

Planning Obligations

Local Development Framework 2001 - 2021



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How we have got to this point I

Part I How we have got to this point

I.1 This Planning Obligations Supplementary Planning Document (SPD) sets out the City Council's approach towards seeking planning obligations when considering planning applications.

I.2 It identifies topic areas where planning obligations may be applicable depending on the scale of development, and the possible planning contributions which would fall to be applicable to the different thresholds identified.

I.3 The combination of this SPD and the City Council's Community Infrastructure Levy (CIL) Draft Charging Schedule sets out a clear guide to developers, landowners and stakeholders, the likely scope and scale of planning obligations applicable to different scales and types of development.

I.4 A draft version of this document was published for six weeks public consultation from **27th June 2013 to 8th August 2013**. As a result of this consultation 32 comments were received from 19 different people/organisations. These comments have been considered in a feedback report which has been published, and have been taken into account in producing this final document.

2 Introduction

Part 2 Introduction

Purpose of this Document

2.1 The purpose of this Supplementary Planning Document (SPD) is to set out the City Council's approach towards seeking planning obligations, taking into account the introduction of the Council's Community Infrastructure Levy (CIL) Charging Schedule. This is to ensure that the Council are not seeking contributions that are covered by the CIL.

2.2 The CIL Regulations mean that the pooling of S106 planning obligations will be significantly scaled back. The combination of this SPD and the City Council's Community Infrastructure Levy (CIL) Charging Schedule will provide a clear guide to developers, landowners and stakeholders, the likely scope and scale of planning obligations applicable to different scales and types of development. This SPD will replace the following adopted documents:

- Planning Contributions SPD April 2009
- Affordable Housing SPD June 2008

Scope of Document

2.3 This Supplementary Planning Document sets out what will be required through Section 106 planning obligations. It identifies topic areas where planning obligations may be applicable and outlines the City Council's general procedural approach to securing planning obligations.

2.4 It should be noted that all the obligation types within this SPD are the likely contributions attributed to different scales of development. This SPD has been produced as a general guide based on varying scales of development, but proposals will be assessed on a site by site basis with the individual circumstances of each site being taken into consideration.

Part 3 Policy Background

National Planning Policy Overview

3.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and paragraphs 203 to 205 of the National Planning Policy Framework (NPPF) March 2012 set out the Government's policy on planning obligations.

The National Planning Policy Framework (NPPF)

3.2 The NPPF advises that planning authorities should consider the use of planning obligations where they could make an otherwise unacceptable development acceptable. They should only be used where it is not possible to address unacceptable impacts through planning conditions. Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

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

3.3 The National Planning Practice Guidance (NPPG) was launched on 6th March 2014 and offers a web-based resource to support the NPPF.

The Community Infrastructure Levy (CIL)

3.4 The CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. It will partially replace existing Section 106 planning obligations. The CIL Regulation 122 reaffirms the tests set out in paragraph 204 of the NPPF which sets out what a Planning Obligation can constitute. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund which can be used for any infrastructure needed to support new development across the City Council's administrative area.

3.5 Upon the adoption of a CIL, or by 6th April 2015, whichever is the sooner, the use of planning obligations must be scaled back. With a CIL in place the pooling of Section 106 Agreement contributions will be limited to five Planning Obligations for the same infrastructure project or type. CIL receipts will be used to help fund, in whole or part, infrastructure needed to support or mitigate the impact of new development over an area, whereas Section 106 planning obligations will remain for on-site mitigation, including the provision of affordable housing.

Chelmsford City Council Community Infrastructure Levy (CIL)

3.6 The City Council approved its CIL Charging Schedule on 26 February 2014 with an effective date of 1 June 2014. The Charging Schedule sets out a levy of £125 per sq m for residential development, and £87 and £150 per sq m for retail development, and a zero rating for all other types of development. The CIL Regulation 123 list, which sets out the infrastructure that will be funded through CIL, can be found at Appendix 4.

3 Policy Background

Chelmsford City Council Core Strategy

3.7 Development proposals should be considered in line with the City Council's adopted Core Strategy. Proposals which require planning obligations should be considered in accordance with the relevant adopted development plan policies. This SPD supports and supplements the Core Strategy, and is an important material planning consideration in the decision making process.

3.8 The overarching reasoning and justification for requiring planning obligations, to secure appropriate forms of development which meet the necessary on and off site infrastructure requirements, whilst ensuring sustainable development are set out in the following Core Strategy Policies, which are applicable to all the obligation types listed in this document:

- CPI – Securing Sustainable Development
- CP4 – Securing Infrastructure

3.9 Other policies within the Core Strategy and Development Control Policies Development Plan Document provide specific and detailed justification for various types of planning obligation, e.g. Policy DC31 - The Provision of Affordable Housing, and Policy DC40 - Public Open Space for new Residential Developments. Such policies are referred to in the relevant sections of this SPD.

Focused Review of Core Strategy and Development Control Policies Development Plan Document

3.10 In light of the requirements of the NPPF, the City Council undertook a review of its Development Plan Documents and identified a number of policies within its Core Strategy and Development Control Policies Development Plan Document that required amendments in order for these policies to be consistent with the advice contained within the NPPF. This review was undertaken through the Core Strategy and Development Control Policies Focused Review Development Plan Document (FRDPD).

3.11 The FRDPD was adopted by the Council on 4 December 2013 and now forms part of the statutory development plan for Chelmsford City Council. It replaces specific policies and text in the existing Core Strategy and Development Control Policies Document adopted in 2008.

