



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

Newark & Sherwood Local Development Framework

Developer Contributions and Planning Obligations Supplementary Planning Document

Adopted December 2013

Document Passport

Title: Newark & Sherwood Developer Contributions and Planning Obligations Supplementary Planning Document (SPD)

Status: Adopted Supplementary Planning Document

Summary: This Developer Contributions and Planning Obligations (SPD) sets out proposals for how the District Council approaches developer contributions and planning obligations. It shows how the SPD complies with national and local policy, and deals with procedural matters relating to the preparation and monitoring of S106 Agreements. In addition it sets out the types of obligation that the Council may seek to secure from development and how it identifies the relevant policy basis, types of development to which the obligation will apply, thresholds over which the obligation will be sought and, where possible, the basis on which the level of obligation will be calculated.

As an SPD the document provides further guidance on policies within the Council's Adopted Core Strategy DPD and the Adopted Allocations & Development Management DPD but does not develop new ones. The document is part of the Council's Local Development Framework and will be a material consideration in the determination of planning applications.

Date of Adoption: 11th December 2013

Adopted By: Economic Development Committee

Consultation Summary: The District Council consulted on the document seeking views from local residents, landowners, developers, town & parish councils, registered housing providers and other interested parties for a period of 6 weeks from 16th September 2013 until 28th October 2013. Following consideration of representations received the Council revised the document and submitted the final version to the Council's Economic Development Committee on the 11th December for adoption.

Availability of Document: Copies of this document, the accompanying Scoping Reports for the Equalities Impact Assessment (EqIA) and Sustainability Appraisal (SA) are deposited at Kelham Hall (open between 8.45 a.m. and 5.15 p.m. Monday to Thursday and 8.45 a.m. to 4.45 p.m. on Friday) and on the Council's website: <http://www.newark-sherwooddc.gov.uk/spds/>. In addition paper copies of the SPD are available to view at local libraries in the District.

If you have any questions please contact the Council's Development or Planning Policy Business Units on 01636 650000 or planning@nsdc.info

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PART ONE

1.0 INTRODUCTION

- 1.1 New development within the District will need to be supported by new and improved facilities to meet the needs of the community. As part of determining planning applications the District Council may seek to enter into agreements with developers where infrastructure is required to address the impact of development proposals.
- 1.2 Planning Obligations in Section 106 Agreements (S106 Agreements) are an established mechanism used to secure planning contributions arising from a development proposal. They are most commonly used by the Council to require developers to make financial contributions towards the provision of off-site facilities that are necessary for the development to proceed. This Developer Contributions and Planning Obligations Supplementary Planning Document (SPD) sets out the Council's policy for securing planning obligations from new developments that require planning permission and how this will operate alongside the Community Infrastructure Levy (CIL).
- 1.3 CIL applies to most new developments and charges are based on the size and type of the new development. The Newark & Sherwood CIL Charging Schedule came into effect on the 1st December 2011. Planning applications and appeals decided on or after this date may therefore be subject to CIL. The charging schedule can be viewed on the Council's website: <http://www.newark-sherwooddc.gov.uk/cil/>. Where a development is liable to CIL the amount will be non-negotiable. However where a scheme will contain elements of social housing or will be for charitable purposes the amount may be reduced subject to an application for relief being submitted.
- 1.4 Section 106 agreements need to have regard to the restrictions and tests in the CIL Regulations regarding what infrastructure / contributions can be secured and how delivery will be achieved. The Developer Contributions and Planning Obligations SPD sets out how the negotiable elements that cannot be addressed by the Levy will be secured. This will include the resolution of site specific impacts, such as primary education and the provision of highway improvements to serve the development (which are not on the CIL Regulation 123 List) in order to make a development proposal acceptable in planning terms.
- 1.5 The Council expects new development to contribute to site related and wider infrastructure needs through a combination of the following mechanisms:
- Planning conditions (development related);
 - Planning obligations to secure developer contributions or works in kind e.g. S106 Agreements (development related);
 - Community Infrastructure Levy (District wide).

- 1.6 Planning conditions are attached to planning approvals and require the development to be carried out in pre-agreed or specific ways in order to make it acceptable. They cannot be used to secure financial contributions but can be used to ensure that certain elements related to the development proposal, and which may benefit the wider community, are carried out. The Council is required to have regard to the National Planning Policy Framework (NPPF) in imposing planning conditions. In the District such conditions are likely to cover, amongst other things, the requirement to undertake archaeological investigations, implement necessary local site-related transport / junction improvements, and undertake appropriate flood risk solutions.
- 1.7 Planning obligations, also known as S106 Agreements (made under S106 of the Town and Country Planning Act 1990), are legally binding agreements entered into between a Local Authority and a developer (and often other interested parties, such as a mortgagee for example). They provide the mechanism by which required measures are secured. This can be through financial contributions, works, activities or restrictions relating to the use of land and buildings. The use of planning obligations is a useful and nationally recognised tool through which the Council can make development acceptable in planning terms that would otherwise be refused.
- 1.8 The need for site related infrastructure secured through planning conditions and S106 Agreements will be assessed on a site by site basis and will involve consultation with relevant internal and external agencies e.g. Health Authority, Nottinghamshire County Council.
- 1.9 This SPD comprises two parts:
- 1.10 **Part One** sets out the Council's overall approach to planning obligations. It shows how the SPD complies with national and local policy, and deals with procedural matters relating to the preparation and monitoring of S106 Agreements.
- 1.11 **Part Two** sets out the types of obligation that the council may seek to secure from development and how it identifies the relevant policy basis, types of development to which the obligation may apply, thresholds over which the obligation may be sought and it sets out, where possible, the basis on which the level of obligation will be calculated.
- 1.12 It specifically covers the following obligation types:
- Affordable Housing (full details of which are set out in the Affordable Housing SPD <http://www.newark-sherwooddc.gov.uk/spds/>);
 - Community facilities;
 - Education Provision;
 - Health;
 - Libraries;
 - Open Space incorporating:

- Allotments & Community Gardens
- Amenity Green Space
- Natural & Semi Natural Green Spaces
- Outdoor Sports Facilities;
- Public Open Space Provision for Children & Young People; and
- Suitable Alternative Natural Green Space (SANGS) related to Birklands & Bilhaugh Special Area of Conservation (SAC);and
- Transport (excluding projects on the CIL list)

It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.

2.0 Purpose of the SPD

2.1 The SPD has been prepared in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 to expand and clarify Spatial Policy 6 in the Newark & Sherwood Core Strategy (Adopted March 2011) and Policy DM3 in the Allocations & Development Management DPD (Adopted 16th July 2013) as set out below. It will assist in securing both local and national objectives in respect of the provision of sustainable development across the District.

2.2 The purpose of the Developer Contributions and Planning Obligations SPD is to:

- Explain the Council's policies and procedures for securing developer contributions through obligations in S106 Agreements;
- Explain the relationship between planning obligations under S106 Agreements and the Community Infrastructure Levy in a fair and transparent way;
- Provide guidance to developers and landowners about the types of contributions that may be sought and the basis for charges;
- Provide clarity to developers regarding the potential cost of development; and
- Give communities an idea of the types of developer contributions that may be sought to support growth allocated in their area.

