

Planning Obligations – Community Benefits
Supplementary Planning Document
April 2006

1.0 About this Guidance

- 1.1 This Supplementary Planning Document has been prepared in accordance with current Government planning guidance. Its purpose is to supplement relevant policies as set out in the Erewash Borough Local Plan, Adopted July 2005. The contents of this document will therefore guide those submitting planning applications. When adopted it will be given considerable weight in the determination of planning applications and it is therefore expected that developers will follow the advice as set out.

2.0 Introduction to SPD

- 2.1 This Supplementary Planning Document (SPD) will outline the circumstances in which the Borough Council will seek to secure agreements under Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). From this point onwards, all references to Section 106 agreements will be entitled 'planning obligations'.

- 2.2 The SPD will provide useful information on what may be potentially required of a developer through the use of planning obligations when the Borough Council is considering an application for development.

- 2.3 This document will look at each of the following matters:

- Status of the SPD
- What is a planning obligation and how are they used?
- Local Plan policy context
- Standard procedure and the varying types of obligations
- Topics where obligations will be sought:

- (i) Open Space
- (ii) Education
- (iii) Heritage
- (iv) Transportation
- (v) Drainage Works and Flood Risk Management
- (vi) Environmental Sites (Biodiversity)
- (vii) Community Facilities

- Implementation and monitoring of obligations
- Glossary

3.0 Status of the SPD

- 3.1 The Planning and Compulsory Purchase Act 2004 (referred to from now as 'the Act' for brevity) has introduced provisions to replace Supplementary Planning Guidance with Supplementary Planning Documents. However, like their predecessors, SPD's continue to contain non-statutory guidance and are drafted to help supplement the policies found within the Erewash Borough Local Plan Adopted 2005.

- 3.2 Despite the new Act containing provisions to introduce Supplementary Planning Documents as part of the new Local Development Framework system, other parts of the Act which relate to the use of planning obligations (Sections 46 and 47) have yet to be enacted. However, revised guidance has been introduced through the publication of **Circular 05/2005 – Planning Obligations**, and this replaces guidance found in Environment Circular 1/97 which has subsequently been cancelled.
- 3.3 Under the new legislative provisions, only policies found within adopted Development Plan Documents, or those saved under the transitional arrangements have the special status afforded by **Section 38(6)** of the Act in deciding the outcome of planning applications. However, the content of a Supplementary Planning Document can also be taken into account as a material consideration when deciding upon an application. An SPD will also have greater influence if it has been drafted and prepared in conjunction with the general public and has been given the relevant Council authorisation. With this in mind, the document was subject to a period of public consultation in accordance with the new statutory guidelines that establishes the standards for public involvement. As the Borough Council is still working towards adopting its Statement of Community Involvement, the SPD has been prepared in full conformity with the transitional minimum guidelines for consultation. A meeting of the Council Executive adopted this SPD as a Council document at Long Eaton Town Hall on the 5th October 2005.
- 3.4 Guidance within this SPD supplements a number of saved policies that appear within the Erewash Borough Local Plan 2005. Where planning obligations can be used in conjunction with the saved policies, they will be identified in the later **Section – 7.0 Topic Areas**, with the policy in full to follow in Appendix A.
- 3.5 This document is part of a series of Supplementary Planning Document's produced by the Borough Council. Where this document makes reference to a topic covered in another Supplementary Planning Documents, reference to the particular SPD will be included within the text.

4.0 What is a Planning Obligation and how are they used (Key Principles)?

- 4.1 A planning obligation is a **private legal agreement** between the local planning authority (in this case Erewash Borough Council) and the applicant/developer as well as any other person(s) who may have an interest in a specified piece of land. In addition to this, a unilateral undertaking may be considered by the applicant.
- 4.2 As the local planning authority, the Borough Council has the power to enter into a planning obligation with any owner of land within the Borough. These powers are still outlined within Section 106 of the 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) due to circumstances relating to the new Planning Act described within paragraph 3.2.
- 4.3 Guidance contained within the new Circular 05/2005 informs that planning obligations should be used to:
- (i) restrict the development or the usage in a specified way;

- (ii) require specific operations or activities to be carried out in, on, under or over a specified piece of land;
 - (iii) require land to be used in a specific way; or
 - (iv) require payments to be made to the authority in various amounts and timescales.
- 4.4 The application of planning obligations by local planning authorities is also contained within Circular 05/2005 and states that an obligation:
- (a) may restrict the development or use of land, require a specific operation or activities to be carried out, require land to be used in a specified way, or require cash payments to be made.
 - (b) may be either positive (requiring a person to do a specified thing to his/her land), or negative (restricting the person from using the land in a specified way).
 - (c) may be unconditional or subject to conditions.
 - (d) shall be enforceable against the original covenantor and his/her successors in title.
 - (e) shall be enforced by an injunction if necessary.
 - (f) may only be entered into by a deed which contains identification of the land, the person entering into the obligation, their interest in the land and the authority that will be responsible for enforcing the obligation.
 - (g) must be recorded as a local land charge under the legislation, and for the purposes of, the Local Land Charges Act 1975.
- 4.5 At the core of whether planning obligations are necessary or not, it is **essential** that five key tests are satisfied before the local planning authority can engage in negotiations with an applicant/developer. Planning obligations should **only** be sought where they are:
- relevant to planning;
 - necessary to make the proposed development acceptable in planning terms;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development; and
 - reasonable in all other respects.
- 4.6 Current Government policy displays the principles that the planning system should operate in the public's best interests, a concept that has been held for many years. With this in mind, the planning system should help with the delivery of the Government's key objectives concerning sustainable development, the provision of housing, continued investment in services and job creation in a way that complements the local environment as opposed to detracting from it.
- 4.7 Through its Development Plan and the Development Control functions, the Borough Council can help with the delivery of the above objectives by having the opportunity to seek modifications or improvements to proposals that are submitted for approval. In doing this, the Borough Council can impose conditions **(for more information, see Environment Circular 11/95)**, or where it is felt that

conditions are not necessary, agree to seek a planning obligation(s) with the applicant, that can be entered into regarding the use of or development of land or buildings.

- 4.8 To maintain public confidence, arrangements regarding the use of obligations must be operated in accordance with the vital principle that planning permission should never be able to be bought or sold. Therefore, when negotiating a planning obligation, it is of great important that all negotiations are conducted in a fair, open and reasonable manner. Not only should this occur in order for negotiations to be concluded in a reasonable time frame, but also to embrace recommendations from the Nolan Report which investigated standards in public life.
- 4.9 With the above paragraph in mind, planning obligations should be used as a means of improving the standard and overall quality of a development which may have otherwise been refused. However, sub-standard applications should not be welcomed or accepted by the Borough Council, principally on the basis that the planning obligations which are offered are of little relevance to the development in question.
- 4.10 Should a need for a particular obligation arise in light of a submitted planning application to the Borough Council, each application received will be judged on its merits, and internal and external consultation with partners will establish the extent and type of obligation needed.

5.0 Local Plan Policy Context

- 5.1 Local Plan policies in this SPD appear where such policies can be used as a basis for entering into a planning obligation with a developer. The table below identifies these policies and then briefly describes what benefits can be sought from obligations connected to the policy.
- 5.2 Each Topic Area listed in the table below will be explained further in Section 7.0.