Corporate Objectives

3.12 The Council's Corporate Plan is a statement of intent setting out the ambition for Chelmsford City Council for the forthcoming years. It recognises the challenges and opportunities Chelmsford City Council faces and identifies how to achieve the Council's vision for the city. The provision of planning obligations, through this SPD, seeks to address the corporate priorities below:

- Attracting investment and delivering infrastructure
- Facilitating suitable housing for local needs
- Providing high quality public spaces
- Promoting a more sustainable environment
- Promoting healthier and more active lives
- Enhancing participation in cultural activities

Obligation Types 4

Part 4 Obligation Types

4.1 The following sections of this document set out the obligation types which may be required as part of any Section 106 Agreement. Each section sets out the policy background to requiring such obligations, the relevant points at which such a contribution may be required, when the obligation is expected to be provided, any exceptions and any other relevant information.

4.2 The matrix below offers a guide to what infrastructure types will be covered by Section 106 Planning Obligations and what will be covered by the Chelmsford City Council CIL. It should be noted that this is a guide only. Appendix 4 contains the CIL Regulation 123 List which gives further details on the projects and any specific exclusion covered by the CIL.

Table 1

Infrastructure Type	CIL	S106
Affordable Housing		√
Recreation and Leisure		
Improvements to existing Strategic or Local Open Space	√	
Provision of new Strategic or Local Open Space		√
Highways, Access and Transport		
Strategic Highway or Transportation Projects	√	
Site Specific Infrastructure		√
Education		
Additional Primary and Pre-School Provision	√	
Additional Secondary Provision	√	
New Primary or Pre-School Provision		√
Environmental Mitigation		
Strategic Mitigation Measures	√	
Site related Mitigation Measures		√
Public Realm and Public Art		
Strategic Public Realm Projects	√	
On site Public Realm and Public Art		√
Health and Well-being		
Improvements to existing Primary Healthcare Provision	√	
Provision of new Primary Healthcare Facilities		√
Community Facilities		√
Flood Protection and Water Management		
Strategic Flood Alleviation Measures	√	
Site Related Flood Protection Measures		√

5 Affordable Housing

Part 5 Affordable Housing

Policy Background

5.1 Paragraphs 50 and 54 of the NPPF and Policy CP15 of the Core Strategy, and Policies DC31 and DC32 of the Focused Review set out the justification for requiring planning obligations in respect of securing affordable housing.

5.2 Policy DC32 incorporates the ability to provide a proportion of market housing to cross-subsidise the delivery of affordable housing on rural exception sites where a development would be unviable without it.

5.3 Policy DC31 requires that in new developments of 15 dwellings or more; or residential sites of 0.5 hectare or larger or within small rural Defined Settlements of 5 dwellings or more, provision is made for 35% of the total number of dwellings to be in the form of affordable housing. The 35% applies across the whole development; it does not only apply to the part of the development above the threshold.

5.4 Planning obligations will be used to secure the following elements related to the provision of affordable housing:

- The number of units
- The type of units
- The tenure of units
- The location of units
- Commuted sums in lieu of provision where appropriate

5.5 For further supplementary information regarding the detailed implementation of the Council's affordable housing policies, please see the Council's Affordable Housing Policy Implementation Guide, which includes information on:

- The method of calculation for the quantum of affordable housing.
- The mix of affordable housing.
- The location of affordable housing (on-site/off-site/commuted payments).
- The need for specialist housing provision.
- The standard requirements expected to be included in a legal agreement.

Definition of Affordable Housing

5.6 The definition of affordable housing that the City Council will use in applying this guidance accords with the National Planning Policy Framework. Guidance on market entry housing costs for different sized accommodation is set out in Appendix I. In order to ensure affordable housing meets the national definitions set out in Annex 2 of the National Planning Policy Framework, the total housing costs of the proposed affordable housing must be less than the weekly housing costs set out in Appendix I. The information in Appendix 2 will be requested both at the time of commencement and disposal to a person in housing need.

Affordable Housing 5

What is the method of Calculation for the Quantum of Affordable Housing?

5.7 The calculation of the affordable housing obligation will be undertaken in terms of the gross number of dwellings. Where the percentage of affordable housing sought does not result in whole numbers of units the number of affordable dwellings will be rounded up in order to achieve the required 35% provision.

Mix of Affordable Housing

5.8 To ensure new affordable provision is weighted to make a proportionate contribution to the different categories of assessed need the City Council will expect the affordable housing to include 23.45% of the total number of dwellings within the development as either social or affordable rented accommodation and the balance, 11.55% of the total number of dwellings, to be intermediate housing.

Location of Affordable Housing

5.9 Affordable housing is an integral element of any market-led residential or mixed use development and is expected to be provided in-kind and on-site. Where it can be robustly justified off-site provision or a financial contribution in lieu of on-site provision may be acceptable. Further supplementary guidance is contained within the Affordable Housing Policy Implementation Guide.

Seamless Integration

5.10 The affordable housing provision should proportionately reflect the mix of market units in terms of the size of the dwellings and the proportion of flats and houses. The City Council will have regard to the latest assessment of local market conditions and housing need and shortages relative to supply in determining the optimum affordable housing mix by size and type.

5.11 All affordable housing units must achieve the Homes and Communities Agency's core Design and Quality Standards. The Council expects the costs of these standards and any other measures required to make affordable elements of a scheme achieve seamlessness, to be reflected in the overall financial appraisal and in negotiations from the start of the land acquisition and development process. A developer will be expected to meet any additional costs involved in ensuring affordable housing achieves seamlessness.

Picture 1 : New Housing Development



5 Affordable Housing

Rural Affordable Housing

5.12 Policy DC31 requires that in new developments of 5 or more dwellings in small rural Defined Settlements provision is made for 35% of the total number of dwellings to be in the form of affordable housing.

5.13 In the circumstances described in Policy DC32 small, predominantly affordable housing developments to meet local need, will be permitted within or adjoining small rural Defined Settlements on sites which would not otherwise be released for housing. These will only be permitted if it can be demonstrated that there is a proven need for the number, type and tenure of dwellings proposed, which cannot be met in any other way, and the City Council is satisfied that the affordable housing will remain affordable, and exclusively available for local needs in perpetuity. These are commonly known as 'rural exception sites'.

