

BABERGH DISTRICT COUNCIL

FROM: Head of Natural and Built Environment

REPORT NUMBER: **K175**

TO: STRATEGY COMMITTEE

DATE OF MEETING: 13 January 2011

**SECTION 106 PLANNING OBLIGATIONS GUIDANCE FOR DEVELOPERS:
PROPOSED PUBLIC CONSULTATION AND SUBSEQUENT ADOPTION**

1. **PURPOSE OF REPORT**

1.1 This report sets out an updated and revised Section 106 Planning Obligations Supplementary Guidance document, intended for use by Babergh and all Suffolk local planning authorities. It proposes a public consultation period on the guidance document early next year and seeks authority for the Head of Natural and Built Environment to make any necessary changes as a result of consultation and then adoption by Babergh (along with any necessary 'local' additions and adaptations).

2. **RECOMMENDATIONS**

2.1 That the contents/approach of the Appendices and the Topic Papers are agreed as acceptable in principle for adoption as Supplementary Planning Guidance, subject to any changes required as a result of public consultation in co-operation with the County Council.

2.2 That the Head of Natural and Built Environment be authorised to:-

- Consider the results of the Consultation exercise and to make amendments to the documents as considered appropriate, subject to any major amendments being brought to the attention of the Committee for its consideration.
- Adopt the resultant documents as a Supplementary Planning Document.
- Review and update this guidance on a periodic basis, subject to any major issues being brought to the attention of the Committee for its consideration.

The Committee is able to resolve this matter.

3. **FINANCIAL IMPLICATIONS**

3.1 The document itself raises no direct financial implications and does not change the basis of the Council receiving S106 funds to be used to mitigate development impacts.

4. **RISK MANAGEMENT**

4.1 This report is most closely related to the Council's (new) Significant Business Risk no. 7 – Localism & Community Engagement.

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Reconciling local community aspirations (and raised expectations through Localism) arising from new development with the strict legal rules governing use of S106 funds to mitigate adverse impacts (the need to be properly and fairly related to the development itself, necessary, etc.) and thereby remaining fully lawful in practice	B High (this 'dilemma' has been encountered)	2 Critical	The proposed guidance cannot alter or impact at all on the legislative background. However, it should be useful in making clearer (to everyone involved) the legitimate scope and use of S106 contributions. Progress towards adoption therefore suggested

All 5 Babergh Themes are addressed:

- Quality homes that local people can afford.
- Strong and sustainable Babergh economy.
- Cleaner and greener Babergh.
- Vibrant places and strong communities.
- Safer and healthier Babergh.

5. **EQUALITY AND DIVERSITY IMPACT**

- 5.1 There are no equality and diversity implications arising from this report (since the guidance itself does make choices as to the use to which S106 funds are to be put (that decision being instead for the decision makers based upon the merits of each individual case).

6. **KEY INFORMATION**

Background

- 6.1 Councillors will be aware that Section 106 of the Town and Country Planning Act makes provision for Legal agreements to be made committing developers to various actions, including the payment of monies, upon the grant of planning permission for development.
- 6.2 This is a wide-ranging power, which can be open to abuse, and there are certain legal and ethical constraints upon its use. Above all, the whole system must be seen to be fair, to be related to planning issues, and not to give rise to any suspicion of planning permission having effectively been "bought". S106 Obligations must only deal with recognised Planning Matters.
- 6.3 The scope and implementation of S106 Obligations has grown more complex and ambitious over the years, and in 1998 a Protocol was agreed between the County and District local authorities of Suffolk (adopted for use by Babergh in February 2000). Since then, this document has been adopted policy guidance, and the background document to negotiations on Obligations/Agreements. The overall funding environment has, of course, changed considerably since 1998.

6.4 It is now time to update and review this document. A county-wide group has been working on this matter, and has produced the following drafts, which it is proposed to put out to public consultation:

- **The Policy Document** – “Section 106 Developers Guide to Infrastructure Contributions in Suffolk” – **Appendix A** to this report
- **The Operational Protocol** – “Section 106 Planning Obligations – Code of Practice Protocol” – **Appendix B**.
- **The Topic Papers** – covering a number of the subject areas for Agreements, viz:
 1. Archaeology
 2. Education
 3. Health Infrastructure
 4. Libraries and Archive Infrastructure
 5. Police Infrastructure
 6. Pre-School Provision
 7. Highways and Transport
 8. Waste Disposal Facilities
 9. High Speed Broadband
 10. Supported Housing Provision
 11. Air Quality
 12. Fire and Rescue Provision

These documents are quite voluminous, and of a technical nature. Copies are placed in the Members Room for information.

The Use of Section 106 Obligations/Agreements

- 6.5 Over recent years the scope of those Section 106 agreements/obligations related to residential development has widened. Traditionally local authorities have dealt with education, affordable housing, open space and highways matters. However, new housing provision does make other demands on community infrastructure budgets and those responsible for such matters seek what they regard as their share of the development “cake”.
- 6.6 The legitimacy of these claims cannot be denied, and whatever loyalties practitioners may have to the responsibilities of their own particular organisation, the fact is that the planning system operates in the wide public interest, to support the needs of the community as a whole. We all have an interest in achieving the best possible development and for securing robust arrangements for the on-going maintenance of new infrastructure wherever possible.
- 6.7 However, the development “cake” is only so large. There is a limit to the amount of “planning gain” (if it can indeed be called that) that can be afforded from any development – if excessive demands are pursued then the development simply will not happen, or the local authority position will be challenged at appeal or in the Courts. There is therefore a vital need to be fair and realistic in the Council’s requirements of new development. As demands made from developments have become more significant, so local authority planners have increasingly been drawn into assessing what can be afforded and in some cases, prioritising where payments shall be made. Hence, the role of evidence in the process is of increasing importance. It is indeed Babergh’s Planners and Development Committee that have responsibility for making these assessments, since it is they who approve or refuse the application for planning permission.

- 6.8 It is therefore appropriate to update the 1998 advice to developers. The Policy Document, the Protocol, and the latest version of the Topic Papers are all to be the subject of Public Consultation, and should then be adopted by the Suffolk Local Authorities. It is intended that each local authority will publish their own explanatory website page, with detail of the policy basis for charging within their own District – each local authority is currently in a different situation, with different policies applying through their own Local Plans and Local Development Frameworks.
- 6.9 However, the system continues to evolve.
- 6.10 In due course it will be expected that local authorities operate a Community Infrastructure Levy (“CIL”). This is a whole new planning technique, born from a realisation that the Section 106 funding system is somewhat ad hoc and uncertain, and that developers and community alike see much to be gained in terms of certainty and fairness by the introduction of a levy on new development based upon dwelling numbers or new floorspace added.
- 6.11 The CIL in itself will not be simple to operate or to put in place, and will require a further separate document within the Babergh Development Framework, setting out the basis for Council charging. Advice on this has just been issued (Nov 2010) so we are at an early stage in thinking about what CIL means in practice for Babergh.
- 6.12 S106 Agreements/Obligations will still exist, but will be limited to site specific issues, including the delivery of Affordable Housing. Other wider impacts upon the community are to be covered by the CIL.
- 6.13 The New Homes Bonus will also affect development finance. Members will be aware that the intention is that this is meant as a financial incentive to local authorities and local communities to adopt a positive attitude to growth. We await information on where the money will come from and what constraints there may be on its use. It may impact upon the issues covered by this report.