Topic Area	Local Plan Policy	Possible Benefits Sought
Open Space	H9 – Section 106 Planning Obligations – Housing Sites EV1 – Erewash Valley	<ul style="list-style-type: none"> ▶ Transfer of privately owned open space into Borough Council ownership and the creation of access agreements between all parties. ▶ Financial contributions to the general improvement of open space. (paths, benches, litter bins, CCTV etc) ▶ Future maintenance provision. ▶ Enhancing local playground, sporting and general leisure facilities. ▶ Enhancing and creating new links to local areas of open space as well as improving access to wider areas of recreation.
Education	C2 – School Provision and	▶ Enhancement of local educational

	Housing Development (to be used in conjunction with C1)	<p>facilities.</p> <ul style="list-style-type: none"> ▶ Creation of additional spaces to expand the intake capacity of a local school. ▶ The construction of a new school (in conjunction with C1).
Heritage and Conservation	<p>EV4 – Conservation Areas – Enhancement Schemes EV5 – Conservation Areas – Development Control EV6 – Listed Buildings EV7 – Buildings of Local Interest EV8 – Registered Historic Parks and Gardens EV9 – Scheduled Ancient Monuments and Sites of Archaeological Significance.</p>	<ul style="list-style-type: none"> ▶ Protection and enhancement of local wildlife. ▶ Increase rural recreational facilities ▶ The restoration and improvement of a listed building. ▶ The general preservation and enhancement of conservation areas ▶ The preservation and enhancement of historic features ▶ The funding of educational interpretation boards. ▶ Where appropriate, improving or creating new walking and cycling links to sites of heritage and conservation importance.
Transportation	<p>T1 – Ilkeston-Awsworth Link Rd T2 – Parking T3 – Public Transport T4 – Railways T5 – Disused Transport Routes T6 – Cycling T7 – Pedestrians and Disabled People T8 – Traffic Calming and Traffic Management T9 – Travel Plans</p>	<ul style="list-style-type: none"> ▶ Drafting of a Transport Assessment. ▶ Drafting of a Green Travel Plan. ▶ Improvements to highways. ▶ Enhancements to, and creation of pedestrian, cycle and bridleway routes. ▶ Funding of Park and Ride facility. ▶ Financial contributions to public transport projects and facilities involving the upgrading of existing, or the provision of new facilities. ▶ Provision of public car parking. ▶ Provision of public car parking at railway stations. ▶ Enhancements to waterways and waterside areas as sustainable transport corridors.
Drainage Works	<p>DC7 – Development and Flood Risk DC8 – Sustainable Drainage Systems (SUDS) EV17 – Environmental Pollution EV18 – Aquifer Protection</p>	<ul style="list-style-type: none"> ▶ Flood Prevention Scheme – funding of mitigation measures to prevent flooding from occurring.
Environmental Sites	<p>EV10 – Sites of Special Scientific Interest, Regionally Important Geological Sites and Geomorphological Sites and Local Nature Reserves EV11 – Protected Species and Threatened Species EV12 – Nature Conservation – Planning Obligations and</p>	<ul style="list-style-type: none"> ▶ Transfer of private green space into the Borough Council's ownership. ▶ Drafting of a Management Plan for a specified green area. ▶ Additional planting regime to create and establish biodiversity. ▶ Funding of educational interpretation boards. ▶ Funding to replace habitats and

	Conditions EV13 – Creative Conservation EV14 – Protection of Trees and Hedgerows	other important features elsewhere (off-site) where necessary.
Community Facilities	C3 – Community Facilities DC5 – Public Art DC9 – Designing Out Crime	<ul style="list-style-type: none"> ▶ Creation or enhancement of community facilities (health centre, library, community hall, police station etc.) ▶ Public art in the built environment / public realm ▶ Funding of CCTV facilities and other crime-prevention methods such as street lighting.

6.0 Standard Procedures

- 6.1 With the Borough of Erewash being not only predominately rural in character, but also of small geographical size, its ability to absorb the impacts of larger development is limited. With this in mind, it is very important that any such impacts which arise as a result of development are mitigated, and the use of planning obligations are an effective way of doing this, whilst promoting regeneration and sustainability initiatives at the same time. The Borough Council will therefore ensure that where appropriate, a planning obligation is entered into to ensure that development makes a positive and sustainable contribution to the Borough of Erewash.
- 6.2 However, it is the case that the vast majority of planning applications will not be subject to negotiations regarding a planning obligation. Out of all planning permissions granted by the Borough Council's Development Control section between April 2004 and March 2005, only 1.37% (17 applications out of 1237) involved the recommendation and subsequent approval of a Section 106 agreement in order to make the development acceptable.
- 6.3 Where a Section 106 agreement is required, this will be determined by the exact merits of the application, and must take into account the location, scale and nature of the proposal.

When an Obligation is required.....

The Borough Council encourages applicants to enter into pre-application discussions with officers prior to the submission of applications for major developments. Where possible, these meetings will be attended by appropriate officers from other Council departments, other authorities or agencies to ensure the applicant is made aware of all relevant issues. The need for, and the heads of terms of any section 106 agreement would be discussed at that stage. Applicants will be encouraged to submit a draft agreement with the application.

When an application is submitted, formal consultation will be carried out and details of the Section 106 will be specified. The Borough Council will endeavour to keep the

applicant informed of the responses received to enable the agreement to be drafted in more detail. Once the resolution to grant permission is made, the Council and the applicant will agree a timescale for the signing of the final document. The applicant should note that failure to meet the agreed timetable could result in the application being refused.

6.4 To complement the above procedural information, it is necessary to demonstrate the circumstances that the Borough Council will enter into a planning obligation with the developer(s). The criterion below is not an exhaustive list, but does give the applicant an idea of what may be necessary when he/she enters into negotiation with the Borough Council.

- Any major planning application for the development or redevelopment of land, particularly where any proposed development will increase the density of population;
- Any development or redevelopment of a prominent site, a site located on or adjoining a public space or building; and
- Any situation where planning conditions are not sufficient.

7.0 Topic Areas where Obligations may be necessary

7.1 This section describes the various types of contributions that may be required from a developer in response to a submitted planning application. It is important to emphasise that the Borough Council will look at each application in isolation, noting the merits of the application and also any areas where obligations will help to implement the development, benefiting those who will be affected by the application. It is difficult to provide an exhaustive list of areas where planning obligations will be sought, given the broad range of areas that contributions can cover. With the above in mind, this section of the SPD describes the topic areas where an obligation may be needed.

(i) OPEN SPACE

National Policy Guidance

7.2 PPG17 'Planning for Open Space, Sport and Recreation' advises all local authorities to carry out thorough and robust assessments and audits of need. The Borough Council is actively encouraged through guidance to review the extent of current facilities and identify areas in need of improved facilities, whether these be additional recreational land or better built specialist facilities. In carrying out the above, the Borough Council is adhering to the advice contained within PPG17 which states 'this will allow local authorities to identify specific needs and quantitative or qualitative deficits or surpluses in their areas. They form the starting point for establishing an effective strategy for open space, sport and recreation at a local level and for effective planning through the development of local policies in plans'. The Borough Council plan to undertake such an assessment during 2006 to strengthen baseline data held regarding the subject.

Local Plan Policy

- 7.3 Local Plan Policy H9 – Section 106 Planning Obligations makes reference to potential open space obligations that developers will be encouraged to enter into as part of the overall planning application. This SPD will provide additional information as to the specific levels that developers will have to provide through a Section 106 agreement.
- 7.4 Local Plan Policy H9 is general in character, and this aids the flexibility of the policy in light of factors which may affect the provisions sought from a planning obligation. These factors include school rationalisation or health-care restructuring, both of which could undermine a fixed proposal should they occur in the period of time between the drafting of a policy and the submission of a planning application.

