Alteration</td>
<td>June 2004</td>
<td>West Wiltshire</td>
<td>Trowbridge, Bradford on Avon, Melksham, Warminster and Westbury</td>
</tr>
</tbody>
</table>

Table 2.1 - The extant local development plans for Wiltshire

2.13 Looking through the existing saved local plans for Wiltshire, it is possible to detect certain policy themes. Broadly, infrastructure policy falls into the following categories, as set out in Table 2.2.

<table>
<thead>
<tr>
<th>Policy category</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Generic prohibitory</strong></td>
<td>A general infrastructure policy aimed at preventing overload of existing infrastructure</td>
</tr>
<tr>
<td><strong>Generic enabling</strong></td>
<td>A general policy explaining the approach of the LPA and including provision for developer contributions</td>
</tr>
<tr>
<td><strong>Site specific and spatial</strong></td>
<td>Highlights key infrastructure issues relating to allocated sites and funding</td>
</tr>
<tr>
<td><strong>Thematic and spatial</strong></td>
<td>Deals with subject areas (such as water) where these are deemed to be especially important within the district.</td>
</tr>
<tr>
<td><strong>Thematic Regulatory</strong></td>
<td>Deals with infrastructure by topic and regulates infrastructure development, the aim being to prevent provision of infrastructure itself having a negative effect.</td>
</tr>
</tbody>
</table>

Table 2.2 - Infrastructure policy themes in Wiltshire's extant local development plans

5 Whether in an additional document or the local plan itself.
Only generic enabling policies will be discussed in this topic paper. The other types of infrastructure policies are covered in *Topic Paper 12 – Infrastructure*.

**Generic enabling**

This group of policies are essentially positive in nature and provide a policy basis for providing and funding new infrastructure where this may be needed. They tend to be rather general in scope and this has drawn some criticism from development management teams.

For example, Policy C2 of the North Wiltshire Local Plan:

```
Policy C2 COMMUNITY INFRASTRUCTURE CORE POLICY

‘Provision for the directly related community infrastructure costs of all major development proposals, appropriate to the scale of that development, will be sought. The local planning authority will examine each major development proposal for its need to contribute to the following community infrastructure requirements and negotiate to secure planning obligations or by means of other appropriate methods to secure the requirements identified. The community infrastructure requirements are:

- Affordable housing
- Education, skill training provision, and libraries
- Travel and transport infrastructure
- Community buildings and facilities
- Health care provision and social services
- New or improved public open spaces
- Leisure, sport and recreation provision
- Waste management and recycling
- Environmental protection and enhancement
- Information Communication Technology infrastructure
- Art in the community.
```

Development Management planners find that Policy C2, which provides the basis for the council to seek developer contributions towards community infrastructure, lacks substance and acknowledgement of the scope of negotiations on viability grounds. They are of the opinion that it lacks depth and fails at a very fundamental level to meet national guidance. Their suggestion is that any future replacement must ensure there is a sufficient evidence base to justify the community infrastructure being sought.

See also, Policy G9 of the Salisbury District Local Plan:

```
‘Where as a direct consequence of a proposed development, additional infrastructure or facilities are required within a development site, the Local Planning Authority will seek to negotiate with the developer to secure an appropriate level of provision. Equally, contributions towards off-site infrastructure, education provision and other facilities, or measures to assist public transport, cyclists or pedestrians will also be sought where needed. Planning permission will be refused for any proposal that does not make satisfactory provision for infrastructure or facilities which are directly required and necessary for the development to go ahead. ‘
```

Development Management planners find that Policy G9 is too woolly and they would welcome a detailed tariff-based policy.

In the West Wiltshire District Plan, 1st Alteration (2004), the equivalent is Policy I1:
‘In housing, commercial and industrial developments the District Council will, where appropriate, enter into legal agreements with developers under Section 106 of the Town and Country Planning Act 1990 to provide for new infrastructure, social, recreational and community facilities, where the need for these arises directly from the development concerned. Provision should be commensurate with the scale and nature of the individual development. Provision may be on-site or contributions may be made to the provision of facilities elsewhere in the locality provided their location adequately relates to the development site.’

2.21 Development Management planners find that Policy I1, which provides clear authority for the council to enter into section 106 agreements with developers, particularly useful over the years.

2.22 Kennet Local Plan is alone in not having a specific planning obligations or contributions policy, although support text at paragraphs 1.42ff indicates a general policy approach, the aim of which is mitigation of negative effects.

**Supplementary planning documents**

2.20 In support of the above policies, there are a number of supplementary planning documents (SPDs) on specific types of planning obligation. The following is a list of those that have been adopted:

- North Wiltshire Local Plan
  - North Wiltshire Open Space Study (2004)
  - Affordable Housing SPD (2008)
- Kennet Local Plan
  - Community Benefits from Planning (2005)
- Salisbury District Plan
  - Affordable Housing SPG (2004)
- West Wiltshire District Plan
  - Affordable Housing SPG (2005)
3. How will we work in partnership with others?

Overview

3.1 Core Policy 3 will be subject to a public consultation between June and August, 2011, as part of the Wiltshire Core Strategy Consultation Document. There will be a further public consultation on a submission draft Wiltshire Core Strategy towards the end of 2011. However, other elements of the work on planning obligations (Section 106 agreements) and the Community Infrastructure Levy (CIL) will also involve working with internal and external partners, as well as further public consultation. This chapter outlines some of the main pieces of work and highlights how we will work with others in their development.

Interim guidance on section 106 policy

3.2 Different policies within the four extant local plans for the former district council areas mean that the council’s approach to planning obligations varies between Development Management hubs.

3.3 Policies in the emerging Wiltshire Core Strategy will, in time, replace those within the local plans. However, the Core Strategy is not timetabled for adoption until autumn 2012. The prospect of radical reform of the planning system through the Localism white paper may further delay this process. Until new policy is in place, there is a need to develop an interim guidance document to coordinate how the council engages with developers and local communities over priority setting and negotiating contributions to deliver benefits.

3.4 Therefore, work is underway to develop interim guidance on section 106 policies, which would lead to a consistent and effective policy towards section 106 obligations across the council to achieve the best outcomes for services and local communities during this period of uncertainty within policy. The aim is to bridge the gap between ‘saved policies’ in the extant local plans and emerging policies in the Wiltshire Core Strategy. The alternative is to continue to use existing policy in an ad hoc way without the support of a comprehensive document that provides a clear framework to guide decision making and a protocol for handling the procedural aspects of planning obligations.

3.5 The interim planning guidance will set out the full scope of provisions that could potentially be secured through section 106 obligations and establish a protocol covering pre-application, application and project implementation stages. It would provide a basis for individually assessing the precise obligations required in association with specific developments. In the case of competing needs, this would involve an appraisal of relative priorities and scheme viability. The aim would be to ensure that section 106 obligations are used consistently and effectively across the council to deliver sustainable development in line with corporate and community objectives.

How will we work with others?

3.6 There are three main stages in the preparation of the interim planning guidance:

1. Preparation of a draft document (CURRENT)
   - Draft document being prepared by Spatial Planning and Development Management
   - Internal consultation on draft document with relevant council services, e.g. education, transport, open space etc.
   - Report to council’s Capital Assets Committee before the Cabinet takes a formal decision to consult publicly on the draft document

2. Consultation on the draft document
• Public consultation for a minimum of six weeks
• Consultees to include external infrastructure service providers, landowners and developers, statutory consultees and others, such as town and parish councils and the general public.

3. Preparation of a final document
• Consultation responses processed, analysed and summarised
• Revision of draft document in light of consultation responses
• Report to council’s Capital Assets Committee before the Cabinet takes a formal decision to adopt the interim planning guidance

Community Infrastructure Levy (CIL) charging schedule

3.7 The Wiltshire Core Strategy is in preparation, with adoption estimated to take place at the beginning of 2012. The infrastructure planning process, which will inform the Wiltshire Core Strategy, will ensure that we have sufficient, robust evidence to support a policy position on negotiating developer contributions.

3.8 The key deliverables from this process will be:

- **The Infrastructure Delivery Plan** (to be adopted alongside the Core Strategy) - setting out what infrastructure will be required to deliver the proposed development across the plan area; how much it will cost; and who will foot the bill.

- **A Charging Schedule** (can only be adopted once Core Strategy is in place) - designed to explain how the council intends to implement and administer a tariff scheme for all new development (at this stage referred to as Community Infrastructure Levy (CIL)).

3.9 In order for the authority to ask for CIL contributions, a Charging Schedule would need to be adopted. This can be a lengthy and rigorous process, requiring a level of consultation and public examination equivalent to a development plan document, such as the Core Strategy.

3.10 The Charging Schedule would set out a rate of CIL contribution (essentially a tariff system, with a cost for each type of infrastructure per development unit, either number of dwellings or extra floorspace), which would need to be based on an up-to-date development plan (i.e. the Core Strategy) and an Infrastructure Delivery Plan and be subject to an intensive financial viability assessment.