5.14 For the application of Policies DC31 and DC32, small rural settlements are those Defined Settlements within Parishes that are designated for enfranchisement and right to acquire purposes under Section 17 of the Housing Act 1996 by Statutory Instrument 1997 No. 620-625 and The Housing, (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 No. 2098. The relevant Parishes are listed in Appendix 3.

5.15 For rural exception proposals secured through Policy DC32, planning obligations will be additionally used to ensure that the affordable housing will remain affordable, and exclusively available for local needs in perpetuity. Further details are set out within the Council's Affordable Housing Policy Implementation Guide.

Recreation and Leisure 6

Part 6 Recreation and Leisure

Policy Background

6.1 The NPPF states that the planning system has an important role in facilitating social interaction and creating healthy, inclusive communities. Access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

6.2 The Council seeks to improve the quality of and access to parks and green spaces, balancing their use and increasing community involvement, whilst maximising the broader environmental benefits. In new development areas on site provision will be sought wherever feasible, otherwise contributions in lieu will be sought to enhance existing facilities and mitigate against the increased pressure of use.

6.3 Policies DC39 and DC40 of the Core Strategy are key policies which give the justification for obligations in connection with Public Open Space within the Chelmsford City area. Appendix D of the Core Strategy identifies the quantity and accessibility to strategic and local open space required within the plan period. This should be read in conjunction with the Council's adopted "Policy for the Provision of Equipped Play Areas 2012", and "Allotment Strategy 2012" which has some revisions to these standards.

6.4 The Council will soon be commencing a new Open Space Assessment, in conjunction with a Playing Pitch Strategy and Indoor Sports and Recreation Facilities Assessment. Once complete these will supplement Appendix D of the Core Strategy and determine priorities and inform contributions.

What is covered by CIL?

6.5 The following projects and infrastructures improvements can be funded by the City Council's Community Infrastructure Levy (CIL):

- Improvements to existing Local Open Space
- Improvements to Chelmsford Central Park and other existing Strategic Open Space
- Leisure Centre Improvements

Possible S106 Obligations

Waterways

6.6 Where development has a direct impact upon, or a close connection with the main waterways in the City area, particularly the Chelmer and Blackwater Navigation System, contributions may be required to improve facilities and access to the rivers. Such contributions will be considered on a case by case basis and could include:

- the extension of riverside walks
- the provision of boat portorage facilities, to enable canoes etc to access the rivers
- improvements to moorings, towpaths and other navigational infrastructure such as bridges and locks
- ensuring better access to the waterways
- Increasing local connections to the footpath and cycleway network

6 Recreation and Leisure

Open Space

6.7 Sufficient space and recreation facilities should be provided to meet the needs of a development, and should be secured for perpetuity. The future maintenance and management of such provision will also need to be agreed. The following open space provision will be required to be secured through a Section 106 Agreement:

New Local Open Space Provision

6.8 Where new development creates a need for new Local Open Space in its entirety this should be provided, subject to the scale of development, in accordance with the requirements of Appendix D of the Core Strategy and may include:

- Neighbourhood play areas
- A network of multi-use games areas
- Local play areas for pre-school and children up to 8 years of age
- Fitness equipment suitable for both adults (including older persons) and young people should also be provided i.e. outdoor gym equipment
- Informal recreational green space will be required as informal ball games space and informal youth space
- Suitable hard surfaced ball and multi-use courts
- The requirements for so called 'radical sports' will be considered (e.g. BMX, Skateboarding etc)
- Allotment provision in accordance with the City Council's adopted Allotment Strategy

Picture 2 : Residents making use of Allotments



Recreation and Leisure 6

New Strategic Open Space

6.9 -Where new development creates a need for new Strategic Open Space in its entirety it should be provided in accordance with Appendix D of the Core Strategy. Precise details will depend on site layout and size, but the support elements should be in accordance with Sport England design guides. These may include:

- Sports pavilion including changing rooms
- Machinery store for grounds maintenance purposes
- Car parking provision

Maintenance

6.10 An appropriate maintenance contribution will be required for all open space and allotments. This will be calculated according to the landscape layout and quantified elements to be provided by the developer. Should a developer wish to self-manage such areas the Council would consider this subject to public access and agreeing a maintenance specification and inspection regime, secured through a legal agreement.

Offsetting

6.11 The provision of land as open space is currently the only infrastructure type within this Planning Obligations SPD which can be offset against CIL charges.

Timing/Trigger for payment or provision of works

6.12 In the case of a large-scale development, it may be that the payments or provision would be phased in order to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

7 Highways, Access and Transport

Part 7 Highways, Access and Transport

Policy Background

7.1 Section 4 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development. It also makes an important contribution towards the wider sustainability and health objectives of the Government.

7.2 Policies CP8 of the Core Strategy and DC6 of the Focused Review are the key policies which set out the justification for obligations concerning Access and Transport in connection with new development within the Chelmsford City area. Policy DC6 provides a matrix for the thresholds at which Transport Assessments will be required for new developments. Such Transport Assessments should identify measures to manage the existing network and mitigate any impacts identified.

What is covered by CIL?

7.3 The following projects and infrastructures improvements can be funded by the City Council's CIL:

- North East Chelmsford By-pass and full Boreham Interchange
- Army and Navy Junction Improvements
- Widford Park and Ride
- Strategic Cycle/Footway Improvements

Possible S106 Obligations

7.4 Essex County Council (ECC) is the Highway Authority for the Chelmsford City area. Chelmsford City Council consults Essex County Council on planning proposals that affect the highway network. Essex County Council provides advice on the scope of obligations for highway infrastructure works where it is considered that there is a need to mitigate the impact of new development(s) on the highway network.