Requirements

- 7.5 An applicant, where it has been proved necessary and proper through the criteria listed in paragraphs 4.3, 4.4 and 4.5, will be expected to enter into an obligation to secure the delivery of open space as requested by Policy H9 in addition to the findings of the Open Space audit survey which is due to be completed by the summer of 2006.
- 7.6 The Borough Council will usually require that any open space is provided on-site (i.e. within a section of the proposed development as shown in the planning application). However, this may not be possible in all cases; for example, the renovation of an old industrial building will mean that there is no room to provide on-site open space. If on-site open space provision cannot be provided, then a contribution should be sought to improve existing public recreational facilities which will meet the needs of those occupying the new development. However, it is extremely difficult to impose a maximum parameter relating to where contributions can be spent away from the development in question, given the random location of where open space is situated within the Borough. The agreed contribution will therefore be used on the nearest open space to development, which in many cases means that improvements to open space will occur within the same Parish (**A map of Parishes in the Borough can be found in Appendix B**). The site will be identified by the Borough Council and agreed with the developer.
- 7.7 Examples of where contributions could be used to assist with improvements are as follows;
- (a) Artificial pitches and ancillary facilities (floodlights etc.)
 - (b) Upgrading of pavilion/dressing room facilities where improvements are necessary to bring into line with minimum health and safety requirements, and/or to provide additional capacity for the facilities that such facilities serve.
 - (c) Environmental improvement works (hard landscaping) consisting of the erection of seating, lighting, litter bins, or paths upgrading to enable the safe, practical and reasonable use of the open space that they serve

- whilst also ensuring that an acceptable level of access to and from the open space is created.
- (d) Improvements to ground drainage, fencing, lighting or safety surfacing which is necessary to meet any relevant adopted standards and at an acceptable level and frequency of use.
 - (e) Soft landscaping works that help with the enhancement of the visual appearance (and also help to contribute to the wildlife value) of the open space in question – this includes the planting of trees, shrubs and the general greening of any open space in question.
 - (f) Forward management strategies for open spaces and parks, outlining future maintenance or expansion plans.
- 7.8 In addition to all of the above, it is important to recognise that open space constitutes many areas of recreational land, and a full definition of ‘open space’ can be found within PPG17. One such element which is evident within the Borough are the numerous waterways running through Erewash. The Borough Council recognise that development opportunities exist adjacent to such courses and where new development is likely to bring pressures on waterways, early consultation work with river agencies (e.g. British Waterways) and partners involved in the improvement of the built and natural environment should take place to examine the extent to which waterway facilities will be affected. Discussions between river agencies and the Borough Council will then establish the possible requirements of an obligation to mitigate any identified affects.
- 7.9 The Borough Council recognises that within significant housing development, it is vital that provision is made for a sizeable component of open space/parkland which can be developed into a high-quality park with the opportunity to provide key recreational facilities which will provide a range of activities helping to enhance the quality of life for local residents.
- 7.10 Where on-site recreational provision is possible, the applicants must liaise with the Borough Council to ensure that future maintenance is agreed prior to an agreement taking place. Such discussions ideally take place at an early stage of discussions between the Council and the applicant. It is advised that the ownership of on-site open space, as provided by the applicant, is transferred into the Borough Council’s ownership upon completion, with commuted sums paid to provide for future management and maintenance costs. Generally, once the ownership of the land has been fully transferred, it will be the Borough Council who are responsible for all future maintenance costs and this guidance is contained within paragraphs B18-20 of Circular 05/2005. The exact nature of the maintenance contribution should be outlined in the Section 106 agreement.
- 7.11 The Borough Council has commissioned a study to assess and audit the stock of open space (as set out in PPG17) currently within Erewash. Upon completion of the study, the Borough Council will be able to use its findings to assess the level of need that exists in various localities around Erewash. The findings will then be used as a basis for discussions in assessing the need for open space contributions to be made by the applicant.

(ii) EDUCATION

National Policy Guidance

- 7.12 Non-statutory guidance relating to the minimum provision standards (school numbers and design elements) can be found in two Government-produced Department of Education documents. These are:

Building Bulletin 98: Briefing Framework for Secondary School Projects

<http://www.teachernet.gov.uk/docbank/index.cfm?id=8104>

Building Bulletin 99: Briefing Framework for Primary School Projects

<http://www.teachernet.gov.uk/docbank/index.cfm?id=8117>

Local Plan Policy

- 7.13 Local Plan **Policy C2 – School Provision** and Housing Development provides guidance on School and College Facilities. The Borough Council are mindful of the impact that new development can have on the level of education provision in the vicinity of the area. To mitigate the affects of increased level of demand for local school spaces, an applicant must make provisions to either upgrade existing facilities, or where necessary, provide for new educational facilities within Erewash. Where new facilities are deemed to be appropriate, the location will need to take into account and be in accordance with **Policy C1 - School Sites**.
- 7.14 The Borough Council has no educational function, as this is the responsibility of Derbyshire County Council who are the Local Education Authority (LEA) and governs the management of primary and secondary school education throughout Derbyshire. One of the responsibilities of the local LEA is to provide a School Organisation Report which is annually reviewed. The report which spans a period of five years looks at the need to either increase or decrease the number of school places within the County during this period.

Requirements

- 7.15 Given the relatively small geographical size and rural nature of the Borough, large-scale development will undoubtedly place pressures upon the existing network of educational facilities currently operational within Erewash. Where there is the possibility of the above occurring through the Development Control section receiving a planning application, the Borough Council will seek advice from Derbyshire County Council at an early stage of the process in order to establish the necessary level of planning contribution.
- 7.16 Should local schools in the vicinity of the proposed development be operating at maximum capacity (i.e. no additional capacity to absorb extra school children), coupled with an absence of any planned construction for additional facilities, then it will be up to the applicant to demonstrate how they are planning to offset any problem of over-provision in local schools. This could potentially be rectified by encouraging the applicant to make a contribution towards bringing additional places to be brought into use.

- 7.17 Where a potential development brings about the need for a new or replacement educational facility, applicants are urged to contact the County Council at the earliest opportunity to discuss possible options regarding the anticipated changes in infrastructure.
- 7.18 An applicant in their negotiations with the County Council should consider the location of school catchment areas within the Borough to establish the level of need that may arise from a development. Negotiations for temporary educational facilities will not usually be encouraged.
- 7.19 In establishing the above, two key pieces of baseline data are required to assess the arising need. These are:

Pupil Generation Figures – a figure derived from estimation of pupil numbers that will arise as a result of the proposed development.

Capacity and Catchment – the capacity of local catchment area schools and existing and forecast school pupil registers.

Generating a Contribution Sum

- 7.20 Where a proposed development will validate the extension of school facilities, applicants are advised to check guidance contained in **Building Bulletins 98 and 99** (see above links) adopted by the Department for Education and Skills which set out the cost of each additional pupil place. This can then be used to determine capital allocations to the LEA, and inform the applicant of their level of necessary contribution. This is calculated by a fixed contribution per dwelling, and is determined by Derbyshire County Council.
- 7.21 The figures used in the County Council's calculations may alter due to changing economic circumstances and fluctuating population rates.

