



Developer Contributions

Supplementary Planning Document
2016

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1 Executive Summary

1.1 Section 2 outlines the need for the revision of the existing Developer Contributions Supplementary Planning Documents (SPD). In Section 3, information is provided on the national and local policy background and how this SPD draws upon key Local Plan Strategy policies which guide the Council's approach in seeking planning obligations. Section 4 briefly highlights the Council's intended approach to implementing the Community Infrastructure Levy (CIL), and its relationship with this SPD. Section 5 covers the important matter of viability highlighting the evidence base that has informed the policies in the Local Plan which are subsequently drawn upon to inform this SPD. Finally, Section 6 sets out the main areas where planning obligations may be sought providing details on how the Council will apply policies from the Local Plan Strategy within this SPD.

2 Introduction

2.1 This Supplementary Planning Document sets out the Council's approach to planning obligations. It sits alongside the Council's Community Infrastructure Levy (CIL) Charging Schedule. The SPD covers the types of development that the Council intends to seek contributions from subject to meeting the legal tests set out in the relevant Planning Acts and associated regulations.

2.2 This SPD replaces the Planning Obligations, adoption statement, May 2006 including the adopted Allocation of Funding Policy and Procedures and also the Open Space, Sport and Recreation SPD and Assessment Paper and Assessment Annex Maps, Draft April 2005.

3 Policy Context

3.1 National

3.1.1 The legislative framework for planning obligations and conditions are set out in the Planning Acts and associated regulations as follows:

- Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act; and
- Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

3.1.2 The National Planning Policy Framework (NPPF) provides brief details on planning obligations in paragraphs 203 to 206. Paragraph 203 states:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

3.1.3 The NPPF identifies in paragraph 206 that:

“Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

3.1.4 Further detail is provided in the Planning Practice Guidance (PPG), providing additional explanation on the application of planning obligations. In summary the PPG identifies the following key matters in relation to planning obligations:

- The statutory test (Regulation 122) which provide the parameters for when planning obligations can be used;
- The link between planning obligations and CIL to ensure transparency with regard to what regime is intended to be used to fund necessary infrastructure requirements, and picking up on the restrictions in place regarding the pooling of planning obligations;
- The need for policies that seek planning obligations to be set out in the Local Plan;
- Recognition that aspects of planning obligations may be negotiable;
- The need for transparency in terms of information on planning obligations to be publically available;
- Explaining vacant building credits; and
- Various administrative matters including the need for standard templates, timescales for agreeing obligations; the potential for changes to obligations; and paying back unspent contributions from obligations at the relevant point in time.

3.1.5 The PPG also includes further guidance on the key tests to apply in considering the use of conditions contained in paragraph 206 of the NPPF, and guidance on the appropriate application of conditions.

3.1.6 The policies referred to within the SPD have already been assessed against the Habitats Regulations as part of the Local Plan Strategy process and therefore no further assessment is required.

3.2 Local

3.2.1 The Local Plan Strategy ⁽ⁱ⁾, adopted in February 2015, sets out the strategic context for Lichfield District, and will be complemented by the Local Plan Allocations Document, to be prepared in line with the timescales set in the Local Development Scheme.

3.2.2 There are a number of key policies that identify infrastructure requirements for the District and details are set out in this SPD against the relevant themes. The Local Plan Strategy includes two policies that provide the strategic context for infrastructure requirements:

- Core Policy 4: Delivering Our Infrastructure
- Policy IP1: Supporting & Providing our Infrastructure

3.2.3 These policies are reproduced in full in Appendix A of this SPD.

3.2.4 The evidence base that informs what is expected to be delivered in terms of infrastructure is contained in the Council's Infrastructure Delivery Plan (IDP)⁽ⁱⁱ⁾. The latest version of the IDP sets out the strategic and local infrastructure expected to be delivered over the Local Plan Strategy period.

i [Lichfield District Local Plan Strategy \(February 2015\)](#)

ii <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Evidence-base/Infrastructure/Infrastructure-delivery-plan-IDP.aspx>

4 Community Infrastructure Levy and Planning Obligations

4.1 The legal basis for applying CIL is set out in Part 11 of the Planning Act (2008) and accompanying regulations ⁽ⁱⁱⁱ⁾. Guidance is also available in the PPG ^(iv) published by government. The government's intention is that the levy is designed to be fairer, faster and more transparent than the previous system of agreeing planning obligations between local councils and developers under section 106 of the Town and Country Planning Act 1990.

4.2 The Community Infrastructure Levy:

- gives local authorities the freedom to set their own priorities for what the money should be spent on
- gives local authorities a predictable funding stream that allows them to plan ahead more effectively
- gives developers much more certainty from the start about how much money they will be expected to contribute
- makes the system more transparent for local people, as local authorities have to report what they have spent the levy on each year
- rewards communities receiving new development through the direct allocation of a proportion (15% or 25% depending on whether a Neighbourhood Plan is in place) of levy funds collected in their area

4.3 The process of applying CIL requires the Council to consult on a Preliminary Draft Charging Schedule (PCDS) in the first instance, followed by a Draft Charging Schedule (DSC) which is subject to independent examination. The development of the PCDS and DCS needs to be consistent with an up to date "relevant plan"

and be informed by an evidence base covering an assessment of the infrastructure requirements within the local authority's area, and information on the viability of development that is expected to be delivered during the development plan period.

4.4 The adopted Local Plan Strategy constitutes the "relevant plan" referred to above. The plan has been informed by an Infrastructure Delivery Plan (IDP) setting out the key aspects of infrastructure that are considered necessary to deliver the expected development identified in the Local Plan Strategy. Work has also been undertaken for the Council by Peter Brett Associates (PBA) to determine the viability of different types of development. In turn, PBA recommended proposals for charging rates that were consulted upon in the PCDS in 2014. Following further work by PBA, the DCS reflects charging rates that account for the consultation response on the PCDS and the latest information available on development costs and returns. The DCS was completed in May 2015. Examination of the DSC by an independent body took place on the 28th January 2016 followed by a report from The Planning Inspectorate received on the 24th February 2016. The report concluded that subject to certain recommended modifications, the Draft CIL Charging Schedule provided an appropriate basis for the collection of the levy in Lichfield District. Full Council adopted the Charging Schedule on the 19th April 2016 and also agreed the 13th of June 2016 as the date Lichfield District Council would commence charging CIL.

iii Community Infrastructure Levy Regulations 2010, and subsequent amendments in 2011, 2012, 2013 2014 and 2015

iv Planning Practice Guidance on CIL can be accessed via the following web link:
<http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/>

Obligations

4 Community Infrastructure Levy and Planning

4.5 The PPG ^(v) sets out how it is expected that CIL will operate alongside any continued operation of section 106 obligations. The PPG specifically states,

“When a charging authority introduces the levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site, and are not set out in a Regulation 123 list. For transparency, charging authorities should have set out at examination how their section 106 policies will be varied, and the extent to which they have met their section 106 targets.”

4.6 Regulation 123 sets out the need for local authorities to produce a list of “relevant infrastructure” which will be funded in whole or part by the CIL. The infrastructure identified on the list will therefore not be eligible for any further funding from section 106 obligations once the Council adopts a charging schedule. Moreover, from April 2015, any specific project or type of infrastructure will only be eligible for funding from five or fewer section 106 obligations. It is made clear in the PPG that the application of the five or fewer obligations per project/type of infrastructure will apply retrospectively from April 2010. Contents of the legal agreements need to define the project. **Appendix B** provides the details of the Regulation 123 list for the District.

4.7 Following the introduction of CIL, planning obligations made under Section 106 of the Town and Country Planning Act 1990 will be limited to those matters that are directly related to a specific site, and which are in accord with Regulation 122, i.e. The obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. This may include

requirements which are not capable of being funded through CIL, such as affordable housing.

v See the PPG; Paragraph: 093 Reference ID: 25-093-20140612 to Paragraph: 103 Reference ID: 25-103-20140612

5 Viability

5.1 The need to consider viability in development proposals is identified in a number of policies in the Local Plan Strategy. In general terms, Policy IP1 includes a specific clause that states:

“...The viability of developments will also be considered when determining the extent and priority of development contributions in line with the Infrastructure Delivery Plan...”