2.3 Any proposal that may require the provision of planning obligations will require the consideration of a number of planning issues, and a variety of policies contained in the Core Strategy and Allocations & Development Management DPD's may apply. The policies that the SPD supplements have been subject to Sustainability Appraisal and Equalities Impact Assessment (EqIA). The SPD has been screened and the Council has determined that a full Sustainability Appraisal, Strategic Environmental Assessment and EqIA are not needed. (<http://www.newark-sherwooddc.gov.uk/spds/>)

- 2.4 As set out in the Council’s Funding Statement submitted as part of the evidence base for the Allocations & Development Management DPD, our priorities for allocated sites are:
- Affordable Housing;
 - Infrastructure Delivery Plan (IDP) identified infrastructure; and
 - Green Space Strategy Requirements.
- 2.5 The IDP is a strategic overview of future infrastructure requirements to support the development set out in the Local Development Framework and in particular the Core Strategy. As with all documents which are a snapshot in time, it may need to be supplemented in many cases by a review of the situation at the time of application. This is particularly the case with education provision.
- 2.6 This SPD also needs to make provision for other sites/development which may potentially come forward over the Plan period. Where existing uses change as a result of market forces, additional brownfield sites may become available and it maybe that other matters emerge which are more pressing than the priorities which were identified as part of the IDP. This document needs to be sufficiently flexible to deal with these contingencies.
- 2.7 The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers. Developers should liaise / engage with the LPA through the pre-app and application stages to understand the impacts in the location of their proposed development. In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.

3.0 National Policy and Legal Context

- 3.1 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, and the Localism Act 2011. Further guidance is set out in paragraphs 203 - 206 of the National Planning Policy Framework (NPPF), Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (The CIL Regs 2010), the Community Infrastructure Levy (Amendment) Regulations 2011 and Community Infrastructure Levy (Amendment) Regulations 2012
- 3.2 Regulation 122 sets out the following tests that must be satisfied in order for obligations to be a reason for granting planning permission. The obligation must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development

3.3 The CIL Regulations 2010 contain provisions that state that upon the adoption of the Newark & Sherwood CIL, planning obligations are to be scaled back to cover only the provision of affordable housing and site specific measures required to mitigate the impact of development. The CIL Regulations 2010 prevent the pooling of more than five S106 obligations towards an infrastructure project or type from a base date of April 2010. The Council will continue to monitor the agreements which are signed to ensure that it accords with these regulations. Further information about monitoring is set out elsewhere within this document.

4.0 Relationship between CIL and S106

4.1 In Newark & Sherwood an Infrastructure Delivery Plan (IDP) has been produced which identifies the infrastructure that is required to meet the level of growth anticipated in the District over the Plan Period (2006-2026). This can be viewed on the Council's website: <http://www.newark-sherwooddc.gov.uk/business/infrastructuretosupportgrowth/>

4.2 The infrastructure requirements can be subdivided into what we call Strategic or Local Infrastructure. We define Strategic Infrastructure as improvements which are required because of the growth of the District up to 2026, and which cannot be attributed to the development of any one site.

4.3 We define Local Infrastructure as the development of facilities or services that are essential for development to take place on individual sites, and refers to the facilities or services that are essential for development to occur, or are needed to mitigate the impact of development at the site or neighbourhood level. Where a need is established, the way in which these types of facilities /services may be sought is set out in part 2.

4.4 The Council will use CIL to secure the Strategic Infrastructure which is shown on the Regulation 123 list and which can be viewed at <http://www.newark-sherwooddc.gov.uk/cil/> This will be updated and reviewed to take account of the delivery of projects and possible changes in the Council's priorities. Local Infrastructure will be secured through Planning Obligations in line with the Policies of the Core Strategy and the Allocations & Development Management DPD, utilising this Developer Contributions and Planning Obligations Supplementary Planning Document (SPD).

4.5 Secondary schools are included within the Council's Reg. 123 List of infrastructure to be funded by CIL. Therefore if new or improved secondary education is required as part of the development Section 73 of the CIL regulations allow for land to be provided in lieu of CIL payments. Such requests will need to be made to the District Council in accordance with the criteria within the CIL Regulations. Primary education is not on the Reg. 123 list and therefore is covered by the provisions of this SPD.

5.0 Local Planning Policy Framework

5.1 The Newark & Sherwood Core Strategy DPD contains the following policy:¹

Spatial Policy 6 - Infrastructure for Growth

To ensure the delivery of strategic infrastructure in the District, the District Council will seek to introduce a Community Infrastructure Levy (CIL). This will be applied across the District to all forms of development. It will be used to:

- Provide improvements to the strategic highway network and other highway infrastructure that may include the Southern Link Road as identified within the IDP;
- Contribute to a secondary school within the Newark Urban Area;
- Contribute to Newark Urban Area Sports and Leisure Facilities.

Local infrastructure, including facilities and services that are essential for development to take place on individual sites, or which are needed to mitigate the impact of development at the site or neighbourhood level, will be secured through Planning Obligations in line with the Policies of the Core Strategy and the Allocations & Development Management DPD, utilising a Developer Contributions Supplementary Planning Document (SPD). In advance of the adoption of CIL, the District Council will seek to ensure the delivery of strategic infrastructure by Planning Obligations and public funding sources.

5.2 Following on from the Strategic Policy contained within the Core Strategy, the Newark & Sherwood Allocations & Development Management DPD introduces the following Development Management policy which provides the basis for this SPD.

Policy DM3 - Developer Contributions and Planning Applications

The delivery of planned growth set out in the Core Strategy is dependent upon the availability of infrastructure to support it. The required infrastructure will be provided through a combination of Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision.

A Planning Obligation / Developer Contributions SPD will provide the methodology for the delivery of the appropriate infrastructure. The SPD will also set out the methods by which financial contributions will be calculated.

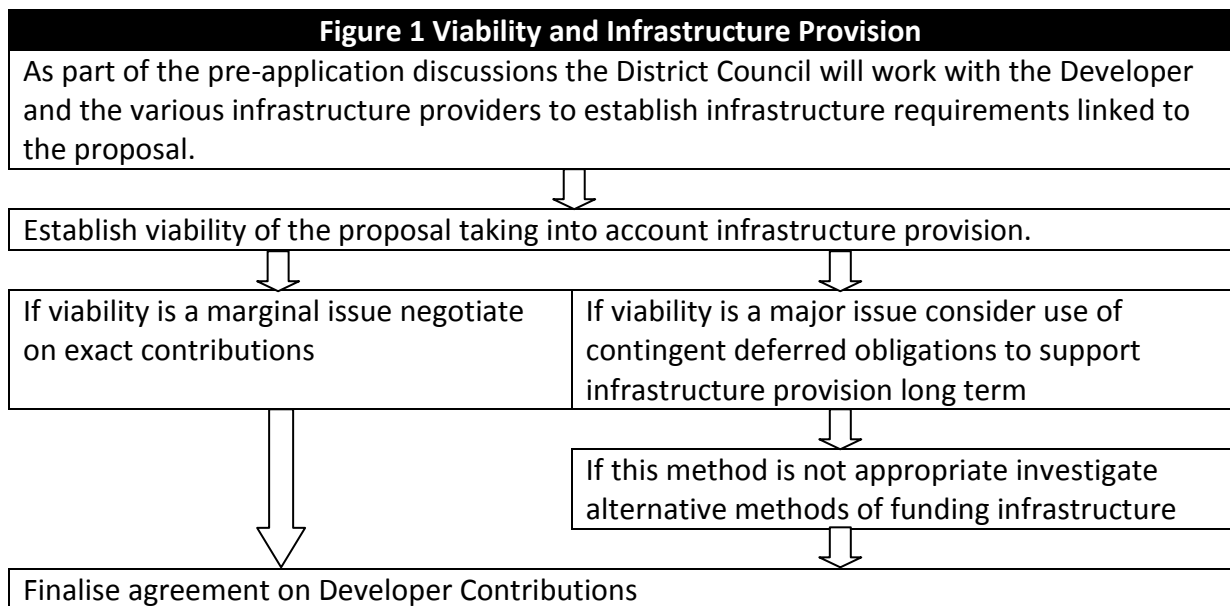
5.3 Planning Obligations for appropriate infrastructure to meet the needs of development will take into account the Core Strategy Policy for Affordable Housing, the Infrastructure Delivery Plan and the Green Spaces Strategy. A separate Affordable Housing SPD has been prepared which provides further detailed guidance following on from Core Policies CP1, CP2 and CP3 of the Adopted Core Strategy.

