



**Nottinghamshire County
Council**

**Planning Contributions
Strategy**

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NOTTINGHAMSHIRE COUNTY COUNCIL

Planning Contributions Strategy

1. Introduction

- 1.1 This strategy is intended to provide guidance to Local Planning Authorities (LPAs), developers and the general public across Nottinghamshire on the use of legal agreements associated with the granting of planning permission relating to the functions and advice provided by the County Council. It will provide information detailing what legal agreements are and how they will be used. It will establish the broad criteria and types and levels of contributions Nottinghamshire County Council will seek in such legal agreements.
- 1.2 This strategy does not address matters which are not the functions of Nottinghamshire County Council or do not relate to advice we provide. Each LPA will have their own, quite separate, requests for planning contributions which will be considered in addition to those set out in this strategy.
- 1.3 The aim of this strategy is to provide a fair, consistent and transparent basis for negotiating legal agreements throughout Nottinghamshire in relation to new development proposals, by setting out insofar as they affect services and advice provided by the County Council: -
- the broad requirements for planning contributions to provide for the extra demands falling on services, infrastructure and facilities as a result of the development proposed; and
 - the requirement for new development to mitigate and / or compensate for any loss or damage it would cause to any environmental or community resource.
- 1.4 This strategy aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage. It should be read in conjunction with any Supplementary Planning Guidance or Supplementary Planning Documents produced by the LPAs.

2. Status Of This Strategy

- 2.1 This Planning Contributions Strategy has been produced and approved by Nottinghamshire County Council following consultation with LPAs, developer interests and the general public (See Appendix A). The County Council will seek to have the relevant parts of the Strategy incorporated in Local Development Documents, including Supplementary Planning Documents prepared by the LPAs under the provisions of the Planning and Compulsory Purchase Act, 2004.
- 2.2 Whilst this strategy has no statutory status, it is a material consideration in the determination of planning applications and if development proposals do not comply, the strategy may be used as a reason or reasons for the refusal of planning permission by a LPA.

- 2.3 This strategy will be reviewed regularly to ensure it is kept as up to date as possible regarding the costs of providing infrastructure and services and on current levels of capacity, as well as to reflect any new national guidance regarding planning contributions. Any guidance or legislation upon which the strategy is based is subject to change and any such changes would be taken into consideration when determining planning applications and negotiating contributions. The strategy is intended to be used as a “working folder” which reflects the most up to date situation. As such, the tables at the end of this document will be updated whenever necessary. The latest version of the strategy will be available on the County Council’s website.

3. What Are Planning Contributions?

- 3.1 The Town and Country Planning Act, 1990 (as amended) makes provision for voluntary legal agreements to be entered into with developers / landowners, as part of a grant of planning permission. These agreements are known by a variety of names, for example, Section 106 Agreements (after the relevant section of the 1990 Act), planning contributions, planning obligations, developer contributions and planning gain.
- 3.2 This strategy uses the term planning contributions that is to be found in the Planning and Compulsory Purchase Act, 2004 and is intended to address the whole range of matters covered by legal agreements, from monetary contributions, to on-going maintenance and management.
- 3.3 The planning system should operate in the public interest and to meet the key aims of sustainable development. In order to achieve this, these legal agreements can be used to overcome harmful impacts of development and therefore enable development to go ahead which might otherwise have been refused; and to enhance the quality of development such that it provides social, economic and environmental benefits to the community as a whole.
- 3.4 Circular 05/2005 “Planning Obligations” sets out the Government’s latest advice on this matter. It sets out 5 tests, all of which must be met in order for a planning contribution to be sought. It must be:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 3.5 The Circular states that planning obligations can have three purposes – prescribing the nature of the development to achieve planning objectives, mitigating the impact of a development and compensating for loss or damage caused by a development.
- 3.6 These legal agreements may be unconditional or subject to conditions; they can impose restrictions or requirements relating to an indefinite or specified period;

and they may provide for the payment of money, either in a specific amount or by way of a formula, often referred to as a commuted sum. They can be used in a positive manner, that is, to require the developer to carry out something specific, or in a negative manner, thereby imposing restrictions.

- 3.7 They run with the land in the same way that a planning permission does. This means that they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection.
- 3.8 If the legal agreement requires the developer to undertake certain actions, there may be a specified time frame within which this must occur. The planning permission may refer to the phasing of development and so the agreement may make provisions which are in line with this phasing arrangement.
- 3.9 If a legal agreement makes provision for a commuted sum to be paid to the LPA, the money must be spent within a reasonable time frame. This is usually construed to be within five years but may be longer, if deemed appropriate. If the money is not spent within the agreed period, the developer would be reimbursed with the outstanding amount, together with any interest accrued.
- 3.10 The purpose of a planning contribution is to ensure that the proposed development is acceptable, in accordance with the Development Plan and that it does not result in overall social, economic or environmental harm. The agreement legally binds the developer to certain courses of action or restricts actions in order to achieve this.

