

# Supplementary Planning Document

Section 106 Developer Contributions

MAY 2007

# SUSTAINABILITY APPRAISAL FINAL REPORT

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# Section 106 Developer Contributions

## Supplementary Planning Document

### Sustainability Appraisal Report

#### **1.0 Introduction**

- 1.1 Sustainability Appraisal is an integral part of the process for preparing Supplementary Planning Documents (SPDs). It is about making sure that, by carrying out the proposals set out in such planning documents, the aim of sustainable development is achieved. To achieve sustainable development the Government has 4 objectives:
- Social progress which recognises the needs of everyone
  - Effective protection of the environment
  - Prudent use of natural resources and
  - Maintenance of high and stable levels of economic growth and employment
- 1.2 The contribution to sustainable development is a key aim of planning. Sustainable development is simply about ensuring a better quality of life for everyone now and for future generations. A widely used definition was drawn up the World Commission on Environment and Development in 1987:
- ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.*
- 1.3 In applying the principles of sustainable development the Council must consider how its planning documents address the four Government objectives. They should seek to achieve outcomes that enable social, environmental and economic objectives are reached together over time. Sustainability appraisal is a tool for achieving this aim.

#### **2.0 Methodology**

- 2.1 The Planning and Compulsory Purchase Act 2004 makes Sustainability Appraisal a requirement for Development Plan Documents and Supplementary Planning Documents. Alongside this is the requirement to undertake environmental assessment of plans and programmes through the European Directive 2001/42/EC. Regulations on Local Development (SI 2004/2204) and the Environmental Assessment of Plans and Programmes (SI 2004/1633) as well as draft Government guidance on sustainability appraisal have also been taken into account in developing an approach. This includes the following stages:
- Setting the context, objectives and baseline data
  - Developing and refining options
  - Appraising the effects of the draft DPD or SPD
  - Consultation on the Sustainability Report and draft DPD or SPD
  - Monitoring the implementation of the DPD or SPD

- 2.2 The approach adopted for this Sustainability Appraisal Report follows the method being developed by Halcrow Group Ltd for Sustainability Appraisal of the documents comprising Charnwood's Development Framework.
- 2.3 A sustainability matrix has been drawn up to assess consistently all the component documents of Charnwood's Development Framework. It takes account of the objectives of national, regional and local planning policy, other strategies, plans and programmes. The matrix assesses the proposals or principles in each document against 27 sustainability objectives in order to establish the economic, social and environmental effects. Where detrimental effects are revealed by this process the document will be revised where possible to reduce or reverse the effect.
- 2.4 This Sustainability Appraisal Report focuses on the Section 106 Developer Contributions SPD.
- 2.5 The Sustainability Appraisal for the Section 106 Developer Contributions SPD was undertaken by Council officers in November 2006 and reviewed in March 2007.
- 2.6 Appendix I signposts the components of this Sustainability Report which make up the Environmental Report for the purposes of complying with the Strategic Environmental Assessment Directive (2001/42/EC).

### **3.0 Context**

- 3.1 The Corporate Plan to 2011/12 'Leading in Leicestershire' sets out the overarching priority for the Council as:  
*Ensuring the Borough is recognised as Leading in Leicestershire for the quality of its living environment for all.*
- This SPD will support the Council's overarching priority and is relevant to the key aims of the Corporate Plan. Six aims have been identified to support achievement of the priority:
- A sustainable environment;
  - A clean, safe and healthy environment;
  - Leisure and cultural opportunities for all;
  - Decent homes and neighbourhoods;
  - An economically prosperous environment;
  - An excellent council.
- 3.2 The Section 106 Developer Contributions SPD has been prepared in the context of the Borough of Charnwood Local Plan. Appendix I of the SPD document identifies the local plan policies which may require S106 agreements to be entered into.

### **4.0 Background**

- 4.1 The purpose of the Section 106 Developer Contributions SPD is to formalise the standard approaches for specific facilities and service provision by the

developer either on-site or through contributions towards local off-site provision.

4.2 The aims of the document are:

- To ensure that any new development pays due regard to the site context and features, planning objectives for the area and existing amenities; whilst optimising site potential and development quality;
- To inform investment decisions, and land disposals and acquisitions by clarifying development constraints;
- To encourage co-operation between owners;
- To ease the planning process for potential applicants, Council officers and Members by anticipating issues and offering greater certainty;
- To provide guidance to Council officers and Members to assist in the determination of planning applications.

