

# LEICESTERSHIRE PLANNING OBLIGATIONS POLICY

3 December 2014

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## 1. INTRODUCTION

- 1.1 The purpose of the Leicestershire County Council Planning Obligations Policy is to explain the level and type of infrastructure which would be expected to address the impacts of development in order to make it acceptable in planning terms and to set out clearly the standard requirements the County Council may seek to mitigate the impacts of new development and for local communities to see how new development is making a positive contribution to local services and infrastructure in their area. The policy covers relates to Leicestershire County Council services as set out in Appendices 1 to 8.
- 1.2 The policy seeks to provide a fair, consistent and transparent approach for negotiating legal agreements throughout Leicestershire and enable developers to take account of the potential costs of a proposed development at the earliest stage of development.
- 1.3 The policy should be read in conjunction with current development plans and supplementary planning documents relating to Leicestershire.
- 1.4 It is recognised that there may be occasions where the proper seeking of obligations may render the development potentially unviable. This does not mean that the obligation becomes unnecessary but that the local planning authority will need to make a judgment as to whether or not the development can be acceptable without all or some of those contributions when balancing overall the need for the development against other material considerations in the context of a wider exercise of discretion under Section 38(6) of the Planning and Compulsory Purchase Act 2004. In these circumstances Leicestershire County Council would expect the local planning authority to share its reasoning and evidence on its judgment.

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## 2. STATUS OF THE DOCUMENT

- 2.1 The Leicestershire County Council Planning Obligations Policy is a revision of the County Council's Statement of Requirement for Developer Contributions in Leicestershire (SRDCL) which was adopted by the County Council in 2006 and was followed by an interim review in December 2007. The document has been revised in the light of changing circumstance such as the introduction at national level of the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Community Infrastructure Levy (CIL) Regulations and the Governments aspiration for local authorities to adopt a flexible approach to planning obligations/developer contributions to encourage development to come forward.
- 2.2 The County Council is a local planning authority in its own right and therefore is legally able to enter into and enforce a s106 agreement. The document is formally adopted policy of the County Council and is capable of being a material consideration in the determination of planning applications, and the development of planning policy. It is anticipated that this document will be referenced in adopted development and supplementary plans as is currently the case in most local authorities. Where it is supported or referenced directly in adopted development plans then it is capable of being afforded greater weight.
- 2.3 A consultation was undertaken between Friday 27<sup>th</sup> June 2014 extended to 7<sup>th</sup> October 2014 and comments received were incorporated in the policy (where appropriate) and it was adopted by Leicestershire County Council on 3<sup>rd</sup> December 2014.

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### 3. PLANNING POLICY CONTEXT

#### National

- 3.1 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;
  - provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 3.2 The National Planning Policy (NPPF) and the National Planning Practice Guidance (PPG) is the Government's overarching national planning policy and guidance and defines planning obligations as being ' A legally enforceable obligation entered into under Section 106 of the Town & Country Planning Act 1990 (as amended) to mitigate the impacts of a development proposal.
- 3.3 In addition planning obligations should only be sought where they meet all three tests which are set out in Regulation 122 of the CIL Regulations and paragraph 204 of the National Planning Policy Framework 2012. It requires planning obligations to be sought only if they meet the following tests.
- necessary to make the proposed development acceptable in planning terms;
  - directly related to the proposed development;
  - fairly and reasonably related in scale and kind to the proposed development;
- 3.4 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 obligations allow for development to be go forward in a viable manner and take account of market conditions.

#### Local Plans & Policies

- 3.5 In Leicestershire there is a two tier system of local government. The County Council, as well as being a local planning authority, is responsible for the provision/commissioning of a range services including education, highways, transport, libraries, social care, public health and waste disposal. Other services such as housing, open space and waste collection are the responsibility of the seven District and Borough Councils. They are also the local planning authorities responsible for local plan making and the determination of planning applications for developments relating to housing, commerce, industry, retail and other matters..

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- 3.6 The County Council has a statutory duty to prepare Minerals and Waste Local Plans and is responsible for the determination of planning applications for waste and mineral developments and some County Council developments.
- 3.7 Development plans in Leicestershire generally contain policies on planning obligations. Some local planning authorities have Supplementary Planning Documents (SPDs) related to developer contributions and planning obligations. The County Council's planning obligations policy should inform the preparation or review of development and other plans within the county.

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#### 4. COMMUNITY INFRASTRUCTURE LEVY

- 4.1 In parallel with the existing Section 106 planning regime is the Community Infrastructure Levy (CIL). It is a levy which local planning authorities (LPAs) in England and Wales can choose to charge on new development in their area. The government has set a date by which CIL ought to be introduced of 1st April 2015, after which (regardless of whether a CIL is introduced in a LPA area) the use of s106 planning obligations will be restricted in use to 5 obligations for any individual project. CIL is set by 'charging authorities' and in two tier authorities this is the District or Borough Councils. A CIL can only be introduced if there is an appropriate adopted development plan in place. The development plan sets out the scale and location of development and infrastructure required to meet the needs of an area over at least a 15 year period.
- 4.2 In setting proposed rates for the CIL, charging authorities have to identify the total infrastructure funding gap that the levy is intended to support having taken into account other sources of available funding. Charging authorities will need to strike an appropriate balance between the desirability of funding infrastructure and its effects on the economic viability of development in their area. A charging schedule must be subject to public examination by an independent person. This schedule is a list of requirements known as the Regulation 123 list.
- 4.3 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 a given development. The Levy must be sensitive to the economic viability of the development and may be reflected in the CIL being set at different rates across a charging authority's area.
- 4.4 The County Council is not a 'charging authority' for the majority of new development but can be a 'collecting authority' and receive funding from CIL charged by local planning authorities to fund strategic infrastructure and services.
- 4.5 The County Council will work with Leicestershire District and Borough Councils where they decide to charge CIL for their area to ensure their infrastructure plans account for the need for County Council services and infrastructure that arise as a consequence of development growth. Where appropriate these should be on the the LPAs CIL charging schedule and detailed within the Regulation 123 list. However, regardless of whether or not a CIL is introduced in any part of the county, Section 106 will continue to have a role and this document will remain relevant in that context.

##### Pooled Contributions

- 4.6 There will be occasions when a number of different developments in a particular location will occur. The needs created by the development as a whole will be calculated and used as the basis on which to seek contributions from all the

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developers involved. Developers' contributions will be 'pooled', in order to allow the infrastructure to be secured in a fair and equitable way.

- 4.7 Although normally the County Council will expect to consider the requirement for a contribution to services from residential proposals of at least 10 dwellings or 0.25 hectares, there may be circumstances where there are developments of less than 10 dwellings and the County Council and the District Councils would need to consider the cumulative impact on services/infrastructure within the area. Any pooled contributions would need to comply with the CIL regulations.



