

# LEICESTERSHIRE PLANNING OBLIGATIONS POLICY

## Draft for Consultation

June 2014

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## **1. INTRODUCTION**

- 1.1. The purpose of this planning obligations policy is: to provide guidance on the level and type of contribution that developers will be expected to make towards infrastructure provided by Leicestershire County Council that is necessary to achieve sustainable development and make development acceptable in planning terms; to provide a consistent and transparent approach to planning obligations for County Council services so communities are able to see and understand how development is making a fair and positive contribution in their area; to guide Local Planning Authorities (LPAs) in discharging their planning functions.
- 1.2. The policy does not cover services provided by District and Borough Councils, for example, Affordable Housing, nor contributions that may be sought by other infrastructure providers, for example, Police, NHS and Fire & Rescue Service. Early contact with the relevant organisation is recommended to ensure full account is taken of other service requirements and policies.
- 1.3. The policy uses the term planning obligations to describe the whole range of matters covered by developer contributions; legal agreements for financial contributions, maintenance payments, replacement of resources and the provision of infrastructure and public buildings.

## **2. STATUS OF THE DOCUMENT**

- 2.1. The Planning Obligations Policy is an adopted policy of the County Council which has undergone a formal consultation. It is a replacement for the Leicestershire County Council *Statement of Requirements for Developer Contributions in Leicestershire* which was adopted by the County Council in December 2006 followed by an interim review in 2007.
- 2.2. The Planning Obligations Policy is capable of being a material planning consideration in the determination of planning applications and the development of planning policy.

### 3. POLICY CONTEXT

#### Legal Basis and National Policy

- 3.1. The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) establishes 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 conditions;
  - impose any restriction or requirement for an indefinite or specified period;
  - provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 3.2. When considering planning applications for development, local planning authorities should consider whether unacceptable development could be made acceptable through the use of planning conditions or obligations. Where it is not possible to use planning conditions to address unacceptable impacts only then should planning obligations be used. Planning obligations can only be sought where they meet all three tests which are set out in Regulation 122 of the CIL Regulations and paragraph 204 of the National Planning Policy Framework 2012. It requires planning obligations to be sought only if they meet the following tests.
- 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;
- 3.3. Local planning authorities may still accept planning obligations which do not meet the CIL tests providing they do not form part of the basis for the grant of planning permission. For instance, a development may be put forward as not only acceptable but as carrying with it other benefits that are desirable for the area but are not in themselves necessary to make the development acceptable.

#### Community Infrastructure Levy

- 3.4. The Community Infrastructure Levy (CIL) is a levy that local planning authorities (LPAs) in England and Wales can choose to charge on new development in their area. The CIL can be used to provide new infrastructure to support growth and development of an area in line with a local authority's development plan. The government has set a date by which CIL ought to be introduced of 1st April 2015, after which (regardless of whether a CIL is introduced in a LPA area) the use of s106 planning obligations will be restricted in use to 5 obligations for any individual project.

- 3.5. CIL is set by 'charging authorities' and in two tier authorities this is the District or Borough Councils. A CIL can only be introduced if there is an appropriate adopted development plan in place. The development plan sets out the scale and location of development and infrastructure required to meet the needs of an area over at least a 15 year period.
- 3.6. In setting proposed rates for the CIL, charging authorities have to identify the total infrastructure funding gap that the levy is intended to support having taken into account other sources of available funding. Charging authorities will need to strike an appropriate balance between the desirability of funding infrastructure and its effects on the economic viability of development in their area. A charging schedule must be subject to public examination by an independent person.
- 3.7. As and when a CIL is introduced across Leicestershire, the County Council will have a key role to play in identifying the infrastructure that will be required through development plan preparation (for example, highways, transport, education), the level of CIL that could be available to fund that infrastructure and the mechanism by which CIL will be made available to meet those infrastructure requirements. However, regardless of whether or not a CIL is introduced in any part of the county, section 106 will continue to have a role and this document will remain relevant in that context.

#### Local Plan Policies and Obligations

- 3.8. In preparing Local Plans, each LPA will need to address in their plans their approach to planning obligations. Along with the infrastructure schedule that should accompany local plans, they should also set out clear policies on how section 106 and the delivery of infrastructure will be achieved. This Leicestershire Planning Obligations Policy would assist LPA's in developing those approaches and could be referred to in the evidence base.

#### **4. TYPES OF PLANNING OBLIGATIONS**

- 4.1. The types and scale of planning obligation required will be directly related to the impact of a proposed development on local services, infrastructure and resources. Planning obligations will either be 'works in kind' or in the form of a financial contribution.
- 4.2. A planning obligation can seek to offset the loss or damage to, a feature or resource on a site (e.g. a landscape or ecological resource). This can be provided through substitution, replacement or regeneration. It may not be necessary to provide a like for like substitute, but a reasonable obligation will seek to restore facilities, resources and amenities to a quality at least equivalent or better to that which existed before the development.

- 4.3. In the case of financial contributions, the payments can be made as a lump sum, which may have to be paid in advance, or phased payments over a period of time, related to defined dates, events or triggers points. If the legal agreement states that a sum of money must be paid, the agreement must also set out the time frame for when the money must be spent. This will depend on local circumstances and what is considered appropriate. If the money is not spent within the time agreed the developer can expect to be reimbursed the outstanding amount plus any interest accumulated.

#### Maintenance payments

- 4.4. Where obligations are secured for the provision of facilities primarily for the people who will reside on the development or neighbouring residents, it may be appropriate for the developer to contribute to their subsequent maintenance. As a general rule, where an asset is intended for wider public use, the costs of ongoing maintenance and other recurrent expenditure associated with the developer's contributions should normally be borne by the County Council or relevant public sector body.
- 4.5. When obligations to the ongoing maintenance of new facilities are appropriate, these should reflect the time lag between the provision of the new facility and its inclusion in public sector funding streams. Payments will be time-limited with an end date. Both parties should agree the type of payments to be made e.g. regular payments, or commuted sums, all with a clear audit trail.

#### Pooled contributions

- 4.6. There will be occasions when development in a particular locality is divided between developers or is planned to be developed in a phased manner. The needs created by the development as a whole will be calculated and used as the basis on which to seek contributions from all the developers involved. Developers' contributions will be 'pooled', in order to allow the infrastructure to be secured in a fair and equitable way.
- 4.7. Normally the County Council will expect to consider the requirement for a contribution to services from residential proposals of at least 10 dwellings or 0.25 hectare. There might be situations where there are a number of proposals for less than 10 dwellings in an area and the County Council and the District Councils will consider the accumulative impact of these smaller proposals where it is found that collectively they will place a demand on services/infrastructure within the area that would require a contribution. For example, in relation to education, pooled contributions will be sought if several developers come forward with site proposals in the catchment area for one particular school. Pooling can take place both between developments and with other local authorities where there is a cross-authority impact.

- 4.8. In some cases an individual development will have some impact, but not sufficient to justify the need for a specific element of infrastructure. It will be necessary to consider whether it is appropriate to seek contributions for overall service provision (the CIL tests will have to be demonstrated). In these cases, spare capacity in existing infrastructure provision should not be credited to earlier developers, whilst subsequent inadequate facilities costs are borne by later developers.
- 4.9. If Leicestershire County Council provides an item of infrastructure arising from the collective impact of several new developments, and further developments subsequently come forward, the later developers may still be required to contribute the relevant proportion of the costs. This practice can still meet the requirements of the CIL tests if the need for the infrastructure and the proportionate contributions have been set out in advance.

## **5. NON RESIDENTIAL DEVELOPMENT**

- 5.1. Large commercial, retail, employment or other forms of development can have service and infrastructure requirements because large numbers of people may be brought to the area for employment. If the County Council is able to quantify that there is a particular need directly related to the development, contributions will be sought in relation to these types of developments. Normally the type of need identified for commercial or employment sites have mainly been in relation to highways and transportation. In some instances contributions for other services, (library services, leisure and recreational facilities) might be sought for example where there is staff training.