¹ It should be noted that since the Core Strategy was adopted, the Newark & Sherwood CIL Charging Schedule has come into effect. The Regulation 123 'List of Infrastructure to be funded by CIL' does not include Sport and Leisure facilities however it has been amended to include Secondary Education across the District

5.4 In facilitating the delivery of new development it will be necessary to ensure that appropriate new development is not made unviable because of infrastructure and planning obligation requirements. Central to this approach will be the Council, Developers and Infrastructure Providers working together to support the delivery of new development. The requirements to support new development will be monitored over time. The diagram below (Figure 1) illustrates the three stage approach that the District Council will establish:

- Establish detailed infrastructure needs;
- Establish viability issues;
- Negotiate a solution

5.5 The District Council will need to work closely with developers once the Infrastructure requirements are identified and it becomes apparent that a ‘funding gap’ exists. The District Council will expect to operate an open book approach with the developer to ensure that a full understanding of viability issues can be identified.



6.0 Procedural Matters

The Role of the District Council

6.1 The District Council’s role in the planning agreement process is fundamental. The Council is responsible for implementation and regulation of developer contributions, ensuring that a balance is struck which meets the various and often competing needs of the District. Apart from Unilateral Undertakings, which are only signed by the applicant, planning obligations are required to be executed by the Local Planning Authority (Newark & Sherwood District Council in this instance). Consequently, it is the role of the Council to lead planning agreement negotiations, ensuring any funds provided by the developer are appropriately spent and / or distributed to the relevant Local Authority or public / private body. Where the

Council negotiates contributions for infrastructure, services, facilities or amenities beyond the scope of its day-to-day responsibilities e.g. transport, education and health, those contributions are transferred directly to the relevant responsible Local Authority or public / private body.

Consultation and Negotiation

- 6.2 Officers from the Council's Development Team strongly encourage, in accordance with national guidance, pre-application discussions. This then allows agreement of planning obligations prior to the planning application being formally submitted. Negotiations will include consultation with internal service areas where appropriate (e.g. where open space or affordable housing is to be provided) who will detail the level of contribution needed as a result of the development. In some cases external bodies e.g. the County Council may be consulted regarding contributions or obligations which they propose. It should be noted that only the very largest of applications are likely to be subject to all of the requirements detailed within the SPD.
- 6.3 There may be applications which have very site specific requirements which are not included within this SPD. It should be noted that the obligations set out in this SPD are not exhaustive, and the Local Planning Authority may wish to negotiate other obligations where they are considered necessary and relevant to a development.
- 6.4 This approach has a number of benefits. Firstly it ensures that developers are fully informed of likely contributions required for a proposed development at the earliest opportunity, assisting in determining project viability and greater clarity and certainty. To ensure that the process is as swift and transparent as possible the following approach will be taken to drafting and agreeing developer contributions.
- 6.5 Before the application can be validated / registered and the Council's Legal team instructed, the Council's Development Business Unit will require, in appropriate cases, the completion of a Draft Heads of Terms form, a copy of which is available on the Council's website <http://www.newark-sherwooddc.gov.uk/spds/>

Drafting of S106 Agreements

- 6.6 Once the above information has been agreed with the Development team, it will be submitted by that section with full instructions to the Council's Legal team who will produce a draft legal agreement within 10 working days. As part of this process the applicant will be required to produce satisfactory proof of title and all persons with an interest in the development site including mortgagees, tenants and option holders must be party to the agreement. They will also be required to pay the Council's reasonable costs incurred in drafting and completing the agreement.

- 6.7 For straightforward obligations that contain only financial obligations, the use of Unilateral Undertakings may be possible. A Unilateral Undertaking template containing standard clauses is available to download on the Council's website (<http://www.newark-sherwooddc.gov.uk/spds/>). Where Unilateral Undertakings are used, applicants will be required to meet the Council's reasonable costs incurred in checking the Undertaking and the legal interests in the land to be bound by the Undertaking.
- 6.8 Further information about the Legal charges can be viewed in the 'Legal Fees' document at <http://www.newark-sherwooddc.gov.uk/spds/>
- 6.9 Once the document has been agreed between the developer and the Council and properly signed and sealed within an agreed timescale, it will be given to the Council's Land Charges team, who will register it. The obligations, including triggers, set out in each agreement will then be entered on the Council's Section 106 Obligation Tracker. This is to allow the authority to monitor the implementation of agreements (see paragraphs 7.1 – 7.6 on monitoring of agreements).

Index Linking

- 6.10 To take account of inflation all payments will be index linked by reference to the All In Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors (or any successor organisation) from the date of the obligation to the date the actual payment is made.

Transfer of Land

- 6.11 Occasionally obligations will require land to be transferred to the Council, or Parish Council or other community organisation usually in respect of public realm or open space scheme obligations. In such cases the S106 Agreement will contain a requirement to pay the Council's or other community organisations legal costs in respect of the land transfer and provisions relating to the condition of the land to be transferred.

Contribution Triggers and Requirements

- 6.12 The Council will generally regard developments below predetermined thresholds as *de minimis* (too small) to require some developer contributions. Contributions will be expected from those developments which exceed the predetermined thresholds, where they are necessary to make the development acceptable. No contribution requirement (or lack of) precludes the imposition of normal planning standards required of a development proposal.
- 6.13 Where an individual application falls below the threshold but is part of a larger site, regard will be given to the wider site, ensuring a consistent approach to contribution requirements across the whole development site.

- 6.14 Where the cumulative impact of a number of developments (each above the predetermined thresholds) results in an identified community need, it may be reasonable for the associated developers' contributions to be pooled in order to secure the relevant infrastructure, however as stated in paragraph 3.3, such an approach will have to be undertaken in accordance with the CIL regulations which, from the adoption of a local CIL, prevent the pooling of more than five S106 obligations towards an infrastructure project or type from a base date of 6th April 2010.
- 6.15 Trigger dates for the payment of financial contributions or the provision of physical infrastructure will be included in the S106 Agreement, as will any time periods by which the contribution is to be spent. Where obligations are to be pooled with those from another site it may be necessary to specify a time period after which contributions will be returned if they have not been spent. Where a sum includes a maintenance element the period for repayment should reflect this; where it will solely be used for maintenance no repayment should be required.