## 5. DEVELOPMENT VIABILITY

- 5.1 Economic cycles will have an effect on the number of new developments coming forward at any particular time. The economic downturn that began in 2008 had a particular impact on sites coming forward in Leicestershire, highlighting issues around the economic viability of some new developments. At the same time there has been reduced public sector funding for local infrastructure to support local communities and growth. The outcome of these pressures is that there are two key issues essential to the promotion of planning applications, namely, sustainability and viability.
- 5.2 Sustainable development is at the heart of the purpose of planning. Local planning authorities should 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.'<sup>1</sup> Local planning authorities should also work proactively with applicants to secure developments which improve the economic, social and environmental conditions of an area<sup>2</sup>.
- 5.3 A balance is therefore needed between economic growth and ensuring new development is supported by appropriate infrastructure and does not have a negative impact on the existing and future communities of Leicestershire.
- 5.4 In circumstances where the developer claims that meeting the obligations will make the development unviable and the LPA consider it would be appropriate to grant planning permission without the full developer contributions being available because the development would achieve an overriding planning purpose, the County Council will need to consider whether it would be able to enter into an agreement that did not meet its full requirements. That consideration will depend on the evidence around viability, the LPA's reasons for granting planning permission, the effect on communities of the lack of service provision and the County Council's priorities.
- 5.5 In these cases the County Council would require clear, transparent and independent evidence of the financial viability of the scheme on an open book basis. However, normally the County Council considers the costs/obligations incurred in delivering sustainable high quality development which does not negatively impact on infrastructure are necessary and required to be met by the development, otherwise the development would be considered unacceptable
- 5.6 The District/Borough Councils are the local planning authorities and determine planning applications. In circumstances where a local planning authority may not accept the County Council's requests for planning obligations in full, then the County Council would expect a review mechanism, for example, overage (claw back) within the planning agreement. The approach to each case will be made on its individual merits but in the majority of circumstances the developer would be expected to provide financial viability information to the local planning authority.

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<sup>1</sup> Paragraph 17 NPPF

<sup>2</sup> Paragraph 187 NPPF

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- 5.7 Leicestershire County Council will also work with local planning authorities and developers to consider other ways of deferring payments (where appropriate) for example the use of flexible trigger points for planning obligations/developer contributions to help development remain viable where appropriate.

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6. **THE SCOPE OF THIS POLICY**

- 6.1 There is an extensive range of infrastructure and public benefit provided by the County Council that could be appropriate for developer contributions and these are:-
- Adult Social Care and Health
  - Waste Management
  - Economic development
  - Education
  - Highways and Transportation
  - Library Services
  - Sports & Recreation facilities
- 6.2 The planning obligations which are the direct responsibility of the Borough and District Councils will be covered in their individual planning obligations/developer contributions policies.
- 6.3 A protocol for ensuring that all County Council service providers have the opportunity to assess the infrastructure and service needs arising from a new development proposal, are described in the Notification Procedures on Planning Obligations in Appendix 10.

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## 7. IMPLEMENTATION, MONITORING AND CHARGES

7.1 The County Council considers that it should reasonably be able to recover a degree of the costs entailed in the negotiating, making and subsequent monitoring of planning obligations. It is the aim of the County Council to provide as transparent, efficient and cost effective service as possible within the resources available. Costs may include:-

- Direct negotiation/liaison with developers prior and post obligation agreement;
- the maintenance and development of its planning obligations monitoring system (via an integrated database), to help co-ordinate obligation preparation, completion, monitoring and review;
- Monitoring of trigger points and development progress;
- Ensuring financial contributions are used for the specific purposes for which they are required, through control of accounting procedures;
- Pre-emptive alerts for obligations that are or are to become overdue;
- Recovery of obligation payments not made, including any necessary formal or legal action;
- Refunding obligations that have not been used;
- Engaging in the planning appeals process where relevant.
- liaison between the County Council and District/Borough Councils, where infrastructure and facilities are provided by one level of authority but the financial contribution is held by the other;
- providing reports on the operation and outcome of County Council developer contributions;

7.2 A charge would be made of 2% or £300 whichever is the greater of the value per individual contribution/planning obligation.

7.3 Where major 'strategic' housing development occurs of more than 500 dwellings a fixed negotiated monitoring administrative cost would be charged to reflect the associated costs of monitoring large schemes, which may have, for example, multiple builders, several phases of development and be built out over five, ten or more years.

Legal Charges

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- 7.4 The County Council will charge the developer/landowner its legal costs incurred in preparing and agreeing planning obligations for its services, the charges are payable for work undertaken regardless of whether the agreements are completed.

### ADULT SOCIAL CARE AND HEALTH

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

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

<sup>4</sup> Leicestershire's Health and Wellbeing Strategy 2013-2016 December 2012

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

### **Contributions**

- 8 The majority of matters related to Adult Social Care and Health are likely to be subject to planning conditions and/or relevant Building Control Regulations through the District/Borough Council as local planning authority. However, the County Council recognises that while the above approach to new development can make a positive contribution to social care requirements there might be circumstances where capital expenditure is required to mitigate the impacts of new development. This will be assessed and justified on a case by case basis. Where a developer contribution is required the County Council will calculate the capital cost of new facilities that would be needed.

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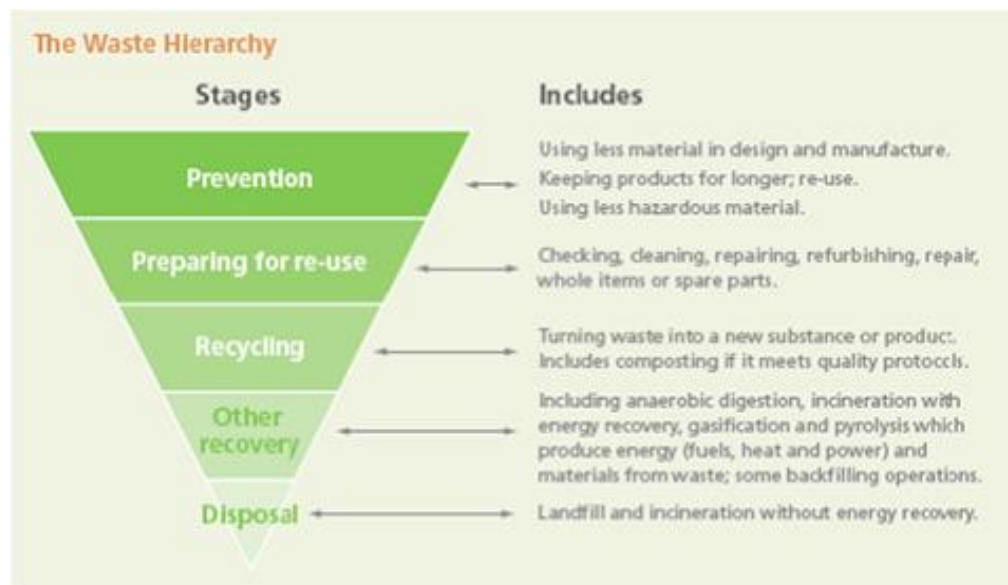
## APPENDIX 2