## **6. SUSTAINABLE URBAN EXTENSIONS, STRATEGIC DEVELOPMENT AREAS & OTHER MAJOR DEVELOPMENTS**

- 6.1. Sustainable urban extensions (SUEs) offer planned expansion of existing settlements to create sustainable patterns of development with well planned infrastructure to support growth – there are five potential SUEs and one strategic development area (SDA) identified within the County:-

District	SUE	No. of dwellings
Blaby	Lubbesthorpe	4500 dwellings
Charnwood	NE of Leicester	4500 dwellings
	West of Loughborough	3000 dwellings
	Birstall	1500 dwellings
	Shepshed	500 dwellings
Harborough	Airfield Farm SDA	Min of 1000, Max 1800
Hinckley & Bosworth	Barwell	2500 dwellings
	Earl Shilton	2000 dwellings
Melton	Land North of Melton	1000 dwellings
NWL	Bardon Grange	3500 dwellings

- 6.2. A consistent, coherent and effective approach to planning obligations is needed to enable the delivery of infrastructure and services required to support the growth of major developments and SUEs. This will require the consideration of a number of infrastructure issues to enable the provision of suitable levels of planning obligations to fund local services and infrastructure.
- 6.3. The County Council, working in partnership with the District and Borough Councils, will seek to ensure appropriate infrastructure and services are delivered by securing necessary planning obligations to support the sustainable development and growth within the County of major developments.

## 7. DEVELOPMENT VIABILITY

- 7.1. Economic cycles will have an effect on the number of developments coming forward at any particular time. The economic downturn that began in 2008 had a particular affect on sites coming forwarding in Leicestershire, highlighting issues around the economic viability of certain developments. At the same time there has been reduced public sector funding for local infrastructure to support local communities and growth. The outcome of these pressures is that there are two key issues essential to the promotion of planning applications, namely, sustainability and viability.



- 7.2. Sustainable development is at the heart of the purpose of planning. Local planning authorities should ‘take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.’<sup>1</sup> Local planning authorities should also work proactively with applicants to secure developments which improve the economic; social and environmental conditions of an area<sup>2</sup>.
- 7.3. The effective use of previously developed land (brown-field land) can be a means of achieving sustainable development, provided that it is not of high environmental value. The development of previously developed land can have higher development costs than green field sites and may therefore affect the amount of contributions that would be available for services and infrastructure.
- 7.4. In some circumstances the obligations may prevent a development from going ahead, because the scheme would be financially unviable (e.g. additional costs associated with land clearance and de-contamination). In these circumstances, where the developer claims that meeting the obligations will make the development unviable and the LPA consider it would be appropriate to grant planning permission without the full developer contributions being available because the development would achieve an overriding planning purpose, the County Council will need to consider whether it would be able to enter into an agreement that did not meet its full requirements. That consideration will depend on the evidence around viability, the LPA’s reasons for granting planning permission, the effect on communities of the lack of service provision and the County Council’s priorities.
- 7.5. In such circumstances, the responsibility lies with the developer to provide evidence of the financial viability of the scheme on an open book basis. However, generally, the County Council considers the costs/obligations incurred in delivering sustainable high quality development which does not negatively impact on infrastructure are necessary and required to be met by the development, otherwise the development might be considered unacceptable.
- 7.6. The District or Borough Councils are the local planning authorities and will normally determine planning applications, particularly for residential developments. In situations where a local planning authority may not accept the County Council’s requests for planning obligations in full, then the County Council would expect a review mechanism within the planning agreement, to enable in appropriate circumstances an uplift in the planning contributions.
- 7.7. Leicestershire County Council will work with the local planning authorities and developers to assist in the use of flexible trigger points to defer payments of planning obligations/developer contributions to help development remain viable where appropriate.

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<sup>1</sup> Paragraph 17 NPPF

<sup>2</sup> Paragraph 187 NPPF



## 8. TYPES OF AGREEMENT

- 8.1. The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) makes provision for voluntary legal agreements to be entered into with developers in conjunction with the grant of planning permission. These agreements may be identified in various ways (e.g Section 106 agreements, planning contributions, planning obligations, planning gain and developer contributions). Developer contributions can enable a development to proceed which may have been otherwise refused because of the negative consequences that the development could potentially have on an area.

### Negotiated and Unilateral Agreements

- 8.2. Planning obligations can be provided as either planning agreements or unilateral undertakings made by the developer. In many cases, it is expected that local planning authorities and developers will finalise planning obligations through a planning agreement, within the context of granting planning consent. However it is open to the developer to submit a unilateral agreement to support a proposal.
- 8.3. Planning obligations might be used to i) prescribe the nature of a development; ii) to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); iii) to mitigate a development's impact on the locality (e.g. through improved public transport provision). The outcome of all three types of contribution should be that the proposed development concerned is made to comply as far as practicable with published local and national planning policies.
- 8.4. Where a local planning authority enters into a renegotiation of a Section 106 planning agreement either voluntarily or on receipt of a formal request, then the County Council should be involved in the negotiations to ensure the requirements for infrastructure can be given full consideration to make sure development remains acceptable in planning terms.

## 9. THE SCOPE OF THIS POLICY

- 9.1. There is an extensive range of infrastructure and public benefit provided by the County Council that could be appropriate for developer contributions and these are:-

- Adult Social Care and Health
- Civic Amenity
- Economic development
- Education
- Highways and Transportation
- Library Services
- Sports & Recreation facilities

- 9.2. The planning obligations which are the direct responsibility of the Borough and District Councils will be covered in their individual planning obligations/developer contributions policies.
- 9.3. A protocol for ensuring that all County Council service providers have the opportunity to assess the infrastructure and service needs arising from a new development proposals, are described in the Notification Procedures on Planning Obligations in Appendix 9.

## **10. COST RECOVERY**

- 10.1. The County Council considers that it should reasonably be able to recover a degree of the costs entailed in the negotiating, making and subsequent monitoring of developer contributions. This might be the case where it can be demonstrated that such payments make a significant contribution to the speed and efficiency with which negotiations are completed.
- 10.2. Leicestershire County Council can reasonably recover the costs of:
- legal fees for the processing, preparation and conclusion of legal agreements;
  - costs of monitoring the payment and implementation of schemes;
  - potentially, the costs of obtaining independent advice, if necessary, to validate specific aspects of the application.
- 10.3. In the context of (ii) above, it would seem reasonable to seek a payment of 3% of the total sum of contributions towards LCC services *or* £300 per individual contribution, whichever is the greater. Where there is no monetary developer contributions, the flat rate of £300 will be payable for each individual obligation.

### Cost recovery for SUEs & Major Developments

- 10.4. The County Council recognise a balance has to be struck between the delivery and implementation of major developments and the cost of monitoring the phases and trigger points often over a long period of time for example 10 to 15 years. In view of this point, it is felt a negotiated fixed monitoring cost (rather than the percentage used in paragraph 10.3) should be charged to reflect the recovery of the costs associated with the complexity and time taken in monitoring planning obligations associated with major developments.

## **11. PAYMENT OF FINANCIAL CONTRIBUTIONS**

- 11.1. The timing and payment of planning obligations will be negotiated and set out in the legal agreement that is drawn up. The agreement will also detail the phasing and/or trigger for payments and/or infrastructure contribution. S106 payments received by the County Council as a result of planning obligations will be used solely for the purpose set out in the agreement.

- 11.2. There may be circumstances where the cost of preparing legal agreements is justified for securing payment of small amounts of monies. The County Council will accept 'up-front' cash payments in lieu of a formal agreement, secured towards a particular facility or service subject to a full audit trail being made to ensure the planning obligation is recorded properly.

## **12. PRE-APPLICATION AND APPLICATION DISCUSSIONS**

- 12.1. It is usual for S106 agreements to be agreed and in place before planning permission is given. The County Council (and district/borough planning authorities) recognise the benefits to all parties of pre-application discussions in establishing the level of contributions and ensuring timely determination of proposals. It will facilitate early negotiation through the formal protocol set out in Appendix 9. It is essential that developers/agents contact the County Council Planning Obligations coordinator with sufficient details about the type and location of a proposed scheme, if they wish to be informed about the likely level of contributions they will have to make for a particular development. Charging for pre-application advice is undertaken by all local planning authorities in the County. The County Council currently does not charge for pre-application advice in relation to developer contributions.

## **13. IMPLEMENTATION AND MONITORING OF PLANNING OBLIGATIONS**

- 13.1. The County Council Planning Obligations coordinator provides a single point of contact for developers and local planning authorities in relation to planning obligation matters. The County Council recognises the importance of the efficiency and transparency in the monitoring, receipt and use of planning obligations/developer contributions. The County Council aims to provide a clear audit trail by the following means:
- the establishment and continued development of its planning obligations monitoring system (for example creating a shared database), to help co-ordinate obligation preparation, completion, monitoring and review;
  - providing regular reports on the operation and outcome of County Council developer contributions;
  - ensuring financial contributions are used for the specific purposes for which they are required, through transparent accounting procedures;
  - liaison between the County Council and District/Borough Councils, where infrastructure and facilities are provided by one level of authority but the financial contribution is held by the other.

