



**Nottinghamshire  
County Council**

# **Planning Obligations Strategy**

**May 2019**

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# 1 Introduction

## The purpose of the Strategy

- 1.1 This document is the third edition of Nottinghamshire County Council's Planning Obligations Strategy and replaces the April 2014 document. As with previous editions, it details the scope and range of contributions towards infrastructure which Nottinghamshire County Council may seek when consulted on planning applications in order to make development acceptable in planning terms, including how these contributions will be calculated.
- 1.2 The Strategy fits with the overall aims of the National Planning Policy Framework (NPPF) by supporting sustainable and viable development. By promoting a consistent and transparent approach to likely obligations, developers and landowners will be able to take into account the potential costs of a proposed development at the earliest stage. They can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how proposed development in their area will be accommodated.
- 1.3 The County Council does not determine applications for housing and commercial development which often require planning obligations – these are a matter for District and Borough Councils in Nottinghamshire. The Strategy aims to assist District and Borough Planning Authorities in the formulation of policies and proposals within Local Plans along with making decisions on planning applications. The County Council will separately work with District and Borough Councils on Local Plans and where appropriate, local groups in preparing Neighbourhood Plans to identify the overall level of infrastructure needed to support proposals. It is the Local Plan and supporting Infrastructure Delivery Plans which will form the basis for seeking planning obligations that are required to mitigate the impact of allocated sites. The aim of the County Council is to ensure that infrastructure is delivered in a timely manner and thereby ensure that new development does not have a negative impact upon the quality of life in Nottinghamshire.
- 1.4 Since the previous edition of the Strategy, Community Infrastructure Levy (CIL) Regulations which came into effect in April 2015 limits the number of contributions which can be 'pooled' to finance a single infrastructure project, or type of infrastructure. That maximum has been set at five contributions agreed since April 2010. The requirements of the CIL Regulations is taken into account.
- 1.5 The Government is currently reviewing the Community Infrastructure Levy and the Strategy may be amended further to take into account any changes to CIL arising from this review.

## County Council Objectives

- 1.6 The County Council's strategic objectives are set out in its four year plan "Your Place, Your Nottinghamshire 2017 – 2021". The Plan is based around four vision statements:
  - A great place to bring up your family;
  - A great place to fulfil your ambition;
  - A great place to enjoy your later life; and
  - A great place to start and grow your business.

- 1.7 By providing a mechanism for supporting the County Council's responsibilities for enabling the provision of new schools, libraries, waste and recycling and other services, when dealing with the impact of new development, the Planning Obligations Strategy will help to ensure that these vision statements are achieved.
- 1.8 The County Council is the responsible body for minerals and waste planning in the County. Potential obligations for mineral and waste development are included in Appendices 8 and 9 of this document. The County Council is the Lead Local Flood Authority and Local Highway Authority and obligations which could arise from the latter responsibilities are set out in Appendix 3.
- 1.9 The County is also responsible for improving the general health of people in Nottinghamshire. The Nottinghamshire Health and Wellbeing Board has endorsed the document [Spatial Planning for the Health and Wellbeing of Nottinghamshire](#) (2016) and a Planning and Health Engagement Protocol (2017) between local planning authorities and health partners in Nottinghamshire. Whilst planning obligations are unlikely to be required in most cases, County, District & Borough Planning Authorities and the NHS should consider the impact of local plans and development applications on health and wellbeing.

#### Infrastructure this Strategy covers

- 1.10 The Strategy covers the administrative area of Nottinghamshire County Council. Nottingham City Council is a unitary authority outside Nottinghamshire and therefore its area is not covered by this Strategy.
- 1.11 The Strategy does not cover services provided by lower tier authorities (District and Borough Councils), such as affordable housing or open space, or contributions that may be sought by other infrastructure providers, such as the NHS or the Police. It solely deals with services provided by the County Council.
- 1.12 The services for which the County Council may seek contributions are:
- Archaeology;
  - Green Space;
  - Highways and Transport;
  - Library Provision
  - Statutory Education Provision
  - Waste Management and Recycling
  - Mineral Development
  - Waste Development.

- 1.13 Further information on these requirements can be found in Appendices 1 to 8.

#### Status of the Strategy

- 1.14 This Planning Obligations Strategy is a revision of the document which was adopted in 2014.

- 1.15 District / Borough Councils are responsible for determining planning applications and assessing the reasonableness of planning contributions sought taking account of the CIL Regulations and policies in the NPPF and the Development Plan. Whilst this document will have no statutory status, it is intended to give guidance to Local Planning Authorities when making these decisions and to set the benchmark for obligations which may be sought in respect of County Council infrastructure. The County Council encourages District and Borough Councils to endorse the Strategy and use it in determining planning applications.
- 1.16 The County Council recognises that the key basis for determination of planning applications is the relevant Local Plan and Neighbourhood Plan (where this exists). The County Council will provide necessary evidence at the time of Plan making about what infrastructure is needed to support Plan proposals in order to provide the framework for future contributions from development towards County Council services. Where Local Planning Authorities have Supplementary Planning Documents (SPDs) covering planning obligations, this document will inform the preparation or review of any such SPDs by the Local Planning Authorities.
- 1.17 The Planning Obligations Strategy will in future be published as an online resource on the County Council's [Planning Obligations Strategy web page](#), which will be updated as required to reflect changes to national policy guidance and updated figures for calculating obligations. Where changes are made notification of this will be given to Local Planning Authorities. Where significant changes are intended, these will be subject to re-consultation before being adopted.
- 1.18 This document should be read in conjunction with relevant Local Plan Policies and any Supplementary Planning Documents (SPDs) produced by the County Council and District / Borough Councils.

## 2 Purpose, Use and Application of Planning Obligations

- 2.1 Planning law and policy recognises that it is reasonable to expect that developers should contribute towards the costs of services, infrastructure or resources that would not have been necessary but for their development.
- 2.2 The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) established the statutory framework for developer contributions in the form of Section 106 planning obligations. The Act provides that a planning obligation may:
- Be unconditional or subject to conditions;
  - Impose any restriction or requirement for an indefinite or specified period; and
  - 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.
- 2.3 The National Planning Policy Framework (NPPF)<sup>1</sup> and the Planning Practice Guidance<sup>2</sup> are the Government's overarching national planning guidance and define planning obligations as being "A *legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.*"
- 2.4 Legal agreements and any planning contributions run with the land in the same way that a planning permission does. This means that, once the permission is implemented they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires the planning obligation can be removed.
- 2.5 The Community Infrastructure Levy Regulations (as amended) and paragraphs 54 - 57 of the NPPF set out information on the use of planning conditions and obligations and the tests which should be applied. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should only be sought where they are:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 2.6 The NPPF seeks to ensure that obligations allow development to proceed in a viable manner, taking into account market conditions.
- 2.7 The Planning Practice Guidance states that local authorities should not seek contributions from developments of 10 units or less, and which have a maximum combined gross internal floorspace of no more than 1,000sq metres. Where the County Council is consulted or are made aware of such developments, unless there is clear evidence available that the

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.gov.uk/guidance/planning-obligations>

application is below this threshold, the County Council may seek a contribution where a need for this is required to mitigate the impact of development. It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.

