

## South Somerset District Council

# Approach to development contributions

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# 1 INTRODUCTION

- 1.1 The consultant team is currently preparing three documents to provide the Council with an evidence base to support its planning policies on infrastructure and developer contributions. The first document is the Infrastructure Delivery Plan which sets out requirements, phasing and costs and funding of infrastructure. This is supported by a viability assessment which seeks to set out the implications of differing levels of contributions on deliverability of a variety of types of developments and locations. Finally, and the subject of this report, is a paper setting out options regarding the Community Infrastructure Levy, its relationship with section 106 agreements and an assessment of current policy.
- 1.2 The council is concerned to maximise contributions from developers to help fund the infrastructure required to deliver the Local Development Framework. Traditionally local authorities have used two main methods – site by site negotiated scheme specific planning obligations and a tariff or roof tax approach on a per dwelling or per square metre basis. A third option is now available, namely the Community Infrastructure Levy (CIL), which effectively replaces the tariff/roof tax approach.
- 1.3 The council has not yet made the decision as to whether to implement a CIL. Even if a decision is taken to implement a CIL, then there will be a time lag before it can be put in place. The process of adopting a CIL can take up to 18 months and it can only be implemented if there is an up to date adopted Core Strategy. South Somerset is aiming to adopt their Core Strategy late next year (i.e. 2012), so the earliest a CIL can be implemented is at or following that date. Whilst this will capture contributions following adoption of the Core Strategy there will be applications coming forward in the interim and it will be important to consider whether there is a need to ensure that mechanisms are in place to capture potential contributions from these developments.
- 1.4 Within this context the aim of this report is to:
- Section 1
- assess the current policy proposals
  - set the context around CIL in terms of what it can offer in comparison with s106 agreements
  - recommendations on whether to implement CIL
- Section 2
- advice on the CIL process and likely timetable and resource implications
- Section 3
- set out potential options available to the council in terms of interim arrangements prior to the implementation of CIL

## 2 DEVELOPER CONTRIBUTIONS - TOWARDS A CIL

### Current policy

- 2.1 The council has been successful in seeking development contributions through S106 agreements for affordable housing and both on site and off site mitigation measures, especially from large strategic developments. From our research of agreements, we have noted that through the development of over 3000 dwellings on large sites the Council has successfully negotiated 32%<sup>1</sup> affordable housing and around £35m of mitigation measures.
- 2.2 The basis for these agreements has been the local plan policy and circular 5/05. Whilst these are still in place, it is clear that the tests in 5/05 have been tightened through their inclusion in the regulations and their application at recent appeal decisions. For example requirements to pool contributions towards various transport measures in an application for development in Cambridge was rejected by an Inspector on the basis of failing the tests set out in Regulation 122 – this story has been repeated in both Plymouth and Exeter. On this basis we believe that the council is unlikely to be able to continue to successfully negotiate the previously achieved levels of contributions in the future.

### Proposed policy

- 2.3 The Council is currently proposing to continue to seek contributions through the policies set out in the Core Strategy. These were drafted in October 2010, however the situation has moved since this period and therefore we have been asked to review these policies and make recommendations for any necessary changes.
- 2.4 Policy towards planning contributions is currently contained within the following proposed policies:

#### Specified planning obligations policies

- Policy SS6 Phasing and Cumulative Impact
- Policy SS7 Planning Obligation
- Policy SS8 Viability

#### Topic area planning obligation policies

- Policy HG4 Provision of Affordable Housing
- Policy TA1 Low Carbon Travel
- Policy TA3 Transport Impact of New Development
- Policy HW1 Provision of open space and outdoor playing space in new development
- Policy HW2 Provision of Sports, Cultural and Community

<sup>1</sup> South Somerset District Council has achieved around 23% affordable housing on all housing development in recent years

## Facilities in new development

### Location based planning obligation policies

- Yeovil (YV2, YV4, YV5)
- Chard (CV1, CV2, CV3, CV4)