**APPENDIX 1****ADULT SOCIAL CARE AND HEALTH**

- 1 The County Council has a duty to protect vulnerable groups of people, including children and young people. People may need social care or support during a crisis, because of their age, long term ill health or disability, or because they are caring for others. The Leicestershire joint strategic health and care needs assessment<sup>3</sup> has informed the joint Health and Wellbeing Strategy<sup>4</sup>. ing delivered through action plans focussed around better public health, children’s health, and mental health.
- 2 New residential developments can have an impact on LCC Adult Social Care provision. In some circumstances this will be more acute where there are developments which accommodate a high proportion of older people, people with learning difficulties or people with a physical disability.
- 3 The County Council has in recent years moved away from the ‘traditional’ approach of providing residential care facilities itself to commissioning private, community and voluntary sector service providers. In addition the County Council has been moving towards community and home based services. This approach relies on the assessment of individual needs and the design of more bespoke care packages.
- 4 There is a multi agency integrated community facilities approach adopted, for example, health and social care centre, community centre, extended school as promoted in the Government’s White Paper ‘Our Health Our Care Our Say’
- 5 Leicestershire County Council approach to social care is underpinned by the following key principles:-
  - a) People requiring care should be given the opportunity to be supported to live independently as far as possible;
  - b) People requiring care services should be given the opportunity to choose to remain in their local community and reside in their own homes rather than to live with parents or in institutional care because of the lack of social or specialist housing available;
  - c) New residential development should be designed to accommodate and facilitate the needs of people requiring care to enable them to continue to reside in their homes rather than having to move into residential care services.
- 6 Developers should apply design for life standards for all new housing to enable people who are or find themselves requiring care to reside in their homes for as long as possible rather than the need for residential care.

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<sup>3</sup> Leicestershire Joint Strategic Needs Assessment March 2012

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- 7 New developments should be designed to ensure that existing problems are not exacerbated and the County Council would want to see developers address social care issues through the design of their developments (e.g. delivery of extra care housing units) through the following means:-
- a) The integration of assistive technology within homes and the community;
  - b) Through the provision of additional care and adapted accommodation with care support for people with disabilities;
  - c) The design of homes which can be adapted through the 'Lifetime Homes Standards';
  - d) Working with the County Council to identify the needs of groups or individuals and how developers can create living environments which facilitate living within the community and reduce the need for residential care.

### **Contributions**

- 8 The County Council recognises the above approach to new development can make a positive contribution to social care requirements, however, there might be circumstances where capital expenditure is required to mitigate the impacts of new development. This will be assessed on a case by case basis. Where a developer contribution is required the County Council will calculate the capital cost of new facilities that would be needed if services are to be provided through residential care.

### **Threshold**

- 9 Normally the threshold of the size of development for which developer contributions are appropriate is 10 dwellings/flats/apartments. In certain circumstances developments of less than 10 units will be considered where for example a number of small sized developments would have an accumulative impact and pooled contributions are appropriate.

**CIVIC AMENITY/WASTE MANAGEMENT**

- 1 Current Government legislation is focused on waste minimisation and maximising the re-use of and recycling of waste and diverting waste from landfill. Leicestershire County Council as a Waste Disposal Authority has a statutory duty under the Environmental Protection Act 1990 to provide facilities at which residents may deposit their household waste (Civic Amenity sites known locally as Recycling and Household Waste Sites (RHWS)). Each facility must be situated either within the area of the authority or be reasonably accessible to persons resident in its area. There are a number of CA sites in Leicestershire which encourage residents to maximise the amount of waste re-used or recycled which is delivered by local residents.
- 2 Relevant guidance and policies are:-
  - a) European Revised Waste Framework Directive (2008/98/EC)
  - b) Waste Management Plan for England
  - c) PPS10 – Planning for Sustainable Waste Management
  - d) Draft Planning for Sustainable Waste Management
- 3 The County Council's Leicestershire Municipal Waste Management Strategy (2011) objectives, priorities and targets focus on sustainable waste management and resources. One aim is to manage waste in accordance with hierarchy of prioritising re-use, recycling and composting of waste in order to conserve energy and resources. In light of this, new developments should be provided with easy, convenient and accessible to methods of waste management and recycling.
- 4 The strategy is in accordance with the national policy and the waste hierarchy (Figure 1), which aims for waste that is produced to be prioritised reuse, recycling and composting in order to conserve resources and energy. Waste that cannot be reused, recycled or composted can have value recovered for example through energy recovery and any residues requiring final disposal can be pre-treated to further reduce the environmental impact prior to landfilling.



Figure 1 – The Waste Management Hierarchy<sup>1</sup>

- 5 It is important that any new development is provided with easy and convenient methods of waste management, including the provision of suitable CA sites, which provide the space and facilities for recycling. This ensures that any waste generated from the residents of a new development have the opportunity to easily reuse, recycle or compost their waste.
- 6 New residential development in Leicestershire will generate an increase in household waste, and depending on the size of the development this can have a varying impact on the existing local Civic Amenity (CA) site(s). Each proposed development will be assessed and considered on its own merits. Existing CA sites have a finite capacity for current waste inputs; waste generated from new residential developments, being delivered to the existing site, however, may not easily be accommodated. Where it is expected that the development will generate a need for additional provision, site contributions will be primarily used towards: alterations, new equipment such as compactors extensions and/or redevelopment of the existing site, or construction of a new site at a new location as appropriate.
- 7 Contributions are determined from the cost of works associated with each CA site and assessing which CA site or sites, residents of a new development are likely to use. Usually residents will use the closest CA site to where they live. Where a new development is likely to result in usage of multiple nearby CA sites, then a contribution will be sought for each CA site as a proportion of the contribution rate.
- 8 In most circumstances the contributions are pooled to provide for the required improvements in infrastructure to mitigate the impacts of new developments in an area.

- 9 Where major residential developments are proposed, for example, but not limited to, Sustainable Urban Extensions, then potential impacts will be assessed in respect of waste management. These developments might require contributions to provide additional facilities as well as improvements to existing sites to manage waste. Such waste facilities may include, but are not limited to:-
- a) Composting/waste treatment facilities
  - b) Normal and bulky materials recycling facilities
  - c) Civic amenity sites
  - d) Strategic waste handling facilities/transfer stations
- 10 As a result, larger developments may result in a claim for a contribution where none is currently sought.
- 11 The planning and design of new developments needs to take into account the need to reduce, reuse and recycle waste. It would be expected that adequate capacity for communal or individual householder composting and recycling facilities would be provided at any new development.
- 12 Other innovative initiatives, for example approved food waste home composting facilities at each property, could be provided in new residential development schemes. Where such provision is made then the development would have a lesser impact on the local Civic Amenity site and a reduced developer contribution rate may be required.
- 13 Local Planning Authorities should consider in their related Local Development Framework (LDF) documents on sustainable development design guidance and methods to achieve reductions in waste through sustainable measures.

### **Threshold**

- 14 Contributions will be sought where the number of new additional dwellings on a development would amount to 10 or more and result in a total contribution that is greater than or equal to £200. Each additional dwelling is claimed at the same rate per dwelling and the total number of additional dwellings is net of any demolition of existing residential dwellings.
- 15 However, contributions may be sought from smaller sized developments where they form part of an overall development in an area or where sites would have an accumulative impact on services and infrastructure. Table 1.0 below gives an indication of the rates for Civic Amenity site contributions. Where adequate storage capacity for containers for recycling and disposal for residents has not been provided an additional 15% will be added on to the CA site contribution rate to reflect the potential for increased usage of these facilities by residents of a new development.

Table 1.0 – Contribution Rates per additional dwelling April 2014. The use of the data in the table will be reviewed on an annual basis in April

<b><u>Civic Amenity Site</u></b>	<b><u>Contribution Rate</u></b>
Barwell	£49.53
Bottesford	£63.59
Coalville	£65.38
Kibworth	£44.61
Loughborough	£84.96
Lount	£61.41
Lutterworth	£72.74
Market Harborough	£80.04
Melton Mowbray	£82.66
Mountsorrel	£51.67
Oadby	£45.92
Shepshed	£42.71
Somerby	£99.20
Whetstone	£23.87

- 16 The County Council methodology for calculating the contribution per household is based on the cost of providing the existing civic amenity infrastructure against the number of assessed households proposed by a particular development which would use the local CA site. The calculation of the civic amenity contribution is :-

$D = (A \times B/C)$  where

A is the capital cost of providing a CA based on a recently constructed site

B is the percentage size of the CA site compared to CA site used for determining A and

C is the number of households using the CA site at the review date

- 17 The contribution request is based on the proposed number of households which would have an impact on a CA site multiplied by the rate D (certain uses are exempt from CA contributions for example student halls; nursing homes; retirement homes).