7. APPENDICES

A - Section 106 Developers Guide to Infrastructure Contributions in Suffolk

B - Section 106 Planning Obligations – Code of Practice Protocol

8. BACKGROUND PAPERS REFERRED TO:

The Community Infrastructure Levy - An overview, DCLG, Nov 2010.
Planning Obligations (SPG for facilities, services and other improvements) Babergh District Council 2000.

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Section 106 Developers Guide to Infrastructure Contributions in Suffolk

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1 Introduction

What is a Section 106 agreement?

1.1 A Section 106 Agreement is a legal agreement between a local planning authority (District, Borough or County Council) and the applicant / developer, and any others that may have an interest in the land, and can be referred to as a planning obligation. Planning obligations are used following the approval of planning permission to secure community infrastructure to meet the needs of residents in new developments and/or to mitigate the impact of new developments upon existing community facilities. They can also be used to restrict the development or use of the land in a specified way or require specific operations or activities to be carried out on the land.

What is the 'Developer's Guide'?

1.2 This document looks towards a joined up approach to public service provision by involving service providers such as Suffolk Primary Care NHS Trust (NHS Suffolk), Great Yarmouth & Waveney Primary Care Trust (NHS Great Yarmouth and Waveney) and Suffolk Constabulary. It will assist developers and others interested in development to identify the range and likely level of contributions that the organisations discussed below will seek to meet the impact on infrastructure by new development proposals. It promotes a consistent and open approach so those interested will be able to see, and understand, how development in their area is making a fair and positive contribution to the community. As the District and Borough councils are the local planning authorities, (other than for waste and minerals and County Council development which fall under the County Council), it is they who will be the determining authority as to whether an individual development proposal is acceptable in planning terms.

The Purpose of this Guide

1.3 This document provides guidance on the types of contribution which may be sought, and the mechanisms for which these will be secured. An additional document titled [Section 106 Planning Obligations - code of practice protocol](#) describes how the authorities described in paragraph 1.2 will work together in deciding infrastructure contributions and what a developer can expect from the authorities described in paragraph 1.2. These documents supersede the *Suffolk Local Planning Authorities Supplementary Planning Guidance Relating to Section 106 Obligations (1999)*.

1.4 The policy basis for Section 106 obligations is set out in the District or Borough Councils development plan. Core Strategies provide the basis for seeking developer contributions, whilst detailed mechanisms and site specific policies will be set out in Site Allocations documents, Development Management/Control policy documents and in Supplementary Planning Documents.

1.5 This document provides guidance on the following:

1. The approach to Section 106 contributions between the Suffolk local authorities, including consultation with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary;
2. A list of infrastructure which may be included in planning obligations including further information links to [District, Borough and County Council web pages](#); and
3. Guidance based on the 'tests' provided in Circular 05/2005 and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations (2010).

How does the County Council stand in relation to District/Borough planning authorities?

1.6 This guide has been developed between Babergh District Council, Forest Heath District Council, Ipswich Borough Council, Mid Suffolk District Council, St Edmundsbury Borough Council, Suffolk Coastal District Council, Suffolk County Council and Waveney District Council with input from NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary.

1.7 Whilst District / Borough Councils may intend to introduce a Community Infrastructure Levy (CIL) - a proposed new local levy that authorities can choose to introduce to help fund infrastructure in their area - Section 106 planning obligations will remain in place to secure infrastructure and mitigation measures directly related to developments on a site-by-site basis. Section 106 will also continue to be used for securing affordable housing. At the time of preparation on this document, uncertainty exists surrounding the longevity of CIL. The document currently acknowledges these potential changes, and future amendments will be made following any legislative change. It is envisaged that this document will assist the District / Borough Councils in developing a CIL.

Consultation

1.8 This document has been prepared in accordance with paragraph 6.3 of Planning Policy Statement 12. This document provides guidance for use across the County of Suffolk, and will be used by the District / Borough Councils and the County Council, along with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary. Whilst this document will not form part of the statutory development plan for each District, it will be subject to public consultation and amendment following consultation, and should be accorded appropriate weight in the decision making process.

1.9 The Developers Guide has been [screened for its environmental impact](#) and will follow the consultation / adoption process agreed by the Suffolk local authorities.

Document review

1.10 This document and accompanying local authority web pages form supplementary guidance and will be updated annually to provide current cost information and changes to supporting policies. For example, education cost multipliers can be issued annually and this influences the cost of providing a additional school places. The annual review will also take into account the Building Cost Information Service (BCIS) index and any other inflationary impacts particularly associated with construction costs or service provision where there is an implication for developer contributions. Factual up-dating which does not materially change the document will be made as and when required.

2 Policy Approach

Planning Policies

2.1 The Community Infrastructure Levy regulations came into force on 6 April 2010. The impact of the regulations makes the following tests of Circular 05/2005 statutory. The key requirements of planning obligations as stated in circular 05/2005 are that they must be:

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

2.2 In considering the first two tests, i.e. whether an obligation is necessary and relevant to planning to make the proposed development acceptable, the starting point is an examination of the planning policy background. National policy will set out policy for the timely provision of national and local infrastructure. Core Strategies provide detailed policies requiring developer contributions for specified items of infrastructure. Similarly, saved policies from Local Plans may contain such policies. More detailed site-related policies may be provided in Area Action Plans, Site Allocations Documents or in Supplementary Planning Documents. Policies contained in emerging local development documents may be accorded weight where these have been subject to public consultation and are at an advanced stage in the adoption process. If a specific item of infrastructure is not listed within general infrastructure policies in Core Strategies, this does not necessarily preclude contributions being sought for that infrastructure, provided that there is evidence to support it and that it accords with the general terms of the policy.

Prioritisation

2.3 Prioritisation between service needs may be necessary, having regard to specific local needs and viability of development proposals. Different areas have differing priorities for service and infrastructure provision. The District or Borough Council will prioritise obligations in line with Local Development Documents and infrastructure delivery plans. These documents will provide the basis for prioritisation of service and infrastructure provision, however the detailed strategy to be used in any case will be based on local evidence, including studies undertaken, local strategies and community views. The Regional Spatial Strategy (RSS) for the East of England was revoked in July 2010.

2.4 The Districts, Borough Councils and the County Council will work together with NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary and other infrastructure providers to prioritise service needs in heads of terms. The District and Borough Councils will ultimately be responsible for prioritising service requests in arriving at a decision.

Other

2.5 The Local Strategic Partnerships (LSP) and the Suffolk Strategic Partnership (SSP) are central to the infrastructure planning process and their roles are carefully considered.

3 Contributions Approach

Section 106 Agreements and Unilateral Undertakings

"Section 106 Agreements" and "Unilateral Undertakings" are types of Planning Obligation authorised by Section 106 of the Town and Country Planning Act 1990 as amended by Planning and Compensation Act 1991 Section 12.

3.1 Section 106 agreement is described in paragraph 1.1 of this document. A unilateral undertaking is an obligation offered by the applicant to the planning authority either in support of a planning application or a planning appeal. The terms of the agreement are identified by the applicant. This is produced by the applicant's solicitor in its entirety with no council involvement.

Determining Developer Contributions via Planning Obligations

3.2 The impact of a development proposal will be determined using information provided by the developers and/or landowners, the District, Borough and County Council, and other appropriate information sources, together with the approach and methodologies contained within this Guide. Regard will also be had for national / local policies and, where appropriate, emerging policies and guidance.