- 2.5 There are currently at least 15 policies which consider planning obligations. These vary from directly titled planning obligation policies to topic and site specific policies. Whilst it is important for the council to set out its policy towards planning obligations it is considered that by having a large number of policies it is overly complex and potentially confusing.
- 2.6 In particular the first set of policies (SS6-SS8) could be simplified into one over arching policy along the lines as set out in Appendix 2 (these are example adopted Core Strategy policies). A reference to CIL (if the Council intends to implement it) should be included in within the obligations policy in order to provide clarity to the development industry regarding the council's position. The policy should also be written in a flexible format which allows the council to continue to negotiate on a s106 only basis until the CIL is implemented. The hook is within the national regulations and guidance so only a short reference should be required.
- 2.7 As currently written the proposed policies in the core strategy appear to require a significant level of contributions in various guises from design and build standards to onsite and off site infrastructure requirements in a prescriptive form. It is anticipated that some of these would be funded through s106 and others would be funded through the CIL. However the question needs to be asked and will be at examination - can all these policy requirements be delivered?
- 2.8 Turning first to s106 contributions, through our viability work we have broadly tested what we understand will come forward through s106 negotiations and found that they are acceptable. However there will always be individual site specific circumstances which will have an influence on the viability of such policy aspirations. Therefore we would recommend that the council reduce policy requirements through negotiation on a site by site basis if they are proved to be unviable for that particular site.
- 2.9 In addition we also recommend that the Council allows enough 'headroom' (i.e. the difference between the set charge and what is shown to be viable) in setting their CIL levy in order to allow for margins of error and a reasonable range of site specific costs.
- 2.10 We have tested CIL at different levels (please see viability report), however it is apparent that even at the higher levels, there will not be sufficient funding from CIL to deliver all the infrastructure requirements set out in the Core Strategy. We therefore recommend that South Somerset Council either seek other funding sources or reduce the infrastructure requirements set out in proposed policy.

## CIL and a comparison with existing arrangements

### Key elements of CIL

- 2.11 CIL was introduced through the Planning Act 2008 and defined in more detail in regulations published in April 2010 and partially amended in April 2011. CIL differs from previous approaches to planning obligations in that it explicitly allows a local planning authority to pool contributions from a number of developments to pay for infrastructure (which is not necessarily directly related). Infrastructure is broadly defined in the Act as (see clause 216):
- Roads and other transport facilities
  - Flood defences
  - Schools and other educational facilities
  - Medical facilities
  - Sporting and recreational facilities
  - Open spaces
- 2.12 It is also worth noting that the government is considering adding affordable housing to the infrastructure list. Most recently this was debated in the House of Lords where an amendment to the Localism Bill was proposed to consult on widening the infrastructure list, including the addition of affordable housing. If introduced this will have a big impact on how the council prioritises its infrastructure requirements and how it sets out its contributions policy.
- 2.13 The key principles of CIL are that:
- An authority cannot adopt a CIL until its Core Strategy is adopted
  - The council will be the 'charging authority' and will need to work with the county council to agree spending priorities from a South Somerset CIL
  - The levy should not be used to remedy pre-existing deficiencies but can be used to increase the capacity of existing infrastructure to support development
  - Authorities need to strike a balance between the levy's role in funding infrastructure and its impact on economic viability of development in an area
  - CIL will work alongside planning obligations (but developers must not be asked to pay twice for the same infrastructure). Planning obligations will be used for measures that mitigate the impact of a specific development
  - The local authority has a degree of discretion about what its CIL will pay for and what it will expect any site-specific s106 agreements to cover. It will be very important that an authority is clear about the distinction drawn
  - Currently affordable housing will continue to be delivered through s106 agreements (although as previously stated this may change)
  - Affordable housing is exempt from payment of CIL (as is any development by a charity – for charitable purposes).

- CIL can be collected from all types of development. It will be charged on a per sq m basis and can be sought from developments of 100 sq m or more (and on one or more dwellings). Authorities can set one rate for all its area or it can set rates for different zones and development types – on the basis of viability.
- Payment of the levy can be waived (or reduced) for individual schemes where there is an unacceptable impact on economic viability – although this will depend on the existence of an exemptions policy and will need to be mindful of state aid implications.
- Local charging authorities are required to allocate a “meaningful” proportion of the levy revenues raised in a neighbourhood to be spent in the neighbourhood – there is still no indication as to what a meaningful proportion and an amendment was proposed in the Lords to remove this requirement
- Authorities can use up to 5% of the levy for administrative expenses.

### Comparison of CIL with s106

- 2.14 As requested we have provided a brief comparison between CIL and traditional s106 agreements. Whilst there are still tariffs in operation recent appeal decisions have suggested that they are becoming less operable<sup>2</sup> and will continue to be challenged, therefore they are not thought as appropriate for comparison purposes.