(iii) HERITAGE

National Policy Guidance

- 7.22 Guidance relating to the historic environment can be found within **PPG15**, entitled 'Planning and the Historic Environment'. This document outlines the Government's approach to the conservation and enhancement of historic buildings and conservation areas.

Local Plan Policy

- 7.23 Local Plan **Policy EV1 – Erewash Valley** looks at acceptable ways of improving this area through the possible use of planning obligations (also of relevance to Environmental Sites). **Policy EV4 Conservation Areas – Enhancement Schemes**, and **Policy EV5 Conservation Areas – Development Control** contain specific guidance relating to the enhancement of conservation areas. **Policy EV6 - Listed Buildings** outlines the Borough Council's stance on permitted works to listed buildings in the Borough, whilst **Policy EV7 – Buildings of Local Interest** demonstrates what applications for development regarding such buildings should take into account. **Policy EV8 – Registered Historic**

Parks and Gardens describes the protection that they are given. **EV9 – Scheduled Ancient Monuments and Sites of Archaeological Significance** explains how such monuments and sites are protected from development. All the above policies are subject to the appropriate use and negotiation of planning obligations where the Borough Council feel that an enhancement within the historic environment can be brought about.

Requirements

7.24 Where the use of conditions are deemed to be inappropriate, the Borough Council will seek to negotiate a planning obligation in relation to development within or directly affecting conservation areas, listed buildings, archaeological and other heritage features.

7.25 Examples of types of development that may give rise to a planning obligation are as follows:

7.26 **Housing development within a conservation area:**
To offset the affects of a housing development within a conservation area, it may be appropriate for the Borough Council to enter into an obligation with the applicant to preserve or enhance other aspects of the conservation area which may include any of the following:

- Tree planting and other soft landscaping-related works
- Interpretation boards to emphasise local heritage
- Traditional street furniture (hard landscaping elements including lighting columns, seating, paving, litter bins etc.)
- Enhancements to open spaces that may include the upgrading of recreational facilities.
- Enhancements to how areas of open space are accessed.
- Contributions to any local heritage scheme improving the built historic environment.
- Improvements to local community facilities such as a library, community hall etc.

(Please note - All examples should ensure obligations relate to the area immediately surrounding the application site – i.e. the same conservation area.)

7.27 **Works affecting a Listed Building:**
Work to a listed building, such as the conversion to a residential use for example will place additional pressures upon the site's immediate locality. This may mean that either one or all of the works mentioned above are deemed to be appropriate to cushion the impact of the proposed development.

(iv) TRANSPORTATION

National Policy Guidance

7.28 Guidance to bring together the two issues of land-use planning and the creation of an integrated transport system can be found in PPG13: Transport. This

document also contains guidance on the usage of obligations when considering an acceptable level of transport provision resulting from new development.

Local Plan Policy

- 7.29 The Transport chapter of the Erewash Local Plan establishes the Borough Council's requirements regarding the level of transport provision. All of the policies conform to the general Government policy direction of reducing the need to travel, whilst at the same time providing greater choice in travel modes. The key over-riding aim of current transport policy is to integrate transport and land use to an acceptable level. The policies contained within the Transport chapter cover all aspects of travel, with pedestrians, cyclists and public transport users all recognised as having priority over provision of access for the private car. Where a greater choice of travel is required, or where facilities for more sustainable travel methods are necessary, then planning obligations will be used to fund such work.

Highway Works

- 7.30 Most development within the Borough will have transport implications for the area surrounding where the development is proposed. The level of impact in the majority of developments is minimal, but larger strategic schemes will have a much greater effect on their surroundings. To ascertain the likely level of impact, major development will need to accord with Policy T9 – Travel Plans, and produce such a document with it examining any effects that the development may have on the surrounding area. Where impacts are highlighted, policies in the Local Plan allow for obligations for appropriate works to be undertaken or sums to be paid to help mitigate any negative effects and give priority to the pedestrian in general.

Requirements

- 7.31 Where significant development is permitted, in many cases highway works will be required off-site to lessen the impact of a potential development. Where such works are necessary, these will be secured through an obligation (or where appropriate, planning conditions) and the applicant will either need to fund such improvement works themselves or contribute to the highways authority (Derbyshire County Council - DCC) costs for carrying out upgrading work.
- 7.32 Major development will naturally affect the strategic road network, and where it is felt appropriate after discussions with transportation authorities (DCC and the Highways Agency), the developer may be required to contribute towards the costs of a major transport scheme identified within the Local Plan (Ilkeston-Awsorth Link Road, reopening of a railway station etc.). Where this is deemed to be appropriate, the applicant will pay an agreed proportion of the total costs for such a scheme.
- 7.33 Other aspects that developers, after a Transport Assessment, may be required to make contributions towards are:
- (i) Additional public car parking

- (ii) Traffic calming measures (additional signalling, installation of roundabout, speed humps).
 - (iii) Traffic management measures – one way systems, relief roads etc.
- 7.34 Any obligation that involves work to highways will need to take into account the provisions found in **Section 278** of the **Highways Act 1980** that enables landowners to make financial contributions towards the carrying out of highway works.

Sustainable Transport Provision

- 7.35 With increasing emphasis placed upon sustainable transport principals that have been established by Central Government, contributions to works that will help achieve sustainability targets are increasingly being used. For schemes that will bring about significant transport implications (for example, a significant development in close proximity to a transport node will place pressures on that transport node to accommodate extra users/passengers), a Transport Assessment and Travel Plan (in accordance with Policy T9) should be used to ascertain the travel options that can help facilitate the development into its wider surroundings. The findings from both documents will help all parties involved arrive at a reasonable level of contribution that reflects the impact that the proposed development will have. It is generally felt that the production of a Travel Plan is a valid requirement on the applicant from a planning condition, and not an obligation.

Requirements

- 7.36 Where a proposed development has been identified as having significant transport implications, an obligation will be sought to lessen any adverse impacts. The Borough Council will consult with Derbyshire County Council, who have statutory powers for all highways and public transport matters within Erewash.
- 7.37 The use of obligations in this instance will be to help secure an improved level of access to development sites for a range of travel modes, notably those of walking, cycling and public transport. Some examples of where contributions can be used positively are:
- (i) to fund the provision / improvement of a bus service
 - (ii) to fund an extension or diversion of an existing bus service
 - (iii) the funding of transport infrastructure costs. These can be any of the following:
 - New railway station and additional car-parking (to accommodate multi-modal transport journeys)
 - Additional bus stops
 - Creation of new bus lanes
 - (v) to allow the funding of a Travel Plan (where conditions have failed to provide for the production of one).
 - (vi) to fund new pedestrian / cyclist routes or to upgrade existing facilities with work such as:

- Resurfacing of existing routes
- Additional lighting to ensure better visibility and safety for users
- CCTV funding to improve security on routes

(vii) to fund a Park and Ride facility which will partially or in its entirety, serve a proposed development site.

7.38 There is also the possibility of the developer making a contribution to a 'general financial pot' which will be used to fund general transport measures planned in a nearby area to the proposed development.

7.39 The recipient of any obligation monies will be Derbyshire County Council (as the Highway and public transport authority), with the obligation needing to be agreed between the County Council, Erewash Borough Council and the developer.