Phasing, Viability and Renegotiation

- 6.16 The Council recognises that the application of planning policy targets should not introduce such a significant burden that development becomes economically unviable for appropriate development. This is recognised by the NPPF which states:-

“173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

174. Local planning authorities should set out their policy on local standards in the Local Plan, including requirements for affordable housing. They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.

- 6.17 In order to ensure that the impact of planning policies are considered consistently the Council will undertake viability assessments or seek independent assessments of viability, on a Viability Assessment Model of its choice on sites where the developer has raised issues of viability. In particular the Model will make allowance for reasonable returns to the

landowner and developer as required by the NPPF. The results of the assessment will indicate the level of affordable housing and other planning obligation contributions that the proposed development may reasonably accommodate without becoming economically unviable.

- 6.18 As noted in the NPPF, when acquiring land developers must have regard to the various planning policy requirements including planning obligations and CIL. Where developers have not taken account of likely contributions in negotiating a purchase price this cannot be considered a viable reason for reducing the level of required contributions or obligations that would otherwise be required to make the development acceptable. Government Guidance emphasises that it is the need to provide a competitive return to willing developers and land owners which should be informed by comparable, market-based evidence wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this viability assessment.
- 6.19 Whilst the Council accepts that there may be occasions where development proposals are unable to meet all the relevant policy requirements but can proceed with reduced obligations, there must still be a strong justification for any change, such as a reduction in the percentage of affordable housing or infrastructure elements to be provided, and the resultant obligation must still be sufficient to make the development acceptable in planning terms. Where the Council is satisfied that an otherwise desirable development cannot be fully policy compliant and remain viable, a reduced package of planning obligations may be recommended based on the Viability Assessment.

Contingent Deferred Obligations

- 6.20 For larger scale developments where some degree of phasing is likely, it may be that whilst full policy requirements cannot be met at the time when any Viability Assessment is undertaken, positive changes in market circumstances over time may allow additional contributions to be made whilst maintaining the economic viability of development.
- 6.21 Therefore where policy targets are not met, the Council will consider the use of Contingent Deferred Obligations that apply a viability re-evaluation mechanism to the development based on time or unit number triggers. A positive re-assessment that demonstrates additional viability, usually as a result of increased sale values in relation to construction costs, may then release additional affordable housing or infrastructure contributions.

Late Payments and Enforcement

- 6.22 Payments under an s106 Agreement become due to the Council immediately the trigger point described in the Agreement is reached. In the event of late payment the Council reserves the right to impose late payment penalties set out in EU Late Payment Directive 2011/7/EU (or subsequent legislation), in addition to any indexation due.

6.23 The Council will work with developers to find solutions in cases where they demonstrate real difficulty in making payments at the trigger set out in the S106 Agreement. This could be through agreeing payment of obligations at a later stage of the development process, or through provision by the developer of works rather than finance. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligations to fund it will always become payable in accordance with the timescales within the S106 agreement and no variation will be possible.

6.24 The Council will enforce obligations through the relevant legal channels once other reasonable approaches to address non-compliance with obligations have been taken. In such cases, the Council will seek to retrieve its legal costs in taking action from the party that is in breach of its obligations as well as any additional indexation or interest on the sum that is due.

7.0 Monitoring of Obligations

7.1 As a reasonable Authority the District Council considers it appropriate to carefully monitor all legal agreements in an open and transparent manner including the spending of monies received. This will be achieved utilising the following methods:

- Details of the obligation including triggers, amounts received and projects for which monies are to be spent on will be inserted into the Council's Obligation Tracker system;
- Use of building control records, monitoring reports, site visits and other appropriate actions to ascertain when trigger points have been reached;
- A S106 monitoring group will continue to meet. The group comprises officers from planning, strategic housing, leisure, legal and finance and its purpose is to monitor the progress of all developer contributions that have been input onto the Obligation Tracker and ensure that agreements are implemented when trigger levels are reached; and
- A copy of each S106 Agreement will be placed on the public planning register together with the planning decision notice. This information will also be made available on the Council's website <http://publicaccess.newark-sherwooddc.gov.uk/online-applications/>

7.2 The mechanism for meeting the costs of monitoring planning obligations and the amount payable by each developer is incorporated within each individual Section 106 Agreement and is payable upon execution of the agreement. The administration fee for CIL is incorporated within the Levy itself so no additional fee will be payable.

7.3 All obligations are time consuming, albeit of a physical or financial nature and most are monitored on a monthly, annual or in some cases, on a perpetuity basis depending on the requirements and complexity of the agreement. The latter is where greatest consideration

must be given to the amount of officer time incurred as well as site travelling costs. The main objective is to ensure compliance by all parties involved in the successful completion of all Section 106 Agreements.

Basis of Charges and Payment of Monitoring Fees

- 7.4 The S106 monitoring fees are based on the time spent on each type of obligation; either a financial contribution monitor or a physical monitor e.g. a site visit, review or negotiation. The hourly rates charged are based upon the identified 'on costs' for the grade of officer involved in the process of monitoring the agreement. It also includes an amount to take account of the support that will be required to be given by the Councils Legal Department to assist with the monitoring process.
- 7.5 A proportion of the monitoring fee (which will be agreed by the Council) will be payable on completion. The balance of the monitoring fee will be payable in three equal instalments on the anniversary of completion.
- 7.6 Full details about the charges for S106 monitoring can be viewed at: <http://www.newark-sherwooddc.gov.uk/spds/>

PART TWO

- 8.1 This part of the SPD sets out the types of obligation that the Council may seek to secure from development and how it identifies the relevant policy basis, types of development to which the obligation will apply, thresholds over which the obligation will be sought and, where possible, the basis on which the level of obligation will be calculated.

It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.

- 8.2 This information is set out in the following order:
- Affordable Housing (full details of which are set out in the Affordable Housing SPD <http://www.newark-sherwooddc.gov.uk/spds/>);
 - Community facilities;
 - Education Provision
 - Health;
 - Libraries;
 - Open Space incorporating:
 - Allotments & Community Gardens;
 - Amenity Green Space;
 - Natural & Semi Natural Green Spaces;
 - Outdoor Sports Facilities;
 - Public Open Space Provision for Children & Young People; and
 - Suitable Alternative Natural Green Space (SANGS) related to Birklands & Bilhaugh Special Area of Conservation (SAC);and
 - Transport (excluding projects on the CIL list)
- 8.3 The District Council is a reasonable authority and requests for contributions will be based on objectively assessed need, following consideration of the impact of development on existing service provision by relevant providers. Developers should liaise / engage with the LPA through the pre-app and application stages to understand the impacts in the location of their proposed development. In accordance with the NPPF, no proposals should be subject to such a scale of obligation and policy burden that its ability to be developed viably is threatened.
- 8.4 To take account of inflation all payments will be index linked by reference to the All In Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors (or any successor organisation) from the date of the obligation to the date the actual payment is made.

