

# **Development Contributions**

## **Supplementary Planning Document**

**North Somerset Council  
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## Introduction

### Purpose of document

1. Supplementary Planning Documents (SPDs) add further detail to policies in the Local Plan. They can be used to provide further guidance for development on specific sites or on particular issues. Supplementary Planning Documents are a material consideration in planning decisions but are not part of the Development Plan.
2. This SPD provides more detailed guidance on the principles and operation of development contributions to support Core Strategy Policy CS34: Infrastructure delivery and development contributions.

### ***CS34: Infrastructure delivery and development contributions***

#### ***Infrastructure delivery***

*Infrastructure delivery will take place in a coordinated manner guided by an Infrastructure Delivery Plan to support the Core Strategy and specific delivery schedules for key areas. These will include mechanisms for the funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration. The Infrastructure Delivery Plan and delivery schedules will be reviewed and if necessary revised as and when required.*

#### ***Development contributions***

*Development proposals will be expected to provide a contribution towards the cost of infrastructure. Subject to statutory processes and regulations, contributions may be collected towards:*

- *Initial costs, e.g. design and development work and 'pump-priming' of projects or programmes.*
- *Capital costs.*
- *Ongoing revenue such as the management and maintenance of services and facilities.*
- *Any other infrastructure related costs permitted by law and identified as a local need.*

*Contributions will be collected through Section 106 agreements and/or through a Community Infrastructure Levy once a Charging Schedule is in place. Until a Charging Schedule is in place, and before 2014, contributions from S106 Agreements may be pooled to meet the costs of strategic infrastructure, where this meets the legal tests set out in the Community Infrastructure Regulations. Once the Charging Schedule is in place, S106 Agreements will continue to be used for site specific costs and affordable housing.*

3. The SPD is informed by the North Somerset Infrastructure Delivery Plan (IDP), which can be viewed on the Council's website. In particular, the IDP sets out a number of key principles for infrastructure delivery. These will inform and guide the development contributions process and are provided for reference in Appendix A.
4. The purpose of the SPD is to clarify the Council's approach to the negotiation and implementation of development contributions required as a consequence of development proposals.
5. This SPD will carry full weight as a material consideration in the assessment of development proposals.

### **Scope of the document**

6. This Development Contributions SPD was previously being prepared as two documents. A "Development Contributions: Principles and Operational Guidance SPD" was adopted in November 2014. It was intended that this would be followed with a separate SPD setting out the detailed methodology for calculating planning obligations across a range of services. However given a number of national policy and other changes, the opportunity was taken to update the Principles and Operational Guidance SPD and to combine the two parts into a single comprehensive document. The new combined Development Contributions SPD supersedes the November 2014 SPD.
7. This amalgamated Development Contributions SPD is divided into two parts. Part 1: Principles and Operational Guidance provides overarching guidance on principles and operational mechanisms for agreeing and delivering development contributions. It includes information on which developments are liable for development contributions and how the Council will respond in the event of a lack of development viability.
8. Part 2: Guidance on Planning Obligation Requirements contains more detailed guidance on how planning obligations will be calculated for a range of different infrastructure and service categories.
9. This SPD is applicable to all forms of development, but some planning obligations will apply only to certain types of development (normally residential applications). Part 2 provides guidance on which obligations will apply to which types of development. Appendix B sets out a summary of guidance on planning obligations relating to non-residential developments.

## PART 1: PRINCIPLES AND OPERATIONAL GUIDANCE

### Background on development contributions

10. There are two main types of development contributions: planning obligations and the Community Infrastructure Levy (CIL).

### What are planning obligations?

11. It is an established principle that developers should mitigate negative impacts created by the developments they bring forward. This is usually achieved through planning conditions. If that is not possible - for example in relation to off-site works or capital contributions - developers may be required to enter into a contract with the Council binding them to carry out various actions to mitigate their development's impact. The most common form of contract for this is known as a "Section 106 agreement" or "S106 agreement" created under the powers of Section 106 of the Town and Country Planning Act 1990.
12. A Section 106 agreement relates to a specific planning permission and will set out what the developer agrees to do (or not to do) and the circumstances and timescales within which this will happen. The requirements set out in the Section 106 agreement are known as 'planning obligations'. Section 106 agreements can also include requirements of the Council, for example, that it will spend contributions by a certain date.
13. Subject to the legal tests detailed in this SPD, examples of the ways in which planning obligations can be used include but are not restricted to:
  - Safeguarding land for infrastructure or requiring it to be used in a specific way (for example, safeguarding an area for a future road scheme).
  - Restricting the levels of development that can be carried out before infrastructure is provided.
  - Requiring land or money to be paid to North Somerset Council, a third-party organisation or a local community for an agreed purpose. This is likely to include the capital costs of a project and in some cases will include a contribution to maintenance for a set period of time (often referred to as "commuted sums").
  - Requiring specific actions to take place such as the delivery of 'works in kind' in lieu of a financial contribution (e.g. the developer may build an access road, which is then adopted by the Council).
14. Planning obligations can be wide-ranging in terms of the actions or contributions they require, provided that the obligation is needed to

mitigate the impact of the development and meets various legal tests (see below).

15. Part 2 of this SPD provides examples of planning obligation requirements and how they are calculated. This is guidance only and other obligations may be required that are not detailed in this document, depending on the individual circumstances of each development.

### **National regulations and policy on planning obligations**

16. The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Further legislation is set out in the Community Infrastructure Levy (CIL) Regulations 2010 and associated amendments. Government policy on planning obligations is set out the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).
17. Regulation 122 and Paragraph 204 of the NPPF set out the following statutory tests that must be satisfied in order for the Council to require a planning obligation:
  - i. The obligation must be necessary to make the proposed development acceptable in planning terms; and
  - ii. The obligation must be directly related to the proposed development; and
  - iii. The obligation must be fairly and reasonably related in scale and kind to the proposed development.
18. From April 2015, regulations restrict the pooling of planning obligations to no more than five as counted from 6 April 2010. If from April 2010 - 2015 five or more S106 planning obligations have been entered into, then no further contributions towards the same infrastructure can be sought (unless it is through CIL). The Council will monitor the pooling of obligations to ensure compliance with this regulation.
19. Pooling restrictions do not apply to obligations to provide or fund affordable housing or to other obligations for which CIL cannot be charged.

### **Planning obligations secured through highways agreements**

20. In some cases, planning obligations to mitigate the transport impacts of a development will be secured through a Section 38 or Section 278 legal agreement rather than a Section 106 agreement.
21. Section 38 and Section 278 agreements allow a developer to implement approved highway infrastructure works necessary for a development, which once completed and if appropriately constructed



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will be adopted by the local authority. Section 38 agreements relate to new highway infrastructure works; Section 278 agreements relate to works adjacent to or on existing highways.

22. Further details can be found in the North Somerset Highways Development Design Guide.
23. There are no restrictions on the pooling of Section 38 or 278 agreements, but they are subject to separate regulations under the Highways Act 1980.
24. Section 38 and 278 agreements cannot be used to fund infrastructure that is identified on the Council's Regulation 123 list as to be funded by a Community Infrastructure Levy.

### **The Community Infrastructure Levy (CIL)**

25. The Community Infrastructure Levy (CIL) is a relatively new form of development contribution and is subject to different rules and systems from planning obligation style requirements. The CIL is essentially a tariff of fixed rates that are charged on new developments to support the delivery of infrastructure.
26. A local authority can choose whether or not they wish to introduce a CIL but to do so they have to prepare and provide evidence for a 'charging schedule'. The charging schedule has to be tested through an independent examination before it can be adopted and come into effect. At the time of writing North Somerset Council does not have a CIL in place but it intends to introduce one in the future.
27. If implemented in North Somerset, the CIL regime will exist alongside the existing approach to developer contributions (S106 and other planning obligations). Contributions received through the CIL can be spent on any infrastructure to support growth, but an important rule is that the CIL and S106 planning obligations must not be collected or used towards the same project. A list called a "Regulation 123 List" is likely to be published by the Council setting out which projects might be funded through the CIL. Part 2 and Appendix D of this SPD seek to provide an initial indication as to which infrastructure might in future be provided through CIL and which through S106. This will be refined and finalised through the CIL preparation and examination process.
28. A proportion of the CIL must be passed directly to the Town or Parish Council in whose area a development takes place. This is set by government at 15%, increasing to 25% for those areas that have an adopted Neighbourhood Plan.
29. Until the implementation of CIL, all development contributions will continue to be negotiated through the planning obligations system, including contributions towards strategic infrastructure where

appropriate and justified. This SPD provides guidance to inform those negotiations, as well as the negotiations on any residual planning obligations after the implementation of CIL.

## **Guidance on the operation of planning obligations within North Somerset**

### **Agreeing the planning obligations that are required**

#### **Is my application liable for planning obligations?**

30. North Somerset Council provides pre-application advice to people who wish to carry out a development so that their application is more likely to be acceptable and a quality scheme is achieved. This includes guidance on whether a development may be liable for planning obligations. Potential applicants are strongly recommended to use this service. Please see the North Somerset website [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk) for further information.
31. Planning obligations may be required from any development proposal, if and when there is evidence that mitigation measures are needed. Equally, if an assessment of even a large proposal shows that no mitigation is needed, no obligations would be imposed.
32. In practice development contributions are most likely to be sought in respect of the following proposals:
  - Residential developments: eleven or more dwellings (five or more in the case of contributions towards affordable housing).
  - Commercial developments: 1000m<sup>2</sup> or more gross internal area (GIA).
  - Other developments: site area of 0.3ha or more.
33. The extent of the planning obligations required is likely to vary in different areas and for different types of development. This is because different developments create different types of impact that need mediating and because in some areas there may be greater existing capacity than others to absorb new development. Part 2 provides guidance on how this would be assessed and on which obligations might apply to different types of development (for example, residential or commercial developments).
34. The Council reserves the right to apply planning obligations to small sites if there is evidence that they have been artificially separated for the purpose of deliberately avoiding obligations.
35. Other than any exemptions set by national legislation or guidance, there are no set exemptions from planning obligations.

**Reduced planning obligations applicable to affordable housing**

36. North Somerset Council operates a “local connection” policy that requires that applicants for affordable housing units must normally live in or have a close connection to North Somerset.
37. This should mean that affordable housing results in a lesser impact on local service provision than is the case with open market housing because more of the residents of affordable units will already be using North Somerset’s infrastructure or facilities.
38. The impact within a local area may still be significant. For example, if a family moves more than a short distance within the area, its children are likely to change schools, potentially requiring the creation of additional places in the new locality. Residents of affordable housing units may also due to their circumstances have less access to private transport and / or sometimes have greater than average needs for some services.
39. The size of development is relevant. Larger sites due to their land requirements are more likely to be on the edge of or distant from existing services that residents can continue to use. The Council expects that Strategic Development Areas, given their size, should be largely self-contained and provide the full range of services for all residents including affordable housing residents.
40. The Council has looked at how far residents of affordable housing typically move within the area and what their potential impact is on infrastructure and service provision. Part 2 and Appendix C set out the requirements which will apply (or not) to affordable housing sites.
41. It is acknowledged that some residents of market units may also already live within North Somerset, but this is different from affordable housing in that it cannot be controlled or guaranteed.

**Who decides what planning obligations are needed?**

42. Either through the pre-application process or later through the application process, requirements for planning obligations will be identified by consultees in their responses to the proposed development and/or by the planning application case officer. The Council will consider:
  - Expert advice from officers, partner agencies, developers and technical advisors, as appropriate.
  - Consultation with elected members, in particular, local ward members and relevant Executive Members.
  - Consultation with Town and Parish Councils and any relevant community groups.

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43. There is no restriction on who can suggest a planning obligation, provided that it complies with the statutory tests set out in paragraphs 17 and 18 above. Requirements should be identified as early as possible through the standard consultation process on planning applications, as once the application has been determined it is not possible to add requirements.
44. The Council will have regard to the North Somerset Core Strategy Infrastructure Delivery Plan, in particular the principles of delivery copied for reference in Appendix A to this SPD. These include for example an emphasis on the co-location and shared use of facilities where appropriate and on the need to ensure the financial sustainability of any new infrastructure provision.
45. Applicants will be informed of potential planning obligations and their justification and if necessary a meeting with relevant services will be arranged to discuss the requirements, the detail of how they will be delivered, and the steps to be taken in drawing up the necessary legal agreements.
46. The final decision on planning obligation requirements will be made by the Planning and Regulatory Committee or as delegated to officers.

### **What if a developer wants to challenge the planning obligations?**

47. In the event that an applicant believes a planning obligation to be unjustified, this should be raised with the planning case officer at as early a stage as possible and an explanation provided as to how the applicant believes that the obligation fails to meet national regulations and / or local policies. The Council will give due consideration to such evidence, in particular in relation to the statutory tests for planning obligations.
48. Generalised concerns about justification that are not evidenced through reference to national regulations and local policies will not be accepted.
49. If an applicant believes that required planning obligations are unaffordable, this should be dealt with through the viability process set out below.

### **What happens if the development can't afford the planning obligations?**

50. The National Planning Policy Framework and National Planning Policy Guidance identify development viability as a material planning consideration in determining planning applications. In the event that an applicant considers that the cost of their planning obligations renders their development unviable or undeliverable, they should raise this concern with the planning case officer as early in the process as possible, ideally at the pre-application stage.

51. Applicants arguing a lack of viability should submit to the Council all necessary financial information to support their case on an 'open book' basis and in an industry standard format for the Council or its consultants to review. A failure to provide such information may render the Council unable to properly determine the application and could lead to a refusal of planning consent. The information required is likely to include:

- Calculation of the Gross Development Value of the proposal together with comparable evidence to support eventual sale/letting values. To include all capital and revenue streams.
- Development costs detailed on an elemental basis including; base build, hard and soft landscaping, any abnormal development costs etc.
- Detailed land budget identifying all gross and net land areas.
- Fees: professional fees, marketing fees, legal fees etc.
- Finance costs and details of funding sources.
- Developer return (profit).
- Third party land costs/title issues.
- Development programme – build and sales periods.
- Assumptions on affordable housing provision in terms of percentage provision, tenure, mix and value.
- Assumptions on sustainability criteria, cost of compliance and variant approaches.
- Existing Use Value or realistic Alternative Use Value where compliant with planning policy.
- Land value.

52. The Council will use internal expertise and / or external specialists to review the viability information that is submitted before confirming whether or not it is accepted. The Council may request further information if needed to support the viability appraisal and/or may request changes to the assumptions in the appraisal if it has reasonable grounds to believe that they are incorrect. The costs of this work and of any future reviews of viability will be met by the applicant, with the scope and an estimate of costs notified to the applicant in advance of incurring the costs.

53. In the event that a lack of development viability is accepted to be proven, the Council will consider whether any reasonable amendments to the package of planning obligations are possible to assist in reducing costs. This might include considering:

- Whether the obligation can be delivered in a different way, such as through developer works-in-kind.
- Whether any facilities can be shared or combined (for example, providing community facilities within a school).

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- Whether payments or works can be phased to ease cashflow issues.
  - Whether grant funding is available to support delivery of obligations (particularly in relation to affordable housing).
  - Whether the specifications of the obligation can be amended (for example, in the case of affordable housing this could be changes to the design standards or tenure mix or a change to off-site contributions).
54. If all of the above have failed to deliver a viable scheme, the Council and partners may consider whether any planning obligations can be deferred, subject to market recovery mechanisms or grant input. This means that the applicant would not have to provide the obligation until such time as if and when their development viability has improved and / or until an alternative source of funding is found. This entails risk to the Council, in that viability may not improve or grant may not be available, with the results that obligations are not delivered. The scope of obligations that may be deferred is likely therefore to be limited on obligations specified in policy or guidance as being subject to viability such as affordable housing.
55. In such circumstances the Council may also consider whether any policy requirements other than planning obligations can be adjusted, where those policy obligations are specified as being subject to viability.
56. The wholesale removal of a planning obligation without options for grant input or market recovery mechanisms will only be agreed in the most exceptional circumstances where there is an over-riding reason for supporting the development because of the other benefits that it brings (for example, the restoration of a significant heritage asset).
57. The prioritisation of, adjustments to, deferral and / or reductions of planning and policy obligations will be guided by the prioritisation of infrastructure set out in North Somerset's Core Strategy Infrastructure Delivery Plan and will be subject to the Council's corporate governance processes.
- 58. Applicants should be aware that, although the Council will endeavour to be flexible where proven necessary, planning permission will only be granted where all issues are adequately addressed - including sufficient mitigation of the impact of the proposed development. A valid reason for refusal of planning permission can be the fact that the proposal cannot adequately mitigate its impacts through planning conditions and obligations.** This is in compliance with paragraph 19 of National Planning Policy Guidance, which states that "where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development."

59. The final decision on planning obligations will be made by the Planning and Regulatory Committee or as delegated to officers in line with North Somerset Council's corporate governance procedures.

60. Further guidance on grant input and market recovery mechanisms is provided below.

**Can public sector funding be used to help support developments?**

61. Public sector funding supports development growth in a range of ways including strategic investment in infrastructure such as transport, flood defences and education. Public sector funding cannot normally be used to support an individual planning application, except as part of a wider programme of investment (such as affordable housing programmes or government loan / grant programmes).

62. Where a development faces viability issues, the Council will consider whether any external funding is available to assist in the delivery of planning obligations and if appropriate will support bids to secure such funding.

63. Where opportunities for external funding (including affordable housing grant) are identified, developers will be required to make reasonable endeavours both prior to and post-planning consent to secure such funding. This might be through a direct bid to the funder or through supporting a bid by NSC or a third party. Such endeavours shall include the prompt provision of information including financial information on request.

64. Clauses will be included within S106 agreements to allow obligations to be amended on receipt of funding. This may include provisions to increase the number of affordable housing units if less than the policy requirement has been provided and grant funding becomes available. Clauses on market recovery mechanisms should include provisions ensuring that receipt of public sector funding is incorporated into viability appraisal updates.

65. In the event that public sector funding is available to enable the delivery of planning obligations and is unreasonably refused by the applicant / developer, or where an applicant fails to make reasonable endeavours to secure such funding, this shall be deemed as failing to mitigate the impacts of the development and may lead to refusal of the application.

66. Public sector resources are increasingly limited and where available will be focused on priorities identified through the Council's statutory decision-making processes. Developers should not assume that if funding is generally available that it will be available to assist with their specific site or development area.