3.11 Wiltshire Council could consider the potential to hold a concurrent examination for a Charging Schedule alongside the Core Strategy examination. However, the risk could mean further delay in moving towards the adoption of an up to date development plan for Wiltshire. Instead the current programme envisages that we will take a Charging Schedule to examination as close as possible following receipt of the Inspectors Report on the Core Strategy.

How will we work with others?

3.12 The process for developing a CIL Charging Schedule is as follows:

1. **Preparing the Infrastructure Delivery Plan (CURRENT)**
   - Consult with infrastructure service providers and other stakeholders on infrastructure required to deliver development proposed in Wiltshire Core Strategy (including information on need, cost, delivery, funding etc.)
2. **Undertake a study of the effect of CIL on development viability**
   - Assessment of the effect of different rates of CIL on development viability

3. **Public consultation on a preliminary draft CIL charging schedule**
   - Propose rate(s) of CIL to be charged on development in Wiltshire

4. **Public consultation on a draft CIL charging schedule**
   - Formal publication of CIL charging schedule prior to submission of document to Secretary of State

5. **Public examination of the draft CIL charging schedule**
   - Public examination of the draft CIL charging schedule by an ‘independent examiner’, similar to a development plan document (DPD), such as the Core Strategy.

3.13 For further details on CIL, see Chapter 6 of this topic paper.

**Developer contributions supplementary planning document**

3.14 It is likely that there will be a future supplementary planning document (SPD) that will expand upon Core Policy 3 of the Wiltshire Core Strategy. The timetable for this is unconfirmed at present but the process will involve public consultation.
4. What are the links with other plans and strategies?

Overview

4.1 As a key part of the Local Development Framework (LDF), a suite of documents that act together to guide development in the county, the Wiltshire Core Strategy places strong emphasis upon ensuring that the funding is in place to demonstrate that essential infrastructure can be delivered as required by Core Policy 3. This policy is further supported by the Infrastructure Delivery Plan (IDP), which will be published to accompany the draft Wiltshire Core Strategy. The IDP will set out:

- What infrastructure is needed;
- How much it will cost;
- When it will be delivered
- Who will pay for it, and
- Who will deliver it.

4.2 This chapter summarises how the IDP is influenced by and, in turn, facilitates the delivery of a number of other strategies and plans across Wiltshire. The funding of infrastructure, whether by developer contributions or other funding streams, is crucial to achieving many of the aims and objectives of these other strategies.

Wiltshire Council Corporate Plan

4.3 The Wiltshire Council Corporate Plan sets out the priorities and outcomes for the county over the next four years (2010 - 2014). The plan identifies a vision to create stronger and more resilient communities. The expectation is that strong and resilient communities will improve the general quality of life and reduce reliance upon public services. The goals of the plan are to:

- Provide high quality, low cost customer focused services
- Ensure local, open and honest decision making
- Work together to support our communities

4.4 The priorities for the next four years are:

- Focus on our customers and improve access to our services
- Work in partnership to support vulnerable individuals and families
- Local, open, honest decision making
- Increase opportunities to help young people achieve their potential
- Support the local economy
- Meet housing needs
- Improve our roads and road safety
- Reduce our environmental impact
- Achieve savings, be more efficient and ensure we deliver value for money

Wiltshire Community Plan 2011 - 2026

4.5 The Wiltshire Community Plan 2011 - 2026: People, places and promises, published in October 2010, sets a clear vision for Wiltshire, alongside the priorities and objectives for the next 15 years. This outlines the overall strategic direction and long-term vision for the economic, social and environmental well-being of Wiltshire.

4.6 The LDF, which includes the Wiltshire Core Strategy and the IDP, needs to be consistent with the community plan and define how development can assist in its implementation.

4.7 The Community Plan sets out a number of distinct challenges that Wiltshire faces, including:
• Pockets of ‘hidden’ deprivation in towns and across rural areas
• Lower workplace earnings and higher house prices
• Highest CO₂ emissions and lowest level of renewable electricity and heat production of any county in the South West
• Increasing elderly population
• Loss of experience and skills in the labour market due to high levels of outcommuting and the numbers of people retiring
• Health inequalities and ill health in disadvantaged areas and too many deaths from cardiovascular disease and cancer
• An educational gap in attainment and lower aspirations of some young people
• Generally low satisfaction levels with public services

4.8 The vision, echoing the Wiltshire Council Corporate Plan, is to build stronger and more resilient communities and, central to this vision, is greater localism. This ties in with the Government’s Localism agenda and the forthcoming Localism Act, which has a number of implications for the local planning process, including infrastructure and developer contributions.

4.9 Following on from the vision, the Community Plan identifies three priorities and 17 objectives:

• Creating an economy that is fit for the future:
  o Strengthen IT connectivity to become a more digitally inclusive county
  o Respond to the UK’s financial difficulties to minimise the long-term impact on the county
  o Ensure the establishment of the super garrison on Salisbury Plain brings positive benefits to the community
  o Use the LDF process to arrive at the best pattern of new development
  o Ensure the Wiltshire workforce is ready for changing economic demands
• Reducing disadvantage and inequalities:
  o Ensure Wiltshire is able to meet the needs of its rapidly growing older population
  o Address the lack of affordable housing
  o Focus on the barriers to everyone securing equal life chances
  o Encourage people to take more responsibility for their current and future health
  o Develop and support the Voluntary and Community Sector (VCS)
• Tackling the causes and effects of climate change:
  o Reduce CO₂ emissions
  o Increase number of renewable energy schemes
  o Provide a more sustainable transport system
  o Prepare for impacts of unavoidable climate change
  o Increase Wiltshire’s food security
  o Reduce amount of waste produced and increase amount recycled
• Other:
  o Promote greater public understanding of the difficult choices facing Wiltshire

4.10 Figure 4.1 shows how the Community Plan interacts with other plans and strategies to achieve the vision of building strong and resilient communities and deliver the above objectives.

4.11 The Local Agreement for Wiltshire (LAW), is the action plan that will outline how the above objectives will be progressed over the next three years. It is an agreement between organisations in Wiltshire, including one between Wiltshire Council and central government setting out targets for improvement that are important to both Wiltshire and central government. The LAW identifies seven aims:

• Building resilient communities
• Improving affordable housing
• Lives not services - improving independent living and helping people lead healthier lives
• Safer communities which also feel safe
• Supporting economic growth
4.12 Thematic plans, produced by the thematic delivery partnerships and/or services, will further detail their plans to achieve short and medium term targets. These include plans for economic development, children and young people, housing, community safety, and others.

4.13 The lead organisations that produce their own corporate plans, such as Wiltshire Council, Wiltshire Police and other infrastructure service providers, will identify how they, through service delivery, staffing, budget management and working in partnership, can contribute to the vision.

4.14 Community area partnerships, in consultation with the wider community, have agreed locally focused community plans.

**Wiltshire Local Investment Plan (LIP)**

4.15 The Infrastructure Delivery Plan also has a close working relationship with the Local Investment Plan (LIP), which is informed by the Single Conversation. The Single Conversation is a process the Homes and Communities Agency (HCA) has initiated to deliver the place making agenda across England. Through consultation with delivery partners it aims to reach consensus on key place based/thematic outcomes for Wiltshire including how they will be delivered.

4.16 The Single Conversation has informed the preparation of a LIP for Wiltshire. The LIP is an agreement between Wiltshire Council and the HCA, and will aim to articulate the shared priorities of all the local delivery partners covering housing, regeneration, economic development and associated community infrastructure. It should cover the approach for getting projects ready for investment and identify which require public investment to make them viable or come forward quickly.
4.17 Local investment plans collate a wide range of information and use this to inform investment decisions by local authorities, the HCA and other delivery partnerships. A key function of the LIP is to prioritise spending decisions in order to focus limited resources on achieving outcomes that would not progress without assistance.

4.18 The LIP, as part of the Single Conversation process, and the IDP, as part of the emerging Wiltshire Core Strategy, are closely linked and part of the same process. The IDP will detail the infrastructure required to support development proposed in the Core Strategy. It will also identify the phasing of infrastructure investment, setting out broadly what will be required, when it is needed, who will fund and deliver it and any gaps.

4.19 There will however be a number of projects to deliver shared local objectives which will be unviable in the short or longer term - where investment earmarked by statutory agencies, utility providers and other public sector bodies, coupled with any planning gain from the private sector will not fund the necessary infrastructure to enable the development to progress. It will not be possible to focus on all such projects at once and the Single Conversation, through the LIP, has a key role in prioritising which we focus on by reaching consensus on priority areas and thematic outcomes.

4.20 The first Wiltshire LIP, published in March, 2011, focuses on the three strategic priorities of the Community Plan; creating an economy that is fit for the future, reducing disadvantage and inequalities and tackling climate change. Local investment plans collate a wide range of information and use this to inform investment decisions by local authorities, the HCA and other delivery partnerships. A key function of the LIP is to prioritise spending decisions in order to focus limited resources on achieving outcomes that would not progress without assistance.