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<sup>2</sup> Plymouth (APP/N1160/A/10/2131893) - that a ‘roof tax’ or tariff-based approach can only proceed through a Community Infrastructure Levy (CIL)

**Table 2.1 CIL comparison**

Issue	CIL	s106 scheme by scheme
Continuity	New system – for council officers and politicians and the development industry.	Established mechanisms – but LDF is an opportunity to review how s106 agreements are approached (e.g. in setting out what infrastructure is required for each town and apportioning costs)
Pooling of contributions	Key strength - very helpful in forward funding infrastructure Can take contributions from across the district and from different types of development for infrastructure But this may cause local ‘political’ difficulties if development in one town is paying for infrastructure which only benefits another town.	Permissible but to a very limited extent post 2014 when there will be a limit of 5 contributions towards an infrastructure item. Prior to 2014 the authority will be still able to collect pooled contribution but post 2014 these count towards the 5 limit. If more than one development is to contribute to an infrastructure item, council will need to apportion contributions between schemes Forward funding infrastructure rarely possible
Sub regional infrastructure	CIL explicitly allows for this (but costs/timing of the infrastructure would need to be agreed between councils – as would how pooling of contributions would work)	Very difficult to fund through s106 arrangements.
Mitigation measures	May still be required but distinction between a scheme specific mitigation measure and what can be included in a CIL will be a matter of judgement (Important that an authority is clear what CIL is to fund from the start)	Established procedure – no change
Maximising contributions	Nearly all development potentially can contribute – including single dwellings and commercial schemes. Standard levy makes this a practical option – and would include development in rural areas	S106 agreements rarely sought with small developments and amount of work required to do so, probably makes this impractical. Therefore some potential funding is lost.

Issue	CIL	s106 scheme by scheme
	Maximises potential money (Affordable housing and charitable development excluded)	
Audit trail for contributions	Council does not need to tie up infrastructure expenditure with money collected from a scheme (money to be spent on agreed list of items to which CIL relates) Money collected through CIL is not time limited.	S106 agreements usually tie expenditure to specific items and timing – money can be returned to developer if relevant infrastructure not in place.
Paying for pre-existing deficiencies	Not permissible with CIL but CIL can be used to increase capacity or repair failing infrastructure.	Can be difficult to argue for contributions that are not about new provision alone
Localism	Suggestion that a proportion of money from CIL to be directed to local communities – but unclear what %	Not relevant
Viability	Must take into account when setting levy. Landowners/developers know what to expect (but may still be required to incur additional costs through s106 agreement) Can also review viability with individual scheme if developer argues special circumstances – although this requires the Council to set a policy allowing exceptions	An issue for negotiation – starting with a 'blank sheet of paper'.
Administration	Council can retain up to 5% of levy revenue for administration of levy	Can seek contribution to administration but typically limited to legal fees
Borrowing	Borrowing against CIL is allowed for (within certain parameters) Helps to stretch resources and very useful for forward funding	Prudential borrowing may be possible but s106 contributions directly tied to specific expenditure and limited flexibility in how they are used

## Exceptional circumstance relief

- 2.15 As previously noted there is an option for the authority to allow exceptional circumstances relief in addition to relief for minor development, charitable and affordable housing, currently granted through the regulations. The decision about whether to enable relief to be considered is not made in either the Core Strategy (or other planning policy documents) or

in the charging schedule. It is a separate process which requires the council to widely publish a statement which states the date at which relief will be considered. This can be done at anytime following the publication of the CIL schedule. Therefore at this stage it is recommended that the council concentrates on publishing its schedule and review the situation if development proposals are failing to come forward on the basis of viability.

### Should South Somerset proceed with implementing CIL?

Recent appeal decisions suggest that the current and proposed policies could potential limit the opportunity for the council to successfully negotiate s106 on all but the most direct mitigation requirements. It is clear that the government's intention is that wider community measures, whether they are social, green or grey are to be funded through CIL. CIL provides the council with the opportunity to fund infrastructure in places when and where it is needed rather than relating contributions directly to development. It will also enable the Council to collect contributions from smaller developments of net 1 and above as well as on other uses which it would not have done in the past. In an area where a large proportion of supply has likely come from smaller developments this will potentially provide a significant source of infrastructure funding. It is also apparent that other local authorities are choosing to go down the CIL route and are actively preparing schedules to enable implementation of the levy. Within this context it will be difficult for South Somerset to go forward without a CIL, especially in relation to being able seek contribution from small developments and the issues around pooling of s106 money.