4. Why use planning contributions?

- 4.1 The most important answer to the question “why use planning contributions?” is: to allow development to be granted planning permission which would have otherwise been unacceptable and hence refused.
- 4.2 Developers may reasonably be expected to pay for, or contribute towards, the costs of services, infrastructure or resources that would not have been necessary but for their development. This relates to demands created solely as a result of the development proposal and existing problems which are materially exacerbated by the development. In the latter of these cases, developers would be expected to contribute towards the extent by which the problem was exacerbated, not to remedy the existing problem as this would not be fair or reasonable in relation to the proposed development and would therefore fail the Circular 05/2005 tests.
- 4.3 It is important to note that references to services, infrastructure and resources in this context include (but are not restricted to):
 - affordable housing;
 - biodiversity;
 - community facilities;
 - education services, including the provision of school places;
 - environmental infrastructure;

- highways and transport;
- landscaping;
- leisure facilities and playing space;
- open space;
- recycling facilities; and
- utility services.

Not all of these are County Council matters and so they are not all addressed in this strategy. However, the list does include many of the matters which will be addressed by LPAs when they are determining planning applications. Please contact the relevant LPA to discuss these matters further and establish whether they have any specific guidance.

- 4.4 The type and scale of the contribution required will be directly related to the impact of the proposed development on the provision of the relevant services, infrastructure or resources. As such, contributions are determined in relation to the local situation and are not directly related to land values or development values. This strategy provides guidance on the likely scale of contributions Nottinghamshire County Council will seek, should such a requirement be generated as a direct result of proposed development.
- 4.5 A planning contribution will be negotiated by the LPA to secure the provision of the level of contribution deemed necessary in those circumstances when it would not be appropriate to use a planning condition. Circular 05/2005 makes it clear that where possible, conditions should be attached to planning permissions. Only if this is not appropriate should a legal agreement be used. This will tend to be in those cases in which financial, management or monitoring issues are involved but there may be other cases where this is appropriate.
- 4.6 Since planning contributions are voluntary legal agreements, both the developer and the LPA must be willing to enter into the agreement (unless the developer offers a unilateral undertaking which binds the developer to its terms but not the LPA). This avoids the situation which can arise through the grant of a conditional planning permission in which a developer is unhappy with one or more conditions. In such cases, the developer can appeal against the imposition of the condition, if so desired, whereas a legal agreement entered into under Section 106 of the Town and Country Planning Act, 1990 cannot be challenged for five years.
- 4.7 Such a legal agreement can only be discharged after this period if it no longer serves any useful land use planning purpose. It can only be modified (again after five years) if the obligation would serve a useful purpose equally well with the modifications specified by the applicant.
- 4.8 Planning contributions legally bind the developer (and any subsequent person acquiring an interest in that land) to the provisions of the agreement.

5. Planning Policy Context

- 5.1 Government guidance specifically relating to planning contributions in Circular 05/2005 has been outlined above in section 3 above. Planning Policy Guidance

Notes (PPGs), now being superseded by Planning Policy Statements (PPSs), set out the Government's guidance in relation to a wide range of planning matters on a topic related basis. They emphasise the need for the planning system to work towards the aim of sustainable development and seek to ensure that development proposals do not result in harm to environmental, social or economic resources.

- 5.2 Many of the PPGs and PPSs make references to the use of legal agreements, providing guidance on appropriate circumstances in which they can be used. These include (but are not restricted to) issues relating to provision of housing to meet particular categories of need; provision of public transport and pedestrian access; provision of open space; and management of nature conservation features. Clearly these matters are not all related to County Council functions or advice and are not therefore included in this strategy. However, the PPGs and PPSs provide the national planning framework for setting out policies in Development Plan Documents (approved or adopted Regional Spatial Strategies, Local Development Documents, saved Structure Plans and saved Local Plans).
- 5.3 Policies in the Development Plan provide the key basis for decision making. This is in line with Section 38 of the Planning and Compulsory Purchase Act 2004 which states that development proposals shall be determined "*in accordance with the plan unless material considerations indicate otherwise*". The policy basis in Nottinghamshire is outlined below.
- 5.4 However, it is not desirable to include in every Development Plan all of the detailed information which may be necessary to assist making planning decisions on planning applications. The Development Plan focus is on the policies whilst strategy guidance such as in this draft document is used to supplement them with further details.