4.21 The Wiltshire LIP has been prepared by the council on behalf of the Wiltshire Infrastructure Delivery Board (WIDB), a sub-group of the Wiltshire Public Service Board (WPSB). The HCA, a member of the WIDBD, has informed its development at each stage. The LIP is regularly reviewed and is, in effect, a live document.

4.22 The Wiltshire Core Strategy and its accompanying Infrastructure Delivery Plan form a large part of the evidence base and, by doing so, ensure that the LIP has benefited from a considerable degree of community consultation and engagement.

Wiltshire Green Infrastructure Strategy

4.25 The Wiltshire Green Infrastructure Strategy, which is currently in preparation, will provide a long-term vision and strategic framework for the delivery of a planned, high quality, multi-functional network of green infrastructure across Wiltshire. It will provide the supporting evidence, to inform the Infrastructure Delivery Plan, of the type and distribution of green infrastructure required to enable urban growth as planned in the Wiltshire Core Strategy. The Wiltshire Green Infrastructure Strategy will identify needs and opportunities for protecting, enhancing and extending a green infrastructure network across Wiltshire. It will be integrated with the green infrastructure strategies of neighbouring authorities to form cross boundary partnerships and identify mechanisms for the delivery of strategic and local level projects.

Wiltshire Local Transport Plan (LTP)

4.26 The government's 1998 White Paper on Transport, A New Deal for Transport: Better for Everyone, introduced the concept of Local Transport Plans (LTP) to steer the development of national transport policies at the local level. The Transport Act 2000 then made it a statutory requirement for local transport authorities to produce LTPs.

4.27 The Wiltshire LTP sets out the council's objectives, implementation plans and targets for transport in Wiltshire but, as a strategic document, the LTP does not set out details of specific transport schemes. As a document developed through partnership working and extensive
consultation, the LTP also provides the framework for all other organisation with indirect or indirect involvement in transport in Wiltshire.

4.28 The vision of the Wiltshire Local Transport Plan 2011 - 2016 (LTP3), published in March 2011, is the development of a transport system that helps support economic growth across Wiltshire's communities, giving choice and opportunity for people to safely access essential services. The Infrastructure Delivery Plan will include details of any specific transport schemes necessary to deliver development proposed in the Wiltshire Core Strategy. Any such schemes will need to be in keeping with the overall strategic direction of the Wiltshire Local Transport Plan.

**Chippenham Vision**

4.29 Chippenham Vision includes representatives from many organisations with a role to play in defining the future of Chippenham, such as the Chippenham Community Area Board, the Town Council, the Chamber of Commerce, the Civic Society, North Wilts Economic Partnership and Wiltshire College. In 2008, they produced a document setting out the need for change to improve the town. This identified opportunities for improvement and priority areas for action. It describes how individual developments and projects affect and benefit the town and how they can be combined to deliver the Vision.

4.30 The Chippenham Vision document will inform the Wiltshire Core Strategy by helping to define the needs of the town for retail, employment, housing and leisure provision. The Board is focusing on a number of key themes; the public realm, business and employment, transport, leisure and tourism, education and skills, the river and the town centre. The Board is working on a masterplan, which is intended to guide future local decisions on development in the town.

**Transforming Trowbridge**

4.31 The aim of the Transforming Trowbridge project is to raise the profile of Trowbridge to a level deserving of the status of a county town with significant development potential from several major sites in the town centre. This will involve the need to move away from piecemeal, uncoordinated development towards a strategic and comprehensive approach to regeneration of the town.

**Salisbury Vision**

4.32 The Salisbury Vision project sets out a framework for co-ordinating and achieving the sustainable regeneration of five priority areas in the city:

- The Maltings and central car park
- Churchfields Industrial Estate
- Salisbury Guildhall
- The Market Place
- Southampton Road

4.33 Significant improvements will be made to streets and other public areas in the city through the development and implementation of a comprehensive public realm strategy.
5. What can we learn from experiences elsewhere?

Overview

5.1 It is important to consider how other local planning authorities have approached infrastructure planning and whether Wiltshire could benefit from adopting best practice elsewhere. One of the most striking things to emerge is the variability of approach and output. Although the IDP is the main policy tool for managing the delivery of infrastructure, it is not the only one available to an LPA. Some authorities have already progressed to more detailed policies, usually as SPDs, but sometimes as DPDs.

Swindon Borough Council

5.2 Swindon Borough Council has an advanced methodology for dealing with infrastructure. Particularly interesting is the means they have adopted to secure developer contributions.

5.3 Essentially Swindon supports their own development plan policy (such as DS8) with an SPD - their ‘Development Control Guidance Note’. In turn, the note is backed by an evidence base including calculations such as viability and affordable housing need. The SPD draws authority from the planning policy, but goes much further in setting out both a charging regime and in dealing with the vexed question of viability assessment.

5.4 Regarding the charging regime, this is based on calculations created by analysing the spending plans and costs of all service directorates as well as external infrastructure providers. The implications of the development for the spending of each provider are then quantified (for example in terms of school places). Although each application is dealt with on its merits, this does provide a base line assessment. So confident are Swindon of this system that they publish it on line as a ‘ready reckoner’ type of contribution calculator. Not only does this provide clarity for developers; it also creates a starting point for negotiations for the LPA.

5.5 Viability assessment is a growing problem for LPA’s nationally, not least due to recession which has increased the tendency for developers to plead poverty when it comes to contributing towards infrastructure. A new (2010) draft revision of the DC Guidance Note suggests two ways of dealing with this:

- the first method is to adopt a ‘line in the sand’ approach, which sets a minimum level of contributions for all developments, whether or not viability is an issue. This can be set at a minimal level but does at least ensure some contribution while not putting an undue burden on schemes sufficient to reduce their coming forward
- the second method is to insert ‘claw back’ clauses into S.106 agreements that provide for initially modest or zero contributions but make provision for later charges should the economic position improve. This can allow schemes to proceed where there are viability issues raised by a developer.

5.6 So far the Swindon system seems to be holding up well at appeal.

Chelmsford Borough Council

5.7 Chelmsford Borough Council adopted a Planning Contributions SPD on 7 April 2009. The SPD required all developments to make a reasonable financial contribution towards off-site community and strategic infrastructure, rather than just site-related infrastructure. The SPD was directly related to, and drew authority from existing DPDs.

5.8 Chelmsford’s principal goal was to identify what, where and when infrastructure was needed. Working with infrastructure providers, the council prepared detailed infrastructure trajectories
that aligned infrastructure with housing trajectories. Consultants defined geographic areas called contributions zones. These showed where infrastructure was needed most to support and deliver development. The approach provided a link between site specific proposals and infrastructure needed in the nearby area – a bone of contention with some developers who had objected to paying for infrastructure not directly related to their development. A charging schedule was then applied for each of the contributions zones.

5.9 Chelmsford found that the simplest way to calculate contribution charges was by a per dwelling basis for residential development and a net additional floor space for commercial development. The Council held workshops with developers and main service providers. There was a significant level of support for the principles during the first stage of formal consultation. However, there were objections to some specific details of the proposed approach.

5.10 After the first round of formal consultation, the planning team addressed the objections in a revised consultation draft document. For example, there had been some concern that the general approach did not comply with government guidance. The revised draft made it clear that the scope of the SPD would be within the existing legislative framework rather than the proposed community infrastructure levy regime.

5.11 As noted above, there had also been concern that strategic infrastructure was not directly related to development sites. The revised draft provided more detailed justification for the geographic contribution zones.
6. What is the Community Infrastructure Levy (CIL)

Overview

6.1 This chapter presents a summary of the new charge that local authorities can introduce on new development in their area; the Community Infrastructure Levy (CIL). It covers how local authorities can go about setting the rate(s) of CIL in their area, the procedure for doing so, how CIL will be applied in practice and, finally, clarifies the relationship between CIL and planning obligations.

What is the Community Infrastructure Levy?

6.2 On 6 April, 2010, the Community Infrastructure Levy (CIL) came into force in England and Wales. It can be used to raise money from new development to fund a wide range of infrastructure. CIL can be charged by ‘charging authorities’, such as district and unitary councils who prepare development plans for their area, which are informed by infrastructure needs assessments.

6.3 CIL has several benefits, including:

- it is a tariff-based system
- the rate of CIL is set in consultation with the community and developers
- there is more certainty about expected contributions and where these are spent
- smaller building projects are included so it addresses the cumulative impact of development.

6.4 Payment of CIL is based on the following principles:

- all development impacts upon, or benefits from, new infrastructure
- those that gain financially from being granted planning permission should share this gain with the community
- it helps fund infrastructure to support the development

6.5 It is estimated that CIL will raise £1bn a year by 2016. The idea is that CIL will fill funding gaps after existing funding streams are taken into account. There is also flexibility for local authorities to mix funding sources at a local level. CIL is intended to fund new infrastructure or increase the capacity/repair existing infrastructure. It is not intended to remedy pre-existing deficiencies, unless these are made more severe by the impact of new development. It is expected that the forthcoming Localism Act will make provisions for a ‘meaningful proportion’ of CIL monies to be given back to neighbourhoods for them to decide on what infrastructure it should be spent. There is an allowance of up to 5% to be spent on administration costs.