**Repayment of forward-funding of infrastructure**

67. In certain circumstances, the Council or its partners may be able to 'forward fund' infrastructure to ensure its provision at an earlier stage of development than would otherwise be the case. This means that the Council or its partners would pay for the infrastructure to be delivered upfront, with developers repaying the costs later on.
68. Such forward-funding will be rare and is only likely to occur where infrastructure is needed to serve a number of sites and it is cost-effective for a single party such as the Council to intervene to coordinate and deliver the works.
69. Forward funding is unlikely to be funded through the Council's direct resources and will rely on the availability of external funding sources such as the West of England Revolving Infrastructure Fund (RIF) or City Deal Economic Development Fund (EDF) programme.
70. The forward funding of infrastructure does not remove the obligation from developers to fund infrastructure that is necessary to mitigate the effects of their development, even if the infrastructure is completed prior to the submission of planning applications in relation to the site served by that infrastructure. Developers will be required to repay any forward funding, including any administrative and financing costs, through relevant planning obligations. Where a developer is unwilling to contribute towards infrastructure that is necessary for their site and which has been forward funded in this manner, the Council is likely to refuse the planning application.

**Market recovery mechanisms**

71. If and when it has been agreed that a development is not currently viable and that some of the planning obligations can be deferred, a Market Recovery Mechanism will be required. Market Recovery Mechanisms are a process through which development viability is re-checked after a period of time. If viability has improved sufficiently, the developer is likely to be required to provide the obligations that were deferred.
72. For example, it might be agreed that due to a lack of viability a development will provide only 20% affordable housing instead of the target of 30%. Through market recovery mechanisms, it might be shown a few years later that viability has improved enough for the development to provide the full 30%.
73. Although the specific details of the mechanism may vary according to the detail of each site, the general principles will be as follows:



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- i. The applicant and the Council shall agree a viability assessment incorporating the information requirements set out in this SPD. The outcome of this assessment will be used as a financial base position establishing the funding (or other resources) available to meet planning obligations. The assessment will be appended to the Section 106 agreement or otherwise recorded in a formal manner that allows ease of future reference.
- ii. The applicant and the Council shall agree and record in the Section 106 agreement the details of the deferred planning obligations to be subject to the market recovery mechanism and in what form these would be recovered. This could be for example an increase in affordable housing, an extension or improvement to on-site infrastructure delivered by the developer, or a share of any increase in profits, provided that it is allocated to a specified deferred obligation. The planning obligations to be restored through the mechanism must be identified and compliant with national regulations on planning obligations. A generic share of profits for non-specified uses would not be acceptable as it would be unlikely to comply with the CIL Regulations 2010. However the mechanism may incorporate mechanisms for switching funds from one scheme to another within the same cost envelope if for example alternative funding became available for a certain scheme.
- iii. An agreed set of trigger points must be included in the Section 106 agreement for a financial review of the development. These trigger points may take the form of calendar dates or of development-based triggers such as number of units occupied, but must allow adequate time or remaining development that adjustments to planning obligations can practically be delivered.
- iv. On reaching the trigger point, the applicant will be expected to submit an updated viability appraisal. This should include:
  - Updated costs using an agreed index to the point of delivery.
  - Updated house price information based on actual sales prices for the preceding period.
  - Any other revenue received from or financial support provided to the development including grant funding and / or sales to Affordable Housing Registered Providers (RPs), unless previously accounted for.
  - Updated forecasts for developer return (profit).
- v. In the event that the developer return is higher than that forecast in the original assessment agreed in (i), the developer will be

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required to meet part or all the deferred obligations agreed through (ii) above. It is acknowledged that this target may not be reached until a number of reviews have been held.

74. Alternative market review mechanisms are possible and may be appropriate for certain schemes. For example, for regeneration schemes a re-valuation may be more appropriate than an updated viability appraisal. In some cases therefore variations to the above process may be agreed or required at the discretion of the Council.
75. Where a developer is unwilling to agree to a market recovery mechanism, unless there are particularly exceptional circumstances, the Council is likely to refuse the planning application.

### **What happens if a developer cannot deliver obligations after planning consent has been granted, or wants to change the obligations?**

76. Section 106 agreements are legally binding and all parties that have signed the agreements are required to meet the obligations that they contain.
77. Should a developer find that due to a change in circumstance they are unable to deliver a planning obligation, their first step should be to notify the Council to discuss any options available, for example whether payments could be deferred for a short period. Amendments to Section 106 agreements can be made at any time with the voluntary consent of both parties.
78. Under the Planning Act s106(A) a person bound by a S106 planning obligation can legally seek to have the obligation modified or discharged after five years, on the basis that it “no longer serves a useful purpose” or “continues to serve a useful purpose equally well” (e.g. if there is reason to believe that the obligation is no longer required). A standard procedure must be followed in such cases, as set out in the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.
79. The Growth and Infrastructure Act (26 April 2013) – Affordable Housing Modification adds to this an additional application and appeal process through which developers can at any time (including if less than five years) request a reduction in affordable housing provision on the grounds of a lack of development viability. This requires councils to assess the viability arguments and if necessary to change the affordable housing requirement. This specific process applies to affordable housing requirements only and cannot be used to re-open discussions on other obligations or on the scheme’s planning consent.
80. With both of the processes described in paragraphs 78 and 79, developers can appeal if the council does not agree to modify the

planning obligation or if it does not determine the request within a specified time.

81. In the event that a developer does not comply with planning obligations and the above procedures do not apply, the Council will take all reasonable and possible steps to ensure their delivery, including legal action where required.

## **Developer delivery of non-financial planning obligations**

### **Provision of land**

82. One form of planning obligation may be the safeguarding or transfer of land.
83. Any land required as a planning obligation must be shown on a plan appended to the Section 106 or other legal agreement. The transfer of land required for identified planning obligations should be provided to the Council by the developer at nil cost.

### **Developer works-in-kind**

84. It is possible that some planning obligations will be provided directly by a developer rather than through a financial contribution to the Council or its partners. This might include for example developer delivery of access roads, green infrastructure and drainage. In some cases it may include built facilities such as schools and community halls. This direct developer delivery is commonly known as “works-in-kind” and can be a pragmatic and cost efficient way for obligations to be delivered.
85. Works-in-kind will normally be permitted by the Council provided that adequate safeguards are in place to ensure that the infrastructure will be provided at the required time and to the required standard. There may however be some circumstances in which the Council may refuse to accept a planning obligation as works-in-kind. Examples could include that the infrastructure is to serve a range of developments or a wider geographical area, and/or that the delivery of an infrastructure project to serve an individual site may compromise a wider scheme. The Council may disallow the delivery of infrastructure that has not been identified as a requirement for development if such infrastructure is not financially sustainable.
86. Unless otherwise agreed, where a developer is providing a planning obligation through works-in-kind, the following will be required:
- Performance bonds (further guidance provided below).
  - Supervision fees (further guidance provided in Part 2).
  - Payment of any legal fees and commuted sums relating to infrastructure transfer / adoption.

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The specification, location and timing of the works-in-kind will be included in the legal agreements relating to the planning obligations.

87. Where an applicant is arguing a lack of development viability, their viability submissions must include costs of planning obligations to be provided as works-in-kind. The applicant will be expected to meet the costs of the Council in employing internal expertise or external specialists to check this information, but will be notified of the scope and estimated costs in advance of incurring the costs.

### **Adoption of developer works-in-kind**

88. Infrastructure or planning obligations such as roads, parks and community facilities are often provided by developers as works-in-kind and then transferred to the ownership of the Council or an appropriate partner to be maintained as part of public infrastructure. This transfer process is known as the adoption of infrastructure.
89. Infrastructure offered for adoption will be accepted once it is completed in accordance with the relevant planning approval, is constructed to an acceptable standard with remedial works completed and commuted sums paid for future maintenance. Infrastructure and associated land will be transferred for nil consideration and all reasonable legal fees relating to the transfer of the land must be met by the transferor.
90. When infrastructure is transferred to the Council and/or its partners, developers will be required to provide funding for a period of maintenance. This funding is known as 'commuted sums'. Details are provided in Part 2 of this SPD. The Council may choose to transfer the infrastructure and funding onwards to a suitable third party such as a statutory body, Town or Parish Council or a community organisation that is going to take on the maintenance.
91. In some case developers may propose alternative arrangements for the future management of infrastructure. A common proposal is for infrastructure to be privately owned and for its maintenance to be funded through service charges paid by residents.
92. As set out in policy DM70 of the North Somerset Sites and Policies Plan, the Council's starting position in such discussions will be a preference for adoption as this will ensure that infrastructure is kept open to the public and maintained to an appropriate standard on an equitable basis. Alternatives will require robust safeguards to be put in place to ensure the following:
- The construction of the infrastructure to the Council's required standards and the payment of supervision fees to ensure that this is achieved (as detailed in Part 2 of this SPD).

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- Council approval of management and maintenance arrangements, including measures for residents to hold the owners / managers of the infrastructure to account.
- Measures to secure ongoing maintenance of infrastructure to required standards at no additional cost to the Council or residents in the event that the management arrangements fail.
- Where appropriate (for example, highways and Public Open Spaces) that infrastructure shall be open for public use in perpetuity without charge for its use, except where otherwise agreed in writing with the council.

93. The final approach to the management of infrastructure will be that which in the view of the Council will provide the best overall outcome for the local community.

### **Procedural issues relating to planning obligations**

#### **Drawing up legal agreements to secure planning obligations**

94. Planning obligations are normally secured through a legal contract between the Council and the landowner, known as a S106 agreement (or for highways issues, Section 38 or Section 278 agreements).
95. If planning obligations are identified as likely to be required, the applicant must provide the planning case officer and the Council's Legal Services with contact details of the instructed solicitor acting on behalf of the applicant as soon as possible.
96. The applicant's solicitor will be required to provide an undertaking that any and all legal costs incurred by the Council in securing planning obligations will be met in full by the applicant. The Council's Legal Services will not undertake work on planning obligations without such confirmation in place.
97. Proof of title for all land comprising the red-line application site and any other land which is the subject of the planning obligations must be submitted to the Council's Legal Services, who will usually write to the applicant / agent separately on this matter.
98. The steps outlined above should be completed at the earliest possible opportunity in the application process to allow legal teams to avoid delay in progressing the agreement.
99. Applicants must notify other parties with an interest in the land / development of the planning obligations process and provide them with details. This might be a bank or other corporate entity with an interest in the land and should be consistent with any details given on the ownership certificate.

100. In some cases, an applicant may choose to draw up a “Unilateral Undertaking”, which is a one-party agreement. This can be an efficient and effective means of securing planning obligations where the obligation consists of financial contributions only and where there are no obligations required of the local authority.

101. Unilateral Undertakings may be rejected by the Council if they are deemed not to provide the required obligations or if they do not provide adequate security for such contributions, for example if the Council does not believe that the agreement would be enforceable. Applicants are advised to notify the Council of their intention to draw up a Unilateral Undertaking at the earliest possible opportunity and to discuss its contents with their case officer.

102. For the avoidance of doubt legal and administration fees as set out elsewhere in this SPD are chargeable in respect of all legal agreements relating to planning obligations including unilateral undertakings since these must be subject to legal scrutiny and monitoring to ensure their acceptability and enforceability.

### **Payment schedule**

103. Development contributions will be paid in accordance with a payment schedule agreed between the Council and the applicant on a site by site basis. The objective will be to structure agreements to secure the earliest possible payment of contributions, so that services are delivered in a timely fashion and in step with the development programme.

### **Performance bonds**

104. Planning obligations can include financial contributions, the provision of land, buildings or services and physical works. These requirements have been identified as necessary for development to proceed and it is reasonable that the Council should take steps to secure their delivery in the event of unforeseen circumstances such as a developer going into administration. For this reason the Council may require that some or all planning obligations are secured through a performance bond.

105. The Council recognises that bonds can place a significant financial burden on developments and may give consideration to alternative mechanisms for securing contributions where this is practicable and where such mechanisms are proven to provide adequate security for the investment.

106. The Council will consider each planning obligation and bonding requirement on a case by case basis with consideration given to issues including:

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- The nature and timing of the obligations.
- Structure of payment.
- Risk of non-delivery of the obligation and to the public purse.
- The value of the obligation and its importance.
- Development viability.

107. The council can provide a standard bond document to be attached to completed legal agreements when such bonds are required. Different versions of the bonds are available to deal with physical works or financial contributions.

108. It is a normal requirement that a bond is in place prior to commencement of works and a copy must be supplied to the Council.

### **Indexation of financial contributions**

109. Financial contributions required as planning obligations will often not be payable for a considerable period of time. For example a development scheme to which a planning obligation relates may not commence until two or three years after the agreement has been completed and the payment of the contribution may not be triggered until a specified point later in the development.

110. The Council will index sums required as planning obligations to ensure that the value of the obligations is maintained over time. The Council will specify an appropriate index to be used, which may be a technical index such as those provided through the Building Cost Information Service (BCIS) or a more general index such as the Retail Price or Consumer Price Indices. The choice of index and/or the indexation calculation will normally be set out within the Section 106 agreement.

111. When the time comes to pay the contribution the selected index will be applied to the planning obligations. It is that re-assessed figure which will become due. The details of the indexation calculation will be made available to the developer at the time an invoice is issued.

### **Changes to infrastructure costs**

112. Where infrastructure required through planning obligations is identified and priced it is possible that either the infrastructure specifications may change or, whilst the infrastructure requirement may remain the same, the base cost of that infrastructure will change beyond that accounted for through normal inflation. In such cases the Council in consultation with the applicant will assess the risks of such change and the potential impact on the delivery of the infrastructure and the development.

113. Dependent on the outcome of that process, the Council may at its discretion choose to require that measures are in place to adjust future development contributions to account for any changes in the base infrastructure requirements and/or costs. Where such a requirement is imposed, due consideration will be given to the potential impacts on development viability and other planning obligations and measures agreed as to how such issues might be addressed.

**Release clauses**

114. Section 106 planning obligations are binding both on the signatories to a S106 agreement and on anyone who buys the land to which they apply.
115. “Release clauses” in Section 106 agreements allow the original signatories to a S106 agreement to be removed of the responsibility for meeting planning obligations at the point at which they sell the land.
116. In practice, the Council is unlikely to pursue an original signatory for breach of planning obligations once the land has been sold and is being developed by another party. Provided that safeguards are in place to ensure that all relevant planning obligations have been met at the point at which the land is sold, the Council will permit release clauses.
117. The Council will not normally pursue action to enforce planning obligations against individual householders, businesses or other end-users who have purchased completed premises, except where specified in obligations (for example, a business or school may be required to comply with the requirements of a Travel Plan).
118. Exceptional circumstances may occur which may justify an exception to the guidance provided above. The Council may vary the requirements where it has reason to do so.

**Fees**

119. The planning obligations process incurs public costs in respect of the legal process and in the ongoing delivery and monitoring of the obligations.
120. Fees are chargeable to meet the costs incurred by the Council. These will apply to all forms of planning obligations agreements including unilateral undertakings. Applicants will be advised of the expected costs and will need to provide written confirmation in advance of work being undertaken that they will be met.
121. Part 2 of this SPD includes guidance on a range of fees that may be incurred as a result of the development contributions process.



**Disputes procedure**

122. In the event of a dispute that cannot be resolved between the Council and an applicant, the parties will resort to a mutually acceptable independent expert to make a determination on the issues in dispute including the costs of adjudication. This determination shall be binding on both parties.

123. The disputes procedure does not override an applicant's right to secure a decision via the planning appeal process.

**Monitoring and review**

124. The Council will publish details of development contributions received and spent on an annual basis.

## PART 2: GUIDANCE ON PLANNING OBLIGATION REQUIREMENTS

### Introduction

125. Part 1 of this SPD outlined the general principles to be applied in North Somerset in the form of an operational framework. This Part 2 sets out the detail of how planning obligation requirements will be calculated in relation to specific infrastructure and service categories.

126. The detailed methodologies are summarised under various infrastructure and service categories. These represent the most common areas where planning obligations may be sought.

	<b>Infrastructure / service categories</b>	<b>Detail</b>
1	Affordable housing	On-site provision and financial contributions
2	Community capacity and youth services	Community capacity building Youth services
3	Community, sport and leisure	Built facilities for health, leisure, community use. Sports pitches and courts
4	Economic development and employment-led requirements	Delivery of employment-led requirements, including financial contributions
5	Education including pre-school provision	Early years, children's centre facilities and pre-school places Primary and secondary provision Post-16 provision Special Educational Needs and Disabilities (SEND) Safe Routes to School School transport
6	Emergency services	Fire hydrants New facilities
7	Flood mitigation & sustainable drainage	Strategic flood alleviation schemes Sustainable drainage schemes Land drainage schemes
8	Green infrastructure	Strategic open space Local green spaces Public realm improvements
9	Health	New facilities – including GP practice and other healthcare facilities
10	Libraries & information services	Library stock – both physical and electronic. Digital service provision.

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		Enhancements to existing premises.
11	Transport, highways and sustainable travel	Major transport schemes Public rights of way Public transport Cycleways Highway improvements Travel plans
12	Waste management	Bins and recycling receptacles New waste facilities
13	Additional fees relating to planning obligations	S106 administration fees Supervision fees for works-in-kind Legal fees Viability fees Other fees
14	Committed sums for infrastructure maintenance	Highways Green infrastructure, leisure and community Flood mitigation & sustainable drainage

127. The development requirements for each of these categories are presented using a common template:

Introduction	What does this infrastructure / service category cover?
What types of development does this apply to?	Which types of development will the obligations in this chapter normally apply to?
Summary	A summary of the key points from the chapter
Policy context	What are the policy 'hooks' which support the requirement for development contributions?
Assessing the requirement	In what circumstances will development contributions be sought? When, why, where and how?
CIL vs S106	What elements are proposed to be subject to CIL once it is adopted and which will be covered by S106 contributions?
Technical guidance	References to any relevant background documents, detailed specifications etc.
Illustrative worked examples	Examples of how charges might be calculated for different types of development

128. There will also be other areas in addition to the categories listed above where on occasions planning obligations may be sought. These may be less common or relate to areas where a standard methodology is not appropriate. Where other contributions are considered necessary they will either be added to the Regulation 123 list for CIL, or specific S106 contributions identified.

