

**Royal Borough of
Windsor and Maidenhead
Local Development Framework**

**Planning Obligations and Developer Contributions
Supplementary Planning Document
A Developers' Guide**

**A Developers' Guide
(General Approach)**

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PLANNING OBLIGATIONS AND DEVELOPER CONTRIBUTIONS CONTENTS

<u>PART 1</u>	EXECUTIVE SUMMARY.....	1
<u>PART 2</u>	IMPLEMENTATION.....	5
<u>PART 3</u>	SUMMARY OF REQUIREMENTS.....	9
<u>PART 4</u>	INFRASTRUCTURE, FACILITIES AND SERVICES.....	16
	SECTION 1 AFFORDABLE HOUSING.....	16
	SECTION 2 TRANSPORTATION AND HIGHWAYS.....	19
	SECTION 3 EDUCATION.....	27
	SECTION 4 COMMUNITY FACILITIES.....	34
	SECTION 5 LIBRARY SERVICES.....	38
	SECTION 6 RECREATION AND LEISURE.....	41
	SECTION 7 TOWN MANAGEMENT AND IMPROVEMENT.....	48
	SECTION 8 ECONOMIC DEVELOPMENT.....	50
	SECTION 9 LANDSCAPING AND BIODIVERSITY.....	51
	SECTION 10 AIR QUALITY.....	53
	SECTION 11 WASTE DISPOSAL.....	54
	SECTION 12 ARCHAEOLOGY.....	55
	SECTION 13 FLOOD RISK MANAGEMENT & DRAINAGE.....	56
	SECTION 14 PARISH PROJECTS.....	58
<u>PART 5</u>	POLICY REFERENCES.....	59
	A) PLANNING POLICY CONTEXT.....	59
	B) AFFORDABLE HOUSING.....	61
	C) TRANSPORTATION AND HIGHWAYS.....	63
	D) EDUCATION.....	65
	E) COMMUNITY FACILITIES.....	66
	F) LIBRARY SERVICES.....	68
	G) RECREATION AND LEISURE.....	70
	H) TOWN MANAGEMENT AND IMPROVEMENT.....	72
	J) ECONOMIC DEVELOPMENT.....	74
	K) LANDSCAPING AND BIODIVERSITY.....	75
	L) AIR QUALITY.....	77
	M) WASTE DISPOSAL.....	80
	N) ARCHAEOLOGY.....	82
	P) FLOOD RISK MANAGEMENT AND DRAINAGE.....	84
	R) PARISH PROJECTS.....	86

PART 1: Executive Summary

Purpose of this Guide

This Supplementary Planning Document (SPD) has been produced to provide advice to developers on how the service, facilities and infrastructure requirements to be expected in relation to their development will be assessed and appropriate contributions sought. It is important that developers are made aware at the outset of what will be required so that they are able to incorporate the funding of provision in the development process.

Though not part of the Statutory Development Plan, this SPD will be included in the Council's Local Development Framework to form part of the planning framework for the area. Its role is to amend existing Supplementary Planning Guidance (SPG) to "saved" Policy IMP1 of the Adopted Local Plan with respect to Planning Obligations and Developer Contributions, (adopted by the Borough Council in February 2003) and will ultimately supplement the over-arching Development Plan Document concerned with Implementation, Design and the Built Environment (LDD103).

Background

- 1.1 The Royal Borough of Windsor and Maidenhead has experienced considerable urban development over recent decades, despite a declining population, but services, facilities and infrastructure have not grown to match this development. Successive government controls on public expenditure have limited the ability of the Council and other public sector agencies to make the required provision while, in parallel, the public's expectation of standards of provision has been steadily increasing.
- 1.2 At the same time, efforts to secure developer contributions towards new provision have not always been as successful as they might have been. The shortfall has been exacerbated by the prevalence in the Borough of small developments, which have not been required to make contributions, but still make demands on existing facilities.
- 1.3 The Government made significant changes to planning legislation through the enactment of the Planning and Compulsory Act 2004 (PCP Act) at the end of September 2004 and the requirements for SPD are set out in the new Act. Government advice on the use of planning obligations is currently found in Circular 05/2005 'Planning Obligations'.
- 1.4 The Circular points to a wide range of cases where it is reasonable for local authorities to seek developer provision of services, facilities and infrastructure, or a contribution towards their provision. In this way, planning obligations can be used to enhance the quality of development and enable proposals to proceed where they may otherwise have been refused. The benefits sought are subject to the necessary tests being met and also to their basis being justified by the development plan.

1.5 In particular, in line with the advice in the Circular, planning obligations will only be sought where they meet ALL the following criteria:

- They must be relevant to planning and directly related to the development in question
- They must be necessary to make the development acceptable in planning terms
- They must be fairly and reasonably related in kind to the development and reasonable in all other respects

In the Borough they are currently authorised through Policy IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted June 2003). PPG12 states that the Secretary of State will give substantial weight in making decisions on matters that come before him involving SPD that is consistent with the development plan and PPS12 gives SPD similar planning status.

1.6 If the community's aspirations are to be fully satisfied, then all new developments will have to make appropriate provision. It has, therefore, been necessary to prepare a detailed basis under which either financial contributions or specific works or services are sought, in accordance with the requirements of the Circular. Accordingly, this document identifies lists of development-related requirements both for the Borough as a whole, and for various parts of the Borough, to ensure an effective and comprehensive basis for securing contributions. For example, commercial development is likely to generate additional demands for travel plans, transport infrastructure and environmental improvements, amongst others; residential schemes may require contributions towards transport infrastructure, education, community facilities and public open space. Planning obligations will also be used to secure affordable housing, which although not strictly infrastructure, may be sought under separate national guidance and Local Plan policies.

1.7 In preparing the document the Council has taken full account of the requirement in the Circular that planning obligations should not be sought as a means of rectifying deficiencies in existing provision. Development may, however, exacerbate existing problems in addition to giving rise to new demands on infrastructure or community services and the Council has taken this into account.

1.8 As a Supplementary Planning Document adopted by the Borough Council, this Guide is a material planning consideration to be used in the determination of planning applications. It will form the basis of discussions on individual planning applications with the aim of creating planning obligations, there is also more detailed advice on specific contributions that should be referred to as appropriate.

1.9 The delivery of planning obligations is by way of legal agreement entered into under Section 106 of the Town and Country Planning Act 1990, (as amended). The provisions of Section 106 state that anyone with an interest in land may enter into a planning obligation which affects the land, and this

can be done either with the Local Planning Authority or by unilateral undertaking. It is most usual for Section 106 agreements to be entered into in conjunction with planning applications where the obligation is not something that can be dealt with by way of condition. A typical example would be where the Council is requiring a contribution towards highway works.

- 1.10 As well as the clear need for infrastructure and community facilities deriving from major developments, the Guide also addresses the requirements arising from the cumulative impact of a number of small developments coming forward in a locality.

Changes to the Planning Obligations System

- 1.11 In response to criticisms that the working of Section 106 agreements are both complex and cumbersome, the Office of the Deputy Prime Minister has proposed an interim (short to medium term) reform of the current system of negotiated agreements, which was the subject of a Consultation Paper Draft Revised Circular on Planning Obligations issued at the end of October 2004.
- 1.12 The Government is still working on proposals for an Optional Planning Charge, but have accepted this will take some time. It does not propose in the short term to make regulations to set planning obligations on a new statutory basis, using the powers established by the Planning and Compulsory Purchase Act 2004 (sections 46 and 47). Instead it has issued revised advice, in the form of Circular 05/2005: Planning Obligations (replacing circular 1/97) and plans to publish press ahead with implementing non-legislative changes to the current arrangements for negotiated agreements through the revision of Circular 1/97 and the publication of good practice guidance for local authorities and developers. The Government's intention is for the replacement Circular to be re-issued in 2005. This SPD will be reviewed as appropriate in accordance with any formal revision of Government guidance on planning obligations.

Organisation of this and related documents

- 1.13 This document is laid out in five main parts. Part 2, which follows this Summary (Part 1), sets out the Council's general approach to the identification and treatment of planning obligations in relation to individual planning applications. For ease of reference, the various subject headings under which obligations may arise are listed in tabular form in Part 3, but readers wishing to obtain a fuller description of each topic may find this in Part 4. The relevant policy references are set out in Part 5.
- 1.14 This document forms the background to the Council's policy on planning obligations in general but, clearly, the extent of specific obligations that are sought will vary from time to time. Readers are, therefore, referred to the companion document, 'Infrastructure and Amenity Requirements and Approved Programme of Schemes', which sets out the amounts the Council intends to seek over a five-year rolling period in relation to certain types of obligation and is updated twice a year to ensure it is as up-to-date as possible.

- 1.15 In accordance with regulations introduced through the PCP Act 2004 an accompanying Sustainability Appraisal (SA) report has been commissioned by the Council and readers are also referred to this document.

PART 2: Implementation

Taking requirements into account

- 2.1 The Borough Council is able to advise on the relevant costs and requirements, in conjunction with the appropriate agency where necessary. Developers are advised to initiate negotiations at an early stage with officers of the Council since it may be necessary to take into account several planning obligations (e.g. open space, community facilities) in their calculations of the development value of a site.

Timing of provision

- 2.2 It is important that planning obligations take effect to match the additional demands from developments as they arise. For this reason, and particularly in the case of larger sites, the legal agreements that developers will be required to enter into will specify the point(s) at which obligations need to be implemented. In order that the needs arising from new development are met as quickly as is reasonably possible, the Borough Council will normally seek payment of contributions when the relevant planning obligation arises. However, where the development is likely to be phased over time and financial contributions are sought payment by instalment will be considered.
- 2.3 The agreement should provide for contributions to be returned, with interest, if the facilities are not provided within a given period, but the period may vary depending upon existing capacity, expected rates of development and the size of projects for which pooled contributions are being accumulated.

Location of off-site provision

- 2.4 The Borough Council will seek to ensure that, where off-site provision of a facility is required, it will take place within the vicinity of the site. However, where the scale and impact of development requires it, the influence may be Borough-wide.

Retail Price Index

- 2.5 In order to maintain the real value of a payment due to the Borough Council 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 Council.

Disagreements between the Local Planning Authority and the Developer

- 2.6 Section 106 Agreements normally contain arbitration clauses that set out how disagreements will be resolved.

Legal Procedures and Costs

- 2.7 As a minimum the Borough will set out the heads under which planning obligations are being sought when the particular case is reported to the relevant Planning Panel for decision, but its preference is to agree full Heads of Terms with applicants prior to the decision stage. These will be the basis for instruction to the parties' solicitors. If contributions are being sought for a range of facilities, it will usually be expedient to address them in a single agreement; however, where outside agencies are involved, separate agreements may be necessary.
- 2.8 The applicant will be required to pay the Borough Council's legal costs in connection with the preparation and execution of an agreement. To this end, the Borough Solicitor will require an undertaking from the lawyer acting on behalf of the applicant to pay the Borough Council's reasonable legal costs in full, whether or not the agreement is completed. The Council is prepared to provide an estimate of costs at the commencement of the legal process.
- 2.9 Applicants are reminded that agreements under section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980 have to be registered as land charges. They will, therefore, have to deduce title to the site, and third parties, such as mortgagees may have to be made party to the agreement.

Project Management and Monitoring Costs

- 2.10 Project Management and Monitoring Costs did not feature in published Circular 05/2005 since many consultees on the Draft Circular wanted more guidance with respect to cost recovery measures and were concerned that this might be seen and used as another form of revenue raising and serve to reduce the overall contribution towards obligations that were negotiated with developers. The proposed principle of introducing the Project Management and Monitoring Costs has therefore been deleted from the SPD pending the publication of further information on the application of 05/2005 in the form of Good Practice Guidance due to be published by later in 2005.

Outline applications

- 2.11 When dealing with outline applications, where details of the proposal are reserved for subsequent decision, it may be necessary to frame the legal agreement to ensure that payment towards the provision of facilities and infrastructure will be required and assessed on the basis of subsequent details.

Development Briefs

- 2.12 In the case of larger sites, development briefs will provide the opportunity to facilitate acceptable schemes and this will enable a clearer picture of facility and infrastructure requirements (and their associated land take, if any) to be identified at an earlier stage. In such cases, involvement of developers early on is a benefit.

Unilateral Obligations

- 2.13 To assist in the speed of determining planning applications the Borough Council has produced a standard Unilateral Undertaking template. Copies of this undertaking precedent can be obtained from the Council's Legal Department and applicants for planning permission are advised to contact the Planning Office or Legal Services for details of the costs involved with using the Undertaking precedent and additional fee required for checking a draft document once it is submitted but before it is completed. Developers will be expected to produce Unilateral Obligations promptly where an application is subjected to the appeal process.

Pooled Contributions from Minor Developments

- 2.14 The majority of developments may not, of themselves, warrant 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. However, a series of small developments are likely to have a cumulative impact on existing infrastructure, services and facilities, and those responsible for their provision will find it more cost-effective to make a single improvement after a number of small developments have been developed.
- 2.15 In order to ensure that the cumulative effects of development are acknowledged, service providers (normally a department of the Council) will, in certain cases, create funds into which monies sought from planning consents will be paid, which will be defrayed against the cost of additional infrastructure on a phased basis.

Phasing

- 2.16 Delivery of specific elements of a comprehensive development scheme, including necessary infrastructure 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.

Restrictions on Use of Land and Occupancy of Buildings

- 2.17 Where it is deemed inappropriate to restrict land use or building occupation by means of planning conditions, a planning obligation may be used to secure the same end. For example, the capacity of a major event facility could be linked to the capacity of the local road and public transport network that would serve it.
- 2.18 In certain cases planning objectives may only be properly served by preventing the subdivision of property; for example, the fragmentation of agricultural land may be prevented by a planning obligation under which a dwelling and associated accommodation is tied to an agricultural land unit or a set of farm buildings.

Previous Permissions

- 2.19 An obligation may be used to rescind an earlier permission without recourse to compensation. Permission can also be revoked with the agreement of landowners without compensation being payable.

Design

- 2.20 Where appropriate, obligations will be used to ensure design elements in new development are delivered at the appropriate time and maintained over time. These elements include buildings, other structures and landscaping.

Enabling Development

- 2.21 In certain cases proposals are justified as ‘enabling development’ that helps to finance or facilitate related activity. A typical case might be a housing project that permits the refurbishment of a listed building that might otherwise fall into permanent disrepair. The Council will consider proposals of this nature on their merits, but will wish to assure itself through the imposition of a planning obligation that any related works will be carried out and may, in certain cases, seek a bond or other form of security.

PART 3: Summary of Requirements

- 3.1 This section provides a summary of the Council's requirements in respect of various types of development. In the first column of each table, the term 'development' is taken (unless otherwise stated) to include redevelopment, mixed use schemes, changes of use, and applications to extend the duration of a planning consent.
- 3.2 The section references above each table refer to the sections in Part 4 that follow in this document. Full details of the requirements are included in these sections, and it is these that will form the basis for any discussions and agreements with the Borough Council.
- 3.3 The levels of contributions sought are not set out in this document, but may be found in the companion Approved Programme of Schemes document.

Table 1: Affordable Housing (Section 1)

Development Type	Proposal	Sought
<p>All applications for housing development including:</p> <ul style="list-style-type: none"> • special needs and sheltered housing schemes • windfall sites not identified in the Local Plan. <p>Exceptions: Student accommodation</p>	<ul style="list-style-type: none"> • All Areas: Sites of 0.5 hectare or schemes proposing 15 or more dwellings (net additional). • Other smaller proposals for piecemeal development, which clearly form part of a larger site. 	<p>As a starting-point, 30% of the total dwellings to be provided.</p>

Table 2: Transport (Workplace Travel Plans) (Section 2)

Development Type	Proposal	Sought
<p>All applications for Business (BIDS), Retail, Leisure, Health and Education development.</p>	<p>A Travel Plan will always be required where:</p> <ul style="list-style-type: none"> • there is a new commercial building • there is an increase in the number of vehicle trips generated to and from the site • the existing owner/developer or occupier seeks to increase or decrease car parking (a decrease may impact on on-street and public car park supply) • the existing owner/developer or occupier seeks expansion of business operation/change of use with the likelihood of increased vehicle trips to and from the site or locality • the locality/community will benefit from traffic reduction and an increase in sustainable transport measures • development results in a particular local problem that can be overcome by a Travel Plan • the development proposed, cumulatively with others in a locality, would be a major travel generator • a commercial building is replaced with another, regardless of whether there is a change in size or use. <p>A Travel Plan will not be required where there is already one in existence for the site that addresses all issues arising from the development proposals.</p> <p>New & expanded schools The Borough Council's policy for the provision of School Travel Plans is set out in the School Travel Plan Strategy.</p>	<p>Prior to first occupation, design and infrastructure measures to be implemented.</p> <p>Within three months of the development being occupied, a Travel Plan that will:</p> <ul style="list-style-type: none"> • Reduce single occupancy car usage for business travel • Encourage more environmentally-friendly forms of travel • Deliver sustainable transport • Reduce the need to travel. <p>(para. 88 PPG13 & RBWM Local Transport Plan)</p> <p>A School Travel Plan (para. 89, PPG13)</p>

Table 3: Transport (Highways and Public Transport) (Section 2)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Development that will involve a net increase in the number of dwellings or floorspace on the development site, or wherever an increase in vehicular or pedestrian or cyclist movement arising from the development is probable.	A contribution per additional dwelling or increase in floorspace towards meeting the cost of projects identified by the Borough Council. Work must be to standards acceptable to the Council and be carried out as part of an agreement under s.278 of the Highways Act 1980.