**APPENDIX 3****EDUCATION**

- 1 The County Council has a statutory responsibility for Education provision in the County for children between the ages 5 and 16 years.
- 2 The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly by academy trusts and sponsors.
- 3 Whilst education provision is a statutory function of the County Council, the government do not provide monies to accommodate pupils generated as a direct result of new development as a matter of course. Where there is a lack of funding available through developer contributions, the County Council has to make a case to the Government demonstrating that every effort has been made to secure appropriate contributions from the developer.
- 4 The County Council, under the Education Act 2006 (as amended by the Academies Act 2010), is a commissioner rather than a provider of new schools. It has the duty to set out the characteristics of a school needed for a new community in order that providers may identify their capacity to provide that school. It has to provide the site and funds for such a school, although these will usually be expected to come from the developer(s). The County Council will usually procure the school building through its Official Journal of the European Union (OJEU) compliant contractor framework and will provide the new building for the successful provider to occupy.
- 5 Regardless of whether schools have academy status, are free schools, county schools or others, the County Council remains the responsible authority for ensuring that there are sufficient school places available within the County to meet the educational needs of the population. This means that the County Council remains the appropriate authority in judging the requirements for school provision as a consequence of development, be a signatory to any s106 agreement and receive the appropriate contribution.
- 6 The County Council's consideration of whether developer contributions towards education provision are required will be informed by the projected capacity figures. Surplus places at a school do not necessarily equate to their being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity.
- 7 Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required, however, where the proposed development would result in insufficient projected capacity, a contribution will be required.

- 8 If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development unless it is satisfied that suitable alternative provision can be made elsewhere.

### **Admissions Policy**

- 9 Under Section 84 of the School Standards and Framework Act (SSFA) 1998 as amended by Section 40 of the Education and Inspections Act 2006 the School Admissions Code gives the statutory basis for admissions to all maintained schools.
- 10 In compliance with the Schools Admission Code the Leicestershire County Council has a School Admissions Policy (SAP) for maintained schools and those Academies following the Local Authority Admissions Policy. The County Council has a duty to provide school places for all pupils resident in its area: Leicestershire achieves this by giving high priority to catchment area pupils and allowing parental preference wherever possible.
- 11 Within the SAP the following entitlements are prioritised:-
  - a) A place in the catchment area school
  - b) A place in a preferred school, if there is room
  - c) To be considered according to the same priority criteria as other children where the preferred school is oversubscribed.
- 12 In operating this policy the LA arrangements comply fully with the mandatory requirements of the School Admissions Code and Part 3 of the SSFA.
- 13 Every school has an Admission Number (AN) which is reviewed on an annual basis and indicates the number of pupils to be admitted into each year group.

### **Mainstream Home – School /College Transport Policy**

- 14 The Local Authority has a duty to make arrangements to facilitate attendance at schools and colleges by providing transport in certain circumstances.
- 15 The Mainstream Home-School/College Transport Policy (Version April 2013) document sets out the policy and procedures that apply. This can be found at: [http://www.leics.gov.uk/index/highways/passenger\\_transport/school\\_college\\_transport/school\\_and\\_college\\_transport\\_entitlement\\_policy.htm](http://www.leics.gov.uk/index/highways/passenger_transport/school_college_transport/school_and_college_transport_entitlement_policy.htm)

(Please note that this Policy is currently under review and may change in future years).

16 In summary free transport is provided under the Policy for:-

- a) Primary age pupils who attend the Transport Eligibility Area (TEA) School (or other nearer school) for their home address and the distance is more than 2 miles.
- b) Secondary age pupils who attend the TEA school (or other nearer school) for their home address and the distance is more than 3 miles.

17 Please note transport will also be provided under these distances where no available walking route exists. A route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.

### **Calculating School Net Capacities**

18 The Secretary of State requires all Local Authorities under Section 29(1) of the Education Act 1996 to inform the Department of the Net Capacity (NC) of each maintained school in its area and any changes to a school's net capacity. The Department for Education and Schools (DfE) published guidance in August 2002 – "Assessing the Net Capacity of Schools".

19 Net capacity was devised by the DfE as a single, robust and consistent method of assessing the capacity of schools. For primary schools the NC is calculated on the basis of the number and size of spaces designated as class bases. For secondary schools it is based on the number, size and type of teaching bases and the age range of the school. In both cases it is checked against the total useable space available which must be measured and ensures that there is neither too much nor too little space available to support the core teaching activities. The method of calculating net capacity produces a capacity range with a minimum and maximum capacity figure. The LA in consultation with the School decide where within the range to set the net capacity reflecting the school organisation, the needs of the pupils, the design and size of internal and external spaces and the number of pupils with special educational needs.

### **What Type of Education Contributions will be Sought?**

20 Contributions will be sought in relation to outline or full applications for planning permission for residential developments of 10 or more dwellings with 2 or more bedrooms, which are likely to result in the need for additional education provision. Applications for less than 10 dwellings will be exempt unless their co-location with other sites requires examination of their cumulative impact.

21 Contributions will also be sought in relation to planning permission renewals for residential development where there has been a material change in the school capacity situation or the numbers of pupils on roll since the planning permission was first granted.

- 22 Education contributions will be sought for all types of housing including affordable housing.
- 23 Education contributions will not be sought for the following:-
- a) One bedroom dwellings.
  - b) Sheltered or elderly housing
  - c) Student accommodation
  - d) Other specialist housing where it can be demonstrated that the accommodation will not be used by children.
- 24 Where a need to provide additional capacity has been identified, contributions for education will normally be sought for:-
- a) 4-11 years (primary places)
  - b) 11-18 years (secondary places)
  - c) Special school places
- 25 In addition contributions will also be sought for:-
- a) Funding transitional issues arising from new development, including the cost of providing temporary school places in advance of the completion of a new school required as part of an housing development.
  - b) School transport, where it is not possible to provide additional school places within an available walking route of the new development (2 miles for primary school and 3 miles for secondary schools). This contribution will be in addition to any pupil place contribution and is intended to cover the cost of providing new or additional transport for the number of pupils generated by the development for a defined period of time, usually five years.
  - c) Providing a walking/cycle route, where one does not already exist, to the school/s where additional places are to be provided.

#### **How will Section 106 Contributions for Primary and Secondary School be Calculated?**

- 26 The School Admission Policy, the Assessment of Net Capacities and the Mainstream Home-School/College Transport Policy are relevant in the calculation of Section 106 contributions for primary and secondary education.
- 27 The County Council's consideration of whether developer contributions are required will be informed by the net capacity figures as reported to the Department for Education for maintained schools, and the Education Funding Agency for Academies.

## Yield Rates

	<b>Yield Rate per 100 homes of 2 or more bedrooms</b>
Primary Age Pupils	24
Secondary Age Pupils	16.7
Post 16	3.3
	<b>Yield Rate per 100 flats or apartments with 2 or more bedrooms</b>
Primary Age Pupils	4.3
Secondary Age Pupils	1.67
Post 16	0.33

28 One bedroom dwellings, includes houses, apartments/flats are discounted from S106 calculations of education contributions.

## Methodology

- 29 The need for a contribution will be established by comparing the number of pupils generated by the development with:-
- 30 The net capacity of the catchment school and any other school within a 2 mile available walking route for primary school or 3 mile available walking route for secondary school from the development. The capacity figure used for this purpose is the net capacity. Neither will Studio Schools who have a very large catchment area and therefore are not affected by the impact of local housing in the same way maintained schools or Academies are.
- 31 The forecast number on roll for the catchment school and any other school within a two mile available walking route of the development site for primary schools and 3 miles for secondary schools. The higher of the two or four year forecast figure for each school is used when calculating the surplus or deficit of places. In some circumstances the forecast which is most relevant to the size and scale of the proposed development will be used.
- 32 Any planned changes to the school building which will affect the net capacity.
- 33 Any other housing developments with outline or full planning permission which will generate the need for pupil places at the catchment school for the development
- 34 Temporary accommodation (usually mobile classrooms) is included in calculating the net capacity of the school and is therefore counted in S106 calculations.