3.3 The thresholds for development alter depending on each authority. For example for a rough guide; the County Council will assess developments of 10 dwellings and above and non-residential proposals over 1000 metre sq, however District and Borough Councils can request contributions from a per person basis to single or multiple dwellings. Please see the Further Information chapter where you will find links to specific details.

Pre-application discussions

3.4 The pre-application services provided by the District and Borough Councils are intended to be a thorough way in which an applicant can identify planning issues including early notification of planning obligation requests across the board.

3.5 It is important that full use is made of pre-application discussions, to develop draft heads of terms in agreement with the developer, prior to submission of an application. Any pre-application enquiries will be considered by individual service departments and other infrastructure providers, e.g NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary, to enable provision of a coordinated view on infrastructure requirements and early discussion with developers.

3.6 In many instances, studies and / or impact assessments will be required to be undertaken to inform final heads of terms. Where these are required to be undertaken by developers, information on the scope of the studies or assessments will be provided by the local authorities in liaison with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary or other infrastructure coordinating agency at pre-application stage.

3.7 The information provided to developers and District / Borough councils by the County Council, once an assessment of a development has been conducted, is for illustrative purposes only and is time-limited. The final decision regarding contributions lies with the Local Planning Authority that determines the application.

Formulae/standard charges

3.8 Circular 05/2005 advises that standard charges may be used, where practicable, to provide consistency and transparency. The position regarding standard charges has been further clarified by an appeal decision in 2008 (see Dartford Borough Council and P J Mullan - ref. APP/T2215/A/08/2078475).

3.9 The basis for imposing a standard charge must be set out in a Development Plan Document (DPD) and / or Supplementary Planning Document (SPD) and must be subject to public consultation. The DPD/SPD should include the evidential basis for calculation of the charge and an explanation of how the charge has been arrived at. The evidence should include details of the need for identified infrastructure in connection with proposed development and should be demonstrated to be in accordance with the tests of circular 05/2005 (as amended).

3.10 Where the link between proposed development (as shown in the development plan) and infrastructure requirements is geographical, it would normally be appropriate to devise a standard charge which relates to the particular area identified. Differential standard charges may be identified for different areas under a single framework SPD.

Pooled contributions

3.11 Circular 05/2005 also advises that contributions may be pooled from a number of developments in order to enable provision of infrastructure, which would not be feasible in connection with a single development. Examples of such infrastructure are new schools and larger road schemes.

3.12 The total cost of the required infrastructure must be assessed, and a proportionate contribution relating to the impact of the proposed development calculated. In the case of the transfer of land and apportionment of this to multiple developments, the calculation must take into account land value.

3.13 This approach is dependant on all of the identified contributing developments coming forward. Any timescale for expenditure specified in the planning obligation must therefore be realistic by the local authority. In the event of uncertainty regarding future development coming forward, alternative sources of funding for the infrastructure should be examined.

3.14 In order to set a standard charge, it is expected that the total amount of development served is allowed for in the development plan. If a draft development plan document is at an advanced stage in the adoption process, having been subject to public consultation, then this may be given due weight in the assessment.

3.15 In many cases, it will be a requirement for infrastructure to be provided in advance of all pooled contributions having been collected, for example within an early phase of a development. It will therefore be necessary to obtain funding from alternative sources and to collect developer funding retrospectively for these projects.

Monitoring of Obligations

3.16 The District, Borough and County Councils are working together to ensure that Section 106 Obligations and trigger points are monitored as appropriate, before, during and after development takes place. Information is shared between authorities regarding stages of work on site and contact details of developers. Each obligation is pro-actively monitored and each trigger brought to the attention of the developer promptly. Information regarding payments received and other infrastructure requirements complied with is shared between authorities. Final contributions will be indexed linked as defined in the Section 106 agreement.

Fees for Monitoring and Legal costs

3.17 Standard monitoring charges may be required in respect of each Section 106 Agreement and Unilateral undertaking. The purpose of the monitoring charge is to cover the staff costs of monitoring compliance with the planning obligations concerned. The amount payable will be calculated by reference to a standard charge for each clause to be monitored.

3.18 In addition to monitoring fees, the legal costs arising in connection with the preparation of the Section 106 planning obligation will be payable by the applicant. Any costs undertaken will be required from a solicitor to cover these legal costs whether or not the Section 106 planning obligation proceeds to completion. Additional costs may be sought for the involvement by officers in the development and delivery of a project, for example the Assistant Education Officer. This will be directly related to the development and will take place solely to mitigate the impact caused by the development. Monitoring fees and legal costs must be paid by the applicant before completion of the Section 106 planning obligation.

3.19 See the [Further Information chapter](#) for links to the district or borough council relevant to your development where an up to date list of charges are available.

Enforcement

3.20 The onus is on the developer to comply with the planning obligations. In the event of non-compliance the District, Borough and County Authorities will, if necessary, enforce the terms of the planning obligations in the courts.

Viability

3.21 In exceptional cases where viability is in question, this must be assessed using open book accounting and viability testing, and must consider whether a project is viable currently and at a specified time in the future. This should be considered in relation to the life of the development. The developer, or applicant, will be required to pay an appropriate agreed fee to the Local Planning Authority to undertake viability testing and for assessment of accounts. Guidance and methodology on viability testing is provided by the Homes and Communities Agency and is available at: www.homesandcommunities.co.uk/economic-appraisal-tool.

3.22 In considering questions of viability, the advice of a suitably qualified person e.g. a chartered surveyor, may be sought in order to provide an independent opinion. The life of development permission may also be considered in conjunction with viability to allow for future envisaged changes in viability.

4 Details of Infrastructure Contributions

4.1 The following paragraphs briefly describe the types of infrastructure which may be secured by means of Section 106 planning obligations in Suffolk. The following paragraphs are not exhaustive, and do not preclude the provision being made for other types of infrastructure which may be required to mitigate the impact of a development. The amount of contribution will be determined during discussions with the local planning authority planning officer.

4.2 The offer by a developer of infrastructure under one or more of the following headings, does not imply that a proposed development will be found to be acceptable by the local planning authority.

4.3 District and Borough related information on the following types of infrastructure requirements is provided in the [Further Information](#) chapter where you will find relevant supporting development plan policies and national policies. In many instances, socio-economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms.

Affordable Housing

4.4 Most residential developments throughout Suffolk will require a contribution towards affordable housing provision. District and Borough Council's define affordable housing policies in DPDs and SPDs. Affordable housing may sometimes include subsidised supported housing such as very sheltered housing where a local need is identified. District and Borough Council's may set out a policy approach towards this type of housing in DPDs and SPDs. Affordable Housing is defined in Annex B of Planning Policy Statement 3. More information and links to specific policies on affordable housing provision is available within the District and Borough Council web pages section in the [Further Information](#) chapter that proceeds this chapter.

Air Quality

4.5 It is important that developers are encouraged to consider mitigation measures, along with their effectiveness at an early stage. The Local Planning Authority may use Section 106 Agreements, unilateral undertakings or conditions to mitigate impacts from new developments that are detrimental to air quality and are in or adjacent to or have a quantifiable impact on air quality in Air Quality Management Areas. More detailed information on air quality mitigation is located in the Air Quality topic paper accessed through the next chapter.

Archaeology

4.6 In most cases, the investigation and recording of archaeological remains can be covered by planning condition. However, in some circumstances a Section 106 Planning obligation may be necessary if financial contributions are required, or other provisions are necessary to protect and ensure the preservation of archaeological finds. The County Council's archaeological team will advise on the specific requirements of any application.