5.2 Policy H2 sets out the Council’s expectations in terms of affordable housing and the use of the dynamic viability model. The policy states:

“...The overall delivery of affordable housing in the District during the plan period will be related to the ability to deliver in the market conditions that prevail at the time a planning application is made. The District Council will vary this percentage in line with a model of dynamic viability. The levels will be reviewed annually informed by the following factors:

- Market land values;
- House prices; and
- Index of building costs....”

5.3 The Council’s approach to viability has been informed by number of viability assessments. The emerging draft of the Local Plan Strategy was informed by work undertaken by the District Valuer ^(vi). Subsequent viability work was undertaken to inform the proposed charging rates for the Council’s proposed Community Infrastructure Levy ^(vii).

5.4 The following sections set out the Council’s approach to dealing with specific issues where planning obligations may be sought.

5.5 A fee will need to be paid to the sealing of the legal agreement to cover the Council’s reasonable legal and administrative costs for drafting and completing the legal agreement. The fee will vary depending on the complexity of the legal agreement.

5.6 The District Council will consider viability assessments submitted, but there will be a requirement to instruct an independent suitably qualified person to assess these and the Council will expect the developer/applicant to pay for the cost of the independent assessment.

5.7 Pre application discussions are encouraged, further information including protocols are set out on the District Council’s website. ^(viii)

vi [Valuation Office Agency \(2012\), Cannock Chase Council, Lichfield District Council, Tamworth Borough Council Local Plan and Community Infrastructure Levy Viability Testing Study to Support The Introduction of The Community Infrastructure Levy](#)

vii Further Information available at the Council’s web pages covering the [Community Infrastructure Levy](#)

viii <https://www.lichfielddc.gov.uk/Council/Planning/Pre-application-guidance/About-pre-application-guidance.aspx>

6 Planning Obligation Guidance

6.1 Affordable Housing

Local Plan Strategy Policies

- **Core Policy 4: Delivering our Infrastructure**
- **Policy IP1: Supporting & Providing our Infrastructure**
- **Core Policy 6: Housing Delivery**
- **Policy H1: A Balanced Housing Market**
- **Policy H2: Provision of Affordable Homes**

6.1.1 The Local Plan Strategy sets out in Policy H2 and supporting text (paragraphs 8.14 to 8.21) the full detail on how the Council intends to work with partner organisations to deliver affordable housing in the District.

6.1.2 The policy sets out the thresholds for development proposals that are expected to contribute towards providing affordable housing. The key aspects of the policy are reproduced within this section.

In additional **Appendix C** provides further detail including in respect of the intended implementation of Policy H2.

Policy H2: Provision of Affordable Housing

- In Lichfield City and Burntwood, affordable housing will be required on housing developments for 15 or more dwellings or sites of 0.5ha or more in size and in accordance with nationally set thresholds.
- Outside these two main urban areas, affordable housing will be required on housing developments in line with nationally set thresholds.

Affordable housing may be in the form of social rent, affordable rent, intermediate or a mix of tenures. The District Council will normally require at least 65% of the affordable housing on a site to be social rented managed by a registered provider; the precise proportions will be agreed with the District Council having regard to housing needs within the locality of the development and the economic viability of a scheme.

Affordable housing should be provided on site and only in very exceptional circumstances will contributions in lieu, that are broadly equivalent in value to on-site provision, be acceptable.

A flexible approach on thresholds, proportions, tenure, size and type will be taken on a scheme by scheme basis to reflect housing needs in the locality and to ensure scheme viability, subject to an open book approach by developers. Where the flexible approach cannot deliver a viable scheme due to site specific exceptional circumstances, reconsideration of the percentage of affordable housing to be delivered will be undertaken on a scheme by scheme basis.

6.1.3 Policy H2 of the Local Plan Strategy when adopted was reflective of national threshold within the PPG relating to affordable housing in rural areas. However, following a High Court ruling affordable housing thresholds were withdrawn by Government. In response to this on the 8th December 2015 the following Council Policy was adopted by Lichfield District Council **Affordable housing will be required on housing developments for 5 or more dwellings or sites of 0.2ha or more in size.**

6.1.3 The Council has set a target, on qualifying sites, of up to 40% of new housing to be provided as affordable units. The target is based on an analysis of viability and need, informed by an affordable housing viability study carried out between 2008 and 2010. The Council accepts the need for a flexible approach and will assess viability on an annual basis which will determine an overall annual viable target to be published within the Annual Monitoring Report (AMR). The detailed mechanisms for assessing the factors in the 'model of dynamic viability' will be set out in the Infrastructure Delivery Plan. Applications that seek to vary the percentage identified by the 'model of dynamic viability' will need to be supported by a viability appraisal which the District Council will ask to be independently assessed, with agreed costs to be borne by the applicant.

6.1.4 The Government has recently introduced an additional category of homes within the PPG, specifically Starter Homes. The PPG states that:

As set out in the [Starter Homes Written Ministerial Statement](#) ^(ix) of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions.

ix <https://www.gov.uk/government/speeches/starter-homes>

6.2 Transport

Local Plan Strategy Policies

- **Core Policy 4: Delivering our Infrastructure**
- **Policy IP1: Supporting & Providing our Infrastructure**
- **Policy ST1: Sustainable Travel**
- **Policy ST2: Parking Provision**
- **Policy Lichfield 1: Lichfield Environment**
- **Policy Lichfield 2: Lichfield Services and Facilities**
- **Policy Lichfield 5: East of Lichfield (Streethay)**
- **Policy Lichfield 6: South of Lichfield**
- **Policy Burntwood 1: Burntwood Environment**
- **Policy Burntwood 2: Burntwood services and facilities**
- **Policy Burntwood 5: East of Burntwood Bypass**
- **Policy: North of Tamworth**
- **Policy: East of Rugeley**
- **Policy Frad2: Fradley Services & Facilities**
- **Policy Alr1: Alrewas Environment**
- **Policy Alr2: Alrewas Services & Facilities**
- **Policy Arm1: Armitage with Handsacre Environment**

- **Policy Arm2: Armitage with Handsacre Services & Facilities**
- **Policy Shen1: Shenstone Environment**
- **Policy Shen2: Shenstone Services & Facilities**
- **Policy Whit1: Whittington Environment**

6.2.1 The Council works closely with Staffordshire County Council and Highways England to ensure any required transport infrastructure, identified in the Local Plan Strategy is delivered. The Local Plan Strategy (Chapter 6) highlights strategic transport infrastructure to be delivered over the plan period including:

- Completion of the Lichfield Southern Bypass to be delivered alongside the South Lichfield Strategic Development Allocation;
- Delivery of improvements to the strategic highway network as identified by the Highways Agency (as was, now Highways England);
- Lichfield City centre improvements including transport improvements associated with the Friarsgate scheme; and
- Delivery of an additional parking facility to serve the strategic needs of Lichfield Trent Valley station.

6.2.2 Beyond these strategic infrastructure requirements, the Local Plan Strategy policies listed above identify a range of potential improvements to various transport services which may incorporate the need for planning obligations to be sought from development proposals. The Regulation 123

list, **Appendix B** identifies specific elements of transport infrastructure that are expected to be funded by CIL.

6.2.3 Where a new development (typically a larger scale scheme) gives rise to a specific off-site improvement then the Council will utilise Planning Obligations and/or Highway agreements as appropriate. Section 278 agreements are specifically related to transport improvements and they are made with Staffordshire County Council the Highway Authority for Staffordshire or Highways England. Where there are a number of medium-larger developments occurring within proximity of one another, generating a related need for specific transport infrastructure provision, Planning Obligations will not exceed the five development pooling limit (Section 278 agreements are not subject to this pooling limit). Where financial contributions are secured via new Planning Obligations or Section 278 agreements they will not be used towards any projects on the CIL Regulation 123 list.