35 Having taken all the above factors into account, where it can be demonstrated that the number of pupils generated by a development is greater than the spare capacity in the local schools the County Council will require a contribution to fund the provision of the additional school places required.

### **Cost Multiplier**

36 When calculating an education contribution we use the following figures based on DFE cost multipliers which were last updated January 2009.

37 The use of the cost multiplier will be reviewed on an annual basis in April.

<b>Sector</b>	<b>DFE amount per pupil</b>
Primary	£12,099.01
Secondary	£17,876.17
Post 16	£19,327

38 These cost multipliers are to be used where Section 106 contributions are sought to extend or enhance facilities at existing schools. Where the development generates the need for a new school, the developer will be required to construct the school to a specification provided by the County Council or provide a sum sufficient for the County Council to organise construction. Requirements for the provision of a new school is provided below.

### **Calculation of Section 106 Contributions for the Provision of Special School Places**

39 For developments of over 500 dwellings with two or more bedrooms an assessment will be made of the need to secure additional accommodation for pupils with special educational needs (SEN). Special school provision across the County is already at capacity and any contributions will be pooled to improve or enhance facilities at the most appropriate school, this may not always be the school closest to the development, as pupils with special education needs are often transported to the school best able to provide for their needs.

40 The current proportion as a percentage of Leicestershire primary and secondary age pupils (11-18) who attend a special school is 0.6% and 1.6% respectively – to determine the number of special school pupils generated from a development, it is necessary to apply these percentages to the mainstream pupil yield.

- a) No. of primary age SEN pupils per 100 dwellings = 0.144
- b) No. of secondary age SEN pupils per 100 dwellings = 0.32

- 41 A pupil in a special school requires between four and five times the space of a pupil in a mainstream school (Based on Building Bulletin No. 102 Page 52). Therefore the cost of providing a special school place is estimated at four and half times the cost of providing mainstream provision
- a) Cost multipliers per pupil place for SEN provision:
- i) Primary £54,445
  - ii) Secondary (11-18 years) £83,707

### **How Section 106 Planning Contributions will be Applied**

- 42 Section 106 contributions will be applied on capital works to provide additional capacity or enhance existing facilities at academies or maintained schools. This might include, for example, but is not limited to:
- a) Providing additional school places
  - b) Providing new schools or school buildings
  - c) Adapting and extending existing school buildings
  - d) Improving school grounds, sports and physical education facilities
  - e) Purchasing new equipment above a de-minimis limit of £10,000 required as a direct result of the additional demand, or as part of a scheme to improve, extend or enhance the school accommodation.
- 43 It may not always be practical to use S106 contributions to provide additional capacity at the catchment school, because for example the site may be constrained, or the school may not have the infrastructure spaces necessary to support the increased capacity. In these circumstances the contributions would be used to provide additional capacity through extension, refurbishment or re-modelling of existing schools where the needs could be best met.
- 44 In addition, due to the advent of academies and the number of schools making changes to their age range, admission arrangements and catchments areas, it is essential to have the flexibility to use the funding at the most appropriate school, and therefore the wording within the S106 agreement should enable the County Council to do this.
- 45 When the County Council commissions additional places through a free school or academy and uses S106 funding to provide those places, the County Council will require the provider to enter into a legal agreement detailing the funding to be provided and the number of additional places to be provided.

### **Transitional Costs**

- 46 In addition to the contributions set out in Sections 3 and 4 above, a contribution, in the case of major developments which result in the need for a new school, or significant extensions to existing schools, a contribution may also be sought to fund transitional costs, this will be assessed on a site by site basis and could be either:-

- 47 The full cost of any temporary accommodation required on schools sites pending the delivery of any new schools or extended school facilities;
- 48 And/or the cost of transporting children to a school where it is not possible to provide additional school places within an available walking distance of the development. This contribution will be in addition to any pupil places contributions and will relate to the cost of providing a new transport route for the additional pupils for a defined period of time. This claim will usually apply during the early phases of a major development prior to the opening of the new school on site.

### **Safe Routes to School**

- 49 The County Council has a statutory duty to promote the use of sustainable methods of transport. We will seek to ensure the provision of safe walking and/or cycling routes between new sites and schools. A contribution will be sought and/or off site works required to make a route safe, or to create a new route where one does not exist.

#### **Trigger Points**

- 50 Trigger points will be agreed on an individual site by site basis, however in general the first instalment will be required on commencement of the development and will equate to 10% of the total contribution. The remaining payments should be linked to time or delivery milestones whichever is the sooner and agreed by all parties, but must keep pace with the completion of the development to ensure additional provision is in place for when the pupil numbers arise.
- 51 In cases where the S106 provides for a new school the trigger points should relate directly to the contract for the building of the new establishment and ensure the funding received meets the costs incurred at each milestone.
- 52 Trigger points should not be linked to final completion of the development due to the uncertainty and delay this can create when planning S106 projects.

### **Provision of New Schools through Section 106 Agreements**

- 53 When the scale of development is such to necessitate a new school, the Developer/s will be expected to provide the site free of charge, or fund site acquisition, fund the building costs, including the infrastructure and the playing fields and all furniture, equipment and ICT costs.
- 54 Where a number of sites are contributing to a new school, each site will be required to pay a proportionate amount of the total cost, including land, design, and building and infrastructure costs.

- 55 The use of the DfE cost multiplier will not apply to new schools, as these figures are based on extension of existing facilities where all of the other infrastructure requirements are in place. The cost must be requested from the Children and Young Peoples Service on a site specific basis, as the cost of a school is dependent on many variable factors and cannot be applied uniformly.
- 56 The phasing of any contributions to fund the cost of a new school, or the timetable for the building of a new school, where the developer/s is undertaking this will be agreed on a site by site basis. The opening date for all new schools will be the first September before the completion of the 300 dwelling, or a specified date whichever is the later.

### Sites for New Schools

- 57 Where a developer is required to provide land to accommodate or provide for a new school, the County Council will require the land meets a checklist of requirements, to include the following:-
- 58 Be sufficient for the size of school required, with ideally space for further expansion. (using current site size guidance contained in Building Bulletin 98 and 99) with the possibility of have early years provision on site:
- a) Be of regular shape, level and largely free from building constraints such as underground sewers, landfill sites, tree preservation orders.
  - b) Be located centrally within the development, ideally close to the local centre.
  - c) Be located within 400 metres of housing it is designed to serve.
  - d) Provide space for home to school transport (including school buses) and parents to drop off and pick up either in the school grounds or close to school, on the same side of the road as the school.
  - e) Have separate pedestrian and vehicle access.
  - f) Be located to encourage walking and cycling to school.
  - g) Provide room for coaches to access school to pick pupils up for trips etc.
  - h) Have playing fields located in close proximity to building.
  - i) Be free from contamination, or be remediated prior to the Council taking ownership.
  - j) Have uncontaminated topsoil applied to a minimum depth of 300mm
  - k) Have adequate drainage to discharge surface water from the grassed playing field on the site.
- 59 Proposed Sites for New Schools Should **NOT** be:-
- a) Located on a flood plain or be subject to flooding.
  - b) Located in a cul de sac.
  - c) Crossed by overhead power cables or be any public footpath or right of way.
  - d) Located within a 57dBA Leq noise contour of an airport or similar facility (57dBA Leq marks the approx. onset of significant community annoyance due to daytime aircraft noise)

- e) Situated in proximity to any development, business or land use that may disrupt the normal functioning of a school, detract from pupil's learning or place anyone associated with the school at risk.
- f) Within an air quality management area.

#### Provision of Utilities/Site Security

- 60 The schools site must be fully serviced with all utilities e.g. water, electricity, gas and broadband.

#### Access to the School Site

- 61 There must be an adopted permanent or intended permanent public vehicular road serving the school site.
- 62 Vehicular access is preferred on two sides of the school site and must facilitate a safe delivery route to the school building.
- 63 Safe and direct walking and cycling routes must be planned to the school site from the areas where it will draw pupils.
- 64 Separate vehicle and pedestrian access routes are required.

#### Building Design

- 65 The location and design of the building should facilitate community use.
- 66 The building should be designed to a specification to meet the current Department for Education guidance and best practise for the type of school as well as latest government advice and guidance.
- 67 The County Council will use its reasonable endeavours to ensure the building offers community facilities and access but given that any new school will be an Academy this cannot be guaranteed.