## **Technical information and definitions used to calculate planning obligations**

### **Average household sizes**

129. Many service contributions are calculated using the mean number of residents per household. Based on the 2011 census, the number of residents that will be used for this purpose is 2.3 per dwelling. The resulting population figures will be rounded to the nearest whole number.
130. Although the average household size in new developments mirrors that of other areas of North Somerset, the composition of that household is likely to be different. A key example shown by the census is that the number of school age children in new development areas is approximately twice that of the rest of North Somerset. In addition, developments may experience troughs and peaks in population before settling down to an average figure. Many services will plan infrastructure requirements for the average figure, but some may need obligations to meet the requirements of peak demand.
131. Where appropriate, some services including education teams have carried out more detailed demographic analyses of development area households to inform their requirements and this is reflected in the planning obligation chapters.
132. Where a development appears to be likely to generate an atypical number of residents, the Council may choose to vary the assumed household numbers for the purpose of calculating obligations. For example, a development that comprises exclusively one bedroom flats is likely to generate a lower than average number of residents whilst a development with a high proportion of three to five bedroom houses may generate a higher than average number.

### **Strategic Development Areas**

133. For the purpose of this SPD, a Strategic Development Area will normally be defined as a development or series of developments in close proximity to each other where the total number of new dwellings will exceed 500 or where otherwise the Council feels that the development has an exceptional impact on the local area.
134. Developers within SDAs are strongly encouraged to work together and with the Council on a collaborative basis to ensure the delivery of the necessary package of development contributions, including any equalisation required. The Council will seek to take a facilitative role in such circumstances and will provide guidance where possible through SPDs or other policy documents.

**Service standards**

135. This SPD refers to a number of service standards. These may change over time and it will not be practical to amend and re-adopt this SPD on every occasion. Where new / amended standards are agreed through an appropriate Council mechanism (formal decision by Executive Member or Executive Committee), the most up-to-date standards will be used pending any formal revision to the adopted SPD.

**Indexation**

136. All sums referenced in this document and / or included in planning obligation agreements are subject to indexation.

**Additional guidance on infrastructure provision and planning obligations**

137. Applicants are advised to refer to more detailed service-based Supplementary Planning Documents (SPDs) and other guidance where available for further details on requirements, standards and specifications relating to planning obligations and the wider delivery of infrastructure.

**Background on illustrative worked examples**

138. This SPD includes worked examples of obligations that might be applied for the relevant services. These examples are illustrative only and should be treated with a great deal of caution as each case will be dealt with according to its own specific circumstances and needs. Their main purpose is to demonstrate how obligations are calculated.

139. A worked example has not been included for a Strategic Development Area, as these applications are generally rare and likely to have very specific needs.

140. The examples are based on the following hypothetical development proposals:

**a) 12 dwellings in a central urban location**

Based on the following housing mix built and occupied over a twelve-month period:

House size	Private units	Affordable units	Total
2 bed	5	3	8
3 bed	3	1	4
Total	8	4	12

**b) 150 dwellings at edge of urban area or Service Village location**

Based on the following housing mix built and occupied over a three-year period:

House size	Private units	Affordable units	Total
1 bed	5	5	10
2 bed	40	15	55
3 bed	40	20	60
4 bed	20	5	25
Total	105	45	150

<b>1</b>	<b>AFFORDABLE HOUSING</b>
<b>Introduction</b>	
<p>The provision of affordable housing to meet identified local needs contributes to sustainable development objectives and the delivery of mixed and balanced communities. Affordable housing may include specialist accommodation such as for elderly people.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes. Non-residential schemes: No</p>	
<b>Policy context</b>	
<p>Core Strategy Policy CS16 states that the Council will seek on-site affordable housing provision to meet local needs on all residential developments of 10+ dwellings (or 0.3ha+) and either on-site provision or a financial contribution on sites of 5-9 dwellings.</p> <p>Detailed guidance on the delivery of affordable housing is set out in the Affordable Housing Supplementary Planning Document (2013).</p>	
<b>Assessing the requirement</b>	
<p>Developers of sites of 5 or more dwellings are required to provide 30% affordable housing, subject to viability. Affordable housing requirements will normally take the form of on-site provision, but financial contributions towards off-site provision may be acceptable in certain limited circumstances. Full details including worked examples are provided in the Affordable Housing SPD.</p>	
<b>Technical guidance</b>	
Affordable Housing SPD	
<b>CIL vs S106</b>	
<p>Contributions towards affordable housing provision are required to be collected through S106 agreements. By law, the CIL cannot be used for this purpose.</p>	

<b>2</b>	<b>COMMUNITY CAPACITY &amp; YOUTH SERVICES</b>
<b>Introduction</b>	
<p>Most of the obligations in this document relate to physical facilities. Support is also required for residents moving into new development areas to develop a strong sense of community, resolve local issues and build capacity for the future management of activities and assets.</p> <p>Funding will be sought for community capacity building activities in Strategic Development Areas and from sites where a particular need is identified, for example if a site is particularly isolated or lacking in physical facilities and / or connectivity.</p> <p>New developments have a particularly high proportion of young people compared to other areas of North Somerset. Contributions towards youth services provision will be sought from new developments of 11 or more dwellings.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes.          Non-residential schemes: No.</p>	
<b>Policy context</b>	
Core Strategy policies CS25 and CS34.	
<b>Assessing the requirement</b>	
<p>Most of the obligations in this document relate to physical facilities. Support is also required for residents moving into new development areas to develop a strong sense of community, resolve local issues and build capacity for the future management of activities and assets. This is most acute on Strategic Development Areas (which by their nature are intended to form new communities) and on sites that are isolated or lacking in facilities and/or connectivity.</p> <p>Community capacity activities may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• General community engagement: supporting residents to form strong and inclusive communities, for example, through activities and events to help new residents get to know each other. This may include activities targeted at specific groups, for example older people.</li> <li>• Development management: support for the specific issues relating to life on a large development site. Examples include the provision of information about access to local services and future development phases; and facilitating problem-solving between the Council, developers and residents).</li> <li>• Capacity building: support to develop community networks and organisations, with a particular focus on building capacity to take on future community assets and activities.</li> </ul> <p>Contributions to support these activities will be sought from Strategic</p>	



Development Areas and from other sites where there is a particular need, for example a high degree of isolation and/or lack of facilities. The exact charges will be determined on a case-by-case basis, but an indicative cost would be £12,500 per year that the development will be building out, up to a maximum of 1,500 dwellings across the development area, with an additional charge of £50 per additional dwelling above and beyond the 1,500 dwellings. This estimate is based on the cost of commissioning the above activities at recent large-scale development sites.

Costs will normally be charged to each individual application, except that if there are multiple landowners within a Strategic Development Area, a collaborative cost-sharing approach may be agreed at the discretion of the Council.

Based on figures from the 2011 census, the proportion of school-age residents within new developments is twice that found in other areas of North Somerset. This creates a particular need for youth services provision in such developments.

North Somerset Council is under a statutory duty to secure access for young people to sufficient educational and recreational leisure-time activities which are for the improvement of their well-being (Education Act 1996, S507B). In particular, it is the Council's duty to ensure that any barriers to accessing such facilities are removed, and that factors such as availability of transport, income, health and disability, gender or sexuality do not prevent young people from accessing opportunities. This duty is primarily focused on the 13 - 19 age group, but also includes young people with learning disabilities from 13 - 24 and recognises the need to provide a range of activities suitable for children of all ages.

In North Somerset, the Council has opted to support independent Local Commissioning Networks to deliver a package of recreational, educational, cultural and sporting activities in their area best suited to local needs. These groups are supported by the Council to work with local young people in establishing their needs and priorities and to raise funds to support their delivery. The Council works in partnership with these networks, often via local town and parish councils, to support the process of assessing local need, securing activities and in providing limited seed funding for local positive activity initiatives.

The need for positive activities is particularly noted where new communities are forming, or where communities are experiencing growth or change. New neighbourhoods often lack an infrastructure for local activities, and growing areas will find existing groups taxed by increased usage. Developing accessible and local provision in partnership with the Local Commissioning Networks plays an important role in encouraging local children and young people to take pride in their local area and environment, in developing respect for people in the neighbourhood, and has proven effects in reducing low-level crime and anti-social behaviour.

<p>Where community capacity funding is secured, this will be used in part to support activities focused on young people. On other sites of 11 or more dwellings where no community capacity funding is secured, a contribution towards youth services provision will be sought. This will be calculated as follows:</p> <ul style="list-style-type: none"> <li>• The number of young people requiring youth services will be assumed to be the same as the number of secondary age young people calculated for the purposes of education requirements.</li> <li>• The number of young people will be multiplied by the expected per person cost of providing youth services within the relevant local area over a three-year period. This is estimated at £50/person/year.</li> </ul> <p>Funding for community capacity building and youth services may be passed by the Council to other third party organisations where appropriate.</p>
<p><b>CIL vs S106</b></p>
<p>To enable pooling and flexible use of funding, future contributions to community capacity building and youth services are expected to be collected through the CIL.</p>
<p><b>Technical guidance</b></p>
<p>N/a</p>
<p><b>Illustrative worked examples</b></p>
<p><b>1) Scheme for 12 dwellings in central urban location</b></p> <p>This scheme would not be liable for community capacity funding but would be expected to contribute towards youth services on the following basis:</p> <ul style="list-style-type: none"> <li>• 12 dwellings = 2 young people (based on education methodology).</li> <li>• Estimated cost per year = £50 per person x 2 = £100</li> <li>• Service provision for three years = £100 x 3 = £300 (£25 / dwelling).</li> </ul> <p>Given the small number of young people, the urban location (which is likely to mean a wider range of youth facilities and services in the area), the service lead on this particular example <i>may</i> take a view that pursuing S106 type contributions is not worthwhile. This will be at the Council's discretion.</p>
<p><b>2) Scheme for 150 dwellings at edge of urban area or Service Village location</b></p> <p>Outside of Strategic Development Areas, this site would be eligible for youth services provision as follows:</p> <ul style="list-style-type: none"> <li>• 150 dwellings = 33 young people (based on education methodology).</li> <li>• Estimated cost per year = £50 x 33 = £1,650</li> <li>• Service provision for three years = £4,950 (£33 / dwelling).</li> </ul> <p>If the site is within a Strategic Development Area and is built out over the course of three years, the development would be eligible for contributions towards community capacity funding. This would be charged at a rate of £12,500 for each year of the three-year build period totalling £37,500 (£250 / dwelling). Youth provision would be included in this provision so no additional contribution would be required towards that service.</p>

<b>3</b>	<b>COMMUNITY, SPORT AND LEISURE</b>
<b>Introduction</b>	
<p>Development proposals generate need for additional or improved facilities which are essential to ensure the creation of strong, successful and healthy communities. This will include buildings, land and spaces for meetings, local activities and events, sports and leisure facilities as well as playing pitches and courts. Provision can be delivered in a variety of ways but the Council will encourage the shared use of buildings and sites where this delivers sustainable benefits and represents an efficient use of resources. Some facilities can be provided on a commercial basis and this will be taken into account when assessing development contributions.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes. Reductions are made to account for affordable housing units on some schemes – see Appendix C.          Non-residential schemes: No, unless there is a loss of existing provision. See Appendix B.</p>	
<b>Summary</b>	
<ul style="list-style-type: none"> <li>• The number of residents in the development is calculated based on average household size and adjusted for affordable housing units as set out in Appendix C.</li> <li>• An assessment of the local area is carried out using NSC standards to check whether existing provision within the area is sufficient to accommodate the additional pressures created as a result of the development, across a range of different facilities.</li> <li>• If additional provision is needed, the developer will be expected to provide this either on-site or through contributions to off-site works.</li> </ul>	
<b>Policy context</b>	
<p>Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services.</p> <p>This document provides further details to implement Core Strategy policies CS27 (sport, recreation and community facilities), CS26 (supporting healthy living), CS9 (green infrastructure) and CS25 (youth provision) that are related to the provision of sport and leisure built facilities and playing pitches.</p>	
<b>Assessing the requirement</b>	
<p>The number of persons expected to occupy the proposed development is calculated by multiplying the number of proposed dwellings by the average household size and adjusted for affordable housing units as set out in Appendix C.</p> <p>For the purposes of calculating playing pitch requirements, the age range of residents is relevant and will be based on the following demographic breakdowns from the 2011 census (or as otherwise updated).</p>	

Age	Number	%
All usual residents	202,566	100.0
Age 0 to 4	11,653	5.8
Age 5 to 7	6,681	3.3
Age 8 to 9	4,343	2.1
Age 10 to 14	11,579	5.7
Age 15	2,396	1.2
Age 16 to 17	4,749	2.3
Age 18 to 19	4,181	2.1
Age 20 to 24	9,491	4.7
Age 25 to 29	10,363	5.1
Age 30 to 44	38,286	18.9
Age 45 to 59	41,557	20.5
Age 60 to 64	14,654	7.2
Age 65 to 74	22,071	10.9
Age 75 to 84	14,043	6.9
Age 85 to 89	4,175	2.1
Age 90 and over	2,344	1.2

Once the number of residents has been calculated, an assessment of the local area will be carried out to check whether existing provision within the area is sufficient to accommodate the additional pressures created as a result of the development, across a range of different facilities. The assessment is carried out against NSC standards for population, quality and distance thresholds.

Where the assessments show an under-provision in relation to a development, the developer will be required to make provision or contribute towards provision.

Common requirements from developments include but are not limited to the provision of play areas and sports pitches and improvements / extensions to community halls. The standards for these are set out below:

**i) Community facilities:**

Facility	Ratio	Distance threshold
Multi-Use Games Area (MUGA)	One 35m x 24 MUGA per 5,000 people	10 minutes' walk
Community and Village Halls	One hall per 1,500 people	10 minutes' walk
Children's play	One play area with at least six items of equipment per 2,500 people.	15 minutes' walk.

All aspects of all facilities to be rated as 'good' or better and compliant with appropriate standards of provision (Sport England, National Governing Bodies

of Sport, FA, STRI etc). All new/extended community and village halls to comply with Sport England recommended dimensions.

**ii) Sports pitches:**

<b>Facility</b>	<b>Ratio</b>	<b>Distance threshold</b>
Adult football pitches	One pitch per 1,750 people aged 16 – 45.	10 minutes' drive.
Junior football pitches	One pitch per 300 people aged 10 – 15.	10 minutes' drive.
Mini-soccer pitches	One pitch per 200 x 6 – 9 year olds.	10 minutes' drive.
Cricket pitches / artificial wickets	One pitch per 2,600 people aged 11 - 55	15 minutes' drive.
Rugby pitches	One pitch per 2,000 people aged 6 – 45.	20 minutes' drive.
Hockey pitches	One synthetic turf pitch per 12,000 people aged 16 – 45.	20 minutes' drive.

Artificial pitches may also be required/provided, and will be determined on a case by case basis.

The age ranges in the table above reflect those set by the governing bodies of the relevant sports. Facilities for other age ranges may be appropriate and the need for these will be assessed on a case-by-case basis.

All pitches to be of at least 'good' quality and served by changing rooms of at least 'good' quality.

A pragmatic approach will be taken. For example, if assessments indicate a need for half a mini-pitch and half a junior pitch a compromise might be reached whereby a single mini pitch is provided instead, or the on-site requirement might be replaced by a contribution to off-site improvements elsewhere.

The following forms of community, sport and leisure provision are in most cases considered to be strategic, serving a wide community rather than a specific development. Contributions towards these will normally only be sought from developments in Strategic Development Areas and / or in future through the CIL. The assessment and level of such contributions will be made on a case-by-case basis. Standards for these items are not included in this document but can be provided on request.

- Large-scale sports halls.
- Swimming pools.
- Athletics tracks.
- Indoor and outdoor bowling greens.
- Squash courts.
- Indoor and outdoor tennis courts.

- Health and fitness (gyms etc).
- Skate parks.
- Golf courses.

The lists of strategic facilities, community facilities and sports pitches above are not intended to be fully comprehensive and other types of facilities may be required from developments if the circumstances merit them.

Depending on the circumstances, the planning obligations required from developments may be provided either as works-in-kind or as a financial contribution. Off-site contributions will be required where there is no suitable space for on-site provision or where funding would be more effectively used to enhance existing facilities that are local to the development to increase the capacity for the new residents. Off-site contributions may in some cases be passed to third-parties such as Town and Parish Councils, where these are better placed to deliver the required works. Decisions on whether works should take the form of on-site works or off-site contributions and who will deliver them will be assessed on a site-by-site basis and will be at the discretion of the Council.

When new sport, leisure and community facilities are provided on-site, these must be to North Somerset Council's specifications current at the time of the application, including funding for Fixtures, Fittings and Equipment where appropriate (e.g. in new community halls). The facilities should be integrated and distributed throughout the development and must compliment other provision such as green infrastructure and educational facilities. The Council will promote co-location and shared use of facilities wherever practical. Applicants must be able to demonstrate how any proposed sport and leisure facilities proposed meet the requirements identified for the development. New provision will not normally be supported where it will put existing provision at risk.

In some cases, an improvement to quality may be more appropriate than an addition to space. For example, an improvement to the drainage of an existing playing pitch may enable it to withstand a greater quantity of use, increasing its capacity.

Where in-kind provision is made, supervision fees and commuted sums will be charged. Please see the relevant chapters for more details.

### **Future management of facilities**

Facilities that are provided as part of new developments should be financially self-sustaining. Ideally these should be community-managed but commercial management may be acceptable in some cases.

The future management of new facilities will be guided by Council officers working closely with developers from the early stages of the development planning process to ensure that long-term maintenance and cost considerations relating to sports and leisure built facilities are taken into

account during the design phase and throughout development of the project.

The Council will work closely with the local community when considering future management of facilities.

Developer contributions will be required to support community involvement and capacity building in business planning for management of facilities. Requirements may vary for a range of reasons (for example the readiness of existing community networks) and so will be discussed with developers on a case-by-case basis.

**CIL vs S106**

Where provision is to be made through developer works-in-kind (especially on-site provision of play areas and sports pitches), these are likely to continue to be required through S106 agreements.

Where provision is off-site and delivered by NSC or one of its partners, the CIL is likely to be used, including for the expansion or improvement of existing facilities.

Strategic-level facilities will in future be funded by CIL, other than where a Strategic Development Area is of sufficient scale to independently merit new or significantly extended provision.

**Technical guidance**

North Somerset Council Sport and Leisure Built Facilities Evidence Document.

North Somerset Council Playing Pitch Evidence Document.

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

The number of people in this development would be calculated by multiplying 12 dwellings by the average household size (2.3 people). Total = 28.

Facilities in the area are then measured against the thresholds below. Given the small number of people arising from this development, it is unlikely that it would trigger any of the thresholds in itself.

Contributions however might be directed towards access to facilities. For example, if the site is opposite a play park it might be appropriate to fund additional play equipment that caters for a different age range to what is existing.

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

The number of new residents would be calculated by multiplying the number of dwellings (150) by the average household size (2.3). On this basis, the number of residents resulting from the development would be 345.