6.3 Education

Local Plan Strategy Policies

- **Core Policy 4: Delivering our Infrastructure**
- **Policy IP1: Supporting & Providing our Infrastructure**
- **Policy Lichfield 5: East of Lichfield (Streethay)**
- **Policy Lichfield 6: South of Lichfield**
 - **South of Shortbutts Lane**
 - **Deans Slade Farm**
- **Policy Frad2: Fradley Services & Facilities**
- **Policy Alr2: Alrewas Services & Facilities**

6.3.1 Staffordshire County Council is the Local Education Authority for the District and it has a statutory duty to provide sufficient school places for children who are of school age and whose parents want their child educated in the state sector. In general terms, Core Policy 4 and Policy IP1 provide the Local Plan framework that governs the Council's approach to infrastructure provision. The Council has worked closely with the County Council to inform assessments of education infrastructure needs arising from new developments being planned in the area up to 2029. The latest version of the Infrastructure Delivery Plan (IDP) places the need for further education facilities within the local infrastructure category for the Local Plan Strategy (see Chapter 6 of the Plan).

6.3.2 As part of the work undertaken on the Community Infrastructure Levy (CIL) Charging Schedule, a Regulation 123 List has been drawn up^(x). The list identifies specific school projects that will continue to be funded from planning obligations. The list is based on the detailed policy framework, including concept statements, set out in policies Lichfield 5, Lichfield 6, Frad2, and Alr2.

6.3.3 Education contributions via Planning Obligations will not be sought for specialist older persons housing schemes, and developments consisting purely of one and two bedroom flats will normally be excluded on the basis that they generate a low rate of child occupancy. Developers and agents should consult the most up to date Staffordshire County Council Education Planning Obligations Policy Document for further guidance and are encouraged to engage with the School Organisation Team in early pre-application discussions over the likely education implications of their proposal.

6.3.4 It should be noted that where a project has been identified to mitigate the impact of development(s) the full cost of delivering the project will be met, relative to the size of development. This will include, where applicable, the necessary additional land, access and relevant services.

x See Appendix C of the [Community Infrastructure Levy Draft Charging Schedule Background Document](#) (March 2015)

6.4 Open Space/ Playing Pitches (Policies HSC1, HSC2, NR6)

Local Plan Strategy Policies

- **Core Policy 4: Delivering our Infrastructure**
- **Policy IP1: Supporting & Providing our Infrastructure**
- **Core Policy 10: Healthy & Safe Lifestyles**
- **Core Policy 11: Participation in Sport & Physical Activity**
- **Policy HSC1: Open Space Standards**
- **Policy HSC2 Playing Pitch & Sport Facility Standards**
- **Policy Lichfield 1: Lichfield Environment**
- **Policy Lichfield 2: Lichfield Services and Facilities**
- **Policy Lichfield 5: East of Lichfield (Streethay)**
- **Policy Lichfield 6: South of Lichfield**
- **Policy Burntwood 2: Burntwood services and facilities**
- **Policy Burntwood 5: East of Burntwood Bypass**
- **Policy: North of Tamworth**
- **Policy: East of Rugeley**
- **Policy Frad2: Fradley Services & Facilities**
- **Policy Alr2: Alrewas Services & Facilities**

- **Policy Arm2: Armitage with Handsacre Services & Facilities**
- **Policy Faz2: Fazeley, Mile Oak & Bonehill Services & Facilities**
- **Policy Shen2: Shenstone Services & Facilities**
- **Policy Whit2: Whittington Services & Facilities**

6.4.1 The Local Plan Strategy identifies specific standards for open space and playing pitches (Policies HSC1 and HSC2). Further detail is provided in the various location policies (Strategic Development Allocations and Broad Location, and their accompanying Concept Statements; and other settlement policies).

6.4.2 Policy HSC1 sets out specific standards for open space. The Local Plan Strategy summarises the approach in the accompanying explanatory text:

“For the types of open spaces which are used on a day-to day basis such as play areas and amenity green space, public parks and gardens a standard of ten minutes walk time has been set: this allows for the identification of deficiencies for example where a play area is geographically close to housing but may be inaccessible due to a physical barrier such as a canal. For new strategic housing developments a standard of 1.43ha amenity green space per 1,000 population has been set: this is consistent with current existing provision in the District's urban areas. As many open spaces are multi-functional, these new open spaces may need to incorporate equipped play provision (depending upon existing provision and accessibility in the area), and could be formal or informal in their layout depending upon the local context. Further details are set out in the concept statements for each strategic development location.”

6.4.3 Policy HSC2 provides the equivalent set of standards for playing pitches noting the need for replacement facilities, in line with Sport England's requirements; improvements where an unmet need is identified; and in the case of Strategic Development Allocations, an expectation that playing field facilities will be provided at a minimum level of 1.23ha per 1,000 population including around 200m² for changing and pavilion space and 0.025ha for parking. Additional Open Space Standards are presented in **Appendix D**.

6.4.4 To seek a financial contribution towards the provision of indoor sports facilities in Lichfield District in line with the Sports Facilities Framework 2009-2021 for Lichfield District.

Documents for indoor Sport include:

Sports Across Staffordshire and Stoke on Trent - Sports Facilities Framework 2009-2021 - Strategic Assessment of Sports Halls and Swimming Pools in Lichfield

The Sports Facilities Framework for Staffordshire and Stoke-on-Trent was commissioned by Sport Across Staffordshire and Stoke-on-Trent (SASSOT), the County Sports Partnership (CSP). The Framework provides a strategic and coherent link between the West Midlands Regional Facilities Framework (2007) and the existing or emerging strategies of the individual local authorities within Staffordshire and Stoke-on-Trent, national governing bodies of sport and other key partners and stakeholders. It covers the period up to 2021. **Appendix E** provides a reproduction of the key elements relating to Lichfield District Identified in the Sports Facilities Framework.

6.4.5 The various strategic allocations and other settlements policies highlight specific requirements for open space and playing pitch facilities that may require a contribution via planning obligations. Each development proposal will be assessed to determine whether it should incorporate planning obligations and where appropriate the nature of the obligation. The following pieces of evidence define where shortfalls occur within the District: Open Space Assessment and Open Space Assessment Appendices 2012 ^(xi) and the Playing Pitch Tennis and Bowls Strategy ^(xii).

6.4.6 The District Council will not be increasing its commitment to the maintenance of open space across the District. Therefore all improvements secured through planning obligations will be required to provide proposals of a preferred maintenance delivery vehicle. Once the details have been agreed with the relevant officers within the District Council evidence that the maintenance delivery vehicle has been duly entered into should be provided to the District Council.

xi <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Evidence-base/Healthy-Safe-Communities/Open-space-assessment.aspx>

xii <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Resource-centre/Evidence-base/Healthy-Safe-Communities/Playing-pitch-tennis-bowls-strategy.aspx>

6.5 Environmental and Biodiversity Improvements and Protection

Local Plan Strategy Policies

- **Core Policy 3: Delivering Sustainable Development**
- **Core Policy 4: Delivering our Infrastructure**
- **Core Policy 13: Our Natural Resources**
- **Core Policy 14: Our Built & Historic Environment**
- **Policy NR3: Biodiversity, Protected Species and their Habitats**
- **Policy NR4: Trees, Woodland & Hedgerows**
- **Policy NR7: Cannock Chase Special Area of Conservation**
- **Policy NR8: River Mease Special Area of Conservation**
- **Policy BE1: High Quality Development**
- **Saved Policy EA.16 The National Forest (to be reviewed at allocations stage)**

6.5.1 The Local Plan identifies the potential need for the use of planning obligations in mitigating and compensating for the on-site impacts to environmental resources as a result of development proposals. Furthermore, the presence in part within the District of the Special Areas of Conservation (SAC) designations for

Cannock Chase and the River Mease require specific mitigation measures to be applied.

6.5.2 The Council has previously published guidance on its approach to mitigating the impact of new residential development in accordance with Policy NR7 and NR8 with respect to the Cannock Chase SAC, **Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development**^(xiii) and the River Mease SAC **River Mease Developer Contributions Scheme**^(xiv). Contributions will be sought to satisfy the Habitats and Species Regulations 2010 (as amended).

6.5.3 The introduction of CIL is intended to provide the necessary funding stream for various environmental improvement schemes around the District, including any necessary mitigation strategies for Cannock Chase and the River Mease SACs where this is consistent with the Regulation 123 list. **Appendix F** provides detail of the approved strategy in regard to Cannock Chase SAC. Where a development is not liable for CIL, or the project does not appear on the Regulation 123 list, S106 may be required to mitigate for the impact of the development to satisfy Habitats Regulations.