Table 4: Education Provision (Section 3)

Development Type	Proposal	Sought
All applications for housing development Exceptions: <ul style="list-style-type: none"> • 1-bedroom dwellings • Dwellings for the elderly or Sheltered housing schemes. • Student accommodation 	Development that will involve a net increase of 1 or more dwellings.	Contributions towards the cost of providing new accommodation and/or remodelling/ improving existing accommodation at educational facilities where additional pressure is likely to arise as a result of the development. In most instances this contribution will be calculated on a per dwelling basis. It may be appropriate in some cases for a developer to provide suitable land for a new school or for the significant expansion of an existing one and to construct it, to meet the demand from the proposed development.

Table 5: Community Facilities (Section 4)

Development Type	Proposal	Sought
All applications for housing development.	Development that will involve a net increase of 1 or more dwellings.	A contribution per additional dwelling towards the cost of: 1. providing new community facilities in the area, or 2. enhancing or extending existing community facilities in the area.

Table 6: Library Services (Section 5)

Development Type	Proposal	Sought
All applications for housing, BIDS and retail development.	Development that will involve a net increase of 1 or more dwellings or additional floorspace on the development site.	<p>A contribution per additional dwelling or increase in floorspace towards meeting the cost of one of the following, as considered appropriate by the Borough Council:</p> <ol style="list-style-type: none"> 1. A container stop, or an extension to existing facilities 2. A mobile library or extension to existing facilities. 3. Provision of land and building costs for a permanent library or extensions/improvements to existing facilities.

Table 7: Leisure Provision - Public Open Space (Section 6i)

Development Type	Proposal	Sought
All applications for housing development.	<p>Dwellings on site of 0.4 ha or greater.</p> <p>Net increase of 1 or more dwellings on site of less than 0.4 ha.</p>	<p>Open space in accordance with the Borough Council's Local Plan Policy (R3) of 4.3 ha./1000 population.</p> <p>At least a minimum amount of on-site provision is required on-site (as per Local Plan policies R4 and R5).</p> <p>Any shortfall of provision requires contribution, as considered appropriate by the Borough Council, towards the cost of:</p> <ol style="list-style-type: none"> 1. providing new facilities in the area, or 2. enhancing or extending existing facilities in the area. <p>Open space in accordance with the Borough Council's Local Plan Policy (R3) of 4.3 ha./1000 population.</p> <p>Any shortfall of provision requires contribution, as considered appropriate by the Borough Council, towards the cost of:</p> <ol style="list-style-type: none"> 1. providing new facilities in the area, or 2. enhancing or extending existing facilities in the area.
All applications for business (BIDS) developments, retail, leisure, health and education development	Development that will involve a net increase in floor space on the development site	A contribution per increase in floor space towards meeting the cost of projects identified by the borough council

Table 8: Leisure Provision - Indoor Sports Facilities (Section 6ii)

Development Type	Proposal	Sought
<p>All applications for Business (BIDS) development retail health and education development.</p> <p>All applications for residential development</p>	<p>Development that will involve a net increase in floorspace on the development site.</p> <p>All applications involving a net increase in bedrooms on the development site.</p>	<p>A contribution per increase in floorspace towards meeting the cost of projects identified by the Borough Council.</p> <p>A contribution per increase in residents towards meeting the cost of projects identified by the Borough Council</p>

Table 9: Recreation and Leisure - Public Art (Section 6iii)

Development Type	Proposal	Sought
<p>All applications for Residential, Business (BIDS), Retail, Leisure, Health and Education development.</p>	<p>Development that will involve a net increase in the number of dwellings or floorspace on the development site, within the town centres of Windsor and Maidenhead, as defined on the Borough Local Plan Proposals Map, and adjoining areas.</p>	<p>A contribution per additional dwelling or increase in floorspace towards meeting the cost of projects identified by the Borough Council.</p>

Table 10: Town Management and Improvement (Section 7)

Development Type	Proposal	Sought
<p>All applications for Business, Retail, Leisure, (BIDS), Health, Hotel and Education development.</p>	<p>Development within the town centres of Windsor and Maidenhead, as defined on the Borough Local Plan Proposals Map, and adjoining areas. Exceptionally, contributions may be required from development outside the town centres; paragraphs 7.3.1 to 7.3.4 refer.</p>	<p>A contribution will be sought based upon the Association of Berkshire Building Control Services, (ABBCS) average build prices for South East England (adjusted for local area and index linked). The contribution shall be calculated in relation to the mean cost £/m² of gross internal floor area for the type and use of the new or extended floor space.</p>

Table 11: Economic Development (Section 8)

Development Type	Proposal	Sought
<p>All applications for Business, Retail, Leisure, (BIDS), Health and Hotel development.</p> <p>Exceptions:</p> <ul style="list-style-type: none"> Development resulting in a net increase of less than 20m² 	<p>Development within the Borough. Exceptionally, contributions may be required from developments outside the Borough that have a direct impact upon the local economy and employment sources.</p>	<p>A contribution per increase in floorspace towards meeting the cost of projects identified by the Borough Council.</p>

Table 12: Landscaping and Biodiversity (Section 9)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Within the context of development proposals, wherever landscaping is required or nature conservation interests require protection, and these objectives cannot be appropriately secured through planning conditions, a planning obligation will be sought.	A contribution per additional dwelling or increase in floorspace towards meeting the cost of measures identified by the Borough Council. This may include commuted sums for maintenance over a specified period, to be agreed with the developer.

Table 13: Air Quality (Section 10)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Within the context of development proposals, wherever air quality amelioration measures are required, and these cannot be appropriately secured through planning conditions, a planning obligation will be sought.	A contribution per additional dwelling or increase in floorspace towards meeting the cost of measures identified by the Borough Council. This may include commuted sums for monitoring over a specified period, to be agreed with the developer.

Table 14: Waste Disposal (Section 11)

Development Type	Proposal	Sought
Housing	Development that will involve a net increase of 1 or more dwellings.	A contribution per additional dwelling towards meeting the costs of waste disposal and minimisation measures identified by the Borough Council (such as kerbside recycling initiatives).
Housing	100 or more dwellings	As above for Housing developments involving 100 or more dwellings and in addition there may be a requirement where existing facilities cannot meet the additional demand for: <ul style="list-style-type: none"> land and construction of on-site local recycling facilities; and/or a contribution towards off-site local and/or major recycling facilities.
Retail	a net increase of 500m ² or more	
Business (BIDS)	a net increase of 500m ² or more	
Car parks	200 or more spaces	
Major transport, leisure, recreation, tourist or community facilities.		

Table 15: Archaeology (Section 12)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Within the context of development proposals, wherever archaeological works are required, and these cannot be appropriately secured through planning conditions, a planning obligation will be sought.	A contribution per additional dwelling or increase in floorspace towards meeting the cost of measures identified by the Borough Council. This may include commuted sums for monitoring over a specified period, to be agreed with the developer.

Table 16: Flood Risk Management and Drainage (Section 13)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Within the context of development proposals, whenever flooding engineering works are required (sometimes off-site), or measures are needed to overcome drainage problems, and these cannot be appropriately secured through planning conditions, a planning obligation will be sought.	In line with the Council's requirements for flood risk assessments, contributions will be sought towards meeting the cost of measures identified by the Borough Council.

Table 17: Parish Projects (Section 14)

Development Type	Proposal	Sought
All applications for Housing, Business (BIDS), Retail, Leisure, Health and Education development.	Within the context of development proposals, whenever a contribution is required to bring forward the need to implement a Parish Project, and this cannot be appropriately secured through planning conditions, a planning obligation will be sought.	A contribution per additional dwelling or increase in floorspace towards meeting the cost of measures identified by the Borough Council. This may include commuted sums for maintenance over a specified period, to be agreed with the developer.

PART 4: Infrastructure, Facilities and Services

4.1 SECTION 1: AFFORDABLE HOUSING

Background

4.1.1 It is the Council's responsibility to enable and co-ordinate the provision of housing so that local needs are met. The land-use planning system makes an important contribution to this function. However, in seeking to meet these needs it is recognised that some people are unable to afford to meet their housing needs through the private housing market and require the provision of alternative, affordable forms of housing. Where the planning system is able to achieve affordable housing provision, this should be regarded as a benefit.

4.1.2 The Council seeks affordable housing on the following bases:

Urban areas:

Sites of 0.5 hectare and over, or schemes proposing 15 or more dwellings (net additional).

Other smaller proposals for piecemeal development, which clearly form part of a larger site.

Any revisions to the Council's adopted Local Plan policy in terms of suitable site definitions, proportions and financial contribution requirements are to be introduced through the Local Development Framework (LDF) review process. Revisions to affordable housing policy are a very high priority for the Council and have therefore been timetabled for progression in the first phase of the LDF review (i.e. by March 2007).

Evidence of Housing Need

4.1.3 The need for affordable housing in the Borough was demonstrated by the 1998 Housing Needs Study, which highlighted that the Borough needed to provide between 950 and 1,371 additional affordable dwellings per annum over the following five years. In fact, only 633 (gross) / 608 (net) new affordable dwellings were provided between 1996/97 and 2000/01 (approximately 127/122 per annum) and the need for affordable housing provision remains. In 2001/02, only 98 new affordable homes were completed. The continuing shortfall in affordable housing was further confirmed in a later Housing Needs Study produced for the Council by Fordham Research and published in January 2005.

4.1.4 Other indicators also show the need for affordable housing:

- The Borough had 2,064 households on the Local Housing Register as at 31 March 2002. This number stays fairly constant from year to year.
- In 2000/01 the local authority was approached by 299 households claiming homelessness of which only 49 were accepted and provided with temporary accommodation. Changes to the homelessness legislation (i.e.

reducing the priority categories whereby the local authority has to provide housing) have in turn resulted in a drop in the number of homelessness acceptances. However, local authorities will have to provide housing for an increasing number of homeless households following the new Homelessness Code of Guidance, which extends the priority categories for assistance once again.

- In addition, data obtained from the Unified Monitoring Scheme shows that participating agencies were approached by 116 individuals seeking housing assistance during 2000/01.
- House prices in the Royal Borough are very high. The average house price (Oct-Dec 2001) was £272,739, compared with £153,214 for the South East region and £118,827 for England and Wales (same period) (source: HM Land Registry Report).

4.1.5 To assist in meeting the identified and anticipated housing needs throughout the Borough, the Council expects that around 30% of all new dwellings granted consent on eligible sites will be for affordable housing and will negotiate with developers to ensure this target is achieved.

Provision of Affordable Housing

4.1.6 The provision of affordable housing will normally be achieved through the involvement of a Registered Social Landlord (RSL) nominated by the Council and registered with the Housing Corporation, so that the properties can be secured for successive occupiers. However, the size, type and tenure of dwellings sought on a particular development will depend upon the circumstances, and the need identified by the Borough Council's Housing and Social Services officers.

4.1.7 Since each development is different, negotiations will vary accordingly. However, the following matters are likely to be those that will need to be incorporated into the legal agreement:

- the type of affordable housing
- the building specification
- the location, design and appearance of the affordable housing. The concern here is that it should be integrated into the remainder of the development and the surrounding area (thus avoiding large areas of single tenure housing), whether this is in the form of small clusters of affordable dwellings, or of 'peppercotted' individual affordable dwellings
- the level of subsidy required to make sure that the dwellings are attractive to people who cannot afford those on the open market
- the partner RSL where appropriate.

- 4.1.8 The planning system does not allow tenure to be considered as a planning issue - nevertheless, in its capacity as a housing authority, the Council is anxious to reach agreement with RSL's that will provide housing to meet current housing needs.
- 4.1.9 In accordance with policy guidance, developers are expected to make provision for affordable housing on site. However, although not preferred, alternatives are the provision of affordable housing elsewhere, or a payment towards affordable housing on another site. In the exceptional cases where on-site provision is deemed inappropriate, a sequential approach to alternative provision will be adopted, as follows:
- 1) combination of on and off-site provision
 - 2) full provision off-site
 - 3) payment in lieu of off-site provision.

Where a payment is made, it must equate directly to the cost of delivering elsewhere the affordable housing for the site in question.

- 4.1.10 Before these alternatives are considered acceptable, the Council must first agree that the characteristics of the site in question are so unusual that a payment or other contribution is desirable. The Council must also be convinced that the arrangements are so secure that delivery of affordable housing on another site is guaranteed.
- 4.1.11 On larger sites, the delivery of affordable dwellings will be phased throughout the housing development. A significant proportion, negotiable in each case, of the affordable units in each phase should be constructed by the time of the first occupation of the market dwellings within that phase of the development.
- 4.1.12 Affordable homes should be delivered in accordance with Housing Corporation Total Cost Indicators.
- 4.1.13 Provision will be required either in the form of serviced plots offered to an RSL partner nominated by the Council, or completed dwellings constructed by the developer to the Housing Corporation's Scheme Development Standards and sold on to the agreed RSL at a discounted value.
- 4.1.14 Since the abolition of Local Authority Social Housing Grant (SHG) in April 2003 it is acknowledged that the main source of funding to deliver affordable housing in the future is likely to be developer contributions.
- 4.1.15 In order that the Borough Council can respond quickly to funding requests from Housing Associations the Head of Housing Policy & Residential Development, (in consultation with the Head of Finance and the Champion for Housing), has delegated powers to authorise the use of developer contributions provided for affordable housing to fund specific Housing Association (HA) schemes in the Borough.

4.2 SECTION 2: TRANSPORTATION AND HIGHWAYS

- 4.2.1 The Council's Integrated Transport Strategy aims to reduce the growth in road traffic and widen travel choice. The additional need to travel arising from new development may be harnessed to boost the provision of other transport modes, especially public transport. Where a developer has submitted a Transport Assessment (TA) in connection with a proposed development, and has identified that this issue needs to be addressed, it should be dealt with by means of a planning obligation.

Provision of Transport Assessments

- 4.2.2 Developers will be required to submit Transport Assessments on schemes likely to require planning obligations using the thresholds agreed with the local authority, and in accordance with the guidance contained within Planning Policy Guidance Note (PPG) 13 Transport (April 2001), PPG3 Housing (March 2000) and PPS6 Planning for Town Centres (2005). Transport Assessment may also be required in areas that are currently heavily congested and further guidance as to when Transport Assessments will be required can be found within PPG13 (paras. 23 – 27). A Scoping Study should be prepared and agreed with the Highways Authority prior to the Transport Assessment being prepared. The Scoping Study should include a consideration of whether the Transport Assessment needs to take account of the impact of the trunk road network; where it does, it must be agreed with the Highways Agency as well as the Council. Where it is appropriate, the Highway Authority will require the developer to fund the use of any traffic models available that can be used in conjunction with a Transport Assessment. The models are in the ownership of the Council and the developer will be provided with all output information from the model that is required to form part of the planning application.

Travel Plans

- 4.2.3 Travel plans are one of the key mechanisms by which the Government expects local authorities to deliver its sustainable transport objectives. Upon the development being brought into use, or within three months of occupation, a Travel Plan aims to reduce reliance on the private car, encourage more environmentally-friendly forms of travel, and deliver sustainable transport. Travel plans are also known as Green Transport Plans. Typically, they include a package of measures designed to encourage alternatives to the private car, particularly single car occupancy journeys to work. They should always be prepared in consultation with the Borough Council, which in this area is the local highway authority.
- 4.2.4 The key components of a Travel Plan include:
- Background Survey – site location, number of employees and visitors, travel modes, parking provisions, etc.
 - Objectives – identify what is to be achieved from the travel plan
 - Scope – identify which business elements the plan will address

- Actions – the proposed actions to achieve the stated objectives
- Targets – achievement of targets is the measure of success or failure of the travel plan
- Monitoring – identify how to monitor the effectiveness of the plan
- Dissemination – spreading the results and success of the plan to others
- Annual audit – how the plan is to be audited and when results will be provided to the Borough Council.
- Review – updating the plan to take account of changes in the business and environment or to set new targets.

4.2.5 The responsibility for the Travel Plan is shared between developer/owner and occupier. Where the developer/owner and occupier are the same party they will provide both the Interim Travel Plan and the final Travel Plan. The developer is required to produce an Interim Travel Plan (this will incorporate the Travel Plan proposal from the Transport Assessment). The developer controls the physical aspects of constructing a site to enable the implementation of an effective Travel Plan. This may include the provision of physical infrastructure within the site; access to the site on footways, cycleways and public transport; contributions to a public transport service; etc.. The developer is responsible for informing the occupier of their responsibility for producing and implementing a Travel Plan as outlined in the section 106 agreement and for informing the Council of the names of the occupier and Travel Plan Co-ordinator. The occupier has control over the travel behaviour to and from the site. The responsibility for meeting targets, costs of annual reporting to the Borough Council and liability for financial costs to rectify targets not met, is placed on the occupier.

4.2.6 The Borough Council has one primary target. It is based on Travel Plan targets achieved by businesses in the South East, guidance from Travel Plan consultants and is in line with other local authorities. The target is:

‘The daily car/employee ratio should not exceed 70% at any time during the first year of occupation of the site and shall be reduced a further 5% each year for the next two years. The target will be renegotiated with the Council every three years. This means that not more than 70 employees should drive cars to the site (or vicinity of the site) per day for every 100 people in the first year and will reduce to 60 employee cars per day for every 100 people for the third year.’