EDUCATION SUMMARY SCHEDULE	
<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework</li> <li>• Policy Statement Planning for Schools development (DCLG) 2011</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Sites for new schools</li> <li>• Construction costs of new schools</li> <li>• Other building provision at existing schools (including additional grass/artificial turf sports pitches)</li> </ul>
<b>Type of development which would trigger need</b>	<ul style="list-style-type: none"> <li>• Planning obligations will be generated by residential development which creates extra demand at local schools (subject to a lack of capacity at the local catchment schools)</li> <li>• Normally request for contributions will be made for all residential developments of 10 dwellings or more</li> <li>• When building a new school the County Council will carefully consider the wider community use of both the school buildings and the playing fields where appropriate</li> <li>• A contribution will be required for existing schools, towards the cost of additional primary and secondary school places, where there is a need. Contributions will be calculated on the basis of a minimum of 24 primary places and 20 secondary places per 100 houses. For flats/apartments the current figures are 4.3 primary pupils and 3.2 secondary pupils per 100 units.</li> <li>• Information about local pupil yields will be taken into account in setting the precise requirements. The costs per pupil place based on DfE cost multipliers, are</li> </ul>

	<p>£12,099.01 for primary, £17,876.17 for 11-16 year old pupils and £19,327 for 16+ students based on April 2009 figures. These cost multipliers are updated on April 1<sup>st</sup> each year.</p> <ul style="list-style-type: none"> <li>• When a new school is required the developer would be expected to provide a site and construction costs including professional fees, furniture and equipment.</li> <li>• The value of contributions will be based upon either DfES cost multipliers current at the time of the signing of the formal agreement or the appropriate cost multipliers plus an index linked update (as defined earlier), whichever is the greater.</li> </ul> <p>Proposals to redevelop an existing school site by a developer may trigger the need for a replacement school.</p>
<p><b>What if there is spare capacity at the local catchment school?</b></p>	<ul style="list-style-type: none"> <li>• Contributions will be required for every pupil place required in excess of the projected capacity</li> <li>• If calculations indicate that spare capacity/places will exist in the catchment school by the time the development reasonably can be expected to generate new demand for places then the requirement will be adjusted accordingly</li> <li>• Projected capacity is calculated on the basis of:- <ul style="list-style-type: none"> <li>- the catchment school's existing net capacity/number on roll</li> <li>- any planned changes to the school building stock affecting the school's net capacity/number on roll calculation</li> <li>- pupil projections (revised annually on 1<sup>st</sup> September)</li> <li>- developments with planning permission which will generate a need for pupil places</li> </ul> </li> </ul>

<p><b>Discounts?</b></p>	<ul style="list-style-type: none"> <li>• discounts only apply for one bedroom flats or houses or specialist units for example residential care homes for the elderly.</li> <li>• There is no discount for developments which wholly or partially comprise affordable housing as there is evidence to show this type of housing can reasonably be expected to generate at least as many children as open market housing.</li> </ul>
<p><b>Major Developments</b></p>	<ul style="list-style-type: none"> <li>• Major developments for example SUE's will not necessarily rely on the figures above as they are not applicable to situations where a new school is required.</li> <li>• In such cases the County Council may require land from the developer within the site and sufficient monies to build the school</li> <li>• The cost of the new school will depend on the its required size, the relevant building standards requirements and issues relating to the proposed development</li> <li>• The County Council will make every reasonable effort to minimise the cost of providing a new school and offer the developer the option to build the new school subject to meeting the required building and design standards.</li> </ul>
<p><b>Form in which contributions payments should be made</b></p>	<ul style="list-style-type: none"> <li>• Land where required and financial contribution towards the cost of construction of buildings or works in kind including equipment/fitting out of new school to the County Council's design and building specifications</li> </ul>



**APPENDIX 4****ECONOMIC GROWTH**

- 1 National planning objectives seeks to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. It is committed to ensuring that the planning system does everything it can to support sustainable economic growth. One of LCC's key priorities is to ensure that Leicestershire has a thriving local economy underpinned by a good infrastructure that creates jobs and prosperity is one of our top priorities. To do this LCC will continue to work with partners including the Leicester and Leicestershire Enterprise Partnership (LEEP), local businesses and the City and District Councils. From 2014 LCC will work with our partners and government to implement a new Strategic Economic Plan 2014-2020 setting out LCC's growth ambitions for the area and how it plans to capitalise on its economic assets. LCC aims to maximise benefits from the new Local Growth Fund from 2015, European Structural and Investment Funds and City Deal funding and freedoms for the benefit of the local economy. The vision is to create a vibrant, attractive and distinctive place that will ensure a prosperous economy, secure and well-paid jobs and a sustainable environment, through growth by innovative businesses and a highly skilled workforce, making Leicester and Leicestershire destinations of choice for successful businesses.
- 2 LCC's economic priorities are grouped under three main themes – Place, Business and People – and cover improving the economic infrastructure including related strategic transport improvements, helping businesses to survive and grow and supporting people into sustainable employment. LCC will agree and implement a new Enabling Growth Action Plan setting out our priority economic interventions and how we will support delivery of the Strategic Economic Plan priorities across the Place, Business and People themes.
- 3 Development within the County can contribute to that growth directly and through appropriate contributions towards helping build the economy through skills and training, the provision of land and buildings for employment uses, investment in the regeneration of town centres. Development that is capable to contribute to these objectives will be considered on a case by case basis.

**APPENDIX 5****HIGHWAYS & TRANSPORTATION**

- 1 One of the core planning principles in the National Planning Policy Framework (NPPF) is to actively manage patterns of development growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable. The transport system should be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 2 All planning applications that propose developments that generate significant amounts of movement must be supported by a Transport Statement or Transport Assessment prepared in accordance with current Department for Transport guidance. In coming to a view as to whether a development is acceptable the County Council will take account of whether the opportunities for sustainable transport modes are sufficient for the nature and location of the site in order to reduce the need for major transport infrastructure.
- 3 To achieve sustainable development through integrated transport, the County Council will likely seek off-site public transport, cycling and walking measures, in the general area within which the development lies. These could include road based improvements such as crossings, footways, cycle routes, intelligent transport systems, public transport services, and bus priority measures. This may include general highway capacity improvements where journey times would otherwise be delayed.
- 4 In some instances the County Council may consider it more appropriate to seek a contribution towards integrated transport measures including infrastructure improvements and bus subsidy. This may be where the quantum of development is insufficient to afford worthwhile improvements in isolation and a contribution can be put towards integrated transport investment in the area, where there is a proposed integrated transport initiative in the area that would benefit the development and a contribution would help bring it forward, where the contribution can be pooled with that from other nearby developments to fund improvements, or to cover the cost of future travel plan initiatives.
- 5 Developers will be required to commit to travel plan monitoring and to pay a separate fee to cover the County Council's travel plan monitoring costs proportionate to the size of the development and the likely staff time involved. Contributions will be sought in all cases where it is necessary to make the development acceptable in planning terms.

<b>HIGHWAYS AND TRANSPORTATION SUMMARY SCHEDULE</b>	
<b>Current Guidance</b>	National Planning Policy Framework Local Transport Plan LTP3 6Cs Design Guide
<b>Type of facilities for which provision may be needed</b>	pedestrian and cycle facilities public transport improvements; travel plans park and ride facilities & services; road improvements; traffic management schemes; car parking; traffic regulation orders; associated landscaping includes planting and hard surfaces
<b>Type of development which might trigger need</b>	<p>Any type of development residential or other which leads to a material increase in traffic on the network or is detrimental to road safety or has inadequate access to walking cycling and public transport or inadequate parking provision or creates on street parking issues or affect a right of way.</p> <p>Requirements will depend on the particular circumstances of a development proposal and may include for example parental car parking at schools and traffic management.</p> <p>The submission of a Transport Assessment will assist in assessing the requirements for a particular development.</p>
<b>Form in which payments should be made</b>	Required infrastructure generally will be provided by the developer however other requirements might be covered through financial contributions.
<b>Contributions to capital costs or revenue costs</b>	<p>Generally capital but revenue also, for example bus services and required maintenance liabilities usually in the form of a commuted sum.</p> <p>Liabilities include compensation arising from development highways work.</p> <p>Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the</p>

developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

Demand responsive transport service; to reduce early reliance on cars as the modal choice in the initial stages of the development, prior to the extension of the bus service, as below / or / to reduce reliance on cars as the modal choice as the development is over 800m from any bus services. \*\*

New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.

Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.

Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.