4.3 The planning objectives are:

- Well planned development following assessment of the impact a proposal might have on local services, facilities and amenities, housing balance or highway safety;
- A coherent, attractive and sustainability development which responds to the needs of the area and its surroundings and relates sensitively to its neighbours;
- A development that adds to the quality and quantity of public space;
- The creation of mixed and balanced communities;
- Protection and enhancement of the natural environment.
- conserve and enhance the historic, cultural and built environment.
- promoting vibrant and viable settlements.

## **5.0 SPD Issues and Problems**

5.1 Three main options were considered in relation to preparing this document. These consisted of:

- To undertake a 'Business as Usual' approach and rely on the existing adopted Local Plan policies which have been supplemented and superceded by other national and regional planning policies and to await legislative changes which have been suggested by central government.
- To adopt a document which sets tariffs for developer contributions based on standard contributions for every new dwelling.
- To adopt a document which formalises the standard approaches into one document and identifies all the issues which need to be addressed by a Section 106 Legal Agreement.

5.2 To take the business as usual approach would leave developers, land owners, agents, officers and members searching for the guidance through numerous documents and this approach would not ensure all issues are identified at an

early stage thus leading to delays in the planning process and the issuing of a decision on a planning application. It also does not address the problems developers face when considering a proposal and trying to establish the issues that may require addressing through a legal agreement. Although central government are considering revising the legislation in respect of section 106 agreements they have indicated that this may not be formulated until 2008/9 and there is no guarantee that this may happen.

- 5.3 A tariff approach was developed however this was considered to be contrary to central government advice and would therefore be difficult to defend because the tariffs would not be directly related to the proposed development. Central government in their consideration of revising legislation have suggested a tariff system and this may be the approach taken in the future but can not be included in this document.
- 5.4 The chosen approach is to formalise the standard approaches into one document which makes it a clear, robust and an accountable document. It follows central government advice and will ensure that reasonably related infrastructure is provided which is appropriate to the type and scale of development and the circumstances of the particular locality. For example, where services are under more pressure or where there is no spare capacity, this will be reflected in the nature and levels of obligations required. Following the requirements of the document will ensure new development results in a clean, safe and healthy environment; Leisure and cultural opportunities for all; Decent homes and neighbourhoods; An economically prosperous environment; and will result in the council providing an excellent service to all.

## **6.0 Implementation**

- 6.1 The Section 106 Developer Contributions SPD expands on policies contained in the Charnwood Local Plan. It will be monitored through the single system for monitoring the Charnwood Development Framework.
- 6.2 The document has not been amended because of the Sustainability Appraisal since no significant issues have arose following the 4 week consultation carried out in January and February 2007.

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## **Appendix I - Complying with the SEA Directive**

The following table indicates how this sustainability appraisal complies with the SEA Directive (2001/42/EC):

<b>SEA Directive</b>	<b>How this Sustainability Appraisal complies with the SEA Directive.</b>
<p><b>Article 4 – General Obligations</b> Carry out an Environmental Assessment during the preparation of a plan before its adoption.</p>	The Sustainability Appraisal for the Section 106 Developer Contributions SPD was carried out prior to publication of a draft SPD for public consultation and reviewed following public consultation on the document and sustainability appraisal
<p><b>Article 5 – Environmental Report</b> Prepare an Environmental Report including information to be provided under Article 5(1), subject to Article 5(2) and (3) of the SEA Directive:</p>	A sustainability report incorporating the environment report was published alongside the draft SPD for public consultation.
(a) an outline of the contents, main objectives of the plan and relationship with other relevant plans and programmes;	Refer to section 3
(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan;	The SPD refers to and brings together current policies
(c) the environmental characteristics of areas likely to be significantly affected;	The SPD refers to and brings together current policies
(d) any existing environmental problems which are relevant to the plan including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	The SPD refers to and brings together current policies
(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation;	Refer to section 1
(f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;	Refer to appendix 2
(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan;	Refer to section 6
(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;	Refer to section 5
(i) a description of the measures envisaged	Refer to section 6