- 2.8 If a legal agreement makes provision for a commuted sum to be paid to the Local Planning Authority (LPA), the money must be spent within a reasonable time frame. This period is usually five years but may be longer, if deemed appropriate. If the money is not spent within the agreed period, the developer should be reimbursed with the outstanding amount, together with any interest accrued, unless the agreement is varied.
- 2.9 This Strategy sets out the likely level of planning obligations which may be sought in relation to Nottinghamshire County Council's functions and services. However, it is acknowledged that planning obligations may have an impact on the overall financial viability of development. In such circumstances, Nottinghamshire County Council, through its Place Department would encourage open discussions with the developer and the LPA (which will include the County Council for Minerals and Waste planning applications) to achieve the most satisfactory outcome, without an undue burden being placed on either the developer or the County Council .

#### Relationship between Section 106 Obligations and the Community Infrastructure Levy

- 2.10 The Community Infrastructure Levy (CIL) is a funding mechanism intended to help fund major infrastructure to support the development of a wider area, rather than to make individual planning applications acceptable in planning terms. In Nottinghamshire, Bassetlaw District Council, Gedling Borough Council and Newark and Sherwood District Council have each introduced a CIL. In such areas developers and land owners may be liable to pay the Community Infrastructure Levy and enter into a Section 106 Agreement.
- 2.11 Where a Community Infrastructure Levy is in place, Local Planning Authorities are required to set out in a 'Regulation 123 List', the types of infrastructure or individual projects they will use the Community Infrastructure Levy to fund. The items on the Regulation 123 list cannot then be funded by Section 106 obligations. As part of the infrastructure planning and delivery process the County Council will work with CIL Charging Authorities in the production / review of their Regulation 123 List. This will include providing information to District / Borough Councils regarding the types of infrastructure which is required in their area and which would be best suited to delivery through CIL and responding to statutory consultations on Preliminary Draft and Draft Charging Schedules. Applicants are advised to consult the relevant District / Borough Council to ascertain the current Regulation 123 list which applies in the area concerned.
- 2.12 Where a development is proposed in an area which has a CIL Charging Schedule and Primary and / or Secondary education are on the Council's Regulation 123 list but the catchment school where contributions would be spent is located in an area without a CIL Charging Schedule, the County Council may seek a S106 obligation. Such requests will be made having consideration to the pooling restrictions which apply.

### 3 County Council approach to Planning Obligations

- 3.1 It is important that the County Council, District / Borough Councils, developers and their agents work together to identify and negotiate the contributions which may be sought to mitigate the impact of development.
- 3.2 The County Council's Planning Policy team within the Place Department will provide a single point of contact for developers and LPAs regarding planning obligations related to the County Council's services. It can be contacted via [planning.policy@nottscc.gov.uk](mailto:planning.policy@nottscc.gov.uk) or 0300 500 80 80. The team provides advice on planning applications sent to the County Council for comment and will provide to the local planning authority following internal consultation:
- Advice on planning obligations sought;
  - Liaison concerning the drawing up of legal agreements; and
  - Information on the receipt and use of all planning contributions received by the County Council in order that a clear audit trail can be established.
- 3.3 In addition to the above:
- The County Council as Highway Authority will continue to assess any development which is likely to result in a material increase in the volume of traffic or material change in the character of traffic entering or leaving a classified road or proposed highway and seek local highways and transport contributions; and
  - The County Council Flood Risk Management Team will work closely with Districts / Boroughs and developers to secure suitable, feasible and sustainable drainage solutions for new developments that are sympathetic to wider flooding issues in an area.
- 3.4 The County Council will normally only seek planning obligations from 'major' developments which are defined as follows<sup>3</sup>:
- Residential development for 10 dwellings or more where the provisions of the Planning Practice Guidance are met (see paragraph 2.7 above);
  - Residential development on a site in excess of 0.5 hectares where the phasing of developments will add up to 10 dwellings or more;
  - Non-residential development of 1,000 square metres or more gross internal floor space;
  - Non-residential development on a site of at least 1 hectare.
- 3.5 When considering infrastructure and potential planning obligations requirements, the County Council will:
- Act in accordance with relevant planning policies and other policy documents including the Government's National Planning Policy Framework (NPPF);
  - Provide a coordinated response regarding infrastructure implications to the

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<sup>3</sup> Unless these differ from locally adopted policies



District / Borough Council consultations on all Local Plans, Supplementary Planning Documents (SPD's), Neighbourhood Plans, development briefs, planning applications and informal enquires;<sup>4</sup>

- Provide a coordinated response<sup>5</sup> to planning applications, within the consultation timescales, unless otherwise agreed with the relevant District or Borough Council. Where it is not possible to respond by a specified date, the County Council will contact the District / Borough to notify them at the earliest opportunity including the reasons why the revised date by which comments will be submitted;
- On the occasions that the County Council is approached directly by a landowner, developer or agent requesting information on likely developer contributions, the County Council will provide the advice but copy correspondence to the relevant local planning authority;
- To ensure that infrastructure and contributions sought are compliant with the CIL Regulations, provide evidence and reasoned justification based on planning policies for requests for developer contributions;
- Identify a named individual to coordinate the County Council's response;
- Assess the capacity of existing infrastructure and services and particular area needs in areas planned for growth in District / Borough Local Plans and the infrastructure and service needs of any specific development proposal;
- Provide its coordinated response to the relevant District and Borough Councils and developers in a timely manner, and will provide draft heads of terms, including proposed triggers for incorporation into Section 106 obligations;
- Attend meetings with the relevant District and Borough Councils, applicants and their agents when requested and justified by the Local Planning Authority to discuss draft Section 106 heads of terms;
- Consult District / Borough Councils on County planning applications that it receives (in accordance with its statutory duty);
- Where requested by the relevant local planning authority, support the provision of evidence for planning appeals, including hearings and inquiries where the decision is supported;
- Provide support and appear as necessary at Local Plan examinations including responses to inspector's prehearing questions and appearing at the Hearings; and
- Participate in District / Borough Council's Development Team meetings when requested.

3.6 As part of an approach of working together to deliver sustainable development which provides the supporting infrastructure for the community the County Council asks that District and Borough Councils:

- Consult the County Council on scoping opinions, pre-application proposals and applications for planning permission for 'major' development (as defined on page 6);
- Allow a 14 day period (10 working days) for baseline information requests for all screening/scoping opinions and pre-application consultations;

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<sup>4</sup> Where a pre-application submission is made the County Council will provide an "in principle" response which sets out whether contributions are likely to be sought. Detailed information about the value of contributions will be provided should the proposal move forward to a formal application.

<sup>5</sup> The Highways Authority and Flood Risk Management Teams may respond separately to consultation requests on a case by case basis, in these cases they will endeavour to meet statutory deadlines.

- Allow a statutory 21 day period (15 working days), excluding bank holidays or public holidays<sup>6</sup>, for responses on all consultations on planning applications, extended by agreement;
- Notify the County Council of proposed developments that are likely to involve County Council requirements at the pre-application stage;
- Inform the County Council as soon as practicably possible of any subsequent amendments to the proposal if the County Council's requirements are affected.