9.0 AFFORDABLE HOUSING

- 9.1 The Council will continue to seek to secure appropriate affordable housing on development sites in accordance with the contents of The Affordable Housing SPD which was approved on 26th June 2013. The document is available on the Council's website at <http://www.newark-sherwooddc.gov.uk/spds/> or from the Council's Planning Policy Business Unit or Strategic Housing Business Unit.
- 9.2 The SPD is based on national and local policy guidance and evidence from the DCA Housing Needs, Market and Affordability Study 2009 and accompanying Balancing Housing Markets Housing Stock Analysis, Local Housing Needs Surveys at Parish Level and other relevant Housing Needs information.
- 9.3 It is considered that the Affordable Housing SPD addresses the issue of delivering affordable housing and robustly details a developer's contribution in this respect, alongside the other development contributions outlined in this document. It should therefore be read alongside the information set out below.

<p>Current Guidance</p>	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD, Policy CP1 – Affordable Housing Provision • Newark & Sherwood Core Strategy DPD, Policy CP2 – Rural Affordable Housing • Newark & Sherwood Core Strategy DPD, Policy CP3 – Housing Mix, Type and Density • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations • Newark & Sherwood Affordable Housing Supplementary Planning Document
<p>Types of facilities for which provision may be required</p>	<ul style="list-style-type: none"> • On-site Provision of affordable housing; or where appropriate • Commuted Sum towards off-site provision
<p>Type and size of development that may trigger need</p>	<p>All new suitable housing developments within the district. The Affordable Housing SPD states that the qualifying thresholds for Affordable Housing Provision are:-</p> <ul style="list-style-type: none"> • Newark Urban Area – all housing proposals of 10 or more dwellings or sites of 0.4 ha (irrespective of dwelling numbers). • The rest of Newark & Sherwood – all housing proposals of 5 or more dwellings or sites of 0.2 ha or above (irrespective of dwelling numbers)
<p>How are the costs calculated and what are they?</p>	<p>The Council will use the following approach for calculating commuted sums to provide sufficient funds to enable the equivalent value of on-site affordable housing to be provided off-site:-</p> <p>The commuted sum will represent the value that a Registered Provider would pay for an affordable unit. This will be based on the open market sales value minus the Developers Profit and Capitalised Net Rent including deductions for management, maintenance, bad debts and voids (i.e. the fixed property income stream in perpetuity)</p>

	In assessing any off-site contribution, the Council will have regard to other contributions and given the variable factors involved, negotiations will take place on a site by site basis and you are strongly encouraged to engage in pre-application consultation.
Form in which contributions should be made	<p>The District Council will negotiate with prospective developers with a view to securing the provision of 30% on site affordable housing where the thresholds above are met.</p> <p>In certain circumstances the Council may require a financial contribution of equivalent value to that which would have been secured by on-site contribution, taking into account the additional market housing that would be provided due to there being no on-site affordable units.</p>
Geographic areas where there is no spare capacity	Evidence indicates there is a high level of need for affordable housing, in particular smaller units, across the District due to the high house price to income ratio.
Contact	Business Manager - Strategic Housing, Newark & Sherwood District Council
Last Updated	2013

10.0 COMMUNITY FACILITIES

- 10.1 In implementing this document community facilities are defined as including Community Halls; Village Halls; Indoor areas for sport, physical activity, leisure and cultural activity; and Halls related to places of worship.
- 10.2 In the interest of comprehensive development, the District Council will seek, where necessary, the collective provision of new infrastructure from development proposals and the phasing of development to ensure the satisfactory achievement of objectives. This will apply to the District Council’s strategic objectives in relation to the urban area and in the rural areas where it is demonstrated that the best interests of the community can be met by the provision of facilities in recognised geographical areas.
- 10.3 Where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset.
- 10.4 It is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community. Accordingly the District Council will continuously monitor usage and capacity in order to assess and address supply and demand requirements of such facilities and remedy any deficiencies, but not deficiencies in unrelated sites within the District.
- 10.5 In rural areas, contributions from development in a particular village or parish can be taken to address the priorities identified in any relevant Neighbourhood Plan, by local residents or the Parish Council. In this respect, Parish Councils and other community interest groups will be requested to respond on the likely requirements for community infrastructure where development sites are known to be coming forward in rural areas.

Current Guidance	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations • Newark & Sherwood Sports Facilities Strategy 2013
Type of facilities for which provision may be required	<p>Contributions may be sought for the following:</p> <ul style="list-style-type: none"> • The extension and/or improvement of existing halls or facilities; • A replacement facility to a specification agreed with the Council should be provided if a development would result in the loss of a recognised community facility / facilities; • New community facilities where the size of new residential development

	<p>means that a new community facility is required; and</p> <ul style="list-style-type: none"> • Provision of new and / or improved facilities or the purchase of equipment or the implementation of activity programmes within the area affected by the development. <p>The Local Planning Authority will consult with the Parish and Town Councils in order to assess the need for community facilities and hold a list of proposals for reference.</p>
Type and size of development which may trigger need	<p>Residential - 10 dwellings or more</p> <p>Where development generates a need for new or improved community facilities, or makes additional demands on existing community facilities, the contribution will be as in the table below.</p>
Form in which contributions should be made	<p>Capacity issues are dependent on existing community facilities and the nature of the development. Contributions can be either provision of facilities or commuted sums as determined by the District Council.</p> <p>The financial contribution towards community facilities will take into consideration the following issues:</p> <ul style="list-style-type: none"> • Existing community facility provision; • The size of the residential development; • Current average build costs using figures aligned to the Building Cost Information Service; • The provision of floor space per dwelling; • The projected population of the proposed development <p>The current average build costs of community facilities of £1,575.00 per square metre of floor space is as specified by the Royal Institute of Chartered Surveyors (RICS) taking a mean average across a number of typical community facilities including; community centres; village halls; youth clubs; arts and drama centres; theatre studio / workshops; swimming / leisure pools; wet and dry sports facilities; squash courts and sports pavilions.</p> <p>The figure will be regularly reviewed in order to reflect changes in capital costs of providing such community facilities in line with the Building Costs Information Service (BICS).</p> <p>The provision standard for community facilities is based on a provision of 0.75 square metres of floor space per dwelling, which is in line with recommended standards for the provision of community facilities.</p> <p>Calculation</p> <p>The calculation for community facility contributions per dwelling is based on the following formula:</p> <p>Build Cost per sq. Metre of floor space x standard community floor space per dwelling = £1,575.00 x 0.75 = £1,181.25</p> <p>All figures are subject to indexation.</p>
Contact details of relevant people	Business Manager - Community, Sport & Arts Development, Newark & Sherwood District Council
Last updated	2013

11.0 EDUCATION PROVISION

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

11.2 Provision of education infrastructure is an integral part of new residential development and is an important element in achieving sustainable communities. It may be a requirement of any development to make an appropriate contribution towards enhancing existing education facilities where there is insufficient capacity to support the development. It should be noted that the CIL will be used to help fund secondary education whilst the primary education needs of new development will continue to be addressed through S106 contributions. To ensure that they are aware of what may be required in terms of contributions and new facilities developers should consult with the Local Authority (LA), in this instance Nottinghamshire County Council, at an early stage of the development process.*

Current Guidance	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations
Type of facilities for which provision may be required	<p>Contributions may be sought for the following aspects of primary education:</p> <p>Sites for new schools (including pre-school where necessary), construction costs of new schools, contributions towards additional classroom / other building provision at existing schools (including additional grass / artificial turf sports pitches), contributions to highway needs arising as a result of the development.</p>
Type and size of development which may trigger need	<p>Residential – 10 dwellings or more</p> <p>Where a development generates a need for additional places to be provided in existing primary schools, a contribution may be required. The need for a contribution will be established by comparing the number of pupils to be generated by the development with the projected capacity of the school at the time of the commencement of the development. A contribution may be required for every pupil place required in excess of the projected capacity.</p> <p>Projected capacity will be calculated on the basis of:</p> <ul style="list-style-type: none"> • The schools existing net capacity. • Any planned changes to the school building stock affecting the schools net capacity calculation (a revised net capacity). • Pupil projections (revised annually). • Development with planning permission which will generate a need for pupil places (and may which in itself be subject to a contribution).