### CIVIC AMENITY/WASTE MANAGEMENT

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



Figure 1 – The Waste Management Hierarchy



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

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additional facilities as well as improvements to existing sites to manage waste. Such waste facilities may include, but are not limited to:-

- a) Composting/waste treatment facilities
- b) Normal and bulky materials recycling facilities
- c) Civic amenity sites
- d) Strategic waste handling facilities/transfer stations

- 10 As a result, larger developments may result in a claim for a contribution where none is currently sought.
- 11 The planning and design of new developments needs to take into account the need to reduce, reuse and recycle waste. It would be expected that adequate capacity for communal or individual householder composting and recycling facilities would be provided at any new development.
- 12 Other innovative initiatives, for example approved food waste home composting facilities at each property, could be provided in new residential development schemes. Where such provision is made then the development would have a lesser impact on the local Civic Amenity site and a reduced developer contribution rate may be required.
- 13 Local Planning Authorities should consider in their related Local Development Framework (LDF) documents on sustainable development design guidance and methods to achieve reductions in waste through sustainable measures.

#### **Threshold**

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

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

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

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

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

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

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

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

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

### EDUCATION

- 1 In order for new residential developments to be sustainable the demand they create for education provision will need to be catered for as part of that proposal. The County Council has a statutory responsibility for Education provision in the County for children between the ages 5 and 19 years.
- 2 The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly by academy trusts and sponsors.
- 3 Whilst education provision is a statutory function of the County Council, the government do not provide monies to accommodate additional pupils required and funded by Section 106 or CIL contributions. Where there is a lack of funding available through developer contributions, the County Council has to make a case to the Government demonstrating that every effort has been made to secure appropriate contributions from the developer.
- 4 The County Council, under the Education Act 2006 (as amended by the Academies Act 2010), is a commissioner rather than a provider of new schools. It has the duty to set out the characteristics of a school needed for a new community in order that providers may identify their capacity to provide that school. Where the legal agreement provides the funding for a new school, 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. A developer may alternatively choose to construct the new school and must be subject to specifications agreed with Leicestershire County Council.
- 5 Regardless of whether schools have academy status, are free schools, county schools or others, the County Council remains the responsible authority for ensuring that there are sufficient school places available within the County to meet the educational needs of the population. This means that the County Council remains the appropriate authority in judging the requirements for school provision as a consequence of development, be a signatory to any s106 agreement and receive the appropriate contribution.
- 6 The County Council's consideration of whether developer contributions towards education provision are required will be informed by the projected capacity figures. Surplus places at a school do not necessarily equate to their being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity.

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- 7 Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; however, where the proposed development would result in insufficient projected capacity, a contribution will be required.
  - 8 If there is insufficient capacity to accommodate the increase in pupils likely to be generated by a development and the development itself cannot enable the necessary provision the County Council will raise objections to the development unless it is satisfied that suitable alternative provision can be made elsewhere.

### **Admissions Policy**

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

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

- 14 The Local Authority has a duty to make arrangements to facilitate attendance at schools and colleges by providing transport in certain circumstances.
- 15 The Mainstream Home-School/College Transport Policy document sets out the policy and procedures that apply and this can be found at: [http://www.leics.gov.uk/index/highways/passenger\\_transport/school\\_college\\_transport/school\\_and\\_college\\_transport\\_entitlement\\_policy.htm](http://www.leics.gov.uk/index/highways/passenger_transport/school_college_transport/school_and_college_transport_entitlement_policy.htm)
- 16 In summary free transport is provided under the 2014-15 Policy for:-

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

17 The following Policy comes into force at the start of the 2014/15 academic year, and will provide free transport as follows:

- for pupils aged between 4 and 16, 2 miles for primary age (up to age 11) and 3 miles for secondary age (11 -16) from home to the nearest school (or educational placement) with places available (note: for addresses around the borders of Leicestershire the nearest school may be in another local authority area)

**and in addition to provide one of the following:**

**either**

- free transport over the qualifying distances (listed above) to the nearest Leicestershire school, with places available (a school will not be seen as appropriate if it doesn't offer a transfer entry point that is compatible with the current school attended by the pupil e.g. 10+ High Schools)

**or**

- where there have been no changes to catchment areas or age ranges since May 2012 to continue to provide free transport over the qualifying distances (listed above) **only** to the catchment school in those areas (frozen areas). See the Leicestershire County Council website for a list of schools currently in this category.

18 Please note transport will also be provided under the 2 and 3 mile distances where no available walking route exists. A route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school.

### **Calculating School Net Capacities**

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

20 Net capacity was devised by the DfE as a single, robust and consistent method of assessing the capacity of schools. For primary schools the NC is calculated on the basis of the number and size of spaces designated as class bases. For secondary schools it is based on the number, size and type of teaching bases and the age range of the school. In both cases it is checked against the total useable space available which must be measured and ensures that there is neither too much nor too little space available to support the core teaching activities. The method of calculating net capacity produces a

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capacity range with a minimum and maximum capacity figure. The LA in consultation with the School decide where within the range to set the net capacity reflecting the school organisation, the needs of the pupils, the design and size of internal and external spaces and the number of pupils with special educational needs.

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

- 21 Contributions will be sought in relation to outline or full applications for planning permission for residential developments of 10 or more dwellings with 2 or more bedrooms, which are likely to result in the need for additional education provision. Applications for less than 10 dwellings will be exempt unless their co-location with other sites requires examination of their cumulative impact.
- 22 Contributions will also be sought in relation to planning permission renewals for residential development where there has been a material change in the school capacity situation or the numbers of pupils on roll since the planning permission was first granted.
- 23 Education contributions will be sought for all types of housing including affordable housing.
- 24 Education contributions will not be sought for the following:-
  - a) One bedroom dwellings.
  - b) Sheltered or elderly housing
  - c) Student accommodation
  - d) Other specialist housing where it can be demonstrated that the accommodation will not be used by children.
- 25 Where a need to provide additional capacity has been identified, contributions for education will normally be sought for:-
  - a) 4-11 years (primary places)
  - b) 11-18 years (secondary places)
  - c) Special school places
- 26 In addition contributions will also be sought for:-
  - a) Funding transitional issues arising from new development, including the cost of providing temporary school places in advance of the completion of a new school required as part of an housing development.
  - b) School transport, where it is not possible to provide additional school places within an available walking route of the new development (2 miles for primary school and 3 miles for secondary schools). This contribution will be in addition to any pupil place contribution and is intended to cover the cost of providing new or additional

transport for the number of pupils generated by the development for a defined period of time, usually five years.