Community Facilities

4.7 Community facilities may include a wide range of physical and social infrastructure provision including local centres providing floor space for a variety of land uses, including public halls, multi-faith centres, GP surgeries, health centres, police facilities and transport hub facilities. Where there is an identified need for provision of a new local centre or a public / community hall as part of new development, opportunities for co-location of facilities or links this with the requirements of other infrastructure providers (e.g NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary, Libraries and Education) should be fully explored in liaison between the authorities and organisations concerned. New local centres, including public meeting places or community halls, should be in a central and accessible location. The need for a local centre, community hall or other community facility should be identified in a development plan policy, development brief or through local evidence such as need surveys, views of local residents, or following an audit of the suitability of existing facilities.

4.8 In circumstances where provision is to be by means of the transfer of land to the local authority, any financial contribution or off-site provision, then a Section 106 obligation will be required.

Cultural Services

4.9 Contributions towards cultural facilities, including places of worship, may be required where supported by evidence of clear local need and/or development plan policy. In considering local need, regard will be given to the quality of existing provision and any initiative for improvement. Cultural services may take the form of museum, gallery or theatre services, but individual decisions will be made on a case by case basis and compliance must be ensured with the tests of circular 05/2005.

Education provision

4.10 The need for education provision (rising 5s to 18 years) will be assessed on all proposals of 10 or more dwellings. Applications for smaller developments will be exempt unless their co-location to other sites necessitates a holistic look at their cumulative impact. The type of residential accommodation will be taken into account in this

assessment. For example, sheltered and student accommodation will not be expected to contribute. The need for new education provision arises from new market housing as well as affordable housing. Education need arises from almost all new housing therefore affordable housing will be included in the assessment of education need.

4.11 Details of the methodology used in assessing the need for new education facilities, and calculating developer contributions, are provided within the topic paper located in the Further Information chapter - **All of Suffolk** web page.

4.12 Provision for pre-school education (3 to 5 years) is dealt with separately below.

Environmental Improvements

4.13 Where planning applications affect a site or feature of environmental interest, there may be a need for contributions towards environmental improvements.

Fire and Rescue Service

4.14 Developer contributions towards new fire service facilities may be requested where a specific need arising from a development is identified. Any contribution will be calculated to be proportionate to the development, taking into account that contributions may not be required to remedy existing deficiencies. Contributions may be by way of land provision and/or financial contribution towards new built facilities.

4.15 The assessment of need for new facilities will take into account the location of facilities in relation to planned developments and response times to deal with emergencies. Alternatives to developer contributions will be explored, for example the fitting of new homes with sprinkler systems (where not a requirement of building regulations).

4.16 New developments will require the provision of fire hydrants by developers. This on-site provision will normally be secured by means of a condition attached to the planning permission.

Green Infrastructure

4.17 There are a number of definitions of 'Green infrastructure' (GI), but the common factors are (a) that GI involves natural and managed green areas in both urban and rural settings (b) is about the strategic connection of open green areas and (c) that GI should provide multiple benefits for people. Green infrastructure is a network of multi-functional open spaces, including formal parks, gardens, woodlands, green corridors, waterways, street trees and open countryside.

4.18 Rights of way may form part of the strategic connections between open spaces. Public open space, including recreational provision may also be included within GI. Both of these types of facility are, however categories in their own right and are considered separately below.

4.19 Evidence of need for enhanced GI facilities may be provided by studies undertaken, e.g the Haven Gateway Green Infrastructure Study. Whereas such studies may identify existing deficiencies in GI provision, developer contributions towards enhancement must be related to the development concerned and fairly and reasonably related in scale and kind to the proposals. Development plan policies may also provide a firm policy basis for seeking developer contributions towards GI.

4.20 Contributions may be requested for capital works, including land purchase or for 'pump priming' services such as maintenance or supervision until facilities become established. Pooling of contributions from a number of developments is likely to be required to develop strategic GI facilities.

Health Facilities

4.21 The need for new health service facilities in connection with new development will be assessed by NHS Suffolk and NHS Great Yarmouth and Waveney usually following the preparation of a Health Impact Assessment (HIA). This would take into account factors such as the increased population arising from the development, the capacity of existing primary care / acute facilities provision and the demographic nature of the area. The scope of health care infrastructure may include both capital provision and / or related funding and services. In many instances, socio-economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms. Opportunities for combining health service provision, with other infrastructure or facilities provision as part of floor space within a local centre, should be explored.

4.22 The *All of Suffolk* web page in the next chapter provides further detail on the range of health care infrastructure provision which may be required.

Landscaping, Planting and other Screening

4.23 Maintenance contributions for landscaped areas not forming part of a package of green infrastructure, public open space, or highway verges may be required. Where the landscaped area is designed and located for wider public benefit, then this should be vested in the local authority after a specified period. However, in cases where landscaped areas are provided solely to benefit the occupiers of a new development, then requirement may be made for maintenance payments in perpetuity.

Libraries and Archives

4.24 The Suffolk Libraries and Archives Service operates 44 libraries and two public records offices throughout the County, as well as mobile libraries to serve rural areas. The provision of public libraries is a statutory requirement under the Public Libraries and Museums Act 1964. The Department for Culture, Media and Sport (DCMS) publishes national standards for library provision and monitors Library Authorities' performance against the standards. These include the proportion of households living within two miles of a static library, number of new items added annually per 1,000 population and number of electronic workstations per 1,000 population. Detailed calculations can be found in the libraries and archives topic paper accessed through the Further Information chapter.

Police Facilities

4.25 Section 17 of the Crime and Disorder Act 1998 places a duty to reduce crime and disorder within the community, a responsibility which requires the prioritising of finite police resources across the large rural County of Suffolk. The need for new police facilities in connection with new development will be assessed by the Suffolk Constabulary usually following the preparation of a Crime and Disorder Impact Assessment (CDIA). This would take into account the likely increase in population, the existing capacity of policing facilities and any local issues or concerns. The scope of police infrastructure may include both capital provision and / or related funding. Opportunities for combining police service provision, with other infrastructure or facilities provision as part of the floor space within a local centre should be explored.

4.26 The web page in the next chapter provides further detail on the range of police infrastructure provision that may be required, including the details of a standard charge which can be used for broad infrastructure planning purposes.

Pre-School Provision

4.27 The provision of sufficient childcare places and early education is a local authority duty under the Childcare Act 2006. Provision must be made for free pre-school places for children aged 3 and 4 years. A further pilot scheme is being run for free pre-school provision for some 2 year olds. Pre-school education is provided directly by the County Council (through nursery classes in primary schools) and by the private and voluntary sectors. Most of the available grant aid is revenue for running the services. There is a funding gap for the capital cost of provision of new and improved premises.

4.28 An assessment of the capacity of existing pre-school facilities will be undertaken in relation to the impact of new development. If there is inadequate capacity to accommodate the pre-school children likely to arise from a development, then a financial contribution will be calculated using the methodology set out in the pre-school topic paper located in the **All of Suffolk** web page in the next chapter.

Public Art

4.29 Provision for public art may be made in development plan policies, supplementary planning documents or may be negotiated on an individual site-specific basis. If provision is to be made on site, this can be covered by planning conditions. Alternatively, pooled contributions may be sought from a number of developments towards public art which may be within a town centre or other focal point.

Public Realm Improvements

4.30 Contributions may be requested towards streetscape or other public realm improvements, including hard and soft landscaping, street furniture, signage etc. A clear linkage between the development and the improvements must be demonstrated.

