



**Nottinghamshire  
County Council**

# **Planning Obligations Strategy**

**April 2014**

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# INTRODUCTION

1.1 When developments take place, they frequently bring with them impacts on the local physical and social infrastructure<sup>1</sup>, which must be addressed to make the development acceptable both in planning terms and to society in general. The purpose of this document is to set out clearly the standard requirements the County Council may seek in association with new developments, to mitigate against the impact of these upon the services which it provides. These standards apply to the following services:

- Archaeology
- Education
- Libraries
- Minerals
- Natural Environment
- Transport
- Waste

Further information on these requirements can be found in Appendix 1 to 7

1.2 The strategy seeks to provide a fair, consistent and transparent basis for negotiating legal agreements throughout Nottinghamshire, thereby enabling developers to take into account the potential costs of a proposed development at the earliest stage. The highway and transport infrastructure required from new development will continue to be negotiated on a site-by-site basis.

1.3 This document should be read in conjunction with any Supplementary Planning Documents and Local Plan Policies produced by the County Council and District/Borough Councils.

1.3 The County Council will provide a detailed justification/explanation of any contributions it seeks. The charges detailed later in this document illustrate the range of facilities which may be expected from developers as a consequence of the development. Developers will be expected to enter into a Section 106 legal agreement with the local planning authority regarding the contributions sought or will be obliged through a planning condition to deliver the on-site infrastructure requirements.

1.4 The charges may be revised to account for inflation, changes in national guidance/ standards and any other material considerations, as required. These revisions will be set out on the County Councils website.

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<sup>1</sup> Infrastructure is defined as: roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreational facilities; open spaces; and affordable housing (CIL Regulations)

## STATUS OF THIS DOCUMENT

- 2.1 This Planning Obligations Strategy is a revision of the County Council's Planning Contributions Strategy, which was originally published in 2007 following a period of consultation. The document incorporates recent changes introduced at a national level such as the National Planning Policy Framework (NPPF) and the Community Infrastructure Levy (CIL) and the Government's wish for local authorities to adopt a flexible approach to planning contributions, to enhance developments' viability and thus to encourage development to come forward.
- 2.2 Whilst this document has no statutory status, it is a material consideration in the determination of planning applications and if development proposals do not comply, the strategy may be used as a reason or reasons for the refusal of planning permission by a Local Planning Authority.
- 2.3 Following this consultation, comments received will be incorporated into this strategy (where appropriate) and it will be adopted by Nottinghamshire County Council as a statement of Council policy.

## PURPOSE, USE AND APPLICATION OF PLANNING OBLIGATIONS

- 3.1 Planning law recognises that it is reasonable to expect that developers should pay for, or contribute towards, the costs of services, infrastructure or resources that would not have been necessary but for their development.
- 3.2 Planning obligations can be secured through a voluntary legal agreement with developers/landowners as part of the granting of planning permission (Section 106 agreements) and can be used to overcome the otherwise harmful impacts of a development and therefore enable a development to go ahead which might otherwise have been refused; and to enhance the quality of development as a whole.
- 3.3 Legal agreements and any planning contributions run with the land in the same way that a planning permission does. This means that 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.
- 3.4 Contributions/obligations can be in monetary form, as one-off payments or phased to a set schedule, or as contributions in kind such as the provision of land. Contributions can be used to cover for on-going maintenance and management, they can also be pooled to a limited extent or commuted for use off site.
- 3.5 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 would be reimbursed with the outstanding amount, together with any interest accrued. More generally, and in order to ensure that planning obligations provide for the actual costs of the infrastructure they are levied for, all financial contributions agreed in legal agreements will be appropriately index-linked to reflect increases in build costs between the date the agreement is signed and the actual delivery date of the service or facility.
- 3.6 This strategy sets out the likely level of planning obligations which will be sought in relation to Nottinghamshire County Council functions and services. However, it is acknowledged that the ability to levy contributions on a proposed development is directly related to that development's overall financial viability, which in turn can be adversely affected by negative market conditions, such as a recession. In such circumstances, Nottinghamshire County Council would encourage open discussions with the developer and the LPA to achieve the most satisfactory outcome, without an undue burden being placed on any body.