6.5.4 Core Policy 13 and Policies NR4 and BE1 identify circumstances where on-site mitigation measures, and in some cases, off-site mitigation, will be sought.

6.5.5 Policy NR3 requires that all developments deliver a measurable net-gain to the Districts biodiversity value. Where this cannot be achieved within a developments boundaries additional habitat creation/improvement works must be enacted off-site via the creation of a Biodiversity Offsetting Scheme. Information regarding these schemes (and the developer

xiii [Cannock Chase Special Area of Conservation \(SAC\), Guidance to Mitigate the Impact of New Residential Development](#)
 xiv [River Mease Developer Contributions Scheme \(October 2012\)](#)

6 Planning Obligation Guidance

contributions) required can be found in the Biodiversity and Development SPD, and the Biodiversity Offsetting Strategy.

6.5.5 The Trees SPD, Historic Environment SPD and Sustainable Design SPD provide further guidance to support the delivery of environmental improvements within the District.

6.6 Sustainable Drainage Systems (SUDs) at site specific level

Local Plan Strategy Policies

- **Core Policy 3: Delivering Sustainable Development**
- **Core Policy 4: Delivering our Infrastructure**
- **Policy IP1: Supporting & Providing our Infrastructure**
- **Policy NR8: River Mease Special Area of Conservation**
- **Policy Lichfield 5: East of Lichfield (Streethay)**
- **Policy Lichfield 6: South of Lichfield**
- **Policy Burntwood 5: East of Burntwood Bypass**
- **Policy: North of Tamworth**
- **Policy: East of Rugeley**
- **Policy Frad1: Fradley Environment**

6.6.1 A Ministerial Statement on sustainable drainage systems ^(xv) was implemented on 6 April 2015. The statement sits alongside existing policy and guidance contained in the NPPF and PPG. The statement identifies the key issues as follows:

“To this effect, we expect local planning policies and decisions on planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in Article 2(1) of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order](#)

[2015](#)) - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system (SuDs) should be designed to ensure that the maintenance and operation requirements are economically proportionate.

To protect the public whilst avoiding excessive burdens on business, this policy will apply to all developments of 10 homes or more and to major commercial development.”

6.6.2 The District Council will work with Staffordshire County Council (as the lead local flood authority) to ensure SuDs are in place in line with the Ministerial Statement and will include the long term maintenance arrangement for such provision. The Local Plan Strategy policies noted above identify the need for SuDS both in general terms and for the strategic locations identified in the plan. Additional detail on SuDs can be found within the Sustainable Design SPD.

xv <https://www.gov.uk/government/speeches/sustainable-drainage-systems>

6.7 Air Quality Management Areas

Local Plan Strategy Policies

- **Core Policy 3: Delivering Sustainable Development**
- **Policy SC1: Sustainability Standards for Development**
- **Policy SC2: Renewable Energy**

6.7.1 The Local Air Quality Management (LAQM) process is set out in Part IV of the Environment Act (1995), the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and the relevant Policy and Technical Guidance^(xvi). The process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where limits are likely to be exceeded, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

6.7.2 The NPPF acknowledges that air quality considerations are relevant in the planning process and states that developers need to take into account local authority Air Quality Management Areas, Air Quality Action Plans and Low Emission Strategies, this is supported in Core Planning Principal 12. In addition para 124 of the NPPF states "Planning policies should sustain compliance with and contribute toward EU Limited Values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impact on air quality from

individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local Air Quality Action Plan".

6.7.3 There is currently one AQMA within Lichfield District Council designated in 2008 and located on the A5 at Muckley Corner, a location plan indicating the extent of the area can be viewed at www.lichfielddc.gov.uk/airquality^(xvii) along with all other air quality reports. It is likely that during the plan period that further AQMA's will be designated.

6.7.4 The process identified within **Appendix G** will be used to determine whether and how an Air Quality Assessment is required. Should the air quality assessment for the proposed development show a negative impact on air quality, the applicant shall implement one of the following options:

6.7.5 Determine financial costing's associated to the level of emissions that would be generated by the proposed development by using the methodology identified within the following government guidance: Valuing impacts on air quality: Supplementary Green Book guidance^(xviii). This guide explains how impact on air quality should be incorporated into a cost benefit analysis. The completion of this option will result in a financial cost generated which relates to the level of emissions associated to the proposed development.

6.7.6 The applicant shall determine appropriate on-site air quality mitigation measures to negate the air quality impact of the proposed development on health and/or the local environment.

xvi https://www.gov.uk/government/publications/2010-to-2015-government-policy-environmental-quality/_2010-to-2015-government-policy-environmental-quality#appendix-5-international-european-and-national-standards-for-air-quality
 xvii <https://www.lichfielddc.gov.uk/Residents/Environment/Environmental-health/Pollution/Air-quality-monitoring.aspx>
 xviii <https://www.gov.uk/government/publications/green-book-supplementary-guidance-air-quality>

6.7.7 If on-site mitigation is not possible then the Local Planning Authority shall seek financial contributions for air quality impacts through a section 106 agreement. Any section 106 levied will be used to support actions identified within the Council's Air Quality Action Plan.

7 Appendix A Key Policies: Infrastructure Requirements

Core Policy 4: Delivering Our Infrastructure

New development must be supported by the required infrastructure at the appropriate stage. The District Council will work in partnership with infrastructure providers, funding bodies, key stakeholders and other agencies and organisations to ensure a co-ordinated delivery of facilities and infrastructure to ensure that the District's communities function in a sustainable and effective manner. This includes continued joint working with other local authorities to facilities cross boundary needs.

The District Council will seek to protect, and where appropriate improve, services and facilities that provide a key function in the operation of existing communities. Development proposals resulting in the loss of a key facility from a settlement which is essential to the sustainable functioning of that settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for the community in a sustainable location.

New facilities must be located and designed so that they are integrated, accessible and compatible with the character and needs of the local community.

New development will be required to provide the necessary infrastructure at a timely stage to meet the community needs arising as a result. Development will also be expected to contribute as appropriate, to strategic projects that support sustainable development and the wider community.

Both strategic and local infrastructure provision will be linked to the phasing of new development. Phasing and specific infrastructure requirements are set out in the Infrastructure Delivery Plan (IDP) and the Concept Statements relating to the Strategic Development Allocations (SDA's) identified in the Local Plan.

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Table 7.1

Policy IP: 1 Supporting & Providing our Infrastructure

To ensure that all new development provides the necessary infrastructure facilities required create and support sustainable communities, the following will be required:

- The District Council will require all eligible development to provide the appropriate infrastructure on and off site, in line with other policies of the Local Plan and the Infrastructure Delivery Plan;

- For the Strategic Development Allocations (SDA's) reference will be made to the relevant infrastructure requirements as set out in the Concept Statements and Infrastructure Delivery Plan;
- The viability of developments will also be considered when determining the extent and priority of development contributions in line with the Infrastructure Delivery Plan;
- Applications that result in a loss of an existing infrastructure service or facility will not be permitted, unless it can be demonstrated that the facility is clearly surplus to the requirements of the community, or a replacement and accessible facility of equivalent or improved quality is provided to serve that community, in a sustainable location.