### Viability

- 3.7 As required by the National Planning Policy Framework, in pursuing sustainable development local planning authorities must in determining planning applications, take into account the infrastructure requirements arising from a development and the viability of that development. In making such determinations, local planning authorities are encouraged to liaise with, and take the views of, the County Council into account and this will be balanced with local matters and available evidence.
- 3.8 The County Council notes that there is increased use of viability assessments to justify reduced or nil planning obligations. At the same time there has been a significant reduction in the level of public funding available to deliver necessary infrastructure. The result of these pressures has been that two key new issues are fundamental to any planning decision: sustainability and viability.
- 3.9 It is clear that a balance needs to be struck between supporting economic growth and ensuring that new developments do not have an adverse impact on existing and future communities.
- 3.10 The County Council will work with developers and Local Planning Authorities to help achieve planning obligations whilst being sensitive to the needs of development, e.g. by considering the use of flexible trigger points for payment of contributions in order to help ensure development proposals remain viable.
- 3.11 It is acknowledged that it will be the District / Borough Councils who will determine whether an obligation requested is CIL compliant and that they will consider the request for an obligation as part of the planning balance including viability. Where a viability appraisal is submitted by a developer, District / Borough Councils may carry out an independent assessment of the appraisal and this will be used to determine if the level of contribution is reasonable. Where the County Council has submitted what the District / Borough Council consider to be a CIL compliant request for a contribution but the issue of viability is raised (and which could lead to a reduced or zero contribution being secured); the County Council may ask to view copies of viability appraisals which have been submitted to the District / Borough Council. This is to allow the County Council to gain an understanding of the issues faced and, where necessary, brief senior officers and Members on what the implications of this will be on delivering the infrastructure required to mitigate the impact of development. The County Council acknowledges that some of this information may be commercially sensitive and in such circumstances, developers provide information in confidence. In these circumstances, it is appreciated that District / Borough Councils will have to obtain the

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<sup>6</sup> public holiday means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England

developer's consent to pass on information of this nature and in some cases this may not be possible. Where the issue of viability is raised and accepted by the District / Borough Council, the County Council will assess their infrastructure priorities and where requested provide clarification about what these will be in respect of the planning obligations sought as part of the planning application which is being considered.

- 3.12 The County Council request that this document, which indicates what level of contributions are needed, be taken into account in the financial appraisal of proposed development at an early stage, prior to agreement over other negotiable items such as land price.
- 3.13 The County Council recognises that it is the District and Borough Councils who will determine most planning applications and consider the obligation(s) requested in light of the viability of the development. In circumstances where Local Planning Authorities do not accept the County Council's full request for developer contributions, the County Council may request that a system for reviewing of planning obligations as the development proceeds be incorporated into an agreement. The methods for this will differ on a case by case basis and it will be the District / Borough Council who determine whether an overage clause should be included within the legal agreement. Where such reviews are undertaken it is acknowledged that this could lead to a reduction in contributions e.g. where market conditions worsen.
- 3.14 For larger scale developments where some degree of phasing is likely, it may be that whilst full policy compliant requirements cannot be met at the time when any Viability Assessment is undertaken, positive changes in market circumstances over time may allow additional contributions to be made whilst maintaining the economic viability of development. The County Council will work with Local Authorities in seeking to achieve such Contingent Deferred Obligations, when the County Council's full request for developer contributions is not accepted.

#### Impact of Reduced or Zero contributions

- 3.15 Paragraph 173 of the NPPF seeks to ensure that the sites are deliverable and that the policy constraints placed by planning obligations are not stifling development. There may be certain circumstances, e.g. due to viability, where a developer may put forward a case for reduced or zero contributions. This will have a significant impact on the delivery of infrastructure, especially where there are no other funding sources available which could lead to a shortfall in monies to fund infrastructure projects. Where there is clear justification for a reduced contribution the County Council will not object to a proposal.

#### Land for infrastructure

- 3.16 There will be some developments where land will be requested to help deliver infrastructure which is required to mitigate the impact of development, e.g. new schools / land to allow future extension of a school. The County Council will liaise with District / Borough Councils and developers and their agents in respect of the amount of land required and the timescale for its transfer to the County Council.
- 3.17 The following sets out the serviced site requirements where land is being provided for a new school:

*A site remediated to an appropriate standard and without the presence of contamination, ordnance or protected species with all necessary and safe access and rights of access (including free and uninterrupted construction access and to enable the secure passage of people on opening), gas, electricity, potable water, foul and storm drainage, telecommunications, broadband internet and any other services or infrastructure appropriate (to adoptable standard where applicable) to the extent necessary to supply a Primary School (including a Sprinkler installation). Surface water drainage shall be provided to accommodate the 1 in 30 year design flow with attenuation up to 1 in 100 year plus climate change provided within the overall development site, where the utility is to be adopted with an executed agreement (if required) with the relevant body and transferred with confirmation that the infrastructure will be adopted without further payment to the relevant body.*

### Unilateral Undertakings

- 3.18 The County Council's preference is to secure S106 obligations through a bilateral agreement to which they are a party to ensure greater enforceability and transparency. However where a Unilateral Undertaking is put forward the County Council will give consideration as to whether such an approach is suitable to help ensure the delivery of an obligation for County Council infrastructure taking account of the specific circumstances.

### Signing of Legal Agreements

- 3.19 Where the proposed development triggers a County Council requirement in terms of infrastructure, the County Council will request that they be a signatory to the agreement. As part of the process for preparing the legal agreement, District and Borough Councils should consult the County Council on the content of the draft document. This is to allow the County Council to provide input regarding the value of the various contributions (or in the case of land area and transfer requirements), the projects on which monies will be spent and the triggers for payment or provision of land. It will also help ensure that obligations on the developer are directly enforceable by the County Council and that obligations on the County Council are directly enforceable by the signatories of the agreement.
- 3.20 In addition, where a legal agreement includes a requirement for monies or a physical contribution to be made to the County Council, the developer will be required to notify the County Council Planning Department in writing of when development commences and when triggers for payment or provision of infrastructure are reached.

### Indexation

- 3.21 In order to ensure that planning obligations provide for the actual costs of the infrastructure for which they are levied, all financial contributions agreed in legal agreements will be index-linked appropriately to reflect increases in build costs between the date the agreement is signed and the actual delivery date of the service or facility.
- 3.22 The indexation which will be used for County Council obligations will be the BCIS All-In Tender Price Index published by the Office for National Statistics contained in the monthly Digest of Statistics (or contained in any official publication) or such other index as may from time to time be published in substitution. Where local bus service contributions are secured the County Council will use the CPT Cost Index. Where a District / Borough does not

subscribe to these indices, the County Council will provide information about the level of uplift to the contribution so that the amount to be paid by the developer can be confirmed.

- 3.23 The County Council are aware that the Government are considering changes to the approach to indexation which may lead to a move away from BCIS to an index based on property or land value. Should such changes occur this document will be amended to reflect this.