- c) Providing a walking/cycle route, where one does not already exist, to the school/s where additional places are to be provided.

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

27 The School Admission Policy, the Assessment of Net Capacities and the Mainstream Home-School/College Transport Policy are relevant in the calculation of Section 106 contributions for primary and secondary education.

28 The County Council’s consideration of whether developer contributions are required will be informed by the net capacity figures as reported to the Department for Education for maintained schools, and the Education Funding Agency for Academies.

**Yield Rates**

	<b>Yield Rate per 100 homes of 2 or more bedrooms</b>
Primary Age Pupils	24.0
Either 11 -16 years	16.7
and Post 16 years	3.3
Or 11 - 14 years	10.0
and 14 – 19 years	10.0
	<b>Yield Rate per 100 flats or apartments with 2 or more bedrooms</b>
Primary Age Pupils	4.3
Either 11 – 16 years	1.67
and Post 16 years	0.33
Or 11 – 14 years	1
and 14 – 19 years	1

The yield rates in the above table reflect the varying pattern of secondary education within Leicestershire. Some schools have an age range of 11 -16 years or 11 -19 years and others retain an age range of 11 -14 years and 14 -19 years)

29 One bedroom dwellings which includes houses, apartments/flats are discounted from the calculation of education contributions.

**Methodology**

30 The need for a contribution will be established by comparing the number of pupils generated by the development with:-

- a) The net capacity of the catchment school and any other school within a 2 mile available walking route for primary school or 3 mile available walking route for



secondary school from the development. The capacity figure used for this purpose is the net capacity. Studio schools will be included in the calculation where they are within a 3 mile available walking route of a development and the secondary schools in the relevant location are organised in a two phase system e.g. 11-14 years and 14 – 19 years.

- b) The forecast number on roll for the catchment school and any other school within a 2 mile available walking route of the development site for primary schools and 3 miles for secondary schools. Pupil places funded by S106 contributions from other new developments in the area will be discounted. The average of the two and four year forecast figures for each school will be used when calculating the surplus or deficit of places. In some circumstances the forecast which is most relevant to the size and scale of the proposed development will be used.
  - c) Any planned changes to the school building which will affect the net capacity.
  - d) Any other housing developments with outline or full planning permission which will generate the need for pupil places at the catchment school for the development
  - e) Temporary accommodation (usually mobile classrooms) is included in calculating the net capacity of the school and is therefore counted in S106 calculations.
- 31 Having taken all the above factors into account, where it can be demonstrated that the number of pupils generated by a development is greater than the spare capacity in the local schools the County Council will require a contribution to fund the provision of the additional school places required.

### **Cost Multiplier**

- 32 When calculating an education contribution we use the following figures based on DFE cost multipliers which were last updated January 2009.
- 33 The use of the cost multiplier will be reviewed on an annual basis in April (where applicable) .

<b>Sector</b>	<b>DFE amount per pupil</b>
Primary	£12,099.01
11 -14 years	£17,876.17
11-16 years	£17,876.17
11-19 years	£18,290.95
Post 16	£19,327

- 34 These cost multipliers are to be used where Section 106 contributions are sought to extend or enhance facilities at existing schools. Where the development generates the need for a new school, the developer will be required to construct the school to a

specification provided by the County Council or provide a sum sufficient for the County Council to organise construction. Requirements for the provision of a new school is provided below.

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

35 For developments of over 250 dwellings with two or more bedrooms an assessment will be made of the need to secure additional accommodation for pupils with special educational needs (SEN). Special school provision including enhanced resource provision units (ERP) across the County are already at capacity and any contributions will be pooled to improve or enhance facilities at the most appropriate school or unit, this may not always be the facility closest to the development, as pupils with special education needs are often transported to the school or unit best able to provide for their needs. In determining the need for these types of contributions, appropriate evidence and data will be provided in relation to the number of special school and ERP places available across the County and the current and forecast demand for these types of pupil places. The yield from a new development would be calculated as shown in paragraph 36 below and compared with the places available to assess if a contribution for special school provision is required.

36 The current proportion as a percentage of Leicestershire primary and secondary age pupils (11-18) who attend a special school or enhanced resource provision unit is 0.65% and 1.59% respectively – to determine the number of special school pupils generated from a development, it is necessary to apply these percentages to the mainstream pupil yield.

- a) No. of primary age 4-11 years SEN pupils per 100 dwellings = 0.156
- b) No. of secondary age 11-19 years SEN pupils per 100 dwellings = 0.318

37 A pupil in a special school requires between four and five times the space of a pupil in a mainstream school (Based on Building Bulletin No. 102 Page 52). Therefore the cost of providing a special school place is estimated at four and half times the cost of providing mainstream provision

- a) Cost multipliers per pupil place for SEN provision:
  - i) Primary (4-11 years) £54,445
  - ii) Secondary (11-19 years) £83,707

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

38 Section 106 contributions will be applied on capital works to provide additional capacity or enhance existing facilities at academies or maintained schools. This might include, for example, but is not limited to:

- a) Providing additional school places
- b) Providing new schools or school buildings
- c) Adapting and extending existing school buildings

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- d) Improving school grounds, sports and physical education facilities
  - e) Purchasing new equipment above a de-minimis limit of £10,000 required as a direct result of the additional demand, or as part of a scheme to improve, extend or enhance the school accommodation.

39 It may not always be practical or desirable to use S106 contributions to provide additional capacity at the catchment school, because for example the site may be constrained, or the school may not have the infrastructure spaces necessary to support the increased capacity. In these circumstances the contributions would be used to provide additional capacity through extension, refurbishment or re-modelling of existing schools where the needs could be best met.

40 In addition, due to the advent of academies and the number of schools making changes to their age range, admission arrangements and catchments areas, it is essential to have the flexibility to use the funding at the most appropriate school, and therefore the wording within the S106 agreement should enable the County Council to do this.

41 When the County Council commissions additional places through a free school or academy and uses S106 funding to provide those places, the County Council will require the provider to enter into a legal agreement detailing the funding to be provided and the number of additional places to be provided.

#### **Transitional Costs**

42 In addition to the contributions set out above, a contribution, for example, in the case of major 'strategic' developments/sustainable urban extensions which results in the need for a new school, or significant extensions to existing schools, may require a contribution sought to fund transitional costs. This will be assessed on a site by site basis and could be:-

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

#### **Trigger Points**

43 Trigger points will be agreed on an individual site by site basis, however, in general the first instalment will be required on commencement of the development and will equate to 10% of the total contribution. The remaining payments should be linked to time or delivery milestones whichever is the sooner and agreed by all parties, but must keep

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pace with the completion of the development to ensure additional provision is in place for when the pupil numbers arise.