Table 7.2

8 Appendix B Regulation 123 List

8 Appendix B Regulation 123 List

Transport		Notes
Infrastructure to be funded in whole or in part by CIL		
Completion of the Lichfield Southern Bypass via provision of new underbridge section.		<ul style="list-style-type: none"> Section from east of new bridge structure to London Road to be delivered by developer as part of site access road layout. New underbridge section will be funded by existing s106 and possible Local Growth Fund. Section to west of new bridge delivered by gift of land from developers.
Improvements to the Strategic Highway Network as identified by the Highways Agency at: <ul style="list-style-type: none"> Muckley Corner Swinfen Further junction improvements and safer access to A38 (Hillards Cross and Fradley South) 		<p>CIL funds may be used to form part of package for Local Enterprise Partnership (LEP) bids.</p> <p>-</p>

<p>Transport improvement scheme from the integrated Transport Strategy for Lichfield:</p> <p>Lichfield City Centre Transport Package including:</p> <ul style="list-style-type: none"> • Bus network improvements • Cycle and walking routes within the City • Electric Charging Points • Delivery of local traffic routing scheme • Designated Coach Parking area • Real Time Passenger Information, including signage to car parks <p>East Lichfield Local Transport Package (including Fradley) including:</p> <ul style="list-style-type: none"> • HGV routing and parking arrangements in Fradley <p>Burntwood Transport Package including:</p> <ul style="list-style-type: none"> • Cannock Road – public realm enhancements and access modifications • Improved walking and cycling links from southern to northern Burntwood • Bus access and service improvements linking to Cannock and Lichfield • Burntwood Bus interchange <p>District wide measures including</p> <ul style="list-style-type: none"> • A5 (T) and A38 (T) • Route signage Lichfield to Tamworth 	
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Table 8.1

Education	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Primary Education</p> <p>Primary School provision to deliver the Local Plan Strategy will be generated through S106 agreements apart from the following projects that may benefit from CIL funds:</p> <ul style="list-style-type: none"> • Expansion of Hob Hill Primary School, Rugeley • Expansion of All Saint's Alrewas Primary School 	<p>S106 agreements will be required to secure the provision of primary education facilities to mitigate the need generated by site specific developments, and growth within the Strategic Development Allocations (SDAs) identified in the Lichfield District Local Plan as:</p> <ul style="list-style-type: none"> • South of Lichfield • Deans Slade Farm • Cricket Lane • East of Lichfield (Streethay) • Fradley • East of Burntwood Bypass • East of Rugeley • North of Tamworth (BDL)
<p>Secondary Education</p> <p>Delivery of Five Forms of Entry of additional secondary education facilities through:</p> <ul style="list-style-type: none"> • Expansion to Nether Stowe School • Expansion to The Friary School • Expansion to King Edward VI School 	

Table 8.2

Open Spaces, Sporting and Recreational Facilities	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Open Space</p> <p>Improvements to open space provision, including play provision for key sites, in line with the Open Space Assessment.</p>	<p>S106 agreements will be required to secure the on-site provision and maintenance of recreation and open space needs generated by growth within the Strategic Development Allocations (SDAs) and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:</p> <ul style="list-style-type: none"> • South of Lichfield • Deans Slade Farm • Cricket Lane • East of Lichfield (Streethay) • Fradley • East of Burntwood Bypass • East of Rugeley • North of Tamworth Broad Development Location
<p>Indoor Sports</p> <p>CIL funds may be spent on improving indoor sports provision to serve Lichfield City and its hinterland as set out in the Swimming Pool and Sports Hall Feasibility Study 2013.</p>	<p>No specific elements for indoor sports provision have been identified for new S106 funding.</p>

8 Appendix B Regulation 123 List

<p>Playing Pitches</p> <p>CIL funds may be spent on improving playing pitch provision in line with the deficiencies identified in the Playing Pitch, Tennis and Bowls Strategy.</p>	<p>S106 agreements will be required to secure the on-site provision and maintenance of playing pitch provision for the following SDA and the North of Tamworth Broad Development Location identified in the Lichfield District Local Plan as:</p> <ul style="list-style-type: none"> ● South of Lichfield ● Deans Slade Farm ● Cricket Lane ● East of Lichfield (Streethay) ● Fradley ● East of Burntwood Bypass ● East of Rugeley ● North of Tamworth Broad Development Location
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Table 8.3

Environment and Biodiversity	
Infrastructure to be funded in whole or in part by CIL	Notes
<p>Environment and Biodiversity</p> <p>CIL funds may be spent on improving the public realm, landscapes and habitats; and improving access to green space, to include:</p> <ul style="list-style-type: none"> • Chasewater Country Park improvements. • Central Rivers Initiative projects. • Heathland management programme. • Improvements to the canal network to improve Green Infrastructure Links. • Local Nature Reserves. • Woodland and hedgerow projects. <p>Infrastructure works relating to the restoration of the Lichfield and Hatherton Canal will potentially benefit from CIL funds, <i>apart from works required in relation to any on-site provision by the developers connected to the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.</i></p>	<p>Section 106 agreements will be required to secure infrastructure works relating to the restoration of the Lichfield and Hatherton Canal for the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm, Cricket Lane.</p>
<p>Cannock Chase Special Area of Conservation</p> <p>CIL funds may be spent on measures for preventing harm to the Cannock Chase Special Area of Conservation (CCSAC) agreed by the Cannock Chase SAC partnership.</p>	<p>S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of mitigation measures in relation to the Cannock Chase Special Area of Conservation.</p>

8 Appendix B Regulation 123 List

<p>River Mease Special Area of Conservation</p>	<p>CIL funds may be spent on measures for mitigating the impact of development upon the River Mease Special Area of Conservation (RMSAC) measures.</p>
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Table 8.4

Other Infrastructure		
Infrastructure to be funded in whole or in part by CIL		Notes
Flood Mitigation General measures may benefit from CIL funds.		Site specific SUDS will be secured through planning conditions or S106 agreements.
Health facilities CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district.		S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of health care as identified in the Local Plan Strategy concept statements.
Social and community facilities will benefit from the local slice of CIL funds (15-25%) raised within their area. These funds can be distributed by Parish Councils and any neighbourhood planning forums that emerge, in line with evidence of local need.		S106 agreements will be required for the Strategic Development Allocations (SDAs) to secure the provision of community centres/hubs as identified in the Local Plan concept statements.
Low Carbon Initiatives / Carbon Investment Fund CIL funds may be used to support the delivery of Local Plan policy SC1 which states: The District Council is developing a Carbon Community Fund (CCF) which will support the achievement of carbon targets through financial contributions.		

Table 8.5

9 Appendix C Affordable Housing

9.1 It is important that everyone living in Lichfield District has the opportunity of a decent and affordable home. One of the priorities of the Housing Strategy 2013-2017^(xix) is to “Improve housing choice and access to a wide range of affordable homes”. There is a clear evidenced need for more affordable homes in the district and the District Council is committed to improving affordability by seeking a target on qualifying sites of up to 40% of new dwellings to be provided as affordable housing.

What is Affordable Housing?

9.2 Affordable Housing is subsidised housing available to eligible households who are unable to rent or buy housing at market rates. The Council defines Affordable Housing as it is set out in the National Planning Policy Framework (NPPF), “*Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market*”. Eligibility for Affordable Housing is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price in perpetuity for future eligible households or for the subsidy to be recycled for alternative Affordable Housing provision.

9.3 The types of Affordable Housing which will be sought on development sites in Lichfield District are:

Rented Housing	
Social rent	Managed by Registered Providers (RPs), this is rented housing to be let at no more than 100% of the rent level as determined by the National Rent Regime for target rents. Rents are lower than affordable rents, typically at 40%-60% of market rents. This is the councils preferred rented tenure.
Affordable rent	Rents charged can be no higher than 80% of the full market rent. They may be let by a RP to tenants eligible for social rented housing; therefore rents charged should not exceed the Local Housing Allowance rate.
Intermediate housing	
Shared ownership	The purchaser buys a percentage share of a property (initially a minimum share of 25%, or a maximum 75%) and pays rent on the share that they do not own, which is capped at 3% of the value of that share. Shared Ownership properties are always leasehold but the purchaser may gradually acquire the freehold in stages from the RP (known as ‘staircasing’). If the purchaser staircases up to owning 100% of the property, the capital receipts should be ring-fenced by the RP to deliver

xix <https://www.lichfielddc.gov.uk/Residents/Housing/Housing-strategy/Downloads/Lichfield-district-housing-strategy-2013-17.pdf>

Rented Housing	
	more affordable housing in Lichfield district. Where 100% staircasing occurs, the RP will have first right of refusal on purchasing the property back should it be sold.
Equity share	The purchaser buys a percentage share of a property and does not pay rent on the share that they do not own. The remaining equity is transferred to an RP, or in some circumstances may be retained by the developer. Equity Share properties can be either freehold or leasehold.
Discounted market	Homes that are sold, usually on a freehold basis with a permanent % discount from open market value that is secured through land registry covenants. The level of discount will not be less than 25% and will be determined with regard to local incomes and house prices to ensure affordability.

