

Part One Developer Contributions Supplementary Planning Document (SPD) -(December 2006)

Introduction

- 1 New development often creates a need for additional or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment.
- 2 Planning Obligations are one of the main mechanisms by which measures are secured to enhance the quality of both the development itself and the local environment.
- 3 A Planning Obligation is a legally binding agreement entered into between a Local Authority and a developer. Planning obligations are often referred to as 'Section 106's', specifically these are agreements enabled by Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). They require the developer to carry out certain works, or to provide, or contribute towards the provision of, measures to mitigate the negative impacts of their development and to ensure that it makes a positive contribution to the communities within which it is situated.
- 4 Planning Obligations can also be used to negotiate or control a particular development, use or activity. This SPD is however, primarily concerned with 'positive' obligations where measures associated with additional or improved community services and facilities are to be funded.
- 5 Throughout this document the term developer contribution will be referred to in relation to the practice of seeking contributions, monetary or otherwise from developers. Whilst this SPD refers to agreements entered into between the Local Authority and a developer, agreements can involve a range of individuals and organisations with interests in either the site and/or the implementation or management of the proposed development.

Purpose & Status

- 6 Supplementary Planning Documents (SPD) are used to provide more detail on policies set out in the development plan and are subject to extensive public consultation.
- 7 They do not have development plan status but are material considerations in determining planning applications. National advice in the form of

Planning Policy Statement (PPS) 12 states that the Secretary of State will give them substantial weight in making decisions on matters that come before him.

- 8 SPDs replaced Supplementary Planning Guidance (SPG) under the Planning and Compulsory Purchase Act 2004. However, SPG will remain in place where it relates to a saved policy.
- 9 This SPD sets out the District Council's approach to developer contributions when considering planning applications for development in Malvern Hills District. It complements and provides further guidance to the policy approach set out in Malvern Hills District Local Plan DS18 (Planning Obligations). The developer contributions listed in this SPD are by no means exhaustive since they will be individual to the particular development being proposed
- 10 It sets out the general requirements and procedures to be followed for negotiating and securing developer contributions and the methodology and details for their calculation. This will ensure that requirements are identified early in the development process, providing clarity to all interested parties and will assist in ensuring a 'fast, predictable, transparent and accountable system' as advocated by Circular 05/2005.
- 11 It will help to ensure that development makes a positive contribution to sustainability by providing social, economic and environmental benefits to the community as a whole. The District Council in implementing this SPD recognises that developer contributions and the existence of an obligation can not make, or be used to make, an otherwise unacceptable proposal acceptable
- 12 It is expected that this SPD will remain consistent and in conformity with emerging Local Development Plan Documents comprising Malvern Hills Local Development Framework. As the Local Development Framework develops it will eventually replace the old system of County Structure Plans and Local Plans. It will provide the planning framework to guide future land use and planning decisions within the District. This SPD refers to relevant Development Plan policies in relation to specific issues where developer contributions will be negotiated.
- 13 This supplementary planning document comprises two parts.
 - **Part One** sets out the Council's overarching approach to developer contributions;
 - **Part Two** details the policy justification, threshold and where appropriate, the formulae used to calculate the appropriate level of obligation for the

various areas where the Council may wish to seek contributions. Part Two includes SPG on specific areas for developer contributions which have already been adopted (affordable housing and education contributions) and in the future will also include SPD contained in separate adopted documents (open space). These documents have not been replicated here. However in the future new sections or amendments to existing sections describing requirements for developer contributions may be consulted on separately and included in Part Two in the body of updated text.; this may include amendments to the Sustainability Appraisal.

14. This document has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 and should be read in conjunction with its associated Sustainability Appraisal. It was approved for public consultation by MHDC Planning Committee on 15th June 2006 and forms part of the Malvern Hills District Council Local Development Framework (LDF). Copies of all documents can be viewed at our Customer Service Centre, Malvern, Tenbury and Upton Libraries or on our website: www.malvernhillsgov.uk

PART ONE

Approach to Securing Planning Obligations

This section sets out the national, regional and local context in which the SPD has been prepared, together with the District Council's approach to the provision and implementation of planning obligations.

Policy Context

National Planning Policy

15. Government guidance in PPS1 makes it clear that the community at large should not be disadvantaged as a result of development proposals, and that it is reasonable to expect developers to contribute towards the cost of infrastructure arising directly from their development.
16. Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Planning and Compensation Act 1991) establishes the statutory framework for developer contributions through the use of planning obligations.
17. The 1990 Act provides that an Obligation may: be unconditional or subject to conditions; impose any restriction or requirement for an indefinite or specified period; provide for payments of money to be made, either of a

specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specific period.

18. In 2005 the Government issued a Consultation Draft called 'Planning Gain Supplement: a consultation' which proposes a new system for securing developer contributions. It proposes a Planning Gain Supplement (PGS) to capture a proportion of the land value increases or 'uplift' created by the planning process. Should this proposal proceed into legislation there would be reforms to the planning obligations system which reduce the scope of the planning obligations to matters affecting the environment of the development site and affordable housing. It is anticipated that this would not be implemented before 2008. Should this be introduced, this SPD would be amended to reflect such guidance.
19. In the meanwhile the Government published Circular 5/05 which is intended to act as an interim measure ahead of the possible enactment of wider changes linked to the PGS. This SPD has therefore been developed on the basis of advice in Circular 5/05. Should the Government introduce the significant changes outlined above then the Council will consider any necessary amendments through a possible revision to this SPD.
20. Circular 5/05 reminds planning authorities that the process of negotiating planning obligations should be conducted as openly and fairly as possible to ensure that the planning system is seen to operate in the public interest. It is appropriate therefore that guidelines relating to developer contributions are both published and open to public comment and scrutiny. Properly used, planning obligations may enhance the quality of the development and enable proposals to go ahead which otherwise might be refused.
21. Circular 5/05 states that planning obligations can:
 - Prescribe**, e.g. affordable housing in line with local development framework policies on creation of mixed communities. There may be certain circumstances where provision on another site or financial contribution is appropriate;
 - Compensate** - Can offset through substitution, replacement or regeneration the loss of or damage to a feature or resource present or nearby e.g., open space, right of way, landscape feature. There should be some relationship between what is lost and what is offered; and
 - Mitigate** - Where a development creates a need for a particular facility that is relevant to planning but cannot be obtained through a planning condition e.g. inadequate access or public transport provision or a travel plan. Also

proposed development may give rise to the need for additional community infrastructure e.g. new school classroom.

22 Planning obligations are unlikely to be required for all developments but this will depend on local policy requirements and local circumstances. There are a number of tests, relevant to their use. They should be:

- Relevant to planning;
- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development;
- Fairly and reasonably related in scale and kind to the proposed development; and,
- Reasonable in all other respects.

The fundamental principle is that planning permission is neither bought nor sold and planning obligations should not act as betterment levy.

23 Recent guidance in the form of Planning Policy Statement 1 (Delivering Sustainable Development) stresses the need for “...positive planning to achieve sustainable development objectives and proactive management of development” and requires Planning Authorities to ensure that social inclusion, economic development, environmental protection and the prudent uses of natural resources are at the forefront of policy making and implementation.

24 In addition, specific guidance regarding the importance of the use of planning obligations to deliver affordable housing is contained in PPG3 (Housing) and Government Circular 6/98 (Planning & Affordable Housing). However, these are both due to be replaced by Planning Policy Statement 3 (Housing). Details on the use of planning obligations for providing affordable housing are likely to be included in a companion guide to PPS3.