A separate target will be negotiated for visitors (including students) to take into consideration the specific business operation at the site.

4.2.7 Targets in the Travel Plan must be approved by the Borough Council before the Plan can be approved. It is important to note that the target must include

people who may travel to and park at a different location from the proposed development site where they will work. This will reduce the problem of people using on-street parking or short-stay car parks. The occupier can decide how they want to achieve this target - whether through sustainable transport modes, car sharing, teleworking, etc.

**Controls aimed at Developer: Interim Travel Plan
(Physical site and access arrangements)**

- 4.2.8 The developer must provide facilities and make arrangements to enable the implementation of a Travel Plan as approved by the Borough Council. This will include facilities internal and external to the site and may also include financial contributions to services or wider schemes with access, mobility or environmental benefits. The physical site and access arrangements will be completed before the site is occupied. The Interim Travel Plan will include an outline proposal for the Travel Plan with targets agreed by the Council.

Controls aimed at Occupier: Travel Plan

- 4.2.9 The occupier will contact the Council before, or no later than one month after, occupation of the site. A Travel Plan shall be submitted to and approved by the Borough Council within three months' occupation of the site for its permitted use by the occupier. The occupier must appoint a Travel Co-ordinator (with an established remit) to manage the Travel Plan. The Travel Plan will include the establishment of baseline figures from an employee and visitor survey and site audit; targets agreed with the Borough Council; a programme of measures and a timetable for implementation; and a timetable for monitoring, re-surveying of staff and visitors to the site to check against agreed targets. The Travel Plan will be revised from time to time and continue to be implemented during the use of the site.
- 4.2.10 A monitoring report must be submitted to the Council annually. This will be a report on the Travel Plan prepared by an independent transport consultant (agreed by the Council) and submitted to the Council. It shall contain information detailing how the measures have been implemented, comments on whether or not the targets are being met, relevant recommendations on improvements (if any) and copies of all literature produced prior to the date of the report to encourage employees and visitors to travel to and from the site (and the vicinity of the site) using non-vehicular means of travel and/or public transport.
- 4.2.11 Within one month of a request from the Council and at the occupier's cost, the occupier will appoint an independent highway consultant (agreed with the Council) to prepare a Monitoring Report and to submit that report to the Council within three months of the Council's initial request, provided that the Council shall only make one such request annually.
- 4.2.12 An annual cost to cover Travel Plan administration will be required by the Council. This is calculated according to the number of people driving to work at the site (this may also include an additional calculation for the number of visitors driving to the site).

Sanctions

- 4.2.13 In the event of the developer's non-compliance with implementing physical site and access arrangements, and a Travel Plan proposal, the site will not be able to be occupied.
- 4.2.14 In the event of the occupier's non-compliance with implementing a Travel Plan and failure to meet targets, the Council shall have the right to appoint an independent transport consultant to prepare a Monitoring Report in accordance with this Agreement entirely at the occupier's cost. If targets are not met, the occupier will be required to act on the Monitoring Report recommendations for Travel Plan improvements to achieve targets within three months of the Report completion. Failure to meet targets by the end of this period will give the Council the right to implement at the occupier's cost (up to £15,000 per year), any recommendations made in the Monitoring Report to ensure the travel plan is effectively implemented.
- 4.2.15 Thereafter, the occupier of the site must implement the measures contained within the Plan.
- 4.2.16 Where the developer/owner and occupier are the same party they will provide both the Interim Travel Plan and implement the Travel Plan. The Borough Council will also encourage the integration of Travel Plans between various employers who are in proximity to one another. This will promote opportunities for pooling of resources, such as bus services and car sharing, to effect greater change.
- 4.2.17 School Travel Plans will be required from schools requiring planning permission for developments that have the following implications: any physical alteration to parking arrangements; an increase in parking (teacher, pupil or parent parking); changes to the school transport, pedestrian or cycle access; or an increase in the number of pupils attending the school.

Highways

Site Specific contributions

- 4.2.18 New developments to provide on-site infrastructure and facilities may be required to provide off-site improvements necessary to facilitate individual development. In addition, contributions may be sought subject to Circular tests being met, to address wider transport impacts. This is in order to meet the requirements of the Borough Design Guide and 'Places, Streets and Movement, a Companion Guide to DB32' and the Borough's requirements for Travel Plans.

Contributions relating to wider transport impacts

- 4.2.19 In addition to any site-specific requirements, in circumstances where development is acceptable in principle, but where additional traffic generated by the proposed development is such that the development cannot proceed without physical improvements to the road infrastructure, the developer will be expected to implement such improvements that would

mitigate the effects. These should be implemented before the development is occupied, to the requirements of the Highways Authority which, in most cases in this area, is the Borough Council. Trunk roads in the area (M4, A404(M) and A404) are the responsibility of the Secretary of State and developers should refer to DTLR Circular 04/2001 (Control Of Development Affecting Trunk Roads and Agreements with Developers under Section 278 of the Highways Act 1980) for guidance in respect of improvements to the trunk road network required as a result of their proposed development.

- 4.2.20 The Council's Integrated Transport Strategy aims to reduce the growth in road traffic and widen travel choices. Movement generated by new development adds significantly towards the need to improve and develop transport systems and the realisation of more integrated transport systems. Contributions will be sought towards integrated transport management and highway safety measures, where these are required to deal adequately with traffic or other transport and access needs generated by the proposed development. This may include the provision of traffic lights, pedestrian crossings, car parking, etc. The Borough Council will also require adequate landscaping of off-site highways, and where necessary, street lighting on roads leading from the new development to the nearest road where street lighting already exists.
- 4.2.21 Such improvements are set out in the Local Transport Plan and the ongoing development of schemes to meet the objectives of this plan and the Integrated Transport Strategy. It is considered appropriate for new development to contribute towards works identified in this manner. A large proportion of this identified programme of works can only proceed, thus facilitating the levels of development anticipated, if funding is forthcoming from new development.
- 4.2.22 Contributions secured by way of a section 106 or section 278 agreement will include an element of design and supervision fees. The Borough Council will normally require that the developer undertakes the detailed design and supervision of highway schemes. The Council will require an independent safety audit for a highway scheme to be carried out and funded by the developer. The Council will approve the technical details of the scheme, and check that the developer is fulfilling the requirements set out in the Agreement.
- 4.2.23 Residential properties in accessible areas, particularly where provision of car parking is low, can offer residents access to a wide range of services and facilities, including employment, with a minimal amount of travel. However in order to ensure a high level of access both within and around these centres transport facilities continue to need to be significantly improved. In addition these residents may work outside the centre or need access to facilities outside the area, in which case they add to the need to provide transport improvements and should make an appropriate contribution.

Similarly, employment located in accessible centres offer the most sustainable location for such development but again there is a need for improvement to cater for journeys to and from these areas.

- 4.2.24 The Council has devised a methodology for calculating highways contributions based on a daily trip rate analysis for different types of development. The principal of deriving contributions by trip rates has been adopted by many other Local Authorities and is therefore deemed as an appropriate and fair method for the Royal Borough. Details of the methodology can be found in the Highways and Public Transport Section of the companion SPD Infrastructure and Amenity Requirements and Approved Programme of Schemes.
- 4.2.25 For development involving a large number of heavy goods vehicles, the Borough Council will require contributions towards the strengthening and widening of roads and bridges to carry the anticipated traffic and, where appropriate, towards the cost of bringing the roads back to a suitable standard following the completion of the works. Routeing agreements may also be required.
- 4.2.26 One of the key objectives of the Council's Air Quality strategy is to ensure that the air within the Borough is of an acceptable quality. The main source of air pollution in the Borough is road traffic and any material increases in traffic volumes will have related consequences. Where the traffic impact of the development is to be monitored as part of any agreement, air quality impacts should be one of the matters monitored.

Pedestrians/Cycling

- 4.2.27 As part of their proposals, developers should incorporate safer and more attractive routes for pedestrians and cyclists, taking into account the Borough Council's Walking and Cycling Strategies, 'Places, Streets and Movement' and other relevant design standards, including Cycle-Friendly Infrastructure: Guidelines for Planning and Design and, where appropriate, the London Cycle Network (LCN) Design Manual. Traffic calming, the provision of wider pavements and the provision of pedestrian-friendly road crossings which avoid the need for long detours, long waits or underpasses, may be included as appropriate. Where existing pedestrian and/or cycling facilities in the vicinity of the site are deficient, contributions will be sought to upgrade and promote links to and from the site by foot including Public Rights of Way. New development, in particular new housing, will need to take into account the needs of parents and children travelling to and from school by various forms of transport other than the car.
- 4.2.28 As with car parking, the availability and quality of cycle parking facilities has an influence on the choice and means of travel people may make to and from development. It is therefore important that good quality on-site cycle parking and changing provision is made within the development at a standard approved by the Borough Council
- 4.2.29 In the first instance, proposals to fund infrastructure for cycling should have reference to the Hierarchy of Solutions and Cyclists' Requirements, as set out in Cycle Friendly Infrastructure, Guidelines for Planning and Design, IHT 1996, and more recently as restated in the DfT's Policy, Planning and Design for Walking and Cycling, 2004. If the decision is then made to request funding for a specific scheme this should be one of those prioritised

from the Schedule of Cycle Network Schemes within the Approved Programme of Schemes. Where this is not possible, shared pedestrian cycle ways and cycle routes should be constructed. These should link with existing cycle routes and to key destinations such as schools, shops and leisure facilities.

Noise

- 4.2.30 Excessive noise from traffic (or other activities) generated by the development may need to be ameliorated. This can be done using a variety of measures appropriate to the cause of the noise and may include road surfaces with special properties to reduce noise, noise reduction barriers, etc.

Car parking

- 4.2.31 The availability of car parking has a major influence on the choice of means of transport, even in locations that are already well served by public transport. However, a certain level of off-street parking provision may be necessary for a development to proceed, although it should not be reduced to a level where significant safety or traffic management problems would be caused. The Authority will ensure that parking standards in new development accord to the standards set out within PPG13, PPG3, the Borough Design Guide and Local Plan Appendix 7.

Accessibility

- 4.2.32 It is necessary that as part of any development, proper provision is made for people with disabilities, and that the requirements of the Disability Discrimination Act are met. The early involvement of the Borough Access Officer will be required. The infrastructure requirements for new developments can be identified from guidance and the details of the relevant Transport Assessment.

Provision of Public Transport Facilities

- 4.2.33 There are considerable pressures to improve the existing local transport network. Since the Borough Council's policy is to improve accessibility and opportunities to travel by public transport, it will seek contributions from development towards those objectives.
- 4.2.34 All development should be well served by public transport; in areas where current provision is inadequate, the developer will be required to fund provision from the initial occupation of new business and residential development for a period to be agreed with the Council.

Provision of Park and Ride Facilities

- 4.2.35 The provision of park and ride schemes encourages the use of public transport and improves the accessibility of urban centres and financial

contributions will be sought towards the improvement or introduction of park and ride in appropriate cases.

4.3 SECTION 3: EDUCATION

- 4.3.1 The Royal Borough of Windsor and Maidenhead has a duty to ensure that there are sufficient school places in the local authority area to meet the present and future demand for places, and that this provision is delivered with a clear regard for the efficient use of resources. The organisation of school provision is central to the Royal Borough's responsibilities in securing the raising of standards of achievement for all pupils.

Seeking Education Contributions

- 4.3.2 Contributions towards educational provision are sought by the Royal Borough from developers to help address the impact of new housing on local schools and other educational facilities for young people. The additional children likely to arise from a new development place pressure on these services, leading to a need for either new accommodation or refurbishment and improvement works. The Royal Borough also needs to consider the potential impact of a number of smaller developments over a period of time on local facilities. Seeking contributions from new developments ensures that these needs are provided and/or paid for by the developers (and subsequent occupiers) of new dwellings rather than the burden falling on local taxpayers generally.

Determining the local school

- 4.3.3 In most cases, the link between a development and local educational provision will be made on the basis of the school 'designated areas' in Maidenhead, Ascot, Datchet and Wraysbury, where each school has a specific designated area. In Windsor and Old Windsor the appropriate schools will usually be determined on the basis of proximity to the development, as all the schools share one designated area. The Royal Borough reserves, however, the right to take other factors into consideration, such as changing parental preference or transport links, when determining the most appropriate school(s) for receipt of contributions.
- 4.3.4 Contributions will be sought for both the primary and secondary sectors, including early years provision, sixth forms and Special Educational Needs facilities. There are two different school systems in the Royal Borough; Maidenhead, Ascot, Datchet and Wraysbury have a two-tier primary and secondary school system, whilst Windsor, Eton and Old Windsor have a three-tier - first, middle and upper school - system.
- 4.3.5 In Maidenhead and Ascot a small proportion of all contributions sought will usually be directed towards Roman Catholic primary school provision, as these schools do not have designated areas and tend to serve Catholic pupils from wider areas than most primary schools. Catholic Primary Schools tend to have admissions arrangements prioritising baptised Catholic children first, over local children of another (or no) denomination. There is no secondary Roman Catholic provision in the borough. Church of England primary schools in Maidenhead and Ascot all have designated areas and so will be named as the appropriate school when a development is proposed within that area. Church of England Primary Schools in the

borough have admissions arrangements prioritising children from the designated area.

- 4.3.6 In Windsor the appropriate school will usually be determined on the basis of proximity regardless of its denomination.

Types of dwelling

- 4.3.7 Contributions will usually be sought on a per dwelling basis, where the development will have an impact on local educational facilities, except in the following circumstances:

where the dwelling has only one bedroom

where the dwelling is for sheltered or elderly housing

where the development is for student accommodation

where the developer can demonstrate to the satisfaction of the Royal Borough that the accommodation will not be occupied by children

- 4.3.8 This last category above clearly places the responsibility for providing this evidence on the developer, but does provide the opportunity for reduced or commuted contributions to be negotiated in some limited circumstances.

- 4.3.9 The contributions sought will also reflect the size of the dwellings in a proposed development, so that properties with more bedrooms will attract a higher rate of contributions than those with fewer bedrooms.

The formula for determining education contributions

- 4.3.10 The Royal Borough will usually determine the level of contributions on the basis of the following formula:

(Per Pupil Space Requirement [Metre²] x Building Cost per Metre²) x Location Factor) x Per Dwelling Pupil Yield

- 4.3.11 The Per Pupil Space Requirement, Building Cost per Metre² and the Regional Allowance are derived from DfES guidelines, whilst the Per Dwelling Pupil Yield has been established through research commissioned on behalf of five of the Berkshire unitary authorities and undertaken by the consultancy firm efeedback in 2005, entitled *Pupil Product Ratio Research Study*.

- 4.3.12 Where a proposed development, either singly or in tandem with other developments in the area, is likely to result in increased pressure on the space available at the relevant schools, the Royal Borough will usually seek the full level of contributions as per the above formula.

- 4.3.13 The determination of whether or not there is sufficient capacity will usually be done with reference to the Net Capacity figures as reported to the DfES in the annual Surplus Places Return. The Royal Borough will also have regard for national guidance and local priorities when considering whether or not there is sufficient capacity. Developers should note that apparently empty places at a school do not necessarily equate to there being sufficient capacity at that school, as it is generally accepted that schools should not

operate at 100% of their capacity. The Audit Commission wrote, in their 2002 report *Trading Places – A Review of Progress on the Supply and Allocation of School Places* that “It is unrealistic and probably undesirable to aim for a perfect match of pupils and places at each school. Some margin of capacity is necessary to allow parents choice. Not all unfilled places are ‘surplus’”.

The latest figures for each of the elements of the above formula, and the resulting totals, are contained in the *Infrastructure and Amenity Requirements and Approved Programme of Schemes 2005/2010* document, published by the Royal Borough. This will be reviewed regularly – probably every six months - to allow updated figures from the DfES to be incorporated into the formula.

Using education contributions

- 4.3.14 In the majority of cases, the Royal Borough’s Asset Management Plan (AMP) will determine the project(s) to be funded or part-funded by contributions received. AMPs are prepared by local authorities in partnership with schools and the diocesan authorities, and provide the means by which likely future needs are assessed and prioritised. This then allows much greater efficiency and transparency around the use of capital in school buildings. AMPs, though not statutory, are governed by guidance contained in the DfES document *Asset Management Plans Ref DfEE 0-095/2000*.
- 4.3.15 The three elements of a school’s AMP - condition, sufficiency and suitability - will change over time in response to general wear and tear, changing pupil demand and local/national expectations on curriculum delivery, and so, therefore, will the projects and priorities listed in the AMP. As planning permissions can last for five years or longer¹, projects currently identified could be completed or replaced by other needs that, exacerbated by additional pressure from the development, would then receive a higher prioritisation.
- 4.3.16 It should be noted that schools are made up of a mixture of accommodation types, including general classrooms and more specialist teaching areas (music, sports and technology facilities, administration areas and small group rooms, for example). Each type of accommodation contributes to the overall capacity of a school and its ability to provide for a certain number of pupils.
- 4.3.17 It should also be noted that it is not always appropriate to increase the capacity at a school, particularly where the additional demand from a new development is expected to be small. The Royal Borough and the school will have to consider whether such expansion is cost effective and practical, as the overall size of a school is often limited not just by the site and or/accommodation, but also by sustainable funding arrangements, practical teaching organisation, curricular needs and infant class size legislation.