Contribution towards equipping the nearest bus route with low floor vehicles; to provide high quality and attractive public transport facilities to encourage modal shift. \*\*

Contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. \*\*

3 line display - In shelter: £2,575 per display

3 line display - On flag pole: £2,920 per display

Ticket Machine software upgrade: £300 per bus

New/Increase in daytime bus frequency to every 15 minutes for 5 years; to ensure that sufficient levels of bus service(s) are available to accommodate the increased population in the area. \*\*

New/Increase in daytime bus frequency to every 30 minutes for 5 years; as above.

New/Increase in daytime bus frequency to every 60 minutes for 5 years; as above.

New/Increase in evening bus frequency to hourly for 5 years; as above.

New/Increase in Sunday bus frequency to hourly for 5 years; as above.

Travel plan; to establish a means to encourage and inform

	<p>new residents of their sustainable travel choices.</p> <p>Travel plan contributions we may require for major employment sites and residential sites of more than 80 dwellings:</p> <p>A monitoring fee of £11,337 for a Framework Travel Plan (for a multi-use employment site or a multi developer residential site), and £6,000 for a Travel Plan (for a single use employment site or a single developer residential site), to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.</p>
<p><b>Threshold for size of development for which contributions are appropriate</b></p>	<p>There is no specific level as a need for highways related contributions will depend on the local circumstances and situation pertaining to a particular development.</p>

## LIBRARY SERVICE

- 1 The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.
- 2 The County Council considers that its proposed continuing of library services should be - modern and attractive; located in highly accessible locations for example, market towns or centres with high footfall in close proximity to retail or other services for example health or education.
- 3 Libraries will need to be flexible to meet the diverse range of users and be adaptable to the use of new technologies and other means of delivery to meet the needs of their clients. They should provide access to printed (e.g. books) and digital materials and a range of information services; the internet; and opportunities for learning and leisure.
- 4 Therefore contributions from new developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries, where appropriate.

<b>LIBRARIES SUMMARY SCHEDULE</b>	
<b>Current Guidance</b>	<p>National Planning Policy Framework            Community Infrastructure Levy Regulations            Museums Libraries and Archives Council (MLA): Public Libraries, Archives and New Development, A Standard Charge Approach. May 2010            Department of Culture Media and Sport (DCMS) Public Library Standards. 2001            Arts Council England: The Community Infrastructure Levy, advice note for culture, arts and planning professional. April 2012            This is Leicestershire Evidence Base. 2008            Adults and Communities: Annual Service Plan            Communities and Wellbeing: Annual Service Plan.            Askews and Holts: average book price indicators            Leicestershire County Council: Property Services guidance on internal building costs</p>
<b>Type of facilities for which provision may be needed</b>	<p>Access to static and mobile library services to support reading learning and information provision.            Building work including internal adaptation and fitting out, extension and new building provision.            Resources including books, newspapers/magazines, study support material, audio visual stock.            Infrastructure including ICT network and equipment            Provision or enhancement of community facilities with appropriate partners</p>
<b>Type of development which might trigger need</b>	<p>Any new residential development has potential for increasing the service delivery.            A large commercial/employment development could lead to an increase in the use of local library services            Student accommodation or halls of residence</p>
<b>Form in which payments should be made</b>	<p>financial in the majority of cases, however, for some large scale developments shared use of new/converted buildings may be more appropriate.</p>

Where new development generates a need for additional library provision, a contribution will be required. The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by a new development using standards developed by the MLA and DCMS. The formula used for calculating contributions is detailed below.

Contributions will be sought for the library that will be most affected by a proposed development. This may not necessarily be the local community library in all cases but a larger sub-regional library that draws its catchment from the geographical area of the proposed development. Catchment populations are identified using post code data derived from the library management system.

**A contribution will be required for the enhancement of existing static library buildings and mobile provided services. Calculations are based on:**

MLA Public Libraries, Archives and New Development: A Standard Charge Approach. May 2010. Assumed occupancy rates are:

1 bed open market or affordable	= 1.5 persons
2 bed + open market or affordable	= 3.0 persons
1 bed student accommodation	= 1.0 persons

MLA standard for public space in libraries per 1,000 pop = 30 sq. m

RICS building costs per sq m for the East Midlands 2008 = £2,807

Cost per 1,000 pop	= £84,210
Cost per individual	= £84.21

Building contribution per dwelling based on MLA assumed occupancy rates:

1 bed dwelling	= £126.31
2 bed + dwelling	= £262.63
1 bed student accommodation	= £84.21

Leicestershire County Council: Property Services guidance on the cost per sq m for internal building work = £1,300 per sq m

**A contribution will be required for library materials and equipment to support reading, learning and information**



	<p><b>services. Calculations are based on:</b></p> <p>Average number of residents per type of dwelling using the MLA assumed occupancy standards as above.  DCMS standard for provision of library materials per 1,000 pop (upper and lower thresholds)  Current average supplier price per item of stock including discount and servicing</p> <p>These factors are converted into a formula for a cost per type of dwelling.</p> <p>National Library Standard of level of stock per 1,000 pop Lower threshold =1.157</p> <p>National Library Standard of level of stock per 1,000 pop Upper threshold =1.532</p> <p>Current average price per item added to stock, March 2013 = £8.70</p> <p>Cost per 1,000 pop. Lower threshold = £10,065  Cost per 1,000 pop. Upper threshold = £13,328</p>												
	<p>Cost per individual. Lower threshold = £10.06  Cost per individual. Upper threshold = £13.33</p> <p>Library materials contribution per dwelling based on MLA assumed occupancy rates:</p> <table data-bbox="470 1361 1268 1601"> <tr> <td>1 bed dwelling. Lower threshold</td> <td>= £15.09</td> </tr> <tr> <td>1 bed dwelling. Upper threshold</td> <td>= £19.99</td> </tr> <tr> <td>2 bed + dwelling. Lower threshold</td> <td>= £30.18</td> </tr> <tr> <td>2 bed + dwelling. Upper threshold</td> <td>= £39.99</td> </tr> <tr> <td>1 bed student accommodation. Lower threshold</td> <td>= £10.06</td> </tr> <tr> <td>1 bed student accommodation. Upper threshold</td> <td>= £13.33</td> </tr> </table> <p>These costs are reviewed annually in June and adjusted to reflect the CIPFA submitted costs of providing Library Services</p>	1 bed dwelling. Lower threshold	= £15.09	1 bed dwelling. Upper threshold	= £19.99	2 bed + dwelling. Lower threshold	= £30.18	2 bed + dwelling. Upper threshold	= £39.99	1 bed student accommodation. Lower threshold	= £10.06	1 bed student accommodation. Upper threshold	= £13.33
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<p><b>Threshold for size of development for which contributions are appropriate</b></p>	<p>Any new development has the potential for placing demands on and increasing the need for service delivery however the normal threshold for notification is 10 or more dwellings although there may be occasions when developer contributions may be required for developments of less.</p>												

**SPORTS AND RECREATION**

- 1 Leicestershire and Rutland Sports (LRS) is the County Sports Partnership for Leicestershire, Leicester and Rutland. It is a partnership of the local authorities of Leicestershire, Leicester and Rutland working together with schools, National Governing Bodies of Sport, club coaches and volunteers to create a lasting legacy for sport and physical activity. Its focus is to ensure the national sport and physical activity resources have a local dimension and the national sport and physical activity policies are delivered or implemented at a local level. It is responsible for the development of sport and physical activity at County level working with partners to increase participation in sport and physical activity.
- 2 LRS will where appropriate use the national standards and a local evidence base to negotiate for the provision of sports facilities where it is identified that it is required to mitigate the impact of developments on existing sports facilities or provision. In some cases the developer will be expected to secure long term maintenance of those sports facilities
- 3 New developments, particularly major schemes can have significant effects on the sports facilities and capacity. In order to mitigate those impacts the methodology for the assessment of sports facilities will be based on a combination of local authority policy and specific modeling which can be undertaken in line with Sports England tools and information on facilities and planning which is available on the Sport England website including the sports facility calculator.

**Threshold for the Level of contribution**

- 4 Normally residential development proposal of 10 or more dwellings is likely to trigger a demand for sports, recreation and community facilities. The level and type of obligation will be dependent on current provision in the area and a development's proximity to existing provision. Generally the approach will be to require the developer to provide additional facilities on site where feasible. Although where this is not practical, the developer will be required to ensure provision is made off site at an accessible, convenient location to the proposed development.
- 5 Where it is not considered practical for the provision to be made by the developer then financial contributions will be sought to secure the necessary off site sports or recreation provision. In some cases the developer will be expected to secure long term maintenance of those sports or recreation facilities

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## **Implementation**

- 6 Where contributions towards specific types of open space or recreational provision have been agreed, the Council will ensure that funding is held and pooled if needed in order that a specific scheme can be implemented. In other cases it may be that such provision needs to be secured solely through partnerships with the voluntary or other public sector bodies. In both cases, funding will be disbursed either to District Council projects or to Voluntary Sector agencies through the Grants Panel referred to earlier via an application process.