**Recommendation** – South Somerset Council should implement the CIL

**Recommendation** – South Somerset Council should not consider an exceptional circumstances policy until the schedule has been in operation and if it appears that development proposals are not coming forward on the basis of viability.

**Recommendation** – South Somerset Council should reduce the number of policies (as currently set out in draft policy) towards planning obligations. A single flexible policy should indicate the intention to implement CIL and the identification of other obligations that will be required.

**Recommendation** – South Somerset Council should develop realistic and deliverable policies. CIL is not able to fund all infrastructure requirements therefore other sources of funding should be identified and or a review of proposed policy requirements should be undertaken to ensure that the Core Strategy is deliverable.

### 3 CIL PROCESS AND TIMETABLE

3.1 If the council follows our recommendation to implement CIL then it will need to follow a series of stages to produce its charging schedule. These are outlined as follows:

3.2 Market appraisal and viability testing for the CIL

The level of work required for the market assessment and viability testing is largely dependant on how quickly the council prepares its charging schedule and whether there have been any major changes in the local and national economy. The council will need to make a judgement as to whether the information is sufficiently up to date and relevant based on indicators such as the rate of new applications, observations in local and national media regarding the economy and in speaking to local businesses. If no significant changes have happened in the period between the submission of the viability work and the publishing of the draft schedule then no further work will be required.

3.3 Preliminary draft charging schedule – the preliminary schedule will set out the proposed charges for each type of development and whether there are to be variations in charges between different parts of the district. Charges must be set out, even if they are zero. Although a relatively short document in itself, it will be based on evidence including the viability testing and the IDP. The regulations are specific about what should be included in the charging schedule and how information is to be presented.

The preliminary draft charging schedule will need to be published for consultation with both the public and development industry. The consultation period is not prescribed in the regulations, but subsequent CIL guidance suggests 6 weeks.

3.4 Draft charging schedule. We are assuming that production of the draft charging schedule will be relatively straightforward and not require a substantial revision following consultation on the preliminary draft.

The draft charging schedule will need to be published for consultation for a minimum four week period.

3.5 Examination - the examination will follow DPD examination principles with an independent examiner appointed by the council. The council will also need to appoint a programme officer.

The hearing sessions will be informal roundtable but there is a right to be heard by those who have made representations.

The timing of the examination will depend on availability of an ‘examiner’. However in terms of the length of the process it is likely to be:

- Weeks 1-4 Examiner preparation
- Weeks 10-11 Hearing sessions
- Week 17 Fact check report issued
- Week 20 Final report issued

## Timetable

- 3.6 The overall timetable for preparation and taking forward the CIL to publication is set out below. We have based this timetable on the assumption that the council will want to implement CIL as quickly as practicable. Therefore, this should occur at the earliest opportunity following adoption of Core Strategy. We believe that there is no reason as to why the processes of CIL preparation cannot be run concurrently with those of the Core Strategy. As the evidence base for CIL will largely be in place the resource implication of developing the levy and taking it through the consultation process are not excessive and if timed correctly can take advantage of Core Strategy consultation periods to minimise consultation costs. It is also worth noting that the longer the period of time between date of the viability work and the publication of the schedule then the more likely the need to review and potentially update the data, which will have further resource implications.
- 3.7 We understand that the Core Strategy is due to be published in May 2012, with a view to submitting in September 2012. The Council has indicated that it would like the Examination of the CIL to follow straight after the examination of the Core Strategy. Whilst this approach has its risks in terms of relying on no effectual changes to the Core Strategy through the examination process it does have the benefit of minimising any time lag between adoption of Core Strategy and adoption of the CIL.