- 4.3.18 Given these factors, it is unlikely, for instance, that new accommodation in the form of extra classrooms would be built at a primary school with 210 places, or 30 children in each year group, for one or two additional children. In these instances, the Royal Borough will, therefore, put any monies towards other smaller capacity or remodelling/improvement projects on the AMPs, both of which would improve the ability of the school to accommodate additional pupils.
- 4.3.19 Accordingly, the Royal Borough will not usually identify projects in the legal agreement with the developer, but refer to:
- 'Facilities that are identified as needed in the regularly revised Asset Management Plans for the schools [indicated below]'*
- 4.3.20 The list of projects will be updated for each version of the Infrastructure and Amenity Requirements and Approved Programme of Schemes document, although developers can request the latest list of projects on the AMP for each of the Royal Borough's schools at any time, by contacting the Schools Accommodation Team on 01628 796364.
- 4.3.21 The use of AMPs for school projects is limited by two important caveats. Firstly, the projects listed include some that it would be inappropriate for developers to fund, as they are not related to increasing capacity. These projects are identified in the list referred to in the preceding paragraph above and would not usually be funded through developer contributions. Secondly, given that a development (or several developments) may trigger the need for new accommodation, this will not necessarily be identified on an AMP until after that development has received planning permission.
- 4.3.22 If, however, there are no projects for a particular school in the 'live' version of the *Approved Programme of Schemes* document, and the second caveat above does not apply, then the Royal Borough will not usually seek that school's proportion of the contribution.
- 4.3.23 The Royal Borough closely monitors the allocation and spend of education contributions to projects to ensure that they are spent within the timescales agreed to in the legal agreements with the developer. If the contribution is not used within this time period, it will be returned to the developer. Developers will be able to check the project(s) to which their contributions have been committed by contacting the Schools Accommodation Team on 01628 796364.

Large developments

- 4.3.24 Requirement for new school and significant expansions:
- 4.3.25 Where a new housing development is of sufficient size, the Royal Borough may consider it appropriate to seek the provision of a brand new school. This option would usually only be triggered if the expected demand from a development (based on pupil yields) was as follows:

Ascot, Maidenhead, Datchet and Wraysbury

>200 children of relevant age – for a new primary school

>720 children of relevant age – for a new secondary school

Windsor, Old Windsor and Eton

>140 children of relevant age – for a new first school

>360 children of relevant age – for a new middle school

>420 children of relevant age – for a new upper school

- 4.3.26 The exact number of new dwellings to trigger this need will, of course, vary according to the type of properties being built. A development of 700 mixed two to five bedroom properties might be expected to generate the need for a new primary school, whilst a similar development of 4000 would probably require a new secondary school and several new primary schools¹. ***Developers are strongly urged, therefore, to contact the Royal Borough at the earliest opportunity to discuss school provision where a development may involve approximately 400 or more new properties.***
- 4.3.27 In considering whether it is appropriate to seek the provision of a brand new school, the Royal Borough will also have regard for the pattern of local provision and availability of places locally.
- 4.3.28 If it is determined that a new primary and/or secondary school is required as a result of a development, the developers will be expected to provide the site free of charge and the building costs of the new school, including the site infrastructure, playing fields, full capital costs of education equipment and feasibility/design works.
- 4.3.29 Sites for new schools should be in suitable, local, locations and in line with the latest site size guidance from the DfES.
- 4.3.30 The accommodation requirements will be calculated by reference to the maximum DfES guidelines as outlined in Building Bulletin No. 98 (secondary schools) and Building Bulletin No. 99 (primary schools) and/or subsequent amendments. The specification will also need to meet best practice for the type of school and government advice on design and environment.
- 4.3.31 The costs will be negotiated with the developer on an individual basis, with reference to the DfES Basic Need Cost Multipliers - which are updated each Autumn for the subsequent financial year - and to local costs. The Basic Need Cost Multipliers include the cost of site works, furniture, equipment and professional fees.
- 4.3.32 Alternatively, the developer may wish to construct the school and the associated facilities themselves, subject to agreement with the borough. The specification, which the council will prepare for discussion, in line with the guidance in the Building Bulletins and/or subsequent amendments, will

¹ Based on the pupil yield figures across the range of properties built in the Royal Borough between 2000 and 2005

be agreed with the Royal Borough. The developer will pay the design and build costs.

- 4.3.33 In some cases it may not be desirable or practical to provide a brand new school to meet the expected demand from a large development, and the Royal Borough may instead decide that an existing one should be expanded. If this is the case then the developer may still be required to provide (i) suitable additional land to enable a school or schools to expand; and (ii) additional accommodation in the same way as described above for a new school.
- 4.3.34 Developments smaller than those referred to above may result in the need for a 'significant expansion' of an existing school or schools. A significant expansion is defined as where the capacity of a school is increased by more than 30 pupils and represents an increase of 25%, or 200 pupils, whichever is the lesser, as a result of the expansion works. The definition of significant expansion is determined by the DfES. Developments most likely to trigger this need are those (very roughly) with a mixture of 100 or more two to five bedroom properties.
- 4.3.35 Where significant expansion is triggered, the developer may again be required to provide (i) suitable additional land; and (ii) additional accommodation in the same way as described above for a new school.
- 4.3.36 In circumstances where a development is not itself large enough to require a new school or a significant expansion, but is of sufficient size to trigger this need (in tandem, for example, with other local developments) contributions will usually be sought related to the land and building costs in proportion to the anticipated demand from the development.

Developers are advised that major changes to school provision, such as new schools and/or significant expansions, place a duty on local authorities to undertake public consultation and follow statutory procedures in relation to formal approval of those plans. The Royal Borough will also have regard for its own strategic priorities when considering such changes. As such, developers should be aware that discussions with the authority over school provision should be an early priority when planning large developments.

Cross-border contributions

- 4.3.37 In areas of the Royal Borough that are covered by the designated areas of schools maintained by neighbouring authorities, it may be appropriate for any contributions arising from developments in that area to be directed to that neighbouring local authority. In these instances the Royal Borough will continue to administer any education contributions in accordance with the policy set out in this SPG, but will negotiate the appropriate amount to be passed to that authority directly with them.

Education Legal Agreement

- 4.3.38 If the developer is to provide an education contribution, agreement will usually be sought whereby the developer pays either a number of

instalments on completion of an agreed number of dwellings, or within a certain time period following the commencement of the development.

- 4.3.39 The agreement will also usually commit the Royal Borough to spending the contributions in the appropriate way within a timescale of ten years from the receipt of the monies. If the LEA does not spend the contributions as specified in the legal agreement, the monies will be returned to the developer with interest.
- 4.3.40 If the developer is required to construct a new school or transfer land to the Council it will be obliged to transfer the required land to the Council at no charge and free from financial ties within a specified period. The land must be fully serviced and an access provided to the boundary that will be adopted by the Council.

Negotiation

- 4.3.41 This policy sets out the general framework within which the Royal Borough will seek education contributions from new developments. The local authority remains, however, willing and able to enter into negotiations with developers with regard to these contributions, and, if developers have concerns, they should communicate these at the earliest opportunity.

4.4 SECTION 4: COMMUNITY FACILITIES

4.4.1 Community facilities may be used to meet a variety of needs. Some of these community needs are addressed in this section, whilst others, such as open space for recreational use, libraries and education, are considered elsewhere.

4.4.2 Full public access to a wide range of community facilities provides opportunities for all who wish, to be involved in community activity. This contributes to the enhancement of the general quality of life. Local provision also contributes towards the principle of sustainability, by reducing the need to travel.

Requirement for Community Facilities

4.4.3 The need for community facilities should be assessed at the beginning of the planning process and, if they are required as part of a development, their provision should form part of the planning application.

4.4.4 The proposed layout of the development should include the location of community facilities, and details on access, cycle parking and car parking. Their specific use and functions should be subject to pre-application discussion with Council officers and to public consultation to ensure that when they are provided they meet the recognised needs of the locality and local community groups.

4.4.5 If the specific use and type of building required can be identified at an early stage, it can be provided by the developer and included in the planning application. However, in other circumstances it may be appropriate for the developer to provide a serviced site, to be identified within the planning application, and a sum for the provision of the facilities by the Borough Council, or town or parish council, at a later date.

4.4.6 On smaller residential development sites the need for community facilities may not warrant full provision on site, but where the new development would place a burden on existing facilities, contributions will be sought. Contributions will normally be used to enhance existing facilities in the vicinity of the site.

4.4.7 Areas where existing need is likely to be exacerbated by new development will be identified from time to time.

4.4.8 The Borough Plan does not contain a standard for the provision of Community Facilities within major new developments and provision will be determined on a case-by-case basis.

Community halls (including youth and community provision)

4.4.9 Youth work provides the personal and social development opportunities important to young people. The Government's view of how youth and community issues can be addressed is set out in DfEE document "*Transforming Youth Work*". The Council will also use "*Quality develops – towards excellence in youth services*", a document written by the National

Youth Agency and supported by the Local Government Association. The challenge for contemporary youth policy is to ensure that all young people, wherever they are growing up, have constructive opportunities to extend their learning and access to quality support. Adolescents should have safe places to go to and a sense of belonging to a valued group and need activities that enable them to develop personal and work skills and a sense of responsibility.

- 4.4.10 The Youth and Community Service operates facilities that provide for social education work with 13 – 19 year olds, in accordance with DfEE Transforming Youth Work standards. Provision has to be designed to encourage access by young people. This means that facilities should be centrally located and provide a range of spaces, i.e. social/meeting areas as well as activity spaces. The location should not bring young people into conflict with other residents. In certain cases it may be more appropriate to provide an extension of an appropriate size to existing facilities.
- 4.4.11 The Government's new unique youth work standards set clear targets for the number of qualified youth workers required (1 per 400 young people 13 – 19) and the revenue spend per young person (minimum £100), but the number of youth centres required is expressed in terms of a "safe journey time". The target is 85% to live within a 30-minute journey. Translating this into distance to be walked and referring to existing patterns of attendance it is considered reasonable to expect that young people will travel 1.2 miles (2kms).
- 4.4.12 Youth staffing will be an important factor for providing individual support, information, advice and counselling and provision for this may also have to be made.

Church and other local organisations

- 4.4.13 The Council may seek to channel contributions to partner organisations in the voluntary sector. This provision is intended to ensure the availability of sites and/or buildings for youth and community groups (such as scouts, guides and churches), which cannot easily be accommodated in a general purpose community hall/Youth and Community Centre.

Health and Social Services

- 4.4.14 Within major new developments, on-site facilities for use by social services and their partner workers, such as voluntary organisations and those delivering health/social care services, will be required. On smaller residential development sites, and where the new development places demands on community facilities, the need for full provision will be replaced by the requirement for contributions. The Council will consult the appropriate organisations with regard to the need for provision as a direct consequence of development. For the avoidance of doubt, in the absence of a formulaic approach to calculate obligations specifically towards Social Services and Health provision, negotiations with applicants will continue to be on a case-by-case basis.

4.4.15 Voluntary groups, family support services, community health practitioners, neighbourhood workers, intensive work with families, Meals on Wheels and an office base for staff working in the area are all examples of services that may be required. It may be possible to incorporate some of these facilities in community halls provided primarily for general purposes. The Borough Council, in seeking provision of Health Facilities, will be guided by the Borough Council Community Services Plan.

4.4.16 Housing development is also likely to generate pressure on other social services and voluntary sector delivery, not necessarily in the vicinity of the development site. Crèches and day care for children, old people, people with mental health problems, and those with learning or physical disabilities, may need to be expanded, with appropriate contributions being required to support such programmes.

Community safety

4.4.17 Community safety is the concept of community-based action to tackle the causes of crime, disorder and anti-social behaviour. Its purpose is to secure and maintain reductions in both the fear of crime and crime itself, and disorder and anti-social activity in local communities. Its approach is based on the creation of a multi-agency partnership between public, private and voluntary sectors to develop and introduce community-based measures against anti-social behaviour.

4.4.18 In October 1998, the Government passed the Crime and Disorder Act. The Act placed a new statutory duty on the Borough Council and Thames Valley Police to work together in partnership to address issues of crime and disorder. Many of the issues that come under the remit of community safety and have land-use planning aspects have been covered elsewhere in this document.

4.4.19 The main issues are:

- Designing out crime in the earliest stages of development planning
- Proper lighting and physical security measures
- Good surveillance from development of the open space and communal areas
- Road safety
- Safer routes to school
- Youth provision.

4.4.20 A significant part of the community safety provision will therefore be the design of development itself e.g. layout, siting of facilities or will be addressed through planning conditions, but in other instances, for example, where off-site provision is necessary, the Borough Council will secure provision through a planning agreement.

4.4.21 A visible police presence is a key part of community safety, especially in residential areas. The Council will seek, where there is a proven need for additional facilities, a contribution towards accommodation for community police officers, such as police points, police kiosks or police community

offices, either as stand alone facilities or as part of a specific community building.

4.5 SECTION 5: LIBRARY SERVICES

- 4.5.1 The policy document for the RBWM Library and Information service, which has particular relevance for planning obligations, is the Access Policy and Standards. The following relevant policies and standards are taken from that document.

'Future location of libraries must continue to enable convenient and suitable access for local people and should be in town or village centres. Local transport links must also be taken in to consideration when locating libraries. In addition the appropriateness of the mobile library routes needs to be regularly reviewed to ensure that all rural populations are provided with access to library facilities.'

Location and Opening hours standards

- Communities with up to 1,000 people to be served at least by mobile libraries
 - Communities with populations between 1,000 and 2,000 to be served by container libraries or static libraries open from 10 - 20 hours a week
 - Communities with populations between 2,000 and 5,000 to be served by static libraries open from 20 – 30 hours a week
 - Communities with a population of 5,000 or more to be served by a branch library open not less than 30 hours per week
 - Communities with a catchment area of more than 40,000 resident population to be served by a central library open not less than 45 hours a week
 - 100% of households to be within 2 miles of a public library (PLS 1)
 - 88% of households to be within 1 mile of a public library (PLS 1).
- 4.5.2 Of these standards, PLS 1 has particular significance for new housing developments, particularly where they are remote from existing library provision. Communities with a clearly defined centre (e.g. including a combination of Post Office or general store, bank, chemist and butcher) should be assumed to have a larger catchment population than is implicit in local population statistics and service provision should reflect this.

Provision of Libraries

- 4.5.3 Development may justify the provision of a new library or require the upgrading of an existing service, e.g. from a container or mobile library service to a permanent building or an extension to an existing building.
- 4.5.4 New developments which include the provision of sheltered housing units, old people's homes or day centres will require the extension of the mobile service to the elderly.

The level of provision required will be based on the additional usage of the library service that the development is expected to generate. Alternatively, or in addition, a financial contribution may be sought. The cost of provision includes the cost of the fittings as well as the building itself.

- 4.5.5 Where the best means of delivery of library services to a new development is a container or mobile library, the landowner/developer will be required to provide:

For a container stop:

- a suitable area for hard standing, with good links to the local transportation network, access to a power supply including metering equipment, turning circle for 40ft/14m trailer and its towing vehicle and facilities for secure termination of data and voice communications connections, and/or
- a proportionate financial contribution towards the costs of providing an extra container or stop, or equipping a new container.

For a mobile library:

- a suitable parking area, with good links to the local transportation network and access to a power supply including metering equipment, turning circle for 40ft/14m vehicle and facilities for secure termination of data and voice communications connections, and/or
- a proportionate financial contribution towards the costs of providing and equipping an extra vehicle.
- For both types of service suitable signage should be provided to indicate the nature and frequency of service provided.

- 4.5.6 Static libraries will be built in accordance with the space standard specified in the Access Policy and Standards for the Library and Information Service:

- The net floor space in square metre per 1,000 population of the library buildings to which the general public shall have access to shall be at least 23 square metres per 1000 population, subject to an absolute minimum of 200 square metres.

- 4.5.7 All public library facilities are also required to be equipped to the national standard with ICT facilities and Internet connectivity as detailed below:

- 100% of libraries open more than 10 hours a week to have access to on-line catalogues (PLS 5)
- Total number of electronic workstations available to users per 1,000 population to equal or exceed 6 per 10,000 population (PLS 6(I))
- 100% of static service points providing public internet access (PLS 6(ii)).

- 4.5.8 In considering the impact of a development on a particular library, the Borough Council will also take into account planning permissions for developments within the library catchment area granted over the preceding two years. Where a number of large and/or small applications are received within a designated area within a similar time period, these may not lead individually to the requirement for a new library. Yet, clearly, the cumulative effect of the developments would require a new one to be provided. In this scenario, joint negotiations would need to take place between the Council

and respective developers to ensure that suitable land is provided and funding made available to enable a new library to be built and stocked.

- 4.5.9 Occasionally, more than one way of meeting the standards within the Borough will be identified. For example, improvement of the mobile library or container service in combination with an enhancement of facilities at the static library in the nearest large settlement could be an acceptable alternative to development of a community library on a site near the development, for about the same overall cost. Therefore, where the library needs of a particular development proposal may be satisfied equally well by one or more alternatives, contributions will be sought towards the solution preferred by the Council.