## NOTTINGHAMSHIRE CONTEXT

- 4.1 Within Nottinghamshire (excluding Nottingham City which is a Unitary Authority), a two-tier system of local government applies. The County Council is responsible for the provision of certain services, such as Education, Libraries, Highways and Waste Disposal. Other services, such as the provision of affordable housing and waste collection, fall to the county's seven district and borough councils. In a planning context, the county's district and borough councils are the Local Planning Authority (LPA) for the vast majority of planning applications, and are ultimately responsible for granting planning consents and deciding what requirements should be placed upon a developer through planning conditions and any other contributions.
- 4.2 The County Council has a statutory duty to prepare Minerals and Waste Local Plans and is responsible for determining planning applications for waste and mineral developments and some County Council developments.

## PLANNING POLICY CONTEXT

### National

- 5.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance is the Government's overarching national planning guidance and defines 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."
- 5.2 The Community Infrastructure Levy Regulations and paragraphs 203-206 of the NPPF set out information on the use of planning 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.
- 5.3 Furthermore planning conditions should only be imposed where they are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other respects. The NPPF seeks to ensure that obligations allow development to proceed in a viable manner, taking into account market conditions.

### Local

- 5.4 Local Plans across Nottinghamshire are at varying stages of preparation and in varying formats. Adopted plans along with any saved policies often contain policies on planning contributions. In addition several Local Planning Authorities have Supplementary Planning Documents (SPD) covering planning obligations on a range of range of issues which may relate to district matters, such as affordable housing or open space provision, as well as County Council responsibilities. This document will sit alongside existing SPD's and provide up to date information relating to the County Council's responsibilities. This document will also inform the preparation or review of any new SPD's by the Local Planning Authorities.

5.5 The County Council is the responsible body for minerals and waste planning in the County. Requirements for minerals and waste are included in this document.

## COMMUNITY INFRASTRUCTURE LEVY

- 6.1 Running alongside the more established section 106 agreements the Community Infrastructure Levy (CIL) is a mechanism which raises financial contributions from developments to fund infrastructure. Unlike S106, the CIL has a wider application funding more strategic items of infrastructure. Newark and Sherwood District Council were the first Nottinghamshire Local Authority to introduce a CIL on new development, with further districts/boroughs likely to follow.
- 6.2 These “charging authorities” for CIL will, as part of preparing Local Plans for their areas, identify the infrastructure needs to support planned growth (including those related to County Council functions or services) for which the levy may be collected. This list of requirements is known as the Regulation 123 list.
- 6.3 The charging authorities must publish their CIL proposals in a charging schedule. CIL is generally charged in pounds per square metre on the net increase in floor space of any given development. Rates set by the levy must be sensitive to the economic viability of a development and this may be reflected in the CIL being set at differential rates across a charging authority’s area.
- 6.4 The CIL regulations have and continue to be revised by the Government as part of reforms to planning obligations in general. The Government aims to limit the pooling of Section 106 contributions to no more than 5 obligations for individual items or projects of infrastructure, with the aim that CIL should fulfil this role, leaving Section 106 monies for local and site specific measures. To ensure compliance with these limitations the County Council will seek to ensure that requests for obligations are as project specific as possible. Where CILs are in place, requests for Section 106 contributions remain valid so long as they do not represent ‘double-counting’ of services and facilities to be provided by any local CIL.
- 6.5 The County Council is not a ‘charging authority’ and will not have a CIL Charging Schedule, however the County Council can be a ‘collecting authority’ and receive funding from CIL charged by local planning authorities in order to fund strategic infrastructure and services.
- 6.6 The County Council will work with Nottinghamshire’s District and Borough Councils where they have decided to establish a CIL for their area, to ensure that their infrastructure development plans account fully for the implications of future development on County Council services such as

schools and highways and that, where appropriate, the costs of these are built into each Local Planning Authority's CIL Charging Schedule and detailed on the Regulation 123 list.