Regional Spatial Strategy

- 5.5 The East Midlands Regional Plan, which was approved in March 2009, comprises the Regional Spatial Strategy (RSS) for the East Midlands for the period up to 2026. Under the provisions of the Planning and Compulsory Purchase Act 2004 this replaced the Nottinghamshire and Nottingham Joint Structure Plan (2006) and the RSS now forms part of the development plan for Nottinghamshire.
- 5.6 The RSS states that, "*In line with Circular 05/05, developers will also be required through the planning system (primarily via s106 agreements) to fund infrastructure and associated improvements.*" The RSS goes on in Policy 57, "Regional Priorities for Implementation, Monitoring and Review", to require local authorities, developers, statutory agencies and other stakeholders to work together to deliver necessary infrastructure through developer contributions.

Local Plans / Local Development Documents

- 5.7 Various Local Plans across the County contain policies on planning contributions. It is likely that the new Local Development Frameworks prepared by the

District/Borough Councils (and the County Council for Minerals and Waste) will include planning contributions policies in their Core Strategy and SPD covering a range of planning contributions issues which are of relevance to LPAs but are not addressed in this strategy such as affordable housing and public open space. (Tables relating to Minerals and Waste are incorporated into this document because the County Council do not currently have planning contributions SPD in relation to these matters. However, if such documents are produced in the future, the tables will be removed from this Strategy.)

6. Planning Contributions Unit

- 6.1 As part of Nottinghamshire County Council's ongoing strategy to improve the process of negotiating planning contributions and to provide clear and transparent information regarding the collection and spending of planning contributions, and in accordance with best practice as established by the Audit Commission Report: Securing community benefits through the planning process (2006), a dedicated Planning Contributions Unit has been established based in the Spatial Planning Team of the Communities Department.
- 6.2 The primary objectives of this unit are twofold; firstly to provide a single point of communication with Nottinghamshire County Council for developers and LPAs so that negotiations regarding possible planning contributions can be carried out in a timely and efficient manner and; secondly to formally monitor the receipt and subsequent use of all planning contributions received by Nottinghamshire County Council in order that a clear audit trail can be established between the two.

7. When Will Planning Contributions Be Used?

- 7.1 The purpose of this strategy is to provide clarity to developers about circumstances in which planning contributions will be used. This is to ensure that the provision of required costs, services, infrastructure or resources can be taken into account at the earliest stage of the development process.
- 7.2 Other than for minerals and waste applications, the District/Borough Council is likely to be the authority determining planning applications. Nottinghamshire County Council will work closely with the District/Borough Councils, providing information and expertise relating to any need generated by the development and the possible solutions to meeting that need, to ensure that a comprehensive approach is taken towards the services, infrastructure and resources required as a direct result of new development.
- 7.3 This strategy should ensure that development generating a need (which relates to a Nottinghamshire County Council function) is subject to contributions. This means that any threshold set out in this strategy is to be used only for guidance as certain development below the threshold may generate such a need, either alone or in combination with other schemes, that contributions will be required. For example, a series of small scale developments in an area can generate needs which are at least equivalent to the impact of one large proposal.
- 7.4 In those cases where one site is divided between different developers, or is proposed to be developed in a phased manner, the needs generated by the site

as a whole should be assessed and used as the basis on which to seek contributions. This is to ensure that the necessary contributions are divided fairly between the developers on the whole site and so that services and facilities, to meet identified needs, can be delivered in a comprehensive, rather than piecemeal fashion.

- 7.5 Development proposals must be assessed on a case by case basis taking into account the viability of the proposal and its relative benefits. However, care should be taken to avoid a situation where a number of applications are submitted below the threshold in order to avoid contributions.
- 7.6 This strategy sets out the likely level of planning contributions which will be sought in relation to Nottinghamshire County Council functions and advice. However, it is acknowledged that local circumstances may mean that the level of contributions sought cannot always be achieved, for example, if a site is in a highly sustainable location but the cost of bringing the development forward due to extensive remediation works would be economically unviable if the full contribution was required. In these exceptional cases, Nottinghamshire County Council would encourage open discussions with the developer and the LPA to achieve the most satisfactory outcome, without an undue burden being placed on any body.
- 7.7 Legal agreements have to be agreed and in place before planning permission can be granted. It is therefore of utmost importance that any potential developer should contact the LPA at the earliest stage in the development process to discuss their proposal and to establish whether there is likely to be a requirement for developer contributions. Clearly this should be done prior to the submission of a planning application. This will provide opportunities for both parties to establish the extent of contributions likely to be sought at the outset and how any requirements can be built into the proposed development.
- 7.8 Likewise, upon receipt of a planning application likely to generate a need for planning contributions (where no prior discussion has taken place), such as those set out below, the LPA would contact the developer at the earliest opportunity to highlight the potential requirements.
- 7.9 If a planning permission is being determined on appeal, the Inspector will require a completed legal agreement prior to the close of the Hearing or Public Inquiry (cases involving planning contributions are unlikely to be appropriate to be dealt with through written representations). If the developer and the LPA cannot agree on the terms and conditions of a planning contribution, the Town and Country Planning Act, 1990 makes provision for developers to enter into a legal agreement by making a unilateral undertaking (that is, a legal agreement offered by the applicant but not agreed by the LPA). This situation is most likely to occur at appeals where there are planning objections which only a legal agreement can resolve, but the parties cannot reach agreement. It will then be for the Inspector to determine the appropriateness of the terms of the legal agreement in relation to the development proposed.
- 7.10 As previously stated, planning contributions should be used in order to make development acceptable which would otherwise be refused planning permission.