**SUSTAINABLE URBAN DRAINAGE**

- 1 In April 2015 it is anticipated the sustainable drainage provisions within the Flood and Water management Act 2010 will be implemented and the requirement for the majority of new developments will be to seek drainage approval from the County Council and/or its agents alongside planning consent. Currently the County Council is expected to adopt and maintain approved drainage systems and a mechanism for funding the ongoing maintenance is expected to be introduced by the Government.
- 2 In the interim developers are urged to use sustainable drainage systems (SuDS) wherever possible with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and providing biodiversity and amenity benefits. The national SuDS guidance will be used to determine if drainage proposals are appropriate. Under certain conditions the County Council may consider adopting SuDS ahead of the schedule and if this is the case would expect the cost of ongoing maintenance to be included as part of a planning obligation.

## NOTIFICATION PROCEDURE PLANNING OBLIGATIONS

### Introduction

- 1 New development often requires planning obligations from developers to provide for necessary improvements to local infrastructure and services. These may be provided by the District or Borough and/or the County Councils in Leicestershire or may be secured on behalf of other agencies. It is in the interest of all parties to ensure a full range of relevant infrastructure or facilities arising from any particular development is made available for the benefit of the local community irrespective of the distribution of responsibilities for different services.
- 2 The District or Borough Councils, as local planning authorities, are the first points of contact for the majority of developments proposals which would be likely to require planning obligations. A formal protocol was established through the original County – wide supplementary guidance document to ensure that all responsible parties are offered the opportunity to assess the implications/impact for service provision arising from new development proposals. This procedure has evolved and has been improved and needs to respond to changes in circumstances.
- 3 The procedure for consultation between the District/Borough Councils and the County Council on proposals as set out in the previous Development Control Agreement will continue to operate.

### The Procedure

- 4 The County Council's Developer Contributions Officer (Chief Executive's Department) will be the coordinator for developer contributions matters and will be responsible for contacting nominated officers within the relevant County Council services and responding to the District or Borough Councils on any development proposal notified by them.
- 5 Individual planning officers at the District/Borough Councils will be responsible for notifying the County Council Developer Contributions Officer of relevant development proposals as defined in the following paragraphs:-
  - a) Residential development of at least 10 dwellings or 0.25 hectare @ 36 dwellings per hectare in size;

- b) Significant or major proposals for employment; retail; leisure; mixed use developments which are likely to give rise to requirements for developer contributions which is likely to give rise to requirements for developer contributions, based on the advice given in the guidelines and/or locations of 'special concern' set out in paragraph XX below.
  - c) There may be circumstances where there are a large number of proposals below 10 dwellings in an area. The County and District Councils will need to advise each other of these smaller proposals, where it is established that individual services and facilities are close to capacity or will require improvement as a result of development. Individual service providers have identified separately in the guidelines the locations where there are 'special concerns' for particular services and these will be reviewed by the service departments on a regular basis. In the case of education provision, the roll of schools can vary from term to term and in order to obtain up-to-date information on spare capacity it will be necessary to consult the Education Department.
- 6 Individual service providers will review the contents of the guideline tables on a regular basis, in the context of annual programmes and changes in circumstances. In some locations, the cumulative impact of proposals for 'small sites' (i.e. below the identified thresholds) may result in the need to improve service provision. The County Council will maintain records of the accumulation of 'small' developments, based on the 'small sites' information provided by District Councils.
- 7 Relevant development proposals (referred to in para.XX above) will include planning applications, any pre-application inquiries and development briefs on the following:
- a) proposals that are identified as Local Plan allocations. although there may have been consultation on these sites through the local plan process, it will be necessary to notify the County Council of subsequent planning applications, in order that its service requirements agreed through the local plan process can be formally secured. It will also be necessary where the local plan does not set out the specific contributions that will be required. It may exceptionally be appropriate to consider additional contributions in addition to those set out in local plans where there are new considerations to be taken into account;
  - b) 'windfall sites', which can often give rise to previously unidentified requirements for services and facilities;
  - c) proposals which are the subject of appeal and/or 'call-in' proceedings, where notification procedures have not been concluded or require confirmation.

- 8 Notification by the District Council shall be in an appropriate form either by email or letter the contents of which shall be agreed by the County and District Councils and reviewed as necessary. Details of the site of the proposal, the description of the proposed development and the application number should be provided to the County Council and provision of an access/web link to identify the site of the proposal, an adequate location plan, and written submission or details which accompany the developer's application or inquiry.
- 9 In agreed cases, the County Council developer contributions officer, together with a representative of other County Council Services as may be necessary, will be given the opportunity to attend any meetings which may be held between the District Council and a developer and / or agent to discuss potential contributions, with the agreement of the developer.
- 10 The County Council developer contributions officer will respond to all notifications of planning proposals by the District Council within 21 days, unless an extension of time is granted at the discretion of the District Council's officer.
- 11 Prior to the final decision on the proposal being made, in the event of any requirements for developer contributions associated with Leicestershire County Council service provision not being agreed, the District Council officer will formally notify the County Council developer contributions officer of the circumstances. The County Council will be given the opportunity to respond if any of its requirements are not agreed and where appropriate to prioritise its bid for contributions towards service provision and facilities. The County Council will respond to the District Council within 14 days of the subsequent notification, unless an extension of time is granted at the discretion of the District Council officer.
- 12 On occasions, a developer or agent will contact an individual service department of the County Council to discuss the matter of contributions arising from a potential development. In these circumstances, the nominated officer of the service department shall advise the County Council developer contributions officer, within 3 days, of the nature and location of the proposed development. Within 3 days of receiving this advice the County Council developer contributions officer shall notify the relevant officer of the District Council of the proposal, using the pro-forma and documentation set out in paragraph XX above.

### Legal Agreements

- 13 The cost of preparing and securing legal agreements will normally be met by developers. In other cases, the County and Borough/District Council will separately be responsible for the costs relating to its own specific service requirements. On the matter of involvement or otherwise of service departments in legal agreements, practice varies from District to District although it is more usual than not for the service department to be involved. In many cases the developers will want the service provider to be involved to give covenants as to how and when it will spend the money it is receiving.
- 14 After any legal agreement, obligation or unilateral undertaking has been signed and the planning permission has been issued, a copy of the relevant document shall be sent by the District Council to the County Council Legal Services. In the case of County Matters, a copy of the agreement shall be sent by the County Council to the District Council's case officer.
- Timing of payment
- 15 This will vary but broadly speaking payment should be made at a time that enables the provision of the facility that is being funded at the time when it is needed. There is no rigid formula to calculate this and it can be varied according to individual circumstances.
- 16 In the field of education contributions, for example, a payment scheme has developed which normally requires:-
- a) 10% on commencement of development to enable commencement of the design of the project;
  - b) 45% at about the mid point in the development;
  - c) 45% towards the end of the development.
- 17 The payment scheme does vary however, for example where the money will be used to fund part of a larger contract that will incorporate the additional accommodation being funded.
- 18 Similar types of trigger points and timings of payment of obligations can apply to highway contributions.

### Method of payment

- 19 Payment does not necessarily have to be in the form of a financial contribution. It might for example necessitate additional educational facilities and the developer may be given the option of either paying a financial contribution or constructing the additional facilities to the County Council CYPS specification and design requirements. Alternatively, if the work being funded by the developer is part of a larger extension, the developer may be told that the only option is to make a financial contribution.



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- 20 The same sorts of general consideration on the method of payment and whether the developer or the Highway Authority does the work apply to highway contributions.
- 21 A record and database will be kept and maintained of payments received. The trigger points at which payments will normally be made will be monitored by the District Council or the County Council as appropriate. If considered appropriate the legal agreement must include clauses requiring the developer to notify the local authority when trigger points are reached or a prescribed period has elapsed. Payments of contributions must be made to the appropriate council or service provider

Supplementary Notes:

- 22 The District Councils will continue to consult directly with Fire, Police and Health Authorities to ascertain any appropriate service requirements, as they are not part of the County Council's function.

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