#### Legal Fees

- 3.24 The County Council will recharge the developer its reasonable legal costs incurred in agreeing planning obligations for its services. These costs are payable for work done regardless of whether agreements are ultimately completed. Legal fees will be recharged on a time expended basis.

#### Payment of monies

- 3.25 Where agreed by District / Borough Councils, funds payable in relation to the County Council's requirements will be paid directly by the developers to the County Council. In other cases, the sums will be forwarded by the District / Borough Councils to the County Council when the terms and conditions set out in the Section 106 agreement are met and the monies have been received by the District/Borough Councils. In these cases the County Council will expect the District / Borough Council to commit to the payment of developer contributions to identified County Council projects, as set out in the S106 agreement (once monies have been received by the District / Borough Council for those identified projects).
- 3.26 Where obligations are paid after the trigger has been reached, the County Council expects that the District/Borough Council will charge and recover interest on late payments which will be passed to the County Council with the contribution.
- 3.27 Where funds are to be paid to the County prior to completion of a project, the County Council will provide a written guarantee that if the project is not undertaken / completed or the money is not spent on an appropriate project within the time agreed within the legal agreement, the County Council will pay the money back to the District / Borough or to the developer.

#### Transfer of monies

- 3.28 In certain cases, in particular relating to education requirements, there may be occasions where S106 monies will need to be transferred to other organisations, e.g. The School Academy Trust. Where this occurs the County Council will enter into a Grant Agreement which will set out:
- The conditions of the grant;
  - The party to whom the monies are to be paid;
  - The amount of monies to be transferred and how this will be paid;
  - The project for which it will be used to deliver; and
  - The clawback period for spending the monies and the process for recovering it in the event that it is not spent in the time period specified.

## Appeals

- 3.29 In the event that planning applications are refused by the Local Planning Authority, representations pertaining to infrastructure need may be recorded as objections and thereby set out as reasons for refusal. The County Council will assist Local Planning Authorities in defending such reasons for refusal at any subsequent appeal, and where considered appropriate, will submit a Planning Obligations Position Statement to the Inspector setting out the various contributions sought and how these requests comply with the three statutory tests. Clearly, Section 106 agreements may be entered into prior to the appeal to overcome the need for Nottinghamshire County Council to raise such objections with the appeal inspector.
- 3.30 Where an appeal is submitted to the District Council, the County Council requests that it is notified. This is to ensure that it has sufficient time to consider the need to submit additional information to the Planning Inspector and, if being determined by a Public Inquiry, whether it needs to attend to set out its position on the planning obligations sought.
- 3.31 The County Council will work with District / Borough Councils, developers and their agents in respect of all aspects relating to the provision of infrastructure that is required to mitigate the impact of development as set out above. The following sections of the document set out in detail the various contributions which may be sought on a case by case basis by the County Council.

## ARCHAEOLOGY PROVISION

In its role as advisor in relation to archaeology, the County Council seeks to increase awareness of the importance of archaeological assets, and to protect them wherever possible. Whilst there are over 8,000 known archaeological sites and historic features across the County, new sites continue to be discovered, most frequently as a result of development activities. It is therefore important that measures are taken when planning permission is granted to investigate, record, analyse and protect this non-renewable asset.

Additional information on the location and types of archaeological sites and historic features throughout Nottinghamshire can be accessed via the County Council's Historic Environment Record (HER)<sup>7</sup>. For more information, please contact the Historic Environment team on 0300 500 80 80.

Whilst many issues relating to archaeology can be subject to a planning condition, it is felt that there are certain circumstances including large scale and / or complex schemes where it may be appropriate to seek a planning obligation to secure a preferred programmes of archaeological work.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>National Planning Policy Framework (NPPF);</li> <li>Historic Environment Good Practice Advice in Planning Notes 1,2 and 3</li> </ul>
<b>Type of facilities for which obligation may be required</b>	<ul style="list-style-type: none"> <li>Archaeological consultants and contractors for investigation, recording, analysing, conserving archiving and reporting on archaeological structure or remains;</li> <li>Provision for site management, interpretation schemes and public access; and</li> <li>Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance in the future.</li> </ul>
<b>Type of development which may trigger need</b>	<ul style="list-style-type: none"> <li>All development which may have an impact on archaeologically sensitive structures or locations. (The extent of the interest must be located and defined through archaeological field evaluation)</li> </ul>
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>Commissioning of relevant programmes of work;</li> <li>Safeguarding of archaeological interest or provision for excavation, recording and archiving.</li> </ul>
<b>Does a threshold apply?</b>	<ul style="list-style-type: none"> <li>No threshold. Where sensitive sites are affected, it applies to all development proposals.</li> </ul>
<b>Location for application</b>	<ul style="list-style-type: none"> <li>Throughout Nottinghamshire (detailed information on sensitive areas can be provided by the County Archaeologist).</li> </ul>

<sup>7</sup> <http://www.nottinghamshire.gov.uk/whats-on/heritage/historic-environment-record>

## GREEN SPACE

Accessible green space and green infrastructure contributes significantly to the health and wellbeing of local communities, as well as providing important habitats for wildlife. It also makes places more attractive to live, and contributes to an uplift in property prices.

Whilst matters relating to green space are usually subject to a planning condition, there may be circumstances where a legal agreement is required, e.g. large scale and / or complex schemes or where mitigation is required to deal with impacts on an off-site location.

Nottinghamshire County Council will seek contributions for the maintenance and upkeep of green space and green infrastructure under its ownership and / or management where development adjacent to or in the vicinity of such sites is likely to increase costs on the authority due to:

- additional wear and tear on site infrastructure;
- a change in the intensity of management caused by additional usage of the site;
- a requirement for tree safety works or improvements to site access and security due to the proximity of the development; and
- additional drainage provision

Additional information on the location and types of designated sites throughout Nottinghamshire can be accessed via the County Council’s Nature Conservation team. For more information, please contact the team on 0300 500 80 80.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework (NPPF);</li> <li>• “Nature Nearby” Accessible Natural Green Space Guidance (NE265 October 2011)</li> <li>• National Planning Practice Guidance (NPPG) – Natural Environment;</li> </ul>
<b>Measures for which provision may be required</b>	<p>To mitigate against and / or compensate for unavoidable impacts on the green space including natural environment, caused by development the County Council may seek the following measures to include, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Upkeep and maintenance of drainage, paths and access infrastructure, boundaries and security;</li> <li>• Tree and vegetation maintenance;</li> <li>• Waste bins;</li> <li>• Signage and interpretation;</li> <li>• Habitat protection, enhancement , restoration and creation (off and on site);</li> <li>• Landscaping - on site or strategic landscaping solutions;</li> <li>• Site management</li> </ul>
<b>Type of development</b>	<ul style="list-style-type: none"> <li>• All development which may have an impact on green space ;</li> <li>• Specific locations will need to be assessed individually.</li> </ul>



<b>which may trigger need</b>	
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>• All capital costs of implementation, mitigation or compensation measures; and</li> <li>• Maintenance costs for a period to be agreed (for example, up to 10 years).</li> </ul>
<b>How are the costs calculated?</b>	<ul style="list-style-type: none"> <li>• Contributions will be calculated on a case by case basis depending what is being requested.</li> </ul>
<b>Does threshold apply?</b> a	<ul style="list-style-type: none"> <li>• No thresholds apply (If sensitive features or sites are affected, it applies to all development proposals)</li> </ul>
<b>Where does this apply?</b>	<ul style="list-style-type: none"> <li>• All County Council green space and green infrastructure</li> </ul>

# HIGHWAYS AND TRANSPORT

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 which can also have positive outcomes for health & wellbeing, and to focus significant development in locations which are or can be made sustainable. The transport system should be balanced in favour of sustainable and healthy transport modes, giving people a real choice about how they travel. 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.