(v) DRAINAGE WORKS

National Planning Guidance

7.40 Planning Policy Guidance Note 25 – Development and Flood Risk was published in July 2001. The Council wishes to promote an integrated and sustainable approach to flood risk management, surface water drainage and the water environment in dealing with development proposals in Erewash Borough.

7.41 The Environment Agency has responsibility for the protection and improvement of the general environment. Some of the specific responsibilities are as follows:

- Flood Risk Management
- Sustainable Drainage
- Pollution Control and Prevention
- Protection of Ground Water and Water Resources
- Remediation of Contaminated Land
- Waste Management
- Biodiversity Enhancement

Local Plan Policy

7.42 Policies **DC7 – Development and Flood Risk**, **DC8 – Sustainable Drainage Systems (SuDS)**, **EV17 – Environmental Pollution** and **EV18 – Aquifer Protection** are all policies which demonstrate the Borough Council's commitment to the prevention of flooding within Erewash.

Requirements

7.43 The Supplementary Planning Document 'Flood Risk and Development' outlines when a flood risk assessment will need to be submitted to accompany a planning application. Where a flood risk assessment has established what mitigation measures need to be taken to facilitate the development, the applicant will be

expected to enter into an obligation with the Borough Council to deliver these measures and agree upon a future schedule of maintenance.
A proposed development can potentially increase the demand for water services, and where this is the case, developers may be required to support off-site infrastructure costs.

- 7.44 Environmental risk can also be overcome by the use of planning obligations. The Environmental Agency actively encourages the use of obligations to achieve sound environmental outcomes, where the scope of any improvement is outside the remit of planning conditions. If an Environmental Impact Assessment has been undertaken, the use of planning obligations to secure mitigation measures that are proposed within the Environmental Statement is a valid method of enabling such works to happen.

(vi) ENVIRONMENTAL SITES (WOODLAND AND BIODIVERSITY)

National Policy Guidance

- 7.45 Guidance for the Government's objectives on nature conservation is set out in PPS9: Biodiversity and Geological Conservation.

Local Plan Policy

- 7.46 Within the Erewash Local Plan, there are several policies which give specific guidance on how nature conservation should be addressed and applied within the Borough. Of specific interest is Policy EV12 which contains direct mention of the possible use of planning obligations. In addition to this general policy, there are other more specific policies relating to various aspects of nature conservation as is listed here.

Policy EV10 – Sites of Special Scientific Interest, Regionally Important

Geological Sites and Geomorphological Sites and Local Nature Reserves*

Policy EV11 – Protected Species and Threatened Species*

Policy EV12 - Nature Conservation – Planning Obligations and Conditions*

Policy EV13 – Creative Conservation*

Policy EV14 – Protection of Trees and Hedgerows

* - Specific mention of the use of Planning Obligations to alleviate harm and secure the beneficial management of features of major importance for wildlife.

Requirements

- 7.47 Development of any kind can have an adverse affect on wildlife and the local biodiversity in general. Where development has the potential to affect the above, it is vital that measures are taken to address any negative impacts. Given the broad range of habitats within the Borough, it is impossible to provide general guidance owing to the unique features of each case. The Supplementary Planning Document on Biodiversity outlines some of the situations in which ecological protection, enhancement, compensation and mitigation measures may be required, either in accordance with legislation, or in order to reduce negative ecological impacts to make a development proposal more acceptable in planning

terms. Where development proposals may result in ecological impacts, and conditions are deemed inappropriate, planning obligations may be used to:

- Ensure the protection and retention of features of interest
- Constraint potentially damaging activities
- Enhance the nature conservation value of a site or its surroundings
- Guarantee the undertaking of required mitigation or compensation works
- Guarantee long-term sympathetic management of a site or feature of nature conservation interest
- Transfer ownership of a site or feature of interest (with an appropriate commuted sum) to a suitable body, in order to safeguard the value of the feature/site for future generations.

7.47a The above list is in no way exhaustive, but the Borough Council will seek to negotiate Planning Obligations in imaginative and constructive ways to ensure that developments are acceptable in environmental and ecological terms, benefit the community, and result in no net loss (and ideally a net gain) for biodiversity.

7.48 Planning Policy Statement 9: Biodiversity and Geological Conservation encourages the use of planning obligations to ensure that new development proposals maximises the building-in of beneficial biodiversity or geological features as part of good design, making a positive contribution to the local environment.

Case Study – Green Space

7.49 Within a potential development site lies a green area consisting of hedgerows, a pond, trees and grassland. A planning obligation could be entered into which would see the management of the site transferred into the Borough Council's ownership. With a specified management plan, better linkages could be explored and established between the green space and its surroundings through improved or new footpaths. The Plan would also look at the future possibilities for the green space and include the possibility to create new habitats in association with the new development with obligations used to secure such works. There may also be provision made for local educational facilities, whether these take the form of interpretation boards, or an educational learning centre.

7.50 Unlike the transport-related obligations, monies from any agreement can be transferred over to other bodies such as the Derbyshire Wildlife Trust, Groundwork Erewash Valley or a local Parish Council to undertake, implement and maintain nature conservation-related works.

(vii) COMMUNITY FACILITIES

National Policy Guidance

7.51 Guidance for development relating to community facilities and the levels of provision are principally related to residential development. Mention of the need for an acceptable level of community facilities is made in PPG3: Housing, where it is acknowledged that in order to fulfil the Government's desire to create

sustainable communities, a range of community facilities need to be in place to adequately support people's everyday lives. The promotion of sustainable communities is also a central and key theme of Planning Policy Statement 1: Delivering Sustainable Development.

Local Plan Policy

- 7.52 The remaining policies that can bring about the use of planning obligations are general in nature, and given their ability to be used in almost any location within any Borough, it is appropriate to include them within a separate topic area. **Policy C3 – Community Facilities** covers many aspects of community provision, and is the overarching policy which necessitates the need for planning obligations where a potential development is likely to have an impact upon local service provision. **Policy DC5 – Public Art** indicates that, where appropriate, developers of major schemes will have to make a contribution towards the funding of street art which will help enhance the quality of the public realm. **Policy DC9 – Designing Out Crime** makes clear that, through the development control process (of dealing with a planning application), developers may be required where necessary to contribute towards security schemes such as CCTV, security shutters or improved lighting which will help to prevent acts of crime, leading to safer local communities.

Requirements

- 7.53 **Community Facilities:**
As has been described elsewhere in other topic areas, where any major development necessitates the need for community facilities, the Borough Council will, after an assessment of the implications generated by the development, require an obligation from the developer to provide the necessary facilities. Other topic areas have covered education and open space, two community benefits, but major development also brings different requirements, and other local facilities that may be deemed to be necessary are:
- Libraries
 - Health Centres
 - Community Hall
 - Police Station
- 7.54 As mentioned at the start of this document, the Borough has limited opportunity and scope for large-scale development which would normally necessitate such facilities as an additional library, or a community police station for example. However, where these were felt necessary, the former would be requested by Derbyshire County Council's education department who administer the county's libraries whilst the latter would be considered necessary by Derbyshire Policy Constabulary who would operate a completed facility.
- 7.55 A development that would require any of the above facilities would normally be stated as part of a site brief produced by the Planning Policy and Development section of the Borough Council.

7.56 **Designing Out Crime:**

The perceived fear of crime affects all communities across the Borough. Therefore, development which can help to alleviate the threat of crime, and also bring about a reduction in crime figures is encouraged. Where proposed development has the potential to increase opportunities for crime, the Borough Council will require measures to be taken which alleviate this possibility. Applications that have crime or anti-social implications will be studied by an Architectural Design Liaison Officer who represents the interests of the Derbyshire Police Constabulary.