	<p>In some circumstances the size of new residential development will mean that a new school will need to be provided. Developers should contact the Local Authority early in the development process to ascertain whether this will be required. Where provision of a new school is required as the result of a new development, the developer will be expected to provide a site and construction costs including professional fees, furniture and equipment.</p> <p>The trigger point for payment of the contribution will be the commencement of the development generating the need. However where a development is to take place in phases, it may be possible to phase the payments of contributions to reflect this. This may not be appropriate, however, in the case where a new school is required.</p> <p>Other Proposals to redevelop an existing school site by a developer would normally trigger need for a replacement school (where the existing school is not surplus to requirements).</p>
<p>The numbers of children generated by new developments</p>	<p>The County Council has calculated the numbers of children of primary school age which developments can be expected to generate. Current figures are based on figures for Nottinghamshire contained within the 2001 Census, and will be updated on the basis of the 2011 census when this information is available. Therefore the basis of the calculation is:</p> <p>Number of dwellings x 0.21 = Number of child places required.</p> <p>For example a development of 100 dwellings can be expected to generate 21 children of primary school age. The impact of individual developments on pupil numbers will be based pro-rata on the above figures to help calculate the appropriate level of planning contributions which may be required.</p>
<p>What if there is spare capacity at the existing catchment schools?</p>	<p>Contributions may be required for every pupil place required in excess of the projected capacity, so if the County Council calculate that spare places will exist in the catchment primary school by the time the development can reasonably be expected to generate new demand for places, their requirement will be adjusted accordingly.</p> <p>Projected capacity will be calculated on the basis of:</p> <ul style="list-style-type: none"> • The school’s existing net capacity; • Any planned changes to the school building stock affecting the school’s net capacity calculation (a revised net capacity); • Pupil projections (revised annually); and • Development with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution).
<p>How are the costs calculated and what are they?</p>	<p>The costs of providing the extra room necessary at the local catchment schools are based on “cost per pupil place” cost multipliers provided to the County Council, at a price base of April 2009. They reflect the actual costs of building extensions to schools and are adjusted to account for regional cost variations. Using the local census information to determine the numbers of children dwellings can be expected to generate, the figures can be translated into standard costs per dwelling.</p>

	<p>The costs per dwelling is currently £2,406 for primary education</p> <p>This figure will be updated annually. The figure is also index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the PUBSEC Tender Price Index.</p>
Do any discounts apply?	<p>The County Council's costs are calculated on the basis of a mix of housing types and are not discounted unless the development proposed is solely for apartment developments which are unsuitable for families, or specialist units, such as those for the elderly.</p> <p>Where a development is solely for apartments, the contribution will be discounted for the 1 bed unit element of the development – we will not require a contribution from these units.</p> <p>There is no discount for developments which are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.</p>
Contact details of relevant people	<p>Planning Contributions Unit, Nottinghamshire County Council, Policy, Planning and Corporate Services Department, ^{1st} Floor, County Hall, West Bridgford, Nottingham, NG2 7QP</p>
Last updated	<p>2013</p>

* Nottinghamshire County Council have a Planning Contributions Strategy which covers this issue and which can be viewed on their website at:

<http://www.nottinghamshire.gov.uk/thecouncil/democracy/planning/planningcontributionsstrategy/>

12.0 HEALTH

12.1 The possible requirement for the provision of new or improved health facilities is dependant, not only on the scale of the development, but also on the available capacity in health facilities serving the area, so consultations with NHS England may be necessary at an early stage of the development process.

Current Guidance	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Allocations & Development Management DPD – Policy DM3 - Developer Contributions and Planning Obligations • Health Building Note 11-01: Facilities for primary and community care services
Type of facilities for which provision may be required	<p>Subject to an identified need in the locality, contributions may be sought for the following health infrastructure:</p> <ul style="list-style-type: none"> • New health facilities (these may be co-located with other health or social care providers) • Construction costs for additional facilities / extensions, adaptations or alterations.
Type and size of development which may trigger need	<ul style="list-style-type: none"> • Residential – 65 dwellings or more and / or • Development which places extra demand on the local health care provision through its operation <p>Applications for the development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation will need to be assessed for their impact on the local healthcare functions on a case by case basis</p>
Form in which contributions should be made	<p>Capital monies to provide new or enhanced facilities.</p> <p>Land or buildings may also form all or part of the contribution.</p>
How are the costs calculated and what are they?	<p>Assuming a typical density of development, which gives 2.3 - 2.4 people per household, this currently equates to a contribution of £950 per dwelling. This figure is based on the Statement of Financial Entitlements for GP services and a benchmark of recent local health developments. Further information about the calculation can be obtained from NHS England.</p> <p>NHS England will not typically seek to support ‘single handed’ GP services, although this may be considered in exceptional circumstances.</p> <p>The cost per dwelling is not a “tariff” on all new houses; it will only be applied where additional health provision is required as a result of the new housing development and it will not be used to remedy deficiencies elsewhere within the District.</p>
Contact details of relevant people	<p>Rachael Owen, NHS England, Assistant Contracts Manager (Estates) Area Team - Derbyshire and Nottinghamshire</p>
Last updated	<p>2013</p>

13.0 LIBRARIES

13.1 Public library services in Nottinghamshire are delivered through a network of library buildings and mobile libraries. These libraries are at the heart of our communities. They provide access to books, CDs and DVDs; a wide range of information services; the internet; and opportunities for learning and leisure.

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

13.3 Therefore contributions from developments which place additional demand on library services may be required in order for the County Council to maintain this valuable community service at an appropriate level.*

<p>Current Guidance</p>	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations
<p>Type of facilities for which provision may be required</p>	<p>Sites for new libraries, construction and fit out costs of new libraries, construction and fit out costs of extensions/alterations to existing libraries, stock costs.</p>
<p>Type and size of development which may trigger need</p>	<p>Residential (including student accommodation) – 10 dwellings or more</p> <p>Where new development generates a need for additional library provision, a contribution may be required. The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development. Where the existing library’s capacity would be exceeded, a contribution may be required.</p>
<p>How are the costs calculated and what are they?</p>	<p>The capacity of the library is determined using the standard set out in the “Public Libraries, Archives and New Development: A Standard Charge Approach” (2008) Museums, Libraries and Archives document of a library space requirement of 30 sq metres per 1,000 population.</p> <p>The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area.</p> <p>Where new development places demands on the library above its physical capacity, the following standard build cost charges may be applied:</p>