7.5 All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network. There are no types of development which are exempt from such highway infrastructure obligations. Development proposals need to mitigate their own impact through the provision of appropriate mitigation measures. These may include:

- Works to footways/cycleways
- Raised kerbs
- New junctions
- Access roads within the site
- Link roads
- Traffic Regulation Orders, e.g. to impose waiting restrictions.
- Traffic lights
- Pedestrian crossings
- Signage
- Contributions to Car Clubs

Highways, Access and Transport 7

Timing/Trigger for payment or provision of works

7.6 The developer is required to implement the agreed highway infrastructure works in such a way that the works can be adopted by the Highway Authority once it has been agreed that they are in an adoptable standard. In general, the developer is obliged to submit suitable detailed engineering drawings to the Authority prior to any commencement of the development on site, for the Highway Authority's approval.

7.7 Before occupation of a development, the developer is usually obliged to implement the approved scheme and the Highway Authority will issue a certificate of practical completion. The developer will still have responsibility for maintaining the highway works for a minimum of 12 months and to carry out any remedial works required since the issue of the certificate of practical completion. After the 12 month period, or when the remedial works have been satisfactorily completed, a certificate of adoption will be issued and the works adopted by the Highway Authority.

7.8 Developers will be required to pay fees to cover ECC's costs incurred in approving the detailed engineering drawings, and for inspecting the highway works and issuing the relevant certificate. Details of these fees are to be included in a Section 106 Agreement. Where appropriate a Section 278 agreement under the Highways Act can be entered into between the developer and the Highway Authority. This agreement enables a developer to carry out works on a public highway and is separate to a Section 106 Agreement. The full details of the processes will be set out in any relevant Section 106 or Section 278 agreement.

Picture 3 : Motorway Congestion



Maintenance Payments

7.9 Where the infrastructure works include items with the possibility of a major maintenance requirement e.g. traffic signals or where the works are beyond the usual ECC specification, the Highway Authority will require a commuted sum from the developer to maintain that infrastructure for 15 years after adoption.

7 Highways, Access and Transport

Further Information

Insurance

7.10 Where a developer intends to carry out works to/in the public highway they will be required to provide third party insurance.

Bonds

7.11 Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relation to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third party surety or it can be a deposit in cash to Essex County Council as the Highway Authority.

7.12 Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in price.

Part 8 Education

Policy Background

8.1 As set out in paragraph 73 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Policy CPI8 of the Core Strategy further sets out the justification for obligations regarding Education in connection with new development within the Chelmsford City area.

8.2 Chelmsford will see significant growth over the next few years. New education provision to serve the North Chelmsford area is planned. There will also be the need to expand provision to serve the Chelmsford City Centre. A new primary school may be considered, depending on the types of new housing that emerge and the availability of a suitable site. The education contributions identified through the CIL Regulation 123 list will contribute to provision to meet the cumulative growth impact in the Chelmsford City area. Section 106 obligations will include the provision of new schools and new early years and childcare facilities dependent on the nature and scale of the development proposal.

What is covered by CIL?

8.3 The following projects and infrastructures improvements can be funded by the City Council's CIL:

- Additional Primary and Pre-School provision to serve Chelmsford City Council area
- Additional Secondary provision and Post-sixteen provision to serve Chelmsford to be located at Greater Beaulieu Park School

Possible S106 Obligations

8.4 The ability for new schools to serve a dual purpose for other community uses will be a requirement that will be incorporated into any Section 106 Agreement. Section 106 obligations for new school provision will be considered within future development sites, which generate the need for such provision in their entirety, on a case by case basis. These are likely to be required in the following circumstances:

New Primary School Provision

- Development sites of between 100 and 500 net additional units, particularly in rural areas
- Development sites of 500+ net additional units

New Secondary School/Post-sixteen Provision

- Development sites of 1000+ net additional units

New Pre-school/Early Years and Childcare Facilities

- For development sites of between 100 and 500 net additional units where the ability of schools, and early years and childcare facilities in the area to take additional children determines such a project

8 Education

- Development sites of 500+ net additional units
- Development of 1000+ net additional units

Timing/Trigger for payment or provision of works

8.5 In order to deliver the infrastructure in time to serve residents moving to the new development, it will usually be necessary for contributions to be made prior to commencement. On large developments it may be possible to agree phased payments, timed to coincide with different stages of project delivery. Payments can only be accepted after the units to which the sums pertain are occupied if a bond to cover the relevant amount (the amount in arrears) is first deposited with Essex County Council.

Picture 4 : Writtle College Library



Exemptions

8.6 Section 106 contributions will not normally be required for developments of less than 100 net additional residential units. One bedroom units, studio apartments, homes for the over 55's and student accommodation are also normally exempted.

Further Information

8.7 Details of the criteria that any new school or pre-school site must meet are set out in Essex County Council's 'Education Contribution Guidelines Supplement' which is available to download from Essex County Council's website.

8.8 Where appropriate Section 106 Agreements will seek to secure a community use agreement for the public use of school sports facilities. It should be noted that the Sport England's 2012-17 Youth and Community Strategy includes goals relating to schools opening up, or keeping open, their sports facilities for local community use. Sport England also offer a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites.

Environmental Mitigation 9

Part 9 Environmental Mitigation

Policy Background

9.1 Paragraph 109 of the NPPF seeks to conserve and enhance the natural environment. It states that the planning system should contribute to and enhance the natural and local environment. It seeks for the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible, thereby contributing to the Government's commitment to halt the overall decline in biodiversity. Remediating and mitigating despoiled, degraded, contaminated and unstable land are other ways of enhancing the environment. Furthermore, the NPPF seeks to conserve and enhance the historic environment. Paragraphs 131 of the NPPF seek to sustain and enhance the significance of heritage assets.