7.57 In the majority of smaller applications, it will be recommended through the use of planning conditions, on how a property(s) can secure itself from the threat of crime. However, where a larger development will have a significant impact on policing resources, an obligation will be sought to help provide security measures in the immediate locality. In terms of covering as wide an area as possible, the funding of CCTV is a vital tool in keeping the streets and communities of Erewash free from crime and anti-social behaviour, and will be required where appropriate.

7.58 A planning obligation may also be sought from a developer to make a financial contribution towards a lighting scheme needed to ensure the additional safety of those who will use the proposed development. This could be to introduce new areas of lighting, or alternatively could be an upgrading of existing lighting contributing to ensure that people generally feel safer within the locality.

7.59 **Public Art:**

Public art can have a significant impact on environmental quality, transforming the landscape, both urban and rural, in a positive way. It can also reaffirm the identity of town centres within the Borough and its particular neighbourhoods, and help to develop a cultural value to urban renewal. Public art should be an important element in any proposal considered appropriate of its inclusion and its provision both within developments and in public areas nearby is therefore encouraged through the appropriate use of planning obligations.

7.60 The use of public art can also add quality to individual developments, and help with their integration into its immediate surroundings.

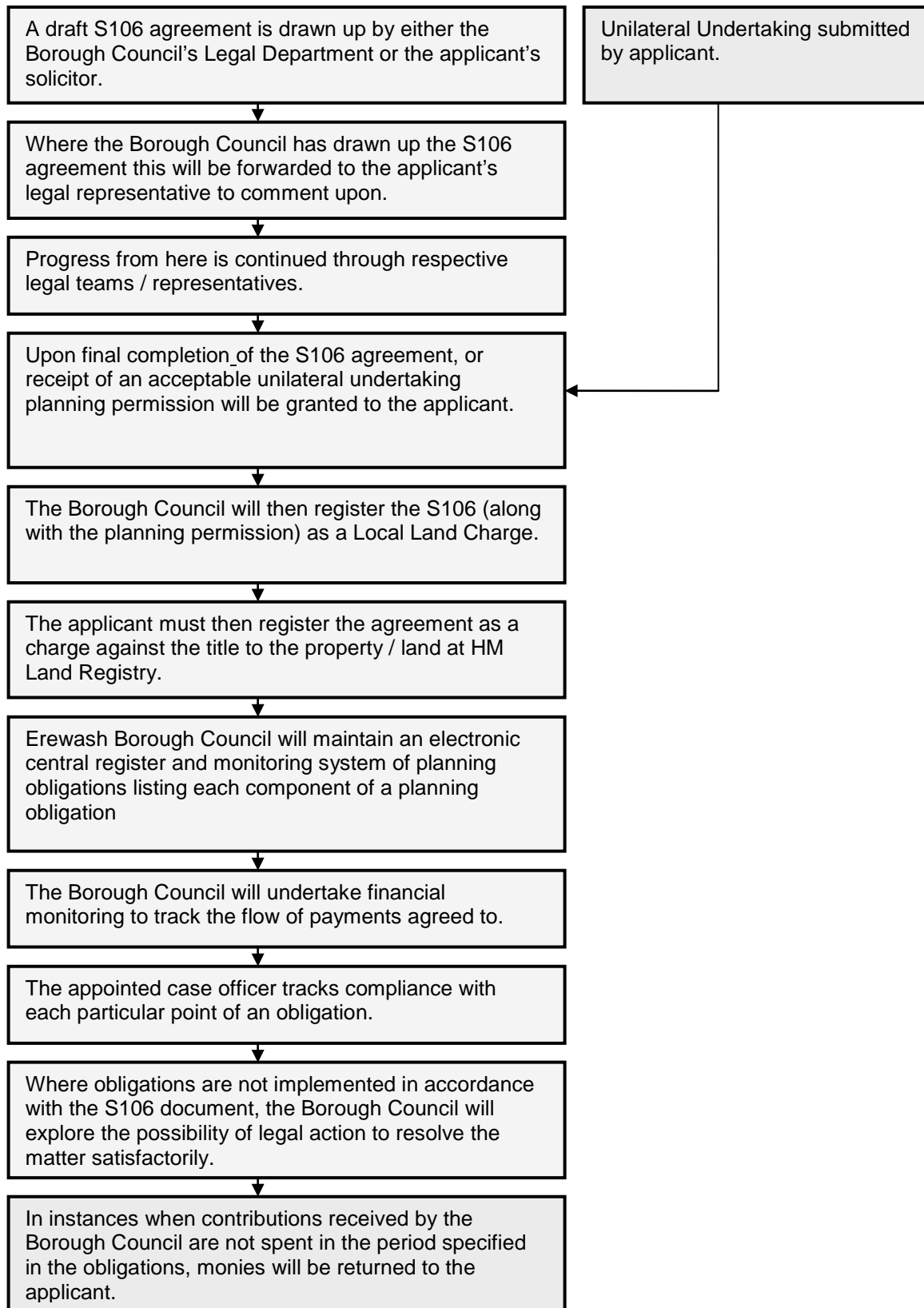
7.61 The Borough Council will seek where appropriate, planning obligations (in most cases through the use of a commuted sum) from the developer, in order to fund the installation and maintenance of public art in the nearby vicinity of where a proposed development is to be situated.

8.0 IMPLEMENTING AND MONITORING OF OBLIGATIONS

8.1 The implementing and monitoring of planning obligations is an important step in ensuring that benefits outlined within a planning obligation are adequately realised. Effective implementing of an obligation will naturally see action to bring about the benefit occur as early as possible. This is vital in order for identified impacts to be mitigated before they arise through development. Effective monitoring should be seen as a necessary step in tracking all components of an obligation, whether it is a direct financial contribution from one party to another or

the transfer of land from private to public ownership. This section will outline the steps involved with the monitoring of a planning obligation in the format of a flow-chart:

8.2 FLOW CHART SHOWING HOW AN OBLIGATION IS MONITORED



9.0 GLOSSARY OF TERMS

Section 106:

Also known as S106. It is the relevant section within the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) where powers relating to the uses of planning obligations are contained.

Planning Obligation:

An agreement between the developer(s) and the Borough Council which commits the developer to providing land, finance or buildings or other facilities which will help mitigate the impact of a proposed development.

Planning and Compulsory Purchase Act 2004:

The new Planning Act which replaces the Town and Country Planning Act 1990.

Sections 46 and 47:

These sections of the new Planning Act are the replacement for advice contained within Section 106.

On-site benefits:

Benefits brought about by a planning obligation(s) which are located within the proposed development (i.e. a new piece of public open space within a housing development).

Off-site benefits:

Benefits brought about by a planning obligation(s) which are located outside of the proposed development but are located within the surrounding community (i.e. a new link road to a housing development that will help alleviate problems of excessive traffic in the area).

Contributing sum:

A financial payment to the relevant organisation (Borough or County Council) to help with the provision of new facilities needed to mitigate any identified impacts from the development.

APPENDIX A – LOCAL PLAN POLICIES RELEVANT TO THIS SPD

POLICY H9 – SECTION 106 PLANNING OBLIGATIONS – HOUSING SITES

For proposed housing developments comprising ten or more dwellings, the Council will seek to enter into Section 106 obligations with developers to ensure that education and community facilities, including infrastructure requirements. Open space, health care and local shops, are provided to the extent necessary to meet demand arising from occupiers of the new dwellings.