The capacity of existing local provision would then be checked against the standards below, taking account of whether or not they would be able to

accommodate an additional 345 people.

In this hypothetical example:

- The nearest play park is 20 minutes' walk away and already serves 2,500 people.
- The village hall is within 10 minutes' walk but is used to full capacity.
- The nearest grass pitches are within 10 minutes' walk, but are in poor condition as used regularly and at capacity.
- Other facilities are adequate, or are not disproportionately affected by 345 new residents.

After discussion between the developer, Parish Council and service leads, the following provisions are agreed:

- A new play park as part of the development, with a commuted sum of £30,038 for maintenance.
- A £50,000 (£333 / dwelling) contribution to the village hall to fund a project to reconfigure seating to increase capacity and increase the kitchen size, to cater for more people and add a new accessible toilet.
- A £30,000 (£200 / dwelling) contribution to provide drainage to one of the grass pitches to increase its capacity for increased usage.

Total contribution: £110,038 (£734/dwelling) + playpark.



<b>4</b>	<b>ECONOMIC DEVELOPMENT AND EMPLOYMENT-LED REQUIREMENTS</b>
<b>Introduction</b>	
One of the Council’s key objectives is to address the relative imbalance between homes and jobs, particularly at Weston-super-Mare and to make North Somerset a more attractive place for businesses to invest.	
<b>What types of development does this apply to?</b>	
Residential schemes: Yes. Non-residential schemes: No, unless there is loss of existing provision. Please see below and Appendix B.	
<b>Summary</b>	
<p><u>Developments within Weston-super-Mare</u></p> <ul style="list-style-type: none"> <li>• When a development comes forward, the baseline job target for the site will be calculated by multiplying the number of dwellings by 1.5.</li> <li>• An assessment of progress on job delivery in the development locality will be carried out. If some of the 1.5 jobs per home are being delivered through other means, then the number of jobs required from the new development may be reduced.</li> <li>• Details of how jobs should be delivered are set out in the Employment-Led Delivery at Weston-super-Mare SPD. A summary of the requirements from different sites is included in this chapter. In many cases delivery will be direct by a developer on-site but in other circumstances financial contributions in lieu of direct delivery will be appropriate.</li> <li>• Where financial contributions are agreed to be appropriate, the Council will select a project from its list of Economic Interventions that is appropriate to the development. Each project has been costed and the number of expected jobs calculated to create a cost per job.</li> <li>• The number of jobs required by the development will be multiplied by the cost per job for the specific project to calculate the contribution required. The Council will review the final requirement to ensure that it is reasonable and proportionate in comparison to other similar development schemes.</li> </ul> <p><u>Developments outside of Weston-super-Mare</u></p> <p>Outside of Weston-super-Mare employment-led requirements will be achieved by directing jobs and homes through the plan making process to specific areas to help achieve a greater balance between these uses.</p>	
<b>Policy context</b>	
Core Strategy Policy CS20 identifies an employment-led approach, with the focus at Weston-super-Mare where new proposals should provide for 1.5 jobs per home at Weston Villages and elsewhere on sites of 10+ dwellings. The Employment-led Delivery at Weston-super-Mare SPD provides further guidance.	

**Assessing the requirement**

**Basis of requirement**

Employment-led requirements will be applied to residential proposals either within Weston Villages or elsewhere within Weston-super-Mare on sites of 10+ dwellings.

When a development in Weston comes forward, the baseline job target for the site will be calculated by multiplying the number of dwellings by 1.5.

An assessment of progress on job delivery in the development locality will then be carried out. If some of the 1.5 jobs per home are being delivered through other means and are not already linked to housing delivery, the number of jobs required from the development may be reduced. This might occur for example if a planning application is for Weston Town Centre where wider regeneration projects are expected to deliver a large number of jobs not directly related to residential sites.

Details of how jobs should be delivered are set out in the Employment-Led Delivery at Weston-super-Mare SPD which was adopted by North Somerset Council in November 2014. The following table is an extract from the adopted SPD summarising the preferred delivery mechanisms:

Scale of proposal	Location	Employment-led requirement?	Preferred delivery (in order of preference)
0 – 9 dwellings	Junction 21 Enterprise Area (including Weston Villages)	Yes	Financial contributions through CIL once introduced.
	Remainder of Weston-super-Mare	No	N/a
10 – 49 dwellings	Junction 21 Enterprise Area (including Weston Villages)	Yes	1. On-site provision. 2. Off-site elsewhere within J21 EA. 3. Off-site within remainder of Weston. 4. Financial contribution (S106).
	Remainder of Weston-super-Mare	Yes	1. Financial contribution (S106). 2. Off-site provision within J21 EA. 3. On-site provision or off-site provision within remainder of Weston.
50 – 249 dwellings	Junction 21 Enterprise Area (including Weston	Yes	1. On-site provision. 2. Off-site elsewhere within J21 EA.

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	Villages)		3. Off-site within remainder of Weston. 4. Financial contribution (S106).
	Remainder of Weston-super-Mare	Yes	1. On-site provision. 2. Off-site elsewhere within J21 EA. 3. Off-site within remainder of Weston. 3. Financial contribution (S106).
250+ dwellings	Junction 21 Enterprise Area (including Weston Villages)	Yes	1. On-site provision. 2. Off-site elsewhere within J21 EA. 3. Off-site within remainder of Weston. 4. Financial contribution (in exceptional circumstances only) (S106).
	Remainder of Weston-super-Mare	Yes	1. On-site provision. 2. Off-site elsewhere within J21 EA. 3. Off-site within remainder of Weston. 4. Financial contribution (in exceptional circumstances only) (S106).

In most cases the preference is for the direct provision of employment in association with the residential proposals. However it is recognised that this is not achievable in all circumstances. The main test for this is whether it would be suitable to provide employment on or near the site, but viability may also be a factor. In circumstances where it is agreed to be unsuitable to make direct provision the policy allows for a contribution in lieu. This Development Contributions SPD provides guidance on how the level of contribution will be calculated.

### **Calculating financial contributions**

A programme of Economic Intervention projects has been agreed by the Council and will be updated on a regular basis.

In general, job creation is not a 'cost' on developments in that a commercial return will be expected from investments. However funding may in some cases be needed in order to unlock, de-risk or 'pump prime' projects, particularly where an employment premises will benefit a range of smaller businesses each of whom may not individually be able to afford to invest in premises. This might include the costs of land assembly / remediation, feasibility and preparatory work, shared infrastructure and / or head leases.

Other measures to support the delivery of the employment-led strategy are aimed at ensuring that developments complement and benefit the local labour market and economy by raising skills and enabling local people to compete for the jobs generated. These can include training (pre-employment and vocational), apprenticeships, employment advice, interview guarantees, work placements, transport arrangements, broadband and childcare.

Each project on the list of Economic Interventions will be costed and the number of expected jobs calculated to create a cost per job.

Depending on the size, location and nature of the development that is being applied for, the Council will select the most appropriate intervention for the development to support. The contribution required from the development will be based on the number of jobs required multiplied by the cost per job within the selected project.

The Council will review the resulting contribution to ensure that it is reasonable, proportionate and affordable in comparison to other similar developments. To avoid inequity between developments and / or to prevent contributions becoming unaffordable or affecting other required mitigations, the Council may adjust the maximum contribution required. This will be at the Council's discretion.

The level of financial contributions is not intended to equate directly to the benefits or costs of on-site job provision. The decision as to whether a financial contribution is appropriate will be made by the Council in line with the guidance provided in the Employment-Led SPD.

**CIL vs S106**

Where employment-led requirements take the form of financial contributions, future obligations are likely to be collected through the CIL.

**Technical guidance**

Employment-led delivery at Weston-super-Mare SPD (2014)

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

If within Weston-super-Mare the number of jobs required would be 18 (1.5 x number of dwellings).

The Council carries out an assessment of jobs being delivered in the area around the site and concludes that job delivery in that area is well ahead of target as a result of schemes not directly linked to residential development. As a consequence, no contribution is required from the development on this occasion.

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

If within Weston-super-Mare, then on-site provision of jobs would be expected. If this is accepted as non-deliverable (for example, due to the site location), then developer off-site provision is the next choice. Only if none of these options can be pursued will financial contributions be considered.

Financial contributions would be calculated on the following basis:

- Number of dwellings (150) x job requirement (1.5 jobs per home) = 225 jobs required.
- Project identified in the Junction 21 Enterprise Area that will create 250 jobs at a cost of £125,000 (this is the cost of de-risking the project, not the construction cost of the scheme). Cost per job: £500.
- The requirement from this scheme would be the cost of the required 225 jobs at £500 per job. Total £112,500 (£750 per dwelling).

<b>5</b>	<b>EDUCATION (including pre-school provision)</b>
<b>Introduction</b>	
<p>This chapter covers the impact of new development on early years/children’s centre facilities; primary, secondary and post-16 education; and Special Educational Needs and Disabilities (SEND).</p> <p>The Council will seek to secure ‘local schools for local children’ whereby pupils should be able to attend a local school that enables them to achieve their potential.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes. Reductions are made to account for affordable housing units on some schemes – see Appendix C.          Non-residential schemes: No.</p>	
<b>Summary</b>	
<p>The requirements created by a development in relation to education and early years are calculated as follows:</p> <ul style="list-style-type: none"> <li>• A Pupil Projection Tool is used to identify the peak numbers of young people forecast to live within the development, based on housing mix and build rate. Reductions are applied to some affordable housing units to account for those who move from within the local area and already have school places.</li> <li>• Schools within the local area (within set distances) are checked to see if they will have vacancies over the next five years. If there are spare places, this may reduce the education requirements.</li> <li>• A cost per pupil place multiplier is applied to calculate the cost of providing the number of extra pre-school, primary and secondary school places required and measures identified as to how this will be achieved.</li> <li>• The method for delivering the places will be identified. This may take the form of additional places at an existing school, or new provision at or near the development. Costs may be amended at this stage if they are estimated to be significantly different to those calculated through the cost per pupil ratio.</li> <li>• In some cases, interim education contributions, funding for Fixtures, Fittings &amp; Equipment and school transport contributions may be required.</li> <li>• At the time of writing (2015), most schools across North Somerset are at or close to capacity. This will increase the obligations expected from developers as existing provision may not be able to absorb new students.</li> </ul>	
<b>Policy context</b>	
<p>Core Strategy Policy CS25 identifies that new or improved education facilities/services will be sought where a need is identified.</p>	

**Assessing the requirement**

**Forecasting the number of children and young people**

The Council's New Development Pupil Projection Tool will be used to assess the peak number of pupils generated by the development. This takes account of the mix of house size, types and tenures and build rates.

Adjustments will be made to take account of affordable housing residents moving from within the local area, as set out in Appendix C.

Details of how the Council projects pupil numbers and property yields are available as a technical guidance note.

**Assessing capacity at pre-schools, primary & secondary schools**

Once the number of children and young people has been forecast, an assessment is made to see whether they can be accommodated at existing local schools.

This is done by assessing the existing spare capacity of local schools using the Council's five year pupil forecasts as submitted to the Department for Education (DfE). A number of factors will be considered:

- Distance: if it can be shown that schools within statutory local walking distances (2 miles for pupils aged under 8 and 3 miles for pupils aged 8 and over, using a safe walking route) to the proposed development will be operating with a surplus of sufficient places to accommodate all pupils yielding from the development, no primary or secondary school contributions will be sought.
- Surplus places: it is generally accepted that schools should not operate at 100% capacity. In accordance with government best practice, in order to support operational flexibility and parental choice, schools operate with a minimum of 5% surplus places. Planning obligations will seek to maintain this 'buffer'.
- Class sizes: the Council has a requirement within its School Organisation Commissioning Strategy to provide set sizes of schools. Within the primary sector all class structures must enable schools to comply with infant class size requirements and therefore support multiples of 15 or 30 pupils per class base. Secondary schools normally work to tutor group structures of between 28 to 30 pupils.

At the time of writing (2015), most schools across North Somerset are at or close to capacity. This will increase the obligations required from developers as existing provision may not be able to absorb new students.

**Calculating planning obligations**

In providing good and outstanding schools for local children, the Council will require contributions from developers towards new provision where the needs of their new development cannot be met through existing capacity at local

school(s). When considering a 'local school' for primary schools this will normally be a school within 2 miles (as a safe walking route) from the child's home (although it should be noted that parents of primary aged pupils expect a school place for their child within an 800m walking and 1600m cycle/scooting distance from their home).

Planning obligations to secure additional places may take several forms:

- Financial contributions based on the Department for Education (DfE) costs per pupil place calculator as at September 2014. Costs will be adjusted if new government guidance becomes available.
- The Council's estimate for the costs of the provision required, where this differs from the DfE cost per pupil total. The costs will include land, construction, Fixtures, Fittings and Equipment and any supervision fees (see chapter on additional fees relating to planning obligations).
- Developer delivery of new provision, to standards and timing specified by the Council.
- Additionally, developers may be required to provide land for school places (as a serviced site and at nil cost to the Council).

Developers should note that provision and costs may not equate precisely to the number of places required by their development, as schools operate to specific class sizes. For example, if a development is estimated to require 28 new places at a primary school, a classroom for 30 pupils will be required. The apportionment of costs between a developer (or developers) and other funding sources in such a circumstance will be assessed on a case-by-case basis taking into account the share of the requirement triggered by the development and the level of other demand forecast within the area.

Where new build provision is planned but may not be available in time to meet the early needs of the development, interim measures will be required, for example to fund temporary solutions and/or school transport. The costs of the interim measures will be identified on a case-by-case basis.

### **Early years provision / children's centres / pre-school places**

Legislation requires local authorities to assess the local childcare market and to secure sufficient childcare for parents. Childcare will only be deemed sufficient if it meets the needs of the community in general and in particular those families on lower incomes and those with disabled children. Local authorities take the strategic lead in their local childcare market, planning, supporting and commissioning childcare.

Contributions will be sought where there are inadequate existing places unless alternative provision can be made and its future delivery guaranteed.

Demand for nursery/pre-school facilities will be made with reference to an audit of childcare provision for 0 – 4 year olds within the area of the proposed development. If the audit shows there are insufficient places to accommodate the development's impact, then a request will be made for the provision of



early years' facilities.

Early Years provision is mainly provided by the private, voluntary and independent sector, but the duty to provide places remains with the Council. This duty has been extended to provide for 2 year old children from September 2014 and is expected to continue to extend. The Council will use any contributions to provide accommodation and commission places from the private, voluntary and independent sector. Alternatively the Council may explore options for developers to deliver the provision, for example through community or commercial-based providers.

The Statutory Framework for Early Years Foundation Stage sets standards for provision and states that any building used for childcare must have 3.5 m<sup>2</sup> per child younger than 2 years, 2.5 m<sup>2</sup> for 2 year olds and 2.3 m<sup>2</sup> for 3 to 5 year olds.

Where contributions are required, these will be based on either:

- A capital contribution equal to the Department for Education costs per pupil place calculator of £12,625 per Early Years pupil where extra places can be provided (with appropriate additional infrastructures) at existing good or outstanding provisions; or
- The estimated costs of new provision. The current estimated contribution to cover the cost for a 45 place nursery is in the region of £360k (note: this cost is under review and may change). Costs will be apportioned appropriately. For example, on this basis a 25 FTE place (50 part time) nursery would cost in the region of £200k.

In addition to the provision of Early Years facilities, the Council has a statutory duty to provide Children's Centre facilities offering support to families from ante-natal onwards. Children's centres provide a range of universal and targeted services such as parenting programmes. The number of children likely to need these services will be based on the pupil yields at the Early Years stage; however the contribution required will be calculated with regard to the existing provision in the area and if/how this will need to be expanded to meet the additional need. This could be supporting new classes or programmes or for larger developments a physical expansion to a building may be required.

### **Primary Schools**

The Council will seek to identify the specific costs of the additional school provision required as a result of a development based on the following:

- Requesting a capital contribution of £12,257 per new Primary School Pupil where extra places can be provided (with appropriate additional infrastructures) at existing good or outstanding schools; or
- Requesting the estimated costs of additional places, where these differ

from DfE cost estimates. Currently an expansion of a primary school by 105 places would cost in the region of £1 - 1.5m to deliver but the exact costs will depend on the school in question; or

- Requesting new provision on developer-provided land, such land to be provided at nil cost to the Council. In terms of costs, the estimated contribution to cover the cost for a 7-class primary school with pre-school is in the region of £3.5 – 4m (depending on abnormal costs). Any land or provision of a school must be fully compliant with North Somerset Council specifications current at the time of delivery. New schools must be a minimum of One Form Entry (210 places) as smaller schools cannot be financially sustained.

### **Secondary Schools**

There is an expectation that pupils will be able to attend the school in whose First Geographical Area (FGA) their home is located. For details of each secondary school's FGA, please refer to the Council's website. There will be a requirement that where the area school is more than 3 miles via a safe walking route from the child's home, contributions towards the cost of home to school transport for up to 7 years will be made.

The Council will claim for secondary school needs by either:

- Requesting a capital contribution of £18,469 per Secondary School Pupil or £20,030 per post-16 pupil where extra places can be provided (with appropriate additional infrastructures) at existing good or outstanding schools; or
- To consider whether the demand for places in other areas can be combined to enable any new infrastructure to be viable. The Council will seek a percentage contribution appropriate to the cost of any new provision from each developer or
- Requesting a new school on developer-provided land (such land to be provided at nil cost to the Council). A secondary school for around 1,200 pupils would cost in the region of £14 - £18m but the exact costs will vary depending on the specific nature of the scheme.

In all cases (both primary and secondary sectors), interim measures may be required and costs of these will be identified and negotiated on a case by case basis.

### **Special Educational Needs and Disabilities**

As at January 2014, 0.78% of the Local Authority's primary aged pupils and 0.75% of its secondary pupils have Special Educational Needs or a Disability (SEND) and / or require alternative educational provision. These children are educated, wherever possible, in a provision and location that best meets their specific needs. A contribution will be calculated based on applying these

percentages to the primary and secondary pupil yields resulting from the development and multiplying the result by the average capital cost for SEND pupils which is £68,000 per pupil.

### **Safe routes to school**

School places can only be deemed to be 'available' to development residents if accessible via a Safe Route to School. Determination of whether a route is safe lies with the Home to School Transport Team.

Where places are available (or are made available) at a school within required distances but the routes are not deemed to be safe, developers may be asked to carry out or fund improvements to the routes to bring them up to the necessary standard, both within and outside of their development sites.

Where additional provision is made within a new development, a key starting point of the design of the site should be to ensure Safe Routes to School.