As the Local Highway Authority, the County Council will view the highway / transport elements of any applicable proposals with a view as to their suitability, sustainability, connectivity and acceptability in mitigating any adverse effects of the development on the local highway network using guidance contained within the NPPF and other relevant guidance. In those instances where the proposals made by the developer do not allow the adverse effects on the highway / transport network to be mitigated or where the development would be considered unsustainable in transport terms, the County Council will seek opportunities in co-operation with the Local Planning Authority for the introduction of transport improvements funded by the developer.

A hierarchical approach to these improvements will be taken to ensure the delivery of sustainable transport networks to serve any new developments provide (in order of preference):

- Area wide travel demand management (measures to reduce travel by private car and incentives to use public transport, walking and cycling for appropriate journeys);
- Improvements to public transport services, and walking and cycling facilities;
- Optimisation of the existing highway network to prioritise public transport and encourage Walking and cycling; and
- Major highway capacity enhancements to deal with residual car demand.

It should be noted that current Government guidance means that the Highway Authority may only expect the Local Planning Authority to require a developer to make a contribution to a highway improvement or sustainable transport facility where the requirement for it is both a direct consequence of the development proceeding and that without it the development could not function properly.

Developers will be required to submit and agree with the local highway authority a travel plan and commit to future travel plan monitoring. Developer's will be required 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.

Developer contributions for highways / transport are an important source of funding to mitigate the impact of new housing developments on the transport network as follows. The level of funding contribution requested will be subject to the particular characteristics of the development site.

<p><b>Current guidance</b></p>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework;</li> <li>• Nottinghamshire County Council Strategic Plan;</li> <li>• Departmental Place Strategy;</li> <li>• Nottinghamshire Local Transport Plan (LTP);</li> <li>• LTP Implementation Plan;</li> <li>• Local Bus Strategy;</li> <li>• Integrated Passenger Transport Strategy and Delivery Plan-</li> <li>• Spatial Planning for the Health &amp; Wellbeing of Nottinghamshire, Nottingham City &amp; Erewash;</li> <li>• Rights of Way Improvement Plan</li> </ul>
<p><b>Type of facilities for which provision may be required</b></p>	<ul style="list-style-type: none"> <li>• Cycling &amp; walking measures, including infrastructure improvements for accessibility and upgrading of public rights of way.</li> <li>• Public Transport including bus infrastructure contributions to provide bus stop facilities, information (including real time information) and bus priority measures, including bus stop clearways and enforcement measures;</li> <li>• Local bus service contributions. For more details please refer to the document <a href="#">“Public Transport Planning Obligations Funding Guidance for Prospective Developers”</a></li> <li>• Travel Plan monitoring fee</li> <li>• Intelligent transport systems.</li> <li>• Highway capacity improvements.</li> </ul>
<p><b>Type and size of development which trigger need</b></p>	<p>Developer contributions will be generated primarily by residential and industrial development. Requests for contributions will generally be considered for all residential developments of <b>10 dwellings and above</b> (where the provisions of the Planning Practice Guidance are met). However, contributions are also requested for employment and retail developments, for the equivalent scale of development.</p>
<p><b>How are the costs calculated?</b></p>	<p>All costs will be calculated on a case by case basis, including consideration of location, impact of the development, and the existing local infrastructure / services / facilities. The level of contribution will represent the cost of providing the necessary highway improvement(s) and transport services as well as the relevant travel plan monitoring fee. Details of the monitoring fee (banded by size of development) are included in the “Annual charges for Highway Services” report. However in some circumstances the County Council may consider it more appropriate to seek a contribution instead.</p>
<p><b>Form in which contributions should be made</b></p>	<p>The contribution will be in the form of a S106 Agreement unless the infrastructure is to be delivered by CIL as set out on a Local Authorities CIL Regulation 123 list. It is the Council’s preference that funds are paid to the Council who will manage and co-ordinate provision of the agreed services and facilities enhancements in line with their role as the Local Highway Authority</p>

## LIBRARY PROVISION

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”.

In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries, under contract with Inspire, a non-profit organisation. These libraries are at the heart of the communities. They provide access to books and DVDs; a wide range of information services; the internet; Wi-Fi and opportunities for learning and cultural activity.

The County Council has a commitment to maintain and develop a strong libraries network across the County and confirms the purpose of libraries as being places that aim to be at the heart of Nottinghamshire’s community life and that offer facilities to:-

- Inspire the enjoyment of books and reading;
- Create knowledge through access to learning, information and local heritage;
- Stimulate and encourage cultural activities; and
- Offer excellent and inclusive customer service for all every time.

The County Council has a clear vision that its libraries should be:

- Modern and attractive;
- Located in highly accessible locations; and
- Of suitable size and standard for intended users.

Therefore contributions from developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework (NPPF);</li> </ul>
<b>What contributions could pay for</b>	<ul style="list-style-type: none"> <li>• Construction and fit out costs of extensions / alterations to existing libraries; and</li> <li>• Stock costs.</li> </ul>
<b>Type and size of development which may trigger need</b>	<ul style="list-style-type: none"> <li>• Residential (including student accommodation) <b>of over 50 dwellings</b> may trigger a requirement for a contribution;</li> <li>• Where new development generates a need for additional library provision, a contribution will be required;</li> <li>• 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 the new development;</li> <li>• Where the existing library’s capacity would be exceeded, a contribution will be required;</li> </ul>