- 6.7 The Government requires increased community 'buy-in' to the CIL by redistributing a proportion of the funds raised, to local communities. The County Council will work with local communities to assist in identifying community infrastructure needs and their effective provision.

## DEVELOPMENT VIABILITY

- 7.1 The County Council appreciates that the economic downturn has significantly increased developer caution and the assessment of increased financial risks in bringing sites forward for development.
- 7.2 At the same time there has been a significant reduction in the level of public funding available to deliver infrastructure necessary for local communities. It is acknowledged that the ability of development to meet the shortfall in public funding and provide improvements to the amenities of an area is therefore very stretched. The result of these pressures has been that two key new issues are fundamental to any planning promotion: sustainability and viability.
- 7.3 The National Planning Policy Framework (paragraph 17) makes it clear that Local Planning Authorities should “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It goes on to state that Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 7.4 It is clear that a balance needs to be struck between economic growth and ensuring that new developments do not have an adverse impact on existing and future communities.
- 7.5 The County Council will work with developers and Local Planning Authorities by considering the use of flexible trigger points for payment of contributions which in some circumstances could help ensure developments remain viable.
- 7.6 The County Council will require clear, transparent and independent evidence to be provided where viability is cited by a developer as a reason for not providing contributions to the levels required. Nevertheless, the County Council considers that the costs incurred in delivering a sustainable, high quality development which does not negatively impact on infrastructure and services for existing and future communities are reasonable and should be met for the development, otherwise the development will be unacceptable.
- 7.7 The County Council recognises that it is the District and Borough Councils (in most circumstances) who will determine the applications. In circumstances where Local Planning Authorities do not accept the County Council’s full request for developer contributions, overage (“claw-back”) will be expected to be incorporated into any agreement. The methods for this

will differ on a case by case basis however, for most cases, the developer will be expected to provide financial information for the particular development to the local authorities and will be liable for all costs incurred by the Councils in assessing any viability report or development account.

- 7.8 For larger scale developments where some degree of phasing is likely, it may be that whilst full policy 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.

## IMPLEMENTATION, MONITORING AND LEGAL CHARGES

- 8.1 The County Council's Planning Contributions team within the Planning Policy section of the Policy, Planning and Corporate Services Department provides a single point of contact within the County Council for developers and LPAs regarding planning contribution issues. The team also monitors the receipt and subsequent use of all planning contributions received by the County Council in order that a clear audit trail can be established between the two.

### Legal Charges

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

### Administration Charges

- 8.3 In addition to the legal charges the County Council will seek a charge towards the administration of the Section 106 agreements which includes monitoring, undertaking site visits and chasing up outstanding payments where this is not being undertaken by the relevant District or Borough Council. The charge will be levied at a rate of £300 per obligation on all schemes involving the phasing of payments. Where the contributions are payable on commencement of the scheme, no administration charge will be sought.
- 8.4 On major strategic housing sites<sup>2</sup> a higher charge may be sought to reflect the complexities of the Section 106 agreement and the additional work involved in monitoring.
- 8.5 The administration charge will be payable on commencement of the development.
- 8.6 For further information on Planning Obligations, please contact the Planning Policy team on 01159773793 or at [development.planning@nottscc.gov.uk](mailto:development.planning@nottscc.gov.uk)

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<sup>2</sup> A major strategic housing site is defined as a site which is likely to yield in excess of 500 dwellings.

## 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 archaeological sites and historic features across the County, new sites continue to be discovered, often 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). For more information, please contact the Historic Environment team on 0115 9696521.