POLICY C2 – SCHOOL PROVISION AND HOUSING DEVELOPMENT

Where the provision of additional school facilities is considered necessary due to a new housing development, the Borough Council will seek to negotiate provision in the form of land and/or buildings, equipment or a financial contribution from the developer to cover the cost of providing such facilities, secured via a Section 106 obligation.

POLICY C1 – SCHOOL SITES

The following sites, as shown on the proposals map, will be safeguarded for educational use:

Breadsall:	Moor Road.
Draycott:	Cleveland Avenue.
Ilkeston:	Off Charlotte Street & Barling Drive.
Stanley:	Off The Crescent, Stanley Common.

POLICY C3 – COMMUNITY FACILITIES

Where the provision of community facilities is considered necessary due to a development proposal, the Borough Council will seek to negotiate provision in the form of land, buildings, or a financial contribution from the developer. This will be secured via a Section 106 obligation.

POLICY EV1 – EREWASH VALLEY

Within the Erewash Valley the Borough Council will seek to protect and enhance its wildlife and its historic environment, provide countryside recreation facilities and reclaim derelict land. As opportunities arise the Council will seek to enter into Section 106 obligations with developers to secure the protection and enhancement of the Erewash Valley.

POLICY EV4 – CONSERVATION AREAS – ENHANCEMENT SCHEMES

The Council will prepare a timetable for enhancement schemes for the Borough's conservation areas in the plan period. Preparation of enhancement schemes will follow the production of conservation area appraisals.

POLICY EV5 – CONSERVATION AREAS – DEVELOPMENT CONTROL

Proposals for new development, including conversions, alterations, extensions and changes of use will only be permitted where the Borough Council is satisfied that such proposals will preserve or enhance the special character and appearance of the conservation area. Buildings, open spaces, trees and other features which contribute to the special character and appearance of the conservation area will be conserved and protected from harmful development.

Proposals to alter or extend unlisted buildings of architectural, historical, landscape or townscape value will be considered against the need to ensure the preservation of those elements of buildings which contribute towards the particular character of the conservation area. Alterations to existing shop fronts, including the addition of internal and external illumination will not be permitted where this will have a detrimental effect upon the character

or appearance of the building or the conservation area. The replacement of historic shop fronts will not be permitted.

Proposals to demolish or substantially destroy an unlisted building in a conservation area will not be permitted, unless it can be demonstrated to the satisfaction of the local planning authority that the building:

- (a) Is of an inappropriate design in the context of its location, or
- (b) Is beyond repair at reasonable cost, or
- (c) Is incapable of beneficial usage.

And that its removal is subject to the submission of detailed proposals for replacement development of appropriate design, scale and materials which would clearly preserve or enhance the character and appearance of the conservation area. Consent for demolition will only be granted subject to the requirement that such demolition does not take place prior to:

- (a) The granting of detailed consent for the replacement development, and
- (b) The letting of a contract for the approved replacement development.

POLICY EV6 – LISTED BUILDINGS

Buildings listed by the Secretary of State for Culture, Media and Sport as being of architectural or historic interest will be protected from inappropriate alteration and unsympathetic development which could harm their character or setting. Listed Building consent will not be granted for the demolition or inappropriate alteration or the removal of important internal or external features, of listed buildings. Planning permission will only be permitted for the change of use or conversion of a listed building where full details of design, materials, and impact on its setting of such a use has been submitted, where the change of use is vital to ensure the preservation of the listed building without loss of its character, and where the change of use will not be detrimental to local amenities.

POLICY EV7 – BUILDINGS OF LOCAL INTEREST

Applications affecting buildings of local interest or architectural interest will be considered against the following criteria:

1. The proposal should be sympathetic to the design and character of the existing building;
2. Materials;
3. Scale and proportion of the development;
4. The setting of the existing building.

POLICY EV8 – REGISTERED HISTORIC PARKS AND GARDENS

Proposals for development that would harm the character or setting of registered historic parks and gardens will only be permitted in exceptional circumstances.

Where there is an over-riding need for development which would affect historic parks and gardens, the local planning authority will minimise its impact. Where necessary, the local planning authority may require an historic landscape appraisal report where development affecting a historic park or garden or its setting is proposed. The integrity of a listed or historic building and its park or garden will be preserved and any development therein will be permitted only in exceptional circumstances.

POLICY EV9 – SCHEDULED ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL SIGNIFICANCE

1. In considering applications for development, there will be a presumption in favour of the physical preservation of scheduled ancient monuments and other nationally important monuments. Planning permission for development that would have an adverse effect on the monument or its setting will not be considered favourably.
2. In granting planning permission for development which would affect other sites of archaeological significance the local planning authority will seek preservation in situ as the preferred option. Where preservation in situ is not justified, the development will be required to make adequate provision for excavation and recording before or during development.
3. Where development proposals affects sites of known or possible archaeological interest, an archaeological assessment or, if necessary, a field evaluation will need to be submitted with the planning application.
4. Applicants for planning permission for development within the Dale Abbey area shown on the Proposals Map will, unless advised to the contrary by the Local Planning Authority, be required to submit:
 - (a) An archaeological evaluation of the site; and
 - (b) Where appropriate a statement demonstrating how it is intending to accommodate or overcome the archaeological constraints of the site.

POLICY EV10 – SITES OF SPECIAL SCIENTIFIC INTEREST, REGIONALLY IMPORTANT GEOLOGICAL SITES AND GEOMORPHOLOGICAL SITES, LOCAL NATURE RESERVES AND SITES OF IMPORTANCE FOR NATURE CONSERVATION.

1. Development in or likely to affect sites of special scientific interest (SSSI) will be subject to special scrutiny. Where such development may have an adverse affect, directly or indirectly on the special interests of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.
2. Development likely to have a significant adverse effect on a local nature reserve, a site of importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.

In all cases where development is permitted which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Conditions and / or Section 106 planning obligations will be used to secure necessary mitigation or compensatory measures.

POLICY EV11 – PROTECTED SPECIES AND THREATENED SPECIES

Development that would cause either indirect or adverse impacts on species that are protected by law or identified as nationally rare will only be permitted where:

1. A full and detailed survey has been carried out by a qualified ecological consultant to determine the status of the population, the likely impact of all phases of the development and any mitigation that may be necessary.
2. Proposals are submitted and supported by a Section 106 obligation that clearly demonstrates how the necessary mitigation will be achieved so that favourable conservation status of the species can be maintained on the site.
3. It is not a European protected species as defined in the 1994 Conservation (Natural Habitats, & Conservation.) Regulations. Mitigation measures may be proposed in

order to avoid or reduce disturbance to an acceptable level. However, permission will be granted only where impacts have been clearly identified in an ecological and / or geological statement, and acceptable measures to minimise or remove the impact can be implemented, managed and monitored in accordance with an agreed scheme. Priority will be given to retaining or replacing as many of the important features on the site. The Borough Council will require evidence to demonstrate that the retention or replacement is unviable prior to considering off-site replacements, which will be allowed only as a last resort. Where such measures cannot be secured by appropriate planning conditions they will be secured via legal agreements and Section 106 agreements.