	<ul style="list-style-type: none"> <li>• The capacity of the library is determined based on a service requirement of 30m<sup>2</sup> of public library space per 1,000 population, based upon the current model of delivery and found in the Museums, Libraries and Archives (MLA) advice;</li> <li>• The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area.</li> </ul>
<p><b>How are the costs calculated and what are they?</b></p>	<ul style="list-style-type: none"> <li>• Where new development places demands on the library above its physical capacity, i.e. a new library or an extension to an existing facility is required the following standard build cost charges will be applied:</li> <li>• <b>Building Costs (including stock):</b> <ul style="list-style-type: none"> <li>○ Building costs linked to the RICS BCIS Tender Price Index and new build prices;</li> <li>○ Fitting out costs including furniture and technology based upon current fitting out costs of new provision in Nottinghamshire.</li> </ul> </li> </ul> <p>Where such a contribution is required the cost will be determined at the time of the planning application and will be subject to negotiation with the developer</p> <ul style="list-style-type: none"> <li>• <b>Stock costs only:</b> <ul style="list-style-type: none"> <li>○ Where a library building is able to accommodate the extra demand created due to a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution will be sought;</li> <li>○ The National Library Standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £10.00 per stock item (based on Askews Library Services book prices at September 2017). Thus costs for the provision of stock only is as follows: <ul style="list-style-type: none"> <li>○ <b>£35.24 per dwelling</b> (based on 2.3occupants per dwelling).<sup>8</sup></li> </ul> </li> </ul> </li> </ul> <p>When contributions for stock are sought they will be calculated as follows:</p> <ul style="list-style-type: none"> <li>• Number of dwellings x 2.3 per dwelling = Number of people generated by the development</li> <li>• Number of people generated by development x 1.532 (items per 1,000 population) x £10.00 (cost per stock item)</li> </ul>
<p><b>Form in which contributions should be made</b></p>	<ul style="list-style-type: none"> <li>• Land, where required, and either the costs of construction of buildings to the County Council’s specification and fitting out costs including initial book stock and IT; or</li> <li>• Contributions towards stock increases.</li> </ul>

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<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationandhouseholdestimatesfortheunitedkingdom/2011-03-21>

## STATUTORY EDUCATION PROVISION

### Planning to meet increasing demand for school places

The Education Act 1996 states that Local Authorities have a duty to secure school places for all children of statutory school age who are resident in the Authority and whose parents want them to be educated in a state-funded school. Whilst subsequent Education Acts have amended various aspects of School Organisation, this obligation on Local Authorities has not changed.

In addition the County Council has a statutory duty to ensure a sufficiency of pre-school places (e.g. Play Group and/or Nursery provision) for children aged three and four. There is also a duty to ensure places for certain 2 year olds. Since 2017, the government has also delivered a policy to allow access to an additional 15 hours to working parents of 3 and 4 year olds. Contributions for nursery and pre-school provision may be required either for existing pre-schools or purpose built new facilities on a separate site, possibly shared with a school. Existing playgroups and nurseries (including private facilities) will be taken into account.

Funding for the provision of additional school places is derived from two sources:

1. An allocation from the Department for Education (DfE) to meet demand from the existing population; in this case an increasing demand for places is a direct result of either rising birth rates or a net inward migration; and
2. Developer education contributions which are required to mitigate the impact of new housing developments on infrastructure.

The annual Department for Education (DfE) School Capacity (SCAP) Return requires the local authority to state clearly where places are required as a result of new housing developments (increased demand) and, in addition, there is a requirement to list the new school or school expansion projects funded by Section 106 / CIL education contributions. Guidance for Local Authorities preparing their SCAP return is available at: <https://www.gov.uk/guidance/school-capacity-survey-2017-guidance>

### Methodology for forecasting the demand for school places

The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its SCAP process. Information about the methodology is set out below and more detailed information can be found at [www.gov.uk/guidance/school-capacity-survey-2016-guide-for-local-authorities](http://www.gov.uk/guidance/school-capacity-survey-2016-guide-for-local-authorities)

The County Council groups schools (both primary and secondary) across the County into 'planning areas'.

Population profile data is aggregated to postcode and age group, which enables the numbers of children in each cohort to be mapped against school catchment areas. In turn, this data is aggregated to the planning areas. This provides the number of young people living in each planning area organised by National Curriculum Year.

The statutory school census data for an individual school for each of the past 3 years is compared to the corresponding population profile data for the planning area in which the school is located. This results in a 3 year period percentage intake from the planning area. These 3 percentages are averaged; however, the average is weighted towards the more recent census year. This percentage is then applied to the appropriate population profile data for the next 5 years to create a first admission and infant to junior projection for the following 5 years.

There is a degree of movement into and out of schools throughout the year and this may produce a 'cohort flux' – for example, losses or gains between one school year and the next. The average cohort flux for each year group over the past 3 years is calculated for the school and then applied to each cohort projection to project numbers for the following year.

The same methodology is employed to forecast the demand for secondary school places.

It should be noted that School Planning Areas are not static. As required by the DfE, the County Council are currently reviewing the planning areas and this may have an impact on future education requirements.

If a school has been delivered through the private Finance Initiative (PFI) the cost of delivering pupil places is increased by a factor of approximately 15%. This will be due to the terms of the legal agreement which will have been signed at the time the school was delivered.

### Demographic Changes

In line with the underlying national trend, Nottinghamshire has seen an increase in birth rates across the County since 2007. This has been seen by an increase in numbers at primary schools, and the increase is currently moving into the secondary education phase. Historically the County Council has rarely required secondary education contributions, however these are more likely to be required moving forward.

### **Meeting expected demand resulting from proposed housing developments**

The County Council's consideration of whether or not developer contributions towards education provision are required will be informed by the projected demand for places compared with the known capacity figures. *Seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity at that school. The DfE anticipates that Local Authorities will maintain a margin of 1.2% to allow for in-year movement between schools. This does NOT include new families moving into an area as a result of them occupying newly built houses.*

The projected demand for places, taking into account the proposed development, is calculated during the planning application process using the formulae described in the County's Planning Obligations Strategy. This is translated into a funding requirement which is detailed in the Strategy as a per pupil place cost. Any costs to be paid to the County Council will be index linked through the Section 106 agreement.

Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; where the proposed development would result in insufficient projected capacity, a contribution will be required. There may be a requirement, in some cases, for the provision of a completely new school. This is likely to be the case if the proposed development is in an area where all schools have already been expanded to reach their site capacity, or where

the development is large enough to sustain its own school. Where a new school is required, the base level of contribution will be an area of land for the required size of school, as defined by the DfE, plus the cost of building the school.

## Delivering Education Places

The roll out of academies does not change the County Council’s legal duty to ensure sufficient school places are available. Therefore when providing school places developers / agents should contact the County Council to discuss how these will be provided.

When a new school is required to mitigate the impact of development(s) this will be achieved through the Free School presumption process.

This approach requires the approval of the Regional Schools Commissioner acting on behalf of the Secretary of State.

Further information about these processes is available [here](#).

Where financial contributions are made to allow the delivery of new school places these will either be paid direct to the County Council or to the District / Borough. Where the latter occurs the County Council will submit a claim to allow the monies to be transferred to the County Council. Where monies will be used to deliver additional places at an academy, a Grant Agreement will be prepared by the County Council and sent to the Academy Trust for signing. This will set out the level of contribution to be transferred, how this will be paid, what the monies will be used for and the conditions for spend including circumstances which will see monies repaid to the County Council. Further information about these agreements is set out in paragraph 3.28.