Regional Planning Policy

25. The Regional Spatial Strategy for the West Midlands (RSS) was adopted in 2004 and has Development Plan status. It sets the land use policy direction for the district up to 2021. Policy UR4 (Social Infrastructure) stresses the importance of the role of local authorities in facilitating the coordination of land use and investment decisions with improved service delivery. The RSS is currently being reviewed and can be viewed on the website (www.wmra.gov.uk)

Structure Plan Policy

26. Worcestershire County Structure Plan is a 'saved' plan under the Planning and Compulsory Purchase Act 2004 transitional arrangements. Policy IMP1 (Implementation of Development) is 'saved' at least until September 2007 and provides a strategic framework to ensure consistency of approach to planning obligations whilst incorporating an element of flexibility to allow the detailed issues and aspects of any development to be considered and negotiated at the local level.
27. Policy IMP1 sets out in general terms what will be expected of developers in relation to achieving sustainability objectives. Planning obligations will include those works needed within the development site in the interests of comprehensive planning and sustainable development and those off site necessary to serve the development or mitigate its impact. The Structure Plan can be viewed at www.worcestershire.gov.uk

Local Context

Local Plan

28. Malvern Hills District Local Plan Policy DS18 – (Planning Obligations) states that “Development proposals will only be permitted where existing services and infrastructure are available to meet the needs generated by the development or where provision will be provided and appropriate measures undertaken to safeguard the local environment. Planning obligations or other measures will be used to support the sustainable development objectives of the Local Plan and to secure necessary physical, social, economic and environmental infrastructure related to the development.” The Local Plan can be viewed at www.malvern hills.gov.uk

Community Involvement

29. The aim of the Statement of Community Involvement (SCI) adopted by the Council in 2006, is to set out details for greater community involvement in the plan making and development control process. It states that if development proposals fall within certain definitions of significant development and are therefore more likely to require developer contributions, the District Council will expect applicants and developers to have engaged the local community at an early stage.
30. These consultations should include details of prospective developer contributions. This reflects national advice which states that the process of negotiating planning obligations should be conducted as openly as possible and members of the public should be given every reasonable assistance in locating and examining planning obligations which are of interest to them. The SCI can be viewed at www.malvern hills.gov.uk

31. Where Parish Plans or Village Design Statements are adopted as SPD they can also be used to inform the District Council's position with respect to developer contributions associated with development proposals within the area covered by the Parish Plan.

Processes and Procedures

Types of Obligations

32. The following list outlines the type of contributions that may be sought or required by the District Council where they are applicable to the site. This list however is not exhaustive as contributions will be negotiated on a site by site basis, taking into account the individual characteristics of the site the potential demands placed upon local physical and community infrastructure by the proposed development and the availability and quantity of surrounding facilities upon which the development of the site will impact.
33. Some requirements will be related to specific Local Plan/Local Development Framework policies while others will reflect more general Local Plan and LDF objectives which make up the strategy and/or council priorities (details of which are set out in Part Two). Negotiations in relation to each of the following will conform to the tests set out in Circular 5/05 and any other guidance specific to the type of contributions being considered e.g. (PPG 3/ PPG 13/ PPS 6 etc)
- Affordable Housing
 - Public Open Space
 - Sustainable transport
 - Education Contributions
 - Recycling facilities
 - Public Art Provision
 - Town Centre Enhancement
 - Renewable Energy
 - Community Safety
 - Environmental Protection and Enhancement
34. The above list is in no particular order and no one requirement has been given priority. There are also other contributions listed under Local Plan Policy DS18 which include education, health care and community facilities, recreation and leisure facilities, environmental protection and enhancement including sustainable urban drainage systems (SUDS), urban and rural regeneration, local employment and training opportunities and information communications technology infrastructure. This list can never be exhaustive as developer

contributions will always be tailored particularly to the individual site and its implications for community and physical infrastructure.

35. When there are multiple requirements for developer contributions then the District Council may need to prioritise them having regard to detailed information relating to site viability which will be provided by the developer and assessed by the District Council. Establishing priorities for community infrastructure will also have regard to the greatest needs and opportunities within the area in which the development is proposed.
36. Supplementary Planning Guidance has already been adopted for Affordable Housing and Education Contributions and an SPD is due to be published in 2007 specifically relating to Open Space. The requirements, details and processes set out in Part One of this document will also apply to that guidance or future documents in which Malvern Hills District Council (MHDC) seek developer contributions.
37. Each development has a set of costs, ranging from the purchase of a site, to land assembly, and the provision of infrastructure and other enabling measures such as reclamation which will allow the site to be developed. The District Council is aware of this and recognise that there can be varying limits to the amount of physical and community infrastructure that can be requested in developer contributions and carried by the proposed development.
38. It is recognised that the costs and risks on brownfield development sites can be higher especially where there are complex land assembly arrangements or where significant remedial works are necessary.
39. However small-scale developments will only be excluded if it is demonstrated that viability is particularly sensitive due to the special nature of the site. The District Council will have regard to the fact that other economic and social objectives may be served by encouraging development on the site even in the absence of normal physical and community infrastructure requirements.
40. If it is demonstrated sufficiently that a site's viability is compromised, then the size or nature of the associated obligation will be treated flexibly. Viability is an issue likely to be considered at the time of pre application discussions and negotiation
41. Where a developer advises that the cumulative costs of developer contributions may affect the economic viability of the proposal, the onus will be on the developer to prove that this is the case with clear and detailed evidence. A developer will be asked to provide a full open book financial appraisal. For major developments, the District Council

may seek and or agree to an independent assessment of the financial appraisal and the cost of this will normally be met by the developer upon the granting of planning permission (if permission is granted). Financial Appraisal should contain details of:

- Gross development value
- Total project costs
- Net Development margin
- Margin as % of costs

42. The District Council can treat financial information as commercially sensitive and confidential, subject to the provisions of the Freedom of information Act and the need to ensure that the process of negotiations is transparent to public scrutiny. Due to confidentiality issues the appraisal may be treated as confidential information but the conclusions will be incorporated in the Case Officer's report to the Planning Committee.

Thresholds

43. There is no general minimum threshold for obligations which apply. However certain types of requirement do contain individual minimum thresholds which are set out in Part Two, e.g. affordable housing/education provision etc. For certain types of contributions 'major' development has been set as the threshold for triggering the requirement of those contributions. 'Major' development is set out in the SCI and defined in The Town & Country Planning (General Development Procedure) Order 1995. It relates to 10 or more dwellings or 0.5 hectares when the number is not known and commercial development of 1,000 sq. metres or a site area of 1 hectare or more. This definition should not be taken to indicate density requirements which are set out in Local Plan Policy CN6 (Efficient use of land for Residential Development).

Pooling

44. In some cases individual development will not be able to financially support a discrete piece of infrastructure and in others a single development may not have sufficient impact to justify the need, for example, a new playing field but, nevertheless the development will have an impact on the need for such infrastructure. The majority of developments, particularly small scale, therefore may not, of themselves, support major investment in new infrastructure, services or facilities. For example, a development of five houses would be, on its own, of insufficient size to require an extension to a primary school or health centre.

45. Policy DS18 states 'Circumstances may arise where it is appropriate to seek contributions from small scale developments where their cumulative impact would place pressure on existing services and infrastructure.' A series of smaller developments (i.e. those above the thresholds) may have a cumulative impact on existing infrastructure, services and facilities and it may be more cost effective to make a single improvement after a number of smaller developments have taken place.
46. Where the combined impact of a number of developments creates the need for infrastructure or a facility, associated developer contributions may therefore be pooled. It may be that the infrastructure is provided by the local authority before all the developments have come forward. Where this is the case, later developments will still be required to contribute a proportion of the costs, provided that the need for the infrastructure or its maintenance and the proportionate contributions have been established beforehand.
47. Developer Contributions will not be sought or used to replace resources already included in existing public programmes for physical and community infrastructure. However, where it is possible to bring forward public programmes through developer contributions to meet the specific demands of new development and expedite the provision of specific infrastructure this will be considered in negotiations.

On Site Provision

48. The preferred outcome in requesting developer contribution for certain types of obligations (e.g. affordable housing and open space) is to obtain serviced land or infrastructure on site. However, the District Council is aware that in some circumstances off site provision or financial contributions towards the cost are the best option available. Whilst the presumption is for on site provision each site will be assessed individually.

Procedure

49. The detailed arrangements necessary to secure a planning obligation will vary according to individual circumstances and will be determined on a case by case basis. A flowchart has been included for illustrative purposes. In order to minimise any delay in dealing with a development proposal at the formal application stage, the District Council encourages pre application discussion. This should identify the key issues and enable an application to be submitted with a draft of the identified planning agreements.

50. In assessing the type and scale of developer contributions the LPA will have regard to:
- The extent to which the works provided are essential for the development to take place and the needs arising as a direct result of the development. This could include for example a new access road to open up the development, or education facilities where none exist.
 - The extent to which there are additional or abnormal costs associated with the development. This is most often applicable to brownfield sites.
 - The availability of facilities in the surrounding area. For example residential development requires the provision of open space but this may not be essential if there is appropriate readily accessible existing open space to a sufficient standard and capacity which is able to serve the needs of the development.
 - The extent to which contributions provide for facilities which are reasonably required to meet wider needs as supported by policies in the local plan and the Councils priorities. The provision of affordable housing for example.
51. If a contribution to meet identified needs or community facilities arising out of a development is not forthcoming, and facilities are considered essential in the interests of proper planning and are material to the planning decision, then the District Council will consider whether it is appropriate to refuse permission for the development.
52. Any contributions required will be in addition to the normal planning standards required by a development proposal such as densities, car parking amenity space set out in the development plan or other relevant policy documents.