Whilst a lot of matters relating to archaeology can be subject to a planning condition, there will be circumstances when a legal agreement is required.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>National Planning Policy Framework</li> <li>PPS5: Planning for the Historic Environment: Historic Environment Planning Practice Guide</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains;</li> <li>Provision for site management, interpretation schemes and public access;</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.</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 a field evaluation)</li> </ul>
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>Commissioning of relevant programme 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. (If sensitive site 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 will be provided by the County Archaeologist).</li> </ul>

# EDUCATION PROVISION

The County Council has a statutory responsibility for Education provision in the County for children between the ages 5 and 16 years. It works with other partners to provide 16 – 19 year places many of which are integrated in 11 – 19 year schools. The 'Raising of the Participation Age' initiative is fully implemented and as such there is now a greater post-16 demand. 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. Contributions for 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.

The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly by academy trusts and sponsors.

Whilst education provision is a statutory function of the County Council, the government do not provide monies to accommodate pupils generated as a result of new development as a matter of course. Where there is a lack of funding available through developer contributions, the County Council has to make a case to the Government demonstrating that every effort has been made to secure appropriate contributions from the developer.

The County Council is, under the Education Act 2006 (as amended by the Academies Act 2010), a commissioner rather than a provider of new schools. It has the duty to set out the characteristics of a school needed for a new community in order that providers may identify their capacity to provide that school. It has to provide the site and funds for such a school, although these will usually be expected to come from the developer(s). The County Council will usually procure the school building through its Official Journal of the European Union (OJEU) compliant contractor framework and will provide the new building for the successful provider to occupy.

The County Council's consideration of whether developer contributions towards education provision are required will be informed by the projected capacity figures. Empty places at a school do not necessarily equate to their being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity.

The projected capacities, taking into account the proposed development, are calculated during the planning application process. 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, however, where the proposed development would result in insufficient projected capacity, a contribution will be required.

If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development.

It is in the interests of the developer (in terms of saleability of dwellings) and to potential residents to ensure that schools are able to accommodate the additional pupils generated by their development. It is recommended that developers contact the County Council’s education team at the earliest possible stage in the process to ascertain whether there would be a requirement for additional education provision within the locality of their proposed development.

<p><b>Current guidance</b></p>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework;</li> <li>• Policy Statement –Planning for schools development (DCLG 2011)</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 towards equipment;</li> <li>• Other building provision at existing schools (including additional grass/artificial turf sports pitches;</li> <li>• Contributions to highway needs arising as a result of the development.</li> </ul>
<p><b>Type and size of development which may trigger need and what these will be used for</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 schools). Requests for contributions will be made for all residential developments of <b>10 dwellings and above</b>. The contributions will be used for:             <ul style="list-style-type: none"> <li>- Extending and/or improving existing schools and pre-school provision that serve the development; and/or</li> <li>- Building a new school or pre-school facility where there is a significant housing proposal (see new school costs below).</li> </ul> </li> <li>• When building a new school the County Council will consider the wider community use of both the school buildings and playing fields.</li> </ul>

<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. Current figures are based on the 2001 Census which will be updated on the basis of the 2011 census when available later in 2014).</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 (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 on 1<sup>st</sup> November); and</li> <li>- development with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution).</li> </ul> </li> </ul>
<p><b>How are the costs calculated and what are they?</b></p>	<ul style="list-style-type: none"> <li>• The costs of providing the extra room necessary at the local catchment schools are based on "cost per pupil place" cost multipliers provided to the County Council by the Department for Education (DfE), at a price base of April 2009. They reflect the actual costs of building extensions to schools and are adjusted to account for regional cost variations. Using the local census information to determine the numbers of children dwellings can be expected to generate, the DfE figures can be translated into standard costs per dwelling.</li> <li>• <b>The costs per school place are:</b> <ul style="list-style-type: none"> <li>- <b>£11,455 for primary education and</b></li> <li>- <b>£17,260 for secondary education.</b></li> </ul> </li> <li>• These figures will be updated as and when the DfE produces updated information. These figures are also index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the PUBSEC Tender Price Index.</li> <li>• The trigger point for payment of the contribution will usually be prior to the first occupation of the first dwelling built pursuant to the planning permission for the development generating the</li> </ul>