	<p>Building Costs (including stock)</p> <p>The basis for the calculation of building costs is derived from the Building Costs Information Service of the Royal Institute of Chartered Surveyors. The data provided by this service is for the total building and fitting out costs, including initial book stock etc and IT. For the East Midlands, at July 2008, this cost is quoted at £2,807 per sq metre. This does not include land value.</p> <p>In relation to residential developments, contributions are calculated on a recommended basis of 30 square metres of library provision per 1,000 population at £2,807 per sq metre, totalling £84,210. Thus, to provide for the physical expansion of a library to accommodate new demand arising from a new development (including new stock), the following sums may be requested:</p> <ul style="list-style-type: none"> • £202.10 per dwelling (based on 2.4 occupants per dwelling). <p>Stock costs only:</p> <p>Where a library building <i>is</i> able to accommodate the extra demand created due to a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a “stock only” contribution may be sought.</p> <p>The National Library Standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £12.50 per stock item (based on Askews Library Services book prices at September 2012) total expenditure on new stock should be £19.150 per 1,000 population. Thus costs for the provision of stock only is as follows:</p> <ul style="list-style-type: none"> • £45.96 per dwelling (based on 2.4 occupants per dwelling)
Form in which contributions should be made	Land where required, and either the costs of construction of buildings for a new library or extension to an existing one, or work in kind, to the County Council’s specification and fitting out costs including initial book stock and IT, OR contributions towards stock increases.
Contact details of relevant people	Planning Contributions Unit, Nottinghamshire County Council, Policy, Planning and Corporate Services Department, ^{1st} Floor, County Hall, West Bridgford, Nottingham, NG2 7QP
Last updated	2013

* Nottinghamshire County Council have a Planning Contributions Strategy which covers this issue and which can be viewed on their website at:

<http://www.nottinghamshire.gov.uk/thecouncil/democracy/planning/planningcontributionsstrategy/>

14.0 OPEN SPACE

14.1 Open Space is an essential part of the urban fabric and is a vital resource for our local communities. It plays a pivotal role in the quality of life for people from determining a person’s health and well-being, contributing to the character of our townscapes and providing habitats for wildlife.

14.2 Open space, as referred to in this document, relates to open spaces that may or may not be publicly accessible which are of community, economic, recreational, educational, amenity, health or biodiversity value. This encompasses:

- Recreational and sporting value: equipped, children’s/youth play spaces (including skateboard/BMX areas and kick-about areas); formal sports pitches (including greens, courts and ancillary facilities);
- Educational value: sites used primarily in conjunction with schools and colleges;
- Amenity value: sites which provide for informal recreation such as dog walking, or seating areas and/or which are of visual importance, making a positive contribution to the character of the settlement / locality;
- Biodiversity value: open spaces provide a habitat for wildlife, corridors and links for movement between habitats and enhancement/management will encourage greater biodiversity which is an indicator of a healthy environment;
- Health value: allotments and community gardens which provide space for food growing and community involvement; and
- Wider community and economic value: formal parks and gardens with a range of facilities and which may attract tourism visitors

<p>Current Guidance</p>	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Allocations & Development Management DPD – Policy DM3 • Newark & Sherwood District Green Spaces Strategy; • Newark & Sherwood Play Strategy; • Newark & Sherwood Green Infrastructure Strategy • Nottinghamshire Biodiversity Action Plan
<p>Types of facilities for which provision may be required</p>	<p>New or extended:</p> <ul style="list-style-type: none"> • Provision for children & young people (PCYP) • Outdoor sports facilities (OSF); • Amenity Green Space (AGS) • Natural & semi natural green spaces (NSNGS); • Allotments & community gardens (ACG). <p>Full definitions of these types of open space are set out in the Newark &</p>

	<p>Sherwood District Green Spaces Strategy.</p> <p>Alternatively commuted sums for off-site provision may be appropriate.</p>
<p>Local Standards for Green Space</p>	<p>The Newark & Sherwood Green Spaces Strategy has set local provision standards for a number of different types of open space. Those of relevance to new housing developments are as follows:</p> <p>Natural and semi-natural green spaces – 10ha per 1,000 population. However in recognition of the difficulty of achieving this standard in urban areas the Strategy recommends that all residents of the district should live within 300m of an area of natural and semi-natural green space</p> <p>Amenity green spaces – 0.6ha per 1,000 population (6 square metres per person)</p> <p>Provision for children and young people – 0.75ha per 1,000 population (7.5 square metres per person)</p> <p>Outdoor sports facilities – 2.2ha per 1,000 population (22 square metres per person)</p> <p>Allotments and community gardens – 0.5ha per 1,000 population (5 square metres per person)</p> <p>Based on an average household size for the District of 2.4 persons per household the local provision levels per dwelling would be as follows:</p> <p>Amenity green spaces – 14.4m²/dwelling</p> <p>Provision for children and young people – 18m²/dwelling</p> <p>Outdoor sports facilities – 52.8m²/dwelling</p> <p>Allotments and community gardens – 12m²/dwelling</p> <p>Natural and Semi-Natural Green Space - all residents should live within 300m of an area of between 0.2 ha and 1ha in size.</p>
<p>Type and size of development which may trigger need</p>	<p>New housing developments as set out below:</p> <ul style="list-style-type: none"> • Provision for children and young people; 10 or more dwellings in Settlements Central to delivering the Spatial Strategy² or 5 or more dwellings in all other areas of the District • Amenity green spaces – 30 or more dwellings • Outdoor sports facilities – 100 or more dwellings

² Newark Urban Area, Southwell, Ollerton & Boughton, Clipstone, Rainworth, Collingham, Sutton-on-Trent, Farnsfield, Lowdham, Bilsthorpe, Edwinstowe and Blidworth.

	<ul style="list-style-type: none"> • Allotments and community gardens – 400 or more dwellings • Natural and Semi-Natural Green Space – 10 or more dwellings <p>In respect of the above, smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.</p>																												
<p>Form in which contributions should be made</p>	<p>The open space requirement should be provided on or adjacent to the proposed development. Where a new development is not of a size to require all categories of open space on-site it will generally be necessary for it to provide the relevant parts of the standard with a commuted sum covering the off-site elements.</p> <p>The financial contribution will be based on a calculated standard cost for making the necessary on-site provision of the full 3.888ha required for 400 dwellings / 960 people.</p> <p>The financial contribution will take into consideration the following issues:</p> <ul style="list-style-type: none"> • Provision of equipped play areas, including activity and buffer zones; • Provision of surfaced areas for informal ball games and wheeled play; • Seating, including a teenage meeting area; • Provision of levelled and drained grass pitches; • Provision of artificially surfaced areas for formal sport; • Ancillary services for sports pitches such as changing rooms and parking provision; • Provision of natural and semi-natural areas, including wildlife habitats and nature reserves; • Provision of allotments and community gardens including fencing, water supply and cultivation; and • Provision of landscaped areas of amenity open space. <p>In calculating the Commuted Sums payable the cost per square metre and per dwelling at 2013 prices will be:</p> <table border="1" data-bbox="496 1456 1415 1993"> <thead> <tr> <th></th> <th><u>£ Per m²</u></th> <th></th> <th><u>£ Per Dwelling</u></th> </tr> </thead> <tbody> <tr> <td>Provision for children and young people (at 18m²/dwelling)</td> <td>50.18</td> <td>=</td> <td>903.22</td> </tr> <tr> <td>Outdoor Sports facilities (at 52.8m²/dwelling)</td> <td>13.61</td> <td>=</td> <td>718.70</td> </tr> <tr> <td>Amenity green space (at 14.4m²/dwelling)</td> <td>19.14</td> <td>=</td> <td>275.63</td> </tr> <tr> <td>Natural & Semi Natural green space</td> <td>n/a</td> <td></td> <td>100.00</td> </tr> <tr> <td>Allotments and community Gardens (at 12m²/dwelling)</td> <td>10.00</td> <td>=</td> <td>120.00</td> </tr> <tr> <td>TOTAL COST</td> <td>92.93</td> <td></td> <td>2,117.55</td> </tr> </tbody> </table>		<u>£ Per m²</u>		<u>£ Per Dwelling</u>	Provision for children and young people (at 18m ² /dwelling)	50.18	=	903.22	Outdoor Sports facilities (at 52.8m ² /dwelling)	13.61	=	718.70	Amenity green space (at 14.4m ² /dwelling)	19.14	=	275.63	Natural & Semi Natural green space	n/a		100.00	Allotments and community Gardens (at 12m ² /dwelling)	10.00	=	120.00	TOTAL COST	92.93		2,117.55
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TOTAL COST	92.93		2,117.55																										