The tables below set out the circumstances in which planning contributions are likely to be required. They are intended to be indicative and each planning application will be assessed on its own merits to determine what level of provision will be required in light of local circumstances and existing capacity, in the context of Circular 05/2005. This highlights the need for potential developers to contact the LPA at the earliest possible stage to discuss the likely impact of their development and to establish the likely level of developer contribution which will be required.

- 7.11 It should be noted that contributions agreed in legal agreements will be indexed linked to reflect increases in build costs between the date the agreement is signed and the actual delivery date of the service or facility. This is to avoid a situation where the contributions are insufficient to deliver the service or facility where there is a time lag between the date of the grant of planning permission and signing of the legal agreement and the need for the service or facility for which the contribution has been secured.

County Council Issues to be addressed through planning contributions;

Archaeology
Education
Minerals
Natural Heritage
Transport
Waste

This is not intended to be an exhaustive list of the only occasions when planning obligations will be sought. It provides advice on those reasonably foreseeable situations when the need will arise.

Archaeology

Current guidance	Circular 05/05 – Planning Obligations PPG15 “Planning and the Historic Environment” (1994) PPG16 “Archaeology and Planning” (1990) RSS Policies:1, 27, 33, 41, 57, Northern SRS5
Type of facilities for which provision may be required	Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains. Provision for site management, interpretation schemes and public access. Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance.
Type of development which may trigger need	All development which may have an impact on archaeologically sensitive structures or locations. The extent of the interest must be located and defined through a field evaluation.
Form in which contributions should be made	Commissioning of relevant programme of work. Safeguarding of archaeological interest or provision for excavation, recording and archiving.
Threshold for size of development for which contributions are appropriate	No threshold. If sensitive site affected, it applies to all development proposals.
Geographic areas where there is no spare capacity	All archaeologically sensitive areas.
Contact details of relevant people	Planning Contributions Project Manager, Nottinghamshire County Council, Communities Department, 4 th Floor, County Hall, West Bridgford, Nottingham
Last updated	August 2009

Why is this important?

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

Additional Comments:

Whilst a lot of matters relating to archaeology can be subject to a planning condition, there will be circumstances when a legal agreement is required and the above is intended to highlight and illustrate this.

Education

Current guidance	Circular 05/05 – Planning Obligations RSS Policy:1, 57
Type of facilities for which provision may be required	Sites for new schools, construction costs of new schools, contributions towards additional classroom / other building provision at existing schools (including additional grass / artificial turf sports pitches), contributions to highway needs arising as a result of the development.
Type of development which may trigger need	<p>Where a new residential development generates a need for additional places to be provided in existing primary and/or secondary schools, a contribution will be required. The need for a contribution will be established by comparing the number of pupils to be generated by the development (calculated at 21 places per 100 dwellings for primary and 16 places per 100 dwellings for secondary) with the projected capacity of the school at the time of commencement of the development. A contribution will be required for every pupil place required in excess of the projected capacity.</p> <p>Projected capacity will be calculated on the basis of:</p> <ul style="list-style-type: none"> - the school's existing net capacity; - any planned changes to the school building stock affecting the school's net capacity calculation (a revised net capacity); - pupil projections (revised annually on 1st November); and - development with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution). <p>The costs per pupil place based on Department for Children, Schools and Families (DCSF) cost multipliers for Nottinghamshire (at a price base of April 2009) are £11,455 for primary schools and £17,260 for secondary schools. These figures are updated by DCSF bi-annually in April and by NCC in intervening years in accordance with the appropriate PUBSEC Tender Price Index and are therefore subject to yearly revision. The value of contributions will be based on prevailing DCSF costs (indexed as necessary) at the time the contribution is to be paid. The trigger point for payment of the contribution will be prior to the first occupation of the first dwelling built pursuant to the planning permission for the development generating the need.</p> <p>Where a development is to take place in phases, it may be possible to phase the payment of contributions to reflect this. This will not be appropriate, however, in the case where a new school is required.</p> <p>Where provision of a new school is required as a result of new</p>