<p><b>Current guidance</b></p>	<ul style="list-style-type: none"> <li>• Securing Developer Contributions for Education (DfE April 2019)</li> <li>• National Planning Policy Framework (NPPF);</li> <li>• Department for Education Strategy Overview 2015-20</li> <li>• Policy Statement – Planning for schools development (DCLG 2011)</li> <li>• Schools Admissions Code (latest update 2014)</li> </ul>
<p><b>Type of facilities for which provision may be required</b></p>	<ul style="list-style-type: none"> <li>• Sites for new schools;</li> <li>• Construction costs of new schools;</li> <li>• Contributions towards additional classrooms;</li> <li>• Contributions for permanent expansions;</li> <li>• Contributions towards temporary provision which may be required to accommodate early arrivers from a scheme;</li> <li>• Other building provision at existing schools (including additional grass / artificial turf sports pitches); where this releases additional capacity;</li> </ul>
<p><b>Type and size of development which may</b></p>	<ul style="list-style-type: none"> <li>• Developer contributions will be generated by residential development, which create extra demand at local schools (subject to a lack of existing capacity at the local catchment</li> </ul>



<p><b>trigger need and what contributions will be used for</b></p>	<p>schools). Requests for contributions will be made for all residential developments of <b>10 dwellings and above</b> (where the provisions of the Planning Practice Guidance are met). When building a new school, the County Council will consider the wider community use of both the school buildings and playing fields.</p>
<p><b>The numbers of children generated by new developments</b></p>	<ul style="list-style-type: none"> <li>• A development of 100 dwellings can be expected to generate 21 children of primary school age and 16 children of secondary school age (Calculated on the numbers of children of primary and secondary school ages which developments can be expected to generate. This is based on information provided by the Office of National Statistics);</li> <li>• The impact of individual developments on pupil numbers will be based pro-rata on the above figures to help calculate the appropriate level of planning contributions required.</li> </ul>
<p><b>What if there is spare capacity at the existing catchment schools?</b></p>	<ul style="list-style-type: none"> <li>• Contributions will be required for every pupil place required in excess of the projected capacity (if calculations indicate that spare places will exist in the catchment primary and / or secondary school by the time the development can reasonably be expected to generate new demand for places, the requirement will be adjusted accordingly).</li> <li>• Projected capacity will be calculated on the basis of: <ul style="list-style-type: none"> <li>- the school's existing net capacity</li> <li>- any planned changes to the school building stock affecting the school's net capacity calculation (a revised net capacity);</li> <li>- pupil projections (revised annually);</li> <li>- Infant Class Size legislation, which limits the size of key stage one classes to 30 per teacher; and</li> <li>- development(s) with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution) which will have been factored into the assessment of available capacity for new applications;</li> <li>-</li> </ul> </li> <li>• It should be noted that the DfE anticipates that Local Authorities will maintain a margin of 1.2% to allow for in-year movement between schools.</li> </ul>
<p><b>How are the costs calculated and what are they?</b></p>	<p>The approach to calculating the cost of obligations to enable provision of the extra school capacity made necessary by development will be based on the approach set out in the Department for Education Guidance – <a href="#">Securing Developer Contributions for Education</a>. This recommends that contributions</p>

	<p>should be based on the assumed cost of mainstream school places on national average costs, (adjusted to reflect the costs in the region using BCIS location factors) which are published annually in the <a href="#">DfE School Place Scorecards</a>.</p> <p>The current costs per pupil place are therefore the “cost per place in all England” in the latest published Scorecard adjusted by the BCIS factor <sup>9</sup> and are as follows:</p> <p>Primary:</p> <p>Temporary Provision - £8,139;  Permanent Expansions - £16,892; and  New Schools £19,508</p> <p>Secondary:</p> <p>Temporary Provision - £9,600;  Permanent Expansions - £22,520; and  New Schools £24,157</p> <p>These figures will be updated annually when the new Local Authority School Places Scorecards are published These figures are index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the BCIS All-In Tender Price Index.</p>
<p><b>What are the triggers for payment?</b></p>	<p>Whilst obligations need to relate to the impact of development proposed across time, it is important that funding is available in advance to ensure that the necessary investment can be made in order to deliver school places when actually needed. It typically can take at least 2-3 years to deliver a project to expand school places in any one locality. As such the County Council will work to the following triggers in negotiating each obligation:</p> <p><b>Developments of 50 or less dwellings (Small Project)</b>  50% on commencement of development  50% within 1 year of commencement of development or the completion of the development whichever is the sooner.  NB: Contributions based on formula index linked</p> <p><b>Developments of over 50 or up to and including 150 dwellings (Medium Project)</b>  50% on commencement of development  50% at completion of 50% of the development or within 2 years of the commencement of the development whichever is the sooner.</p>

<sup>9</sup> The location factor based on information provided by the BCIS and obtained from Arc. The 2nd Quarter 2019 for Nottinghamshire is 105 with the UK average based on a figure of 100

	<p><b>Developments of over 150 or less than 300 dwellings (Large Project)</b>  50% on commencement of development  50% at completion of 50% of the development or within 3 years of the commencement of the development whichever is the sooner.</p> <p>.</p> <p><b>Developments of 300 dwellings and over (Major Project)</b></p> <p>Triggers will reflect the complexity of the agreed solution which could include a new school. However, it can be assumed as in all the above projects that 50% will be required on commencement of the development.</p>
<p><b>The cumulative effect of a number of developments</b></p>	<ul style="list-style-type: none"> <li>• When assessing the impact of new development on school places and the need for obligations, the County Council will take into account permitted development expected to deliver new homes in the next five years and any outstanding applications. Where one application does not justify obligations owing to spare capacity in local schools, but a further application would result in capacity being exceeded, the County Council will seek to ensure that obligations are requested and shared between all eligible applications.</li> <li>• The cumulative effect of several developments in an area will sometimes determine if a group of small/medium projects become a large or major project and contributions will change from being based on formula to being based on build costs.</li> <li>• At Local Plan stage it may often be assessed that there needs to be a single solution to provision of increased school capacity caused by the demand for school places resulting from development of a number of proposed housing sites. The County Council and relevant District / Borough Council will work together to agree an approach to securing land where needed for school provision and ensuring that all developments fund provision on an equitable basis, taking into account where one site provides the land.</li> </ul>
<p><b>Do any discounts apply?</b></p>	<ul style="list-style-type: none"> <li>• The costs are calculated on the basis of a mix of housing types and are not discounted unless the development proposed is <b>solely</b> for apartment developments which are unsuitable for families, or specialist units, such as those for the elderly;</li> <li>• Where a development is solely for apartments, the contribution will be discounted for the 1 bed unit element of the development – the County Council will not require a contribution for these units;</li> </ul>

	<ul style="list-style-type: none"> <li>• There is <b>no</b> discount for developments which are solely or wholly for affordable / social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing, and often more.</li> </ul>
<p><b>What about large developments which generate the need for a new school?</b></p>	<ul style="list-style-type: none"> <li>• Where a new school is required to mitigate the impact of development(s), taking into account capacity in existing schools, the County Council will require fully serviced land to accommodate the school from the developer(s) , plus financial contributions, (based on the cost per pupil referred to above) to deliver a new school taking into account any relevant building standards requirements and the BB 103 and NCC specific requirements and issues relating to the proposed site itself;</li> <li>• It is County Council policy that no new schools smaller than a 210 primary will be planned. In cases where developments will not fund a 210 primary or the future demand for places is unlikely to materialise in the area, creative solutions will be required.</li> <li>• The County Council will provide the developer with the option of building the new school, subject to meeting the required DfE and NCC standards.</li> </ul>
<p><b>Form in which contributions should be made</b></p>	<p>Land where required, and financial payment, based on the above cost per pupil for new schools, permanent expansions or temporary provision (to accommodate early arrivers generated by a development to the County Council's specification</p>

## WASTE MANAGEMENT & RECYCLING

### Meeting additional demand on waste facilities

Several of Nottinghamshire's Recycling Centres are now at or close to capacity and with significant house building in their catchment area will no longer be fit for purpose. Where significant additional housing is planned and a catchment site is at or close to capacity it may be necessary to seek developer contributions to support the construction of a new or expanded Recycling Centre site.