- 44 In cases where the S106 provides for a new school the trigger points should relate directly to the contract for the building of the new establishment and ensure the funding received meets the costs incurred at each milestone.
- 45 Trigger points should not be linked to final completion of the development due to the uncertainty and delay this can create when planning S106 projects.

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

- 46 When the scale of development is such to necessitate a new school, the developer/s will be expected to provide the site free of charge, or fund site acquisition, fund the building costs, including the infrastructure and the playing fields and all furniture, equipment and ICT costs. Alternatively the developer may choose to construct the new school and this must be to an agreed specification with Leicestershire County Council.
- 47 Where a number of sites are contributing to a new school, each site will be required to pay a proportionate amount of the total cost, including land, design, and building and infrastructure costs.
- 48 The use of the DfE cost multiplier will not apply to new schools, as these figures are based on the extension of existing facilities where all of the other infrastructure requirements are in place. The cost of a new school build must be requested from the County Council on a site specific basis, as the cost of a school is dependent on many variable factors and cannot be applied uniformly.
- 49 The phasing of any contributions to fund the cost of a new school, or the timetable for the building of a new school, where the developer is undertaking this, will be agreed on a site by site basis. The opening date for all new schools will be the first September before the completion of the 300<sup>th</sup> dwelling, or a specified date whichever is the later.

### **Sites for New Schools**

- 50 Where a developer is required to provide land to accommodate or provide for a new school, the County Council will require the land meets a checklist of requirements, to include for example the following:-
- 51 Be sufficient for the size of school required, with ideally space for further expansion. (using current site size contained in the latest appropriate Building Bulletin guidance as

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issued by government or its agents<sup>5</sup>) with the possibility of have early years provision on site:

- a) Be of regular shape, level and largely free from building constraints such as underground sewers, landfill sites, tree preservation orders.
- b) Be located centrally within the development, ideally close to the local centre.
- c) Be located within 400 metres of housing it is designed to serve.
- d) Provide space for home to school transport (including school buses) and parents to drop off and pick up either in the school grounds or close to school, on the same side of the road as the school.
- e) Have separate pedestrian and vehicle access.
- f) Be located to encourage walking and cycling to school.
- g) Provide room for coaches to access school to pick pupils up for trips etc.
- h) Have playing fields located in close proximity to building.
- i) Be free from contamination, or be re-mediated prior to the County Council taking ownership.
- j) Have uncontaminated topsoil applied to a minimum depth of 300mm
- k) Have adequate drainage to discharge surface water from the grassed playing field on the site.

#### 52 Proposed Sites for New Schools Should **NOT** be:-

- a) Located on a flood plain or be subject to flooding.
- b) Located in a cul de sac.
- c) Crossed by overhead power cables or be any public footpath or right of way.
- d) Located within a 57dBA Leq noise contour of an airport or similar facility (57dBA Leq marks the approx. onset of significant community annoyance due to daytime aircraft noise)
- e) Situated in proximity to any development, business or land use that may disrupt the normal functioning of a school, detract from pupil's learning or place anyone associated with the school at risk.
- f) Within an air quality management area.

#### Provision of Utilities/Site Security

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

#### Access to the School Site

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<sup>5</sup> Building Bulletin 103:Area guidelines for mainstream schools – updated 26 June 2014 Education Funding Agency (latest guidance at the time of publication)

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

Building Design

- 58 The location and design of the building should facilitate community use.
- 59 The building should be designed to a specification to meet the current Department for Education guidance and best practice for the type of school as well as latest government advice and guidance.
- 60 The County Council will use its reasonable endeavours to ensure the building offers community facilities and access but given that any new school will be an Academy this cannot necessary be guaranteed and may not be able to be included within the legal agreement.

EDUCATION SUMMARY SCHEDULE	
<b>Current guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework</li> <li>• Policy Statement Planning for Schools development (DCLG) 2011</li> </ul>
<b>Type of facilities for which provision may be required</b>	<ul style="list-style-type: none"> <li>• Sites for new schools</li> <li>• Construction costs of new schools</li> <li>• Other building provision at existing schools (including for example additional grass/artificial turf sports pitches)</li> </ul>
	<ul style="list-style-type: none"> <li>• Planning obligations will be generated by residential development which creates extra demand at local</li> </ul>

## EDUCATION SUMMARY SCHEDULE

<p><b>Type of development which would trigger need</b></p>	<p>schools (subject to a lack of capacity at the local catchment schools)</p> <ul style="list-style-type: none"> <li>• Normally request for contributions will be made for all residential developments of 10 dwellings or more</li> <li>• When building a new school the County Council will carefully consider the wider community use of both the school buildings and the playing fields where appropriate</li> <li>• A contribution will be required for existing schools, towards the cost of additional primary and secondary school places, where there is a need. Contributions will be calculated on the basis of a minimum of 24 primary places and 20 secondary places per 100 houses. For flats/apartments the current figures are 4.3 primary pupils and 3.2 secondary pupils per 100 units.</li> <li>• Information about local pupil yields will be taken into account in setting the precise requirements. The costs per pupil place based on DfE cost multipliers, are currently £12,099.01 for primary, £17,876.17 for 11-16 year old pupils, £18,355.16 for 14 -19 year old pupils and £19,327 for 16+ students based on April 2009 figures. These cost multipliers are updated on April 1<sup>st</sup> each year.</li> <li>• When a new school is required the developer would be expected to provide a site and construction costs including professional fees, furniture and equipment.</li> <li>• The value of contributions will be based upon either DfES cost multipliers current at the time of the signing of the formal agreement or the appropriate cost multipliers plus an index linked update (as defined earlier), whichever is the greater.</li> </ul> <p>Proposals to redevelop an existing school site by a developer may trigger the need for a replacement school.</p>

## EDUCATION SUMMARY SCHEDULE

<p><b>What if there is spare capacity at the local catchment school?</b></p>	<ul style="list-style-type: none"> <li>• Contributions will be required for every pupil place required in excess of the projected capacity</li> <li>• If calculations indicate that spare capacity/places will exist in the catchment school by the time the development reasonably can be expected to generate new demand for places then the requirement will be adjusted accordingly</li> <li>• Projected capacity is calculated on the basis of:-             <ul style="list-style-type: none"> <li>- the catchment school's existing net capacity/number on roll</li> <li>- any planned changes to the school building stock affecting the school's net capacity/number on roll calculation</li> <li>- pupil projections (revised twice annually)</li> <li>- developments with planning permission which will generate a need for pupil places</li> </ul> </li> </ul>
<p><b>Discounts</b></p>	<ul style="list-style-type: none"> <li>• discounts only apply for one bedroom flats or houses or specialist units for example residential care homes for the elderly.</li> <li>• There is no discount for developments which wholly or partially comprise affordable housing as there is evidence to show this type of housing can reasonably be expected to generate at least as many children as open market housing.</li> </ul>
<p><b>Major Developments</b></p>	<ul style="list-style-type: none"> <li>• Major developments for example SUE's will not necessarily rely on the figures above as they are not applicable to situations where a new school is required.</li> <li>• In such cases the County Council may require land from the developer within the site and sufficient monies to</li> </ul>