Picture 5 :Hylands House



9.2 Paragraph 118 of the NPPF states that where significant harm to the environment resulting from a development proposal cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused. Paragraph 133 of the NPPF states that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits or outweigh that harm or loss.

9.3 Policy CP9 of the Core Strategy seeks to sustain biodiversity, historic landscape character, archaeological and geological importance are protected and enhanced.

Picture 6 : Bat



9.4 Policies DC13 of the Core Strategy is the key policy which sets out the justification for obligations in connection with any Environmental Mitigation measures that are required in connection with new development within the Chelmsford City area.

9 Environmental Mitigation

What is covered by CIL?

9.5 Improvements to Landscape, Habitats and Access to the Countryside can be funded by the City Council's CIL.

Possible S106 Obligations

9.6 Any environmental mitigation measures will be considered on a site by site basis. Most issues will be localised and are likely to be small scale where it is appropriate to deal with them by way of planning conditions. There may be circumstances where schemes require environmental mitigation measures to be included within a Section 106 Agreement.

9.7 Some cases may require payments, other cases may require the details of the mitigation measures, to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out. Each site will be considered on its own merits. Environmental matters which may be included in a Section 106 Agreement include, but are not limited to:

- Major Contamination issues
- Biodiversity Offsetting
- Ecological Mitigation/Remediation
- Climate Change Mitigation
- Impact on the Historic Environment (built, landscape and archaeological features)
- Environment Enhancements

Timing/Trigger for payment or provision of works

9.8 The cost of such mitigation measures will normally be covered in full by the developer. Any contamination matters will usually be required to be dealt with fully prior to commencement of any development.

9.9 Environmental mitigation will largely be required to be carried out prior to the commencement of the development, with some further works being complete prior to first occupation of the development. Some further environmental issues may require ongoing mitigation to take place. Where the development cannot fully mitigate its impact on these environmental matters, compensatory measures may be sought. This will only be sought where all other avenues of mitigation have been exhausted. The appropriate level of contribution will be considered on a case by case basis.

Further Information

9.10 Further information on Biodiversity Offsetting can be found at:

<https://www.gov.uk/biodiversity-offsetting>

9.11 This covers all aspects of Biodiversity Offsetting and offers links to useful guidance documents produced by Natural England and DEFRA. These include a guide for developers and information on pilot schemes taking place.

9.12 The Chelmsford Biodiversity Action Plan is committed to improving the local environment and encourages the protection and improvement of wildlife habitats and green spaces.

Public Realm and Public Art 10

Part 10 Public Realm and Public Art

Policy Background

10.1 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. It is important to plan positively for high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development proposals.

10.2 Policies DC42 and DC43 of the Core Strategy are the key policies which set out the justification for obligations in connection with any Public Art and Public Realm improvements that are required in connection with new development within the Chelmsford City area. The Chelmsford City Centre Public Realm SPD sets out the Council's vision for proposed public realm improvements in the City Centre.

What is covered by CIL?

10.3 The following projects and infrastructure improvements can be funded by the City Council's CIL :

- Chelmsford Station Square Public Realm Improvements
- Chelmsford High Street Public Realm Improvements
- Public Realm Improvements at Neighbourhood Centres

Possible S106 Obligations

10.4 For developments large enough to have public space within the site, most matters will be covered by planning conditions. Each case will be considered on its individual merits.

Public Realm provision

10.5 Section 106 Agreements may require the following issues to be addressed in respect of on-site and off-site public realm improvements:

- Improvements to paving and planting on public highway and other space directly adjoining the site
- Bespoke planting and any associated paths and boundary treatment directly relating to the site
- Where a development site is adjacent to an open space and requires direct mitigation, e.g. to link the open space into the development or replacement boundary treatment to open space
- Where development proposals have a direct relationship with enhancements identified within the Chelmsford City Centre Public Realm SPD (with the exception of the improvements which are covered by the CIL)
- Adoption of the improvements
- Financial arrangement for their management
- Access and use restrictions/assurances

Public Art

10.6 On smaller schemes Public Art is likely to be dealt with by way of a planning condition. It may be required to be secured via a Section 106 Agreement in the following circumstances:

10 Public Realm and Public Art

- All key developments with a threshold of 10 or more dwellings
- On developments with a floorspace of 1,000sqm or more

Timing/Trigger for payment or provision of works

Public Realm

10.7 Public realm improvements will usually be required to be completed prior to the first occupation of a development. There is a requirement for a developer to design and construct the area of Public Realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the Public Realm. Development will not commence until the developer has submitted to, and received written approval for a Public Realm Scheme, from the City Council.

Picture 7 : Public Art in Chelmsford



10.8 Once the scheme has been implemented and the Council are satisfied the scheme is acceptable, a Certificate of Practical Completion will be issued and a 12-month maintenance period will commence. At the end of this maintenance period a Certificate of Adoption will be issued. It will then be transferred to the relevant Council and a commuted maintenance payment will become payable. The amount will vary from site to site depending on the materials used and cost of maintaining the area of Public Realm. The maintenance period shall cover a period of 15 years with details of the appropriate payment of this being set out in any Section 106 Agreement.

Public Art

10.9 The commissioning of public art work should involve professional art organisations, and include stakeholder and community engagement. A written public art statement, with the commissioning process, artist briefs and budget is usually expected to be in place prior to the commencement of the development. The completion date for public art will vary dependant on the nature of the development and the location of the art work, but will usually be expected to be completed prior to first occupation of a development.

Part | | Health

Policy Background

11.1 Paragraph 171 of the NPPF states that local authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population.

11.2 Policy DC8 of the Core Strategy is the key policy which sets out the justification for obligations in connection with any health services and facilities that are required in connection with new development in the Chelmsford City area.

What is covered by CIL?