Implementation

53. The LPA will seek to ensure that a full range of relevant facilities and needs arising from any particular development are identified and agreed before planning permission is granted.
54. In the first instance discussions will take place between those submitting proposals for development and the Development Control Case Officer who will lead internal discussions with other District Council Officers in order to ascertain the requirements for particular sites. For major developments this will involve setting up a 'Development Team'. These

discussions will take full account of the existing planning policy framework relating to the site.

55. The Development Control Case Officers will be responsible for liaising with the relevant consultees, council departments and service providers (the Development Team) in order to establish requirements relating to the development. The Development Control Case Officer will be responsible for: pre application enquiries, negotiations and setting out the requirements for possible developer contributions relating to the proposal. In some cases the need for a contribution may be identified later in the process e.g. as a result of a consultation. Negotiations on matters to be included in any agreements will run in parallel with the consideration of the planning application.
56. In order to enable the rapid processing of obligations it will be essential for certain information to be already in place and submitted to the District Council's legal services team. This will include evidence of title, details of the applicant's solicitors and a costs undertaking. The absence of such information may lead to delay in the processing of an application. The District Council is subject to strict performance targets (8 and 13 weeks) for processing planning applications and may refuse any application which requires an obligation and which is unlikely to be completed due to the absence of information or input from the applicant or associated parties within the timescale given for the processing of the application.
57. While pre application discussion can be useful in identifying possible requirements for physical and community infrastructure (see flowchart) it is essential that a complete application is submitted to the District Council supplying all the necessary and comprehensive information such as a transport assessment, viability assessment, environmental impact assessment, marketing statement, renewable energy plan etc. The absence of such information may delay the validation of an application, the identification of necessary obligation and reduce an applicant's ability to complete an agreement within the necessary timescale and lead to a situation described in para 56. The District Council has introduced a series of validation checklists to assist the submission of particular types of application. These can be viewed at www.malvernshills.gov.uk
58. Following the submission of a planning application for a proposal in line with development plan policies the Development Control Case Officer will:
 - Consult where appropriate with all relevant consultees and seek information on requirements that are relevant to the application;
 - Define the type, scale and mix of developer contributions relating to the proposal;

- Check whether this can be achieved via a planning condition which should be used in preference to planning obligations;
 - Negotiate and confirm with the applicant the planning obligations to be applied to the proposal and matters to be included;
 - Assess whether the application should be recommended for refusal in the absence of the required planning obligation or whether a desired planning obligation could not justify refusal if it were withheld; and,
 - Advise applicants of the recommended target time of applications and the requirement to complete the planning obligation before the expiry of the target decision period.
59. The initial responsibility and recommendation on the scale, type and mix of contributions to be sought will rest with the Development Control Officer. The final decision to grant approval of any planning application will be made by the Head of Planning Services or relevant Area Planning Committee where a decision is not 'delegated to the Head of Service.

Reporting of Obligations

60. Delegated or Committee Reports are open to public scrutiny and include a summary of the contents of the obligations agreed (Heads of Terms) and details of financial payments where appropriate. The recommendation to grant planning permission will be subject to the completion of a satisfactory legal agreement.
61. The provisions of legal agreements will be made clear and transparent to all parties. The District Council's Legal Services will then prepare a draft agreement and check this with the applicant. Following confirmation a final agreement will be sealed by all parties and planning permission issued. The decision notice will only be issued once the Section 106 agreement has been signed by all parties. The decision notice will contain a note to the applicant which will summarise the areas covered by the agreement.
62. Any legal agreements requiring developer contributions will be enforceable against any future freehold or leasehold owners of the land. This would include subsequent freehold or leasehold owners of any property developer on a site but not usually individual householders. The agreement should provide for the payment of legal cost by the applicant. These costs should be paid before consent is granted. Planning obligations are also registered as local land charge.

Financial Payments

63. The level of contribution will depend on the policy applicable and the size of the development, in the event of a cash sum being required this will be

placed in a separate fund set aside for the provision of that service or facility. Monies will be paid in accordance with the terms of the obligation directly to the relevant District Council department or organisation and a named officer/ post will be responsible for overseeing its implementation. The financial contribution along with any interest accrued will be returned to the applicant if after 10 years (or a period set out in the agreement) from the date of the payment to the District Council, it has not been spent.

64. The contribution will normally be required to be paid prior to the commencement of development or in relation to a specific part of a development being carried out. However, there may be occasions for example when a contribution is to be placed in a fund awaiting expenditure on works at a future date, when the landowner covenants to pay the contribution to the relevant authority when the works are to be implemented. While it is usual practice to collect development contributions via a legal agreement the sums required for example in recycling are small and where contributions are not triggered towards other services or facilities, the costs of drafting a legal agreement solely for this contribution may outweigh the sums involved. In such circumstances no contribution will be expected.
66. The Districts Council's legal costs in preparing an agreement will be met by the applicant. In addition should specialist advice be needed for example for an evaluation or assessment of innovative, technical or community infrastructure proposals the costs of such advice will be recovered from the applicant provided planning approval is forthcoming.

Maintenance Payments

67. Planning Obligations involving public open space, landscape schemes and public art which the Council agrees to have transferred to its ownership once it is in an adoptable condition require a commuted maintenance payment. The maintenance payment will be to cover a period of 25 years. The contribution will also be subject to index linking as set out below.

Indexation

68. In order to maintain the real value of a payment as development progresses, it will be subject to an increase to maintain its purchasing power. Any such additional payment will normally be calculated by changes in the Retail Price Index between the dates when the payment is agreed and paid to the District Council or in the case of Affordable Housing contributions, the Building Cost Information All-In Tender Index published by the Royal Institute of Chartered Surveyors.

Phasing

69. Large developments may require several planning applications because they are to be phased or undertaken by more than one developer. In these cases the District Council will seek to ensure that contributions are apportioned fairly between the various phases or developers.
70. In certain cases where essential infrastructure works are necessary the above approach will not be practicable and the first phase will have to bear the entire costs of the works to make the development acceptable to the Council as local planning authority.
71. Delivery of specific elements of a comprehensive development scheme may be secured through phasing. For example, an obligation could be used to ensure that a recreational facility within a mixed-use scheme incorporating residential development is delivered as part of the first phase of the development, so that it is available as soon as possible to residents of the development.