	<p>need.</p> <ul style="list-style-type: none"> <li>• Where a development is to take place in phases over a period of time, it may be possible to phase the payment of contributions to reflect this.</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 from these units;</li> <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.</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>• The figures above are not applicable to situations where a new school is required. Where this is the case, the County Council may require land from the developer within the site, plus sufficient monies to build a new school;</li> <li>• The cost of the new school will depend upon its required size, any relevant building standards requirements and issues relating to the proposed site itself;</li> <li>• The County Council will make every reasonable effort to minimise the cost of providing the new school and will usually provide the developer with the option of building the new school, subject to meeting the required standards.</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 or work in kind, to the County Council's specification.</li> </ul>

# FLOOD RISK MANAGEMENT

New development and redevelopment offers an opportunity to reduce flood risk to both users of a development, neighbouring third parties and the wider community. It can do this by both managing the risk of flooding to the site and the risk of flooding from the site elsewhere.

Parliament introduced Legislation in 2009, the Flood Risk Regulations, and 2010, the Flood and Water Management Act, to improve the way that we tackle the risk of flooding in England and Wales. Nottinghamshire County Council is the Lead Local Flood Authority (LLFA) as defined by the new Flood and Water Management Act and the Flood Risk Regulations.

The Flood and Water Management Act places a duty on all flood risk management authorities to co-operate with each other. The act also provides lead local flood authorities and the Environment Agency with a power to request information required in connection with their flood risk management functions.

Nottinghamshire County Council, as the Lead Local Flood Authority, has a duty to develop and maintain a strategy for the management of local flood risk in Nottinghamshire. The County Council works closely with representatives from the District/Borough Councils together with other partnering authorities including the Environment Agency, Severn Trent Water, Internal Drainage Boards etc. The strategy is currently being developed and will identify high flood risk areas where investment in flood alleviation works should be prioritised.

In certain areas, new development could provide the catalyst for delivering wider flood alleviation benefits to existing communities and in these situations a contribution from developers towards such works may be sought. The Local Flood Risk Management Strategy, when adopted, will highlight areas where this would be required.

Those proposing development should consider the risk of flooding from all sources, seeking to develop in the lowest flood risk areas, proposing mitigation measures where appropriate and managing the surface water runoff generated from development.

### **Sustainable Drainage Systems (SuDS)**

Surface water drainage methods that take account of water quantity, water quality and amenity issues are collectively referred to as Sustainable Drainage Systems (SuDS). SuDS are a sequence of management practices, control structures and strategies designed to efficiently and sustainably drain surface water, while minimising pollution and managing the impact on water quality of local water bodies.

Under the Flood and Water Management Act 2010, Nottinghamshire County Council will become a SuDS Approving Body (SAB). This means that once the relevant parts of the Act are commenced the County Council will need to review and approve drainage plans

and strategies for development sites before any construction can start on site. This requirement is expected to be introduced in 2014 for new development and will be completely separate from the requirement to gain planning permission. In order to be approved, the proposed drainage system would have to meet new national standards for sustainable drainage. Where planning permission is required applications for drainage approval and planning permission can be lodged jointly with the planning authority but the Approving Body will determine the drainage application. Regulations will set a timeframe for the decision so as not to hold up the planning process.

The Department for Environment, Food and Rural Affairs (Defra) has consulted on their proposed procedures for SuDS approval. The County Council is currently awaiting further announcements from Defra as to the finer details of implementation.