11.3 The following projects and infrastructure improvements can be funded by the City Council's CIL:

- Improvements to existing Primary Healthcare Provision
- Healthy Living and Well-being Initiatives

Possible S106 Obligations

11.4 New healthcare provision, such as new GP surgeries and other primary healthcare facilities and services, may be provided through Section 106 Agreements in the following circumstances:

- Where a development generates the need for a primary healthcare facility on the application site.
- Where there is demand for an on site need then S106 resources will be sought to fund initiatives such as play schemes, Healthy Walks (Heart & Sole), and fitness/sports participation including older persons.

Timing/Trigger for payment or provision of works

11.5 The timing for the provision of such healthcare facilities will be considered on a case by case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.

Picture 8 : Walking in the Countryside



12 Community Facilities

Part 12 Community Facilities

Policy Background

12.1 Paragraph 70 of the NPPF seeks to deliver social, recreational and cultural facilities and services needed by the community. It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

12.2 Policies CPI7 and CPI8 of the Core Strategy set out the justification for obligations in connection with any community facilities that are required in connection with new development in the Chelmsford City area.

What is covered by CIL?

12.3 At present there are no infrastructure improvements in respect of community facilities that are proposed to be funded by the City Council's CIL.

Possible S106 Obligations

12.4 For large scale strategic development of 500+ new residential units the City Council will be likely to require the provision of indoor space which provides flexible use for the community. Such facilities should consider:

- The inclusion of a multi-use space for community groups and clubs to use e.g. Village Halls
- Space for library use
- The ability, or otherwise, of nearby existing facilities to serve the community
- The individual needs and requirements of the locality

12.5 As part of the Section 106 Agreement a nominated partner or organisation will be required to be identified as the future operator/manager of the building or space. This can be a Parish Council, Charity, or other community group.

Timing/Trigger for payment or provision of works

12.6 Such facilities should be provided once a proportion of a proposed development is occupied, which is usually towards the latter end of the development's occupation. This will vary depending on the scale of development, and will be agreed as part of a Section 106 Agreement.

Flood Protection and Water Management 13

Part 13 Flood Protection and Water Management

Policy Background

13.1 Section 10 of the NPPF deals with the challenge of climate change, flooding and coastal change. It states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

13.2 New development proposals should be planned to avoid increased vulnerability to the range of impacts arising from climate change. Where new development proposals are brought forward in areas that are vulnerable, care should be taken to ensure that risks can be managed through sustainable adaption measures.

13.3 Policies DC16 and DC22 of the Core Strategy are the key policies which set out the justification for obligations in connection with any flood mitigation and water management measures that are required in connection with new development in the Chelmsford City area.

What is covered by CIL?

13.4 The Chelmsford Flood Alleviation Scheme (FAS) and related strategic flood protection measures can be funded by the City Council's CIL.

Possible S106 Obligations

13.5 In Chelmsford the principal sources of flood risk are from its rivers, the tidal river at South Woodham Ferrers and storm rainfall giving rise to extreme levels of surface water run-off.

13.6 As the Lead Local Flood Authority, Essex County Council is producing a Surface Water Management Plan that will include City-wide measures to prevent flood risk from, and improve resilience against, extreme rainfall. There may be instances where individual sites come forward for development, which in turn raise issues of flood risk or water management. If these cannot be addressed on site or by way of condition, it is anticipated that a Section 106 Agreement may be needed. These may cover sustainable drainage techniques or features and other issues such as:

- Green Roofs
- Infiltration trenches/drains
- Ponds and wetlands
- Adoption of surface water drainage systems
- Financial arrangements for the management of surface water drainage systems
- Access and use restrictions/assurances

Timing/Trigger for payment or provision of works

13.7 There is no general rule for the timing of payments as each scheme will be judged on a case by case basis. Should off-site works be required, it is expected these would be in place prior to the first occupation or completion of the development.

14 Implementation of this Planning Obligations SPD

Part 14 Implementation of this Planning Obligations SPD

Negotiations/Viability

14.1 The Council has tested the viability of development as part of the preparation of the Draft Community Infrastructure Levy Charging Schedule using current market conditions and taking into account the provision of 35% affordable housing. The results of the residual development appraisal approach demonstrated that 35% affordable housing policy on all site typologies tested combined with other on-site planning contributions and the Draft Community Infrastructure Levy produced land values that would still incentivise landowners. This is to ensure that Landowners make their land available for redevelopment, even with additional headroom that is not relied upon in practice.

14.2 The costs incurred in delivering a workable, high quality development should be anticipated and reflected in the price paid for land and will not normally reduce the ability of a site to provide the required planning obligations.

14.3 Anticipated costs will include affordable housing, site clearance and remediation, good quality, design measures, landscaping, noise and other environmental attenuation measures, and appropriate infrastructure provision. Price paid for land may not be a determining factor if too much has been paid or historic land values or developer profit margins are being protected at the expense of required planning contributions.

14.4 However, there may be exceptional circumstances where development proposals are unable to meet, in full, the policy requirements of the Development Plan. If the Applicant can demonstrate, to the satisfaction of the City Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas.

14.5 Where an Applicant formally requests the City Council to consider a reduced level of obligations for a particular scheme, a full viability report, prepared by the Applicant, should be enclosed as part of the submission of the planning application.

14.6 The information to be provided as part of a Financial Viability Assessment on any development scheme can be found on the City Council's Validation Requirements List (see Financial Viability Checklist). This list includes all documents that should be submitted with a planning application, and details on the content of the Financial Viability Assessment are covered at:

<http://www.chelmsford.gov.uk/documents-and-drawings-required>

14.7 Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the City Council and an independent viability advisor appointed by the City Council with reasonable agreed costs borne by the Applicant. In recognition of the sensitivity of the information supplied by the Applicant or their Agents, all information supplied for assessing the viability of a scheme will be kept confidential (shared only with the independent viability consultancy), the details will not be made publicly available as part of the Planning Officer's report.

