

Policy Context

1. The Relevant national regional and local planning policies and guidance in relation to this statement and justification of the Civic Amenity (CA) contribution is provided below. The main relevant planning policies and guidelines are the Town and Country Planning Act 1990 (As Amended); Circular 2005/05 - Planning Obligations; The East Midlands Regional Plan and Leicestershire County Council's Statement of Requirements for Developer Contributions in Leicestershire (SRDCL).

2. *National Policy Context*

The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) established the statutory framework for developer contributions in the form of Section 106 Planning Obligations. The Act provides that a planning obligation may:-

- be unconditional or subject to condition;
- impose any restriction or requirement for an indefinite or specific period;
- provide for payments of money to be made either of a specific amount or by reference to a formula and required payments paid for a specific period

3. Government Guidance contained in *Circular 05/05 Planning Obligations* is of

relevance to the implementation of the Act. A planning obligation must be

- relevant to planning
- necessary to make the proposed development acceptable in planning terms
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development and
- reasonable in all other respects

4. *Regional Policy*

The East Midlands Regional Plan, adopted on 12th March 2009, is the Regional Spatial Strategy for the East Midlands. It sets out a broad long term development strategy for the East Midlands (2001-2026) including the scale and distribution of new housing and priorities for the environment, transport, infrastructure, economic development, agriculture, energy, minerals and waste treatment and disposal. It provides the regional context within which local authorities develop their own planning policies and makes decisions on individual planning applications.

5. It replaces previous policies saved from the Leicestershire, Leicester and Rutland Structure Plan (2005). Policy 57 - Regional Priorities for Implementation, Monitoring and Review states;-

Local Authorities should work with developers, statutory agencies and other local stakeholders to produce delivery plans outlining the infrastructure requirements needed to secure the implementation of Local Development Documents. These should include guidance on the appropriate levels of developer contributions, and the mechanisms for securing the delivery of such contributions...

6. *The Statement of Requirements for Developer Contributions in Leicestershire*

The County Council adopted its original supplementary planning guidance in March 2001 and established the protocol for consultation between the County and the District Planning Authorities.

The guidance was updated in the light of changes in circumstances, revised calculations and experience since its adoption and following a review in 2005/06 including a period of consultation with a broad range of bodies and related organisations the reviewed guidance was adopted in December 2006.

7. The County Council adopted its developer contributions policy the 'Statement of Requirements for Developer Contributions in Leicestershire (SRDCL) (This document was the subject of an interim review to take account of revised standards/formulae in December 2007). The document sets out the expected types and likely levels of contributions required towards County Council services and infrastructure in relation to new development, including education, highways/transportation, CA, library services, country parks and (where appropriate), museum and cultural planning, adult social services and other recreational facilities.
8. The document has been adopted as Leicestershire County Council policy for dealing with developer contributions towards County wide services and infrastructure and was produced in consultation with a wide range of relevant bodies including the Local Planning Authorities within Leicestershire.
9. This document provides a consistent approach across the County in relation to developer contributions for County Council services and infrastructure. The SRDCL also provides a procedural framework with the District Councils in Leicestershire to ensure that the County Council's current developer contributions requirements are known and applied.
10. It is intended that the SRDCL provides a consistent approach across Leicestershire, and should be adopted by each Local Planning Authority in Leicestershire in support of its own supplementary guidance for its own services.
11. In appropriate cases the SRDCL statement will form a material consideration in the determination of planning applications and could form the basis for grounds for refusing a planning application if the requirements are not met. In some instances, it may be possible to make development proposals acceptable through the use of planning conditions (see Circular 11/95). Where this is not the case, it might be

possible to make development acceptable through the use of planning obligations (in accordance with the appropriate regulations e.g. Circular 2005/05).

Justification for the CA Contribution Rate

12. The European Council Framework Directive on Waste (2008/98/EC) sets out a number of objectives in order to manage our waste more in line with the waste hierarchy, i.e. to minimise waste, to encourage recycling and recover energy. The United Kingdom has been set targets to reduce the amount of waste it sends to landfill under the European Council Landfill Directive (1999/31/EC). Department for the Environment, Food, and Rural Affairs (DEFRA) published many new national waste targets and objectives in the Waste Strategy for England 2007.