4.31 Contributions towards public realm improvements may be pooled. If any standard charge is to be imposed, the basis for calculation will be set out in the District or Borough Councils Development Plan Document or Supplementary Planning Document.

Social Infrastructure including Open Space, Sport and Recreation

4.32 The detailed basis for contributions towards social infrastructure is set out in development plan documents including District and Borough Council supplementary planning documents which are available from the web pages in the next chapter. Contributions may be requested in kind, for the provision of land and/or facilities, or may be by way of financial contributions. A standard charge may be imposed, provided that details of calculation of the charge are available within the development plan and have been subject to public consultation.

4.33 Highways and Transport

The Highway Authority will assess the overall transport requirements of a proposal and a transport assessment will be required for all significant developments. Transport assessments will accord with current Department for Transport Guidance (2007) and will demonstrate how car use will be minimised. This will require detailed assessment of opportunities for use of public transport, walking and cycling, including the improvements necessary to connect the development with destinations.

Full transport assessments will be required for: [development size to be completed]. Smaller scale developments will require a simpler transport statement, which should consider the same issues. Further assessment may be required in individual cases, particularly where a site is located near to other development sites.

A travel plan will be required to; demonstrate how car use will be minimised, set challenging targets and to identify the measures necessary to achieve those targets. The measures will include specific requirements for public transport facilities. Walking and cycling uses are dealt with in detail below but are to be considered as a package of measures required to minimise car use arising from the development.

Highway Improvements

The highway works deemed necessary as a result of a development proposal may include any works for improving the existing highway network, providing new highways, accommodating public transport, pedestrians and cyclists, associated engineering works and necessary legal and administrative costs, e.g. in implementing Traffic Regulation Orders. Highway works will normally be undertaken by the developer under an S278 agreement, which will include a charge for future maintenance.

Travel Plans

Travel plans are essential elements within transport assessment because they identify the opportunities to minimise car use and set targets for this.

Travel plans may be secured by condition or by Section 106 obligations where their provisions relate to on-site and related off-site improvements or management measures. However, where these relate to off-site provisions, or are linked with other travel plans in the area, then it is likely that a planning obligation will be required, in order to ensure effective enforcement of the plan. Financial bonds will generally be required to ensure that travel plan actions are delivered and performance is achieved.

A standard form of Travel Plan is located in the Sustainable Transport Solutions topic paper accessed through the [Further Information](#) chapter.

Public Transport Improvements

Public transport requirements will be required within a package of measures to reduce car use including public transport accessibility, provision of improved services and necessary supporting infrastructure such as bus stops, shelters and information devices.

Rights of Way

Public Rights of Way (PRoW) are classified as footpaths, bridleways, restricted byways and byways open to all traffic. In Suffolk the majority of PRoW are footpaths and where appropriate, a development may necessitate a route status being upgraded to accommodate multi-use, such as cycling and equestrian use. Developments will often impact on the existing PRoW network and as a consequence, there may be enhanced surfacing required to accommodate additional use. Improvements to the existing PRoW network required as a result of a development may also necessitate provision of new routes linking existing rights of way. In each case, the required improvements will be determined in relation to the scale of development, securing opportunities for modal shift, and ensuring an appropriate access strategy to strategic facilities including green infrastructure.

Waste Infrastructure

4.34 Waste collection / recycling facilities may be provided on site and covered by a planning condition. However, the wider requirements for waste disposal on a strategic basis are dealt with by the County Council. The County Council, in accordance with EU targets for sustainable disposal of waste, and in accordance with policies contained in the County Councils Waste Core Strategy , is seeking to reduce reliance on landfill and to develop alternative technology facilities such as an Energy from Waste plant. A tariff-based contribution towards County waste disposal facilities has been devised, which is calculated on the basis of the cost of a new facility and upgrades to the existing Household Waste Recycling Centres. More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

High Speed Broadband

4.35 Suffolk County Council recommends that all development, certainly in the strategic allocations, is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest BT exchange is required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed. This will be discussed with developers on a site by site basis. The County Council is looking at developing a strategy involving appropriate stakeholders to request contributions to improve linkages to exchanges and the upgrading of exchanges where this has been identified as necessary.

Specific Pooled contributions

4.36 Refer to the [Further Information chapter](#) for a link to the district and borough councils Section 106 pages where any other contributions are described.

Community Development Officer

4.37 Traditionally Community Development Officers work alongside people in communities, building relationships with key people and organisations. This helps highlight common concerns and areas for work. The main benefits of community development work are that communities can become stronger, be supported to be more sustainable, more active and influential in shaping decisions that effect them. If such a requirement is necessary, your District or Borough Council planning officer will be able to advise on specific information.

5 Further Information

5.1 Please go to one of the following section 106 web pages where you will find further information relating to the District or Borough that your development is located within. The **All of Suffolk** web page contains further details regarding Suffolk County Council requirements along with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary.

District and Borough Council web pages:

www.babergh.gov.uk

www.forest-heath.gov.uk

www.ipswich.gov.uk

www.midsuffolk.gov.uk

www.stedmundsbury.gov.uk

www.suffolkcoastal.gov.uk

www.waveney.gov.uk

All of Suffolk

www.suffolk.gov.uk

Contact Details:

Insert working group officers?

**SECTION 106 PLANNING OBLIGATIONS –
CODE OF PRACTICE PROTOCOL**

**DRAFT FOR CONSULTATION –
NOVEMBER 2010**

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1 INTRODUCTION

1.1 This document is intended to provide best practice guidance on managing Section 106 Planning Obligations. This document together with the Section106 Developers Guide to Infrastructure Contributions in Suffolk supersedes the Suffolk *Local Planning Authorities Supplementary Planning Guidance Relating to Section 106 Obligations* (1999). The document amplifies the guidance provided in Circular 05/2005 with particular reference to the issues faced in Suffolk and existing best practice as used by Suffolk authorities. It looks towards a collaborative approach to public service provision, embracing service providers such as Suffolk Primary Care NHS Trust (NHS Suffolk and NHS Great Yarmouth and Waveney), Great Yarmouth & Waveney Primary Care Trust (NHS Great Yarmouth and Waveney) and Suffolk Constabulary.

1.2 The document has been prepared in accordance with paragraph 6.3 of Planning Policy Statement 12. This provides guidance for use across the County of Suffolk, by District / Borough Councils and the County Council. Suffolk Constabulary, NHS Suffolk and NHS Great Yarmouth and Waveney will be close consultees in the management of planning obligations and have been involved in the preparation of this document.

1.3 This document provides guidance on the following:

1.3.1 A protocol is set out for consultation and joint administration arrangements for Section 106 obligations between the Suffolk local authorities, to include consultation with NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary;

1.3.2 Good practice guidance to ensure that processes are streamlined and follow best practice as published by central government;

2 PROTOCOL FOR MANAGEMENT OF SECTION 106 PLANNING OBLIGATIONS

2.1 The following section sets out a working protocol for use by the District, Borough and County Councils in Suffolk for dealing with Section 106 planning obligations.

2.2 Types of development covered by the protocol -

2.2.1 The intention is that the protocol between County and District / Borough Councils will apply to major developments, which are defined as follows.