14.8 The viability assessment will need to address the fundamental issue of whether an otherwise viable development is made unviable by the extent of the planning obligations and CIL requirements. The assessment will need to derive a Residual Land Value for a proposed scheme, which can then be compared against the Existing Use Value or in certain circumstances an Alternative Use Value.

Implementation of this Planning Obligations SPD 14

14.9 The City Council will normally consider the history of the site, in terms of the level of developer interest in the site, as well as the different circumstances by which the land is being brought forward for residential development in order to determine whether or not a variation to the planning contributions package is justified and will bring the site forward for development.

14.10 If the viability report submitted by the Applicant fails to satisfy the City Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development then the planning application will be refused.

14.11 Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development the development will need to wait until development values improve, land values can be re-negotiated or alternative funding sources can be secured.

Drafting of Section 106 Agreements

14.12 Section 106 Agreements will be drafted by the City Council's Legal Services team, or by solicitors acting on behalf of the City Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement.

14.13 Straightforward obligations which require only a financial contribution will be the subject of a Unilateral Undertaking, which will be prepared by the Planning Obligations Monitoring Officer. Applicants will be expected to meet the Council's reasonable costs incurred in preparing an Undertaking.

14.14 In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership at the beginning of the application process. These should be copies of the Title document and plan obtained within the preceding 3 months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.

Financial Contributions

14.15 Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased in order to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent.

14.16 When the previous Planning Contributions SPD was prepared in 2008 it was envisaged that contributions would be used within 10 years or within the plan period (i.e. by 2021). However there will still be infrastructure requirements beyond 2021. It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest bearing account. Those that remain unspent at the end of 10 years from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements.

14 Implementation of this Planning Obligations SPD

Index Linking

14.17 All financial contributions will be subject to indexation from the date of adoption of this SPD. The indexation period will therefore start with the date of adoption and end with the date when each payment becomes due. The indices to be used are the BIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices. However, if a commuted sum is required for maintenance purposes, indexation will not be applied.

Monitoring and Enforcement of Obligations

14.18 Monitoring of obligations will be undertaken by the City Council's Planning Obligations Monitoring Officer to ensure that all obligations entered into are complied with by both the developer and the City Council. A monitoring fee will be charged and this will be based on the number of clauses to be monitored and the reasonable costs incurred by the Monitoring Officer. This fee is payable prior to commencement of the development. However, a monitoring fee will not be charged in cases where a CIL payment is also required for the same development, as an element of the administration costs forms part of the CIL payment.

14.19 In cases where developers have difficulty making payments at the appropriate times as required by the legal agreement, the City Council will work with the developer to find a solution. This may involve the payment of an obligation at a later stage in the development, or payment by instalments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligation to fund it will always become payable on commencement.

14.20 If enforcement of financial obligations fails then the City Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the City Council.

Reporting on the use of Section 106 Obligations

14.21 The City Council will report at least annually on Section 106 monies received, held and spent and this will be available on the City Council's website. It is likely to be produced in conjunction with the annual report on CIL, which the City Council is obliged to produce under the CIL Regulations. Such reports will include the following:

- Information relating to money received and for what purpose
- Information about schemes funded through Section 106 monies

Part I Appendix I

Maximum Housing Costs

I.I Affordable Housing can be provided as either rented or shared ownership but must be provided at a weekly housing cost below the minimum market cost applicable to the type of dwelling as set out below:

Table 2 Housing costs including mortgage, rent and service charge (where applicable)

	1 Bed Minimum Market	2 Bed Minimum Market
Weekly Housing Cost	£121.15	£150
Monthly Housing Cost	£524.98	£650
	3 Bed Minimum Market	4 Bed Minimum Market
Weekly Housing Cost	£182.78	£230.77
Monthly Housing Cost	£972.05	£1,000

Source - Local Housing Allowance (LHA) for Chelmsford. Rates apply from 1 April 2013 to 31 March 2014. For schemes in Runwell or if postcode starts with SS, then use South West Essex LHA bedroom rates.

Note - Valuation Office Agency Rent Officers determine the LHA for each category by calculating the 30th percentile of a list of rents within every Broad Rental Market Area. The 30th percentile is a mathematical value which represents the level of rent where around 3 in 10 properties are let at or below LHA.

2 Appendix 2

Part 2 Appendix 2

Affordable Housing Costs - Affordability Assessment

Rent Component

Scheme:

Property Type:

Table 3

Rental Element	
Plot No	Monthly Rental Cost
	£
Service Charge Element	
Plot No	Monthly Service Charge
	£
Plot No	Total Monthly Housing Costs (Inc. rent and service charge)
	£

Intermediate Housing Component

Scheme:

Property Type:

Table 4

Purchase Element						
Unit No	OMV	% Purchased	Mortgage Amount	Mortgage Type & Term	Interest Rate Assumed	Monthly Mortgage Cost
Rental Element						
Unit No	OMV	% Purchased	Mortgage Amount	Mortgage Type & Term	Interest Rate Assumed	Monthly Mortgage Cost

Appendix 2 2

Table 5

Service Charge Element	
Unit No	Monthly Service Charge
	£

Table 6

Unit No	Total Monthly Housing Costs (Inc. mortgage, rent and service charge)	
	On purchase of XX% share of XXX bedroom XX	£

Table 7

Unit No	Total Monthly Housing Costs (Inc. mortgage, rent and service charge)	
	On purchase of XX% share of XXX bedroom XX	£

2.1 The City Council will check that the assumed mortgage rate and term in Appendix 2 reflect products currently available for the type of product being provided and it will have regard to the Council of Mortgage Lenders mortgage calculator to determine the mortgage elements of the housing costs on intermediate sale products. Where service charges apply, these will be considered relevant housing costs for the purposes of Appendices 1 and 2.