Stage	Timeframe
<b>Evidence base</b>	
a) IDP – updated and finalised	Completed
b) Market appraisal	Completed
c) Viability testing	Completed
<b>Preliminary draft charging schedule</b>	
a) Prepare and publish charging schedule	January/February 2012
b) Consultation	February/March 2012
<b>Draft charging schedule</b>	
a) Prepare and publish charging schedule	April 2012 (assuming CS publication in May)
b) Consultation	May/June 2012
<b>Submission of charging schedule</b>	September 2012
<b>Examination of charging schedule</b>	November 2012
<b>Approval and publication of charging schedule</b>	March 2013 (publication subject to Core Strategy being adopted)

## Resourcing

- 3.8 South Somerset will need to ensure that sufficient resources are in place if they wish to meet our suggested timetable. If sufficient resource is not made available at this stage then the cost to the council could be even greater. This will manifest itself in two ways:
- The longer the period of time between the viability evidence set out in these reports and its use as evidence to support the levy the more likely the need to update the data and incur further costs
  - If the authority delays the implementation of the CIL schedule it is also delaying its ability to collect the levy, this may increase the infrastructure funding gap as development may continue to gain permission during this period.
- 3.9 Based on experience elsewhere and in discussion with some of the front runners it is likely that South Somerset will need to have in place during the course of schedule preparation through to adoption around the equivalent of 1.5 to 2 FTE. Around half of this is a professional planner and the other half administrative support to assist with consultation and examination programming.
- 3.10 Once the CIL schedule is approved then the council will need to ensure that there is a dedicated officer to ensure that it is administered and monitored correctly. This position may coincide with any 106 officers the council may already employ.
- 3.11 It should be noted that some of the costs of both preparing and the ongoing administration of CIL can be recovered through CIL payments, as set out in the regulations and accompanying guidance.

**Recommendation** – the council should prepare the CIL inline with the Core Strategy in order to minimise time lags and limit resource impacts.

**Recommendation** – the council should ensure that sufficient resource is made available to enable implementation as quickly as possible to minimise loss of CIL contributions

## 4 INTERIM OPTIONS

- 4.1 With a period of at least 18 months to secure its CIL, the council could potentially ‘miss out’ on funding from development to support infrastructure provision in the interim. However, the level of impact is largely dependant on the likelihood and scale of development to be permitted over this period between now and adoption of CIL.
- 4.2 We have considered a range of interim options both for South Somerset and other authorities faced with similar issues. We first considered the possibility of some form of interim council policy, whereby the council uses the information in the IDP to form the basis of a tariff approach. However, even if a tariff could be directly related to development and pass the tests set out in the regulations the resource implication were considered too great if the council were intending to adopt within the next 18 months. For an interim policy to work it would require staff time, committee approval by members and some form of consultation – therefore by the time this is completed, the core strategy would be near adoption and the CIL schedule could be ready.
- 4.3 Alternatively we also considered the potential to provide internal guidance with an agreed approach between the council and infrastructure providers such as the county council on the range of infrastructure requirements that should be sought. However it was considered that the ‘pay off’ for producing such guidance probably wouldn’t warrant the resource required to produce and agree the guidance.
- 4.4 Therefore, having considered numerous options including an interim policy measure we are of the view that the Council should continue to rely on its existing processes and measures based on current policy and concentrate resource into adopting the core strategy and bringing forward the CIL.

### Interim approach

- 4.5 Evidence base such as the IDP and the viability work can be used to help in negotiations in terms of identifying the infrastructure requirements and some initial guidance on the value of development and what it could broadly be expected to pay whilst not impacting on deliverability.
- 4.6 Whilst we are recommending that the council does not pursue interim policy or guidance we do believe that they may need to amend their approach to negotiations. In particular it is clear that until CIL is implemented there is a range of infrastructure items which developers will have previously funded which will now not benefit because of the tightened regulation.
- 4.7 Evidence from recent appeal decisions suggest that the council will need to seek only those requirements that are necessary in order to make the development acceptable, directly related and fair and reasonable in scale and kind – they will need to specifically outline projects that the money will be spent on and not apply generalised formulas. There are now numerous decisions such as the one in Plymouth that have effectively set a precedence of not supporting tariff based systems, with the message that CIL is the appropriate vehicle for

seeking contributions for infrastructure that is not directly related to making development acceptable in planning terms.

- 4.8 Whilst this means some infrastructure may not be funded it also means that there should be more headroom in viability terms for other infrastructure and policy requirements that still meet the tests. In particular the Council should be able to negotiate hard on their affordable housing levels on the basis of this greater headroom and can use the viability analysis to back their negotiating stance.