Once the SuDS Approving Body is in place, the County Council will work closely with developers to secure suitable and feasible sustainable drainage solutions for new developments that are sympathetic to wider flooding issues in an area. The Government are currently considering and finalising a funding mechanism for long term maintenance and it is recommended that developers contact the County Council's Flood Risk Management team for further information.

# PUBLIC HEALTH

In April 2013, Nottinghamshire County Council took over responsibility for some public health functions previously provided by the NHS. The County Council's role is to improve and protect the health of Nottinghamshire's residents, helping them stay well and avoid illness.

As part of this role, the County Council have a duty to ensure that robust plans are in place to promote health and wellbeing across the County and to work in partnership with Public Health England to protect the health of the public.

Public health focuses on three areas of work:

- health improvement including contributing to increased life expectancy and healthier lifestyles as well as reducing inequalities in health;
- health services including assisting others who provide services to understand the health profiles and health needs of the local population and plan services to meet those needs;
- health protection work around threats from environmental hazards, infectious diseases or radiation

Key challenges include reducing smoking, alcohol and drug misuse, obesity and sexually transmitted infection rates in the county and increasing physical activity in the local population.

Whilst matters relating to public health are likely to be subject to planning conditions, there may be circumstances when a legal agreement is required.

## 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. These libraries are at the heart of the communities. They provide access to books, CDs and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

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

- modern and attractive;
- located in highly accessible locations
- located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
- integrated with the design of an overall development;
- of suitable size and standard for intended users.

Libraries need to be flexible on a day-to-day basis to meet diverse needs and adaptable over time to new ways of learning. Access needs to be inclusive and holistic.

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;</li> </ul>
<b>What contributions could pay for</b>	<ul style="list-style-type: none"> <li>• Sites for new libraries;</li> <li>• Construction and fit out costs of new libraries;</li> <li>• Construction and fit out costs of extensions/alterations to existing libraries;</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 10 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> <li>• The capacity of the library is determined using the standard set out in the “Public Libraries, Archives and New Development: A</li> </ul>

	<p>Standard Charge Approach” (2008) Museums, Libraries and Archives document of a library space requirement of 30 sq metres per 1,000 population;</p> <ul style="list-style-type: none"> <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>Type and size of development which may trigger need</b></p>	<ul style="list-style-type: none"> <li>• Residential (including student accommodation) <b>of over 10 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> </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, the following standard build cost charges will be applied:</li> <li>• <b>Building Costs (including stock):</b> <ul style="list-style-type: none"> <li>○ The basis for the calculation of building costs is derived from the Building Costs Information Service of the Royal Institute of Chartered Surveyors. The data provided by this service is for the total building and fitting out costs, including initial book stock etc and IT. For the East Midlands, at July 2008, this cost is quoted at £2,807 per sq metre. This does not include land value;</li> <li>○ In relation to residential developments, contributions are calculated on a recommended basis of 30 square metres of library provision per 1,000 population at £2,807 per sq metre, totalling £84,210. Thus, to provide for the physical expansion of a library to accommodate new demand arising from a new development (including new stock), <b>£202.10 per dwelling</b> (based on 2.4 occupants per dwelling) will be requested.</li> </ul> </li> <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 £12.50 per stock item (based on Askews Library Services book prices at September 2012) total expenditure on new stock should be £19,150 per 1,000 population. Thus costs for the provision of stock only is as follows:</li> <li>○ <b>£45.96 per dwelling</b> (based on 2.4 occupants per dwelling)</li> </ul> </li> </ul>

**Form in which contributions should be made**

- Land, where required, and either:
  - The costs of construction of buildings for a new library; or
  - Extension to an existing one; or
  - Work in kind, to the County Council's specification and fitting out costs including initial book stock and IT; or
  - Contributions towards stock increases.