2.2.2 Sites of 10 dwellings or more;

2.2.3 Smaller sites of less than 10 dwellings where it is part of a phased development, or where developments will cumulatively add up to 10 dwellings or more; and,

2.2.4 Non-residential floorspace of 1,000 square metres or more.

2.2.5 These levels may be amended at a subsequent date.

2.3 The District and Borough Council's approach

The District and Borough Councils will:

2.3.1 Consult the County Council's Planning Obligations Manager on pre-application proposals and applications for planning permission for major development (as defined in paragraph 2.2) which have implications for County Council services;

2.3.2 Consult with NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary on proposals in accordance with the protocol and as deemed appropriate;

2.3.3 Allow a statutory 21 day period for response on all consultations on planning applications and pre-application submissions, this period to be extended by agreement between the authorities;

2.3.4 Inform the County Council's Planning Obligations Manager, NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary as necessary, of any subsequent amendments to the proposal;

2.3.5 The District and Borough Councils will ultimately be responsible for prioritising service requests in arriving at a decision and will liaise with the County Council's Planning Obligations Manager throughout this process. The views of the County Council's Planning Obligations Manager and of relevant County Council service departments, NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary will be taken into account in this process: All requests must be submitted within the agreed time scale. Requests submitted (including upward amendments) after this deadline will generally not be accepted for the purpose of negotiations on heads of terms with the developer unless as a result of changes to proposed development mix or numbers.

2.4 The County Council's approach

In considering infrastructure requirements of any development, the County Council will:

- 2.4.1 Act in accordance with relevant planning policies, the Economic Development Strategy and other policy documents including Local Area Agreements and will have regard to the Government's planning policy guidance and Circular 05/2005 on planning obligations;
- 2.4.2 Provide a corporate response to District and Borough Council consultations on all local development documents, development briefs, planning applications and informal enquiries where the criteria is met in section 2.2;
- 2.4.3 Provide a corporate response within the consultation timescale, unless otherwise agreed with the District / Borough Council;
- 2.4.4 Ensure that a coordinated, consistent and transparent response is provided, with copies to the District / Borough Council and developer/agent;
- 2.4.5 Provide reasoned justification based on planning policies for requests for developer contributions;

- 2.4.6 Identify a named individual to coordinate the County Council's response, and provide a list of people to contact for detailed discussions and enquiries;
- 2.4.7 The County Council's service area managers will assess the capacity of existing infrastructure and services and particular area needs in areas planned for growth in the Development Plan and will assess the infrastructure and service needs of any specific development proposal;
- 2.4.8 The County Council will liaise with NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary and other infrastructure providers in determining its corporate response;
- 2.4.9 The County Council will provide its corporate response to District / Borough Councils and developers, and will supply draft heads of terms for incorporation into Section 106 obligations;
- 2.4.10 The County Council will attend meetings with District / Borough Councils, applicants and their agents as necessary to discuss draft heads of terms;
- 2.4.11 Where requested by the local planning authority (LPA) and when deemed appropriate, the County Council will provide evidence and witnesses for appeals, including for hearings and inquiries where the decision is supported;

2.5 Other Bodies

- 2.5.1 The County, District and Borough Councils will, at their discretion consult with other relevant public bodies such as NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary in relation to pre-application enquiries and planning applications in order to ensure a comprehensive approach to infrastructure provision.
- 2.5.2 The County, District and Borough Councils will work with other relevant public bodies to ensure the effective planning of new infrastructure, that linkages between infrastructure are maximised and that opportunities for multiple or joint use of facilities are utilised.

2.6 Monitoring of Obligations

- .2.6.1.1. The County, District and Borough Councils will work together to ensure that SECTION 106 Obligations and trigger points are monitored as appropriate, before, during and after development takes place. Information shall be shared between authorities regarding stages of work on site and contact details of developers. Each obligation shall be pro-actively monitored and each trigger point shall be brought to the attention of the developer promptly. Information regarding payments received and other infrastructure requirements complied with shall be shared between authorities.
- .2.6.1.2. Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by the County, District and Borough Councils to monitor the obligations concerned. The use of standardised systems is recommended, for example, IT databases, in order to ensure that information on the implementation of planning obligations is readily available to the local authority, developer and members of the public.

3 PRACTICE

The following paragraphs provide guidance on good practice, and are based on national guidance provided in circular 05/2005 and the government's good practice guide on planning obligations, as well as existing procedures developed in Suffolk authorities.

Pre-application discussions

- 3.1** It is important that full use is made of pre-application discussions to develop draft heads of terms in agreement with the developer prior to submission of an application. Any pre-application enquiries will be considered by individual service departments and other infrastructure providers, e.g NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary, to enable provision of a coordinated view on infrastructure requirements and early discussion with developers.
- 3.2** In considering major pre-application proposals, District / Borough Councils and the County Council will work together and will liaise closely with other relevant infrastructure providers.
- 3.3** Heads of terms produced at pre-application stage are draft, and the figures to be incorporated in the final Section 106 obligation may be updated to reflect changed data or changed costs, if the period of time from initial enquiry to setting final heads of terms is protracted.

Standard documentation

- 3.4** The use of standardised obligation documents or standard clauses is encouraged, in order to ensure consistency and provide an efficient process.
- 3.5** Heads of terms should also be standardised where possible, and an example of a standard heads of terms document is at appendix 1.

Development Team approach

- 3.6** The use of a 'development team' approach in considering major development proposals is encouraged. Development teams within District / Borough Councils will typically be made up of officers representing development management, planning policy, housing, public open space and legal services, together with appropriate County Council representatives, including the County Council's Planning Obligations Manager and other service managers. The County Council will also operate a development team approach to include representatives from service departments, NHS Suffolk, NHS Great Yarmouth and Waveney and Suffolk Constabulary.
- 3.7** District / Borough development teams will ideally meet on a regular basis such as fortnightly or monthly and will discuss the likely acceptability of major proposals, their impact and mitigation measures required in terms of infrastructure provision. Regular development team meetings are a mechanism for sharing information and reaching corporate agreement prior to preparing heads of terms and engaging in discussions with applicants, and help to streamline the Section 106 process.
- 3.8** It is essential that information on implementation of planning obligations is shared between the relevant authorities and service providers as early as possible in the process to ensure effective and sustainable delivery of infrastructure.

Fees for Monitoring and Legal costs

- 3.9** Standard monitoring charges may be imposed on each SECTION 106 Agreement and Unilateral undertaking. A standard charge may be imposed for each clause to be monitored. Current charges are available in the Developers Guide via the Further Information chapter.
- 3.10** In addition to monitoring fees, the legal charges of preparation of the SECTION 106 Agreement will be payable by the applicant.

3.11 Monitoring fees and legal costs will be payable by the applicant before completion of the SECTION 106 obligation.

3.12 There is a desire to standardise the charges applied by the authorities in Suffolk, however at the moment individual authority charges are available through the links in chapter 5 of the [Section 106 Developers Guide to Infrastructure Contributions in Suffolk](#).

Enforcement

Where it becomes necessary to enforce the terms of a Section 106 Planning Obligation involving the County and District / Borough the authorities will work together to co-ordinate the enforcement of the Section 106 Planning Obligation.

4 APPENDICES

Appendix 1 – Standard Heads of Terms

(TITLE: LOCATION OF SITE)

Suffolk County Council Planning Obligations Requirements: Heads of Terms

1. Introduction

1.1 This document sets out an initial summary of the draft Heads of Terms, as at (DATE). The Heads of Terms will be developed further as investigations continue into the potential impact of the proposals. The policy justifications for each requirement are set out in the Section106 Developers Guide to Infrastructure Contributions in Suffolk and related supporting web pages.