6.6 For a list of the types of infrastructure that CIL can be spent on, the starting place should be the wide definition of infrastructure in the Planning Act (2008). This includes transport, schools, health facilities, open space and flood defences. However, CIL is not meant to be spent on affordable housing. The Localism Act is also expected to clarify that CIL can be spent on the ongoing costs of providing infrastructure.

6.7 There is some flexibility in how the money can be spent. CIL can be spent outside the local authority area. For example, charging authorities may pass CIL money to outside bodies, such as the Environment Agency, to deliver infrastructure benefiting their area. They may also pool funds with other charging authorities to fund sub-regional infrastructure. CIL can be used to backfill early funding provided by another funding body. The regulations also allow the Secretary of State to direct charging authorities to ‘prudentially’ borrow against future income from CIL.
6.8 CIL spending must be monitored and reviewed. A short report for the previous financial year must be on the charging authority website by 31 December, either as part of the council’s Annual Monitoring Report (AMR) or as a separate document. The report needs to include the following pieces of information:

- how much CIL money has been received
- how much is unspent
- what infrastructure has been funded
- how much has been spent on each type of infrastructure
- how much has been spent on administration costs

What are charging schedules and how is the rate of CIL decided?

6.9 A charging schedule sets the rate(s) of CIL across a charging authority's area. This is a new document within the Local Development Framework (LDF) but is not part of the statutory development plan. An up-to-date development plan is needed to implement CIL but a draft plan is fine for a joint examination of a core strategy and a charging schedule.

6.10 The rate of CIL is decided using the infrastructure planning evidence base. This will indicate the funding gap between the total cost of the infrastructure needed to deliver development in the core strategy and the amount of already available funding. Some indicative infrastructure projects will also be identified. CIL may be spent on other infrastructure projects than those identified during the rate setting process, in order to provide flexibility.

6.11 Evidence of economic viability is very important to demonstrate at the examination of a charging schedule that the proposed rate of CIL balances the desirability of CIL funding against the economic viability of development. The expectation is that a limited number of sites are sampled in this process (potentially more if the intention is to set more than one rate of CIL) and to build upon earlier Strategic Housing Land Availability Assessment (SHLAA) work.

6.12 Charging authorities have the flexibility to set differential rates of CIL. However, these must be justified by the economic viability of development in different parts of the area. For example, a variation in land values between urban and rural areas, or different types of development in the area.

What is the policy process for setting the rate of CIL?

6.13 The process for preparing a charging schedule is similar to preparing a development plan document (DPD), such as a core strategy. There is provision for charging authorities to work together and prepare a joint charging schedule.

6.14 A specific level of public consultation is required on a charging schedule. Firstly, there must be an initial public consultation on a preliminary draft charging schedule. Then there must be a formal publication of a draft charging schedule for no less than a four week period of consultation. Anyone may request to be heard by the examiner (in public) during this period.

6.15 If a charging authority makes further changes to draft charging schedule after this formal publication period, any person may request to be heard by the examiner (in public) at examination during a further four week period but only on changes.

6.16 A charging schedule must be subject to a public examination by an ‘independent person’ appointed by the charging authority. The format of the examination is similar to that for DPDs. It is possible for a joint examination with a core strategy, or between collaborating charging authorities.

6.17 There are three potential outcomes of an examination into a charging schedule. These are:
• Approval
• Rejection
• Approval with specific modifications.

6.18 To be approved, the charging schedule must comply with regulations and the CIL rate must strike an appropriate balance given the evidence.

6.19 Changes expected in the Localism Act will limit the binding nature of the examiner’s report on charging authorities. Examiners will only be able to ensure councils do not set unreasonable charges. Councils are required to correct charges that examiners consider unreasonable but they have more discretion on how this is done.

6.20 Following the successful examination of a charging schedule, it must be formally approved by the Full Council of a charging authority. Certain errors may be corrected up until six months after approval but the charging schedule must then be republished.

6.21 Charging schedules should be kept under review. There is no fixed end date. Charging authorities may formally resolve to stop charging CIL at any time through a resolution of the Full Council.

How will CIL be applied in practice?

6.22 CIL will be applied to most buildings that people normally use but not those people would not normally go into or else use intermittently. Neither will it be applied to structures such as pylons and wind turbines, nor on changes of use that do not involve an increase in floor space.

6.23 CIL will be charged in pounds per square metre on the net additional increase in floor space of any given development. It will be charged on new developments of 100 square metres or more, or on any additional dwellings.

6.24 To respond to changing market conditions, charging authorities will be required to apply an annually updated index of inflation, which is the All-In Tender Price Index of construction costs published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors (RICS).

6.25 CIL will be charged on new builds permitted through all types of planning permission, which will identify the ‘chargeable development’ (i.e. the buildings liable for CIL) and the ‘relevant land’ (i.e. the land on which chargeable buildings will stand). CIL monies will usually be collected by a ‘CIL collecting authority’. Exceptions include county councils collecting CIL on behalf of district councils on development for which they give planning permission.

6.26 CIL is payable on commencement of development (the definition is the same as in planning legislation). The collecting authority will issue a liability notice when planning permission is granted. The liability notice must set out the following pieces of information:

• the amount of CIL due for payment when development commences
• the payment procedure
• the possible consequences of not following this procedure

6.27 If a charging authority wishes to set its own CIL payment deadlines and/or offer the option of paying by instalments, it must make the policy available on its website and in its principal offices. 28 days notice is required for any changes or withdrawal of the policy.

6.28 The landowner is primarily responsible for paying CIL. However, anyone can come forward and assume liability for paying CIL and must do so to benefit from payment windows (60 days) and the option to pay by instalments.
6.29 Charity and social housing development can benefit from 100% relief from CIL payments. Any relief must be repaid if development no longer qualifies within a seven year period after development commences. The charging authority’s relief policy must be published on their website.

6.30 There are exceptional circumstances in which a charging authority can offer relief from CIL payments, such as when a specific scheme cannot afford to pay. However, it must first give notice publicly of its intention to offer relief in such circumstances. Charging authorities can consider CIL relief claims on a case-by-case basis if a section 106 agreement is in place, the cost of complying with this is greater than the CIL charge (and paying the full charge would have an unacceptable impact on the development’s economic viability), and it does not constitute notifiable state aid.

6.31 If, for example, the most suitable land for infrastructure is within the ownership of the party liable for payment of CIL, then transfers of land are acceptable as a payment 'in-kind' for the whole or part of the CIL charge. However, this is only if the intention is to use the land for the provision of infrastructure to support development in a charging authority’s area. This must be agreed before development commences. An independent valuer will determine the ‘open market value’ to identify how much CIL is off-set. The timescales are the same as for cash payments.

6.32 There is a sliding scale of measures to enforce the payment of CIL, as follows:

- guidance information included with the initial liability notice
- proportionate enforcement measures, such as surcharges on late payments
- persistent non-compliance measures, such as CIL Stop Notices, asset seizure and prison sentences

What is the relationship between CIL and planning obligations?

6.33 CIL is intended to provide infrastructure to support development, whereas section 106 agreements are intended to make individual planning applications acceptable in planning terms. There is still a legitimate role for section 106 agreements as there may be some site-specific impact mitigation requirements, without which a development should not be granted planning permission. However, to ensure clarity and to avoid ‘double-charging’, CIL regulations place the following three limitations on section 106 planning obligations:

1. **Making the Circular 5/05 Planning Obligations tests statutory for development capable of being charged CIL**

6.34 From 6 April, 2010, unlawful for planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests:

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

6.35 For all other developments (i.e. those not capable of being charged the levy), the policy in Circular 5/05 will continue to apply.

2. **Ensuring the local use of CIL and planning obligations does not overlap**

6.36 Where a charging authority states that it intends to fund an item of infrastructure via CIL then that authority cannot seek a planning obligations contribution towards that same item of infrastructure.
6.37 Charging authorities must publish on their websites a list of infrastructure projects, or types of infrastructure, that it intends to be funded, wholly or in part, by CIL.

6.38 If a charging authority does not publish a list then this would be taken to mean that the authority was seeking to use CIL for any type of infrastructure capable of being funded by CIL. Consequently, that authority could not seek a planning obligations contribution towards any such infrastructure.

6.39 A charging authority can update its published list of infrastructure projects, or types of infrastructure, by simply amending the list on the website.

(3) **Limited pooled section 106 contributions towards infrastructure capable of being funded by CIL**

6.40 Upon local adoption of a CIL charging schedule, or nationally after 6 April, 2014, CIL regulations restrict the local use of planning obligations for pooled contributions towards infrastructure that is capable of being funded by CIL.

6.41 Pooled contributions may be sought from up to five separate planning obligations for an item of infrastructure that is not locally intended to be funded by CIL.

6.42 Limit of five applies as well to types of general infrastructure contributions, such as education and transport.

6.43 In assessing whether five separate planning obligations have already been entered into for a specific infrastructure project or type of infrastructure, local planning authorities must look over agreements that have been entered into since 6 April, 2010.