Table 9.1

9.4 Homes that do not meet the NPPF definition of affordable housing, (e.g. some forms of “low cost market housing”) will not be considered as affordable housing for planning purposes. Low cost market housing is smaller homes at the lower end of the market, which may help to meet the needs of first time buyers. Low-cost market housing can play a useful role in meeting the district’s wider housing demand and in achieving an appropriate housing mix. Developers are encouraged to supply a proportion of homes to meet the wider needs of the housing market.

9.5 The Council’s definition of affordable housing encompasses both *general needs housing* provision and *supported housing* of different affordable tenures to meet the needs of the elderly and other vulnerable groups.

Starter Homes

9.6 The government is currently consulting on changes to the definition of Affordable Housing as set out in Annexe 2 to the NPPF so that it encompasses a wider range of products that can support people to access home ownership. In addition to this the Housing and Planning Bill 2015 is introducing a statutory duty to promote the delivery of starter homes, along with a requirement for a proportion of starter homes to be delivered on all suitable reasonably-sized housing developments.

9.7 The Bill defines starter homes as new dwellings for first time buyers under 40, sold at a discount of at least 20% of market value and at less than a price cap of £250,000 (outside London).

9.8 The council’s policy on starter homes will therefore be in accordance with the revised PPG in place at the time of the application.

Accommodation requirements for older people

9.9 Lichfield District is expected to see a 74% increase in the over 65 and a 128% increase in the over75 age groups by 2035^(xx). Most older people are owner-occupiers and have already paid off their mortgages with many tending to live in larger homes that are perhaps too large for their needs. More people are also living alone for longer which adds further pressure on the housing market, and the housing stock therefore needs to adapt to meet the demographic changes ahead.

9.10 Many older people want to stay in their current home for as long as possible and will have strong emotional ties to their home and neighbourhood. Moving house can be a very daunting experience for some older people and we therefore need to ensure that enough accessible, adaptable and affordable homes are available that meet the changing needs of the ageing population. This will also include the need to develop more suitable and attractive options to encourage older home owners to be able to downsize if they wish.

9.11 Older people want housing that is attractive, in a safe, well-connected neighbourhood and developers are encouraged to ensure that the needs of our ageing population are adequately considered in new developments by making sure new homes are accessible, adaptable and enable older people to enjoy a good quality of life and remain independent and continue living in their existing home for as long as possible.

9.12 We also need to see a significant increase in the supply and range of suitable housing built specifically for older people, including affordable rented accommodation and owner-occupied specialist housing such as extra care.

Working With Registered Providers

9.13 The District Council operates a partnership arrangement with Registered Providers (RP's) seeking to develop new affordable homes. This partnership is made up of a small number of approved RP's who are committed to delivering good quality, well designed, sustainable, adaptable and affordable homes in the District to meet our strategic housing aims and have excellent housing management and maintenance standards. It is expected that Developers will engage early on with one of our partner RPs to deliver the affordable housing secured on a development. An up to date list of preferred RP partners can be provided on request from the Housing Strategy Team.

Housing and tenure mix

9.14 New housing developments must provide for a variety of housing types and sizes to accommodate a range of different households, including families, single people and low income households as evidenced by the Southern Staffordshire Districts Housing Needs Study and SHMA update or future evidence. The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location. Housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects), in a way that integrates all households into the community.

xx Enhanced joint strategic needs assessment for Lichfield District, 2012

9.15 The District Council will be mindful of planning applications that deliberately seek to evade the relevant threshold for affordable housing and proposals for residential development just below the relevant thresholds must be based on the assessed housing potential of a site and not an attempt to avoid the provision of affordable housing. Sites presented just below threshold levels will be assessed in terms of ownership boundaries, density and proposed mix to ensure that land is being used efficiently and it does not avoid the required affordable housing contributions.

Phasing on large sites

9.16 On large sites where development will be phased, it is expected that the affordable housing will be developed at the same time as the market housing and an affordable housing phasing plan must be submitted and agreed prior to start on site.

9.17 As a general rule, in each phase no more than 25% of open market dwellings should be occupied until 25% of the affordable housing units have been constructed and transferred to an RP ready for immediate occupation and no more than 80% of open market dwellings on each phase should be occupied until 100% of the affordable homes have been transferred to an RP ready for immediate occupation.

9.18 Each phase will be expected to deliver a proportional level of affordable housing to ensure even distribution across the development. Affordable housing should be fully integrated within the general market housing and should be reasonably dispersed or 'pepper-potted' throughout the development to adhere to the principles of creating mixed and sustainable communities.

Design, layout and construction of Affordable housing

9.19 To complement the 'pepper-potting' approach it is important that the affordable housing is of good quality and indistinguishable from general market housing in terms of appearance, build quality and location. To ensure that rented homes are sustainable and energy efficient in the long term for families and to qualify for any grant funding that may be available at the time. Registered Providers may require affordable housing must conform to any Homes and Communities agency design and quality standards that are in place at the time. They should also comply with the guidance provided within the District Councils SPD on Sustainable Design.

Viability

9.20 The presumption will always be for the provision of affordable housing to be made on site and it is expected that the need to provide it will be taken into account when a land value is agreed alongside other planning policy requirements. The District Council recognises that it may be necessary to negotiate over the type and mix of Affordable Housing to enable a development to come forward. Negotiations will be undertaken with the relevant District Council officers based on delivering the best outcome to meet local housing needs. They will take the following form:

- The preferred mix and tenure of dwellings will be negotiated to establish whether the percentage target identified by the 'model of dynamic viability' can be met through an alternative tenure mix that will still meet local housing need.
- If the percentage target cannot be delivered for reasons of viability, an 'open book' viability appraisal will be required to satisfy the council that the proposed scheme would not be viable if the full amount of affordable housing was provided on-site and to help determine the amount and type of affordable housing provision that would be reasonable. The submitted viability appraisal will need to be independently assessed, with agreed costs borne by the applicant.

9.21 Any alternatives to on-site provision will only be considered in exceptional circumstances and where off-site alternatives are considered to be the best way to achieve the delivery of affordable housing. In such circumstances, when robust evidence is available, the developer is encouraged to enter into early discussions with the council to justify the rationale for either off-site provision or a commuted sum payment. Since delivery via a commuted sum would be applicable in exceptional circumstances, the exact level of payments will be established on a site-by site basis.

9.22 In accordance with the NPPF any commuted sum payment should be broadly equivalent to the cost to the applicant of on-site provision. The sum for each unit will be based in the difference between the Registered Provider offer price (which is the sales revenue expected for each unit) and its open market value.

9.23 The total calculation will be based in the equivalent number of affordable dwellings that would normally be required on the development site, for example on a site of 20 units, in line with the dynamic model the current (2016) affordable housing requirement would be 31%, which would equate to 6 units.

9.24 The Commuted Sum calculation is as follows, **A = B - C**

- **A** Developer Contribution per unit
- **B** Open Market Value for Each Unit
- **C** Registered Provider Purchase Price for each Unit

9.25 The tenure split of the affordable housing will be agreed in line with policy H2 of the Local Plan Strategy, as a guide the District Council will normally (2016) require at least 65% of the affordable housing to be social rented.

9.26 In regard to the timing of payments, the calculation is to be made at the point the Section 106 agreement is signed, however the sums due will increase by the same percentage increase in the index specified in the Section 106 agreement between the month prior to the signing of the agreement and the month prior to the date of payment. The trigger points for the payments should be consistent with the trigger points of the delivery of on-site affordable housing. These are as follows

- 50% of the contribution will be paid when 50% of the market homes on the site have been substantially completed, and
- The balance of the contribution will be paid when 85% of the market homes on the site have been substantially completed.

9.27 In the event of a dispute, the value of the commuted sum will be calculated by a suitable qualified person to be instructed by the council, with the costs for those borne by the developer/applicant.

10 Appendix D Open Space Standards

Open Space Standards

Open Space Type	Standard	Cost of provision (£ per m ²)
Play	3m ² per person	£92
Amenity Green Space including parks and gardens	12.7m ² per person	£21
SDA Amenity Green Space including parks and gardens	14.3m ² per person	£21
Natural/semi natural green space (including woodlands, canals, lakes, rivers and other Green infrastructure)	210m ² per person	£0.39
Allotments	Min. 1 plot per 32 households (Area 150m ²)	Dependent on type of provision i.e. Extension to existing/new provision (xxi)

Table 10.1

Based on 2015 costs.

xxi Comment is especially welcomed in relation to allotment contributions, in particular new provision.