2. Transport

Local Plan/Core Strategy Policies (INSERT)

2.1 The full extent of transport improvement measures will be assessed using any Transport Assessment provided. The measures will be considered as a comprehensive package, to include facilities for highway improvements, public transport improvements and footpath/cycle route improvements.

Public Transport

2.2 Dependent upon the scale of the proposed development the Local Transport Authority will assess the likely public transport requirement taking into account existing services (commercial and supported). Based upon this assessment the

most appropriate means of delivering a sustainable public transport solution will be proposed.

2.3 Where this assessment is that delivery is best delivered by way of a registered bus route such a route will be identified through the development linking the development to anticipated centres of employment, nearby towns and/or interchange points to link into the wider transport network.

2.4 In order to support bus services the County Council will identify & upgrade existing major bus stops between the new development and the town centre to provide DDA compliant platform kerbing and paving. The County Council anticipates that on-site bus shelters with DDA compliant kerbing (and lay-bys if deemed appropriate, once road layout has been finalised) will be provided at the developers cost via planning conditions. Bus shelters must be to SCC Specification. Real time passenger information (RTPI) screens (@ £ [INSERT AMOUNT] each) may be required to be provided to key locations throughout the development. To support this 'bus kits' (@ £ [INSERT AMOUNT] each) to interface with the RTPI will be required.

2.5 In the case of a registered bus service minimum service conditions that need to be included in the Section 106 agreement are as follows:

- [INSERT] minute service frequency between the new development and the town centre, 7am to 7pm Monday to Saturday inclusive.
- A reduced frequency may be specified for services in the evenings & on Sundays where deemed necessary.
- Minimum [INSERT] seat vehicle. Service assumed to require [INSERT] vehicles during the 0700-1900 timeframe to ensure level of frequency.
- In the case of some developments agreement will be sought to phase the level of service delivery to ensure that services are available at a level appropriate to the level of occupation.

2.6 Services may be delivered by way of a financial contribution to the transport authority to secure the specified service by way of a complaint tendering process. Where this is not desirable or possible due to the close proximity of commercially operated services the Transport Authority may specify the level of service to be

delivered and agree that this should be delivered through an agreement between the developer and the bus operator(s).

2.7 Where the delivery of services outlined in 2.2 is by means other than a conventional registered local bus service (due to the location or size of the development proposed) it may be specified that delivery will be by means of a Demand Responsive Service or Community Transport Service delivered at local level. The Transport Authority will in such a case seek a financial contribution commensurate with the cost of the anticipated additional capacity that will be required to provide sustainable passenger transport solutions for the development. At this time the area to be served will be specified with the intention of providing services to locations as outlined in 2.3. The level of service to be delivered will be by way of a service level specification stating the core hours of operation that will be available, type of vehicle to be used and the geographical scope of the service.

2.8 Services will in all cases be supported for 5 years from a start date to be agreed with the principle that the intention is to provide a high quality transport service from the first occupation of the development, encouraging new residents to use sustainable modes of transport as an alternative to the car. This period of support is intended to allow the service(s) to mature to a point where it will operate without recourse to further financial support.

3. Education

Local Plan/Core Strategy Policies (INSERT)

3.1 This major development proposal will have a significant impact on (primary, middle, upper & sixth form DELETE AS APPROPRIATE) education provision. The Supplementary Guidance sets out how education provision will be assessed in connection with new development proposals.

3.2 The total number of dwellings proposed is (INSERT NO.)

3.3 The County Council will use the latest cost multipliers provided by the Partnerships for Schools (PfS) for remodelling and new builds.

3.4 Provision of School Site(s)

Where the scale of development is sufficient in itself to justify a new school(s) the developer will be expected to provide the site(s) free of charge in addition to the contribution.

The site(s) will be reserved and provided at no cost to the County Council within the proposed development in a central location in close proximity to local services and on a gyratory road, i.e. not in a cul-de-sac. The site should also be adjacent to an area of open space in order to fully integrate the new primary school into the new community and to allow possible future expansion if demand for places increases beyond the anticipated capacity. The Site(s) will be rectangular in shape. It (they) will also be fully serviced before construction commences, be level & free of contamination, with all remedial archaeological surveys and work carried out at no cost to the County Council. Detached playing fields are not acceptable. For a full list of site suitability please see attached checklist.

This development requires a minimum of [] acres ([] hectares) site for a new [] place primary school. Some larger developments may require more than one primary school site which will be identified by the County Council.

For larger developments the County Council will require a minimum of [] acres ([] hectares) site for a new secondary school.

If a full new site is not required, the additional pupils, and hence the increase in capacity, is such that the current school site will not meet the minimum DfE BB98 and 99 Area Guidelines. The County Council will therefore require £ towards the cost of acquiring the additional land needed to meet the minimum Area Guidelines, or the developer will provide the required land free of charge to the County Council.

3.5 Financial Contributions

Extension/modifications to Existing Schools – this development will generate a sufficient number of primary and/or secondary school places that will create a shortfall of places at the local schools. In some instances schools will require significant internal remodelling to adequately meet the changing needs of the curriculum due to additional pupils from a new development. Evidence of need has been provided which shows that a total sum (for full applications only) of [£] or [£] per dwelling (for Outline applications only) is required to allow additional facilities to be provided at schools within the vicinity of the development. These costs are based on the DfE Cost Multipliers x the number of additional places required for Primary, Middle, High and Sixth form places.

New School(s) – Where a new school or schools are required, the County Council will expect a financial contribution to meet the site preparation (e.g. archaeology, sewers, levelling, playing field provision and construction of the school premises). The infrastructure costs for a new school are much higher per pupil place than school extensions hence the County Council will require full build costs of the new school(s) by the developer(s). This takes account of additional costs such as:

- meeting BREEAM requirements - new buildings and projects with a value of over £500,000 must achieve BREEAM excellent
- adhering to new Building Regulations and
- to meet the County’s Environmental Policy to create Suffolk as the greenest county by tackling the issue of climate change, for example by reducing our carbon emissions (with a target of zero carbon emission for new schools)

Based on 2010 build costs the following table gives an indication of the costs of building new schools (these may vary for each school and over time):

SCHOOL TYPE	BUILD COSTS (£M)	
Primary (1 fe 5 – 11) 210 places	£7m	
Secondary (11 -18)	£30m	

Examples of schools currently under construction, or recently completed, can be provided on request.

- 3.8 In summary the combined impact on education provision as a direct result of this major development proposal is (INSERT SUMMARY DETAILS)

Pre-school provision

- 1.2 The number of pre-school pupils arising from a development of (INSERT DWELLING NO.) houses is calculated to be (INSERT PUPIL NO.) for each year group (based on historical Suffolk County Council data). This figure is multiplied by 2 for the two pre-school year groups. The DfE standard multiplier for primary schools is £ INSERT AMOUNT, and this figure is halved to take into account that pre-school education is provided on a half-daily basis. The calculation is therefore £ INSERT HALF MULTIPLIER AMOUNT multiplied by INSERT TWICE PUPIL NUMBER divided by INSERT DWELLING NUMBER, giving a cost per dwelling of £ INSERT AMOUNT.
- 3.9 Suffolk County Council therefore seeks a contribution of £ INSERT AMOUNT per dwelling, providing a total contribution of £ INSERT AMOUNT.

4. *Green Infrastructure*

Local Plan/Core Strategy Policies (INSERT)

)

- 4.1 A contribution will be required towards off-site green infrastructure provision, the details of which are to be determined.

5. *Rights of Way*

Local Plan/Core Strategy Policies (INSERT)

5.1 Any works for diversion or stopping up of rights of way which are necessary as a result of development will be dealt with either under the Town and Country Planning Act, sections 257, 258 or 261, or under the Highways Act. Contributions towards improvements to existing rights of way may be obtained through S106 obligations.

Public rights of way are classified as footpaths, bridleways, restricted byways or byways open to all traffic and their alignment is recorded on a legal document, known as the Definitive Map. A route may also have a recorded width, as described in the accompanying Definitive Statement. It may be necessary in some cases to upgrade footpath routes to accommodate equestrian and cyclist use. Developments should also take account any claims submitted to SCC, in its capacity as surveying authority.

Improvements to the existing network required as a result of development may also necessitate provision of new routes linking existing rights of way. The measures for improvement in each case will be determined in relation to the scale of development and securing opportunities for modal shift as well as ensuring an appropriate access strategy to strategic facilities including green infrastructure.

Planning obligations may be required for off-site improvements to public rights of way and cycle routes and for management measures for a defined period of time. Contributions will cover the cost of carrying out works as well as legal costs for any required public path orders. Improvements to rights of way will be integrated with the overall package of sustainable transport measures.

6. *Waste Service*

Local Plan/Core Strategy Policies (INSERT)

6.1 The County Council, as Waste Disposal Authority is pursuing a strategy of reducing reliance on landfill and moving towards alternative methods of disposal, such as Energy from Waste or Mechanical and Biological Treatment Plants. A standard developer contribution towards waste disposal facilities has been calculated on a County-wide basis, using the following assumptions:

- There are 18 existing Household Waste Recycling Centres (HWRC) which serve the total population of Suffolk (307,000 households). Each HWRC serves an average of 17,055 households. A new HWRC costs in the region of £1.5 million to construct (not including the land purchase costs), therefore £1.5million for 17,055 households is equivalent to £87.95 per household for HWRC provision.
- One Energy from Waste (EfW) plant processing about 250,000 tonnes of residual waste would have a capital cost of £105 million and three Transfer Stations with land purchase would have a capital cost of £12 million. Based on 307,000 households then the average capital share per household for this project would be £381.

6.2 These two elements taken together result in a standard contribution of £469 per dwelling. The Borough Council is the Waste Collection Authority and may wish to request contributions towards any capital costs associated with the provision of collection services to new households (for example additional collection vehicles, the provision of wheelie bins, bring facilities (bottle banks etc), depots, street cleansing equipment etc).

6.3 (INSERT PARAGRAPHS RE. SITE SPECIFIC REQUIREMENT)

7. Libraries and Archives

Local Plan/Core Strategy Policy (INSERT)

7.1 Suffolk County Council uses standards recommended by the Museums, Libraries and Archives Council (MLA), with the exception that the floor space standard adopted for archive accommodation, at 5 sq. m. per 1,000, population is smaller than recommended. In summary, a formula-based approach is used to calculate the required library and archive accommodation contribution of £259 per dwelling, calculated as follows:

- a minimum standard of 30 sq. m. of new library space and 5 sq. m. of archive space per 1,000 population is required;

- construction and initial fit out cost of £3,000 per sq. m. for libraries and £3,600 per sq. m. for archives (based on RICS Building Cost Information Service data but excluding land costs).
- this gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space and $(5 \times £3,600) = £18,000$ per 1,000 people or £18 per person for archive space (total £108 per person).
- assumed occupancy of 2.4 persons per dwelling (regional average house occupancy) results in a contribution of £259 per dwelling. This approach excludes any consideration of provision of a site, and is purely a contribution towards build and fit out costs.

1.3 The financial contribution towards libraries and archives arising from a development of (INSERT DWELLING NUMBER) at £259 per dwelling would be £ INSERT AMOUNT.

7.3 ADD ANY SITE SPECIFIC INFORMATION.

7.4 Record Offices are also identified as a high priority for investment. There is currently a serious concern about the limited amount of archive storage available in all 3 record offices in Suffolk (Bury, Lowestoft and Ipswich). Virtually all accrual space has been filled so that the Record Office will in the very near future be unable to accept any significant new donations. There is an urgent need to increase the amount of storage space available meeting BS5454 and other standards.

8. *Supported Housing*

Local Plan/Core Strategy Policies (INSERT)

8.1 Suffolk County Council's Adult and Community Services (ACS) have noted that the number of older persons needing funding from Care Services is expected to grow by 39% from 2008 - 2021. Based on these figures SCC have carried out modelling, assuming various multi-tenure options, on the need for Very

Sheltered Housing (Extra Care or VSH) over this period. The conclusion was that the County would need over 8 new VSH schemes per year until 2021 to meet the projected demand.

- 8.2 There is predicted to be a 7.7% increase in over 75 year olds and an 18% increase in over 85 year olds by 2010. There will be a corresponding increase in the number of people with dementia. Whilst the County Council's policy is to support people within their own homes as long as possible, there will be a need for provision of supported housing as part of major developments where there is not expected to be adequate provision already in the locality.
- 8.3 A proportion of the affordable housing requirement at (INSERT LOCATION), as determined by local need, should be provided for as Very Sheltered Housing. Where appropriate and backed up by evidence of need, 'mixed use', purpose designed and built 40-60 x 2B units VSH for older people (mixed tenure) with community linked resources, along with smaller 'core and cluster' supported housing will be required. This could be self-contained or shared with mixed tenure for specialised client groups with say 4 -10 units in each location but equally 'linked' shared service wise. Careful consideration is required to provide more flexibility and longevity of VSH along with fairer access to such services. The accommodation standards should be innovative in design and service configuration and in the use of new assistive technologies.
- 8.4 Very Sheltered Housing (VSH) falls under the broad definition of affordable housing and is part of the Supported Housing agenda which involves close partnership working between the PCT, District Councils and County Council. The local and national demographic trend is that we are faced with an ageing population which is placing severe & extremely challenging pressures on service providers.
- 8.5 The new National Housing Strategy for an Ageing Society strongly recommends that proper local analysis is done to understand current and projected levels of provision of VSH for older people by combining a whole system of health, housing and care. In estimating likely needs, (INSERT) District Council should be aware of the following factors, which should inform the provision of VSH:
- The demand for conventional sheltered housing is likely to decline
 - The suitability of older stock for letting will become increasingly problematic

- The potential for leasehold retirement accommodation will continue to grow
- Some existing schemes will lend themselves to refurbishment and remodelling to provide VSH, some of which should be offered for sale/shared ownership
- VSH should be provided for sale and rent
- There is a need for VSH for people with dementia
- The design of VSH should mitigate residential care and may allow some measure of re-provision
- Dementia VSH is replacing nursing homes for those with moderate to severe dementia

8.6 (INSERT SITE SPECIFIC DETAILS)

9. Police Service

Local Plan/Core Strategy Policies (INSERT)

9.1 Details of police requirements are to be determined. Any financial contribution would be subject to Section 106 planning obligation.

10. *NHS Suffolk and NHS Great Yarmouth and Waveney*

Local Plan/Core Strategy Policies (INSERT)

- 10.1 Details of NHS Suffolk and NHS Great Yarmouth and Waveney requirements remain to be determined. It is likely that a proportionate contribution would be required towards new health care facilities in the area under the terms of the Section 106 agreement.