6.43 For infrastructure that is not capable of being funded by CIL, such as affordable housing, local planning authorities are not restricted in terms of obligations that may be pooled but must have regard to wider policies set out in Circular 5/05.
7. What are the community's aspirations?

Overview

7.1 The aspirations of the community have an integral role to play in informing the development of the Wiltshire Core Strategy. This chapter summarises those aspirations, which are gleaned from two main sources. First, an in-depth study of community plans in Wiltshire. Second, reviews of comments made during previous consultations on the Wiltshire Core Strategy and individual district council core strategies.

7.2 This chapter should be read in conjunction with Chapter 7 of Draft Topic Paper 12 – Infrastructure, which goes into more detail about the evidence base for this chapter with particular reference to community aspirations for the delivery of infrastructure in their areas. The following focuses on community aspirations in relation to securing developer contributions from new development.

Community plans

7.3 The study of community plans in Wiltshire looked at a total of 88 individual documents, including all 22 community area plans, 39 parish plans and 27 village design statements. This is likely to be most, if not all, of the electronically published data on community level plans in Wiltshire. It is known that a few more such documents are already in production but not yet published. However, the overall body of data is likely to be representative of community opinion, especially in the rural areas.

Core Strategy consultations

7.4 The former district councils of North Wiltshire, Kennet, Salisbury and West Wiltshire all undertook consultations on their individual core strategies. After Wiltshire became a unitary authority, in April, 2009, Salisbury continued its own core strategy process, later known as the South Wiltshire Core Strategy. This situation came about because of its more advanced status and the acute housing pressure facing the district. The other three district councils merged their core strategy processes, which became known as the Wiltshire Core Strategy. Both core strategies will be amalgamated at a later date, with the intention of creating a single core strategy for Wiltshire.

Summary of comments

7.5 Table 7.1 summarises the community aspirations in relation to securing developer contributions from new development. This also includes comments made by developers during the core strategy consultations.

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developers should contribute towards enhancing infrastructure services and facilities in the areas they propose to build development.</td>
</tr>
<tr>
<td>There should be a policy clarifying what was expected of developers in terms of planning gain.</td>
</tr>
<tr>
<td>Contributions should only be sought when the development creates a demand for such provision and which would not currently be met by existing facilities.</td>
</tr>
<tr>
<td>The council must not require developers to meet existing shortfalls, or demand facilities that would not serve the proposed development.</td>
</tr>
<tr>
<td>Charges for developer contributions should be based on sound evidence.</td>
</tr>
</tbody>
</table>

---

6 Wiltshire Council, Wiltshire Town & County Themes: An analysis of community needs and aspirations from community area plans, parish plans & village design statements (with particular reference to infrastructure issues), (Feburary, 2011).
7 Wiltshire Council, Developing Wiltshire’s Infrastructure Delivery Plan: Infrastructure comments and aspirations from the Wiltshire community, the Wiltshire 2026 consultation, (October, 2010).
8 Wiltshire Council, Developing Wiltshire’s Infrastructure Delivery Plan: Infrastructure comments and aspirations from the LDF consultations of Wiltshire’s former district councils and a comparison with results from Wiltshire 2026, (November, 2010).
Comments

General support for developers funding significant elements of infrastructure, including:
- Facilities for young people
- Fire hydrants
- Water conservation and recycling
- Wilts & Berks Canal restoration
- Cemetery expansion space
- Affordably priced shop/post office
- Good quality landscaping
- First aid station within every centre of population (minor injuries unit)
- Facilities for the elderly, e.g. sheltered housing
- Facilities for skills development in a practical environment
- Green infrastructure
- Discreet street lighting
- CCTV (from commercial developments)
- ITC trunking provision
- Cultural infrastructure (arts facilities)
- Car parking spaces

Table 7.1 – Summary of comments raised in community plans and core strategy consultations relating to securing developer contributions from new development

| Feeling that developer contributions have been low bearing in mind the level of profit made on new development |
| Suspicion that developers are reluctant or unable to pay for the cost of new, or improving existing, infrastructure |
| Feeling that developers should foot some of the infrastructure bill but, with respect to the major settlements of Chippenham and Trowbridge, there was uncertainty over whether this was possible in view of the scale of development being envisaged for the towns |
| Belief that developers should pay back to the community some of the financial benefits of development |
| Doubts expressed that developer contributions would not be a secure and satisfactory funding stream |
| Perception that there is a general lack of clarity of funding mechanisms for the core strategy needs to be addressed, particularly a more formal and transparent system for developer contributions and other funding sources |
| Concern that there might be a lack of a public sector budget for infrastructure provision and a private sector unable to meet the bill |

Analysis

7.6 Respondents demonstrated an awareness of infrastructure funding sources in both previous district core strategy consultations and Wiltshire 2026. However, the debate was keener and more extensive in the later process. In the district core strategy consultations, some respondents felt that developers had failed to contribute sufficiently in the past. There was an even stronger mandate in Wiltshire 2026 for developer contributions, but this was tempered by a realistic (i.e. downbeat) outlook regarding the economy and a feeling that the task was so great that increased investment, together with better planning and co-ordination was also required from the relevant public sector providers.

7.7 It was accepted that new development could (and should) help fund infrastructure to benefit the community generally. It was seen as appropriate for developers to pay so that the community could secure some benefit and the overall quality of life in the area be improved. There was a strong desire to put right the errors of the past, and a recognition that planning could secure some benefit from developers in providing infrastructure as the ‘price’ of development. However, there were also significant doubts as developers themselves were concerned at the fairness of the deal and with the cost/viability implications.

7.8 The need for transparency in terms of where funding was to come from, and a clearly set out tariff were also frequent themes. Developers were expected to contribute towards infrastructure, broadly and not simply in relation to a particular development, but doubts were expressed as to how far they would be able to fund this, especially in the current economic
climate. Some developers felt that onerous infrastructure requirements could make some needed development unviable. An infrastructure delivery plan should set out what is needed, where, at what cost and who is responsible. This should be backed by research including financial viability testing to ensure that it is realistic.

Conclusions

7.9 In terms of paying for infrastructure in Wiltshire, many respondents felt that a proportion of the cost should be met by developers. Interestingly, this applied not only to infrastructure directly related to the development, but to infrastructure more generally in the community on which the development could be expected to place a burden. Further even than this, some comments implied that developers should be expected to make a net benefit to the community simply by virtue of being allowed to build.

7.10 The view of development as a mean for delivering infrastructure was cautiously accepted, and the idea that larger developments would facilitate larger scale infrastructure projects was understood. However, there were doubts as to whether private sector funds would be able to address all community needs in this way.

7.11 For their part, developers who responded generally accepted the need for them to make contributions towards infrastructure, but argued that infrastructure contributions should be related to the development and should not be onerous to the extent that they made development unviable. One developer stressed that evidence should be provided to justify such contributions and, importantly, this should include viability testing.
8. What are the policy options?

Overview

8.1 The process of developing policy options follows guidance from the Planning Advisory Service\(^9\). This approach has four separate stages, as shown below and in *Figure 8.1*.

- Identifying the issues
- Identifying the options
- Identifying the preferred option
- Shaping the policy

---

![Figure 8.1 – Developing policy options](image)

**Figure 8.1 – Developing policy options**

Identifying the issues

8.2 The anticipated level of growth within Wiltshire will increase demand on local infrastructure and social facilities. The Core Strategy will need to ensure that infrastructure and service requirements are appropriately secured and implemented.

DPD objective

8.3 The strategic objective in the Wiltshire Core Strategy directly related to infrastructure is "*Strategic objective 9: to ensure that infrastructure is in place to support our communities*"

---

Evidence base (including policy context)

8.4 The following key challenges, which relate to securing developer contributions, have been identified through an analysis of the evidence base, which includes infrastructure needs identified through discussions with service providers, community aspirations and policy requirements.

**Challenge 1**

8.5 To ensure that all new development contributes towards the cost of the infrastructure necessary to deliver it.

**Challenge 2**

8.6 To ensure that the impact of development on all types of infrastructure is considered when determining the requirements for developer contributions.

**Challenge 3**

8.7 To ensure a method of prioritising requirements, which recognises that developer contributions are unlikely to cover the full cost of necessary infrastructure and is based need, in terms of their importance in enabling development to go ahead.

**Challenge 4**

8.8 To ensure that the community benefits directly from new development and contributions towards new or improved infrastructure.

**Challenge 5**

8.9 To ensure there is more transparency over the funding of infrastructure, with a clearly set out tariff system for developer contributions (this could be developed through a subsequent Planning Obligations/ Section 106 SPD and/ or a Community Infrastructure Levy (CIL) Charging Schedule)
8.10 To ensure that there is more certainty for developers up front over what is required, with evidence provided to justify such contributions, including viability testing.

What are the options?