	<p>development, the developer will be expected to provide a site and construction costs including professional fees, furniture and equipment. The costs of a new school <u>cannot</u> be derived from applying the cost multipliers above. The cost must be requested from the Children and Young Peoples Services department on a site specific basis as the cost of the school is dependent on many variable factors and cannot be applied uniformly.</p> <p>Where a new school site is proposed the developer will be required to complete the School Site Suitability Check List (Appendix B) and forward a copy to the CYPs department for further discussion. Other: - Proposals to redevelop an existing school site by a developer would normally trigger need for a replacement school (where the existing school is not surplus to requirements).</p>
Form in which contributions should be made	Land where required, and either the costs of construction of buildings or work in kind, to the County Council's specification, as detailed by the Strategic Director of Communities.
Threshold for size of development for which contributions are appropriate	10 dwelling units.
Geographic areas where there is no spare capacity	Since school capacity varies from term to term, consultation with the Children and Young People's Services is required to establish whether or not there is spare capacity in a given school at any given time.
Contact details of relevant people	Planning Contributions Project Manager, Nottinghamshire County Council, Communities Department, 4 th Floor, County Hall, West Bridgford, Nottingham
Last updated	August 2009

Why is this important?

When planning permission is granted for new residential development this inevitably has an impact on schools in the local area. In order to ensure that the schools have the capacity and ability to accommodate the pupils generated as a result of new development, an assessment is undertaken of the likely number of pupils generated by the development and the level of spare capacity in the local schools. Where the number of pupils expected is greater than the spare capacity, Nottinghamshire County Council will require a contribution to provide the additional schools places necessary. This is to enable pupils to attend their local school.

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

It is in the interests of both the developer (in terms of saleability of dwellings) and Nottinghamshire County Council to ensure that schools are able to accommodate the additional pupils generated by development.

Additional Comments:

The pupil places specified above have been calculated on the basis of a mix of housing types and are not discounted unless the development proposed is solely for 1 bed units or specialist units, such as those for the elderly. Where a development is solely for 1 and 2 bed apartments, the contribution is discounted for the 1 bed unit element of the development. The use of a mix approach is standard procedure and enables figures to be calculated with more certainty at outline application stage where the details of each housing type may not be known.

It should also be noted that the requirements outlined above will apply to all new residential development sites regardless of whether they are for entirely private housing, entirely affordable/social housing or a combination of the two.

Minerals

Current guidance	Circular 05/05 – Planning Obligations MPS2 “Controlling and Mitigating the Environmental Effects of Minerals Extraction in England” (2005) MPG2 “Applications, Permissions and Conditions” (1998) MPG3 “Coal Mining and Colliery Spoil Disposal” (1999) MPG7 “The Reclamation of Mineral Workings” (1996) RSS Policy:1, 37
Type of facilities for which provision may be required	Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works. Off-site provision of landscaping, screening, noise attenuation measures etc; off-site monitoring of noise, dust, blasting impact. Financial guarantees for site restoration, provision for extended aftercare, long term management of restored sites, habitat creation and protection, safeguarding protected species and species of local biodiversity interest, site interpretation and public access, associated community facilities and projects. Transfer of land ownership and associated management provisions.
Type of development which may trigger need	All minerals development, including both extraction and associated processing. Proposals typically give rise to issues in respect of impacts on highways and residential amenity, visual landscape and ecological impact. Site restoration provides opportunity for creation of habitats and features of landscape and ecological interest. There is potential for all these topics to give rise to a requirement for S106 Agreements.
Form in which contributions should be made	Committed sums (for highways works) and establishment of trust funds (for long term management of restored sites, for example Quarry Products Association have a Restoration Guarantee Fund).
Threshold for size of development for which contributions are appropriate	No threshold – applies to all development proposals and will depend on circumstances.
Geographic areas where there is no spare capacity	All areas containing workable minerals reserves.
Contact details of relevant people	Nottinghamshire County Council Development Planning Group. Team Manager, Development Control: 0115 977 4563.
Last updated	August 2009

Why is this important?

In order to ensure that a balance is struck between society’s needs for minerals and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for minerals developments.