### **School transport**

Current Home to School Transport Policy is to assist with transport between home and school for statutory school age pupils where the school attended is the nearest appropriate one, as defined by the Authority, and the distance between home and school, when measured by the nearest available walking route is two miles for pupils under the age of 8 years and three miles for pupils aged 8 and above. For secondary schools, account will also be taken of the development's 'First Geographical Area' school (i.e. the school that is designated to serve pupils within that community regardless of the distances to other local schools).

North Somerset Council has a policy of supporting local schools for local children and will in all cases seek to avoid transporting children if a local school place can be provided. In particular at primary age, the Council will prioritise options to deliver school places within a safe walking distance of a maximum two miles of new housing and may seek contributions for new provision within that area rather than ongoing transport obligations.

In the event that a local school place is not available and arrangements to secure an increase in local provision cannot be secured or is not appropriate locally, the Council will seek to place pupils at the next nearest school with a vacancy. If this school is more than the statutory walking distance (2 miles for pupils under 8 years of age or 3 miles for pupils aged 8 and above), costs will be sought to compensate the Council for any travelling expenses to the nearest setting with a vacancy for a period of up to 10 years.

It is estimated that the annual cost for providing transport to enable primary aged pupils to attend a school more than 2 miles from their home could be up to £11,400 per annum (£60 per day x 190 days), although this would be dependent on the number of pupils and resulting mode of transport that is appropriate and, in the case of secondary age pupils, the availability of public

transport. The cost of public transport (if available) currently stands at approximately £1,000 per school year per pupil if a pupil is offered a school place more than 3 miles from their home address.

If it is necessary to provide a minibus/coach, the cost can range from the provision of a minibus at a cost of £19k per annum to a 53 seat coach at a cost of £32k per annum.

**CIL vs S106**

Once implemented, the CIL is likely to be used for most education requirements, other than for sites in Strategic Development Areas where direct developer provision through S106 agreements may be more appropriate.

**Technical guidance**

- NSC New Development Pupil Projection Tool and explanatory note.
- Education Provision in North Somerset – A Commissioning Strategy 2012-2015 and 2015 – 2018.
- Pupil Projections for North Somerset Schools 2014 – 2018.

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

The peak pupil yields from this development after adjustment for affordable housing would be:

Pre-school: 3 children aged 0 – 4 (2 at age 2 – 4).

Primary school: 5 children:

Secondary school: 2 children

Given the small number of children, the urban location (which is likely to mean a wider range of schools within walking distance) and the restrictions created by pooling regulations, the service lead on this particular example *may* take a view that pursuing S106 type contributions is not worthwhile. This will be at the Council’s discretion.

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

The peak pupil yields from this development after adjustment for affordable housing would be:

Pre-school: 50 children (27 aged 2 – 4).

Primary: 60 children.

Secondary: 33 children.

Children with SEND: 0.47 primary; 0.25 secondary. Total: 0.72.

Capacity at existing schools is then assessed as:

Pre-school: no existing capacity.

Primary: thirty places available across two existing local schools. This reduces the need for new places to 30.

Secondary: sufficient places available at school within First Geographical

Area but distance is more than 3 miles.

SEND: no existing capacity.

Typical obligations in this scenario would be:

- Provision of a 25 place (50 space) pre-school: if the developer is able to secure commercial or community provision, no contribution is required. However if such provision is not forthcoming within an agreed timescale, land and a contribution of £200,000 would be required as a 'fallback'.
- Contribution of £367,710 (£12,257 per pupil) for the provision of 30 additional places at the existing local school (assuming that there is space on site etc).
- Secondary school transport contributions: funding for a school bus coach for a period of five years at up to £32k / year = up to £160k.
- SEND funding:  $0.59 \times £68,000 = £48,960$

Total: £576,670 (or £3,845 per dwelling) assuming pre-school is provided commercially.

<b>6</b>	<b>EMERGENCY SERVICES</b>
<b>Introduction</b>	
<p>In most cases, emergency services provision is made at a strategic level and contributions will not be appropriate from individual developments.</p> <p>Contributions may in some cases be sought from Strategic Development Areas and in future through the Community Infrastructure Levy (CIL).</p> <p>Contributions to fund new fire hydrants will be required from sites meeting certain criteria.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes.          Non-residential schemes: Yes. See below and Appendix B.</p>	
<b>Policy context</b>	
<p>CS34: Development Contributions.</p>	
<b>Assessing the requirement</b>	
<p>(i) Fire hydrants:</p> <p>Building regulations require major new development to be within 100m of a fire hydrant. The majority of development in North Somerset is already within 100m of a fire hydrant and therefore this obligation will only be occasionally required. However, there are areas particularly in Strategic Development Areas that are not within 100m of a fire hydrant. In these circumstances, Avon Fire and Rescue Service require the provision of a new fire hydrant in an accessible location within 100m of the development.</p> <p>Avon Fire and Rescue Service are consulted on all major planning applications and they will notify the Council when a fire hydrant obligation is required.</p> <p>Obligations in respect of fire hydrants therefore will be required where <u>both</u> of the following criteria apply:</p> <ul style="list-style-type: none"> <li>• Where the development is for 10 or more dwellings or in excess of 1,000m<sup>2</sup> of commercial floor space; <u>and</u></li> <li>• Where the development will be erected more than 100m from the nearest existing fire hydrant.</li> </ul> <p>The Avon Fire and Rescue Service have calculated the cost of installation and five years maintenance of a fire hydrant to be £1,500 per hydrant.</p> <p>The provision of a fire hydrant is essential for safety reasons and where a new hydrant is required it must be operational prior to the occupation of the relevant development. In order to enable Avon Fire and Rescue Service to arrange installation of the new hydrant prior to occupation, the contribution will be required upon commencement of the development.</p>	

<p>(ii) Strategic provision:</p> <p>At the strategic level, new provision of facilities for emergency services may be required to support growth. Contributions towards these facilities may be sought on a case-by-case basis from Strategic Development Areas and/or in future through the Community Infrastructure Levy (CIL).</p>
<p><b>CIL vs S106</b></p>
<p>Funding of fire hydrants is likely to continue to be through Section 106 agreements.</p> <p>Strategic improvements to emergency services provision to support growth may in future be funded or part-funded through the CIL.</p>
<p><b>Technical guidance</b></p>
<p>N/a</p>
<p><b>Illustrative worked examples</b></p>
<p><b>1) Scheme for 12 dwellings in central urban location</b></p> <p>It is unlikely that contributions towards emergency services would be required from this site.</p>
<p><b>2) Scheme for 150 dwellings at edge of urban area or Service Village location</b></p> <p>In the event that this site is more than 100m from the nearest provision, a new fire hydrant may be required at a cost of £1,500 (£10/dwelling).</p> <p>If the scheme is within a Strategic Development Area, S106 contributions towards additional or improved emergency services provision may also be sought; however this is likely only to occur in exceptional cases where the development is particularly large and there is a clear project identified to be needed as a direct result of the development.</p>

<b>7</b>	<b>FLOOD MITIGATION &amp; SUSTAINABLE DRAINAGE</b>
<b>Introduction</b>	
<p>Much of North Somerset is low lying and vulnerable to the risk of flooding from watercourses, the sea, groundwater or surface run-off. In these areas new development may only be acceptable if flood mitigation and/or sustainable drainage measures are implemented. Flood risk in North Somerset is managed by a number of Flood Risk Management Authorities namely the Environment Agency, North Somerset Council Lead Local Flood Authority), Wessex Water and the Internal Drainage Boards.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes.          Non-residential schemes: Yes. See below and Appendix B.</p>	
<b>Summary</b>	
<p>The National Planning Policy Framework requires certain sizes and locations of development to submit Flood Risk Assessments as part of the planning application process. These may also be required from sites covered by the North Somerset Internal Drainage Board; guidance can be provided on request. These assessments will identify any flood risks and mitigating measures required. Additional modelling may be required for some sites, for example in Strategic Development Areas. The mitigating measures identified will form the basis for the required planning obligations.</p> <p>Given the varied nature of flood risks in different locations around North Somerset, it is not possible to provide standardised guidance on what mitigations might be required for a 'typical' site.</p>	
<b>Policy context</b>	
<p>The NPPF emphasises the importance of meeting the challenge of climate change, flooding and coastal change and sets out the government's approach. Core Strategy Policies CS2 and CS3 set out the approach to sustainable drainage (SuDS) and flood mitigation.</p> <p>The North Somerset Strategic Flood Risk Assessment (SFRA) outlines the approach to identifying suitable development sites that are at a lower risk of flooding by applying the sequential and exception tests. By using the SFRA to consider flood risk in relationship to the type of development good design can be promoted. The Local Flood Risk Management Strategy (LFRMS) is a further key document identifying the vulnerable locations to flooding and providing both policy and action plans.</p> <p>Core Strategy Policy CS30 provides the context for Weston Villages and identifies the need for a strategic flood solution, which is further articulated in the Weston Villages SPD (2012) and has been granted consent.</p>	
<b>Assessing the requirement</b>	
<p>Flood mitigation works needed as a consequence of a development proposal are determined through completing a Flood Risk Assessment (FRA) (where required) to assess the flood risk factors. The National Planning Policy Framework sets out which developments require an FRA; they may also be</p>	



required from sites covered by the North Somerset Internal Drainage Board; guidance can be provided on request. FRAs cover a process of considering any flood risk related to the site and its proposed development and identifying any mitigating measures both on and off site. In most cases the applicant will propose an on-site/near-site solution which will be considered by the Council and other relevant partners including the Environment Agency and where appropriate the North Somerset Levels Internal Drainage Board (IDB).

Many sites will mitigate their impacts through on-site Sustainable Drainage Systems (SuDS). SuDS designs can be integrated into the layout of a site and therefore can give multiple benefits in terms of amenity and biodiversity; if combined during the design phase then both the capital costs of drainage and amenity can be reduced along with maintenance costs. Above ground systems are more economical to construct and maintain, compared with underground SuDS over the life of a development. North Somerset will promote the use of above ground systems where possible and appropriate.

In Strategic Development Areas, flood mitigation may be best served through strategic flood solutions that serve the collective developments, with each application funding the storage that their site requires. A Strategic Flood Solution has been identified for the Weston Villages developments. Applications in this location will provide a proportionate contribution to the delivery of this facility based on the storage requirements of each site. A similar approach may be taken to other Strategic Development Areas identified in the future.

SuDS, flood mitigation and drainage systems may in some cases be combined with other requirements such as green infrastructure provision including trees and woodland. This should be discussed with the Council to ensure that the proposal does not compromise either requirement or any other future infrastructure provision. The Council may refuse to accept co-location where this is inappropriate.

Where flooding affects access roads to the site or work needs to be carried out on third party land, future maintenance will need to be assessed. This is particularly relevant where the IDB have an engineered and managed rhyne network.

The solutions described above will normally be secured through planning conditions, however planning obligations may be required to secure elements such as the timing, adoption, maintenance and/or financial contributions to off-site solutions.

A contribution to inspection costs during construction and for a final inspection at completion will be required for all sites that NSC and/or partners adopt and maintain. Commuted sums for maintenance and potentially capital refurbishment/replacement will be payable to NSC and/or its partners to fund maintenance of adopted infrastructure.

The approach to maintenance contributions will consider the end use of the

site and where SuDS are combined with amenity or biodiversity a reduced rate of commuted sums may be applied. If separate then the rate will reflect the full cost and if any manufactured product is used maintenance costs will be based on the recommended manufacturer's regime. Account will also be taken of the ease of maintaining the system, with reference to health and safety. Some types of SuDS will need more frequent maintenance or replacement, therefore this will be taken into consideration when setting the term over which a contribution will be required.

There are no commuted sum set rates for SUDS and other flood mitigation schemes as these may vary significantly. Assessments of rates will be completed based on the location, type of scheme and end use.

**CIL vs S106**

Most flood mitigation including SUDS and agreed solutions for Strategic Development Areas will continue to be secured through S106 style planning obligations.

It is possible that the CIL may be used for wider flood mitigation measures to support growth, for example if a settlement that is expanding through lots of small - medium scale developments requires flood defence improvements.

**Technical guidance**

North Somerset Strategic Flood Risk Assessment  
 DEFRA Sustainable Approval Body guidance June 2014  
 North Somerset Local Flood Risk Management Strategy  
 North Somerset Sustainable Buildings and Places SPD  
 West of England Sustainable Drainage Developer Design Guide

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

Obligations for this size of scheme in an urban location would be assessed through a Flood Risk Assessment but would be likely to be limited to on-site SuDS and associated inspection and maintenance contributions.

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

Obligations for this size of scheme in an urban location would be assessed through a Flood Risk Assessment and might be likely to include:

- Delivery of on-site SuDS. Contributions for associated inspection and maintenance.
- If the scheme is part of a wider strategic development area, contributions to strategic flood mitigation measures may be required in addition to or instead of some of the SuDS.

As an example of the potential costs of a Strategic Flood Solution, the average cost per dwelling for the Weston Villages Strategic Flood Solution is around £1,500. This is offset in part because the scheme enables a reduction in on-site provision. The exact amount per developer varies depending on the topography of the location in question and the water storage volume required.

<b>8</b>	<b>GREEN INFRASTRUCTURE</b>
<b>Introduction</b>	
This infrastructure category relates to the green spaces and public areas which make an important contribution to the character, function and appearance of an area and can also have a significant impact on biodiversity, recreation, health, and sustainable living.	
<b>What types of development does this apply to?</b>	
Residential schemes: Yes. Reductions are made to account for affordable housing units on some schemes – see Appendix C. Non-residential schemes: Yes. See below and Appendix B.	
<b>Summary</b>	
<ul style="list-style-type: none"> <li>• The number of residents in the development is calculated based on average household size and adjusted for affordable housing units as set out in Appendix C.</li> <li>• The amount of green infrastructure required is calculated by multiplying the number of residents by the NSC standard m<sup>2</sup> per person rates for each type of green infrastructure.</li> <li>• Local Area Profiles are checked to see what existing provision is already available within required distances.</li> <li>• If there are deficits in any of the provision arising as a result of the development, then the developer will be required to make on-site provision or contribution to off-site provision / improvements.</li> </ul>	
<b>Policy context</b>	
<p>Core Strategy policies CS4 (nature conservation), CS5 (landscape and the historic environment), CS24 (children, young people and higher education, Cs26 (supporting healthy living) and CS27 (sport, recreation and community facilities) together provide the strategic development context for the provision of green infrastructure</p> <p>The NPPF defines green infrastructure as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.</p> <p>This has been further refined for North Somerset circumstances and green infrastructure is defined as ‘the multifunctional network of trees, parks, open spaces, green corridors, waterways, countryside and the coastal areas within and between the towns and villages across the whole of North Somerset’.</p>	
<b>Assessing the requirement</b>	
<p><b>Definition of green infrastructure</b></p> <p>North Somerset Council has established a list of NPPF compliant typologies which are representative of the green infrastructure in North Somerset and are relevant to this document; these are detailed below:</p>	

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<b>Typology Distinctiveness</b>	<b>Typology Distinctiveness</b>
Formal Parks and Public Gardens (may include some elements of public realm)	Accessible. High quality opportunities for recreation in a formal setting. Quality horticultural practices dominate. Visitors drawn from within and outside the area.
Community Parks	Accessible. Informal green spaces offering opportunities for recreation and biodiversity. Used by local people from, and beyond, the immediate neighbourhood.
Neighbourhood Open Space	Accessible. Informal green spaces offering opportunities for recreation and biodiversity. Used by residents of the local neighbourhood.
Woodland	Areas dominated by trees. Providing space for recreational activities. Contributing to landscape quality. Acting as an area for wildlife conservation.
Conservation site	Areas and habitats where wildlife conservation, biodiversity, environmental education and awareness are important.
Green Corridor	Linear strips of land. Connect open spaces allowing for the movement of people and wildlife.
Allotments	Land available to the public, for rent, to be used for personal food cultivation.
<i>Equipped Children's Play</i>	<i>See Community, Sport and Leisure section.</i>
<i>Sports Pitches and other sports facilities</i>	<i>See Community, Sport and Leisure section.</i>

The difference between Community Parks and Neighbourhood Open Space is primarily one of scale in that Community Parks are intended to serve a wider area and would be larger than a Neighbourhood Open Space. Community Parks will normally only be required from Strategic Development Areas (potentially in addition to smaller Neighbourhood Open Spaces), although this will depend on an assessment of the application in question and the level of existing capacity in the locality.

Equipped play spaces are normally included within Neighbourhood Open Space land. However, where alternative sites are practical (such as within a wood) these may be considered, provided all other requirements are met.

Sports pitches will be considered for inclusion into Community Parks and Neighbourhood Open Spaces provided that the spaces are not fenced off and are available for general recreation, not for a specific use for example a cricket pitch. The consideration will only be made if there are no 'sports provision hubs' within the development.

The evidence for green infrastructure need and supply was compiled through:

- An extensive survey of the perceptions of North Somerset residents in relation to the parks and open spaces maintained by NSC.
- Parish and town council consultation on the adequacy of provision for green spaces.
- An independent report on the quality of open space which identified deficiencies for each typology and where there are shortfalls in supply.

These established the communities' perceptions on the role of green space in their areas and identified deficiencies for each typology in each area.

**Assessing the requirement**

The number of residents in the development is calculated based on average household size and adjusted for affordable housing units as set out in Appendix C. Where development consists of mainly large or mainly small dwellings, average household size will not be applicable and the calculation used will reflect the predicted full occupancy instead.

The baseline amount of green infrastructure required is calculated by multiplying the number of residents by the NSC standard m<sup>2</sup> per person rates for each type of green infrastructure.

The table below sets out the standards of green infrastructure provision required in North Somerset. The provision of on-site and off-site provision for developments that come forward will be assessed against these standards, taking into account any existing provision in the area.

TABLE 1: Green Infrastructure Standards

<b>Type of space</b>	<b>Minimum m<sup>2</sup> required per person</b>	<b>Maximum distance (m) straight line from any property</b>
Formal parks and public gardens (urban)	2.5	n/a
Formal parks and public gardens (rural)	1	n/a
Community Parks	6.0	600
Neighbourhood Open Space	6.0	480
Woodland	10	n/a
Conservation sites (urban)	7.5	n/a
Conservation sites (rural)	12	n/a
Green corridors	Will be assessed at design stage	
Allotments	2.5	1000

The assessment of existing provision is based on detailed area profiles for the following areas: Backwell, Banwell & Winscombe, Blagdon & Churchill, Clevedon, Congresbury, Easton-in-Gordano, Gordano, Hutton & Locking, Kewstoke, Nailsea, Pill, Portishead, Weston-Super-Mare, Winford, Wraxall & Long Ashton, Wrington and Yatton. The area profiles are available on request.