## Appendix 6

# MINERALS DEVELOPMENT

All minerals 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;</li> <li>• Planning and minerals –practice guide (DCLG 2006)</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 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>• Provision for habitat protection, enhancement , restoration and creation (off and on site);</li> <li>• Safeguarding protected species and species of local biodiversity interest;</li> <li>• Site interpretation;</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;</li> <li>• Proposals typically give rise to issues in respect of impacts on highways and residential amenity, visual landscape and ecological impact;</li> <li>• Site restoration provides opportunity for creation of habitats and features of landscape and ecological interest.</li> </ul>
<b>Form in which contributions</b>	<ul style="list-style-type: none"> <li>• Commuted sums (for highways works);</li> </ul>

<b>should be made</b>	<ul style="list-style-type: none"> <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>

## NATURAL ENVIRONMENT

Biodiversity is a key test of sustainability in both rural and urban areas. Taking opportunities to protect, and where possible enhance, the natural environment is a key objective at national, regional and local level. Within Nottinghamshire, certain habitats and species have declined to such critical levels that they are now rarely found outside designated sites. Nottinghamshire County Council seeks measures to halt this decline, manage the current resource and restore past losses in order to promote sustainable development.

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 0115 9696521.

Whilst matters relating to the natural environment are usually subject to a planning condition, there may be circumstances when a legal agreement is required.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework;</li> <li>• Circular 06/2005 – Biological and Geological Conservation;</li> <li>• UK Biodiversity Action Plan;</li> <li>• Nottinghamshire Local Biodiversity Action Plan;</li> <li>• Nottinghamshire Landscape Guidelines;</li> <li>• Nottinghamshire Landscape Character Assessments.</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Mitigation measures;</li> <li>• Habitat protection, enhancement , restoration and creation (off and on site);</li> <li>• Landscaping;</li> <li>• Site management;</li> <li>• Site interpretation.</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 ecological, geological or landscape sensitive features;</li> <li>• Specific locations will need to be assessed individually.</li> </ul>
<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>Does a threshold apply?</b>	<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 ecologically / geologically sensitive features and locations in Nottinghamshire.</li> </ul>

# 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, and to focus significant development in locations which are or can be made sustainable. The transport system should be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. All planning applications that propose developments that generate significant amounts of movement must be supported by a Transport Statement or Transport Assessment prepared in accordance with current Department for Transport guidance. In coming to a view as to whether a development is acceptable the County Council will take account of whether the opportunities for sustainable transport modes are sufficient for the nature and location of the site in order to reduce the need for major transport infrastructure.

In order to achieve sustainable development through integrated transport, the County Council will likely seek off-site public transport, cycling and walking measures, in the general area within which the development lies. These could include road based improvements such as crossings, footways, cycle routes, intelligent transport systems, public transport services, and bus priority measures. This may include general highway capacity improvements where journey times would otherwise be delayed.

In some instances the County Council may consider it more appropriate to seek a contribution towards integrated transport measures including infrastructure improvements and bus subsidy. This may be where the quantum of development is insufficient to afford worth while improvements in isolation and a contribution can be put towards integrated transport investment in the area, where there is a proposed integrated transport initiative in the area that would benefit the development and a contribution would help bring it forward, where the contribution can be pooled with that from other nearby developments to fund improvements, or to cover the cost of future travel plan initiatives. Where such pooling is proposed, the County Council will monitor the signed agreements to ensure that obligations sought are in accordance with the CIL Regulation 123 (limitations on use of planning obligations) and which are set out in paragraph 6.4.

Developers will be required to commit to travel plan monitoring and to pay a separate fee to cover the County Council's travel plan monitoring costs proportionate to the size of the development and the likely staff time involved. Contributions will be sought in all cases where it is necessary to make the development acceptable in planning terms.

When considering a development that is unable to demonstrate that opportunities for sustainable transport have adequately been taken up but infrastructure is deliverable by way of a contribution, as a guidance figure, the County Council would typically seek £32,000 for a development scenario that would generate 30 two-way peak hour vehicle trips. However, this figure should not be seen as a cap as certain locations, scale, and/or kind of development may attract particularly high infrastructure costs.