11 Appendix E Sports Facilities Framework Summary

11.1 The Sports Facilities Framework prioritises investment in “hub level” and above facilities across the sub-region by:

- Guiding sub-regional strategic planning (including the provision which will be required if the planned housing growth is realised);
- Taking account of population trends;
- Anticipating the impact of a 1% per annum growth in participation on facility needs;
- Highlighting gaps in strategic facility provision across the SASSOT area and identifying options to address them;
- Taking into account the role of the education sector in sports provision and community use, paying particular attention to the Building Schools for the Future (BSF) and Academy programmes;
- Inputting into the statutory planning process;
- Providing an input into other agendas e.g. health, regeneration.

11.2 The Sports Facilities Framework concentrates on the larger sports halls (6 badminton court and above), plus those which are 4-court size and managed intensively to provide for general community needs and club competitions. The larger halls are strategically important because they are able to cater for elite/high level use for a number of sports including badminton, basketball, handball, netball and volleyball.

11.3 The Sports Facilities Framework therefore proposes that a network of 6+ court halls should be established in Lichfield.

Swimming pools explanation

11.4 There is currently sufficient capacity to provide for swimming across the SASSOT area. However, the network of pools includes some modern pools but majority are aged or ageing and the current amount of water space in the SASSOT area includes a significant proportion of small school pools such as in Lichfield. These provide limited sports development opportunities for the community and therefore need to be (largely) discounted in assessing the amount of additional provision needed in the future.

11.5 The Sports Facilities Framework acknowledges the above and recommends a long term facility network which will also meet the needs of the growing population and the anticipated growth in swimming.

11.6 The following table identifies proposals which begin to address the space requirements up to 2021

	Proposal
Lichfield District Council	Develop an additional pool of 25m x 4 lane plus a teaching pool in city centre.

Table 11.1

11.7 In addition to the above, the Facilities Planning Model; Strategic Assessment of Need for Sports Halls and Swimming Pools in Lichfield (January 2010) shows that based on current facilities and population:

- 6% of demand is not currently being met by supply (unmet demand).
- All unmet demand arises from people who live outside the catchment area of a pool, the majority of which are walkers who live outside the walking catchment (83%).
- Unmet demand across the District is equivalent to 54m² of water space.
- Usage levels at all swimming pools are estimated to be about 73% of total available capacity, which is too busy. However, this masks the fact that, other than the Friary, all pools are operating above 80% capacity (significantly above the 'comfortable capacity' level of 70%).

11.8 When this is compared to an increased population based on housing growth to 2026 unmet demand for swimming space increases dramatically.

- Demand from the resident population for swimming pools in Lichfield increases by 7%
- Unmet demand remains at 6% of total demand.
- Unmet demand across the District is equivalent to 60 m² of water space.
- 100% of unmet demand arises from residents living outside the catchment of swimming pools – 84% of which are walkers with no access to a car.
- Usage levels at all swimming pools are estimated to fall slightly from 73% of total capacity to 72%, but all swimming pools, with the exception of Friary Grange, are now too busy at 80% and above, way above the comfortable threshold of 70%.

12 Appendix F Special Area of Conservation

What is a Special Area of Conservation

12.1 Special Areas of Conservation (or SACs) are strictly protected sites designated under the EC Habitats Directive with the listed habitat types and species being those considered to be most in need of conservation at a European level. These sites, together with Special Protection Areas (or SPAs), are called Natura 2000 sites.

12.2 The requirements of this Directive have been transposed into domestic legislation under the Habitats and Species Regulations 2010 (as amended).

12.3 Article 6(3) of the Habitats Directive requires that any plan or project, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives.

Policy Context

12.4 Lichfield District Council must comply with its duty under the Habitats and Species Regulations as a Competent Authority to ensure appropriate mitigation is delivered prior to developments being built and new visits generated. As such Policy NR7 'Cannock Chase Special Area of Conservation' and Policy NR8 'River Mease Special Area of Conservation' seeks to ensure Lichfield District Council fulfils its obligation:

Policy NR7 – Cannock Chase Special Area of Conservation

Before development is permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.

In particular any development that results in a net increase in dwellings within a 15km radius of any boundary of Cannock Chase SAC (as shown on the Policies Map) will be deemed to have an adverse impact on the Cannock Chase SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

The ongoing work by relevant partner authorities will develop a Mitigation and Implementation Strategy. This may include contributions to habitat management; access management and visitor infrastructure; publicity, education and awareness raising; provision of additional recreational space within development sites where they can be accommodated and contributions towards off site alternative recreational space where they cannot; and measures to encourage sustainable travel.

Policy NR8 – River Mease Special Area of Conservation

Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Mease Special Area of Conservation.

Development which falls within the water catchment of the Mease SAC will require an assessment under the Habitat Regulations. Ongoing work to outline the pressures on the SAC has identified damage is currently being caused by poor water quality exacerbated by pollution, run off, siltation, abstraction, invasive non-native species. Development, especially that which increases the stress on sewage treatment works or increases the level of phosphate in the watercourse would make matters worse. Evidence has shown mitigation of effects is possible by investment in sewage treatment works, habitat management, access management, provision of sustainable drainage techniques, publicity, education and awareness raising.

The effective avoidance and/or mitigation of any identified adverse effects must be demonstrated and secured prior to approval of development and on-going monitoring of impact on the SAC will be required. Development outside the water catchment may be required to demonstrate that they will have no adverse effect on the integrity of the SAC.

This policy should be read in conjunction with Core Policy 3.

Cannock Chase SAC

Sitting within the wider Cannock Chase Area of Outstanding Natural Beauty (AONB), the Cannock Chase SAC was designated in 2005 under the provisions of the European Habitats Directive, the majority of the site having previously been designated as a Site of Special Scientific Interest (SSSI) in 1987. Cannock Chase represents the largest area of heathland habitat surviving in the English Midlands and though much diminished in area from its original extent, as with all lowland heathland zones, the habitat and dependent species are of very high nature conservation importance.

Evidence commissioned by the SAC Partnership suggests that the planned level of growth within a 15 kilometre radius of the SAC (as set out in Map 1) is likely to have a significant effect on Cannock Chase SAC. The greater part of this effect would arise from development within a 0-8km zone (as set out in Map 1) as it has been determined through research that this zone would contribute the most visitors to the SAC^(xxii). The effect of increased visitor numbers consists of additional damage from site use.

Lichfield District Council has published a 'Cannock Chase Special Area of Conservation (SAC) Guidance to Mitigate the Impact of New Residential Development'^(xxiii) which details the levels of contribution required per dwelling and which will provide sufficient actions to prevent harm arising to the SAC from the delivery of the Local Plan Strategy. This package

xxii Further Analysis of Cannock Visitor Survey Data to Consider Apportioning Costs between Zones – Durwyn Liley, 30th September 2013.

xxiii <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Downloads/Other-mitigation/Cannock-Chase-SAC-guidance-to-mitigate-the-impact-of-new-residential-development.pdf>

of Strategic Access Management and Monitoring Measures (SAMMM) will need to be monitored and reviewed should development levels in excess of the Local Plan Strategy be sought. The SAMMM will be funded through CIL or section 106 to provide the mitigation required to satisfy the Habitats and Species Regulations 2010 (as amended).

River Mease SAC

The River Mease was designated by the Secretary of State as a Special Area of Conservation (SAC) under the EC Habitats Directive on the 1st April 2005. Meandering from Ashby de la Zouch westwards across Leicestershire, Derbyshire and Staffordshire where it meets the River Trent, the River Mease and the lower section of the Gilwiskaw Brook are designated as the 'River Mease Special Area of Conservation'. Covering around 25km (16 miles) the River Mease Special Area of Conservation represents one of the best examples of an unspoilt meandering lowland river, which supports characteristic habitats and species.