These include higher targets for recycling and composting of household waste (which includes doorstep waste collections and most waste delivered to CA Sites) to at least 40% 2010; 45% by 2015; and 50% by 2020

The East Midlands Regional Waste Strategy

13. The East Midlands Regional Waste Strategy provides a framework to allow the region to progress to more sustainable waste management practice, including recycling and recovering as much value from waste where recycling is not as possible.
14. Priority Issue 5 (Policy RWS5) calls for the prevention and improved management of Municipal Solid Wastes. The strategy recognises that steady progress has been made to recycle and recover municipal waste but more is required and a suite of regional actions to support and aid waste minimisation, recycling and recovery is laid out.
15. The County Council's existing CA Sites are making an important contribution towards diverting the regions municipal waste from

landfill. The Regional Spatial Strategy (RSS) incorporates the policy context and objectives set out in the Regional Waste Strategy. RSS Policy 38 has a number of priorities and includes targets for minimum performance on Waste Disposal Authorities for increasing the recycling and composting of Municipal Waste.

16. The Leicestershire Municipal Waste Management Strategy 2006 (LMWMS) objectives, priorities and targets focus on sustainable waste management and use of resources. Policy 7 of this strategy states *“The Leicestershire authorities will provide a network of quality Recycling Household Waste Sites which maximise the opportunity for segregated collection of as broad a range of materials as available markets allow.”*
17. In addition the aim of Policy 12 of the LMWMS is to manage waste in accordance with a hierarchy of prioritising re-use, recycling and composting of waste in order to conserve energy and resources. In view of this, then new development should be provided with easy convenient and accessible methods of waste management and recycling.

Requirement for additional capacity

18. The need for additional CA capacity likely to arise out of a new development is determined by the County Council which assesses the capacity of a CA site and its relationship between new residential development and the increased waste likely to be generated by each additional household.
19. The Oadby CA Site has recently been designed to accommodate moderate growth over the plan period. However if a major development was proposed within the borough which would generate capacity that could not be accommodated by the existing CA site infrastructure then

the County Council would require a developer contribution to enable it to accommodate that proposed additional growth.

20. Any new planning applications for example for residential development would be assessed on their own individual merits. A development proposal which would have impacts and place further demands on the CA site may result in a request for a developer contribution based on the per dwelling rate. However there are developments for example sheltered housing which would not necessarily generate an increase in CA site use. In such cases there would not usually be a claim required for a CA contribution.
21. In our opinion a robust relationship between house types and CA use is difficult to establish. This is due to the many other factors determining how or why a resident may use a CA facility. These factors can include the current economic climate, the local waste collection regime and/or restrictions of the local district council as well as how residents prefer to manage their waste at the individual dwellings.
22. A new development which has an impact on a CA site would be used to fund improvements to upgrade/enhance the waste capacity or redevelop part of the existing CA site. This allows for increased CA facilities and capacity to manage the additional amounts of waste to be recycled as a result of the impacts of a new development. The composition of the waste may also vary over time, and this might require changes to be made to the CA facilities to enable the additional waste to be recycled.
23. The cost of providing the additional capacity is calculated by multiplying the number of additional dwellings, (each additional net dwelling is claimed), by the cost multiplier for Leicestershire CA contributions rates for the Oadby CA site and at a price base rate as of April 2009 this was £48.95 per dwelling.

- 24 Each CA site within the County is assessed on its individual impacts and the cost of installing additional infrastructure where required to mitigate any impacts from a new development. As such each CA site across the County can have a different contribution cost per dwelling as befits the required infrastructure needs for that particular CA site.
25. The rate indicated relates to the provision of increased capacity at the CA site at Oadby or at a replacement site. Whilst the rate has over time increased in line with the BCIS all in tender Price index it is worth noting that as part of the on-going feasibility work recent estimates for other CA Sites have placed actual costs might be higher. Hence the actual cost per dwelling would be higher than the amount claimed; as such rates are likely to be revised in the future. A requested contribution is proportional to the likely impact the extra houses would have on the CA Site. In simple terms, as an example, a 1.5% increase in users would require a site that has 1.5% more infrastructure to be able to receive and store waste.

Summary

26. In summary it is essential that an effective service and recycling rates can be maintained at the CA sites in Leicestershire. Developer contributions can play a part in ensuring the funds are available to provide the additional infrastructure required to provide a sustainable waste management process, in line with policy, and that the additional waste that is likely to be delivered as extra storage capacity can be provided, as well as ensuring the different types of the waste that can be separated whenever possible for recycling and reuse.