## WASTE MANAGEMENT

Government legislation is focused on waste minimisation and maximising the re-use and recycling of waste and diverting waste from landfill.

Nottinghamshire County Council, as a Waste Disposal Authority, has a statutory duty under the Environmental Protection Act (1990) to provide facilities at which residents may deposit their household waste. Each facility must be situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area. There are a large number of household waste recycling centres (HWRC) around Nottinghamshire to maximise the amount of waste re-used or recycled that is delivered by local residents.

Nottinghamshire County Council's aim is to encourage waste management options that minimise environmental disturbance while ensuring that there is an adequate number and mix of sites to meet Nottinghamshire's needs.

Planned housing growth in Nottinghamshire will place further pressures on existing facilities and will require a combination of new or improved facilities in order to meet future demand. Contributions may be sought to deal with the cumulative impact of a series of both small and large developments.

Nottinghamshire County Council will assess the demands that the proposed development would have on existing facilities. Where the County Council concludes that a site currently has sufficient capacity to accommodate the proposed development, no contribution will be sought. However, where the proposed development is likely to result in a facility being unable to accommodate additional waste, contributions will be sought towards the provision of additional capacity.

<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework;</li> <li>• Planning for Sustainable Waste Management (DCLG);</li> <li>• National Waste Management Plan</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Upgrading/extending existing HWRCs;</li> <li>• Provision of new HWRCs;</li> <li>• Provision of landscaping, screening and noise attenuation.</li> </ul>
<b>Type of development which may trigger need</b>	<ul style="list-style-type: none"> <li>• All Residential (including student accommodation) <b>of over 10 dwellings</b> may trigger a requirement for a contribution.</li> </ul>
<b>Form in which contributions should be made</b>	<ul style="list-style-type: none"> <li>• Commuted sums</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>• Planning for Sustainable Waste Management (DCLG).</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 routing 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>

# SUSTAINABLE ENERGY

Reducing the need for fossil fuels is crucial in mitigating climate change. Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure and the purpose of the planning system is to contribute to the achievement of sustainable development.

Moving towards renewable and low-carbon energy sources can provide valuable social and economic benefits, such as a reduction in fuel poverty, potential income generation and new jobs for an area in manufacturing and installing green technologies.

The County Council does not determine applications for renewable energy (except for waste-related planning applications such as energy-from-waste plants that may include an element of renewable fuel) and most applications for renewable energy are determined by District/Borough Councils. However, the County Council supports the delivery of low carbon energy in new developments and energy efficiency improvements to existing buildings in locations where the local environmental impact is acceptable.

# COMMUNITY SAFETY

Community Safety is an area of concern for all communities. It is a subject that has consistently been shown to be a high public priority and one that can affect the quality of life for individuals and entire communities. In recent years it has been acknowledged that tackling community safety issues cannot be done by the police alone and that a multi-agency approach can be far more effective.

This partnership approach was enshrined in the Crime and Disorder Act 1998 which made it a statutory duty for each local authority area to have a Community Safety Partnership (CSP) in place. CSPs are made up of representatives from the local authority, the police force, the police authority, the fire and rescue authority, the local health board and probation services. The County Council, as a 'responsible authority' on the four CSPs in Nottinghamshire, supports new developments which incorporate the principles of good design to mitigate crime, antisocial behaviour and the fear of crime. The County Council also facilitates and chairs the Safer Nottinghamshire Board, a strategic partnership at County level, which is a requirement in two tier areas under Statutory Instrument 2007/1830.

Good design principles will be expected when considering planning applications relating to the County Council's statutory functions for schools, waste and minerals developments for example. The County Council does not determine planning applications relating to developments where the majority of design issues involving crime and antisocial behaviour arise including housing and employment, however, these would be supported on a strategic level if they incorporate the principles of good design.