## EDUCATION SUMMARY SCHEDULE

	<p>build the school</p> <ul style="list-style-type: none"><li>• The cost of the new school will depend on the its required size, the relevant building standards requirements and issues relating to the proposed development</li><li>• The County Council will make every reasonable effort to minimise the cost of providing a new school and offer the developer the option to build the new school subject to meeting the required building and design standards.</li></ul>
<b>Form in which contributions payments should be made</b>	<ul style="list-style-type: none"><li>• Land where required and financial contribution towards the cost of construction of buildings or works in kind including equipment/fitting out of new school to the County Council’s design and building specifications</li></ul>

### ECONOMIC GROWTH

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

### HIGHWAYS & TRANSPORTATION

1. One of the key aspects that makes development sustainable is its location and relationship to other existing land uses particularly the transport links between them. 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.
2. 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.
3. To achieve sustainable development through integrated transport, the County Council will likely seek off-site public transport, cycling and walking measures, in the general area within which the development lies. These could include road based improvements such as crossings, footways, cycle routes, intelligent transport systems, public transport services, and bus priority measures. This may include general highway capacity improvements where journey times would otherwise be delayed. As well as the use of s106 under the Town and Country Planning Act 1990, the County Council will also make use s278 and s38 of the Highways Act 1980 where works are required to an existing highway network or the provision of new adoptable highway works.
4. In some instances the County Council may consider it more appropriate to seek a contribution towards integrated transport measures including infrastructure improvements and bus subsidy. This may be where the quantum of development is insufficient to afford worthwhile improvements in isolation and a contribution can be put towards integrated transport investment in the area, where there is a proposed integrated transport initiative in the area that would benefit the development and a contribution would help bring it forward, where the contribution can be pooled with that from other nearby developments to fund improvements, or to cover the cost of future travel plan initiatives.

5. Measures for Public Transport have to be assessed on each site through the Transport Assessment (TA) and Travel Plan (TP) process where applicable. However it is important that any new development has easy and convenient access to suitable public transport services suggested by any Transport Assessment and/or Travel Plan. Provision of bus services will ensure that the opportunity is taken to encourage travel by alternative means to the car and thereby optimising the long-term sustainability of the development.
6. Relevant Public Transport services and infrastructure will be secured through financial contributions or planning obligations, for example the provision of high quality bus stop infrastructure on-site or if suitable bus services off-site then providing additional and/or upgrading of existing bus stop facilities. These will include raised and dropped kerbs to allow level access on and off low floor buses. Depending on size and location of the site these may also include timetable cases, street information points, bus shelters and on street real time information to provide high quality and attractive public transport facilities.
7. Ensuring easy, safe and attractive local walking routes to and from the boarding and alighting points of public transport services and cycle parking facilities at transport hubs is as necessary as the facilities and services themselves; the whole journey is important for encouraging sustainable travel. While maximum walking distances to and from these stops can be site specific the 'rule of thumb' is that a 250 metre distance to a stop is desirable and manageable for most users (including the elderly or those with small children or encumbered with luggage/shopping etc), up to 400 metres is acceptable in urban areas with an absolute maximum of 800m in suburban and village communities. In rural areas outside villages the distances to stops should be the minimum practical in the circumstances and footways and footpaths leading to stops should be improved dependent on site location.
8. The ability to influence behaviour patterns from the start or early stages of a development is critical in successfully establishing sustainable travel behaviour by new residents, employees or visitors to those sites. Key methods of doing this include the provision of up-to-date information through Travel Packs, to inform potential travellers what sustainable travel choices and destinations are available in the surrounding area and what incentives (such as free 6 month bus passes) may be available as inducements to begin to use travel choices other than private cars.
9. Provision of new public transport services such as demand responsive taxis/minibuses or bus services may be required depending on size, location, and type of development. Demand responsive services may be used to reduce early reliance on cars as the primary modal choice in the initial stages of the development, prior to the extension/introduction of bus services, as will upgrading of existing services such as improving the frequency of an existing service to cater for the increased usage that development will generate. It is important that a sufficient level of public transport provision is available to accommodate the increased population in the area.

10. 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 if they choose the council to undertake such monitoring. Contributions will be sought in all cases where it is necessary to make the development acceptable in planning terms.
11. A suitable Travel Plan is required for each new single occupier employment site or a new single developer residential site of more than 80 dwellings and any new school, shopping, health or leisure development likely to generate significant traffic. 'A Framework Travel Plan' is required for a multi-use employment site or a multi-developer residential site or complex including retail, community, health or leisure uses. Travel Plan contributions may be required for any of these types of Plan. See [http://www.leics.gov.uk/writing\\_a\\_successful\\_travel\\_plan.pdf](http://www.leics.gov.uk/writing_a_successful_travel_plan.pdf)
12. To ensure Travel Plan outcomes are being achieved and, where necessary, that remedial or planning enforcement action is initiated, Leicestershire County Council expects careful monitoring to be undertaken using a recognised survey and recording system (currently 'iTrace') and a standardised 'Travel Plan Monitoring Fee' will be charged to the developer to cover the Authority's costs for this service
13. Where the County Council receives funding to manage and deliver bus services and bus passes an administrative charge will be made. Monitoring and reviewing of public transport services will be charged to enable the county council to ensure the service delivery is provided as agreed if this is provided under a planning obligation. Commuted sums may be required for public transport infrastructure facilities.

HIGHWAYS AND TRANSPORTATION SUMMARY SCHEDULE	
<b>Current Guidance</b>	National Planning Policy Framework Local Transport Plan LTP3 6Cs Design Guide
<b>Type of facilities for which provision may be needed</b>	pedestrian and cycle facilities public transport improvements; public transport facilities and services travel plans (workplace, residential, school or mixed use) road and rights of way improvements; traffic management schemes; car parking and means of control; traffic regulation orders; support for car sharing scheme; facilities for charging or refueling vehicles using new forms of energy (e.g. electricity, fuel cells, hydrogen); associated landscaping includes planting and hard surfaces