Planning obligations will be sought where there are identified areas of deficiency based on the area profile of a particular typology within an identified proximity. Obligations will either be for new provision or to enhance existing provision. This will be based on an assessment at the time of the proposed development by reference to the relevant area profile.

Where there is a sufficient supply of a particular typology an assessment will be made jointly considering the quantity, access and quality of the existing open spaces. If there is existing provision within the required distance but it is not accessible because of a barrier such as a busy road then new provision and/or access improvements may be required.

The Council is prepared to consider substitution of open space type (typology) if a strong case can be made and evidenced that an alternative typology would enhance the green infrastructure in a quantifiable way. The methodology and all evidence behind any such assessment will need to be provided before a departure from the standards can be agreed.

An off-site financial contribution will be required when on-site provision of any typology is not practical. The schedule of rates is arrived at from actual scheme costs and will be updated as and when necessary.

On site provision will be required for developments of 11 dwellings or more where the development is not accessible to existing green infrastructure that is of sufficient quality, quantity and proximity. The extent of on-site provision will be identified in accordance with the schedule of space requirements and distance thresholds in Table 1. In the event that the development cannot accommodate the area requirements for each typology an off-site contribution will be sought and calculated in accordance with the schedule of open space costs as set out in Table 2 below. On-site provision will be provided by the developer on the site of the development.

Typically s106 agreements will be used to secure on-site provision. Off-site contributions (secured through an s106 agreement) will be acceptable, instead of, or in addition to on-site provision when the procurement and laying out of new open space land away from the development site will better serve the needs of the development. The decision on the appropriateness of on-site or off-site provision will be at the discretion of the Council.

Costs per m<sup>2</sup> of provision are as follows (these are as at May 2015 and will be subject to indexing at BCIS rates and, if necessary, amendment).

TABLE 2 Off-site POS provision

<b>Type of space</b>	<b>Cost per m<sup>2</sup></b>
Formal parks and public gardens (urban)	£93.76
Formal parks and public gardens (rural)	£93.76
Community Parks	£93.76
Neighbourhood Open Space	£93.76
Woodland	£9.91
Conservation sites (urban)	£20.16
Conservation sites (rural)	£20.16
Green corridors	Will be based on analysis at design stage
Allotments	£118.33

A proportionate and pragmatic approach will be taken – for example, in some locations the provision of new woodland in relation to a small development of 11 homes would not be practical and in such a case a contribution to a community park might be more appropriate.

In some cases, an improvement to quality may be more appropriate than an addition to space. For example, a woodland that is overgrown and inaccessible will not be able to accommodate additional use; funding for clearance works and improved paths may increase usability and therefore ensure adequate capacity is maintained.

**Non-residential developments**

Requirements from non-residential developments will be assessed on a case-by-case basis and are normally limited to landscaping but may on larger developments include more significant elements of public realm (or improvements to public realm). Supervision fees and commuted sums may apply.

**Design and layout requirements**

Allowing for the provision of green space within new housing developments is vital in delivering a wider range of benefits to residents and the environment. Developers are encouraged to design residential developments around Parks and Green Spaces, to plan and where possible construct open space provision first, and develop the built environment around this.

Small pockets of ‘incidental open space’ will not be included in calculations for meeting overall requirements and ideally they should be designed out where possible, as they will not be adopted. ‘Incidental open space’ must be incorporated within the curtilages of associated properties for maintenance and clearly and transparently covenanted to be continuously managed for specific design purposes (e.g. an open plan landscape).

Developers must show how green spaces will meet the requirements of the

typologies listed.

Developers will also need to consider providing multi-functional spaces that can enable other requirements, such as the provision of sustainable drainage systems, renewable energy sources, and climate change amelioration to be met.

When identifying green infrastructure needs, it is important to assess the requirements of different groups and the diverse nature of existing and new communities and to reflect this in the choice of typology and its location.

### **SuDS**

Green infrastructure can provide a wide range of benefits including water resource and flood management functions, although these areas are not normally included in the public open space calculations, unless they provide useable POS. They may however meet Conservation Site objectives, subject to suitable evidence.

Some types of green infrastructure provide the opportunity to incorporate Sustainable Drainage Systems (SuDS) which aim to mimic natural catchment processes reducing flood risk to both those nearby and downstream. There is therefore some synergy between the green infrastructure and flood management/SuDS section of this SPD which needs to be taken into account when assessing development contributions. However SuDS will not be accepted if it compromises the primary open space or other functions of the open space.

It is noted that the NPPG defines “amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms” as Water Compatible Development, at the bottom of the Flood Risk Vulnerability Classification hierarchy. In considering whether there are options for green infrastructure and/or leisure facilities to be combined with SUDS, the use of informal open space and other land with lower value assets should first be considered as a floodable area, before resorting to incorporating any formal facility. Developers will be required to show that they have considered any viable practical alternatives.

High value installations, such as outdoor sports and equipped play facilities should not normally be located in floodable locations. Where exceptionally the location of such facilities in floodable areas is unavoidable, developers are strongly recommended to seek advice from council officers in order to agree and incorporate appropriate resilience measures in the design.

### **Planning conditions**

On-site green infrastructure will normally be provided for through planning conditions (delivered as works-in-kind), however S106 agreements will be required to cover matters such as fees, adoption, commuted sums and any off-site contributions.

### **CIL vs S106**



Provision through developer works-in-kind will continue to be secured through S106 agreements. This is likely to be limited to relatively small-scale provision, e.g. on-site parks and landscaping, or possibly allotments.

Contributions to off-site provision delivered by NSC including improvements to existing facilities are likely to be funded through the CIL.

**Technical guidance**

North Somerset Summary of Green Infrastructure Area Profiles

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

Based on the average household size, 28 people would live at this development, which is classified as being within an urban area. The baseline required quantity of provision from this site would be as follows:

<b>Type of space</b>	<b>m<sup>2</sup> per person</b>	<b>Total requirement (m<sup>2</sup>)</b>
Formal parks and public gardens	2.5	70
Community Parks	6.0	168
Neighbourhood Open Space	6.0	168
Woodland	10	280
Conservation sites	7.5	210
Green corridors	Will be assessed at design stage	
Allotments	2.5	70

In this hypothetical case, the local area profile showed that all requirements were met through existing provision within the minimum distances except that there were no allotments within 1km of the site. The developer is therefore required to pay for the provision of 70m<sup>2</sup> of allotments at a site identified nearby for this purpose. The cost per m<sup>2</sup> is £118.33 so the total contribution required is £8,283 (£690 per dwelling).

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

Based on the average household size, 345 people would live at this development, which is classified in this case as being within a rural area. The baseline required quantity of provision from this site would be as follows:

<b>Type of space</b>	<b>m<sup>2</sup> per person</b>	<b>Total requirement</b>
Formal parks and public gardens	1	345
Community Parks	6.0	2,070
Neighbourhood Open Space	6.0	2,070
Woodland	10	3,450
Conservation sites (rural)	12	4,140
Allotments	2.5	863

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In this hypothetical case, the local area profile showed that all requirements were met through existing provision within the minimum distances except that there was no Neighbourhood Open Space or Community Park within 600m. The developer was therefore required to provide a 2,070sqm combined Community Park / Neighbourhood Open Space on-site. The cost of these measures was calculated on the basis of £93.76 per m<sup>2</sup> to come to a total of £194,083 (£1,294/dwelling).

Commuted sums for maintenance were payable and are indicated in the chapter dealing with commuted sums.

<b>9</b>	<b>HEALTH</b>
<b>Introduction</b>	
<p>Health aspects are an important consideration when considering overall sustainability issues in terms of both access to facilities and encouraging active lifestyles. Development proposals will be assessed to ensure the range of health facilities are sufficient and can respond to the needs of new residents.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes.          Non-residential schemes: No, unless there is loss of existing provision. See Appendix B.</p>	
<b>Summary</b>	
<p>Current North Somerset standards are that one GP is required for every 1,700 new residents. NHS England and the North Somerset Clinical Commissioning Group will be consulted to confirm whether there is sufficient spare capacity within existing local provision to cater for the number of new residents, or whether additional provision is required. The number of residents expected to live in the development is calculated based on average household size.</p> <p>Other than in exceptional circumstances, contributions towards health provision will normally only be sought from sites in Strategic Development Areas. Exemptions to this may be specific village/small town locations where new development may require a step increase in health facility in order to manage the needs of additional residents</p> <p>If new provision is required, NHS England will advise on how this can be delivered. Costs will vary according to the specific project required, but guidance is provided below.</p>	
<b>Policy context</b>	
<p>Core Strategy Policy CS26 supports healthy living and the provision of health care facilities.</p>	
<b>Assessing the requirement</b>	
<p>The number of people generated by the proposed development is calculated by multiplying the number of dwellings by average household size.</p> <p>The principal objective is to ensure appropriate access to a GP. Within North Somerset one GP is required for every 1,700 new residents. An assessment of existing provision in the local area will be carried out to check whether the number of new patients can be catered for by existing practices and if not, what the scale of the deficit would be.</p> <p>It is unlikely that new small stand-alone practices (i.e. certainly fewer than four GPs and ideally fewer than 6 GPs serving a minimum population of 8,000-10,000) in North Somerset would be commissioned as they would probably be unable to provide sustainable high quality medical services.</p> <p>Small to medium-scale expansions to existing practices to meet NHS</p>	

principles of best practice are normally expected to be funded by NHS England via applications by GP practices for financial support as part of the Practice Business Plan. Specific funding is required from proposed developments to assist where large-scale extensions or new premises are needed as a result of development pressures, as the premises will need to be built/expanded prior to all of the residents moving in.

According to 2014 figures, a new-build GP practice for 10,000 - 12,000 population would have a basic minimum size requirement of 916m<sup>2</sup> (GIA) at a cost of £2,982,350 including VAT, fees, and site costs. Costs used will be NHS construction cost estimates at the time the development takes place and may vary according to the specific nature of the project. Where applicable, for example within a Strategic Development Area, this cost would be shared across relevant developers on a pro-rata basis. Contributions will normally take the form of land / financial contributions rather than developer delivery. Additional contributions may in some cases be required to fund temporary / interim provision in advance of permanent provision being made available.

In addition to GP services, the Council and health partners will consider whether any provision for community health services is required, for example, a base for midwives or health visitors. Developers may be required to contribute financially, or through land and / or works-in-kind.

There is a need to access other healthcare facilities such as pharmaceutical services, dental and optometry services. Land may be required to be safeguarded / made commercially available for these services; this may be safeguarded via planning condition or through a S106 agreement, dependent on the specific requirements of the site and facilities in question.

Opportunities will be taken to co-locate facilities in association with other community services.

**CIL vs S106**

Future contributions to health provision are likely to take the form of CIL contributions.

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

Health contributions would not normally be sought from a development of this size, other than through the CIL once implemented.

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

In many cases, health contributions would not be sought from a development of this size.

If the site is part of a Strategic Development Area, then a contribution might be calculated as follows:

Number of residents (no. of dwellings multiplied by average household size):

345.

Requirement within Strategic Development Area is for a six-GP practice at a cost of £2,982,350. This will serve 10,200 residents (based on 1,700 patients per GP). Cost per resident = £292.

Number of residents x cost per resident = £100,874 contribution required (£672 per dwelling).

<b>10</b>	<b>LIBRARIES &amp; INFORMATION SERVICES</b>
<b>Introduction</b>	
<p>Libraries are a statutory service (1964 Public Libraries &amp; Museums Act) providing communities with access to books, information and cultural activities in both a physical and digital form.</p> <p>New developments will provide more potential users of the libraries service leading to a need for improved capacity – both stock (physical and electronic) and related fixtures or fittings or technology to accommodate it or improvements to the buildings/mobile libraries, extensions or new premises.</p> <p>The Council will encourage the shared use of buildings and new models of service delivery, including greater involvement with local communities where this delivers sustainable benefits and represents an efficient use of resources.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes. Reductions are made to account for affordable housing units on some schemes – see Appendix C.</p> <p>Non-residential schemes: No, unless there is loss of existing provision. See Appendix B.</p>	
<b>Summary</b>	
<ul style="list-style-type: none"> <li>• The number of residents in the development is calculated based on average household size and adjusted for affordable housing units as set out in Appendix C.</li> <li>• The number of library users is calculated on the basis that 35% of residents will use facilities.</li> <li>• The number of library users is multiplied by the average number of items used per year (30).</li> <li>• The number of items required is multiplied by the average cost per item (£7.57) to get the value of the required contribution.</li> </ul>	
<b>Policy context</b>	
<p>Policy CS25 supports the provision of learning services for children and young people. Policy CS26 supports healthy living and the provision of health care facilities. Policy CS27 supports the provision of sport, recreation and community facilities.</p>	
<b>Assessing the requirement</b>	
<p>The potential population generated by a development is derived by multiplying the number of dwellings by average household size and adjusted for affordable housing units as set out in Appendix C. The number of potential library users is estimated by applying the proportion of the population which use libraries as taken from the DCMS Taking Part Quarterly Surveys. In February 2015 this figure was 35%. The proportion will be updated as and when new data becomes available.</p> <p>Statistical data from the Library Management System for 2014/15 shows that the service has 77,018 registered members, of whom 29,270 are shown as actively borrowing items. In 2014/15 these users borrowed a total of 902,887 items (physical and electronic) – an average of 30 items per user, per year (data will be updated annually each April). This is multiplied by the average</p>	

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2014 selling price of an item of £7.57 (Booksellers Association) to provide an annual cost per active library user of £227.10. This figure is multiplied by the number of potential users from the proposed development.

This contribution is a guideline figure and represents the normal level of contribution required to purchase new stock; however local needs may also include e-books, technology-based services and fixtures, fittings and equipment. Service and/or planning officers will discuss the specific needs and use of funding with applicants. Further one-off contributions may also be required in relation to specific developments/libraries where changes to the building are required to accommodate the increase in users. Depending on the individual case this may be in addition to or instead of the contribution to increased stock; a view will be taken by the service lead and case officer to ensure that the contribution is proportionate to the size of development.

### **CIL vs S106**

It is anticipated that future development contributions towards libraries will in future be collected through the CIL (once implemented), except in the circumstance where a Strategic Development Area is sufficiently big to merit significant extensions or entirely new provision.

### **Technical guidance**

Elson, M. - The Community Infrastructure Levy: Advice Note for Culture, Arts and Planning Professionals: Arts Council England (2012).

Elson, M. - Museums, libraries, archives, arts provisions and new development: Progress Report on the adoption of standard charges: Arts Council England, MLA (2010).

Improving Culture, Arts and Sporting Opportunities through planning – A good practice guide: Town and Country Planning Association (2013).

Evidence Review of the Economic Contribution of Libraries: Arts Council England (2014).

### **Illustrative worked examples**

#### **1) Scheme for 12 dwellings in central urban location**

Applications not payable from affordable housing, so number of eligible dwellings is reduced to eight.

Number of new residents from eight dwellings (dwellings x average household size: 18

Forecast number of library users, based on average 35% of population using library: 6

Number of residents x cost per resident = 6 x £227.10 = £1,362.60 (£113.55 per property).

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

Applications not payable from affordable housing, so number of eligible dwellings is reduced to 105.

Number of new residents from 105 dwellings (dwellings x average household size: 242

Forecast number of library users, based on average 35% of population using library: 85

Number of residents x cost per resident =  $85 \times £227.10 = £19,303.50$  (£128.69 per property).

In this particular (hypothetical) case, the local library has a reasonable level of stock that can cater for some of the new residents, but does not have wifi facilities that allow residents to access public services, apply for jobs etc. In discussion with the developer it is therefore agreed that instead of being used for stock, £15,000 funding will be used to upgrade existing fixed broadband capacity and computer terminals, install wifi throughout the premises and the remainder be used to purchase e-books and e-subscriptions to journals, magazines and papers.



<b>11</b>	<b>TRANSPORT, HIGHWAYS AND SUSTAINABLE TRAVEL</b>
<b>Introduction</b>	
<p>This topic covers major transport schemes, local highway improvements, public rights of way, pedestrian, cycle and public transport schemes including bus and rail and travel plans.</p> <p>Depending on the scale and nature of the proposal and existing levels of congestion there may be wide-ranging implications in terms of the way people travel, the impact on transport networks and safety.</p>	
<b>What types of development does this apply to?</b>	
<p>Residential schemes: Yes. Non-residential schemes: Yes.</p>	
<b>Summary</b>	
<p>Transport Assessments, Transport Statements and/or Travel Plans as required with applications will identify the impacts of the developments and any mitigation required.</p> <p>Additional modelling may be required for some sites, for example, in Strategic Development Areas.</p> <p>The impacts and mitigations considered may include (but are not limited to) site access, impact on the local network, safety issues, and the promotion of sustainable travel. The mitigating measures identified through Transport Assessments, Transport Statements and Travel Plans will form the basis for the required planning obligations.</p> <p>Given the varied nature of the transport network in different locations around North Somerset, it is not possible to provide standardised guidance on what mitigations might be required for a ‘typical’ site. In an area with good transport connections and access the mitigation required will normally be less than in an area that is remote, poorly connected or where existing networks are already used to capacity and / or congested.</p>	
<b>Policy context</b>	
<p>Development Contributions relating to transport will be sought in line with the National Planning Policy Framework and Guidance and to support delivery of policy CS10 of the Core Strategy.</p> <p>Strategic transport schemes are identified in the Joint West of England Local Transport Plan (JLTP3), CS10 and the Core Strategy Infrastructure Delivery Plan. Further schemes may be identified through the forthcoming West of England Joint Strategic Plan.</p> <p>In addition to specific schemes the Joint Local Transport Plan provides the context for improving accessibility, safety and encouraging greener transport choices in terms of all modes of transport – pedestrians, cyclists, motorists</p>	

and public transport users.

SPDs have been adopted for Travel Plans (2010) and Parking Standards (2013). The North Somerset Highway Development Design Guide was approved by the Council in October 2015 and includes thresholds whereby Transport Assessments (TA) or Transport Statements (TS) and/or Travel Plans will be required.

**Assessing the requirement**

All developments that generate significant amounts of traffic will be supported by a Transport Assessment (TA). This will be used to determine the impacts of the development and any mitigation required.

The North Somerset Highway Development Design Guide sets out thresholds for various types of development above which a TA or TS is required. Depending on the threshold, developments are either defined as small schemes where a brief Transport Statement is required to outline the transport impacts, or large schemes where a full Transport Assessment is required which addresses accessibility to the site by all modes, the likely modal split of journeys to and from the site, measures to improve public transport, walking and cycling, parking issues, and how transport impacts will be mitigated.