Commercial Development

- 4.5.10 Contributions will also be expected from commercial developments since the Council has a statutory obligation to lend to those who work in the Borough. The level of contribution required has been set with reference to the number of library members living outside the Royal Borough as a proportion of total library membership. This is based on the premise that a proportion of commuters into the Borough will make use of library services and it is considered appropriate to use this methodology as being representative of the potential number of additional non-resident library members that will be generated by additional commercial development.

Library Service Legal Agreement

- 4.5.11 Contributions to static library provision will be expected to cover not just the building shell but also the fixtures and fittings.
- 4.5.12 If the developer is required to provide a new mobile or container library, or land for a container stop, preparation of a detailed design brief in accordance with a specification prepared by the Council will be required.

4.6 SECTION 6: RECREATION AND LEISURE

4.6.1 The Borough Council is required to enable and co-ordinate the provision of recreation and leisure facilities to meet the needs of all those within its area and the land-use planning system makes an important contribution to this function. To assist developers make a detailed assessment of the Council's Public Open Space requirements it has published Supplementary Planning Guidance, which may be obtained from the Council's offices or can be viewed on the Council's website ('Interpretation of policies R2, R3, R4, R5 and R6 – Public Open Space Provision') Final Guidance February 2003.

4.6.2 This section of the guidance should be read in conjunction with others elsewhere in this document, since Recreation & Leisure requirements may interrelate with other issues. For example, a requirement for a leisure facility may also have a bearing on Landscape & Nature Conservation.

The Requirement for Public Open Space Facilities in Residential Development

4.6.3 The Borough Council's policy for public open space within new developments is set out in the Local Plan (adopted July 1999) and is expanded upon in the supplementary planning guidance referred to above.

4.6.4 A general standard of 4.3 hectares of open space per 1,000 population has been adopted by the Council, which is considered a reasonable amount to accommodate the spread of recreational demands of the local population and caters for both active and passive recreation. The balance between various types of open space is set out in the Local Plan along with definitions. The 4.3 hectares should comprise the following categories.

Formal sports provision (pitches, courts, greens, tracks):	1.8 ha/1000 population
Informal open spaces (passive recreation):	2.5 ha/1000 population
Total:	4.3 ha/1000 population

4.6.5 In addition to the quantitative standard, the Council has adopted an accessibility standard of 400 metres. This is considered to be a realistic distance that people will be prepared to walk to informal open spaces and is based on the standard set by the National Playing Field Association (NPFA).

4.6.6 The Borough Council is currently working to the occupancy rates set out in paragraph 3.2.15 of the Local Plan.

4.6.7 This balance may be varied in individual circumstances to take account of local provision and site characteristics.

- 4.6.8 Any on-site open space must be well located to the rest of the development in which it is to be provided and be of a usable size and shape. For larger residential developments, further guidance will be set out in development briefs.
- 4.6.9 The provision sought will include the necessary related facilities, such as seating, cycle parking, play equipment, changing facilities/pavilions and equipment suitable for teenage groups, e.g. shelters, basketball hoops and goal posts, both for informal social and recreational purposes. The facilities and equipment sought will be of an acceptable quality. In all but exceptional cases, such provision should meet with Sport England's Design and Technical Guidance Notes (these may be viewed online at its website, <http://www.sportengland.org> (the Guidance notes are currently at http://www.sportengland.org/index/get_resources/resource_downloads/design_guidelines.htm).
- 4.6.10 The Borough Council considers that balancing ponds do not represent usable open space and they will not therefore be taken into account for the purposes of calculating areas of open space provision. They can, if they are attractively landscaped or contribute to biodiversity, be an environmental asset in their own right, and this will be taken into account when open space is considered in the context of a planning proposal.

Design Details

- 4.6.11 The Borough Council, in partnership with Thames Valley Police, will review community safety aspects in the design of any development involving recreational and leisure provision. The Council may seek developer contributions that secure a safer environment. Developers should ensure that prospective purchasers of the dwellings are clear as to the specific use of areas of open space within the developments, particularly equipped areas.

Children's play areas

- 4.6.12 The required design standards for play areas are set out in Appendix 2 of the Local Plan which gives details of size, content and location. Only in exceptional circumstances will the Borough Council permit these standards to be relaxed. Play areas should be provided on the development site, except where facilities already exist nearby and the additional need generated by the development could be better accommodated by means of off-site provision. They should be located where they can be overlooked from adjoining homes to allow informal supervision whilst also being located so as not to cause undue disturbance to residents. To this end the Council has adopted the NPFA standards for buffer zones as its minimum requirements. The required buffer zones can either be included within the requirements of open space provision or made up of footpaths, planted areas, or other suitable land uses. They do not represent a requirement for additional land.

Informal play space

- 4.6.13 Where this category provides kickabout areas they should be of sufficient size to be usable by older children and they should be located so as not to cause undue disturbance to residents. Appropriate equipment should also be provided.

Playing fields

- 4.6.14 On-site playing fields may be sought on very large sites. In some cases playing fields may be more appropriately provided away from the site, particularly if they can be provided in conjunction with, or located close to, existing or proposed playing fields. However, these off-site locations should be within a reasonable distance of the residential development providing them. Both on and off-site provision will require the developer to lay out the pitches and provide pavilions with changing rooms, parking and all appropriate support infrastructure. Again, such provision should meet with the qualitative standards set out in Sport England's Design and Technical Guidance Notes. Applicants should liaise with Thames Valley Police and design in security with any proposal that includes parking areas that might be at risk from car crime.
- 4.6.15 The Development Control Officer should be supplied with details of the size and layout of all open space provision to be included within a residential development at the pre-application stage. The officer will consult the Community Partnership and the relevant Parish Council if applicable, and report back relevant comments. This will allow an input by the Borough Council at an early stage of the planning process to ensure conformity to standards. This should assist with the speed of decision making when an application is submitted for consideration. Developers will be expected to lay out all open spaces in accordance with the final plans approved by the Development Control Officer.

Maintenance and Transfer of Open Spaces and Play Areas

- 4.6.16 The Borough Council will normally be prepared to adopt and maintain properly laid out public open space and play areas within urban residential areas, subject to a payment by the developer of a commuted sum. This payment should cover up to ten years' costs of maintenance. In the rural areas, the parishes are the responsible authority for the adoption of open space.
- 4.6.17 On payment of the commuted sum and when all liabilities for construction, equipment and maintenance have been met to the Borough Council's satisfaction the open space will be transferred to the Council or parish.
- 4.6.18 The commuted sum figure is calculated using the current contract prices for maintaining the open space, as detailed in the approved landscape plans, or play area. This figure is multiplied to establish a ten-year maintenance figure, which allows for inflation of the contract prices.

- 4.6.19 Planning permission for developments will be subject to a legal agreement that will include all the above details. Commuted sums within these agreements will be index linked from the date the agreement was signed.
- 4.6.20 If developers do not intend to offer these areas for adoption, the Council will need to be satisfied that alternative arrangements have been made for their long-term maintenance.

Off-site provision

- 4.6.21 In some circumstances (especially for small developments where it is not practical for open space to be provided on-site, since it would be too small to be of any practical use), it is likely to be more appropriate to seek off-site contributions. These will be put towards the extension or enhancement of existing open space in the locality so that the needs arising from the development can be met. The key element in any assessment will be the cumulative effect of the scheme when taken with other developments on the open space thresholds described earlier.
- 4.6.22 Any contribution will be proportionate to the scale of the development. Again, the provision sought will include essential facilities connected with it, such as play equipment, changing facilities/pavilion, and equipment suitable for teenagers. As referred to previously, the quality of these related facilities and equipment should meet with Sport England's Design and Technical Guidance Notes.
- 4.6.23 When commercial floorspace is to be lost through a residential proposal the developer will be given an allowance of floorspace of equivalent area in line with the standards set out in the table on page 75 of the Infrastructure and Amenity Requirements document.
- 4.6.24 It is not possible to set pre-determined levels at which the size of open space becomes usable since this will be a matter for determination depending on the individual character of a scheme. Discussions on this aspect should take place with the Development Control Officer at the pre-application stage.

Requirement for Public Open Space Facilities in Commercial Development

- 4.6.25 The Borough Council's policy for public open space within new commercial developments is set down in the Local Plan, policy R11.
- 4.6.26 Commercial developments also put pressure on existing facilities within the Borough since workers frequently use existing recreational facilities at lunchtime and after work. Users of these facilities are not always residents of the Borough and additional burdens are put on Borough resources as a result.

Off-site Contributions

- 4.6.27 Where a site cannot physically, or appropriately, accommodate the required open space, the balance will be sought through financial contributions towards the future provision of new, or enhancement of existing, off site facilities.

Requirement for Indoor Sports Provision (Residential and Commercial Development)

- 4.6.28 The Borough Council's policy for indoor sports provision within new developments is set out in the adopted Local Plan. Policy R7 is concerned

with formal sports and leisure facilities, including their replacement where existing facilities are lost, and policy R11 considers recreation facilities in major commercial redevelopment schemes.

- 4.6.29 The Borough Council will use the guidance from Sport England (including the facilities calculator that can be found on their website sportengland.org, which has been specifically designed to assess the need for additional indoor facilities resulting from new residential and commercial developments in different parts of the country). In the light of this information the contributions requested will reflect local circumstances, such as the scale and type of the development proposal and the current position in terms of local facilities.

Provision of Public Art and Heritage Projects

- 4.6.30 The Borough Council will seek new works of art or heritage projects as part of development schemes, as Appendix 8 of the Local Plan suggests. It will seek to ensure that between 0.5% and 5% of the capital cost of a development project is set aside for artistic enhancement (according to the resources and size of the project). Sources of information regarding this particular obligation are the Council's Leisure Strategy and The Arts Council's Percent for Art Scheme.

- 4.6.31 Forms of public art acceptable to the Borough Council include sculpture, water features, mosaics, murals, engraving, carvings, and street furniture, as well as temporary features such as festivals or other visual displays. What is important is that they are in the public realm and generally accessible for people's enjoyment. Wherever new development changes or creates new public places, the Council will encourage and support the provision of public art. Although on-site provision is to be preferred, in exceptional cases a payment or other contribution towards providing public art on a different site may be acceptable.

Recreation and Leisure Facility Legal Agreement

Determining the Amount of the Open Space Contribution

- 4.6.32 Paragraph 3.2.15 of the Local Plan states that the actual amount payable will depend on the current cost per head of the Borough Council providing and equipping 4.3 ha of open space, the number and type of dwellings proposed and the amount of on-site public open space which will be provided. This figure has been negotiated in conjunction with the Council's Leisure Services Manager and is set out in Supplementary Planning Guidance.

- 4.6.33 The amount of each open space contribution will be based on an estimated standard cost for the Borough Council to purchase and equip a 4.3 hectare site for public open space. This cost includes formal sports provision (pitches, courts, greens, tracks, etc.) of 1.8 hectares and informal open spaces (for passive recreation, children's play spaces including unequipped local areas for play, equipped playgrounds and casual kickabout areas for children's play) of 2.5 hectares. The figure assumes a reasonable standard

of facilities and includes all costs such as equipment, special surfaces, landscaping and maintenance. Land acquisition costs are based on a Green Belt site adjacent to a town; this cost will be reviewed and adjusted with each update of the SPG.

4.6.34 The full cost to the Council of providing and equipping 4.3 hectares of open space is then divided into four separate categories:

- Land purchase for formal open space (7% of total costs);
- Development of formal open space (53% of total costs);
- Land purchase for informal open space (10% of total costs); and
- Development of informal open space (30% of total costs).

Developer contributions in connection with a planning application will only be sought for one or more of the above categories where there is a specific relevant project or projects to fund. The list of schemes that could benefit from funding is set out in the Supplementary Planning Guidance on Public Open Space, reviewed and adjusted with each update of the SPG

4.6.35 If any public open space is provided on site, the amount of the contribution will be correspondingly reduced in accordance with the proportion of open space provided.

4.6.36 In the case of small or single unit developments, it is most unlikely that the financial contribution will fund an entire improvement. Cash reserves will thus build up until an identified improvement can be funded, and improvements will likely be made in stages as funding permits.

4.7 SECTION 7: TOWN MANAGEMENT AND IMPROVEMENT

4.7.1 The Council wishes to see thriving town centres in the Borough and the land-use planning system can make an important contribution to ensuring that this aim is met.

4.7.2 The maintenance of lively, attractive and accessible town centres not only requires specific attention to be given to the centres themselves, but also that due consideration is given to other factors, such as transportation measures, which are discussed elsewhere in this document.

Requirement for Town Management

4.7.3 It is widely understood that, to ensure the viability and vitality of town centres, they require to be effectively managed and promoted. This is best achieved through the appointment of a town centre manager by the local authority, which should result in improved links between public and private sector initiatives aimed at maintaining and improving the centre's quality. Important contributions to be made by the manager are recognised in government guidance as including:

- a more effective achievement of local plan objectives
- the preparation of a town centre management strategy
- delivery of town centre promotion
- better communication between the private and public sectors
- monitoring of retail trends in the centre
- improved identification and use of resources
- co-ordination of maintenance and security.

4.7.4 A well-managed, well-presented, well-cared for, safe and secure town centre environment confers benefits on all of its users, including those who conduct business within it and those who own properties there. The effectiveness of the management of a town centre can ultimately be measured using the indicators listed in Planning Policy Statement PPS6 *Planning for Town Centres*, amongst others.

4.7.5 For changing town centre environments to meet the aspirations of their users, the provision of an effective management structure is essential. The Windsor and Eton Town Centre Management Partnership currently provides this resource and the relevant structures of support for those two towns, while in Maidenhead they are provided by the Maidenhead Town Centre Initiative. These organisations are partnerships between the Borough Council and the respective Chambers of Commerce.

4.7.6 The individual nature of new developments in town centres, whether they are large or small, necessitates a structure whereby the various activities can be knitted together. This can best be achieved through an effective partnership involving both the public and private sectors and which has a commonly-shared vision and aspiration.

- 4.7.7 The resources required to support the management of change may be in addition to those needed for the usual activities of the town centre management initiative and arrangements may be required that ensure that the cost of these additional activities/requirements are met through suitable section 106 planning obligations, thus ameliorating the impact of such activities.
- 4.7.8 It should be recognised that the provision of the Town Centre Management initiative is a cost in itself. Therefore, developers wishing to understand the use to which their contribution has been put, should be aware that elements of their contributions may be used towards the continuance of the initiative, as well as contributions being used towards specific project funding. The ability to manage the impact of change is, after all, subject to sufficient resources being available to carry out the underlying management activity.

Legal Agreements for Town Management

- 4.7.9 Financial contributions collected from development will be allocated to the Town Centre Management Partnership initiative in the relevant town, to be used for projects as appropriate. A detailed list of the projects that are currently eligible to benefit from contributions is set out in the companion document 'Approved Programme of Schemes'.

Maidenhead Town Centre Revitalisation

- 4.7.10 In 2000 the Borough Council embarked upon a programme to secure the revitalisation of Maidenhead's town centre along the lines set out in 'Ideas for Maidenhead Town Centre – Appraisal and Framework', copies of which may be obtained from the Council's offices in Maidenhead and Windsor. The programme covers a range of projects ranging from development, both by the Council and private landowners, to improvements to transportation and enhancements to town centre amenities and areas within the public realm and is being implemented on a progressive basis.
- 4.7.11 The project will bring new development to the town centre, in the form of additional shopping, further employment provision and a significant amount of new housing and has at its heart the assumption that such development will be accompanied by improvements to the town centre's environment and to its physical and community infrastructure, secured through planning obligations.
- 4.7.12 All development proposals within Maidenhead and its vicinity, which are considered by the Borough Council as likely to have an impact upon the town centre will be assessed to see whether a contribution to the revitalisation programme would be appropriate. This will include proposals for the replacement of business floorspace on sites outside the town's urban area.

4.8 SECTION 8: ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT OBJECTIVES

- 4.8.1 In accordance with the Local Government Act 2000, the Council has a duty to secure the economic, social and environmental well being of its Communities. The economies of the Royal Borough consist of a wide and diverse range of businesses drawing upon the local workforce and a significant number of people commuting into the area for work.
- 4.8.2 Being a prosperous and dynamic economy located within the Thames Valley region it is vitally important that a sustainable commercial environment is achieved ensuring that the Borough remains a good place to live, work and visit.
- 4.8.3 It is acknowledged that investment and re-investment in the Borough is critical to its future success and as such a programme of initiatives need to be in place to maximise the potential of economic growth whilst mitigating against the potential harm to the infrastructure of our local communities.
- 4.8.4 Working with local, regional and national training and development providers and business advice agencies, the Borough will co-ordinate the delivery of specific projects capable of supporting the local economy and business needs. A number of existing projects such as the Centre for Developing Connections and a range of outreach training and advice schemes assist people to train and develop their skills to match the demands of the changing employment market.
- 4.8.5 With a relatively low unemployment rate amongst the working population the Council will wish to ensure that any new commercial development or redevelopment resulting in a more intensive use of the land or premises shall include a proportionally appropriate level of contribution. Planning obligations sought shall be targeted towards training, and retraining initiatives, skills development, innovation and social inclusion projects.

