

Revised Planning Obligations Supplementary Planning Document (SPD)
Town and Country Planning (Local Planning) (England) Regulations 2012
(Regulations 11 to 16)
Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

Adoption Statement

Adoption

The Revised Planning Obligations Supplementary Planning Document (SPD) was adopted at a meeting of Wiltshire Council on **18 October 2016**.

Modifications

In accordance with sections 11 and 14 of The Town and Country Planning (Local Planning) (England) Regulations 2012, this adoption statement sets out pursuant to Section 23(1) of the Planning and Compulsory Purchase Act 2004 the modifications to the Planning Obligations SPD that have been made since the draft Revised SPD was subject to consultation, as follows:

Table 1 – Modifications to the draft Revised Planning Obligations SPD *(page and paragraph references relate to the draft Revised SPD that was subject to consultation. These may differ from the adopted Revised SPD.)*

Ref	Description of modification
Chapter 1 Introduction	
C1	Change page 5, paragraph 1.2, bullet point 4, from “see paragraph 2.15” to “see paragraph 2.13”.
Chapter 2 Legislative and policy framework	
C2	Change page 6, paragraph 2.6, from “paragraph 2.13” to “paragraph 2.12”.
Chapter 3 The Council’s approach to developer contributions	
C3	Change the section heading and paragraph numbers of the chapter entitled ‘The Council’s approach to developer contributions’ from Chapter 2 to Chapter 3.
Chapter 4 Affordable housing	
C4	Change the paragraph numbers of the chapter entitled ‘Affordable housing’ from Chapter 3 to Chapter 4.
C5	Amend page 10, paragraph 3.3 as follows: The NPPF (March 2012) definition for affordable housing includes social, affordable and intermediate housing for rent or sale. They are Affordable housing is provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. This SPD will apply to any definition of affordable housing in future versions of the NPPF.
C6	Change page 10, footnote 1, from Appendix 2 to Appendix 1.
C7	Change page 11, paragraph 3.6 from Appendix 2 to Appendix 1.
C8	Amend page 11, paragraph 3.6 as follows: Core Policy 43 seeks at least 30% or 40% (net) affordable housing provision on-site

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	<p>depending upon the location of development (see Appendix 2-1 for a map of the affordable housing zones). In exceptional circumstances, the Council will accept a commuted sum. However, a Ministerial Statement (28 November 2014) changed the position by requiring that contributions should not be sought from developments of 10 units or less and which have a maximum combined floorspace of no more than 1000sqm (Gross Internal Area). Local authorities can apply a threshold of five units or less in designated rural areas, including national parks and Areas of Outstanding Natural Beauty (AONBs), but must then seek affordable housing and tariff style contributions on development of between six and 10 units in the form of cash payments commuted until after completion of units within the development. Provision may vary on a site by site basis, taking into account local need, mix and development viability. <u>In applying the affordable housing policy for developments of 10 units or less, the Council will have regard to the Ministerial Statement of 28 November 2014 and the associated changes to the Planning Practice Guidance.</u> On rural exception sites², Core Policy 44 allows affordable houses for local need.</p> <p>Insert and retain, respectively, the following footnotes:</p> <p>¹ Department for Communities and Local Government, the Minister of State for Housing and Planning (Brandon Lewis). (28 November 2014). House of Commons: Written Statement (HCWS50) Support for small scale developers, custom and self-builders. Available: http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf Last accessed 24th August 2016.</p> <p>And,</p> <p>²The restrictions on seeking affordable housing and tariff style planning obligations introduced by the Ministerial Statement (28 November 2014) do not apply to development on Rural Exception Sites, although they should not be sought from residential annexes or extensions.</p>
Chapter 5	Education
C9	Change the paragraph numbers of chapter entitled 'Education' from Chapter 4 to Chapter 5.
C10	<p>Amend page 12, paragraph 4.6 as follows:</p> <p>The council will seek to open new (4-11) schools for primary phase pupils. For secondary phase pupils, the Council will seek to open new (11-16) or (11-18) schools, <u>however all- through (4-16 or 4-18) schools will also be considered where appropriate for school organisation arrangements. For new primary schools the expectation is that a school will be rather than any other school organisation arrangements. For primary schools there is a strong preference for schools which take in</u> between one (210 places) and three forms of entry (630 places). Smaller new schools will only be considered if it is not possible to expand existing schools and the <u>cumulative</u> additional demand <u>from development</u> does not require seven classes.</p>
C11	<p>Amend page 13, paragraph 4. as follows:</p> <p>"Table 5.2 sets out how the council will use planning obligations and CIL to secure education facilities from development, including k<u>Known</u> site-specific <u>education</u> requirements resulting from strategically important sites allocated in the Wiltshire Core Strategy are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan</p>