8.11 There are three policy options that have been considered in relation to developer contributions.

**Policy option 1:** The Status Quo: continue with the existing approach to securing planning obligations

**Policy option 2:** A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)

**Policy option 3:** Adopt the Community Infrastructure Levy (plus Option 2)

8.12 Policy options 1, 2 and 3 are assessed in *Tables 8.1, 8.2 and 8.3* respectively.
### Policy option 1: The Status Quo - continue with the existing approach to securing planning obligations

<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. The status quo</strong></td>
<td>TBC</td>
<td>Yes, although the expectation is that existing “saved” policies should be replaced by new policies within development plan documents, such as the Core Strategy. Even if “saved” policies are replaced by a similar policy in the Core Strategy, this option essentially continues with the thrust of the existing policies, with the same limited range of infrastructure types and the variation in approach to negotiating s106 agreements, whether by former district area or by individual planning officers.</td>
<td>Continuing “key” types of infrastructure, such as education and transport continue to receive developer contributions. Many of these were provided by the former county council and, therefore, there was already in existence a standard approach across the county.</td>
<td>Covers a limited range of infrastructure</td>
<td>No. Some infrastructure needs will not be met, either through omission, because they are not site-specific, or because the relevant policies will be open to challenge because of an inadequate evidence base. It is also unlikely that this policy option will reflect community priorities.</td>
<td>Mostly negative effects.</td>
</tr>
</tbody>
</table>
### Table 8.1 – Policy Option 1: The Status Quo - continue with the existing approach to securing planning obligations

<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Pros</strong></td>
<td><strong>Cons</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Some existing policies are relying on an inadequate evidence base</td>
<td>Relies on existing policies continuing to be “saved”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Some existing policies are relying on an inadequate evidence base Relies on existing policies continuing to be “saved”
## Policy option 2: A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)

<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Broader and more consistent approach to planning obligations</td>
<td>TBC</td>
<td>Yes, this option is essentially one which broadens the scope of s106 and applies it consistently across the county but does not adopt the Community Infrastructure Levy (CIL), which is in any case optional.</td>
<td>Much broader scope for consideration of infrastructure needs</td>
<td>After 2014, or upon adoption of a CIL Charging Schedule, local authorities will no longer be able to pool more than 5 planning obligations to a single project which could be funded by CIL. This will make it impossible to have a tariff system based on s106 agreements. This option</td>
<td>No, while a wide range of infrastructure types would be included in this option, some infrastructure needs will not be met because they are not site specific and benefit a wider area. Section 106 agreements are severely limited in terms of what they can and cannot fund.</td>
<td>More negative than positive, due to the severe restrictions placed on s106 agreements in terms of what they can and cannot fund.</td>
</tr>
</tbody>
</table>

The council maximises opportunities to obtain planning obligations by seeking to meet a wider range of infrastructure needs and by adopting a uniform approach to obtaining section 106 planning obligations across Wiltshire, which is based upon infrastructure.

Continuing uncertainty over Community Infrastructure Levy (CIL) regulations (e.g. will it now be expected to fund affordable housing?), which is not compulsory in any case.
<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pros</td>
<td>Cons</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Consistent approach to negotiating planning obligations across Wiltshire because of centralised project team approach to all s106 negotiations.</td>
<td>would, therefore, result in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Severe restrictions on pooled contributions to wider local, sub-regional and regional infrastructure</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Uncertainty/ unfairness for developers as developer contributions still negotiated on a site-by-site basis</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Based upon an up-to-date infrastructure planning evidence base and delivery plan</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8.2 – Policy Option 2: A Broader, more consistent approach to section 106 planning obligations but do not adopt the Community Infrastructure Levy (CIL)
Policy option 3: Adopt the Community Infrastructure Levy (plus Option 2)

<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Introduce the Community Infrastructure Levy (CIL) (plus Option 2)</td>
<td>TBC</td>
<td>Yes, the Government’s preferred approach to funding infrastructure that is not site-specific.</td>
<td>Pros: Less restrictions on collecting pooled contributions towards local, sub-regional or regional infrastructure than under s106 agreements alone.</td>
<td>Cons: Continuing uncertainty over Community Infrastructure Levy (CIL) regulations (e.g. will it now be expected to fund affordable housing?)</td>
<td>Yes, current indications from the emerging Localism Bill are that neighbourhoods will be allocated a proportion of CIL raised in their area for them to decide how it is spent. This could fund small, local projects, or contribute towards wider schemes.</td>
<td>Mostly positive effects, given the greater flexibility for pooled contributions, ability for community to have a say in how some of the money is spent, and more predictable mechanism of a tariff-based approach.</td>
</tr>
</tbody>
</table>

The council prepares a CIL Charging Schedule to allow more scope for collecting pooled contributions to local, sub-regional or regional infrastructure than would be allowed for under the restrictions on planning obligations due to come into force by 2014 or upon adoption of a Charging Schedule by the local authority, whichever is sooner.
<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pros</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cons</td>
<td>DPD such as the Core Strategy, which could potentially be a lengthy and costly process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Based on an up-to-date infrastructure planning evidence base and delivery plan.</td>
<td></td>
<td>Risk that the rate of CIL set could make some development unviable in the current economic climate.</td>
<td></td>
<td>Wider range of infrastructure types covered (both site-specific projects and those that would benefit a wider area)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Viability addressed at an early stage during preparation of the CIL Charging Schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ability to set different levels of CIL to different geographical</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Table 8.3 – Policy Option 3: Adopt the Community Infrastructure Levy (plus Option 2)

<table>
<thead>
<tr>
<th>Policy option</th>
<th>SA outcome</th>
<th>Conformity with national policy regulations</th>
<th>Deliverability</th>
<th>Community aspirations met</th>
<th>Other</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Pros</td>
<td>Cons</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>areas (e.g. urban and rural) and for different types of infrastructure (e.g. residential and commercial), where justified by a viability assessment.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The preferred option

8.13 The preferred policy option is for a broader and more consistent approach to section 106 planning obligations, coupled with the introduction of the Community Infrastructure Levy (CIL) through the adoption of a Charging Schedule.

8.14 The reasons for selecting this option as the preferred option are as follows:

- More flexibility in asking for pooled contributions towards local and strategic infrastructure with more than site-specific importance
- Communities to get a say in how some of the money raised from CIL is to be spent
- Wider range of infrastructure types can become eligible for developer contributions
- Uniform approach to negotiating of section 106 planning obligations across the council by utilising a centralised project team approach to negotiations, involving all the relevant parties
- Viability addressed at an early stage during preparation of the CIL Charging Schedule
- Ability to set different levels of CIL to different geographical areas (e.g. urban and rural) and for different types of infrastructure (e.g. residential and commercial), where justified by a viability assessment.
- Based on an up-to-date infrastructure planning evidence base and delivery plan.
- Only option for a tariff-based system, providing certainty and consistency to developers.

Core Policy 3 – Infrastructure requirements

8.15 Core Policy 3 (see below) of the Wiltshire Core Strategy develops the preferred option and attempts to answer the seven challenges outlined above. The paragraph numbering of the text from Core Policy 3 is the same as in the Core Strategy.

Delivering infrastructure requirements to support development

4.28 An appropriate and balanced mix of new development is essential for the long term prosperity of Wiltshire. The Core Strategy shapes where new development should be located and also manages the pressure relating to speculative proposals through policy. It will provide new homes, jobs, services and thereby drive forward social, economic and environmental objectives. The impact of development on local communities and the fabric of the existing built and natural environment is an important consideration. Managing this impact involves protecting existing infrastructure and securing the timely investment of new infrastructure.

4.29 The council will work in partnership with infrastructure providers and neighbouring authorities to ensure that new or improved infrastructure, including that listed in the Infrastructure Delivery Plan and Schedule, is delivered prior to, or in conjunction with, new development.

4.30 The timely delivery of new infrastructure to support development proposals must be secured. In order to achieve this aim, the council will work with developers to prepare robust infrastructure delivery plans to support the master planning of strategic sites within the Core Strategy and/or planning applications. The delivery plan will need to be in place prior to the commencement of development and must be agreed by the council, other relevant infrastructure providers and developers. The scope of such plans will cover among other things: funding, phasing, accessibility and impact on the surrounding area.

4.31 In addition to managing the provision of the new infrastructure requirements of development proposals, the importance of the investment plans of infrastructure providers should be recognised. It will be important that all new development proposals build safeguards into
schemes to protect and enhance a range of services and facilities, including telecommunications equipment (particularly high speed broadband infrastructure), electricity power lines, high pressure gas mains, educational facilities, health facilities, flood protection measures, groundwater source protection areas, reservoirs, water treatment infrastructure, waste water treatment works and the council’s waste collection services.

4.32 Existing physical, social and green infrastructure will be protected, unless there is evidence that it is no longer needed or that alternative provision is made elsewhere. To encourage the most effective use of existing and new infrastructure, co-location and multi-functional use of services and facilities will be supported in accordance with other policies of the Core Strategy. The provision of new or improved infrastructure will be positively supported, particularly where opportunities arise through redevelopment or regeneration in sustainable locations, provided that this has no detrimental impact on the environment and contributes towards mitigation and adaptation to climate change.