concerning monitoring in accordance with Article 10;	
(j) a non-technical summary of the information provided under the above headings.	
Consult responsible environmental authorities on the scope and level of detail of the information which must be included in the environmental report.	This document included consultation on the scope of the proposed approach to sustainability appraisal for this SPD.
<b>Article 6 – Consultations</b> Consult with responsible environmental bodies – the Countryside Agency, Environment Agency, English Heritage, English Nature – and the public on the draft plan and the Environment Report before the plan is adopted.	This sustainability report incorporated the environment report and was published alongside the draft SPD for public consultation.
<b>Article 7 – Transboundary Consultations</b> Consult with other European Member States where there will be significant effects on the environment in another Member State.	A transboundary consultation is not considered appropriate in the case of the Section 106 Developer Contributions SPD.
<b>Article 8 – Decision Making</b> Take into account the Environment Report and consultation responses during the preparation of the plan before it is adopted	The sustainability report and consultation responses have been taken into account before the Section 106 Developer Contributions SPD is adopted.
<b>Article 9 - Information on the Decision</b> When a plan is adopted responsible environmental bodies, the public and transboundary Member States will be informed of: (a) The plan as adopted; (b) A statement summarising how environmental considerations have been integrated into the plan, how any consultation responses have been taken into account and the reasons for choosing the plan as adopted; (c) The measures for monitoring.	Responsible environmental bodies and the public and other relevant bodies will be informed of the appropriate documents when the Section 106 Developer Contributions SPD is adopted.
<b>Article 10 – Monitoring</b> Monitor the significant environmental effects of the implementation of plans to identify at an early stage unforeseen adverse effects and so to take remedial action.	A single monitoring system for the various components of the Local Development Framework will be developed.



## APPENDIX 2

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
To maintain and enhance biodiversity, flora and fauna	<p>To conserve &amp; enhance existing habitats</p> <p>To create new habitats identified in UK, Leicestershire &amp; Chamwood Biodiversity Action Plans</p> <p>To conserve &amp; enhance species protected by UK, Leicestershire and Chamwood Biodiversity Action Plans</p> <p>To maintain &amp; enhance designated sites of nature conservation interest</p> <p>To increase connectivity of habitats</p>	YY	YY	YY	The document requires developers to assess the impact their proposal will have on the Ecology/ Geology/ Environment /Geomorphology of the area and it may result in habitat creation and landscaping, and contributions being made towards the capital costs of implementation and for maintenance costs, which may be long term (a minimum of 3 years) and in the form of a commuted payment.
To maintain and enhance landscape and townscape character	<p>To minimise detrimental visual intrusion of development</p> <p>To minimise light pollution</p> <p>To maintain &amp; enhance landscape character &amp; distinctiveness identified in the Leicester, Leicestershire and Rutland Landscape &amp; Woodland Strategy</p> <p>To protect &amp; enhance areas of relative tranquillity</p> <p>To promote landscape schemes designed to respect the diversity of landscape and built character into new development</p>	YY	YY	YY	The provision of open space, landscaping etc and/or contributions towards landscape enhancements and public art will ensure visual intrusion of development is minimised and the quality of an area is enhanced.
To protect and improve surface and groundwater quality	<p>To improve surface water quality as identified by the Environment Agency's General Quality Assessment</p> <p>To protect quality of vulnerable groundwater resources</p>	Y	Y	Y	There is no specific requirement in this document however the extent of ecological interest will need to be identified and addressed accordingly and this may include protection or improvement of ground water resources.
To minimise water consumption	To minimise the use and increase re-use & recycling of water in existing and planned development	Y	Y	Y	There is no specific requirement in this document however the extent of ecological interest will need to be identified and addressed accordingly and this may include a requirement to recycle water in the planned development.
To improve air quality	<p>To reduce inappropriate development in Air Quality Management Areas</p> <p>To mitigate and appropriately locate potentially air polluting processes</p> <p>To reduce travel distances</p> <p>To reduce the need to travel by car</p>	YY	YY	YY	The highways and transportation requirements include measures to be taken to directly promote alternative means of transport and the provision of facilities within the vicinity will also ensure the need to travel is reduced.