Additional Comments:

Natural Heritage

Current guidance	Circular 05/05 – Planning Obligations Circular 06/2005 – Biological and Geological Conservation PPS7 “Sustainable Development in Rural Areas” (2004) PPS9 “Biodiversity and Geological Conservation” (2005) UK Biodiversity Action Plan Nottinghamshire Local Biodiversity Action Plan Nottinghamshire Landscape Guidelines RSS Policies: 1, 26, 28,29,30,31, 33, 57 Policy Three Cities SRS 5 Policy Northern SRS 4 Policy Northern SRS 5
Type of facilities for which provision may be required	Mitigation measures, habitat restoration, habitat protection, habitat creation, landscaping, site management and site interpretation.
Type of development which may trigger need	All development which may have an impact on ecologically, geologically or landscape sensitive features and locations will need to be assessed individually.
Form in which contributions should be made	All capital costs of implementation of mitigation or compensation measures and maintenance costs for a period to be agreed (for example, up to 10 years). Could be made as a commuted payment to the LPA.
Threshold for size of development for which contributions are appropriate	No threshold applies. If sensitive feature or site is affected, it applies to all development proposals.
Geographic areas where there is no spare capacity	All ecologically / geologically sensitive features and locations.
Contact details of relevant people	Planning Contributions Project Manager, Nottinghamshire County Council, Communities Department, 4 th Floor, County Hall, West Bridgford, Nottingham
Last updated	August 2009

Why is this important?

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

Additional Comments: Whilst a lot of matters relating to natural heritage can be subject to a planning condition, there will be circumstances when a legal agreement is required and the above is intended to highlight and illustrate this.

Transport

Current guidance	Circular 05/05 – Planning Obligations PPG13 “Transport” (2001) RSS Policies: 1,43,44,45,46,49,50,52,54,56, 57
Type of facilities for which provision may be required	See Tables 1 and 2 below
Type of development which may trigger need	
Form in which contributions should be made	
Threshold for size of development for which contributions are appropriate	
Geographic areas where there is no spare capacity	
Contact details of relevant people	
Last updated	August 2009

Why is this important?

In order to achieve sustainable development through integrated transport, Nottinghamshire County Council seek contributions to off-site public transport, cycling and walking measures, in the general area within which the development lies, including road based improvements such as bus lanes.

Additional Comments:

Background:

The figures in Tables 1 and 2 are intended to be used as a starting point for negotiations with developers and for larger developments they will form an integral part of the Transport Assessment procedure. Developers will be expected to provide an acceptable internal layout and good access to the site for all modes of transport together with a financial contribution that the local authority can pool towards integrated transport improvements in the vicinity of the development. The contributions will be allocated against identified schemes within the general area within which the development lies.

Examples of such schemes include:

- Bus Quality Partnership elements, bus priority measures and bus stop facilities
- Public Transport Revenue support
- Extension and improvement of the cycle network and pedestrian facilities
- New light and heavy rail infrastructure
- Park and Ride
- Traffic management
- Pedestrian schemes
- Other transport measures and highway improvements to support public transport modes.

Developers can directly provide transport measures to benefit both the users of the development and the existing transport users and if they do so, the cost of any such appropriate scheme would be deducted from the financial contribution calculated from the tables.

Derivation of Figures in Tables 1 and 2

The guidance figures in Tables 1 and 2 are based on a number of factors. The overall levels are based on the total “package” of integrated transport measures defined in the two LTPs. The specific figure for any given development is also influenced by its trip generation potential, since additional trip generation as a result of new development provides the justification for securing contributions from developers toward public transport, cycling and walking measures that will help achieve modal shift. Standard trip generation models for different types of development have been employed.

The sub-areas in the Tables correlate with those covered by the LTPs for Nottinghamshire, that is, Greater Nottingham and North Nottinghamshire. For North Nottinghamshire, contributions will be half of those sought for the Greater Nottingham area as the necessary contribution to public transport, cycling and walking measures will be less as there are less demands on the road network.

The amount of contribution reflects the likely costs of public transport, cycling and walking measures required to serve a development as a result of its location. In general, urban centre development will reduce the need to travel, and generate shorter journey distances, and therefore, the contribution should be lower than for out of town development.

Different types of development have different transport impacts per day per hectare and so have been broken down accordingly. All other development not included with in Tables 1 and 2, including commercial, leisure, tourism, health and education should contribute where it has a material impact on transport. However, each development proposal will be treated on a case by case basis and site specific circumstances taken into consideration where appropriate.

In general, the contribution should be proportional to the size of the development. However, a minimum size has been suggested for the categories of development detailed in Tables 1 and 2. The thresholds are based on guidance in PPG13.

However, where an aggregation of small developments is considered to have a cumulative material impact on transport, those lower limits may be waived.

Use of contributions

The use of monies secured through negotiation for off-site public transport, cycling and walking measures will be programmed according to priorities set out in the LTPs and / or in agreement with the relevant LPA. It is essential to ensure that developers can see the results of their individual contributions. The legal agreement will therefore specify in general terms where the contributions will be used. In order to comply with the requirements of Circular 05/05, all measures must be directly related to the proposed development.