4.9 SECTION 9: LANDSCAPING AND BIODIVERSITY

- 4.9.1 Landscaping is an amenity expected by occupants of new development and, considered more widely, can contribute to ensuring that the pattern of town and parish communities is enhanced in terms of character, environment, landscape and heritage.
- 4.9.2 Land for development often has existing landscape features and wildlife, which should be safeguarded because of their contribution towards the quality of the environment, and for their own sake. In such cases, detailed site surveys will be sought from developers to establish the quantity and quality of these existing natural features and wildlife in order to inform decisions on the preservation or conservation of the local environment.
- 4.9.3 In many cases, it will be sufficient for developers to adhere to planning conditions applied to development consents, although on large developments, a landscape master plan is likely to be required. In order to safeguard the future position, obligations may be sought to cover the provision of additional landscape and habitat protection.

The Requirement to Meet Landscape and Nature Conservation Objectives

- 4.9.4 The Borough Council will seek to manage and enhance the value of the landscape and biodiversity in the Royal Borough in accordance with the policies and plans operating at the time.

Landscape Plan Implementation and Management

- 4.9.5 Any natural landscape requires management. In addition to securing the retention and protection of flora and fauna including natural landscape features such as trees, hedgerows and ponds, the Borough Council, where appropriate, will seek to secure their time-limited management through management agreements.
- 4.9.6 The Borough Council will require planning applicants to provide significant elements of landscaping within their scheme.
- 4.9.7 In certain cases, to enable the development to proceed, special landscape measures may be required; for example, the strengthening of settlement boundaries by new trees and hedgerow planting. This would apply where natural features are weak or absent and the proposed development would impinge on the countryside.
- 4.9.8 Where conditions or other controls would not be sufficient for the purpose, planning obligations will be used to:
- restrict development so as not to damage or harm existing features
 - secure the works necessary to enhance existing features
 - ensure the necessary works to create new features are carried out
 - secure contribution to landscape or conservation assets nearby
 - secure monitoring to ensure that environmental gain is delivered.

- 4.9.9 In some circumstances, the Borough Council may agree to a limited amount of landscaping being provided off-site, although in proximity to the development site, preferably on land owned by the Council, e.g. the nearest park to the proposed development. Planting must be of suitable species, size and density to the local context and character. Whenever this is agreed, the Council will require the applicants to provide the land and commuted payments, as discussed earlier, for landscape planting and maintenance over a specified period.

Wildlife/Habitat Management

- 4.9.10 All development has the potential to impact upon biodiversity, which, wherever possible, should be avoided or mitigated. However, where this is not possible effects to habitats and species should be compensated by the enhancement and/or creation of features of a comparable scale (preferably larger) and nature to that which is being lost or is having its integrity compromised.
- 4.9.11 A pre-requisite to any planning application for developments over 10 dwellings/0.5 hectare is the production of a basic ecological assessment; developers of schemes below that threshold must also consider biodiversity, especially implications for European-protected species. Habitat and species surveys should be carried out as appropriate; the guidance noted issued by DEFRA is helpful in this respect. Developers need to seek existing wildlife data, which is shortly to be co-ordinated and made available by the Thames Valley Environmental Records Centre. On-site provision, protection or management will be sought where there are features or areas of wildlife or landscape value within the site. Where a development is permitted that could result in an acceptable degree of loss or harm to a site of nature conservation interest, the Borough Council will expect a compensating provision of locally important habitat to be provided. If provision cannot be made on site, then the habitat lost should be recreated in another appropriate location and this will be secured through a planning obligation. In such cases, where necessary and appropriate, the Council will require mitigation strategies to be submitted alongside planning applications.

Landscape and Biodiversity Legal Agreement

Maintenance

- 4.9.12 The Borough Council's Local Plan requires maintenance and management of sites. The Council will, therefore, seek a contractual arrangement possibly supported by a commuted payment prior to the grant of an associated planning permission. In the case of flatted development, a service charge secured by a management company may be the best way of achieving the desired result.
- 4.9.13 A management plan or any other obligation involving landscape or biodiversity, may also require the involvement of, and consultation with, the appropriate agency, such as the Environment Agency, English Nature, the Countryside Agency, the Thames Valley Environmental Records Centre or the Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust.

4.10 SECTION 10: AIR QUALITY

AIR QUALITY OBJECTIVES

- 4.10.1 Developments will need to demonstrate that they will have no detrimental effect on air quality within the locality of the proposal. The Borough Council will expect appropriate air quality amelioration measures to accompany any major planning application and this matter should be discussed with the Council at an early stage of the planning process.
- 4.10.2 Larger developments are likely to have an effect upon air quality beyond their site boundaries; for example, through the additional traffic they may generate. The monitoring of air quality and appropriate amelioration measures within the locality of the actual development and along identified transport routes is, therefore, vital in ensuring that national objectives are not exceeded.
- 4.10.3 In appropriate cases developers will have to address this issue through pre-application Environmental Impact Assessments, but the Borough Council may require air quality monitoring to be undertaken after a development has been completed. In certain instances a contribution from the developer towards additional monitoring, especially in town centre locations, may be appropriate. This may follow the pattern of the provision of additional diffusion tubes, a real-time survey before the submission of proposals, or an ongoing programme of either type.
- 4.10.4 Planning obligations will be sought in the light of current Government guidance and where it is shown that the scale and potential impact of transport measures warrant such investigation. Where this has been agreed, provision will be made through a legal agreement for measures to be introduced to ensure that air quality targets set by the Borough Council are met.

4.11 SECTION 11: WASTE DISPOSAL

4.11.1 In both commercial and residential development it will normally be possible to deal with the issue of waste disposal management through planning conditions. However, in circumstances where special facilities are required to meet demand generated by a proposed development, a planning obligation may be required, for land and infrastructure for waste collection and management (including recycling infrastructure).

Provision of Recycling Infrastructure

4.11.2 On residential developments where there is a net increase of one or more dwellings, developers will be required to make a contribution towards the cost of specialist waste collection and recycling initiatives.

4.11.3 The Borough Council considers it is reasonable to seek a modest one-off payment, where appropriate, towards waste minimisation measures in connection with new housing schemes since attitudes towards recycling and waste minimisation can be significantly influenced when residents take possession of a new property.

4.11.4 There will also be a requirement for payment of a commuted sum towards the maintenance of the recycling service for a specified period, usually of five years. This sum will be calculated as a figure per dwelling. On residential schemes of 100 or more dwellings or commercial developments of 500 sq.m. or more, the developer or agent should liaise with the Council on potential recycling facility provision and/or requirements, as there may be a requirement for the development of on-site local recycling facilities.

4.12 SECTION 12: ARCHAEOLOGY

- 4.12.1 The Royal Borough contains a variety of archaeological remains, including scheduled ancient monuments and sites of archaeological importance. These sites constitute a finite and fragile resource that requires protection and enhancement.

Implementation of archaeological assessments

- 4.12.2 Within the areas of national or county archaeological importance, any proposal involving ground disturbance will be assessed for its archaeological importance. Where an applicant considers that there may be archaeological remains on a particular site, then early contact should be made with the Council, which will in turn contact its archaeological advisers.
- 4.12.3 The Borough Council's advisers will comment upon the implementation of PPG16. They identify archaeological considerations on planning applications, advising on the need for evaluations, planning conditions and legal agreements. They prepare briefs for archaeological work, and monitor and advise developers and archaeological contractors on how to meet archaeological planning requirements. They are notified of every planning application submitted to the Council.
- 4.12.4 Where the Borough Council's advisers consider that there may be important archaeological remains within an application site, the applicant will be required to provide an adequate assessment and evaluation as to the character and extent of the remains in the area prior to the determination of that application. This work will be required to be undertaken by an appropriately qualified archaeological contracts organisation in a manner and to a level considered acceptable by the Council. This work would be carried out at the applicant's expense.
- 4.12.5 Following the completion of this evaluation the Council will determine the likely archaeological impact of the proposal and the need for any further work that may be required. If it is considered that further recording and monitoring would be appropriate, this will be carried out to the satisfaction of the Council at the expense of the applicant or developer. The extent of this work will vary depending on the location and size of the site and degree of archaeological significance. On those sites considered to be of greatest importance the applicant will be required to enter into a legal agreement specifying both the works required and their timing, as advised in PPG16.
- 4.12.6 With regard to archaeological findings that are made as development progresses, these should normally be donated to the Borough Council. In the particular case of development on archaeological areas of known importance, findings made in such circumstances should be offered in the first instance to the Reading Borough Council local museum.

4.13 SECTION 13: FLOOD RISK MANAGEMENT AND DRAINAGE

4.13.1 Within the context of development proposals, whenever flooding engineering works are required (sometimes off-site), and these cannot be appropriately secured through planning conditions, a planning obligation will be sought. The disposal of surface water is a material planning consideration in the determination of planning applications, and in some circumstances, is properly the subject of a planning obligation.

Flood Risk Management (and Water Quality)

4.13.2 The Environment Agency is the statutory body responsible for the conservation and enhancement of water resources, for licensing water abstraction and for the control of water quality and of pollution in relation to 'controlled waters' that include water contained in underground strata, lakes, ponds, rivers, reservoirs and other watercourses.

4.13.3 The Council acknowledges the important consultative role of the Environment Agency in the town and country planning system. The supply of water and sewage disposal is capable of being a material consideration in planning applications and appeals. Advice provided in this guidance will be followed.

4.13.4 Since several parts of the Royal Borough are susceptible to flooding, the Borough Council has produced (draft) Supplementary Planning Guidance to amplify Policy F1 of its Local Plan, to which applicants are referred. The Council has also adopted Supplementary Planning Guidance relating to Local Plan policy NAP1: Water Quality. These documents explain the steps required to satisfy the Council and, where appropriate, the Environment Agency in cases where flooding or water quality may be relevant issues.

4.13.5 Applicants for planning permission in areas potentially subject to flooding should assess the risk posed by the development at the pre-application stage. Developers should consult the Environment Agency on the potential risks to their development, on the likely effects of the proposal on flood risk to others and on whether mitigation would be likely to be both effective and acceptable.

4.13.6 In certain cases development may be permitted that requires the provision of flood defence and mitigation works. Normally, the Borough Council would expect to secure any works relating to flood defences or groundwater protection through the imposition of planning conditions, but in cases where works have to be undertaken off-site or provision has to be made for subsequent maintenance or monitoring, it will secure them through a planning agreement, which may require provision for commuted sums.

Drainage

4.13.7 The adopted Local Plan indicates that several drainage improvements are proposed within the Borough. The Plan indicates that, these, for the most part, will be funded by the relevant water companies, whilst connections to

the drainage system by new development will be subject to the water companies' standard connection charge.

- 4.13.8 Thames Water is the sewerage undertaker for the Windsor & Maidenhead Borough. Thames Water seeks to co-operate and maintain good relations with developers and provide the water and sewerage services that developers need. For Thames Water to provide these essential services most effectively, it is important that developers consult it at the earliest possible stage in any development.
- 4.13.9 An increasingly important aspect of drainage is the use of Sustainable Drainage Systems (SUDs). It is important that built-up areas are drained in order to remove excess water. Underground pipes have traditionally been used to aid the removal of surface water and thus to help prevent local flooding, but this tends to increase the speed of run-off and can consequently change the natural flood flows within a catchment area. The consideration of SUDs should be done at an early stage in land development. Through the requirement to submit Flood Risk Assessments the Draft Supplementary Planning Guidance to Local Plan policy F1 (Table 2) provides guidance on which locations will be required to consider the implications of surface water drainage and the use of SUDs.
- 4.13.10 Whilst some SUDs solutions can be dealt with through the use of planning conditions, there is an issue of how these will be maintained for perpetuity. In some instances, therefore, an agreement will be sought between the local planning authority and the developer to ensure future maintenance.
- 4.13.11 It is the responsibility of a developer to make proper provision for drainage to ground, water course or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.
- 4.13.12 The sewerage systems in the Borough are running close to capacity; the developer will be required to fund an impact study of the existing infrastructure, including with brownfield and infill sites, to ascertain the magnitude of spare capacity in the system and a suitable connection point.

4.14 SECTION 14: PARISH/TOWN PROJECTS

4.14.1 There are 15 parish or town councils in the Royal Borough of Windsor and Maidenhead. New development intended to meet local and strategic requirements should relate well to, and enhance, established communities and should provide for housing, employment, shopping and other services. The Council recognises the need to maintain an acceptable level of environmental quality and considers that parish or town councils have an important role in achieving this aim.

Implementation

4.14.2 The parish or town councils in the Borough have identified a number of specific projects for their respective areas and this information is available to applicants for planning permission in the Approved Programme of Schemes Supplementary Planning Document.

4.14.3 Additional development is likely to bring forward the need to implement these projects, all of which have been assessed as complying with the criteria of Circular 1/97.

4.14.4 The project list provides a series of opportunities for project implementation in conjunction with development proposals. In this way, communities will be able to see that impacts, which have arisen from new development, have been addressed in ways that are locally recognised.

4.14.5 Some parish/town planning obligations arising from developments may also fall within headings discussed elsewhere in this document.

PART 5: Policy References

A) PLANNING POLICY CONTEXT

Legislative Framework and National Guidelines

A1 The policy framework for planning obligations originates with section 106 of the Town and Country Planning Act 1990, as substituted by Section 12 of the Planning and Compensation Act 1991. Provisions in the Act have subsequently been interpreted as government policy on the use of planning obligations through DoE Circular 05/2005 'Planning Obligations'.

A2 The Circular indicates that arrangements for planning obligations must be operated in accordance with the fundamental principle that planning permission may not be bought or sold. Planning obligations should only be sought when the following tests are met:-

- 1 Necessary;**
- 2 Relevant to planning;**
- 3 Directly related to the proposed development;**
- 4 Fairly and reasonably related in scale and kind to the proposed development;**
- 5 Reasonable in all other respects.**

A3 The Circular indicates that planning obligations may be used for a variety of purposes. They can be used to restrict the development or use of land; require operations to be carried out; require the land to be used in a specified way; provide for payments to be made to the local planning authority.

A4 The Circular views planning obligations as key elements in the implementation of planning policy for an area. However, the guiding principle on the use of such obligations is that acceptable development should not be refused because an applicant is unwilling or unable to offer benefits and, further, that unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant.

Regional Guidance

A5 The current Regional Planning Guidance (RPG9, March 2001) recognises that the Western Policy Area, of which east Berkshire forms a part, is economically very buoyant, and characterised by pressures on the labour market, the housing and property markets, and transport. It recognises that "Developers are able to contribute to costs of providing required physical and community infrastructure through the use of section 106 agreements between local authorities and developers" (para. 4.23).

The Berkshire Structure Plan 2001 - 2016

- A12 The Berkshire Structure Plan 2001-2016 was adopted in July 2005. Policy DP4 states that "local planning authorities may seek contributions to be made by landowners or developers to provide additional infrastructure or facilities where they are: needed to enable development to take place; directly related to the proposed development; and fairly and reasonably related in scale and kind to the proposed development".

The Royal Borough of Windsor and Maidenhead Local Plan 1996 - 2006

- A13 Policy IMP1 of the Local Plan seeks the provision of benefits, where they are directly related to the development required for the grant of planning permission. The policy is in accordance with the Circular advice and is in conformity with the adopted Structure Plan. Appendix 8 to the Local Plan contains a list of schemes and areas of provision that will be sought under the policies of the Local Plan. This list will continue to be reviewed to ensure that it stays up to date.

Review of the Royal Borough of Windsor and Maidenhead Local Plan 2006 - 2016

- A14 As the adopted Borough Local Plan has an end date of 2006, it will be necessary to update the plan to ensure future policy coverage is in accordance with the reviewed Structure Plan. Policies will therefore be revised as necessary to ensure appropriate policy coverage is in place to the year 2016. Under the Planning and Compulsory Purchase Act, the Local Development Framework (LDF) will replace the current development plan and it will contain the detailed policies and proposals to guide development in the Royal Borough until 2016.
- A15 Work on the Councils' LDF has already begun and the LDF will eventually supercede the Councils adopted Local Plan. The timetable for review is set out in the Local Development Scheme (LDS), a project management document that contains details of existing and proposed policy documents, known as local development documents or LDDs, and the timetable for their production and review. Copies of the LDS can be viewed and downloaded by visiting the Borough's website at:

http://www.rbwm.gov.uk/planning/pp_LDF.htm

Future Alterations to Development Plan Policies and Government Advice

- A14 The Council will take future alterations to Development Plan policies and/or Government advice (including revisions to PPGs, PPSs and Circulars) into account as planning considerations where these are relevant to the matters addressed within this document. It will then take steps to incorporate such relevant considerations into account in any future revision of this document as appropriate.

B) AFFORDABLE HOUSING

POLICY CONTEXT

National Planning Guidance

- B1 National Guidance on affordable housing issues is contained in Planning Policy Guidance Note 3 Housing (2000), which recognises that a community's need for affordable housing is a material planning consideration. Further detail is also provided in Circular 6/98 Planning and Affordable Housing. The Council will continue to take account of these and any subsequent guidance and advice.

Regional Planning Guidance

- B2 The provision of affordable housing in the South East is an important component in the development of mixed and balanced communities, to help meet the housing needs of the whole population. It is vital to ensure the continued prosperity of the region, by providing local firms and the private sector with access to a wide cross section of the labour market. Further advice is set out in the Regional Planning Guidance for the South East (RPG9) – March 2001 Policy H4 and supporting text Affordable Housing and Mixed Communities.

Development Plan and Other Guidance

- B3 The Council will take account of the latest affordable housing research and advice available, at the time when planning applications are being considered. The Council's policies for affordable housing are currently set out in the:

Berkshire Structure Plan 2001-2016 (adopted July 2005) policy H5 Affordable Housing.