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
	To reduce automotive movements related to logistical supply and distribution				
To conserve soil resources and quality	To reduce loss of best and most versatile agricultural land To reduce contamination of land and soils due to development, industrial processes or agriculture To reduce loss of soils and increase local re-use of soils through development To protect geological SSSIs	YY	YY	YY	The document requires developers to assess the impact their proposal will have on the Ecology/ Geology/ Environment /Geomorphology of the area and this includes soil resources and if affected to require mitigation measures to be carried out.
To reduce contributions to climate change	To reduce greenhouse gas emissions	YY	YY	YY	There is no specific requirement in this document however the extent of ecological/environmental interest will need to be identified and addressed accordingly and this may include measures to reduce contributions to climate change. The highways and transportation requirements include measures to be taken to directly promote alternative means of transport and the provision of facilities within the vicinity will also ensure the need to travel is reduced.
To reduce vulnerability to climate change	To reduce energy consumption To increase building designed to be adaptable to climate change (temperature extremes, storm events and flooding) To minimise the risk of flooding to people and properties from rivers and watercourses	Y	Y	Y	Measures to mitigate the risk of flooding may be required however it is not specified in the document directly it maybe a requirement depending on the assessment of a site.
To conserve and enhance the historic and cultural environment	To increase re-use of built heritage including 'buildings at risk' To protect & enhance sites, features, areas & settings of historical, archaeological and cultural value To increase use of locally distinctive and diverse materials & style	Y	Y	Y	Although not specifically identified in the document it may be appropriate to secure the re-use of 'buildings at risk' and heritage buildings where associated with the development.
To increase the re-use of previously developed land and buildings	To increase the redevelopment of previously developed land and buildings in sustainable locations To increase the remediation and regeneration of contaminated land and buildings	Y	Y	Y	Not directly specified however remediation and regeneration of contaminated land maybe appropriate depending on the circumstances of the proposal and location of the development.
To minimise the extraction of new	To increase restoration of mineral workings for biodiversity, landscape and the general public.	○	○	○	This document does not address this issue. However such matters can be taken into account in the detail and design of

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
& increase the re-use of recycled minerals and aggregates resources	To reduce use of minerals and increase the re-use of materials on and off site. To increase the sourcing of locally extracted minerals To safeguard mineral reserves and sites enabling their bulk transport To safeguard existing development from the environmental effects of mineral workings				the scheme.
To manage waste in accordance with the waste hierarchy in all sectors (i.e. household, commercial and industrial)	To reduce waste & increase the re-use, recycling and energy produced of waste To increase the provision of waste infrastructure To increase use of long lasting and recycled materials in building design To reduce hazardous waste	YY	YY	YY	Waste recycling centres maybe required or contributions to where there is a deficiency of such sites in the area
To minimise the use of energy and optimise the use of renewable resources	To increase measures to ensure energy efficiency To increase use of renewable energy supplies To increase supply of locally produced clean energy eg. Combined heat and power	O	O	O	This document does not address this issue. However such matters can be taken into account in the detail and design of the scheme.
To increase the population's access to a full range of public, private, community and voluntary services	To increase access to retail centres, post offices, local food markets, commercial centres & employment for all To increase access to community facilities – libraries, community centres, education, places of worship - for all To increase access to services by more sustainable forms of transport – walking, cycling, bus and train. To reduce food miles	YY	YY	YY	Travel plans and use of/provision of sustainable transport will address these issues, also requirement for facilities to be provided to serve the development will be addressed with provision of or contributions to community facilities.
To increase access to the countryside, public open spaces and semi urban environments (eg parks)	To increase access to features of landscape, ecological and cultural heritage in a way that minimises damage to such features To increase interpretation facilities for features of landscape, ecological and cultural heritage To increase access to green space To increase linkages between open spaces and increase permeability of the countryside and semi-	YY	YY	YY	These issues are addressed in the document with contributions being required to enhance, maintain and provide such facilities/features especially where the development is in close proximity to the existing facilities or facilities are deficient on the vicinity.