A Travel Plan will be required for all large schemes. This should outline how the transport implications will be managed to ensure the minimum environmental, social and economic impacts. Details of Travel Plan requirements including fees are set out in the Travel Plans SPD.

In Strategic Development Areas, the Council may require developers to model the cumulative impacts of the development or to contribute towards modelling work carried out by the Council. This modelling will identify any further mitigations required and the proportionate impacts from each development. The Council may also require such developers to produce Joint Travel Plans.

The range of mitigations required from applications may include (but is not limited to):

- On-site provision of access routes for vehicles, cyclists, pedestrians and public rights of way.
- Off-site highways improvements, for example amending a junction to increase capacity or safety, or contributing to a strategic scheme.
- Off-site improvements to pedestrian & cycle networks including Safe Routes to School, and public rights of way, for example, surface and infrastructure.
- Provision of bus stops and contributions towards bus services.
- Measures to promote use of sustainable transport, for example, funding taster tickets for bus services and Travel Information Packs.

Mitigations identified as required in Transport Assessments, Transport Statements, Travel Plans and wider modelling will be used as the basis for any planning obligations that are sought, including any necessary measures

to promote sustainable and active travel including walking, cycling and use of public transport.

Development contributions for transport mitigation will be dependent on the scale of development proposed and the anticipated transport impacts on the local highway network. Developers may be required to carry out works-in-kind and / or to provide contributions to both on-site and off-site works.

Any transport mitigation measures shall meet the required highways design standards. Where new development is to be adopted as public highway, a Section 38 Agreement will be required under the Highways Act 1980. Please see the North Somerset Highways Development Design Guide available on our website for further information.

In some cases developers may be required to safeguard land for transport schemes that will be delivered by the Council at a later date. Restrictions will be applied to development in such areas.

Some elements of the above may be provided for through planning conditions, however others will require S38, S106 or S278 obligations; this will be assessed on a case-by-case basis in discussion between the applicant and specialist officers.

**CIL vs S106**

It is likely in future that strategic transport schemes (including strategic pedestrian & cycle routes) will be funded through the CIL.

Any requirements that are most effectively delivered through developer works-in-kind, such as access routes/improvements, on- or near-site pedestrian routes and cycleways and bus stops are likely to continue to be delivered through S106 agreements (or S38/S278 agreements). Travel Plans and associated fees are site specific and will remain part of the S106 process.

Bus service contributions and contributions towards the promotion of sustainable transport could potentially be funded either through S106 or CIL and a decision will be made through the process of establishing a CIL.

**Technical guidance**

Highways Development Design Guide (2015)  
 Travel Plans SPD (2014)  
 Parking Standards SPD (2013)

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

Obligations for this size of scheme in an urban location would be likely to be limited to site access (including access for sustainable modes of transport).

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

A scheme of 150 dwellings would be likely to require a Transport Assessment and Travel Plan. Mitigations required would be likely to include:

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- On-site access (including access for sustainable modes of transport).
- Any necessary highways / access / safety improvements in the vicinity of the site (for example, signposting, road-lining, minor junction improvements, street-lighting).
- Improvements to public rights of way, pedestrian and cycle connections, for example works to improve a footpath or enhance a cycleway connecting the site to local services or the installation of a pedestrian crossing.
- The provision of bus stop(s) and contributions to bus services.
- Measures identified in the Travel Plan, including contributions to the promotion of sustainable transport. Travel Plan Evaluation Fee.
- If the scheme is part of a wider strategic development area, contributions to strategic transport schemes may be required.

A 2014 example of a site of this size included access works plus financial contributions totalling around £300,000 (£2,000 per dwelling).

<b>12</b>	<b>WASTE MANAGEMENT</b>
<b>Introduction</b>	
Waste management services are required at new developments both in case of the resources needed for individual homes (bins, collection timetables) and strategically in terms of waste treatment and disposal facilities.	
<b>What types of development does this apply to?</b>	
Residential schemes: Yes. Non-residential schemes: No.	
<b>Policy context</b>	
Core Strategies policies CS2 and CS7. West of England Joint Waste Core Strategy.	
<b>Assessing the requirement</b>	
<p>Contributions will be required on a per dwelling basis to fund the initial materials necessary to enable waste collections from new housing. This will be charged at a per dwelling rate of £50 which pays for 1 x wheelie bin, 2 x recycling containers with nets, 1 x food caddy, 1 x kitchen caddy and 1 x production and delivery of waste collection timetable.</p> <p>At the strategic level, new provision of waste treatment and disposal facilities may be required to support growth. Contributions towards these facilities may be sought on a case-by-case basis from Strategic Development Areas. This is likely only to occur where the development is particularly large and there is a clear project identified to be needed as a direct result of the development.</p> <p>In the future, contributions made through the CIL may be used to help fund improved or additional waste treatment and disposal facilities, including Household Waste Recycling Centres, to support growth.</p>	
<b>CIL vs S106</b>	
Future contributions are likely to be sought through the CIL, once it is implemented.	
<b>Technical guidance</b>	
West of England Joint Waste Core Strategy.	
<b>Illustrative worked examples</b>	
<p><b>1) Scheme for 12 dwellings in central urban location</b> This scheme would be expected to pay a per dwelling rate of £50 to fund the initial provision of materials to enable waste collections 12 x £50 = £600.</p> <p><b>2) Scheme for 150 dwellings at edge of urban area or Service Village location</b></p> <p>This scheme would be expected to pay a per dwelling rate of £50 to fund the initial provision of materials to enable waste collections: 150 x £50 = £7,500.</p> <p>If the scheme is within a Strategic Development Area, S106 contributions towards relevant waste treatment and disposal facilities may also be sought; however this is likely only to occur where the development is particularly large and there is a clear project identified to be needed as a direct result of the development.</p>	

<b>13</b>	<b>ADDITIONAL FEES RELATING TO PLANNING OBLIGATIONS</b>
<b>Introduction</b>	
As set out in Part One, a range of fees may be payable in relation to planning obligations. Additional guidance on some of these fees is provided below.	
<b>What types of development does this apply to?</b>	
Residential schemes: Yes. Non-residential schemes: Yes.	
<b>Summary</b>	
This section provides guidance on the following topics: <ul style="list-style-type: none"> <li>• S106 administration fees.</li> <li>• Works-in-kind supervision fees.</li> <li>• Legal fees.</li> <li>• Viability assessment fee.</li> <li>• Other fees.</li> </ul>	
<b>Policy context</b>	
CS34: Development Contributions	
<b>Assessing the requirement</b>	
<b>(i) Section 106 administration fees:</b>	
<p>It is essential that once a Section 106 agreement is complete, the requirements of the agreement are monitored to ensure that the obligations are fulfilled at the right time in the interests of the community.</p> <p>This process incurs public costs including monitoring site progress to assess whether obligation triggers have been reached, invoicing for payment, chasing and enforcing payments (if required), distributing payments to services, and auditing expenditure. The Council maintains a Section 106 database which incurs licensing / updating and administrative costs.</p> <p>Some of these costs fall within the normal running costs of the Council, but large or complex Section 106 agreements may create exceptional costs that must be re-couped.</p> <p>Section 106 administration fees will be charged to Section 106 agreements that include five or more different triggers for planning obligations, e.g. that payments or actions are required on five or more occasions during the life of the development. These might include but are not limited to deadlines for paying contributions, submitting information, applying for grant, refreshing viability appraisals etc.</p> <p>The administration fee will be based on an estimate of the costs likely to be incurred in monitoring the obligations. A guideline costing of the typical officer time per obligation is £117.50, but this may vary.</p>	
<b>(ii) Supervision fees for developer works-in-kind:</b>	
Developer works-in-kind require more complex supervision likely to include	

multiple visits to sites, written reports, follow-up actions and issuing of a final certificate of completion.

The individual fees for each type of works-in-kind will vary depending on its nature and size, but the following provides indicative guidance:

*Highways fees:* these are published on an annual basis on our website ([www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)). Further guidance can be found in the North Somerset Highways Development Design Guide, which can also be found on the website.

*Green infrastructure, play areas, sports pitches and Public Rights of Way (PROW):* £34 / hour up to a maximum of 2.5% of estimated gross construction cost of the infrastructure.

*Schools and built community facilities:* these are available from the Council's Property and Asset Management Service and are updated annually. The fees vary according to the level of supervision needed and dependent on whether a project is new build or refurbishment.

Education and other services may charge additional fees to cover their own time involved in the supervision of the project. For a new school as at April 2015 this would be 0.75% of the project cost.

*Flood mitigation infrastructure / SuDS:* fees will be calculated on a bespoke basis.

**(iii) Legal fees:**

In agreeing and drafting a Section 106 agreement, the Council will incur legal costs. This is the case even where the applicant enters into a Unilateral Undertaking, as the document will still need to be checked and processed by the Council's legal advisors.

Legal fees will be charged to applicants on the basis of the specific costs incurred. A solicitor's undertaking or advance payment must be provided to the Council before legal work commences and all fees must be settled in full before consent can be issued.

**(iv) Viability fees:**

Applicants must meet the costs of checking any viability information submitted to the Council. This may be carried out in-house or by external consultants and will vary according to the amount of work required.

Fees will be charged on a cost-recovery basis and must be paid before planning consent can be issued.

**(v) Other fees:**

Other fees may be applicable in relation to planning obligations and will be assessed on a case-by-case basis. For example, details of fees relating to Travel Plans and affordable housing can be found in the relevant SPDs.

**CIL vs S106**

The fees detailed above are specific to planning obligations and could not be transferred to the CIL.

**Technical guidance**

N/a

**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

The obligations for this hypothetical scheme can be summarised as follows:

- Highways and SuDs measures due to be completed prior to commencement of development.
- Various financial contributions: these are agreed to be paid in one payment prior to occupation of 25% of dwellings.
- Affordable housing: to be completed prior to 50% of dwellings.

As there are only three triggers for the planning obligations, Section 106 Administration Fees are not payable.

The legal fees incurred for the scheme were £2,000.

The value of the highways works relating to the scheme was £35,000 leading to a highways supervision fee of £3,500 (10%). A visit of two hours was needed to inspect the delivery of green infrastructure (2 x £34 = £68).

No other fees applied in this case.

Total: £5,568 (£464/dwelling).

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

This application required a total of 28 separate planning obligations, subject to 12 different triggers. The estimated cost of monitoring each obligation was £117.50: 12 x £117.50 = £1,410

Supervision of the delivery of green infrastructure and play area required 10 hours of officer time at £34 per hour, totalling £340.

The value of highways works relating to the scheme came to £250,000 to which a 9% supervision fee of £22,500 applied.

Legal fees totalled £5,000 and the costs of checking the viability appraisal were £2,000. A Travel Plan Evaluation Fee of £2,600 also applied.

Total: £33,850 (£226/dwelling).



<b>14</b>	<b>COMMUTED SUMS FOR INFRASTRUCTURE MAINTENANCE</b>
<b>Introduction</b>	
“Commuted sums” are payable to fund the maintenance of developer-delivered infrastructure where this is adopted by the Council or partners. The sums vary by service.	
<b>What types of development does this apply to?</b>	
Residential schemes: Yes. Non-residential schemes: Yes.	
<b>Summary</b>	
Commuted sums fund the maintenance of developer-funded infrastructure for a set period of time, sometimes including elements of capital refurbishment/replacement. The rates are set out below.	
<b>Policy context</b>	
Core Strategy policy CS34 states that:  “Development proposals will be expected to provide a contribution towards the cost of infrastructure. Subject to statutory processes and regulations, contributions may be collected towards:  <ul style="list-style-type: none"> <li>• ...Ongoing revenue such as the management and maintenance of services and facilities.”</li> </ul>	
Other relevant policies include CS9, 10, 25, 26, 27 and 34.	
<b>Assessing the requirement</b>	
<b>Highways</b>	
Commuted sums for highways works are set out in the Highways Design Guide available on our website.	
<b>Green infrastructure, leisure and community</b>	
Rates are:	
<b>Category of Open Space</b>	<b>Cost</b>
Grassed areas with low density trees, shrubs and recreation areas	£8.09 / sqm
Woodland (Mature)	£4.69 / sqm
Amenity areas and shrub beds including highway verges and roundabouts	£24.75 / sqm
High amenity areas including formal parks	£147.40 / sqm
Open Water	£100.31/ sqm
Swales (including structures)	£11.25 / sqm
Specimen Trees (in highway verge)	£307.00 each
Cycleway (where not classified as highways)	£15.75 / linear metre
Highway verge (grass only)	£4.05

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Play areas (LEAPS / NEAPS)	£30,038.00 per play area
Multi-Use Games Areas (MUGAs)	£15,019 per MUGA
Sports pitches (football / rugby / cricket)	£75,000 per pitch
Community halls / sports halls	£50,000 per hall

Other commuted sums including but not limited to other forms of community and leisure facilities, flood mitigation infrastructure and SuDS may be charged on a case-by-case basis.

Commutated sums may also apply where infrastructure is adopted and/or maintained by partners other than the Council.

The sums above are based on current cost estimates and may be reviewed and updated in future.

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**CIL vs S106**

Commutated sums relate to specific developer works-in-kind and will continue to be collected through S106 mechanisms.

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**Technical guidance**

Highways Development Design Guide (consultation draft).

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**Illustrative worked examples**

**1) Scheme for 12 dwellings in central urban location**

Elements of this scheme liable for commuted sums are:

- 50sqm grassed areas with low density trees and shrubs charged at £8.09 / sqm = £404.50
- 25sqm swales charged at £11.25 / sqm = £281.25
- 25m cycleway charged at £15.75 / linear metre = 393.75

Total: £1,079.50 (£90 / dwelling).

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

Elements of this scheme liable for commuted sums are:

- 100m cycleway charged at £15.75 / linear metre = £1,575.
- 100m swales charged at £11.25 / sqm = £1,125.
- 2,070 sqm community park / neighbourhood open space comprising:
  - 1,670sqm grassed areas with low density trees and shrubs charged at £8.09 / sqm = £13,510.
  - 400sqm formal park charged £147.40 / sqm = £58,960.
  - 1 x play area charged at £30,038.
- 10 specimen trees charged at £307 each = £3,070.

Total: £108,278 (£722 / dwelling).

APPENDIX A

**Extract from North Somerset Core Strategy Infrastructure Delivery Plan 2006 - 2026: Key principles of infrastructure delivery**

It is important that infrastructure is delivered in a manner that supports the development of sustainable communities, helping to create a sense of place and strengthening communities. Key principles in delivering infrastructure must include:

- **Comprehensive and coordinated development:** infrastructure is to be delivered to agreed timescales and locations, in compliance with masterplans, Area Action Plans, SPDs and other planning documents. This should include a focus on safeguarding and securing critical strategic infrastructure. Where the delivery of infrastructure is phased, this must be agreed in advance, demonstrating how each element of infrastructure fits into overall frameworks for development, and how any interim arrangements will be managed.
- **Co-location and community hubs:** where possible, and particularly within new developments, community facilities should be co-located or shared to enhance accessibility, community use and viability.
- **Quality design and local distinctiveness:** the design of infrastructure must be of the highest possible quality. This should include taking into account distinctive local characteristics and heritage. Where possible, landscaping and design features should be incorporated into infrastructure provision to add character and assist place-making.
- **Accessibility:** services and facilities should be easily accessible by foot, bicycle and public transport to encourage sustainable travel choices. Parking at facilities must be in compliance with the North Somerset Parking Standards SPD.
- **Sustainable design:** infrastructure will need to be energy efficient and designed maximising its sustainable credentials, making optimum use of renewable resources and built of durable materials.
- **Crime and safety:** It is critical that layouts and the design of infrastructure are designed with a view to minimising crime and improving community safety.
- **Long-term viability:** It is recognised that infrastructure provision requires revenue support as well as initial capital engagement. In planning infrastructure, provision must be made for its long-term management and funding. Options for self-sustaining community management are particularly encouraged.

- **Community engagement:** a pro-active approach to community engagement is central to the creation of sustainable communities. A partnership approach is required, including:
  - Early sharing of information.
  - An early community role in the consideration of preferred options for infrastructure provision, design and delivery.
  - Where possible, delivery and management led by or in partnership with local communities. This will include community ownership of facilities, where appropriate.

In line with these principles, developers bringing forward applications in major growth areas (primarily the Weston Villages) will be required to show that their infrastructure pro-actively assists the principle of comprehensive and coordinated development.

The emphasis on long-term viability is particularly acute due to the financial pressures on North Somerset Council and its partners. Infrastructure proposals, including those funded through development contributions will not be pursued by North Somerset Council until and unless the long-term funding mechanism for that infrastructure has first been agreed. This is particularly the case for new community facilities, which must be able to demonstrate financial sustainability independent of support from North Somerset Council.

**APPENDIX B**

**SUMMARY GUIDANCE ON OBLIGATIONS APPLICABLE TO NON-RESIDENTIAL DEVELOPMENTS**

The table summarises the obligations that may be considered in relation to different forms of development including but not limited to the following:

- Retail (all A-class uses).
- Business, industrial and storage / distribution (all B class uses).
- Hotels (class C1).
- Non-residential institutions (D1).
- Assembly and leisure (D2).
- Sui Generis.

Note that use classes C2 (residential institutions) and C4 (houses in multiple occupation) are considered by the Council to be forms of residential development, other than that the C2 use class is not required to contribute towards affordable housing.