Royal Borough of Windsor and Maidenhead Local Plan (adopted July 1999) policies H3 – Affordable Housing within urban areas and H4 Affordable Housing within rural areas.

Supplementary Planning Guidance on the implementation of local plan policy H3, which was adopted by the Borough Council in 1999.

Further Information

- B4 For more information about the Council's affordable housing requirements, please contact:

Head of Housing Policy

Tel. 01628 - 796091

B5 BACKGROUND DOCUMENTS

Circular 6/98 Planning and Affordable Housing

Planning Policy Guidance Note 3 (PPG3) Housing (March 2000)

Regional Planning Guidance for the South East (RPG9) (March 2001)

RBWM Housing and Supported Housing Needs Survey January 2005

RBWM Housing Strategy

RBWM Local Plan

Berkshire Structure Plan 2001-2016.

C) TRANSPORTATION AND HIGHWAYS

POLICY CONTEXT

National Planning Guidance

- C1 Planning Policy Guidance Note 13 Transport (2001) acknowledges that an important contribution to quality of life is transport and easy access to jobs, shopping, leisure facilities and services. It seeks a safe, efficient and integrated transport system to support a strong and prosperous economy. Land use planning has a key role in delivering the Government's integrated transport strategy. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help reduce the need to travel, reduce the length of journeys and make it easier to access services and places by a variety of means.

Regional Planning Guidance

- C2 Further policies and advice are set out in the Regional Planning Guidance for the South East (RPG9) – March 2001, Chapter 9 – Regional Transport Strategy. Transport planning is a key theme of the regional guidance. Decisions relating to the spatial distribution of land uses, mix and design need to underpin and enhance the viability of public transport. While local circumstances will influence what is possible, it is no longer acceptable to work on the premise that the car will represent the only realistic means of access.

Development Plan and Other Guidance

- C3 In accordance with Borough Local Plan policies and objectives set out in the Local Transport Plan, the Council will seek to reduce the need to travel and increase the use of sustainable forms of transport. Where development is proposed, the Council will seek the provision of integrated transport and safety measures, including improvements to the public transport system, to a level appropriate to the scale of the development.
- C4 The transport aspects of individual development proposals will be assessed, taking into account the needs of all users and the constraints of particular locations. For example, in town centre locations, it would not be desirable or appropriate for a development to provide exclusively for access by private car, and therefore, greater support for public transport alternatives will be sought.

Further Information

- C5 For more information about the Council's transportation and highway requirements, please contact:

Transport Policy and Implementation Group Manager

Tel. 01628 - 796157

C6 **BACKGROUND DOCUMENTS**

Circular 1/97, *Planning Obligations*

PPG 13 *Transport*

PPG 3 *Housing*

PPS6 *Planning for Town Centres*

DETR *'Places Streets and Movement a Companion Guide to DB32'*

IHT Guidance *'Providing for Journeys on Foot'*

RBWM *Local Transport Plan*

RBWM *Workplace Travel Plan Strategy*

RBWM *School Travel Plan Strategy*

RBWM *Bus Strategy*

RBWM *Cycling Strategy*

RBWM *Walking Strategy*

RBWM *Milestones Statement*

RBWM *Local Plan*

Berkshire Structure Plan 2001 – 2016.

D) EDUCATION

POLICY CONTEXT

D1 Development Plan and Other Guidance

The Borough Council’s policies for education provision are set out in the:
RBWM School Organisation Plan (updated annually)
RBWM Education Development Plan
RBWM Class Size Implementation Plan
RBWM Special Educational Needs Strategy: Effective Schools for All
RBWM Education Asset Management Plan.

Further information

D2 For more information about the Council’s education requirements, please contact:

Education Planning and Information Unit
Tel. 01628 - 796572

D3 BACKGROUND DOCUMENTS

Department for Education & Skills (DfES) Building Bulletin 82
RBWM Local Plan
Adopted Berkshire Structure Plan 2001 – 2016; policy DP4 – Provision of Infrastructure, Services and Amenities.

E) COMMUNITY FACILITIES

POLICY CONTEXT

National Guidance

- E1 Planning Policy Statement 1 (PPS1, 2005) *Delivering Sustainable Development* states that planning authorities should ensure that infrastructure and services are provided to support new and existing economic development and housing. PPS12 Local Development Frameworks states that “*When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.*” In addition, it states:

“The capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all local development documents”.

Regional Planning Guidance

- E2 Regional Planning guidance for the South East (RPG 9) contains a vision of encouraging economic success throughout the region, ensuring a higher quality of environment with the management of natural resources, opportunity and equity for the Region’s population, and a more sustainable pattern of development. As such, community facilities are an important part of the key development principles set out in the introduction to the Plan. It is a material consideration in several of the guidance policies, such as those contained in Chapter 3, Policies Q2, Q6 and Q8 which relate to community facility provision.

Development Plan and Other Guidance

- E3 The adopted Berkshire Structure Plan 2001–2016, policy DP4 Provision of Infrastructure, Services and Amenities, is, relevant. The Borough Council’s policy for the provision of new Community Facilities is set out in the Royal Borough of Windsor and Maidenhead Local Plan Chapter 3 – policy CF2 Provision of New Facilities.

FURTHER INFORMATION

- E4 For more information about the Council’s community facility requirements, please contact:

Acting Head of Community Partnerships

Tel. 01628 - 796060

Community and Youth Services Manager

Tel. 01628 - 796737

Thames Valley Police Crime Prevention Design Advisor (Berkshire)

Tel. 01635 – 295156

E5 BACKGROUND DOCUMENTS

The Arts Council – *Percent for Art Scheme*

RBWM *Local Plan*

Berkshire *Structure Plan 2001-2016*

The Crime and Disorder Act (October 1998)

Circular 5/94 *Designing Out Crime*

DfEE document *Transforming Youth Work*

National Youth Agency *Quality develops – towards excellence in youth services*

Cultural Strategy 2002

Leisure Strategy 1997

F) LIBRARY SERVICES

POLICY CONTEXT

- F1 As a library authority, Windsor and Maidenhead Library and Information Service has a statutory duty to provide a public library service and to ensure that it is 'comprehensive and efficient' as defined in the document, Comprehensive, Efficient and Modern Public Libraries.
- F2 The Public Library Standards (PLS) which came into force on 1st April 2001, define what a comprehensive and efficient library service should be. As national standards, they establish a fundamental entitlement to a level of library provision accessible to every person who lives, works or studies in the area of the library authority. They also provide a widely recognised benchmark against which individual users and communities can measure their needs and expectations.
- F3 In addition to complying with the national standards each authority is required to set local standards and targets. In Windsor and Maidenhead, these are being updated since they are based on those established by Berkshire County Council which were in turn derived from published national and international guidelines for library provision.
- F4 In planning to meet the national standards, the local authority has taken into account the existing population (see current RBWM Annual Library Plan) but any new development that potentially increases the number of people entitled to use the service will impose an additional financial burden.
- F5 Whilst the ongoing cost of serving new residents should in principle be met from the additional revenues collected through Council tax, initial one-off costs cannot be met in this way. Developers' contributions are therefore sought for service enhancements appropriate in scale and nature to the development.
- F6 Service enhancements may range from enhancement of stock and communications technology to the extension or building of libraries, the provision of additional container library sites, or provision for more mobile library stops. In all cases, contributions will be used to extend the authority's existing performance and ensure that progress is made towards full compliance with national standards.

FURTHER INFORMATION

- F7 For more information about the Council's library service requirements, please contact:
Service Development Manager
Tel. 01628 – 796742.

F8 BACKGROUND DOCUMENTS

Department of Culture, Media and Sport *Comprehensive, Efficient and Modern Public Libraries* (February 2001)

RBWM Annual Library Plan (September 2001): sections 1.1, 3.1, 3.2 and 4.2 approved by Council on 25th September 2001

RBWM *Library and Information Services Policies and Standards*

G) RECREATION AND LEISURE

POLICY CONTEXT

National Planning Guidance

- G1 Sport and recreation are activities with major land-use planning implications. There is an awareness of the importance of sports and recreational facilities of all kinds in the urban areas, and increasing use of the countryside for these purposes. Planning Policy Statement 1 (PPS1, 2005) *Delivering Sustainable Development* states that planning authorities should ensure that infrastructure and services are provided to support new and existing economic development and housing. PPS12 Local Development Frameworks states that “*When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.*” In addition, it states:

“the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all local development documents”.

- G2 PPG 17 Planning for Open Space, Sport and Recreation acknowledges that sport and recreation are important components of civilised life. Participation can help improve health and sense of well being; promotion of sporting excellence can help foster civic pride. It has an important social and economic role. Such opportunities should be available for everyone, including the elderly and those with disabilities for whom access to facilities is especially important. The Council will take into account where appropriate advice contained within ‘Assessing Needs and Opportunities: A Companion Guide to PPG17’.

Regional Planning Guidance

- G3 Recreation and leisure aspects form part of the key development principles that will define the pattern of development of the region to ensure its continued environmental, economic and social health. Chapter 5 deals primarily with recreation and leisure issues in both rural and urban areas.

Development Plan and Other Guidance

- G4 Chapter 3 of the RBWM Local Plan covers leisure and community facilities. It contains local standards for public open space provision and policies R2 to R6 seek to retain and enhance existing open space and also provide public open space in new residential developments.
- G5 Recreational provision includes areas of open space, sporting and recreational facilities (e.g. public rights of way, bridleways, changing facilities, pavilions, tennis and other courts, running tracks, various sports pitches and associated buildings). The need for leisure and recreational space and buildings/facilities should be assessed at the beginning of the local planning process.
- G6 The Council in paragraph 3.2.16 of the Local Plan committed itself to producing an Open Space Strategy in order that payments received from

developers for the provision of public open space would be directly related to needs created by that development. The Open Space Strategy and a companion Playing Pitch strategy were prepared for the Council largely by consultants and finalised by the Council's Planning and Leisure Officers in June 2001. The two strategies document the needs in the Borough, map areas of deficiencies, note some qualitative needs, and make short, medium and long term general proposals for meeting quantitative and qualitative public open space deficiencies.

- G7 In addition to the Open Space Strategy and the companion Playing Pitch Strategy, the Council has produced Supplementary Planning Guidance (SPG) for Public Open Space. The SPG 'Interpretation of Policies R2, R3, R4, R5 and R6 (Public Open Space Provision)' (February 2005 incorporating amendments approved May 2004 and February 2005) adds no new requirements for developers. Rather, it directs where any financial contributions arising from RBWM Local Plan Policy R3 would best be spent. The SPG also states the cost to the Council of providing and equipping 4.3 ha of public open space as stated in paragraph 3.2.15 of the RBWM Local Plan so that it is clear for any developer or member of the public.

Further Information

- G8 For more information about the Council's leisure service requirements, please contact:

Acting Head of Community Partnerships

Tel. 01628 - 796060

G9 BACKGROUND DOCUMENTS

Regional Planning Guidance for the South East (RPG9)

PPG 17 *Planning for Open Space, Sport and Recreation* (2002)

Assessing Needs and Opportunities: A Companion Guide to PPG17

Berkshire Structure Plan 2001-2016

RBWM Local Plan

RBWM Open Space Strategy

RBWM Playing Pitch Strategy

RBWM Draft SPG: '*Interpretation of Policies R2, R3, R4, R5 and R6 (Public Open Space Provision)*' (June 2001)

Sport England document '*Providing for Sport and Recreation through new housing development, a good practice guide*' (February 2001)

Cultural Strategy 2002

Leisure Strategy 1997.

H) TOWN MANAGEMENT AND IMPROVEMENT

POLICY CONTEXT

National Guidance

- H1 Planning Policy Statement 6 (PPS6) Planning for Town Centres states (paragraph 1.1) that: The planning system has a key role in facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres, which is itself identified as one of the Government's key objectives at paragraph 1.3.

The PPS encourages planning authorities to “promote town centre management, creating partnerships to develop, improve and maintain the town centre, and manage the evening and night-time economy” at paragraph 1.6 within a list of objectives to help implement the Government's objectives for town centres, by planning positively for their growth and development.

Regional Planning Guidance

- H2 Regional Planning Guidance for the South East (RPG9) reflects the approach toward town centres put forward in PPS6. The regional guidance confirms the social and economic importance of town centres, which are seen as providing the focus of new shopping activity. Only where scope is limited should additional shopping outside existing centres be promoted.

Development Plan and Other Guidance

- H3 The adopted Structure Plan takes account of the regional planning advice. It acknowledges the benefits of locating new shopping development within town centres, in terms of the existing substantial investment in infrastructure that it makes sense to maintain and build upon to sustain vitality and viability. Policies in the Structure Plan also seek to maintain and enhance the vitality and viability of existing shopping centres through improvements to all of the following: the range and quality of shops, parking and accessibility and the shopping environment.
- H4 The Borough Council's adopted Local Plan contains general policies on shopping and tourism that can be applied to the Borough's town centres (chapter 4), as well as area-specific policies that apply only to the town centres (chapter 7). Policy S3 identifies a number of environmental improvements that the Council will seek to achieve in the town centres, including better access and facilities for certain user groups.

Further Information

- H5 For more information about the Council's town management requirements, please contact:

Town Manager for Windsor

Tel. 01753 - 743921

Town Manager for Maidenhead

Tel. 01628 - 796128

H6 BACKGROUND DOCUMENTS

PPS6 Planning for Town Centres

RBWM Local Plan

Berkshire Structure Plan 2001-2016

J) ECONOMIC DEVELOPMENT

National Planning Guidance

- J1 The Government's central economic objective is to achieve high and stable levels of growth and employment, while ensuring that the benefits of that economic growth can be shared by everyone and so deliver a better quality of life. The planning system is not, however, solely concerned with maximising competitiveness or wealth creation. The practice of planning for economic development cannot be divorced from the Government's broader objectives for land-use planning, such as promoting an urban renaissance and social inclusion, minimising the need to travel and promoting sustainable development.

In the planning system, the definition of economic development is most commonly defined in terms of land uses. In planning parlance 'development for an economic activity' tends to relate to the development of space for office or industrial use, predominantly although not exclusively within the B use class (B1, B2 and B8) of the Use Classes Order. The review of PPG4 Industrial and Commercial Development and Small Firms provides an ideal opportunity to reflect the emerging framework of the planning system.

The Planning for Economic Development study commissioned by the Government in May 2004 acknowledges that S106 agreements were widely used to support the implementation of economic development policies and to mitigate the impacts of development. The study noted they are most widely used to support transport infrastructure improvements, although there are also examples of obligations being used to support training initiatives, environmental enhancements and corporate objectives, as well as to mitigate the impacts of development. A clear message to emerge from the study is the need for more guidance on the use of S106 agreements to support practice in planning for economic development. This will assist in improving transparency and practice between authorities.

FURTHER INFORMATION

- J2 For more information about the Council's Economic Development requirements please contact:

Local Economy Manager

Tel. 01628 - 796550

J3 BACKGROUND DOCUMENTS

Planning for Economic Development (Ecotec Research and Consulting Ltd and Roger Tym and Partners) (May 2004).

Regional Planning Guidance for the South East (RPG9) (March 2001)

K) LANDSCAPING AND BIODIVERSITY

POLICY CONTEXT

National Planning Guidance

K1 National Guidance on landscaping and biodiversity is contained in a variety of guidance. These are specifically referred to in paragraphs that follow. The Council will continue to take account of the latest guidance and advice.

Regional Planning Guidance

K2 Regional Planning Guidance for the South East (RPG9) has a key development principle of the protection and enhancement of the region's biodiversity, nature conservation areas and landscape. It is a material consideration in a number of the plan policies such as those contained in Chapter 6, policies E1 and E2. Policy E2 requires that the Region's biodiversity is maintained and enhanced.

Development Plan and Other Guidance

K3 The Council will take account of the relevant landscape and biodiversity research and advice available, at the time when planning applications are being considered. At this time, the Borough Council's policies for landscape and biodiversity are set out in policies contained in the:

Adopted Berkshire Structure Plan 2001–2016; Chapter 5 –Environment.

K4 The Council's policies for nature conservation and the protection and enhancement of the landscape are contained in the are set out in the *Royal Borough of Windsor and Maidenhead Local Plan* (adopted July 1999) policies N1 to N11 inclusive.

The policies seek to protect the following:

- Areas of Special Landscape Importance
- The setting of the River Thames
- Common land, village greens, and ponds
- Nationally Protected flora and/or fauna
- Trees and Hedgerows
- Sites of Special Scientific Interest
- Locally important Wildlife Heritage Sites.

Further Information

K5 For more information about the Council's landscaping and biodiversity requirements, please contact:

Landscape Officer

Tel. 01628 - 796048

K6 BACKGROUND DOCUMENTS

Circular 1/97 *Planning Obligations*

PPS1 *Delivering Sustainable Development* (2005)

PPS7 *The Countryside – Environmental Quality and Economic and Social Development* (1997 as amended)

PPS9 *Nature Conservation* (1994)

PPS12 *Local Development Frameworks* (2004)

Government document *Sustainable development – The UK Strategy* (1994)

Berkshire Nature Conservation Forum *Habitat Action Plans*

Countryside Commission/English Heritage/English Nature *Conservation Issues in Local Plans* (1996)

Royal Town Planning Institute *Planning for Biodiversity – Good Practice Guide* (1999)

RBWM *Local Plan*

Berkshire Structure Plan 2001–2016

Wildlife Action 21 1999 - 2009

Woodland Habitat Action Plan (Draft) 2002.