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
	urban environments				
To promote a strong community where people feel they have a say in the future	To increase community engagement and the capacity of the local community to influence decisions To increase the voluntary and community infrastructure To increase racial equality and community cohesion	YY	YY	YY	The document sets out where and how contributions maybe sought from a developer, thus giving guidance to all groups and ensuring they can be engaged in the decision process. Contributions are indicated to be sought on social cohesion.
To reduce crime, anti social behaviour and increase community safety	To reduce anti-social behaviour To reduce nuisance noise To reduce fear of crime and actual crime To increase the use of design techniques to reduce crime.	YY	YY	YY	A scheme may require contributions towards CCTV and community cohesion etc thus assisting in the reduction in crime and anti social behaviour.
To increase the population's access and opportunity to participate in culture, media and sport in Chamwood	To increase access to sports, arts, culture and leisure facilities To enhance local cultural diversity	YY	YY	YY	The need to ensure facilities are available and if not contributions maybe requested towards their provision.
To ensure that the housing stock meets the housing needs of all sections of the community	To increase the quality or upkeep of the existing housing stock To ensure an adequate supply of a diverse range of housing types appropriate to the needs of the community To increase the amount of housing that is affordable to all sections of the community To reduce homelessness	YY	YY	YY	The provision of affordable homes is a requirement for all developments over 15 dwellings and therefore accords with central government and local planning policies.
To reduce poverty and social exclusion	To reduce poverty and social exclusion across Chamwood but particularly on those areas most affected	YY	YY	YY	There is a requirement to contribute where required to ensure social cohesion and provide affordable housing.
To increase learning, skills and employability for all sectors of the community	To improve access to opportunities for education, learning and skills training for all sections of the community	YY	YY	YY	There is a requirement to contribute towards educational requirements for all ages and sections of the community where there is a deficiency at present or caused by the development.
To increase the	To increase the attractiveness of town, district and	YY	YY	YY	Where the development may have an impact on such issues

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
vibrancy and viability of settlements	<p>local centres</p> <p>To increase the sense of place</p> <p>To maintain settlement identity and prevent coalescence</p> <p>To increase neighbourhood satisfaction levels</p> <p>To increase patterns of development and movement that helps to tackle congestion.</p>				there is a requirement to contribute to ensure the balance is not unduly affected. These relate to traffic management measures, highway improvements, sustainable transport measures, community cohesion, community facilities etc. They however must relate to the development proposed.
To increase sustainable design and construction	<p>To increase the use of sustainable design and construction techniques in all forms of development</p> <p>To increase number of developments that accord with good, very good and excellent level of BREAAAM assessment</p> <p>To increase the use of innovative and adaptive design</p> <p>To increase the use of exemplar projects to demonstrate good practice in sustainable design and construction</p>	○	○	○	These issues are not addressed by this document, however they are addressed in the detail of the scheme.
To increase healthy life styles	<p>To increase access to high quality healthcare facilities</p> <p>To reduce health inequalities</p> <p>To increase healthy lifestyles through increased physical activity, improved diet and less smoking</p> <p>To reduce death rates</p>	YY	YY	YY	Contributions are required to ensure adequate facilities are available to meet the requirements of the development. Community facilities are required to be provided, or contributions sought to ensure that easy access is available sporting facilities etc.
To encourage a sustainable economy	<p>To increase competitiveness, productivity, progress and investment of local firms</p> <p>To increase inward investment</p> <p>To ensure an adequate supply of a range of sites in terms of type and quality for employment uses</p> <p>To increase the working environment through access to non work related facilities</p> <p>To increase the culture of enterprise and innovation</p> <p>To increase infrastructure for information and communications technology</p>	YY	YY	YY	Community facilities maybe required to be provided or contributed towards such facilities were there is a deficiency of such facilities or where a demand for such facilities is generated..
To increase efficient patterns of movement to	<p>To reduce commuting and traffic congestion</p> <p>To increase access to work by public transport, walking and cycling</p>	YY	YY	YY	The requirement for travel plans, and contributions towards alternative means of transport address these issues.

POLICY					
Objective	Sub Objectives	Geographic Scale	Within Plan Period	Beyond Plan Period	Commentary
support a sustainable economy	To reduce journey time between key employment areas and key transport interchanges To increase efficiency in freight distribution To increase working from home				
To reduce disparities in economic performance	To increase diversification of the rural economy To increase the diverse range of job opportunities in urban and rural areas	○	○	○	The legislation in respect of Section 106 Agreements would not permit these issues to be addressed in this document.
Overall Summary (Environment, Material Assets, Social, Economic objectives)					
<i>Environment -</i>					
<i>Material Assets -</i>					
<i>Social –</i>					
<i>Economic –</i>					
Recommendations for mitigation or changes to policy wording - No changes are considered necessary following public consultation					

NN	Significant negative effect (i.e. a move away from the objective)	YY	Significant positive effect (i.e. a move towards the objective)	D	Effect depends on how the policy is implemented (one form of uncertainty)	○	There is no relationship or no significant relationship between the objective and the policy
N	Marginal negative effect (i.e. a move away from the objective)	Y	Marginal positive effect (i.e. a move towards the objective)	?	It is not known whether the policy will move towards or away from the objective (another form of uncertainty)	T	Denotes a temporary effect Effects are permanent if this symbol is not used.