Standard Forms /Templates

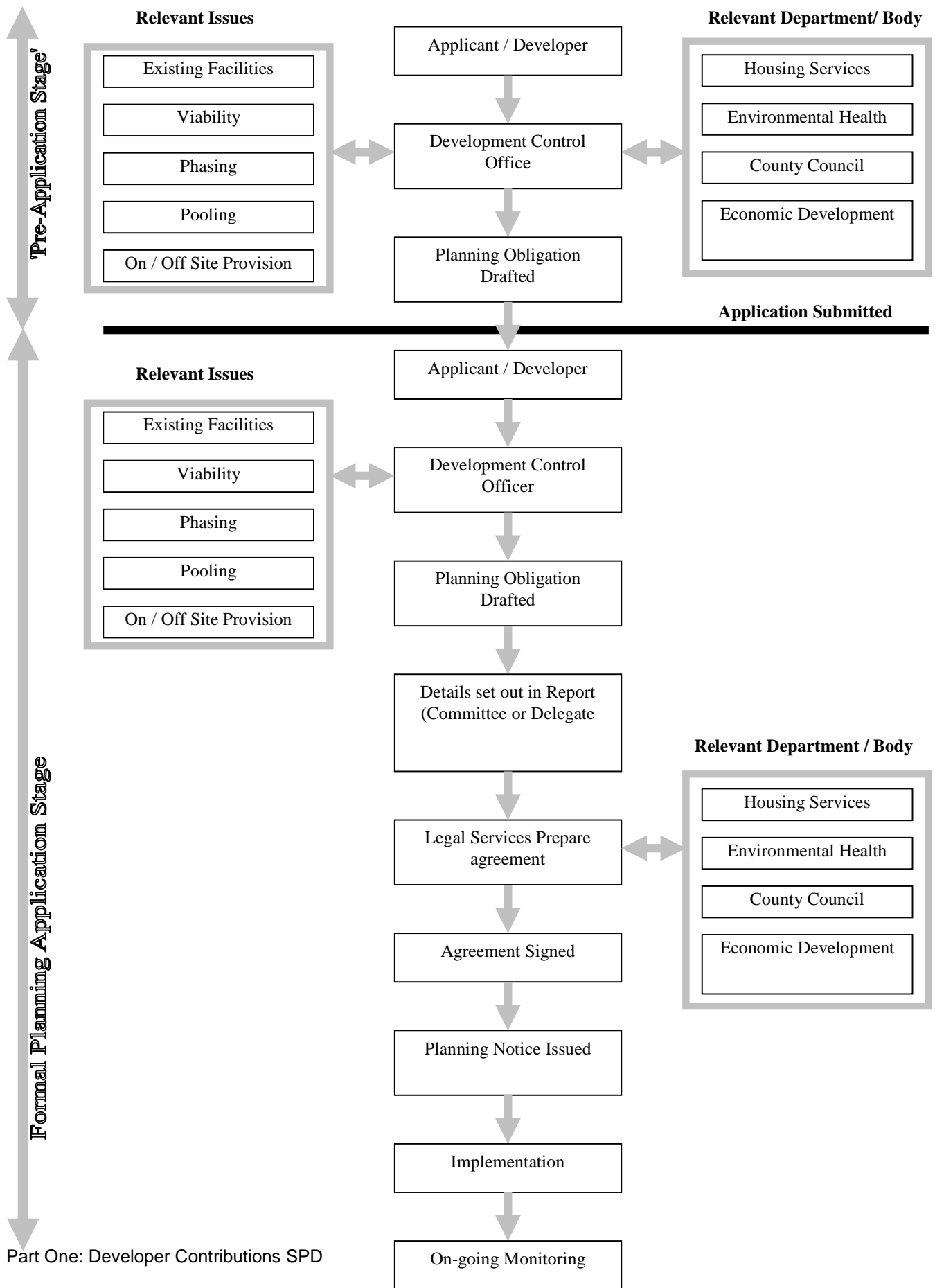
72. In certain cases where only the developer is required to enter into a legal agreement with no reciprocal commitments by the Local Planning Authority, developers may submit a unilateral undertaking with their application which can be done by filling out a standard form. Also draft template agreements are being developed and will be available on the District Councils' website.

Monitoring

73. Initial responsibility for enforcing provisions in the legal agreement (financial payments) will rest with the receiving department subject to notification to Development Control and Legal Services. Where the agreement is not complied with, Legal Services should be consulted on the appropriate method of enforcement.
74. Planning Services will maintain a database of all relevant Section 106 agreements which indicates the scale, type and terms of the agreement. This will be maintained and monitored on a regular basis. Contributions should be utilised within set timescale (usually 10 years) and for the purposes specified within the agreement. The Annual Monitoring Report published each December contains local indicators which monitor the use planning obligations. In addition details and progress of how monies obtained from planning obligations are being spent will be periodically reported to Planning Committee. A charge of £300 will be made for each Section 106 agreement completed towards the costs of monitoring.

75. In accordance with Statutory Order 2002 NO. 828 copies of planning obligations will be placed on the Planning Register.

Developer Contribution Negotiation Flow Chart



Glossary of Terms

AMR Annual Monitoring Report

This monitors the effectiveness of the Council's planning policies and its progress in delivery planning documents outlined in the Local Development Scheme on an annual basis.

LDF Local Development Framework

This will provide the framework for delivering the planning strategy and policies for Malvern Hills District.

A summary leaflet about the LDF produced by the District Council can be obtained from the Customer Service Centre or the Council's Website (www.malvernhillsgov.uk).

PPS Planning Policy Statement

These are statements prepared by the Government on a range of planning issues. The Local Development Documents should accord with guidance set out in the statements. They are intended to replace the existing series of Planning Policy Guidance Notes (PPGS) (see website www.odpm.gov.uk).

RSS Regional Spatial Strategy

This is an overarching strategy prepared by West Midlands Regional Assembly with involvement at a sub-regional level from the County Councils, covering the period up to 2021. It provides a spatial framework to inform the Local Development Framework. It forms part of the statutory development plan and where appropriate must be taken into account in local planning decisions.

SA Sustainability Appraisal

An assessment of the impacts of policies and proposals on economic, social and environmental matters contained within the Local Development Framework where appropriate must be taken into account in local planning decisions.

SCI Statement of Community Involvement

This sets out the planning authority's proposals for involving the local community in plan-making and development control

(significant applications). It is not a DPD but it is, however, subject to independent examination.

Freedom of Information Act

The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. It sets out exemptions from that right and places a number of obligations on public authorities, such as Malvern Hills District Council.

Section 106 Agreement

Section 106 Agreements is a type of Planning Obligation authorised by Section 106 of the Town and Country Planning Act 1990 as amended by Planning and Compensation Act 1991 Section 12. A planning obligation is a legal agreement between the planning authority and the applicant/developer and any others that may have an interest in the land. An obligation either requires the developer to do something or restricts what can be done with land following the granting of planning permission.

Unilateral Undertaking

A Unilateral Undertaking is a simplified version of a Planning Agreement and is only entered into by the landowner. It will only be appropriate in certain circumstances. They are ideal when the applicant owns the site and wishes to commence work immediately but only suitable where a simple financial contribution is required for infrastructure costs.

Planning Register

Local planning authorities are statutorily obliged to maintain a register of all planning applications and decisions and this has to be open to public inspection.

Indexation

Indexation is a technique to adjust income payments by means of a price index. This to keep up the purchasing power of the public after inflation. Protecting one of the parties from the risk of inflation means that the price risk must be shifted to another party in this case the developer.

Communities

The term communities is referred to in the SCI as local residents, land owners, special interest groups and other Organisations

Part Two Developer Contributions Supplementary Planning Document (December 2006)

Introduction

76. As indicated through Local Plan Policy DS18 (Planning Obligations) the range of developer contributions sought will vary according to the circumstances of the proposed development. Policy DS18 therefore provides a list of potential obligations, which although not exhaustive does indicate many of the possible requirements.
77. As stated in Part One when there are multiple requirements for developer contributions planning obligations then the District Council may need to prioritise them having regard to detailed information relating to site viability which will be provided by the developer and assessed by the District Council. Establishing priorities for community infrastructure will also have regard to the greatest needs and opportunities within the area in which the development is proposed. However, having regard to the most commonly required and relevant planning obligation, Part Two contains details and methodology for the following;
- Affordable Housing
 - Open Space
 - Education
 - Recycling
 - Town and District Centre Enhancement
 - Public Art
 - Renewable Energy
 - Sustainable Transport
 - Community Safety
 - Environmental Protection and Enhancement

Affordable Housing

78. The provision of affordable housing is one of the Districts Council's top priorities. Therefore SPG has already been produced in 2004 which provides additional information to assist in the implementation of affordable housing policies contained in the Local Plan (policies CN2 and CN3). This SPG is well established and contains detailed information on the definition of affordable housing, its overall funding, the negotiation process, financial contributions and the content of Section 106 agreements (Planning Obligations).

79. This SPG is currently being reviewed and will be replaced by an SPD in May 2007. Rather than repeating that document in its entirety here, when a requirement exists for affordable housing, reference should be made to the Affordable Housing SPG or the updated SPD. The affordability thresholds were revised in October 2006.

A copy can be obtained by contacting Customer service centre
The Library
Graham Rd
Malvern

Monday – Friday 9.00-5.30pm

Alternatively the document is available to view on our website
www.malvern hills.gov.uk.

Open Space

80. An open space SPD is currently being prepared. It is due to be published for consultation between December 06 - January 07 and adopted in May 2007. In the interim period policy requirements are set out in the Malvern Hills District Local Plan under Policy CN 12 (Provision of Public Open Space) and it is advisable to discuss specific requirements with Development Control Officers.
81. The Open Space SPD will identify where the quantity or quality of open space is inadequate. Where a new development generates an unmet demand for open space or either places existing provision under greater threat a planning obligation will be required.
82. The Open Space SPD will be based upon a detailed assessment of the needs and auditing of existing facilities and set appropriate local standards. This will be linked directly to Local Plan Policy CN12. However until production and adoption, the National Playing Fields Association Standards (as set out in Policy CN12) will be applied when open space provision is required on a development site. The District Council will also refer to existing Public Open Space Studies in order to assess need in specific areas.
83. Any contribution will have regard to future maintenance requirements (normally 25 years).