**Recommendation** – South Somerset utilise existing policy and procedures to negotiate 106 agreements until the CIL is in place; taking into account the requirement to be more bespoke about its requirements and less formulaic.

## APPENDIX 1

## National Legislative and Policy Framework

The government is taking forward the Community Infrastructure Levy, modifying the original regulations which came into force in April 2010 through amendments (2011) and some clarification and further changes set out in the Localism Bill. The formal process of setting the Levy charging schedule and seeking approval means that the CIL is unlikely to emerge in South Somerset until spring 2013 at the earliest.

The legal basis for planning obligations is derived from section 106 of the Town and Country Planning Act 1990 (as substituted by the Planning and Compensation Act 1991) and now amended by the CIL Regulations 2010 and 2011. A planning obligation is normally a legal agreement between a local planning authority and a person(s) (usually a developer and/or landowner) with a legal interest in land associated with a development proposal. It may also be a unilateral undertaking made by a developer independently. Obligations can take the form of direct provision of infrastructure or buildings by the developer e.g. a playground or a road, or payment of a financial contribution to the local planning authority to be used for a specific purpose e.g. a community centre. An obligation may also be used to control the form of development such as the provision of affordable housing.

ODPM Circular 05/2005 sets out national policy in relation to planning obligations. The basis for a planning obligation is to make acceptable development which would otherwise be unacceptable in planning terms (Circular 05/2005 B3).<sup>3</sup>

The CIL Regulations 2010 (Regulation 122) state that: 'A planning obligation may only constitute a reason for granting permission for development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the proposed development.

These requirements were already set out as policy tests in Circular 05/2005 as well as two further tests of a planning obligation which are relevant to planning and reasonable in all other respects. The major difference is that the CIL Regulations now make it a legal requirement to meet the three tests set out above.

It is still acceptable to pool financial contributions derived from s 106 obligations on different developments as stated in the Circular but the CIL Regulations require that the three tests have to be met. This means that, where a Levy is not in place, the pooling can take place for projects and infrastructure that are capable of being funded by CIL.<sup>4</sup>

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<sup>3</sup> Currently it is intended to replace Circular 05/2005 with new national policy guidance on Planning Obligations. (At the time of writing this has not yet emerged). However the Circular and supporting Best Practice Guidance remain relevant until new guidance is published. (NB: *Still awaiting confirmation from CLG on this*).

<sup>4</sup> From April 2014, where a specific project or type of infrastructure is capable of being funded by CIL, the pooling of contributions is to be limited to contributions derived from a maximum of five obligations.

## APPENDIX 2

## Sample core strategy policies

### Policy S10 – Planning Obligations

Planning obligations will be sought to secure the provision of affordable housing (see policy S2(c))

Planning obligations will also be sought to mitigate the direct impact of development, secure its implementation, control phasing where necessary, and to secure and contribute to the delivery of infrastructure made necessary by the development. This may include contributions towards education, healthcare, libraries, sport, leisure, cultural and community facilities, policing resources, community safety in the public realm, streetscape, public art, maintenance and improvement of the borough's heritage assets, parks and open spaces, play facilities, public transport, highways and traffic works, walking and cycling improvements, parking restrictions, car clubs, travel plans for people and goods, employment and training measures, employment premises, town centre management, utilities and carbon dioxide reduction, subject to the particular circumstances of the development in question and the nature and extent of impact and needs created.

### SP4 – Developer contributions

The Council will enter into planning obligations with developers to secure the provision of (or financial contributions towards) infrastructure and community benefits which the council considers are necessary in conjunction with development.

Planning obligations will cover those matters which would otherwise result in planning permission being withheld and should enhance the overall quality of a development. The requirements of a planning obligation must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

A Community Infrastructure Levy will be charged throughout the District. Most types of development will be liable to pay the charge, which will be based on a formula which relates to the size of the development. Different rates will be applied to defined zones within the District. The charging schedule will include the rates, identify the charging zones and provide details of the processes involved.

Site specific requirements will be secured using dedicated Section 106 Agreements negotiated on an individual site basis. Facilities provided by such agreements will normally be located on-site but may, exceptionally, be provided nearby.

### DEL 1 Infrastructure provision

All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area. Unless material

circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided. These will be secured through planning obligations, the Community Infrastructure Levy, planning conditions or other relevant means or mechanisms, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated across the sub region as a whole where appropriate.