District and Borough Councils publish their Local Plans which set out the expected housing growth over the coming years. This predicted rise in housing will be used to formulate how large a contribution any one housing development will be expected to make. In April 2015 regulations were amended which limited the pooling of developer contributions to no more than 5 obligations, therefore it is important that only the largest of housing developments will be expected to make a contribution should a new or improved waste facility be required due to increased population within the catchment area.

Large housing developments will generate significant levels of additional waste, with each household in Nottinghamshire on average taking 250kg of waste to the County's Recycling Centres each year. In addition to this, there are a number of additional factors that influence the need to replace or upgrade recycling centre sites, these include:

- Additional new users at many recycling centres may lead to an increase in queuing times and congestion in the area;
- Additional site usage and therefore waste may mean an increase in vehicles needing to access the sites to remove waste. This can mean public access to the sites is further restricted whilst the waste is removed; and
- The site no longer being acceptable with regards to public usability such as not being split level for ease of disposing of waste and therefore can present accessibility and health and safety issues with the public having to use steps and ramps to access skips.

### Contribution Model

In order to ensure a fair contribution request is made the following model has been developed that works out a contribution per household. The contribution per household will vary from district or borough to district based upon the expected housing in the area as well as land purchase or lease costs.

The 'per household contribution' will be determined as follows:

- A = Contribution per household
- B = Capital costs associated with construction of new or extended site
- C = Saleable assets of old site where appropriate
- D = Land lease costs per annum
- E = Length of lease in years

F = Existing households in the catchment area/borough/district  
G = Expected additional housing as set out in relevant Local Plan/s.

$$A = (B-C + (D * E) / (F+G))$$

### **Example**

A proposed development of 2,000 houses would require the development of a new Recycling Centre. The capital costs for a new site are £2,500,000 and the existing site has £500,000 of saleable assets. The new site will be on a lease of 25 years at a cost of £50,000 per annum. The current catchment of the area is 40,000 with the Local Plan setting out a further 5,000 new homes over the coming years. The developer contribution sought would be £144,440 based on a 'per house contribution' of £72.22.

$$(2,500,000-500,000 + (50,000 * 25) / (40,000+5,000)) = £72.22 \text{ per household}$$

### **Contribution Threshold**

Any proposed development of 200 new dwellings may trigger the need for a developer contribution to support the development of a new or improved recycling centre capable of serving the expected additional demand in the area. Any request for contributions will be based on the need for a new or improved recycling centre and the overall expected housing development in the area.

### **Land as Contributions**

In cases where a new site is required it may be possible for a developer to gift land that is deemed to be in a suitable location for the construction of a new Recycling Centre. Any agreement of land to be used can contribute to part or all of what would otherwise be a financial contribution. Any offers of land as a contribution will be considered on a case by case basis.

## Mineral Development

All mineral development, including both extraction and associated processing, could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where mineral extraction will continue to affect local communities. In order to ensure that a balance is struck between society's needs for minerals and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for minerals developments.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework (NPPF);</li> <li>• National Planning Practice Guidance (NPPG) – Minerals</li> <li>• Nottinghamshire Minerals Local Plan, Adopted Dec 2005</li> <li>• Emerging Nottinghamshire Minerals Local Plan</li> </ul>
<b>Measures for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Highway improvement and reinstatement works, lorry routing arrangements, off-site highway safety works;</li> <li>• Off-site provision of landscaping, screening, noise attenuation measures, flood mitigation measures etc.;</li> <li>• Off-site monitoring of noise, dust, blasting impact;</li> <li>• Financial guarantees for site restoration;</li> <li>• Provision for extended aftercare;</li> <li>• Long term management of restored sites;</li> <li>• Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains;</li> <li>• Off-site provision for habitat protection, enhancement, restoration and creation;</li> <li>• Safeguarding protected species and species of local biodiversity interest;</li> <li>• Public access;</li> <li>• Associated community facilities and projects;</li> <li>• Transfer of land ownership and associated management provisions.</li> </ul>
<b>Type of development which may trigger need</b>	<ul style="list-style-type: none"> <li>• All minerals development, including both extraction and associated processing (including emerging technologies such as shale gas development);</li> <li>• Proposals which give rise to issues in respect of impacts on highways and residential amenity, visual landscape and ecological impact;</li> <li>• Site restoration which provides an opportunity for creation of habitats and features of landscape and ecological interest.</li> </ul>
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>• Commuted sums (for highways works);</li> <li>• Establishment of trust funds (for long term management of restored sites, for example Quarry Products Association have a Restoration Guarantee Fund).</li> </ul>

<b>Does a threshold apply?</b>	<ul style="list-style-type: none"><li>• No threshold – obligations apply to all development proposals and will depend on specific circumstances.</li></ul>
<b>Where does this apply?</b>	<ul style="list-style-type: none"><li>• All areas containing workable minerals reserves in Nottinghamshire.</li></ul>



## WASTE DEVELOPMENT

All waste development proposals could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where the treatment of waste will affect local communities. In order to ensure that a balance is struck between society's needs for waste infrastructure and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for waste developments.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework;</li> <li>• Waste Management Plan for England;</li> <li>• National Planning Policy for Waste (Oct 2014);</li> <li>• Planning Practice Guidance – Waste</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works;</li> <li>• Off-site provision of landscaping, screening, noise attenuation measures etc.;</li> <li>• Off-site monitoring of noise, dust, groundwater, landfill gas migration – provision of leachate/landfill gas control measures;</li> <li>• Provision for extended aftercare;</li> <li>• Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains;</li> <li>• Long term management of restored sites;</li> <li>• Habitat creation, enhancement and protection;</li> <li>• Safeguarding protected species and species of local biodiversity interest;</li> <li>• Transfer of land ownership and associated management provisions.</li> </ul>
<b>Type of development which may trigger need</b>	<ul style="list-style-type: none"> <li>• All waste management development though arrangements for leachate and landfill gas controls and extended restoration provisions are normally associated with landfill sites only.</li> </ul>
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>• Commuted sums (for highways works);</li> <li>• Establishment of trust funds (for long term management of restored sites);</li> <li>• Off-site leachate/landfill gas control measures usually implemented directly by the operator.</li> </ul>
<b>Does a threshold apply?</b>	<ul style="list-style-type: none"> <li>• No threshold – obligations apply to all waste development proposals and will depend on specific circumstances.</li> </ul>
<b>Where does this apply?</b>	<ul style="list-style-type: none"> <li>• All areas of Nottinghamshire.</li> </ul>