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	<p><u>documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.</u></p> <p>And remove Table 5.2.</p>
C12	<p>Add new paragraph on page 15, after paragraph 4.17 as follows:</p> <p><u>“The Council uses cost multiplier figures (updated annually) to determine the cost per place for nursery, primary and secondary places. These are applied to the pupil product figures when assessing the amount of financial contributions required from developers towards the provision of school places. Cost multiplier figures on which the final contribution will be calculated are those applicable on the date of signature of a legal agreement.”</u></p>
Chapter 6 Open space/ green infrastructure	
C13	<p>Amend page 16, paragraph 6.4 as follows:</p> <p>“This would exclude funding of strategic <u>Habitats Regulations Assessment (HRA)</u> mitigation strategies, as identified in the Regulation 123 list, Infrastructure Delivery Plan and/ or paragraph 6.7076 of the Wiltshire Core Strategy.”</p>
C14	<p>Amend page 18, paragraph 6.7 as follows:</p> <p>“The saved Local Plan policies contain the adopted Wiltshire open space standards. These will be replaced by Wiltshire-wide standards, <u>which will be informed by an within the Wiltshire Open Spaces Study (2015 – 2026) Part 1 to be completed in 2015.</u> The new standards will be formally adopted as part of the partial review of the Wiltshire Core Strategy programmed in the Council’s Local Development Scheme.”</p> <p>Amend pages 18-19, paragraph 6.8 as follows:</p> <p>“Thresholds for planning obligations are set out in the adopted Wiltshire open space standards. Four sets of open space standards are currently in operation across Wiltshire, with different standards applying in each of the former district areas. These will be replaced by Wiltshire-wide standards which will be informed by an Open Spaces Study, to be completed in 2015, with the new standards adopted as part of the partial review of the Wiltshire Core Strategy by the end of 2015. Core Policy 52 requires development to make provision in line with the adopted Wiltshire Open Space standards.”</p> <p>Amend page 19, paragraph 6.9 as follows:</p> <p>“ . . . It will be guided by the Open Spaces Study, to be completed in 2015, dependent upon individual site characteristics and, as such, in the interim period decisions will be made on a case by case basis.”</p>
Chapter 7 Transport/ highways	
C15	<p>Amend page 20, paragraph 7.6 as follows:</p> <p>“The provision of sustainable transport measures may be more challenging in rural areas but is likely <u>to</u> reflect those sought in more urban areas of the county.”</p>
Chapter 8 Flood alleviation and sustainable drainage systems	
C16	<p>Amend multiple references to sustainable drainage systems (SuDS) in the draft</p>

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	Revised Planning Obligations SPD, particularly in Chapter 8, from “sustainable urban drainage schemes/ systems” to “sustainable drainage systems” or “SuDS” as appropriate.
C17	<p>Amend page 25, paragraph 8.10 as follows:</p> <p>“On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. <u>Core Policy 3 states that water and sewerage, flood alleviation and sustainable drainage systems are essential infrastructure. This is to be provided by new development, which must be adequately served by on and off- site foul and surface water drainage systems.</u> This will normally form part of the detailed matters submitted and agreed through the planning application process. The delivery can therefore be secured through a planning condition.”</p>
Chapter 9 Community and health facilities	
C18	<p>Amend page 28, paragraph 9.3 as follows:</p> <p><u>“Table 9.2 sets out Known site-specific community and health facilities requirements for health facilities resulting from new development strategically important sites allocated in the Wiltshire Core Strategy. are set out in the development templates in Appendix A to the adopted Wiltshire Core Strategy, and in subsequent development plan documents, such as the Chippenham Site Allocations Plan and the Wiltshire Housing Site Allocations Plan. They are informed by the Infrastructure Delivery Plan, which will be updated periodically over the plan period. Infrastructure requirements may therefore change. The Council will be flexible and responsive to any changes.”</u></p> <p>And delete Table 9.2.</p>
C19	<p>Amend page 29, paragraph 9.5 as follows:</p> <p>“Large residential developments or a cluster of neighbouring developments will lead to a local increase in population. This can create a need for specific local health facilities if there is no existing local capacity or likely to be in the near future. The average list size for a whole time equivalent GP is 1,750 patients. New development that results in more than 7,000 new residents (a patient list of four whole time equivalent GPs) may <u>therefore</u> require a new facility <u>or extensions to existing facilities</u> to be provided.”</p>
Chapter 10 Other planning obligations	
C20	<p>Amend page 30, footnote 64 as follows:</p> <p>Wiltshire Council (2014), Waste Storage and Collection Guidance for New Developments. <u>This document is currently under review. See Appendix 4.</u></p>
Chapter 11 Negotiating planning obligations in Wiltshire	
C21	<p>Amend page 32, paragraph 11.13 as follows:</p> <p>On rare occasions the cost of obligations may be greater than the proposed development is able to bear. Where the outcome is judged to have a significant impact on residual land values and financial viability is raised as a concern, a financial appraisal of the proposed development by the applicant will be required to substantiate the claim. This <u>appraisal</u> should <u>be submitted alongside form part of</u> the application documentation and <u>where possible will be treated and kept as confidential by the Council.</u> The <u>e</u>Council will scrutinise the financial appraisal before confirming or otherwise viability.</p>

Ref	Description of modification
Appendix 1	Wiltshire Affordable Housing Zones Map (Core Policy 43)
C22	Replace the map of affordable housing zones in Appendix 1 with a higher resolution version in the interests of clarity and consistency.

Legal challenge

Any person with sufficient interest in the decision to adopt the Revised Planning Obligations SPD may apply to the High Court for permission to apply for judicial review of that decision. Any such application must be made promptly and in any event not later than three months after the date on which the Revised Planning Obligations SPD was adopted.