<b>Service</b>	<b>Guidance on potential obligations required from different use classes</b>
Affordable housing	Affordable housing contributions are not sought from non-residential uses.
Education including pre-school	S106 planning obligations relating to education and pre-school provision would not normally apply to non-residential developments.
Community capacity funding and youth services	S106 planning obligations relating to community capacity funding and youth services would not normally apply to non-residential developments.
Community, sport and leisure	Where a development results in the loss of community, sport or leisure provision, planning obligations may be applied to mitigate that loss. For example, if a community building is changed to a commercial use, the developer may be required to make alternative community provision in a suitable location elsewhere. S106 planning obligations relating to community, sport and leisure would otherwise not normally apply to non-residential developments.
Economic Development	In some cases, non-financial planning obligations may be applied to non-commercial development. These might for example include targets for the use of local supply chains and / or for the employment of apprenticeships.
Emergency Services	Where a development results in the loss of emergency service facilities that are still needed by the community, planning obligations may be applied to mitigate that loss (e.g. to provide alternative premises elsewhere). S106 planning obligations relating to emergency services

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	would otherwise not normally apply to non-residential developments.
Flood mitigation & sustainable drainage	Major developments are required to provide a Flood Risk Assessment as set out in Chapter 8. If mitigating measures are required these will be secured through planning conditions and / or planning obligations.
Green infrastructure	Where a development results in the loss of green infrastructure, planning obligations may be applied to mitigate that loss. S106 planning obligations may also be applied in some cases where additional landscaping or other forms of green infrastructure are required to mitigate the development impact, and / or to fund the future maintenance of that green infrastructure.
Health	Where a development results in the loss of health facilities that are still needed by the community, planning obligations may be applied to mitigate that loss (e.g. to provide alternative premises elsewhere). S106 planning obligations relating to health would otherwise not normally apply to non-residential developments.
Transport, highways and sustainable travel	Transport Assessments will be required from developments that meet the thresholds set out in Chapter 12. These will identify any mitigations required to be secured through planning obligations. Travel Plans will be required for all large schemes. Details can be found in the Travel Plan SPD.
Waste Management	S106 planning obligations for waste management are not normally sought from non-residential uses.
Additional fees relating to planning obligations	Where a non-residential development is subject to a planning obligations agreement, administration and supervision fees would be required as set out in chapter 14.
Commuted sums for infrastructure maintenance	Commuted sums for maintenance will apply where infrastructure is to be adopted by the Council.

Standardised guidance on non-residential forms of development is difficult to provide as the range of developments and their impacts may be very varied. The Council reserves the right to consider each case on its own merits.

## **ADJUSTMENTS TO PLANNING OBLIGATIONS APPLICABLE TO AFFORDABLE HOUSING**

North Somerset Council operates a “local connection” policy that requires that applicants for affordable housing must live in or have a close connection to the North Somerset. The criteria for this local connection are defined within the HomeChoice North Somerset Lettings and Assessment Policy which is available on the Council’s website.

This will often result in a lesser impact on local service provision as the residents of affordable units will already be using North Somerset’s infrastructure or facilities.

The impact within the locality of a new development may nonetheless be significant. For example, if a family moves more than a short distance within the area, their children are likely to change schools, potentially requiring the creation of additional places. Residents of affordable housing units may also due to their circumstances have less access to private transport and / or sometimes have greater than average needs for some services.

The size of development is relevant. Larger sites due to their land requirements are more likely to be on the edge of or distant from existing services that residents can continue to use. The Council expects that Strategic Development Areas, given their size, should be largely self-contained and provide the full range of services for all residents.

The Council has looked at how far affordable housing residents typically move within the area and the potential impact on infrastructure and service provision. The list below sets out the requirements which will apply (or not) to affordable housing sites.

It is acknowledged that some residents of market units may also already live within North Somerset; however this is different from affordable housing in that it cannot be controlled or guaranteed.

### **1. Requirements which would apply in full to affordable housing:**

- Site access requirements, including footpaths, cycleways etc.
- Near-site access improvements, where necessary.
- Bus stops / bus services (unless site already well served).
- Travel Plan / sustainable transport requirements.
- On-site / near-site green infrastructure, parks, sports pitches etc.
- Flood mitigation, SuDS etc.
- Commuted sums for adopted infrastructure, where applicable.
- Youth Services.

In each case, a requirement will only apply if it meets all of the S106 tests.

**2. Additional requirements that would apply to affordable housing on large schemes only (50+ units on mixed-tenure schemes OR 30+ units on 100% affordable housing schemes):**

- Pre-school education.
- Primary school contributions – subject to a 50% downwards adjustment.
- Community hall provision, police / fire contributions, health facilities, libraries: if site large enough to justify new provision.

**3. All affordable housing on sites of 199 or fewer dwellings to be exempt from the following contributions:**

- Financial contributions to strategic transport schemes.
- Secondary school contributions.
- Special Educational Need contributions.
- Post-16 education contributions.
- Financial contributions to strategic green infrastructure.
- Financial contributions to off-site leisure facilities including existing pitches.
- Community capacity funding.
- Contributions to social care.
- Gypsy & traveller site contributions.
- Employment-led requirements, where these take the form of financial contributions (e.g. smaller sites).

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**IMPORTANT: all exemptions may be lifted if there is an exceptional site-specific reason why a contribution is required. One such 'exceptional circumstance' is if a site is more than 200 dwellings of any tenure, or where there are developments in close proximity to each other that cumulatively exceed 200 dwellings. Any exemptions on these large sites would be considered on a case-by-case, service-by-service basis.**



**APPENDIX D**

**INDICATIVE FUTURE SOURCES OF DEVELOPMENT CONTRIBUTIONS  
(CIL OR SECTION 106)**

These are early indications only and may change as a result of the CIL development and implementation process.

<b>Community Infrastructure Levy</b>	<b>S106 planning obligations</b>
Community capacity funding and youth services	Affordable housing
Strategic broadband schemes	Pre-school and primary school provision in Strategic Development Areas
Pre-school and primary school provision, except in Strategic Development Areas	On-site community, leisure and sports provision, e.g. playparks, sports pitches and MUGAs
Secondary school and Special Educational Needs and Disabilities (SEND) provision	Employment-led direct delivery
Off-site community, leisure and sports provision	On-site / near-site SuDS and scheme specific flood mitigation
Economic development and employment-led financial contributions	Strategic flood schemes linked to Strategic Development Areas
Emergency services provision	On-site green infrastructure
Strategic flood and drainage schemes, where not associated with a Strategic Development Area	Health Services in Strategic Development Areas
Off-site green infrastructure and public realm	On-site access and highway provision
Public Rights Of Way improvements	Near site highways mitigations identified through Transport Assessments
Health services, except in Strategic Development Areas	On-site and near-site sustainable transport access (bus stops, foot & cycleways)
Libraries contributions	Travel Plan measures
Bus services	Fees associated with planning obligations
Sustainable Transport Fund	Commuted sums for maintenance
Strategic transport schemes – including rail and cycle/pedestrian routes.	
Waste management	

**SUMMARY OF ILLUSTRATIVE WORKED EXAMPLES**

These examples are hypothetical guidance only and should not be read as providing indications of ‘standard’ charges. Requirements for individual applications will vary according to the specific circumstances of the site and location.

Based on the workings in this document, the hypothetical contributions would be as follows:

**1) Scheme for 12 dwellings in central urban location**

<b>Service</b>	<b>Works-in-kind</b>	<b>Financial contribution (total)</b>	<b>Financial contribution per dwelling</b>
Affordable housing	30% on-site affordable housing (subject to viability)	Fees as per Affordable Housing SPD	N/a
Community capacity & youth services	None	£300	£25
Community, sport & leisure	None	Given limited number of dwellings, potentially no S106 contribution	£0
Economic development & employment-led requirements	None	In this example, none	£0
Education including pre-schools	None	Given limited number of dwellings, potentially no S106 contribution	£0
Emergency services	None	None	£0
Flood mitigation & sustainable drainage	On-site SuDS	None	£0
Green infrastructure	Landscaping	£8,283	£690
Health	None	None	£0
Libraries & information services	None	£1,363	£114

<b>Service</b>	<b>Works-in-kind</b>	<b>Financial contribution (total)</b>	<b>Financial contribution per dwelling</b>
Transport, highways & sustainable travel	On-site access including for sustainable modes of travel	None	£0
Waste management	Waste storage	£600	£50
Fees	N/a	£5,568	£467
Committed sums for maintenance	N/a	£1,080	£90
<b>Total financial contribution (excluding developer works)</b>		<b>£17,194</b>	<b>£1,433</b>

**2) Scheme for 150 dwellings at edge of urban area or Service Village location**

<b>Service</b>	<b>Works-in-kind</b>	<b>Financial contribution (total)</b>	<b>Financial contribution per dwelling</b>	<b>Additional indicative contributions possible if in Strategic Development Area</b>
Affordable housing	30% on-site affordable housing (subject to viability)	Fees as per Affordable Housing SPD	N/a	N/a
Community capacity & youth services	None	£4,950	£33	Contribution towards youth services would be replaced by a £37,500 contribution towards wider community capacity work (£250/dwelling).
Community, sport & leisure	On-site play park	£110,038	£734	Contributions towards strategic community, sport & leisure provision.

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<b>Service</b>	<b>Works-in-kind</b>	<b>Financial contribution (total)</b>	<b>Financial contribution per dwelling</b>	<b>Additional indicative contributions possible if in Strategic Development Area</b>
Economic development & employment-led requirements	Delivery of 1.5 jobs per home	In this example, if in Weston & direct delivery not possible, £112,500	£750	
Education including pre-schools	Provision of 50 place pre-school (commercial or community run)	£576,670	£3,845	Developers in SDAs may be required to provide land and / or new school buildings on-site (in lieu of financial contribution).
Emergency services	None	£1,500 (fire hydrant)	£10	
Flood mitigation & sustainable drainage	On-site SuDS	None unless strategic scheme required.	N/a	Weston Villages average cost is £1,500 / dwelling, but will vary by scheme and site.
Green infrastructure	2,070sqm Community Park / Neighbourhood Open Space	None, but park provision costed at £194,083	£1,294	
Health	None	N/a	N/a	£100,874 (£672 per dwelling).
Libraries & information services	None	£19,304	£129	

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<b>Service</b>	<b>Works-in-kind</b>	<b>Financial contribution (total)</b>	<b>Financial contribution per dwelling</b>	<b>Additional indicative contributions possible if in Strategic Development Area</b>
Transport, highways & sustainable travel	<ul style="list-style-type: none"> <li>• On-site access (including access for sustainable modes of transport).</li> <li>• Any necessary highways / access / safety improvements in the vicinity of the site).</li> <li>• Improvements to public rights of way, pedestrian and cycle connections.</li> <li>• The provision of bus stop(s).</li> <li>• Measures identified in the Travel Plan.</li> </ul>	£300,000	£2,000	Contributions towards strategic highways network mitigation and strategic foot, cycle and bridleways and PROW.
Waste management	Waste storage.	£7,500	£50	
Fees	N/a	£33,850	£226	
Committed sums for maintenance	N/a	£108,278	£722	
<b>Total financial contribution</b>		<b>£1,356,173 *</b>	<b>£9,041</b>	

\* excludes employment-led contribution, which is only applicable to sites in Weston and where direct on-site delivery is agreed not to be possible. If included the total comes to £1,468,741 or £9,792 per dwelling.

**GLOSSARY**

Abnormal costs	Costs that are not allowed for specifically within normal development costs. These can include costs associated with unusual ground conditions, contamination etc.
Adoption	In this SPD, adoption can have two meanings: (i) A formal process through which a document such as a planning strategy is approved and becomes part of the Council's policies; (ii) A formal process through which the Council takes on the ownership and management of infrastructure, for example of roads and public open spaces.
Affordable housing	Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market.
Affordable rented housing	Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
Area Action Plan (AAP)	A specific type of Development Plan Document used when there is a need to provide the planning framework for areas where significant change or conservation is needed.
B class development / employment	Uses in the B Use Class Order: <ul style="list-style-type: none"><li>• B1 Business Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.</li><li>• B2 General Industrial Use: for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).</li><li>• B8 Storage and Distribution: This class includes open air storage.</li></ul>
Building Cost Information Service (BCIS)	A body providing of cost and price information relating to the construction industry.

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Capital costs / expenditure	Capital costs / expenditure are fixed, one-off costs incurred in the purchase or enhancement of assets such as land, buildings, construction, and equipment used in the production of goods or in the rendering of services.
City Deal Economic Development Fund (EDF)	A programme of borrowing by the West of England local authorities to fund infrastructure and economic development projects within Enterprise Areas and paid back through the retention of increased business rate returns.
Community Infrastructure Levy (CIL)	A charge or set of charges that authorities can introduce to secure financial contributions from development to help fund infrastructure to support development and growth.
Community Infrastructure Levy (CIL) Charging Schedule	A document setting out the charges payable under the Community Infrastructure Levy (CIL) system.
Commutated sums	A capital payment made by a developer to the council to cover the future maintenance of an asset which will be adopted by the council.
Core Strategy	A Development Plan Document (DPD) setting out the long-term spatial vision for the local planning authority area and the spatial objectives and strategic policies to deliver that vision.
Designated Rural Area	Rural areas specified in section 157(1) of the Housing Act 1985 which includes National Parks and Areas of Outstanding Natural Beauty.
Developer Contributions / Development Contributions	Contributions from development proposals towards the provision of infrastructure and services necessary to support development such as schools, affordable housing or transport.
Development Plan	The statutory planning documents setting out the policies and proposals for the development and use of land and buildings in the local planning authority area.
Development Plan Documents (DPDs)	Spatial planning documents which, once adopted form part of the Development Plan. They include the Core Strategy and other documents such as the Sites and Policies Plan.

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Early Years	Relating to children aged 0 – 6 years inclusive
Existing Use Value	The price at which land or property can be sold on the open market assuming that it can only be used for the existing use for the foreseeable future.
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be carefully considered. A Strategic Flood Risk Assessment (SFRA) is carried out by the local planning authority to inform the preparation of its Local Development Documents, having regard to catchment-wide flooding issues which affect the area.
Green infrastructure	Green infrastructure comprises the strategically planned and delivered network of high quality green spaces and other environmental features and includes parks, open spaces, playing fields, woodlands, allotments and private gardens.
Gross Development Value	The total value of a completed development project.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage asset includes designated historic assets and also assets identified by the local planning authority (including local listing).
Homes & Communities Agency (HCA)	The government body responsible for the delivery of housing and regeneration.
Indexation / indexing	A process of updating costs in line with inflation according to an agreed index.
Intermediate housing	Affordable housing which is provided at prices and rents above those of social rent, but below market price or rents. This includes various forms of shared ownership housing.
Junction 21 Enterprise Area	The Junction 21 Enterprise Area is a defined geographical zone close to Junction 21 of the M5 which has been recognised by government, North Somerset Council and the West of England Local Enterprise Partnership (LEP) as a priority area for employment growth.



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Land Value	The value of a piece of property, including the value of the land itself as well as any improvements that have been made to it.
Local Commissioning Networks (LCNs)	LCNs are designed to bring community activists together to take over responsibility for commissioning of services in their area - in this case, positive leisure time activities for children and young people.
Local Development Documents / Local Development Framework (LDF)	The collection of Local Development Documents produced by the local planning authority which collectively delivers the spatial strategy for its area. It includes the Core Strategy, Development Plan Documents and Supplementary Planning Documents.
Local Plan	The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community.
Market Recovery Mechanism	A process through which development viability is re-checked after a period of time. If viability has improved sufficiently, the developer is likely to be required to provide any obligations that were previously deferred.
National Planning Policy Framework (NPPF)	Document setting out the government's planning policies for England.
National Planning Policy Guidance (NPPG)	Government guidance on how the National Planning Policy Framework (NPPF) should be applied.
Neighbourhood Plan	A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.
Non-residential developments	Developments that do not include any dwellings
Non-residential institutions (D1)	Use class covering clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law courts, non-residential education and training centres.

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Performance bond	A bond issued by a bank or other financial institution guaranteeing satisfactory completion of a project by a developer.
Planning obligation	A legally enforceable commitment to mitigate the impacts of a development proposal.
Registered Provider	An organisation such as a housing association registered with the Homes & Communities Agency (HCA) to provide and/or manage affordable housing.
Regulation 123 List	A list of infrastructure to be funded through the Community Infrastructure Levy (CIL).
Revenue	Income or expenditure relating to operational running costs of services.
Section 38 Agreement	A legal agreement between a developer and the Council entered into under Section 38 of the Highways Act 1980 for the Council to adopt a new highway, provided that it has been constructed to the required standard.
Section 278 Agreement	A legal agreement between a developer and the Council entered into under Section 278 of the Highways Act 1980. A Section 278 agreement is used when a developer needs to carry out works on a public highway and ensures that the works are carried out to the necessary standards.
Section 106 Agreement	A legal agreement between a developer and the Council entered into under Section 106 of the 1990 Town & Country Planning Act. The agreements are used to secure the delivery of services or infrastructure necessary to mitigate the impacts of the development.
Social rented housing	Affordable rented housing owned and managed by local authorities and Registered Providers.
Strategic Development Area	For the purpose of this SPD, a Strategic Development Area will normally be defined as a development or series of developments in close proximity to each other where the total number of new dwellings will exceed 500 or where otherwise the Council feels that the development has an exceptional impact on the local area.

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Supplementary Planning Document (SPD)	Documents prepared as part of the Local Development Framework to provide additional guidance on how policies will be implemented. They may include design guides and development briefs. They do not form part of the Development Plan.
Sustainable development	Development which meets the needs of the present generation, without compromising the needs of future generations to meet their own needs.
Sustainable drainage / Sustainable Drainage Systems (SuDS)	Sustainable drainage is a concept that takes account of long term environmental and social factors in decisions about drainage, and is concerned with the quantity and quality of runoff, and the amenity value of surface water in the urban environment. SuDS provide an integrated approach to surface water design problems, which consider quality, quantity and amenity aspects equally.
Transport Assessment	A comprehensive and systematic process that considers transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will be need to be taken to deal with the anticipated transport impacts of the development.
Transport Statement	A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.
Travel Plan	A long-term management strategy setting out how an organisation or site will encourage sustainable travel.
Unilateral Undertaking	A one-party legal agreement through which a developer commits to deliver planning obligations.
Use Classes / Use Classes Order	The Town & Country Planning (Use Classes Order) 1987 as amended specifies various classes of use for buildings or land. Within each class the use for another purpose of the same class does not require planning permission.

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Viability	Within this document, the term “viability” refers to development viability, which is the ability of a development to make enough money (through the sale of properties) to cover its costs including but not limited to the price of the land, developer profits, construction costs and any development contributions or planning obligations.
Wayleave agreement	A legal agreement allowing a person or organisation to carry out work on privately-owned land.
West of England	The geographic area covered by the local authorities of Bath & North East Somerset, Bristol, North Somerset and South Gloucestershire.
West of England Revolving Infrastructure Fund (RIF)	A fund providing loans to the public sector within the West of England to deliver infrastructure to unlock development. The loans are made on the basis that they will be paid back through development contributions at a later date.
Weston Villages	The Weston Villages is a Strategic Development Area close to Junction 21 of the M5 expected to bring forward around 6,000 homes, 10,000 jobs and a range of other uses.
Weston Villages SPD	A document providing formal guidance on the preferred layout, phasing and provision of social, community and transport infrastructure of the Weston Villages development.
Works-in-kind	The direct delivery of infrastructure or other planning obligations by a developer (or other party) instead of through a financial contribution.