Education Contributions

84. Details of Education Contributions are set out in separate Supplementary Planning Guidance entitled 'Section 106 Planning Obligations for

Education Facilities' adopted in 2003. This is available from Worcestershire County Council www.worcestershire.gov.uk. This SPG is to be reviewed and made an SPD; it was timetabled into the Local Development Scheme in October 2006 and is due for adoption in May 2007.

85. The provision of education facilities is directly linked to both Local Plan Policy DS18 (Planning Obligations) and Policy CN16 (Provision of New Community Facilities). The education SPG currently establishes the level of contributions towards education facilities that will be required, threshold levels and the procedures for agreement and payment of contributions. Rather than repeating that document in its entirety here, when a requirement exists for education provision, reference should be made directly to the Education SPG or the updated SPD.

Recycling

Policy Context

86. Policy DS2 (Sustainable Development) states that the District Council will require all development proposals to reflect the principles of sustainable development and Policy DS3 (General Development Requirements) criterion (o) states that proposed arrangements for recycling should be identified where appropriate. The District Council is promoting a strategy of waste minimisation through the development of recycling services and the reduction and reuse of materials currently going to landfill. The District Council has therefore made recycling one of its top corporate priorities for improvement.
87. The Joint Municipal Waste Management Strategy for Herefordshire & Worcestershire 2004-2034 sets out the strategic context for waste management and disposal across the County as well as laying down recycling targets. The District Council is looking to achieve a recycling rate of 30% by 2010.

Requirements

88. Developers Contributions will therefore be required from residential developments on sites of 10 or more dwellings or a site area of 0.5 ha or more (in line with the definition of major development as set out in the Statement of Community Involvement) towards recycling initiatives from a number of options depending on the development and particular site characteristics: Developers may be asked to provide some or all of the following (dependant on the proposal):

- The printing and distribution of recycling literature to new dwellings at an approximate cost of £10 per dwelling (to be kept under review).
- A compost bin per dwelling (approx. £12 a unit) (to be kept under review).
- A recycling storage area with drop fronted bins (particularly for developments involving flats) or for an off site contribution at an approx cost of £4,000 - £6,000 (to be kept under review).
- The installation of a micro site either on site or for an off site contribution at an approximate cost of £6,000. A micro site consists of a deposit location for public recycling containing a bottle and paper bank (to be kept under review).
- An underground storage system for recycled waste on site or a contribution towards off site provision which may be pooled between developments at an approximate cost of £15k-20k (to be kept under review).
- Kitchen Sink Waste Disposal units at a cost ranging between £40 and £300 (to be kept under review)

89. As the District Council does not currently recycle commercial waste there is no requirement from commercial developments towards recycling contributions. However, should this arrangement change in the future, an amended/updated SPD will be prepared (and consulted on) to include commercial recycling requirements.
90. It should be noted that the contribution does not relate to the day to day revenue costs of recycling which are covered through the householder's Council Tax. In all developments the District Council wishes to encourage greater water recycling and the use of grey water in order to reduce the demands for potable water and will consider producing additional specific guidance in the future

Environmental Protection and Enhancement

Policy Context

- 91 Section 40 of the Natural Environment & Rural Communities Act 2006 places a duty on all public authorities to consider the conservation of biodiversity when exercising its functions. Planning Policy Statement 9 (Biodiversity and Geological Conservation) sets out the governments' position on planning and biodiversity, placing considerable emphasis on developing a strategic approach to conserving biodiversity based on current information. Local Plan Policy DS3 criteria (e) and (h) state that development will only be permitted where protection and enhancement of ecological features is sought. Policy QL19 (Protection of Wider Biodiversity) makes further specific reference to the importance of

biodiversity. Local Plan Policy QL20 (Creation of Habitats) deals with the creation of habitats which result from new development proposals

92. Protecting and enhancing biodiversity and features likely to support broad ecological interest helps to ensure the sustainability of development. Opportunities to create or improve the network of biodiversity assets in the District as a result of development will be explored wherever possible. Enhancement of biodiversity features can take place on a broad scale or may relate specifically to a single site. It is also important to ensure connectivity of habitats.

Requirements

93. There is no threshold at which development could be seen to have either a positive or negative impact on biodiversity. The specific nature of the development site and surrounding features will define the opportunities for making contributions to the Districts' natural assets. Each site will be considered individually in relation to immediate circumstances. Particular attention will be given to developments that have the potential to benefit the species and habitats contained in the Worcestershire Biodiversity Action Plan or which connect habitats of known value. Contributions will be encouraged towards wildlife corridors and ponds, habitat relocation and creation, landscaping schemes, woodland creation and tree planting etc.

Town & District Centre Enhancement & Regeneration

Policy Context

94. Sustaining and enhancing the vitality and viability of the District's Town Centres of Malvern, Upton and Tenbury is an element of the Local Plan Strategy. A revised Town Centre Strategy for Great Malvern was published in 2004 and work to regenerate the three Town Centres in the district is one of the six priorities identified by the District Council, forming a cornerstone of the Council's Economic Development Strategy.
95. Local Plan Policy EP9 (Town and District Centres) requires development to enhance the vitality and viability of Town or District Centres and any associated planning obligations will be related to Policy EP9. Therefore any appropriate opportunities will be sought to enhance the Town Centres of Malvern, Upton and Tenbury.

Malvern Town Centre

96. Developers of new retail premises in Malvern Town Centre area will benefit from the increased footfall brought about by town centre regeneration and enhancement. It is also important that new developments themselves are

served by adequate infrastructure and have a high quality environment to enable them to be successful. Whilst enhancements and regeneration projects may be appropriate anywhere in the Town Centre there are two specific areas which will provide the basis for developer contributions:

- Creation of an additional walkway route from the top of Church Street through to Edith Walk, Waitrose and Car Parks;
- Improvements to Church Walk, Church Street, Abbey Road, Belle Vue Terrace and Graham Road to provide pedestrian friendly environment and appropriate access routes

97. Development of Edith Walk is the subject of Local Plan Policy EP17 (land at Edith Walk, Great Malvern) and all of the specific areas set out above have been identified for improvements as part of the Town Centre Strategy. There are no specific thresholds which may trigger developer contributions towards these two projects. Developers may be asked to contribute providing the development is reasonably related and meets the tests set out in Circular 5/05 and in Part one of this SPD.

Tenbury

98. Whilst there are no specific proposals for Town Centre Enhancement relating to Tenbury opportunities exist to enhance the Town Centre as part of redevelopment of the Cattle Market Site. Details are set out in Policy EP18. (Tenbury Cattle Market/Teme Street) but include the provision of pedestrian links and signage between the site and Town Centre and enhancement of the sites frontage with Teme street and the River Teme. Opportunities for developer contributions may also be set out in Parish Plans or Village Design Statements.

Upton

99. Contributions from developers will be sought for enhancement of Town Centre sites within Upton such as the river front area and will be considered on a site by site basis in line with Circular 5/05 and Policy EP9 (Town and District Centres. Should the District Council develop a Town Centre Strategy for either Tenbury or Upton details of required contributions will be included in a future updated SPD.

Community Safety

Policy Context

100 Achieving a community that is safe and feels safe is one of the key themes in both the Malvern Hills District Community Strategy and the Worcestershire Community Strategy. In addition there is Community

Safety Strategy 2005-2008 drawn up by the South Worcestershire Community Safety Partnership which acts as the formal body to meet the requirements of the Crime and Disorder Act 1998. Local Plan Policy DS3 (General Development Requirements) criterion (m) specifies that proposals for new development must minimise crime and promote community safety objectives.

Requirements

101. Malvern Hills District is considered one of the safest places in which to live in the country. However, there are neighbourhoods within the district that suffer a disproportionate amount of crime and disorder compared to the rest of the District and local "Together-In-Safety" Partnership will address the needs of the community to combat and reduce crime in these areas.
102. Whilst good design can do much to support crime prevention measures there may be circumstances where extra security is needed in the form of security lighting and/or CCTV schemes. In these circumstances the developer will be expected to contribute on a site by site basis in line with the tests set out in Circular 5/05.