3 Appendix 3

Part 3 Appendix 3

Small Rural Defined Settlements

3.1 For the application of Policies DC31 and DC32, Small Rural Defined Settlements are those Defined Settlements (as defined within the Council's adopted Local Development Framework) within the following Parishes that are designated for enfranchisement and right to acquire purposes (under Section 17 of the Housing Act 1996) by Statutory Instrument 1997 No. 623:

Bicknacre

East Hanningfield

Good Easter

Great Leighs

Great Waltham

Highwood

Little Baddow

Little Waltham

Mashbury

Margaretting

Rettendon

Roxwell

Sandon

South Hanningfield

Stock

West Hanningfield

Woodham Ferrers

Part 4 Appendix 4

Community Infrastructure Levy Regulation 123 List

Chelmsford City Council

Community Infrastructure Levy

Regulation 123 List – June 2013

Chelmsford City Council, as CIL Charging Authority, is expected to publish a list of infrastructure that it intends could be funded, wholly or partly by the Community Infrastructure Levy. The Regulation 123 List sets out the projects that are capable of being funded through CIL. This needs to include the infrastructure required for the delivery of the Council's adopted Development Plans.

The inclusion of a project or type of infrastructure on this list does not signify a commitment from the City Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. Nor does the order of infrastructure items within the list imply or signify any order of preference or priority for CIL funding. This list can be amended at any time, but when amended does require 'local consultation'.

Table 8

Project or Infrastructure Type	Exclusions and Notes (where relevant)
Highways and Transportation	
North East Chelmsford By-pass and full Boreham Interchange	-
Army and Navy Junction Improvements	-
Widford Park and Ride	-
Strategic Cycleway/Footway Improvements	-
Education	
Additional Primary and Pre-School provision to serve Chelmsford City Council area	Excluding proposed new schools within North Chelmsford Area Action Plan area to be secured through S106
Additional Secondary provision and post 16 provision to serve Chelmsford to be located at Greater Beaulieu Park School	Greater Beaulieu Park School itself is being secured through S106

4 Appendix 4

Table 9

Recreation and Leisure	
Improvements to existing Local Open Space	Only where Local Open Space is not provided as part of development secured through S106 – Local Open Space typologies as defined at Appendix D of Core Strategy
Improvements to Chelmsford Central Park and other existing Strategic Open Spaces	Only where Strategic Open Space is not provided as part of development secured through S106 - Strategic Open Space typologies as defined at Appendix D of Core Strategy
Leisure Centre Improvements	-
Health and Well-being	
Improvements to existing Primary Healthcare provision to increase capacity	Section 106 planning obligations will only be used to improve existing primary healthcare provision if the proposed development in its own right creates a specific demand for a new facility or service to mitigate its impact.
Healthy Living and Well-being Initiatives	-
Flood Protection	
Chelmsford Flood Alleviation Scheme (FAS) and related strategic flood protection measures	Any additional on-site mitigation requirements to be secured through S106.
Public Realm and Environment	
Chelmsford Station Square Public Realm Improvements	Scheme currently funded through Section 106 contributions pending final detailed scheme costs
Chelmsford High Street Public Realm Improvements	-
Public Realm Improvements at Neighbourhood Centres	-
Improvements to Landscape, Habitats and Access to the Countryside	Only for strategic and landscape-scale proposals. S106 to be used for any site specific mitigation requirements

Part I Glossary of Terms

Affordable Housing – Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Affordable Rented Housing -Housing let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Area Action Plan – A plan for a specific area of the city with specific needs such as regeneration or conservation. It has the status of a DPD.

Community Infrastructure Levy (CIL) – A payment that is made to the Council by developers when development commences. The payment is used to fund infrastructure that is needed to serve development in the area. This can include new transport schemes, community facilities, schools and green spaces.

Core Strategy – This is short for Core Strategy and Development Control Policies DPD. This is a plan which sets out the long-term spatial vision for the city, along with the spatial objectives and strategic policies to deliver that vision.

Development Plan Document (DPD) - Spatial planning documents that together with the Regional Spatial Strategy will form the development plan for Chelmsford City. They are subject to Independent Examination before adoption.

Intermediate Housing -Homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Local Development Document (LDD) - The collective term for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs) and the Statement of Community Involvement (SCI).

Local Development Framework (LDF) – The collection of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) setting out the overall planning strategy, policies and proposals for Chelmsford City. New planning legislation in 2012 requires authorities to prepare a single 'Local Plan' to replace Development Plan Documents. However, until adopted documents are reviewed, the Council shall continue to refer to them as DPDs and SPDs.

Local Development Scheme (LDS) - A project plan and timetable for the preparation of the Local Development Framework or Local Plan. It can be updated and amended as necessary by the City Council.

Localism Act –The Localism Act has devolved greater powers to local government and neighbourhoods and given local communities more rights and powers over decisions about housing. It also includes reforms to make the planning system more democratic and more effective.

I Glossary of Terms

Local Plan – The collection of development plan documents setting out the overall planning strategy, policies and proposals for Chelmsford City.

National Planning Policy Framework (NPPF) – A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of LDDs and when considering planning applications.

Open space -All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Planning Inspectorate - An organisation which processes planning appeals and holds examinations into DPDs or Local Plans and the Community Infrastructure Levy (CIL).

Planning Obligation - A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Public Art - Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

Public Realm – All exterior places, linkages and built form elements that are physically and/or visually accessible regardless of ownership.

Social Rented Housing – Housing owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Stakeholder – A person, group, company, association, etc with an interest in, or potentially affected by, planning decisions in the Chelmsford City area.

Supplementary Planning Document (SPD) – A LDD which expands policies set out in a DPD or provides additional detail. They are not subject to independent examination.

A fuller glossary of common planning terms and phases can be found on the National Planning Portal at:

<http://www.planningportal.gov.uk/general/glossaryandlinks/glossary>

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