POLICY EV12 – NATURE CONSERVATION – PLANNING OBLIGATIONS AND CONDITIONS

In considering development proposals the use of planning conditions and planning obligations will be considered where necessary to offset harm and secure the beneficial management of features of major importance for wildlife.

POLICY EV13 – CREATIVE CONSERVATION

Creative conservation will be carried out wherever opportunities arise. In particular, the Borough Council will improve the wildlife value of land in its ownership, especially public open space. In its consideration of planning applications the Borough Council will seek to negotiate Section 106 planning obligations to create new or improved habitats where this is necessary to make the proposals acceptable in planning terms and where it cannot be achieved by imposing conditions on a planning permission.

POLICY EV14 – PROTECTION OF TREES AND HEDGEROWS

Planning permission will not be given for development which could destroy hedgerows, areas of woodland, ancient woodland, trees protected by a tree preservation order, or trees in a conservation area unless their removal would:

1. Be in the interests of good arboricultural practice; or unless
2. The proposed development outweighs the amenity and conservation value of the protected trees, woodlands or hedgerows.

If the removal of a hedgerow or one or more trees is permitted as part of a development, a condition may require that a replacement hedgerow or an equivalent number or more new trees be planted either on or near the site.

Where trees are to be retained, planning permission will not be granted for development, including buildings, roads, pavements and underground services which will adversely affect the health of the trees.

POLICY EV17 – ENVIRONMENTAL POLLUTION

1. Planning permission will only be granted for development where there is no significant rise in air, water, noise, light or soil pollution. The Borough Council will impose conditions on planning permissions, as necessary, to ensure that pollution levels created by developments can be minimised.
2. Planning permission will only be granted for development close to existing sources of pollution, where the proposed use is compatible with the existing use. The Borough Council will impose conditions on planning permissions, as necessary, to ensure that future occupiers of developments are protected from existing sources of pollution.

POLICY EV18 – AQUIFER PROTECTION

Planning permission will not be granted for development which would be liable to cause contamination of the groundwater in aquifers unless satisfactory measures can be carried out as part of the development to prevent such contamination taking place.

POLICY T1 – ILKESTON – AWSWORTH LINK ROAD

Land as identified on the proposals map is protected for the construction of the Ilkeston – Awsworth Link Road. In considering applications for new development which affect the Ilkeston – Awsworth Link Road, the local planning authority will take account of the need to secure new highway proposals and improvements, and will refuse permission for development which would prejudice the construction or improvement of the highway.

POLICY T2 – PARKING

To maintain the vitality and viability of the town centres, off-street car parking will be managed to ensure efficient use of car parking spaces through the operation of charging systems. In considering development proposals, the Borough Council will have regard to the maximum parking standards set out in the parking supplementary planning document. Where development is proposed in locations which are readily accessible to existing car parking or are well served by public transport, levels of car parking provision may be required to be significantly below the maximum level. A level of parking in excess of the maximum standard will only be acceptable in exceptional circumstances, and where it is demonstrated that it is needed in the interests of public amenity, safety or to otherwise clearly benefit the town centre as a whole. Parking spaces to meet the needs of people with disabilities will be conveniently located.

POLICY T3 – PUBLIC TRANSPORT

Public transport facilities will be improved wherever opportunities arise. This will be primarily through the development control process but may also include environmental improvement schemes and traffic management. New developments should be designed in such a way as to ensure that wherever possible public transport facilities are within convenient walking distance of the whole site. The Borough Council, in considering development proposals, will seek to negotiate Section 106 Obligations to secure, where appropriate, the provision of or financial contributions towards measures to enhance existing public transport provision, in conjunction with the development proposals.

POLICY T4 – RAILWAYS

The Borough Council supports the improvement of the railway network, particularly the reopening of railway stations. Applications for reopening former railway stations will be approved, subject to satisfactory access, landscaping and other environmental considerations. A disused railway line off Meadow Lane, Long Eaton will be protected from development which may prejudice its re-use as a railway route.

POLICY T5 - DISUSED TRANSPORT ROUTES

In considering applications for development on a disused transport route, consideration will be given to the following criteria:

1. The need to protect and maintain a continuous route for walking, cycling and horse riding;
2. The likelihood of the route behind reopened;
3. The possibility of an alternative route being provided;
4. The need for the proposed development;
5. The impact on wildlife;
6. The impact on residential or recreational amenities;

7. The need to protect the continuity or restoration of disused railway lines or canals from prejudicial development;
8. The impact on the historic environment.

POLICY T6 – CYCLING

In considering applications for development, facilities for cyclists will be sought by negotiating Section 106 planning obligations with developers, provided that the obligations are directly related to the proposed development and are necessary to make it acceptable in land-use planning terms.

POLICY T7 – PEDESTRIANS AND DISABLED PEOPLE

Facilities for pedestrians and disabled people will be improved wherever opportunities arise. In particular, new development to which the public in general expects to have access, especially shops, sports, recreation and community facilities, will only be permitted if it is designed to meet the needs of people with impaired mobility, by the provision of accessible parking spaces, convenient movement along pathways and an unhindered approach to buildings. Where appropriate, conditions will be imposed on planning permissions to achieve these objectives.

POLICY T8 – TRAFFIC CALMING AND TRAFFIC MANAGEMENT

Traffic calming and traffic management measures will be introduced in order to improve road safety and the environment of residential areas, where it is desirable, in conjunction with the highway authority.

POLICY T9 – TRAVEL PLANS

Travel Plans will be required for all major development proposals for employment, retail, leisure or services, including schools and hospitals, or wherever a Travel Plan would help to alleviate a local traffic problem associated with a planning application. Where a Travel Plan is necessary to make a development proposal acceptable, its provision and implementation will be secured by means of a Section 106 obligation or planning condition.

POLICY DC5 – PUBLIC ART

Where appropriate, the Borough Council will seek to negotiate a contribution from developers of major retail, commercial, industrial or leisure schemes towards the provision of new works of art.

POLICY DC7 – DEVELOPMENT AND FLOOD RISK

Planning permission will only be granted for development proposals within areas of flood risk where the development would have no adverse effect on the management of that risk. Where it is judged that a development proposal would be likely to increase flood risk, satisfactory compensatory measures will need to be incorporated.

When considering development proposals, the Council will have regard to the need to:

1. Ensure that development is adequately protected from flooding;
2. Provide access to a watercourse for maintenance purposes;
3. Prevent development from exacerbating existing or potential flood risk;
4. Ensure that there are no reasonable alternative options available for the proposed development in a lower flood risk category, consistent with other sustainable development objectives.

POLICY DC8 – SUSTAINABLE DRAINAGE SYSTEMS (SUDS)

The Borough Council will encourage the use of SUDS as reed beds, as a means of treating surface water run-off from development sites. In particular SUDS methods will normally be required where development involving significant surface water run-off is proposed in areas:

1. Where diffuse pollution can reach a watercourse without adequate prior filtering;
2. Which lie upstream from an area prone to flooding and where the slowing down of surface water would avoid exacerbating the problem, and / or
3. Where the existing drainage system is restricted in its ability to accept the development proposal.

POLICY DC9 - DESIGNING OUT CRIME

Through the Development Control process, consideration will be given to designing out crime. Where appropriate, the Borough Council will seek to negotiate Section 106 obligations with developers in order to secure improved lighting, closed circuit television cameras or other security measures.

**APPENDIX B – MAP OF PARISHES WITHIN THE BOROUGH OF EREWASH
(to be used in conjunction with establishing open space provision in 7.1)**