In all cases, the possibility is allowed for that measures may be implemented within a different local authority from that in which the development is located, or across local authority boundaries.

The trigger point for payment of the contribution will be prior to the first occupation of the first dwelling built pursuant to the planning permission for the development generating the need.

Indexation of Integrated Transport Contribution amounts

As stated at paragraph 2.3 above, the figures contained in the PCS will be updated whenever necessary to reflect the latest situation with regard to costs of providing infrastructure and services. In this regard, the figures in the following Tables 1 and 2 have been adjusted in line with inflation using the Consumer Price Index, the base date being March 2007.

The agreed contribution will be index linked as necessary within the s106 agreement.

Greater Nottingham (Broxtowe, Rushcliffe, Gedling and Hucknall area of Ashfield)

Table 1

Development Factor	Suggested Minimum Size	Within and edge of other Central Areas such as District Centres and Local Centres	Within Village Envelopes & named settlements, within and adjoining main urban areas	Elsewhere
FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	64K	128K	192K
NON-FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	32K	64K	96K
RESIDENTIAL Per Net Developable Hectare (or per 125 bedrooms for developments greater than 125 bedrooms per hectare e.g. apartments)	50 bedrooms or 0.4 Net Developable Hectares – whichever the smaller	16K	32K	48K
B1(a) OFFICE EMPLOYMENT Per 1,000m ² gfa	2,500m ² gfa	10.5K	21K	32K
OTHER "B" USE EMPLOYMENT Per 1,000m ² gfa	5,000m ² gfa	4K	8.5K	12.5K
COMMERCIAL, LEISURE, TOURISM, HEALTH AND EDUCATION	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY

The boundaries of these development locations should be specified in Development Plans. Edge of centre refers to the PPS6 definition of 300m walking distance.

Net developable hectare is defined as the gross area of the development site less any public open space requirement from the LPA.

North Nottinghamshire (Newark and Sherwood, Bassetlaw, Mansfield and remainder of Ashfield)

Table 2

Development Factor	Suggested Minimum Size	Within and edge of Central Areas such as Town / District Centres and Local Centres	Within Village Envelopes & named settlements, within and adjoining main urban areas	Elsewhere
FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	32K	64K	96K
NON-FOOD RETAIL Per 1,000m ² gfa	1,000m ² gfa	16K	32K	48K
RESIDENTIAL Per Net Developable Hectare (or per 125 bedrooms for developments greater than 125 bedrooms per hectare e.g. apartments)	50 bedrooms or 0.4 Net Developable Hectares – whichever the smaller	8K	16K	24K
B1(a) OFFICE EMPLOYMENT Per 1,000m ² gfa	2,500m ² gfa	5K	10.5K	16K
OTHER "B" USE EMPLOYMENT Per 1,000m ² gfa	5,000m ² gfa	2K	4K	6K
COMMERCIAL, LEISURE, TOURISM, HEALTH AND EDUCATION	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY	DETERMINE LOCALLY

The boundaries of these development locations should be specified in Development Plans. Edge of centre refers to the PPS6 definition of 300m walking distance.

Net developable hectare is defined as the gross area of the development site less any public open space requirement from the LPA.

Waste

Current guidance	Circular 05/05 – Planning Obligations MPG2 “Applications, Permissions and Conditions” (1998) PPS10 “Planning for Sustainable Waste Management” (2005) PPS23 “Planning and Pollution Control” (2004) RSS Policy: 1,38
Type of facilities for which provision may be required	Highway improvement and reinstatement works; lorry routeing arrangements; off-site highway safety works. Off-site provision of landscaping, screening and noise attenuation; off-site monitoring of noise, dust, groundwater, landfill gas migration – provision of leachate/landfill gas control measures off-site. Provision for extended aftercare, long term management of restored sites, habitat creation and protection, transfer of land ownership and associated management provisions.
Type of development which may trigger need	All forms of waste management development, through arrangements for leachate and landfill gas controls, and extended restoration provisions normally associated with landfill sites only.
Form in which contributions should be made	Commuted sums (for highways works); endowments and establishment of trust funds (for long term management of restored sites). Off-site leachate/landfill gas control measures usually implemented directly by operator.
Threshold for size of development for which contributions are appropriate	No threshold – applies to all waste development proposals and will depend on circumstances.
Geographic areas where there is no spare capacity	All areas with waste management facilities.
Contact details of relevant people	Nottinghamshire County Council, Development Planning Group. Team Manager, Development Control: 0115 977 4563.
Last updated	August 2009

Why is this important?

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

Additional Comments:

Glossary

Development Plan Documents (DPD) – these set out the land use planning policies at the district level (and county level in relation to minerals and waste) and together with the Regional Spatial Strategy make up the statutory development plan, which is the basis upon which all planning decisions are made.