(Further information regarding lighting and CCTV can be obtained from www.crimereduction.gov/cctvminisite4.htm)

Public Art

Policy Context

103. Local Plan Policy QL1 (Design of New Development) states that design will be permitted if it maintains or creates a positive sense of place and/or local character. Public art can also contribute to the District Council's priorities of town centre enhancement, community health and wellbeing and improving the street scene.
104. Public art can have a significant impact on environmental quality, transforming the landscape in a positive way. It can also reaffirm the identity of places or particular neighbourhoods, and help to develop a cultural value. Public art should be an important element in any proposal and its provision both within developments and in public areas is therefore encouraged.
105. Public art can be provided in many different ways and projects can range in size and significance to include fountains, landscapes, wall reliefs, building elements, murals and functional elements (e.g. benches or pavement inlays, etc.). Projects can be large (such as a statue) or small (such as a stained glass fanlight above a shop or doorway). Public art can

be appropriate in many different types of development for example housing, office buildings, town centre development or mixed use. Examples of Public art in Malvern include The Enigma Fountain in Great Malvern and The Hand of Peace in Barnards Green. The District Council has adopted a Public Art Plan which is available on the the District Council's website. There are two particular aims of the Strategy which will benefit from developer contributions:

- economic and community regeneration and the creation of opportunities for developing, towns and villages for the benefit of local people and visitors through the arts; and
- diversity - reflect and celebrate the diversity of the District and the West Midlands region through the work we support and deliver.

Requirements

106. There is currently no definitive list of proposed public art schemes that might be considered appropriate because in the right setting any scheme may fit the requirement and negotiations will be opportunity driven. What is important in the implementation of public art, is of quality and relevance to its location. Equally there are no particular thresholds to trigger public art contributions since each site is individual and will be treated accordingly. When public art is considered appropriate, the Planning Case Officer will liaise with MHDC's Public Art Officer who would be contacted at an early stage in the planning process in order to consider the public art and the commissioning process.
107. Where appropriate, consideration to local artists will be given priority. If located on private property, where a site is expected to be delivered in phases, the MHDC will require the developer to present a public art statement for the whole site.
108. The type of application will determine the detail of information to be provided in the public art statement, but in each case such information will include:
 - proposals for the involvement of artists;
 - demonstration of the contribution to the environment and community;
 - information about procurement and commissioning;
 - budget details and allocation; and
 - proposals for future care and maintenance.
109. The continued maintenance of the artwork will be the responsibility of the developer. If the art is located on public lands within the development and is donated to the District, Parish or Town Council, a separate maintenance endowment will normally be required.

Renewable Energy

Policy Context

110. Local Plan Policy DS3 criterion (o) states that proposed arrangements for energy management are identified in all development sites, where appropriate to do so. QL1 (Design of New Development) similarly states that design for new proposals will be permitted if it incorporates 'energy...conservation features where appropriate'. QL30 (Renewable Energy) criterion (b) deals with the removal of renewable energy facilities should they cease to be operational. A Local Plan objective is to minimise the pollution of air, water and land. The government has set a target to reduce carbon dioxide emissions by 60% by 2050 and developments incorporating renewable energy features will help achieve this.
111. Minimising pollution will also aid delivery of one of the Council's key objectives of promoting community and health and well being. National advice in the form of Planning Policy Statement 22 (Renewable Energy) allows for more detailed issues with regard to renewable energy to be included in supplementary planning documents.
112. It should be noted that this document is not an SPD dealing with renewable energy projects or proposals. Such a document would be very specific dealing with criteria against which renewable energy proposals could be assessed. It would also deal with the particular forms of renewable energy production and energy conservation which would be relevant to differing forms of development. MHDC Local Development Scheme (LDS), does not currently list such an SPD, should this situation change, it would be incorporated into the revised LDS, which takes place on an annual basis.
113. The generation of renewable energy is increasingly being seen as necessary to address climate change. Micro renewables (renewable energy installations on a small scale) will provide individuals with the opportunity to generate cleaner and cheaper energy (e.g. heat or electricity) from renewable sources in the home, community or workplace

Requirements

114. Proposals 5 or more dwellings or 1,000 square metres (floor area) or 1 ha or more (site area) for other developments will be required to produce a renewable energy plan. The Renewable Energy Plan (REP) must include full details of the renewable energy schemes and/or energy conservation measures which will be applicable to the development site. The REP must outline all appropriate technical specifications of the proposals as well as the timing of their installation and future maintenance arrangements. The REP must be agreed in writing by the District Council, prior to the planning obligation and decision notice being issued.

115. There are a variety of small scale renewable schemes such as:
- Solar Photovoltaic (PV)
 - Solar Thermal (SWH)
 - Wind Turbines
 - Ground Source Heat Pumps (GSHP)
 - Biomass
116. However, this is by no means exhaustive and the REP will determine the requirements for each site. The onus will be on the developer to seek specialist advice, where required on the production of the REP. Further information on the use of small scale renewable energy sources is available from the Energy Saving Trust at www.est.org.uk.

Sustainable Transport

Policy Background

National Policy

117. Reducing the need to travel by car is one of the objectives of Planning Policy Guidance Note 13 (Transport). In addition the generation of developer contributions for transport schemes is fully supported by PPG 13. It states that developers will be expected to contribute more to improving access by public transport, walking and cycling for developments in locations away from town centres and major transport interchanges, than for development on more central sites. In addition the White Paper on Transport published in 2004 also supports this stance.

Regional Policy

118. In addition the Regional Transport Strategy aims to provide a strategic framework for the regional and local transport planning in the West Midlands while recognising the central position of the region in the transport network. The overarching framework is aimed at improving accessibility and the performance of the transport system whilst not perpetuating past trends in car traffic usage and growth. The Regional Spatial Strategy incorporates the transport strategy and sets out policies on reducing the need to travel, walking and cycling, public transport as well as the management of the road network

Local Plan

119. Policy DS 3 (General Development Requirements) specifies that development will not be permitted if it undermines objectives for sustainable transport and proposals can demonstrate that consideration has been given to reducing the need to travel and securing access to the development by public transport or by other alternatives to the car.. Seeking a more sustainable and balanced transport system based upon reduced dependence on the car and an increased emphasis on public transport, walking and cycling is one of the objectives of the Local Plan strategy. The other is improving the levels of accessibility within the district via sustainable modes of transport. The four sustainable transport policies in the Local Plan reflect these objectives. These objectives are also central to the methodology for requiring developer contributions described here.
120. LTP2 2006 -2011 sets out Worcestershire's Transport strategy for the next five years. It has been influenced significantly by the Local Plan through the Worcestershire partnership and provides a practical and tangible interpretation of Local Plan transport policies for Malvern Hills District.

Role of Worcestershire County Council

121. Worcestershire County Council as local Highway Authority for Malvern Hills District is responsible for planning, managing and funding all aspects of transport provision in the County. They have a statutory duty to produce a LTP for the County and to implement its policies and actions. They have assisted in the production of this section of Part Two of the draft SPD and many of the site specific details come from LTP2. They have also devised the methodology for contributions towards the accessibility strategy for the district with the aim of providing improved sustainable transport options for Malvern Hills' considerable rural population.

Basis for Seeking Developer Contributions for Sustainable Transport

122. A two tier approach has been developed for developer contributions for sustainable transport provision in Malvern Hills District. Developers will be required to contribute to both:
- site specific improvements based mainly on the policies in the Worcestershire Local Transport Plan 2 for 2006-11 (LTP2) set out below; and,
 - towards sustainable transport based upon the site's relative accessibility as defined by the County Council's accessibility mapping tool 'Accession'.

123. The basic principle is that the more accessible a site is to public services such as schools, hospitals, employment and town centre facilities the lower this contribution is likely to be. The contribution is based on the established costs of providing public transport from various rural locations multiplied by the number of trips the new development is likely to generate. Trip rate information is derived from the Trip Rate Information Computer System database (TRICS) held by WCC.
124. The aim of this approach is to provide a fair, simple and justifiable method of calculating developer contributions to transport schemes for all developments that have a significant transport impact. The core principle underlying the methodology is that contributions should help to provide a choice for travellers and support national, regional and local policy of reducing reliance on the car.

Thresholds and Exceptions

125. Contribution for both types of obligations will be required of new residential and commercial/other development which fall within the definition of 'major' as set out in Part One and defined in the SCI. Sites smaller than this do not justify the extra administrative burden involved in securing agreements.

Application of funding

126. The contributions will be used to fund accessibility improvements and sustainable transport facilities for Malvern Hills District to be implemented by the Local Highway Authority and its partners in the Worcestershire Accessibility Partnership. The measures will support the overarching objective of ensuring that households within Worcestershire have a passenger transport option available for their journey within a reasonable time of wanting to make the journey. The County Council as Local Highway Authority will oversee the collection and pooling of the associated funding and provide to Malvern Hills District Council on an annual basis a statement of the total sums collected and details of their use and distribution in supporting local transport initiatives within Malvern Hills District. This will be reported in the District Council's Annual Monitoring Report

Site Specific Contributions

127. Major new development can have a significant impact upon the transportation network through the generation of additional trips. This applies to all types of land use, and the LTP2 strategy has highlighted the major land use changes that are currently identified throughout Worcestershire. However, large windfall developments may also come forward which have not been identified in the Local Plan or singled out in

the LTP2 and these will be subject to policies and processes identified below.

128. The developer will make a contribution towards the cost of implementing local schemes and packages and provide public transport facilities for the development. These schemes and packages may be based solely on public transport enhancement or a combination of public transport enhancements with other transport measures. These schemes and packages may not be necessarily immediately adjacent to the development, but will be directly related to its impact upon the wider transport network. This guidance does not address matters relating to non planning legislation e.g. those arising under section 278 of the Highways Act 1980 (as substituted by the New Roads and Street Works Act 1991) in accordance with circular 5/05 paragraph B52.

Walking and Cycling Contributions

129. Opportunities for walking and cycling from new developments may be required in line ST2 (Public Transport, Walking and Cycling) and the cycling and walking strategy in LTP2. It may be possible to pool contributions from a number of developments to finance the desired cycle routes or walking links to local centres.

Travel Plans

130. A Travel Plan will be expected for any development for which a Transportation Assessment is produced. These are essentially those developments exceeding the thresholds set out in Annex D of PPG13 (table referring to Maximum Parking Standards). In addition, housing developments exceeding 100 units will be expected to produce a Travel Plan outlining the measures that the developer will take to promote sustainable travel to the residents of the new houses (for example – through the preparation of “welcome packs” containing information on bus services, walk / cycle routes etc., and incentives to use these such as a free bus pass.
131. Implementation of the Travel Plan will be monitored and suitable financial incentives or penalties identified to ensure that such implementation is carried through with commitment by those responsible for the Plan. While a Travel Plan is a requirement of Local Plan Policy ST4 and not specifically a planning obligation in itself there may be contributions identified as a result of research and findings from a travel plan.

Process for Securing Site Specific Sustainable Transport Contributions

132. It should be noted that where any proposal is considered (upon the advice of the Local Highway Authority) to be unacceptable for highway reasons, then a planning obligation will not be entered into. However, where a planning obligation can be used as a mechanism for resolving problematic highway matters, then appropriate financial contributions will be sought in any of the following situations

- where a development will place additional traffic onto any part of the highway network identified as being congested;
- where a development will result in additional traffic passing through an identified accident cluster site (a list of cluster sites is produced annually by Worcestershire County Council based on the analysis of road accident data and trends)
- where a development will generate additional travel demand that will put additional pressure onto existing passenger transport services, or could link to LTP2 proposals to improve passenger transport services and facilities
- where measures proposed under a Travel Plan for a development will support the implementation of sustainable travel initiatives identified in the LTP2 strategy, such as cycling, walking and Travel Plan projects.
- where a development could place greater pressure onto sections of the transportation network identified as being sub-standard through the Transport Asset Management Plan.

The following policies in LTP2 support the above approach:

Policy TAMP10: To work with developers, Local Planning Authorities and other public and private sector organisations to ensure that the transport impact of new development is properly assessed at all stages of the planning process, and that appropriate transport strategies are put in place and funded for each development which are compatible with the LTP2 strategy.

Policy TAMP11: To ensure that funding to support the LTP2 strategy is secured from developments where clear links are demonstrated between the travel demand generated by that development proposal and the schemes and strategies outlined within LTP2.

Sites Identified in LTP2

133. LTP2 identifies that the 3 towns of Malvern, Tenbury and Upton have individual requirements and specific needs in terms of areas where

developer contributions may be required. Those needs and sites already identified as requiring site specific contributions are set out below:

The Central Technology Belt

134. Malvern town is the terminal node on the RSS Central Technology Belt (CTB). The CTB has been identified as a focus within the West Midlands Region for encouraging diversification of the regions industry particularly vulnerable employment sectors such as the motor industry. The aim of LTP2 Policy MH1 is 'To support the improvement of access to the major development sites within Malvern to allow it to fulfil its role as a key node on the Central Technology Belt'.
135. Local Plan Policy DS10 (Development Associated with the Central Technology Belt) identifies a total of 5.6 ha of land at QinetiQ South (site E4) and Malvern Hills Science Park (E3) for high technology development associated with the Central Technology Belt.
136. Implementation of LTP2 and Local Plan CTB Policies and the significant associated transport implications will need careful consideration, and a Malvern Transportation Study is likely to be required to identify the appropriate transport strategy. Significant issues relating to local railway connectivity as well as the improvement of strategic access, will be crucial to the fulfilment of this high technology role. Development of these sites will therefore be required to contribute towards the implementation of the transport improvements in line with LTP2 and Local Plan Policy.

Three Counties Showground

137. The Three Counties Showground is the subject of a site specific policy in the Local Plan. Criterion (d) in Policy EP21 (The Three Counties Showground) addresses the issue of sustainable transport to the site. Access to the Three Counties Showground has been highlighted through both the Local Plan and the LTP2 consultation processes as a significant local issue, with concern that increasing numbers of major events held at the site are likely to result in greater traffic problems on the surrounding highway network. This needs to be balanced with a desire to maximise the economic benefit that the local area can gain from increased tourism and visitor numbers resulting from operations of the Showground facilities. The County Council will work with the District Council, Police and the Showground to identify appropriate traffic management measures for the site. This would include looking at improved public transport connections to the site, and initiatives such as joint ticketing with public transport operators.

Great Malvern Town Centre

138. The Town Centre Strategy 2004 and the Local plan in Policy EP9 (Town and District Centres) identified the need to enhance the vitality and viability of Great Malvern Town Centre. The Town Centre Strategy investigated traffic management options to achieve this aim, however, identifying a suitable traffic management package is difficult within Malvern due to the topography, which means that east-west routes across the town centre are limited and the ability to undertake junction improvements is constrained. However, it is important that traffic management measures are fully investigated for Great Malvern Town Centre to enable it to fulfil the potential of its commercial and cultural role. This is recognised in LTP2 policy MH2 the aim of which is to:

“To support the enhancement of Malvern town centre through the implementation of appropriate traffic management measures.”

Malvern Railway Stations

139. There are two railway stations within Malvern at Great Malvern and Malvern Link. These stations offer services to Hereford, Worcester, Birmingham and London. There is currently limited car parking at both stations, which impacts on the potential for these to operate as strategic park and ride sites for travel to Worcester and Birmingham.
140. Both stations saw significant growth in passenger numbers between 1994 and 2005, with patronage at Great Malvern increasing by 43% and Malvern Link by 44%. A total of 613,016 passengers used the two stations in 2005, with two-thirds using Great Malvern. Opportunities exist to improve parking facilities, particularly at Malvern Link where a substantial area is available to the north of the station.
141. Improvements have taken place at Great Malvern station to enhance parking and bus facilities, but further improvements are required for both stations. Developer contributions from developments likely to increase rail patronage will be required to enhance provision of facilities at both stations. In particular Malvern link station where the capacity exists to improve car parking facilities. This is line with Policy MH3 of LTP2 the aim of which is:

“To work with rail industry partners to identify and implement improvements to Great Malvern and Malvern Link stations, especially through the improvement of car parking facilities at Malvern Link.”

Tenbury

142. Tenbury Wells is not as well served as Malvern or Upton by the transport network. It acts as a local service centre for surrounding communities providing local facilities, including a hospital, but the provision of transport

services in this area is complicated by the complexity of local authority boundaries and its rural environment.

143. The LTP2 consultation highlighted the provision of bus services to improve accessibility as a key local concern. Whilst improvements in bus services connecting Tenbury and neighbouring villages to Worcester and Kidderminster have been made in recent years, cross-boundary services providing access to Leominster, Ludlow and Hereford are poor. The County Council proposes that it will work in partnership with adjoining highway authorities of Herefordshire and Shropshire County Council to identify specific problems and initiatives/solutions. Developers may be required to contribute to identified improvement opportunities in line with Policy MH4 which states:

“To work with partners including Herefordshire and Shropshire County Councils to improve passenger transport links between Tenbury and neighbouring destinations, using accessibility mapping to identify major opportunities for service enhancements.”

Upton-upon-Severn

144. Upton-upon-Severn is the principal town for south-western Worcestershire, and as with the Tenbury area, accessibility mapping will be used to identify problems that local communities have in accessing the facilities available in Upton, Malvern and other main centres. This work will require cross-boundary working with Gloucestershire and Herefordshire County Councils.

145. The County Council is working with District and Town Council partners to identify transportation improvements within Upton that will enhance the town centre and improve its attractiveness as a tourism and commercial location. The main areas for improvement identified in LTP2 are on the Riverside and the High Street, and developer contributions from related development will be used to contribute towards implementation costs for any resulting scheme. This is in line with Policy MH5 in LTP2.:

“To work with partners to identify and implement transport measures that will support town centre enhancement schemes within Upton-upon-Severn.”

Malvern Hills Area of Outstanding Natural Beauty (AONB)

146. The Malvern Hills AONB covers part of south-west Worcestershire, notably the Malvern Hills themselves, but extends both north and south from the Hills to cover the outlying areas. The AONB area includes a substantial part of eastern Herefordshire as well as Worcestershire. The

impact of traffic on local communities particularly focussed on the Hills themselves is a major issue, and the AONB Management Plan 2004 2009 promotes more sustainable travel to the Hills. It notes that there are specific problems affecting the 'honey pot' sites along the Hills which need to be addressed jointly across the county boundaries.

147. The Malvern Hills Hopper bus service is in place to provide public transport access to the Hills, with connections to rail services at Great Malvern railway station. Car park management is also a key issue locally, and potential for operating Park and Ride services at busiest times from remote car parks, such as the Three Counties Showground, are options which will be explored. Associated and related development within the AONB area may be asked to contribute to a transport fund (to be held by W.C.C.) to implement specific measures in line with Policy MH7:

“To support measures to minimise the impact of traffic upon local communities within the Malvern Hills AONB area.”

A Financial Contribution towards the Accessibility Strategy for Malvern Hills District

148. Parts of Malvern Hills District are extremely rural, a fact that is recognised through the area's inclusion in the Rural Regeneration Zone. The Accessibility Strategy, published alongside LTP2, has highlighted access to facilities within rural areas to be a major issue.
149. New development in rural areas and the associated demand for public transport will generally place a greater pressure upon the passenger transport system than development in urban areas. This is because in urban areas, bus services will generally cost less to provide as a greater number of passengers will be carried to offset the costs of operating the service. Most of the commercially operated services within Worcestershire operate within urban areas. In rural areas, it is likely that the public sector will be required to subsidise services to ensure that residents have a level of passenger transport available to access key facilities. Such passenger transport can take the form of contracted bus services, community transport schemes or specific transport for schoolchildren, social services transport, or non-emergency health transport.
150. A methodology for calculating developer contribution has been developed by Worcestershire County Council for the District Council relating to a sites relative accessibility to key services, this is based upon district wide accessibility mapping analyses. The accessibility relates to the ability of local communities to obtain various services/facilities due to their physical

location and the transport network. The services/facilities involved are health, education, employment, leisure and food shops (specifically on access to acute hospitals, GP surgeries, secondary schools, further education colleges, service centres / food shops, employment sites, leisure centres and countryside facilities). Sites including GP surgeries and areas of employment have been plotted in order to map accessibility to each service using public transport routes. A map has been produced indicating different time bands, for example, accessibility within 15 minutes, 30 minutes, 45 minutes and 60 minutes, and for different times of the day (peak, daytime, evening). This has identified four different zones which are illustrated below.

Calculation of Costs

151. A base unit cost has then been calculated for each zone based on the estimated cost of providing bus services to and from service destinations. This base unit is £25 at 2006 but will be subject to change. This cost, which is based on the average subsidy per passenger of rural passenger services, has been calculated by the Worcester Passenger Transport Group.
152. The unit cost is set out below then factored for individual accessibility zones, with the most accessible zones being assumed not to require a contribution, and the least accessible being required to make a 100% contribution. So for example any development in zone one will require a nil contribution based on the fact that the site is in the most accessible location (i.e. generally central locations in Malvern, Tenbury and Upton).

Zone	Unit Cost at 2006	Accessibility Contribution	Actual Requirement
One – High Accessibility	£ 25	0%	nil
Two Reasonable accessibility	£ 25	35%	£9
Three – limited accessibility	£ 25	70%	£18
Four – Poor accessibility	£ 25	100%	£25

153. The net unit cost per zone is then multiplied by the estimated level of trip generation from the development, calculated using Trip Rates Information Card System (TRICS). TRICS is a nationally accepted database used to identify the number of vehicular movements associated with a development. It recognises that different land uses generate different impacts on the transportation network. The TRICS database includes information for over 1,100 different sites and 83 different land uses. TRICS is also updated on a regular basis

An example of the calculation required is set out below:

For a development of 11 new dwellings in Zone four

11 X 7.6 trips (per dwelling from TRICS) X unit cost

11 X 7.6 X £25 = £2,090

For a development of 3,750m² gross floor space in Zone 2

4.5 trips per 100m² = 169 trips X £9= £1521

- 154 Developers are advised to contact W.C.C to obtain the latest TRICS information for their proposed development; if none is available a suitable estimate may be submitted. The accessibility map provides an indication of overall accessibility; the final developer contribution will be the subject of negotiation. The Accession model will in future be updated three times a year, to reflect the main dates for bus timetable changes agreed between the County Council and the main local bus operators. The model will also be updated to reflect cycle routes and to include rail timetables in future versions. The most up to date version will be available on the County Council website (www.worcestershire.whub.org.uk) The Accessibility Contribution will also be updated regularly to reflect changes to the public transport network, and to ensure that the costs quoted are regularly reviewed to take account of inflation, especially as the costs of bus service provision do tend to increase at a higher rate than general inflation, due to the rise in fuel and staffing costs. A background document entitled 'Accessibility Zone Map Report' is available on the District Council's website which sets out the criteria used in producing the map.

Requirements Summary Table

Type of Development	Developer Contribution	Threshold	Type of Contribution
Residential	Affordable Housing	<u>Malvern</u> - sites of 5000 sq metres or 15 dwellings	Up to 50% affordable housing
		<u>Rest of District</u> - sites of 2000 sq metres or 5 dwellings whichever is lower	Up to 50% affordable housing
	Public Open Space, sport and Recreational Facilities	5 or more*	On site or financial contribution
	Recycling	10 or more dwellings or site area 0.5 ha or more	On site or nearby
	Public Art	No specific threshold	On site
	Renewable Energy	5 or more dwellings	On site
	Town centre Enhancement	No thresholds	Financial contribution
	Environmental Protection & Enhancement	No threshold	On or off site
	Sustainable Transport	10 or more dwellings or site area 0.5 ha or more	Payment to WCC to implement LTP2 policies and accessibility strategy
	Travel Plan	Where proposals require a Transport Assessment. (Annexe D PPG13)	Bond payment to WCC (refundable if targets met)
	Education	5 or more units (excluding affordable housing and other special forms of accommodation)	Financial Contribution
Commercial & other development	Renewable Energy	1,000 sq metres or more or if the site areas is one hectare or more	On site
	Sustainable Transport	1,000 sq metres or more or if the site areas is one hectare or more	Payment to WCC to implement LTP2 policies and accessibility strategy
	Travel Plan	Where proposals have significant transport implications	Bond payment to WCC (refundable if targets met)
	Environmental Protection & Enhancement	No threshold	On or off site
	Public Art	No threshold	On site or nearby
	Town Centre Enhancement	No threshold	Financial Contribution

* Requirements and thresholds to be set out in Open Space SPD due to be published for consultation spring 2007

Need help with this? Tel: 01905 25121

এটার জন্য কি সাহায্য দরকার? টেলিফোন : ০১৯০৫ ২৫১২১ (Bengali)

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کیا آپ کو اس کیلئے مدد کی ضرورت ہے؟ ٹیلیفون : 01905 25121 (Urdu)

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