L) AIR QUALITY

POLICY CONTEXT

National Guidance

- L1 Planning Policy Statement 1 (PPS1, 2005) *Delivering Sustainable Development* states that planning authorities should ensure that infrastructure and services are provided to support new and existing economic development and housing. PPS12 Local Development Frameworks states that “*When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.*” In addition, it states:

“the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all local development documents”.

- L2 Guidance on air quality issues can be found in PPS 23 Planning and Pollution Control (2004). The planning system controls the development and use of land in the public interest. It has an important role to play in determining the location of development that may give rise to pollution. The planning system should also control other development in proximity to potential sources of pollution.

- L3 Part IV of the Environment Act 1995 places an obligation on all Local Authorities to periodically review and assess the air quality within its area as part of the Government’s national air quality strategy. The strategy considers a number of pollutants that have the potential to affect human health depending upon the degree to which they are present in the air we breathe. These effects may be of short-term duration but all hold the potential for long-term damage to both human and animal health, vegetation and building materials. The strategy sets targets for acceptable levels and compliance dates (air quality objectives) for each pollutant. Seven* of the specified pollutants are the responsibility of local authorities that have to measure, monitor and assess the local impact of each pollutant.

- L4 The local air quality review and assessment process known, as “Local Air Quality Management” is an ongoing requirement being progressively more focused at each stage. The objective is to identify any current or potential exceedence of the Governments Air Quality Objectives. Where this is the case and the public is or will in the future be exposed to unacceptable levels of pollution, authorities are required to designate Air Quality Management Areas (AQMA’s).

Regional Planning Guidance

- L5 Regional planning guidance for the South East (RPG9) includes Policy Q6, which states that health, education and other social considerations and infrastructure requirements need to be taken into account fully in

* The Air Quality (England) Regulations 2000 (as amended) set Air Quality Objectives for: Lead; Carbon monoxide, Benzene; 1,3 Butadiene; Nitrogen dioxide; Particles (PM₁₀); and Sulphur dioxide.

development planning throughout the region. Criterion b(iv) seeks the management of local air and water quality. This is further detailed in Policy E7.

Development Plans and Other Guidance

L6 The Adopted Berkshire Structure Plan 2001-2016. Policies EN5 Air Pollution and Nuisance and DP4 on Provision of Infrastructure, Services and Amenities are relevant. The Borough Local Plan includes policy NAP3 which states that the Council will not grant consent for proposals that are likely to emit unacceptable levels of smells or fumes beyond the site boundaries.

L7 Following its completion of the second round of the Local Air Quality Management regime, the Council highlighted a potential for the Nitrogen Dioxide (NO₂) annual mean objective to be exceeded in some locations. A further Detailed Assessment was undertaken (completed in August 2004) for this pollutant which confirmed that it would be necessary to declare Air Quality Management Areas (AQMA) for the following locations:

- Maidenhead Town Centre – an area of 0.8 Km²*
- At the junction of the A332 & Clarence Road, Windsor – an area of 0.4 Km²*

This position was scrutinised and subsequently confirmed and accepted by DEFRA. The two areas were formally declared by way of order in February 2005.

L8 Following the declaration of an AQMA a Local Authority is required to formulate and implement an Air Quality Action Plan. This plan details the measures that the Authority in association with relevant stakeholders is to put in place in order to pursue compliance with the appropriate air quality objective. The assessment of and control/minimisation of significant air quality impacts from and upon future developments within such an area is imperative. As such any development that could lead to a significant increase in pollution and/or result in a significant increase in relevant exposure within an air quality management area would require close examination.

L9 In addition to the Air Quality Management Areas as identified, the Council is monitoring air quality across the whole of its administrative area. Particular focus is placed on heavily trafficked areas for example the M4 (Junction 7 - Junction 8/9), M25 (Junction 13), A404 (M), A308 (Braywick Road), A4 and A355. Whilst, for the majority of the Royal Borough it is anticipated that the combination of national measures will ensure compliance with the Regulations applicable at that time, vigilance is required and therefore any development not within an air quality management area that could lead to a significant increase in pollution would also require close examination.

L10 The Local Transport Plan recognises that transport is universally acknowledged as having a major impact on the environment, particularly air quality. The Environment Act 1995 requires that levels of atmospheric

* Detailed information regarding the exact location and extent of these areas can be obtained from the Environmental Protection Team on (01628) 683645.

pollutants should be reduced to defined levels throughout the United Kingdom by the year 2005. These levels should be achieved by the joint action of local authorities. This action could include a reduction in the levels of traffic. The Council will review national policy requirements and update this guidance to ensure that pollutants of concern are measured, and compared with the national standards. The Council will seek to ensure that developments do not result in conflict with standards, or contribute to the worsening of predicted exceedences in any areas. It recognises that traffic pollution measures will be required to ensure standards are met in some areas of the Borough.

Further Information

L11 In any such circumstance as identified in L8 and L9 above it is strongly recommended that future applicants contact the Environmental Protection team in order to discuss the air quality implications of their proposals prior to the submission of a planning application. For more information or queries about the Council's requirements in respect of air quality, please contact:

Environmental Protection Team

Tel. 01628 – 683526

Environmental.Protection@RBWM.gov.uk

L11 BACKGROUND DOCUMENTS

The Developing Local Air Quality Action Plans and Strategies: The Main Considerations. LAQM.G2(00)DETR

The Framework for Review and Assessment of Air Quality. LAQM.G1(00)DETR

The Air Quality Management Areas: Turning Reviews Into Action. NSCA

Royal Town Planning Institute *Good Practice Guide on Air Quality and Land-use Planning* (1999)

Entec UK Ltd. *Reports*

RBWM, *Environment Act 1995 – Review and Assessment of Air Quality, Final Report* (November 2000)

RBWM Local Plan

RBWM Transport Plan 2001 – 2006 (July 2000)

Berkshire Structure Plan 2001-2016.

M) WASTE DISPOSAL

POLICY CONTEXT

National Planning Guidance

- M1 Planning Policy Statement 10 (PPS10) *Planning for Sustainable Waste Management* (2005) recognises that the way society manages the waste it produces is important in the protection of our environment. The PPS sets a policy framework for sustainable waste management within which stakeholders can plan and take management decisions. It should be read in conjunction with PPS23 *Planning and Pollution Control* in terms of waste management. ‘*Waste Strategy 2000*’ is the national waste strategy for England and Wales and is the vehicle by which the Government is seeking to achieve the requirements of the EU Landfill Directive. The strategy places statutory responsibilities on local authorities to recycle and compost household waste, with progress being measured through the Best Value Performance Indicator process. There are additional responsibilities to reduce the percentage of waste land filled and emphasis is placed on the need to plan for future waste disposal needs.

Regional Planning Guidance

- M2 Further policies and advice are set out in the Regional Planning Guidance for the South East (RPG9) (March 2001). Chapter 10 Supply and Development of Other Infrastructure – Water, Waste and Energy sets out that sustainable management of waste is a critical issue in the South East. Policy INF3 and supporting text in paragraphs 10.13 to 10.18 are particularly important considerations.

Development Plan and Other Guidance

- M3 At the local level, and as part of the Borough’s progress towards targets, it is important that future waste production is accounted for in new developments and that opportunities to improve recycling are sought.
- M4 The Adopted *Berkshire Structure Plan 2001–2016*, primarily the policies contained in Chapter 11 (W1 to W4 inclusive) are relevant.
- M5 The *Waste Local Plan for Berkshire* (adopted 1998) applies to the whole of the County of Berkshire and is concerned specifically with the subject of waste. Detailed policy guidance on waste management issues is given in the *Waste Management Plan for Berkshire* (adopted 1995), and this also applies Countywide. The *Waste Local Plan* provides a planning policy framework that provides for the development of a network of waste management facilities that safely treat the waste generated in the County. ‘Preferred Areas’, where future waste management facilities could be permitted, have been identified after being subjected to public consultation.
- M6 The *Borough Local Plan* does not contain policies on waste or waste disposal, as these matters are properly dealt with in the respective plans referred to in previous paragraphs. However, the Borough Council is committed to increasing the re-use, recycling and recovery of waste through the encouragement of:

- Effective management and storage of waste
- Reduction of waste at source, and

- Maximisation of the re-use and recycling of waste.
- M7 A number of locations are suitable for recycling facilities including public car parks, retail sites, community halls and recreational facilities. Where a need can be established for a recycling facility, appropriate contributions will be sought. The Council has provided a network of fixed recycling storage centres, and will extend this network from time to time to meet the needs of development.
- M8 The Council has also provided property recycling collection services. This entails households storing separately in recycling boxes, papers/magazines and glass jars/bottles. Residents are encouraged to take their plastic, aluminium and steel to collection sites. The Council has also promoted household composting. In the future households may be encouraged or required to further manage and/or separate their waste to enable national recycling targets to be met.
- M9 However, planning obligations may be required for land and infrastructure for waste collection and management (including recycling infrastructure) generated by a proposed development. The Council will take into account the need to increase the re-use, recycling and recovery of waste in accordance with national, regional and local policy objectives.

FURTHER INFORMATION

- M10 For more information about the Council's requirements in respect of waste disposal, please contact:
- Waste Manager
Tel. 01628 796193
- Recycling Officer
Tel. 01628 796272

M11 BACKGROUND DOCUMENTS

PPS23 Planning and Pollution Control
PPS10 Planning for Sustainable Waste Management (2005)
DETR Waste Strategy 2000 England & Wales – Parts One and Two
Adopted Waste Management Plan for Berkshire (July 1995)
Adopted Waste Local Plan for Berkshire (December 1998)
Annual Waste Local Plan for Berkshire Monitoring Reports
Waste Minimisation, Re-use and Recycling – A Code of Guidance for the Development Industry (Babtie May 1996)
Berkshire Structure Plan 2001-2016.

N) ARCHAEOLOGY

National Planning Guidance

- N1 National Guidance on archaeological issues is contained in Planning Policy Guidance Note 16 *Archaeology and Planning* (1990). This sets out the Government's policy on archaeological remains on land, with particular regard to their treatment within the development plan and development control systems. It states that there should be a presumption in favour of the physical preservation of nationally important archaeological remains, whether scheduled or not, and their settings. In appropriate circumstances it is reasonable for planning authorities to require an applicant for planning permission to provide information on the character and extent of archaeological remains on site. Where important remains are threatened by development, planning authorities may enter into legal agreements or impose conditions to secure the excavation, recording and publication of archaeological remains where these will be destroyed by development.

Regional Planning Guidance

- N2 *Regional Planning Guidance for the South East* (RPG9) contains a key development principle of the protection and enhancement of the Region's built and historic heritage.

Development Plan and Other Guidance

- N3 The Borough Council's policies for archaeology are set out in the:
Adopted Berkshire Structure Plan 2001–2016. Policy EN4 - Historic Environment.
Royal Borough of Windsor and Maidenhead Local Plan (adopted July 1999). Policies ARCH1 - Development on Scheduled Ancient Monuments, and policies ARCH2 to ARCH4 inclusive - Sites of Archaeological Importance and Development Proposals.

Requirement for Archaeological Assessment

- N4 Archaeological projects may be described under one of four general categories:
- 1) Assessments, which aim to collate existing written and graphic information about the nature of the archaeological resource in an area. This is usually a desk based study resulting in the production of a report.
 - 2) Evaluations, which aim to gather sufficient information about the nature of the resource in order to allow its importance to be assessed and an appropriate strategy for its future management defined. The preferred 'mitigation' strategy is normally to seek effective preservation in situ. This stage normally involves a report and fieldwork. The assessment and evaluation stages are normally carried out prior to the determination of a planning application.
 - 3) Recording actions are normally carried out following the granting of planning permissions, either prior to, or during, development, where remains cannot be preserved in situ. They aim to investigate, record and publish the archaeological resource within the area in sufficient detail to achieve stated

objectives. This will normally involve both field and desk-based studies, and an assessment report, research archive and publication report.

4) **Monitoring** aims to ensure the satisfactory implementation of a specified strategy for preserving archaeological remains within a development.

Further Information

N5 For more information about the Council's requirements in respect of archaeology, please contact:

Reading Museum, Archives & Library Service
Sites and Monuments Record,
Abbey Square
Reading
RG1 3BQ
Tel: 0118 901 5976

BACKGROUND DOCUMENTS

PPG16 Archaeology and Planning (1990).

RBWM Local Plan

Berkshire Structure Plan 2001-2016.

P) FLOOD RISK MANAGEMENT AND DRAINAGE

National Guidance

- P1 The Government's strategy for sustainable development makes it necessary to consider the forms of development that would be inappropriate in areas of flood risk. Planning Policy Guidance Note 25 *Development and Flood Risk* (2001) explains how flood risk should be considered at all stages of the planning and development process in order to reduce future loss of life and damage to property. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment wide basis and, where necessary, across administrative boundaries. The guidance promotes a risk-based approach and a sequential test. In dealing with the uncertainty inherent in flood estimation, the precautionary principle may be used on these aspects.
- P2 Consideration of flood issues should not be confined to river flood plains. Development throughout a river catchment can have a significant impact on flooding simply by increasing run-off. All built development tends to extend the area of impermeable ground, from which water runs off rather than percolating into the ground. This can increase total and peak flows from built-up areas, resulting in increased flows downstream. The restriction and reduction of surface water run-off from new developments can be encouraged by the provision of surface water storage areas and flow-limiting devices in conjunction with surface or sub-surface storage. Devices to mimic natural drainage which also improve amenity and wildlife interest are positively encouraged.

Regional Planning Guidance

- P3 *Regional Planning Guidance for the South East* (RPG 9) policy Q6 states that health, education and other social considerations and infrastructure requirements need to be taken into account fully in development planning throughout the region. Criterion b(i) encourages partnership working between various agencies. Criterion b(iv) seeks the management of local air, water, soil and land quality, reducing noise pollution, and restoring derelict and contaminated land. These aspects are further detailed in policy E7 and policy E8. Water resource and management issues are detailed in policy INF1 and policy INF2 where water quality, water supply and drainage are closely linked, and affect the condition of both rivers and groundwater. The document acknowledges a legacy in parts of the region of over-abstraction, contamination affecting groundwater, and poor quality discharges to rivers. Water issues potentially pose certain limits to growth in particular areas.

Development Plan and Other Guidance

- P4 The adopted *Berkshire Structure Plan 2001–2016*, Policy EN6 identifies the need to reduce the risk of flooding. Similarly the adopted *Borough Local Plan* policies F1 and NAP4 deal with flood risk and management issues. Development in areas liable to flood can reduce the natural storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Surface water run-off and drainage from new development should not exacerbate flooding or drainage problems elsewhere.

Further Information

P5 For more information about the Council's requirements in respect of flooding and water quality, please contact:

Environmental Protection Team

Tel. 01628 683645

Planning Policy Unit (Strategy and Plans)

Tel. 01628 - 696112

The Development Planning Officer
Environment Agency, Frimley Office

Swift House

Frimley Business Park

Camberley

Surrey

GU16 7SQ

Tel. 01276 - 454300

BACKGROUND DOCUMENTS

Planning Policy Statement 23 *Planning and Pollution Control* (2004)

Planning Policy Statement 10 *Planning for Sustainable Waste Management* (2005)

Planning Policy Guidance Note 25 *Development and Flood Risk* (2001)

Regional Planning Guidance for the South East (RPG 9) (March 2001).

DEFRA *Towards a National Ambient Noise Strategy - A Consultation Paper from the Air and Environmental Quality Division* (November 2001)

RBWM Local Plan

RBWM Supplementary Planning Guidance: Interpretation of Policy F1 (June 2004) Revised Guidance.

RBWM Local Transport Plan

Berkshire Structure Plan 2001-2016.

R) PARISH PROJECTS

National Planning Guidance

- R1 The planning system controls the development and use of land in the public interest. Planning Policy Statement 1 (PPS1, 2005) *Delivering Sustainable Development* states that planning authorities should ensure that infrastructure and services are provided to support new and existing economic development and housing. PPS12 *Local Development Frameworks* states that “*When it comes to an individual planning application, the adequacy of infrastructure can be a material consideration in deciding whether permission should be granted.*” Recent Government thinking promotes the idea of the local community working in partnership, and the formation of stronger links with local people, including through the means of parish councils. They are best placed to be able to identify the needs of the local community and to set out the priorities for action. A key part of this process is the partnership working between the principal local authorities and other agencies, including the voluntary and community sector, that have interest in the village or parish.

FURTHER INFORMATION

- R2 For more information about specific Parish and Town Council projects, please contact:

Planning Policy Unit

Tel. 01628 - 796115

R3 BACKGROUND DOCUMENTS

Planning Policy Statement 1 (PPS1, 2005) *Delivering Sustainable Development*

Regional Planning Guidance for the South East (RPG9) (March 2001)

Supplementary Planning Guidance: Interpretation of Policies R2, R3, R4, R5 and R6 (Public Open Space Provision) (Final Guidance February 2005 incorporating amendments approved May 2004 and February 2005)

RBWM Local Plan

Berkshire Structure Plan 2001-2016

Open Space Strategy

Playing Pitch Strategy

Cultural Strategy 2002.