A Water Quality Management Plan (WQMP) was produced by the Environment Agency as a result of its Review of Consents as required by the Habitats Regulations. The WQMP was finalised in June 2013 with a primary purpose to '*reduce the levels of phosphate within the River Mease SAC, to enable the Conservation Objectives for the SAC to be met, and an adverse effect upon the SAC avoided*'; the primary objective of the WQMP is that '*the combined actions will result in a reduction in phosphate in the River Mease to no more than 0.05mg/l*'

The WQMP includes a list of actions and investigations relating to all types of sources which will help reduce the levels of phosphorous throughout the catchment and the River Mease SAC. One of the actions listed in Table 5.1 of the WQMP is to '*establish a developer contribution framework, in accordance with planning obligations best practice*'. The primary objective of the developer contribution scheme (DCS) is therefore to mitigate the negative effects of development on the River Mease SAC.

The developer contribution scheme (DCS) is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The purpose of the DCS is to provide a strategic approach to mitigation that facilitates the delivery of new development within the catchment. The Council will seek financial contributions on an equitable basis whereby different sized dwellings make different contributions relative to the scale of their potential impact. The DCS does not preclude a developer asking the authority to assess the application separately from the DCS with bespoke mitigation proposals assessed on a case by case basis.

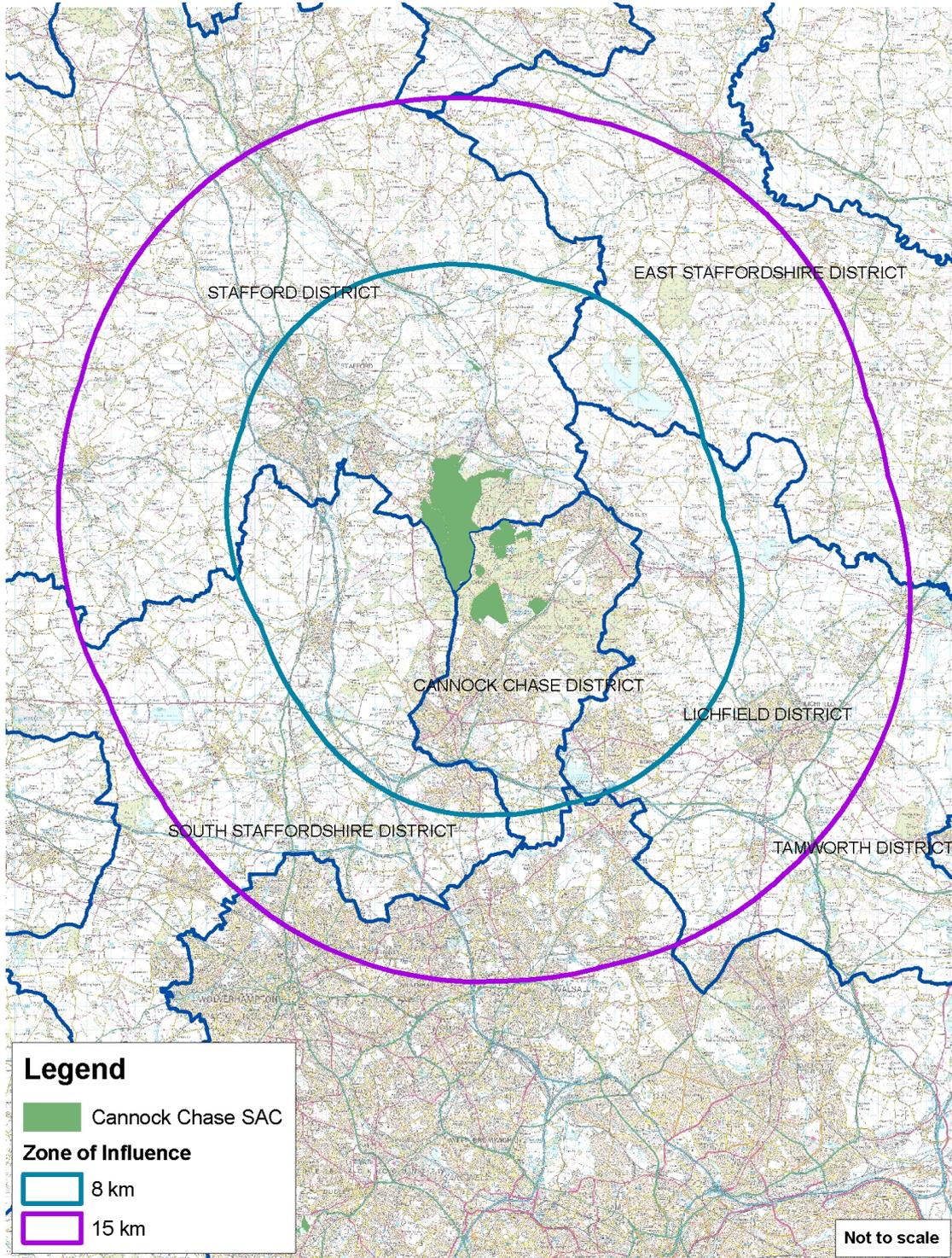
The DCS is split into development windows. Lichfield District Council has published the current 'Developer Contributions Scheme (October 2012)' ^(xxiv) however this is currently under review as the amount of phosphate mitigation available has been filled through planning

xxiv <https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Planning-obligations/Downloads/Other-mitigation/River-Mease-Developer-Contribution-Strategy-November-2015.pdf>

permissions granted. As such a new DCS is currently under consultation and which details the levels of contribution required per dwelling. Further developer contribution schemes may be necessary as development is brought forward.

Mitigation will be funded through CIL or Section 106 to provide the mitigation required to satisfy the Habitats and Species Regulations 2010 (as amended).

Cannock Chase SAC Zones of Influence



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Map 1

13 Appendix G Air Quality Management

Developer requirements will be determined through the following process:

STEP 1 – Screening Checklist

The local authority will initially determine whether the developer is required to undertake an air quality assessment by using the following checklist:

Screening Checklist (answer questions with tick)	Yes	No	Requirements:
1. Is the proposed development within an Air Quality Management Area (AQMA) ^(xxv) ?			If YES, go to checklist STEP 2.
2. Is the proposed development categorised as a major ^(xxvi) sized development?			If YES, go to checklist STEP 2.
			If both NO, no further assessment required.

Table 13.1

STEP 2 – Air Quality and emissions mitigation assessment checklist

The developer will be required to complete the following checklist to determine whether an air assessment is required:

Question (answer all questions with a tick)	Yes	No	Recommendations
1. Is the proposed development within or in relevant proximity to an Air Quality Management Area (AQMA) or in an area near to exceeding AQ limits (candidate AQMA)?			-If any questions answered = YES, contact the Air Quality Officer to confirm that an air quality (AQ) assessment is required and then undertake an emissions assessment.
2. Does the development require an EIA?			
3. Will the development type likely become a large scale major development category size? (either on its' own or as part of several separate (cumulative) planned documents.)			
4. Is vehicle parking in development:			

xxv AQMA locations can be located on the local authority website

(<https://www.lichfielddc.gov.uk/Residents/Environment/Environmental-health/Pollution/Air-quality-monitoring.aspx>)

xxvi Major category defined by Town and Country Planning (Development Management Procedure) Order (England) 2010 definitions

Question (answer all questions with a tick)	Yes	No	Recommendations
<ul style="list-style-type: none"> >100 (outside AQMA) or >50 (within or adjacent to AQMA)? 			-If all questions are answered = NO, OR the air quality officer determines there is no need for an AQ assessment = <u>Go to Section 2</u>
5. For existing roads with >10,000 Annual Average Daily Traffic (AADT), does the development: <ul style="list-style-type: none"> Introduce extra vehicle movements (>5%), Change average vehicle speed (10 kph), Is it likely to cause congestion or introduce >15 heavy duty extra vehicle movements per day? 			
6. Will the development introduce new sensitive receptors: <ul style="list-style-type: none"> Into or an area in relevant proximity to an AQMA or Into a candidate AQMA. 			
7. Are there any other proposed developments in the vicinity of this development which could have a cumulative effect on air quality?			
8. Is the development introducing biomass energy/heating plant into an urban environment?			
9. Is the development likely to impact on sensitive environments (i.e. SSSI's, National Nature Reserve, etc)			

Table 13.2

STEP 3 - Completing the Air Quality assessment

Government technical guidance on how to complete an air quality assessment can be accessed online <https://www.gov.uk/government/publications/2010-to-2015-government-policy-environmental-quality/2010-to-2015-government-policy-environmental-quality#appendix-5-international-european-and-national-standards-for-air-quality>