Securing the delivery of infrastructure

4.33 Where new development proposals require the delivery of infrastructure, priorities will be set to manage competing demands. The order of prioritisation is set out below, but the indicative list of infrastructure typologies should not be viewed as exhaustive.

1. Critical infrastructure (including but not limited to):
   - sustainable transport measures
   - water, sewerage and electrical utilities and connecting services
   - flood alleviation and sustainable urban drainage schemes
   - telecommunications facilities including super-fast broadband connectivity services to serve local communities and the business community.

2. Essential infrastructure (including but not limited to):
   - affordable housing
   - education
   - healthcare facilities
   - emergency services
   - waste management, recycling and collection facilities.

3. Place shaping infrastructure (including but not limited to):
   - community safety in the public realm
   - maintenance and improvement of the county’s heritage assets, including the storage of archaeological remains
   - leisure and recreation provision
   - open space and green infrastructure
   - town centre management schemes
   - employer engagement and training schemes
   - cultural and community facilities
   - libraries
   - public art and streetscape feature.

---

10 This list should not be read as exhaustive.
Core Policy 3 - Infrastructure requirements

All new development will be required to provide for the necessary direct and, where appropriate, the in-direct infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered either directly or through an appropriate financial contribution. In ensuring the timely delivery of infrastructure development, proposals will need to demonstrate full regard has been paid to the Infrastructure Delivery Plan and Schedule. In the event of competing demands for infrastructure provision, developer contributions will be sought in the following order of priority:

1. critical infrastructure
2. essential infrastructure
3. place shaping infrastructure

Agreement between the council, other relevant infrastructure providers, the community and developers over the extent and amount of developer contributions will be sought prior to the granting of planning permission.

Independent viability testing, funded by the developer, will be required in the event of concerns that infrastructure requirements may render the development unviable at the present time. Should a deferment of a part of the developer contributions be agreed to as a result, the council will:

- prioritise seeking developer contributions as outlined above, and
- use an appropriate mechanism to defer part of the developer contributions requirement to a later date, as agreed by all parties.

The council will work with infrastructure providers, local communities and other key stakeholders to develop a Community Infrastructure Levy (CIL) Charging Schedule, as a further source of funding for improvements in local and strategic infrastructure.

Delivery responsibility

This policy will be delivered by:

- The direct provision of facilities and services by the council and its public and private sector partners, reflected in the Infrastructure Delivery Plan.
- The development management process.
- Utilising developer contributions to provide enhancements to facilities and services.
- Liaison through the Area Boards with, town and parish councils and appropriate local stakeholders to identify community infrastructure requirements, help establish local priorities as well as develop / implement mechanisms for administering monies collected through Community Infrastructure Levy CIL and planning obligations in accordance with national and council policies.
- Partnership work with infrastructure providers and other stakeholders, largely through the Infrastructure Delivery Board, to identify requirements for and to facilitate appropriate community infrastructure development.
- Planning conditions and planning obligations (largely through section 106 agreements) will be sought to mitigate the direct impact(s) of development, secure its implementation, control phasing where necessary, and to secure and contribute to the delivery of infrastructure made necessary by the development. The council will prepare a supplementary planning document that will provide more detail about its approach to securing developer contributions.

The Community Infrastructure Levy (CIL), upon adoption of the Charging Schedule, will be used to pool developer contributions towards local and strategic infrastructure that will serve a wider area than any one development in particular.
9. What are the next steps?

9.1 This draft topic paper will undergo revision before the publication of the submission draft Wiltshire Core Strategy, which will contain the final wording on developer contributions policies, and be the subject of a further public consultation towards the end of 2011 prior to its submission to the Secretary of State.

9.2 As outlined earlier in this topic paper, the next steps in developing the council’s approach to securing developer contributions are:

- Consultation on Core Policy 3 – Infrastructure Requirements in the Wiltshire Core Strategy Consultation Document
- Preparation of a draft Infrastructure Delivery Plan (IDP), which, among other things, will set out the cost and funding sources for the infrastructure necessary to deliver development proposed in the Wiltshire Core Strategy
- Undertake an assessment of the effect of CIL/ Section 106 contributions on development viability
- Preparation of interim guidance on the council’s section 106 policies
- Development of a Community Infrastructure Levy (CIL) Charging Schedule
## Glossary

A guide to the terminology used in this document.