## HIGHWAYS AND TRANSPORTATION SUMMARY SCHEDULE

<p><b>Type of development which might trigger need for provision</b></p>	<p>Any type of development residential or other which leads to a material increase in traffic on the network or is detrimental to road safety or has inadequate access to walking cycling and public transport or inadequate parking provision or creates on street parking issues or affect a right of way.</p> <p>Requirements will depend on the particular circumstances of a development proposal and may include for example parental car parking at schools and traffic management.</p> <p>Normally a scoping study or Transport Assessment/statement will assist in assessing the requirements for a particular development.</p>
<p><b>Form in which payments should be made</b></p>	<p>Required infrastructure generally will be provided by the developer as part of the development, however some requirements (particularly those required 'off-site' or where a continuing management or maintenance) might be covered through financial contributions, bond or commuted sums, secured by legal agreements or undertakings made under the planning and/or highways acts</p>
<p><b>Contributions to capital costs or revenue costs</b></p>	<p>Generally capital but revenue also, for example bus services and required maintenance liabilities usually in the form of a commuted sum.</p> <p>Liabilities include compensation arising from development highways work.</p> <p>Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass – NOTE it is <u>very</u> unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p> <p>Demand responsive transport service; to reduce early reliance on cars as the modal choice in the initial stages of the development, prior to the extension of the bus service, as below / <u>or</u> / to reduce reliance on cars as the modal</p>

## HIGHWAYS AND TRANSPORTATION SUMMARY SCHEDULE

choice as the development is remote from any bus services. New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.

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

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

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

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

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

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

Ticket Machine software upgrade: £300 per bus

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

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

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

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

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

Travel plan; to establish a means to encourage and inform new residents of their sustainable travel choices.

Travel plan contributions we may require for major employment sites and residential sites of more than 80 dwellings:

A monitoring fee of £11,337 for a Framework Travel Plan (for a multi-use employment site or a multi developer residential site), and £6,000 for a Travel Plan (for a single use employment site or a single developer residential site), to enable Leicestershire County Council to provide support

## HIGHWAYS AND TRANSPORTATION SUMMARY SCHEDULE

	to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.
<b>Threshold for size of development for which contributions are appropriate</b>	There is no specific level as a need for highways related contributions will depend on the local circumstances and situation pertaining to a particular development.



### LIBRARY SERVICE

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

## LIBRARIES SUMMARY SCHEDULE

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

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

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

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

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

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

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

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

Cost per 1,000 pop = £84,210

Cost per individual = £84.21

Building contribution per dwelling based on MLA assumed occupancy rates:

1 bed dwelling = £126.31

2 bed + dwelling = £262.63

1 bed student accommodation = £84.21

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

**A contribution will be required for library materials and equipment to support reading, learning and information services. Calculations are based on:**

	<p>Average number of residents per type of dwelling using the MLA assumed occupancy standards as above. DCMS standard for provision of library materials per 1,000 pop (upper and lower thresholds) Current average supplier price per item of stock including discount and servicing</p> <p>These factors are converted into a formula for a cost per type of dwelling.</p> <p>National Library Standard of level of stock per 1,000 pop Lower threshold =1.157</p> <p>National Library Standard of level of stock per 1,000 pop Upper threshold =1.532</p> <p>Current average price per item added to stock, March 2013 = £8.70</p> <p>Cost per 1,000 pop. Lower threshold = £10,065 Cost per 1,000 pop. Upper threshold = £13,328</p>												
	<p>Cost per individual. Lower threshold = £10.06 Cost per individual. Upper threshold = £13.33</p> <p>Library materials contribution per dwelling based on MLA assumed occupancy rates:</p> <table data-bbox="472 1328 1262 1559"> <tr> <td>1 bed dwelling. Lower threshold</td> <td>= £15.09</td> </tr> <tr> <td>1 bed dwelling. Upper threshold</td> <td>= £19.99</td> </tr> <tr> <td>2 bed + dwelling. Lower threshold</td> <td>= £30.18</td> </tr> <tr> <td>2 bed + dwelling. Upper threshold</td> <td>= £39.99</td> </tr> <tr> <td>1 bed student accommodation. Lower threshold</td> <td>= £10.06</td> </tr> <tr> <td>1 bed student accommodation. Upper threshold</td> <td>= £13.33</td> </tr> </table> <p>These costs are reviewed annually in June and adjusted to reflect the CIPFA submitted costs of providing Library Services</p>	1 bed dwelling. Lower threshold	= £15.09	1 bed dwelling. Upper threshold	= £19.99	2 bed + dwelling. Lower threshold	= £30.18	2 bed + dwelling. Upper threshold	= £39.99	1 bed student accommodation. Lower threshold	= £10.06	1 bed student accommodation. Upper threshold	= £13.33
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<p><b>Threshold for size of development for which contributions are appropriate</b></p>	<p>Any new development has the potential for placing demands on and increasing the need for service delivery however the normal threshold for notification is 10 or more dwellings although there may be occasions when developer contributions may be required for developments of less.</p>												

### SPORTS AND RECREATION

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

### COMMUNITY SAFETY IN LEICESTERSHIRE

1. The focus of community safety partnership is on a combination of reduction and prevention of crime and disorder and the introduction and promotion of social and economic change. In recent years it has been acknowledged that tackling community safety issues cannot be done by the police alone and a multi-agency approach can be more effective.
2. There are seven Community Safety Partnerships in Leicestershire. Community Safety partnerships are made up of representatives of local authorities; the police and crime commissioner; police force; the fire and rescue service; probation services; voluntary bodies and others.
3. Good design principles will be expected when considering planning applications by the County Council, for example waste and minerals and schools. The District/Borough Councils determine planning applications where the majority of design issues in relation to designing out crime and anti-social behaviour arise from for example housing and employment.
4. Whilst the matters relating to community safety are likely to be subject to planning conditions, there may be circumstances when a legal agreement is required and normally the majority of planning applications for housing or employment would lie with the District/Borough Councils and any planning contributions, for example, for the police would need to be addressed through the local planning authorities.

### PUBLIC HEALTH

1. The impacts of developments on the health status and needs of the local population are matters that need to be taken into account if proposed developments are to meet the objectives of sustainable development as set out in national planning policy. As well as ensuring that development meets sustainable transport objectives, delivers a wide choice of high-quality housing and is of good design it should also aim to facilitate social interaction and create healthy, inclusive communities. This will include measures aimed at reducing health inequalities, improving access to healthy food and reducing obesity, encouraging physical activity, improving mental health and wellbeing, and mitigating the affects that development may have on the quality of land, air, water or soils, and the natural environment which might lead to an adverse impact on human health. Impacts can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light, all of which can affect health and wellbeing.
2. Since April 2013, Leicestershire County Council has been responsible for the majority of the public health services previously run by the NHS. The public health team in the County leads on improving health and helping people lead more healthy lifestyles with a focus on the population and commissions key services from a number of organisations. The services range from support to quit smoking, drug and alcohol abuse, obesity, sexual health to services to improve mental health and wellbeing. There is an obligation on planning authorities to work with public health leads to ensure that decisions are made to improve the health and wellbeing of communities.
3. Operating these services from County Hall offers opportunities to link up with the Council's other work, particularly those areas which directly or indirectly affect health for example, social care, transport and libraries. The local authority, via the Director of Public Health, is also required to assure itself that relevant organisations have appropriate plans in place to protect the health of the population (e.g. from infectious diseases). The public health team also works closely with NHS colleagues particularly in clinical commissioning groups to ensure that local health services closely match the health needs of local people and to provide advice to them.
4. Whilst the majority of matters relating to Public Health are likely to be subject to planning conditions there may be occasional circumstances when a legal agreement would be required.