Local Development Framework (LDF) - the Local Development Framework is made up of a series of development plan documents and supplementary planning documents and sets out the land use planning policies at the district level (and county level in relation to minerals and waste). It replaces the previous system of county level Structure Plans, district level Local Plans and Unitary Development Plans for Unitary authorities.

Local Plan - an old-style development plan prepared by district and other local planning authorities. These plans will continue to operate for a time after the commencement of the new development plan system brought about by the Planning and Compulsory Purchase Act 2004, by virtue of specific transitional provisions.

Planning Policy Guidance Notes / Statements (PPG / PPS) - statements of the Government's national policy and principles towards certain aspects of the town planning framework.

Regional Spatial Strategies (RSS) - provide a regional level planning framework for the regions of England. RSS emerged from the Planning and Compulsory Purchase Act 2004 which abolished Structure Plans, and replaced Regional Planning Guidance (RPG) with RSS which is now the strategic level plan charged with informing Local Development Frameworks.

Sustainable development - the process of developing land, cities, business, communities, and so on that *"meets the needs of the present without compromising the ability of future generations to meet their own needs"*

Supplementary Planning Documents (SPD) - non-statutory guidance which supplements development plan policies. These have replaced Supplementary Planning Guidance under the provision of the Planning and Compulsory Purchase Act 2004.

Structure Plan - an old-style development plan, which sets out strategic planning policies and formed the basis for detailed policies in Local Plans.

Consumer Price Index (CPI) – the measure used to link the Integrated Transport Contributions to fluctuations in levels of inflation.

Appendix A

Consultee List for the 1st Issue of the Planning Contributions Strategy(March 2007)

Government Office for the East Midlands
All Nottinghamshire Local Planning Authorities
Adjoining Local Planning Authorities
East Midlands Regional Assembly
All Parish Councils

English Partnerships (now HCA)
Environment Agency
English Heritage
English Nature (now Natural England)
Countryside Agency (now Natural England)
Notts Wildlife Trust
CPRE
Sport England

Nottinghamshire Primary Care Trusts

House Builder's Federation

All respondents to the Joint Structure Plan on related matters

Appendix B

School Site Suitability Checklist

Is the land suitable for the construction of a school and outside spaces?	Yes	No
Flat ground, broadly level and level with surrounding areas		
Roughly rectangular in shape, able to accommodate DCSF pitch layout requirements. (Irregular shaped sites may need to be bigger than standard)		
Shorter boundaries at least 70m wide		
At least 30cm clean topsoil		
Free draining		
Standard foundations can be used		

Is the site appropriately located for a school community to be established?	Yes	No
Centrally located to the overall development or area the school will serve		
Direct pedestrian access to facilitate safer routes to schools		
Safe and direct cycle links usable by population to be served by the school		
Nearby links to public transport network		
Suitable vehicular access to minimise congestion/safety problems		
Located next to an adjoining land use that may disrupt the normal functioning of a school, by noise or disturbance		

Is the site location free from encumbrances that may restrict its use/development?	Yes	No
Crossed by any rights of way		
Liable to flooding, free from water courses		
Crossed by power lines, gas mains, pipes and underground cables		
Free from protected trees unless along the boundary only		
Free from protected species or habitats		
Sufficiently distant from sources or potential sources of noise pollution		
Sufficiently distant from perceived threats to health such as phone masts, power lines, radiation sources etc		

Is the site free from encumbrances that may restrict or increase the cost of development?	Yes	No

Free of buildings and other surface or underground structures		
Ground free of voids/filled spaces		
Free from items or structures of archaeological interest		
Part of a conservation area or subject to special planning restrictions		
Have ground investigations been carried out to demonstrate that it is free from contamination? (NB – remediation for primary/lower school sites should be to residential end use standard.		
Are there proposals to secure the site to prevent encroachment/tipping by contractors for nearby construction		

Will the school be able to be serviced (to the boundary) by the following utilities by the trigger date for its transfer?	Yes	No
Adoptable public highway – in exceptional circumstances a usable vehicular plant access may be acceptable during initial construction phases		
Water		
Electricity		
Gas		
Telephone		
Foul sewers		
Surface water drainage		
Will access be available to the site for investigations		
Will the site boundaries be able to be marked on the ground prior to transfer		

If you have answered ‘No’ to any of these questions please give details below or on a separate sheet and confirm whether there are proposals to meet any of the issues raised eg. willingness of developer to meet the cost of dealing with archaeology.

To be returned to;

**CYPS
Nottinghamshire County Council
C/O Planning Contributions Unit
Communities Department
4th Floor County Hall
West Bridgford
Nottingham
NG2 7QP**

Signed:

Company:

Position: