

## Appendix 1 – S106 commentary and prioritisation

The table below summarises the Local Plan policy requirements and provides a commentary on issues faced

Type Obligation	When is it required	What is the policy requirement?	Issues seeking the contribution
Affordable Housing	On major applications for residential use	<p>On site affordable housing provision in in line with Strategic Policy.</p> <p>Depending on location this is 25%, 33% or 40% with at least 13% on site provision in all cases.</p> <p>Off site provision calculated at a cost of £40,000 per affordable dwelling required.</p> <p>Aim is for the delivery of 112 affordable homes a year</p>	<p>For the majority of S106 13% of affordable housing has been sought on site with the remaining requirement given as an off site contribution. Some of the monies has been spent on reducing homelessness however a significant amount of monies currently remain unspent.</p> <p>Separately, the planning system is now seen as a key lead in delivering affordable home ownership and as a result the definition of affordable housing has been broadened to include affordable home ownership products. Developers are beginning to deliver such products and already in East Staffs we have seen sites sign up to delivering the on site requirement as ‘traditional’ affordable housing in the form of shared ownership and affordable rent and the permitted off site contribution as discounted homes for sale. This means that affordable housing is being delivered quicker and takes away the requirement for the Borough Council to spent S106 monies within a certain timescale.</p> <p>Affordable housing is not required from Self-build Plots of up to 250 square metres in size, from Retirement Housing, or from Market Housing for Rent.</p>
Education	On residential proposals 7 dwellings and above	To provide education infrastructure for all tiers; infants, junior, primary, secondary, sixth form and specialist education	Staffordshire County Council Education contributions policy has recently been amended and now includes a contribution towards travel to school costs.

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			<p>Monies are not sought from developments specialist accommodation for elderly persons, specialist accommodation for students or dwellings of one bedroom.</p> <p>Due to the increase in build costs experienced by the construction industry over the last year the costs to build schools is now considered to be significantly higher than previously sought however this should be addressed by the policy update referred to above and inflation (indexation) which is factored into all relevant S106.</p>
Highways Infrastructure and Sustainability travel	On a case by case basis	<p>On a case by case basis typical requirements are the following:</p> <ul style="list-style-type: none"> <li>• New or increased bus service, cycle vouchers for new residents</li> <li>• Works to Non-Vehicular Highways, Footpaths, Bridleways</li> <li>• Traffic Regulation Orders</li> <li>• Travel Plan</li> <li>• Travel Plan monitoring</li> <li>• Off site highway works</li> <li>• TRO's, travel management plan monitoring</li> </ul>	<p>There has been uncertainty regarding whether some schemes secured via S106 have been delivered at an appropriate time and in more recent applications the Borough Council have instead sought Grampian conditions to secure off site highway works in advance of the development being implemented. However this would not be suitable in all cases.</p> <p>Staffordshire County Council also seek a travel plan which sets out the methods proposed by the applicant to deliver sustainable travel and reduce impact on the highway network. Where a travel plan is sought Staffordshire County Council also request a monitoring fee and deliver of travel plans is reported through the infrastructure funding statement.</p>
Town Centre Public Realm improvements	For major applications for residential use or employment use within Uttoxeter or	On a case by case basis	No issues emerging

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	Burton town centres		
Open Space	On major applications for residential use	On a case by case basis based on the number of houses and expected population.	<p>In most cases sites which are viable tend to be larger and can more easily address open space requirements on site. In such cases the open space is often would be managed by a separate management company paid for by the occupants or a lump sum would be provided to the Borough Council to maintain the open space</p> <p>In practice, the sites which are often less viable tend to be smaller sites where the full open space requirement is not possible on site.</p> <p>An open space assessment was carried out in 2017 and this lists a number of sites which are in need of improvement. Given the fact that most sites would not be able to provide open space on site it seems reasonable that open spaces near to the site are prioritised for improvement subject to such sites being within the management of the Borough Council.</p>
Playing Pitches	On major applications for residential use	On a case by case basis based on the number of houses and expected population.	<p>The Local Plan identifies a strategy for playing pitches which is to direct S106 monies towards the sports hubs in Burton, Barton and Uttoxeter.</p> <p>Monies have been collected for such sites but there is still a shortfall in funding in order for all hubs to fully address the requirements of the playing pitch strategy.</p> <p>Therefore monies towards playing pitches remain a priority.</p>
National Forest Planting	Employment sites over 1 hectare	<b>1. Housing:</b> (a) Sites under 0.5 ha: Normal landscaping appropriate to site	<p>Delivery of the target is often driven by one of site constraints – similar to the commentary for open spaces above.</p> <p>The difficulty in spending off site financial contributions for the National Forest is finding suitable sites where it would be</p>

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	<p>Residential sites over 0.5 hectares in the National Forest Area</p> <p>Highway Schemes within the National Forest</p>	<p>(b) Sites over 0.5 ha: 20% of development area to be woodland</p> <p>(c) Sites over 10ha and Sustainable Urban Extensions: 30% of the development area to be woodland planting and landscaping</p> <p><b>2. Industrial:</b></p> <p>a) Sites under 1 ha: Normal landscaping appropriate to the site's setting and landscaping</p> <p>b) Sites over 1 ha: 20% of the development area to be woodland planting and landscaping</p> <p>c) Sites over 10ha and Sustainable Urban Extensions: 30% of the development area to be woodland planting and landscaping</p> <p><b>3. Highway Schemes in the National Forest:</b></p> <p>Highway schemes should achieve well wooded settings with planting adjoining the roadside and off site. Appropriate landscaping should also accompany road improvements.</p>	<p>appropriate to provide tree planting. The preference of the National Forest Company is to buy larger parcels of land and deliver significant tree planting however such pieces of land are not readily available within East Staffordshire and so spending S106 monies to date has been through improving tree planting and woodland management on existing sites in East Staffordshire.</p>
Bins	On all residential proposals	£75 per dwelling to cover the cost of providing all	No issues emerging. Whilst bins are often included in S106 they can also be sought via planning condition which is usually agreed by applicants.

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Cannock Chase SAC	All new dwellings within 8km of the Cannock Chase SAC	£230 per dwelling	Whilst the Cannock Chase SAC mitigation falls under the remit of a S106 it is required under separate legislation and should be considered separately and not part of any viability calculation or consideration.
Health	On major applications for residential use	On a case by case basis Indicative formula is set out below:  New population arising from the development x additional consultations required x cost of delivering the consultations	Compared to other clauses healthcare provision is relatively new. Staffordshire Clinical Commissioning Group were not a previous consultee on planning applications however they have developed a formula to use when requesting planning applications. Contributions towards healthcare have been agreed on numerous sites. The CCG have been gathering evidence to demonstrate the impact development has on healthcare provision, set out how healthcare is delivered and prepare guidance for developers.
Air Quality measures	On major applications in, or with a direct impact on an existing air quality management area (AQMA).	On a case by case basis, such measures could include:  Electric charging points Air Quality monitoring measures	No issues emerging – secured on a case by case basis.
Community priorities	On major applications	On a case by case basis	See Neighbourhood Plans, many of which have identified specific infrastructure projects

Based on the assessment above it is considered that the following should be considered by the decision maker:

- Are there any on site policy requirements that cannot be achieved? For example open space, parking etc?
- Is the full affordable housing requirement been achieved on site? If not could alternative forms of affordable housing e.g. starter homes and affordable home ownership be achieved?
- Is the development a market home for rent scheme?

- What open spaces are nearby<sup>1</sup> and are these in need of improvement?
- Have any requests been made from community organisations? Is the request related to the development?
- Have any statutory consultee stated that a nearby facility which would serve the development is at capacity?
- Has the applicant agreed to provide bins by way of planning condition?
- Can off site highway works be secured by Grampian condition?

Depending on the outcome of the above the following recommend prioritisation:

1. Full policy compliant level of affordable housing on site, fully investigating all types of affordable housing on site rather than an off site contribution
2. Statutory consultee requests which relate to health, safety including highway safety and education
3. Any on site requirement which cannot be delivered on site to be addressed off site – e.g. open space contribution to go towards play area<sup>2</sup> in the vicinity of the site
4. Playing pitch contribution for developments more than 50 dwellings
5. Other requests
6. Bins – to be secured by way of planning condition

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<sup>1</sup> Within 400 metres of the development or ‘ten minute walk’

<sup>2</sup> Where nearby open spaces and play areas are within the ownership of ESBC