### NOTIFICATION PROCEDURE PLANNING OBLIGATIONS

#### Introduction

1. The District or Borough Councils, as local planning authorities, are the first points of contact for the majority of developments proposals which would be likely to require planning obligations. A formal protocol was established through the original County –wide supplementary guidance document to ensure that all responsible parties are offered the opportunity to assess the implications/impact for service provision arising from new development proposals. This procedure has evolved and has been improved and needs to respond to changes in circumstances.
2. The procedure for consultation between the District/Borough Councils and the County Council on proposals as set out in the previous Development Control Agreement will continue to operate.

#### The Procedure

3. The County Council's Developer Contributions Officer (Chief Executive's Department) will be the coordinator for developer contributions matters and will be responsible for contacting nominated officers within the relevant County Council services and responding to the District or Borough Councils on any development proposal notified by them.
4. Individual planning officers at the District/Borough Councils will be responsible for notifying the County Council Developer Contributions Officer of relevant development proposals as defined in the following paragraphs:-
  - a. Residential development of at least 10 dwellings or more or 0.25 hectare @ 36 dwellings per hectare in size;
  - b. Significant or major proposals for employment; retail; leisure; mixed use developments which are likely to give rise to requirements for developer contributions which is likely to give rise to requirements for developer contributions, based on the advice given in the guidelines and/or locations of 'special concern' set out in paragraph c. below.
  - c. There may be circumstances where there are a large number of proposals below 10 dwellings in an area. The County and District Councils will need to advise each other of these smaller proposals, where it is established that individual services and facilities are close to capacity or will require



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improvement as a result of development. Individual service providers have identified separately in the guidelines the locations where there are 'special concerns' for particular services and these will be reviewed by the service departments on a regular basis.

5. Individual service providers will review the contents of the guideline tables on a regular basis, in the context of annual programmes and changes in circumstances. In some locations, the cumulative impact of proposals for 'small sites' (i.e. below the identified thresholds) may result in the need to improve service provision. The County Council will maintain records of the accumulation of 'small' developments, based on the 'small sites' information provided by District Councils.
6. Relevant development proposals will include planning applications, any pre-application inquiries and development briefs on the following:
  - a. proposals that are identified as Local Plan allocations. Although there may have been consultation on these sites through the local plan process, it will be necessary to notify the County Council of subsequent planning applications, in order that its service requirements agreed through the local plan process can be formally secured. It will also be necessary where the local plan does not set out the specific contributions that will be required. It may exceptionally be appropriate to consider additional contributions in addition to those set out in local plans where there are new considerations to be taken into account;
  - b. 'windfall sites', which can often give rise to previously unidentified requirements for services and facilities;
  - c. proposals which are the subject of appeal and/or 'call-in' proceedings, where notification procedures have not been concluded or require confirmation.
7. Notification by the District Council shall be in an appropriate form either by email or letter the contents of which shall be agreed by the County and District Councils and reviewed as necessary. Details of the site of the proposal, the description of the proposed development and the application number should be provided to the County Council and provision of an access/web link to identify the site of the proposal, an adequate location plan, and written submission or details which accompany the developer's application or inquiry.
8. In agreed cases, the County Council developer contributions officer, together with a representative of other County Council Services as may be necessary, will be given the opportunity to attend any meetings which may be held between the District Council and a developer and / or agent to discuss potential contributions, with the agreement of the developer.

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9. The County Council developer contributions officer will respond to all notifications of planning proposals by the District Council within 21 days, unless an extension of time is granted at the discretion of the District Council's officer.
  10. Prior to the final decision on the proposal being made, in the event of any requirements for developer contributions associated with Leicestershire County Council service provision not being agreed, the District Council officer will formally notify the County Council developer contributions officer of the circumstances. The County Council will respond to the District Council within 14 days of the subsequent notification, unless an extension of time is granted at the discretion of the District Council officer.
  11. On occasions, a developer or agent will contact an individual service department of the County Council to discuss the matter of contributions arising from a potential development. In these circumstances, the nominated officer of the service department shall advise the County Council developer contributions officer, within 3 days, of the nature and location of the proposed development. Within 3 days of receiving this advice the County Council developer contributions officer shall notify the relevant officer of the District Council of the proposal.

#### **Legal Agreements**

12. The cost of preparing and securing legal agreements will normally be met by developers. In other cases, the County and Borough/District Council will separately be responsible for the costs relating to its own specific service requirements. On the matter of involvement or otherwise of service departments in legal agreements, practice varies from District to District although it is more usual than not for the service department to be involved. In many cases the developers will want the service provider to be involved to give covenants as to how and when it will spend the money it is receiving.
13. After any legal agreement, obligation or unilateral undertaking has been signed and the planning permission has been issued, a copy of the relevant document shall be sent by the District Council to the County Council Legal Services. In the case of County Matters, a copy of the agreement shall be sent by the County Council to the District Council's case officer.

#### **Timing of payment**

14. This will vary but broadly speaking payment should be made at a time that enables the provision of the facility that is being funded at the time when it is needed. There is no rigid formula to calculate this and it can be varied according to individual circumstances.
15. In the field of education contributions, for example, a payment scheme has developed which normally requires:-

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- a. 10% on commencement of development to enable commencement of the design of the project;
  - b. 45% at about the mid-point in the development;
  - c. 45% towards the end of the development.
16. The payment scheme does vary however, for example where the money will be used to fund part of a larger contract that will incorporate the additional accommodation being funded.
  17. Similar types of trigger points and timings of payment of obligations can apply to highway contributions.

### **Method of payment**

18. Payment does not necessarily have to be in the form of a financial contribution. It might, for example, necessitate additional educational facilities and the developer may be given the option of either paying a financial contribution or constructing the additional facilities to the County Council's CYPs specification and design requirements. Alternatively, if the work being funded by the developer is part of a larger extension, the developer may be told that the only option is to make a financial contribution.
19. The same sorts of general consideration on the method of payment and whether the developer or the Highway Authority does the work apply to highway contributions.
20. A record and database will be kept and maintained of payments received. The trigger points at which payments will normally be made will be monitored by the District Council or the County Council as appropriate. If considered appropriate the legal agreement must include clauses requiring the developer to notify the local authority when trigger points are reached or a prescribed period has elapsed. Payments of contributions must be made to the appropriate council or service provider