<table>
<thead>
<tr>
<th>Glossary of Terms</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Monitoring Report (AMR)</td>
<td>Part of the local development framework, the annual monitoring report assesses the implementation of the local development scheme and the extent to which policies in local development documents are being successfully implemented.</td>
</tr>
<tr>
<td>Area of Outstanding Natural Beauty (AONB)</td>
<td>A landscape area of high natural beauty which has special status, and within which major development will not be permitted, unless there are exceptional circumstances. Designated under the 1949 National Parks and Access to the Countryside Act.</td>
</tr>
<tr>
<td>Biodiversity Action Plan (BAP)</td>
<td>Published in 1994, this was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. UK BAP Priority Habitat is a list of 65 habitats highlighted as priorities for conservation. The priority habitats cover a wide range of semi-natural habitat types that are judged to be particularly important for biodiversity conservation, and are recognisably distinct within the broad habitats of the UK.</td>
</tr>
<tr>
<td>Charging schedule</td>
<td>If a local authority wishes to introduce the community infrastructure levy (CIL) on new development, it must first prepare a charging schedule, which sets out the amount of CIL it will charge. A charging schedule must undergo a rigorous consultation and examination process, similar to a development plan document (DPD) such as the core strategy.</td>
</tr>
<tr>
<td>Communities and Local Government (CLG)</td>
<td>Government department for planning and local government.</td>
</tr>
<tr>
<td>Community Infrastructure Levy (CIL)</td>
<td>The community infrastructure levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.</td>
</tr>
<tr>
<td>Core Strategy</td>
<td>A core strategy sets out the long term spatial vision for the local planning authority area, as well as the spatial objectives and the strategic policies to deliver that vision. A core strategy has the status of a development plan document.</td>
</tr>
<tr>
<td>County Wildlife Site (CWS)</td>
<td>Areas of land of recognised value for wildlife, which fall outside the legal protection given to Sites of Special Scientific Interest (SSSI). The Wiltshire Wildlife Sites Project identifies, designates and monitors CWSs and, to date, over 1,500 such sites in have been designated in Wiltshire.</td>
</tr>
<tr>
<td>Development Plan</td>
<td>A development plan consists of the relevant regional spatial strategy (or the spatial development strategy in London) and the development plan documents contained within its local development framework.</td>
</tr>
<tr>
<td>Development Plan Documents (DPDs)</td>
<td>Development plan documents consist of spatial planning documents that are subject to independent examination. Together with the relevant regional spatial strategy these form the development plan for a council area for the purposes of the Planning and Compulsory Purchase Act 2004. They can include a core strategy, site specific allocations of land, area action plans (where needed) and other documents deemed necessary by the council to deliver the spatial planning strategy.</td>
</tr>
<tr>
<td><strong>E C Directive</strong></td>
<td>A European Community legal instruction, which is binding on all Member States, but must be implemented through legislation of national governments within a prescribed timescale.</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Flood Risk Assessment</strong></td>
<td>An assessment of the risk of flooding to the development being proposed and its possible effects on flood risks elsewhere in terms of its effects on flood flows, flood storage capacity and run-off.</td>
</tr>
<tr>
<td><strong>Greenfield site</strong></td>
<td>A site previously unaffected by built development.</td>
</tr>
<tr>
<td><strong>Evidence base</strong></td>
<td>An evidence base is the evidence that any development plan document, especially a core strategy, is based on. It is made up of the views of stakeholders and background facts about the area.</td>
</tr>
<tr>
<td><strong>Examination in Public (EiP)</strong></td>
<td>An independent examination of draft plans.</td>
</tr>
<tr>
<td><strong>Front loading</strong></td>
<td>Front loading is the idea that a strong emphasis needs to be placed upon work at the early stages of the plan making process, so that the later stages will run more smoothly.</td>
</tr>
<tr>
<td><strong>Green Infrastructure</strong></td>
<td>Green infrastructure is the physical environment within and between cities, towns and villages, specifically the network of open space, waterways, woodlands, green corridors and open countryside.</td>
</tr>
<tr>
<td><strong>Highways Agency</strong></td>
<td>An executive agency, part of the Department for Transport in England.</td>
</tr>
<tr>
<td><strong>Infrastructure Delivery Plan (IDP)</strong></td>
<td>The infrastructure delivery plan (IDP) is a separate document that accompanies the core strategy and sets out what infrastructure is needed to deliver the proposed development, how much this infrastructure will cost, where the funding will come from and who will deliver it.</td>
</tr>
<tr>
<td><strong>Local Area Agreement (LAA)</strong></td>
<td>Agreements between local partners and central government.</td>
</tr>
<tr>
<td><strong>Local Development Document (LDD)</strong></td>
<td>Local development document is the collective term in the Planning and Compulsory Purchase Act for the development plan documents, the supplementary planning documents, and the statement of community involvement.</td>
</tr>
<tr>
<td><strong>Local Development Framework (LDF)</strong></td>
<td>The local development framework is the name for the portfolio of local development documents consisting of development plan documents, supplementary planning documents, a statement of community involvement, the local development scheme and annual monitoring reports. Together these documents provide the framework for delivering the spatial strategy for a council area and may also include local development orders and simplified planning zones.</td>
</tr>
<tr>
<td><strong>Local Development Scheme (LDS)</strong></td>
<td>The local development scheme sets out the programme for preparing local development documents.</td>
</tr>
<tr>
<td><strong>Local distinctiveness</strong></td>
<td>Local distinctiveness is the physical, environmental, economic or social factors that characterise an area (and most likely a combination of all four), as well as how an area interacts with others.</td>
</tr>
<tr>
<td><strong>Local Planning Authority</strong></td>
<td>The local authority or council that is empowered by law to exercise planning functions for a particular area of the UK.</td>
</tr>
<tr>
<td><strong>Local Strategic Partnership (LSP)</strong></td>
<td>A local strategic partnership is a partnership of stakeholders who develop ways of involving local people in shaping the future of their neighbourhood in how services are provided. They are often single, multi-agency bodies which aim to bring together locally the public, private, community and voluntary sectors.</td>
</tr>
<tr>
<td><strong>Major development</strong></td>
<td>The term 'major development' is taken to be as defined by the Town</td>
</tr>
<tr>
<td><strong>Natural England</strong></td>
<td>A non-departmental public body responsible for ensuring that England’s natural environment is protected and improved.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Planning Inspectorate (PINS)</strong></td>
<td>The government agency responsible for scheduling independent examinations.</td>
</tr>
<tr>
<td><strong>Planning obligations (section 106 agreements)</strong></td>
<td>Section 106 (s106) of the Town and Country Planning Act 1990 is the legal basis upon which a local authority can enter into a legally binding agreement, or planning obligation, with a landowner in association with the granting of planning permission. This obligation is called a section 106 agreement. These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms. They have been used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health and affordable housing.</td>
</tr>
<tr>
<td><strong>Planning Policy Guidance note (PPG)</strong></td>
<td>Government policy statements on a variety of issues that are material considerations in determining planning applications.</td>
</tr>
<tr>
<td><strong>Planning Policy Statement (PPS)</strong></td>
<td>Guidance documents which set out national planning policy. They are being reviewed and updated and are replacing PPGs.</td>
</tr>
<tr>
<td><strong>Proposals map</strong></td>
<td>A proposal map is an illustration on a base map, reproduced from or based upon a map base to a registered scale, of all the policies contained in development plan documents. It must be revised as each new development plan document is adopted and it should always reflect the up to date planning strategy in the area. Proposals for changes to the adopted proposals map accompany submitted development plan documents in the form of a submission proposal map.</td>
</tr>
<tr>
<td><strong>Public Rights of Way (PRoW)</strong></td>
<td>PRoWs are highways that allow the public a legal right of passage.</td>
</tr>
<tr>
<td><strong>Regional Spatial Strategy (RSS)</strong></td>
<td>A regional level planning framework for the regions of England, outside London where spatial planning is the responsibility of the Mayor. They were introduced in 2004. Their revocation was announced by the new Conservative/Liberal Democrat government on 6 July 2010. On 10th November 2010 Mr Justice Sales ruled in the case of Cala Homes (South) Ltd v Secretary of State for Communities and Local Government that The Secretary of State for Communities and Local Government was not entitled to use the discretionery power to revoke regional strategies contained in s79(6) of the Local Democracy, Economic Development and Construction Act 2009 to effect the practical abrogation of the regional strategies as a complete tier of planning policy guidance.</td>
</tr>
<tr>
<td><strong>Regulations</strong></td>
<td>The regulations refer to the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).</td>
</tr>
<tr>
<td><strong>Saved plan</strong></td>
<td>Those policies within the adopted Local Plan and Structure Plan that have been saved beyond the expiry date by the Secretary of State.</td>
</tr>
<tr>
<td><strong>Scheduled Monument (SM)</strong></td>
<td>These are archaeological sites or historic buildings considered to be of national importance by the government. The current legislation, the Ancient Monuments and Archaeological Areas Act 1979, supports a formal system of Scheduled Monument Consent for any work to a designated monument. Scheduling is the only legal protection specifically for archaeological sites.</td>
</tr>
<tr>
<td><strong>Site of Special Scientific</strong></td>
<td>This is a conservation designation denoting a protected area in the</td>
</tr>
<tr>
<td><strong>Interest (SSSI)</strong></td>
<td>UK. SSSIs are the basic building blocks of site based nature conservation legislation including the very best wildlife and geological sites, as designated by Natural England. There are over 4,100 SSSIs in England, covering approximately 8% of the country’s land area.</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Site specific allocations</strong></td>
<td>Allocations of sites for specific of mixed uses or development to be contained in development plan documents. Policies will identify any specific requirements for individual purposes.</td>
</tr>
<tr>
<td><strong>Soundness</strong></td>
<td>Soundness means founded on a robust and credible evidence base and the most appropriate strategy when considered against the reasonable alternatives. For something to be sound is must also be deliverable, flexible and able to be monitored.</td>
</tr>
<tr>
<td><strong>Source Protection Zone (SPZ)</strong></td>
<td>These are groundwater sources used for public drinking water supply. These zones show the risk of contamination from any activities that might cause pollution in the area. The closer the activity, the greater the risk. The SPZ maps show three main zones (inner, outer and total catchment) and a fourth zone of special interest.</td>
</tr>
<tr>
<td><strong>Special Area of Conservation (SAC)</strong></td>
<td>Designation made under the Habitats Directive to ensure the restoration or maintenance of certain natural habitats and species some of which may be listed as ‘priority’ for protection at a favourable conservation status.</td>
</tr>
<tr>
<td><strong>Special Landscape Area (SLA)</strong></td>
<td>A non-statutory landscape designation as defined by the local authority.</td>
</tr>
<tr>
<td><strong>Special Protection Area (SPA)</strong></td>
<td>Designations made under the EC Directive 79/409 on bird conservation (The Birds Directive), the aim of which is to conserve the best examples of the habitats of certain threatened species of bird the most important of which are included as priority species.</td>
</tr>
<tr>
<td><strong>Stakeholder</strong></td>
<td>Anyone who is interested in, or may be affected by the planning proposals that are being considered.</td>
</tr>
<tr>
<td><strong>Statement of Community Involvement (SCI)</strong></td>
<td>The statement of community involvement sets out the standards which authorities must achieve in involving local communities in the preparation of local development documents and development management decisions.</td>
</tr>
<tr>
<td><strong>Strategic Environment Assessment (SEA)</strong></td>
<td>A strategic environment assessment is a generic term used to describe environmental assessment as applied to policies, plans and programmes. The European SEA directive (2001/42/EC) requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.</td>
</tr>
<tr>
<td><strong>Strategic Housing Land Availability Assessment (SHLAA)</strong></td>
<td>A survey of the sources of potential housing supply, and assessment of delivery criteria to provide an assessment of potential deliverable supply.</td>
</tr>
<tr>
<td><strong>Strategic Housing Market Assessment (SHMA)</strong></td>
<td>A survey to find out housing need and demand.</td>
</tr>
<tr>
<td><strong>Strategic Road Network (SRN)</strong></td>
<td>The Highways Agency is responsible for operating the SRN in England which consists of most motorways and significant trunk A roads.</td>
</tr>
<tr>
<td><strong>Strategically Significant Cities and Towns (SSCTs)</strong></td>
<td>Those settlements which play a critical strategic role either regionally or sub-regionally, as identified in the draft RSS (intended for revocation).</td>
</tr>
<tr>
<td><strong>Supplementary Planning</strong></td>
<td>Supplementary planning documents provide supplementary</td>
</tr>
</tbody>
</table>
### Documents (SPDs)
Information about the policies in development plan documents. They do not form part of the development plan and are not subject to independent examination.

### Sustainability Appraisal
A sustainability appraisal is a tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors), and are required in the Act to be undertaken for all local development documents.

### Sustainable development
Development which is sustainable in that it meets the needs of the present without comprising the ability of future generations to meet their own needs.

### Sustainable Urban Drainage System (SuDs)
These involve a sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques.

### Sustainable Community Strategy (SCS)
A sustainable community strategy sets out the strategic visions for a place and provides a vehicle for considering how to address difficult issues such as the economic future of an area, social exclusion and climate change. It is a vision document which needs to be aligned with the core strategy, as with the vision document for the local development framework.

### Wiltshire and Swindon Structure Plan 2016
Forms part of the currently adopted development plan, and will be replaced by development plan documents such as the Wiltshire Core Strategy.

### World Heritage Site (WHS)
A cultural, natural or historical site of outstanding universal value designated by the UNESCO World Heritage Site Committee.