	<p>These costs will be revised annually in line with the index for the soft landscaping work category of the Building Cost Information Service published by the Royal Institute of Chartered Surveyors.</p>																								
Maintenance of open space	<p>Following the agreement of on-site provision, the District Council will need to satisfy itself that the open space has been properly laid out and completed and that suitable contractual arrangements for its long term maintenance have been put in place.</p> <p>Under normal circumstances this will involve the land being dedicated to the Local Authority and a commuted sum being paid to cover its future maintenance. Council policy requires that the commuted sum cover maintenance for 20 years. This is considered an appropriate balance between the maintenance costs being covered by both the new development and ultimately the local authority.</p> <p>If developers do not wish to dedicate the open space to the Local Authority then the District Council will want to be assured that the alternative arrangements will guarantee the maintenance of the land for the foreseeable future.</p> <p>The costs for maintenance of the various areas are as follows (2013 prices):</p> <table border="0"> <thead> <tr> <th></th> <th style="text-align: right;"><u>£ Per m²</u></th> <th></th> <th style="text-align: right;"><u>£ Per Dwelling</u></th> </tr> </thead> <tbody> <tr> <td>Provision for children and young people (at 18m²/dwelling)</td> <td style="text-align: right;">55.81</td> <td style="text-align: center;">=</td> <td style="text-align: right;">1004.50</td> </tr> <tr> <td>Amenity green space (at 14.4m²/dwelling)</td> <td style="text-align: right;">19.13</td> <td style="text-align: center;">=</td> <td style="text-align: right;">275.47</td> </tr> <tr> <td>Outdoor Sports facilities (at 52.8m²/dwelling)</td> <td style="text-align: right;">21.18</td> <td style="text-align: center;">=</td> <td style="text-align: right;">1118.30</td> </tr> <tr> <td>Natural & Semi Natural green space</td> <td style="text-align: center;">n/a</td> <td></td> <td style="text-align: right;">100.00</td> </tr> <tr> <td>Allotments and community Gardens (at 12m²/dwelling)</td> <td style="text-align: right;">12.00</td> <td style="text-align: center;">=</td> <td style="text-align: right;">144.00</td> </tr> </tbody> </table> <p>The full 20 year commuted sum is calculated by multiplying the relevant open space area(s) by the cost per square metre or by multiplying the cost per dwelling by 20.</p> <p>These costs will be revised annually in line with the index for the soft landscaping work category of the Building Cost Information Service published by the Royal Institute of Chartered Surveyors.</p>		<u>£ Per m²</u>		<u>£ Per Dwelling</u>	Provision for children and young people (at 18m ² /dwelling)	55.81	=	1004.50	Amenity green space (at 14.4m ² /dwelling)	19.13	=	275.47	Outdoor Sports facilities (at 52.8m ² /dwelling)	21.18	=	1118.30	Natural & Semi Natural green space	n/a		100.00	Allotments and community Gardens (at 12m ² /dwelling)	12.00	=	144.00
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Contact	Parks & Amenities Business Unit, Newark and Sherwood District Council.																								
Last updated	2013																								

Open Space - Suitable Alternative Natural Green Space (SANGS)

- 14.3 The Habitats Regulations Assessment (HRA) of allocated sites identified that further housing development in Edwinstowe and Ollerton would most likely impact on The Birklands & Bilhaugh Special Area of Conservation (SAC) by increasing recreational pressure on it. It recommends that this could be most appropriately remedied by the provision of Suitable Alternative Natural Green Spaces (SANGS), on site and within the surrounding area.
- 14.4 As set out in Core Policy CP12 public open space provided in connection with allocations in settlements within a 5km radius of Birklands & Bilhaugh Special Area of Conservation, shall be designed to reflect the need to provide SANGS in perpetuity to relieve pressure on the SAC. Where SANGS are proposed, their quantity and quality shall be developed and agreed in conjunction with the District Council and Natural England.

<p>Current Guidance</p>	<ul style="list-style-type: none"> • National Planning Policy Framework • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD Policy SP8 – Protecting and Promoting Leisure and Community Facilities • Newark & Sherwood Core Strategy DPD Policy CP12 – Biodiversity & Green Infrastructure • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations • Newark & Sherwood Allocations & Development Management DPD – Policy DM7 Biodiversity & Green Infrastructure
<p>Type of facilities for which provision may be required</p>	<p>In the context of Newark & Sherwood District the term ‘Suitable Alternative Natural Green Space (SANGS)’ refers to sites that provide a suitable alternative to the Birklands and Bilhaugh SAC for people in the local area wishing to regularly access natural open space for walking, including dog walking.</p> <p>The definition of natural space development by Natural England in the context of Accessible Natural Greenspace (ANGSt) is “places where human control and activities are not intensive so that a feeling of naturalness is allowed to predominate”.</p> <p>In the context of the Birklands and Bilhaugh SAC the terms SANGS refers to:</p> <ul style="list-style-type: none"> • Sites that are freely accessible to people living within 5km of the SAC that provide an alternative to the SAC for regular (i.e. more than once a week) walking and dog walking; • Sites that provide natural space (using the definition above); • Sites should include some provision for car parking but also be accessible on foot. <p>Such sites provide the opportunity for multi-functional sites that also enhance Biodiversity. Wherever possible emphasis will be placed on the provision of such open space within the development site.</p>

Type and size of development which may trigger need	<p>This will be applied to above developments within a 5km radius of Birklands & Bilhaugh SAC (Edwinstowe and Ollerton)</p> <p>The District Council will work with Natural England to determine whether contributions are appropriate as result of the impacts of the development.</p>
How are the costs calculated and what are they?	SANGS could be provided as part of new development or through the improvement and management of existing sites.
Form in which contributions should be made	<ul style="list-style-type: none"> • Provision of land either on or off site • Commuted sum towards the provision of facilities including car parking, pedestrian access arrangements <p>It is the Council's expectation that such provision will be provided in perpetuity and this will be set out within the legal agreement.</p>
Contact details of relevant people	Planning Policy, Newark & Sherwood District Council
Last updated	2013

15.0 TRANSPORT

- 15.1 One of the core planning principles in the National Planning Policy Framework (NPPF) is to actively manage patterns of development growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are, or can be made, sustainable. The transport system should be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 15.2 Nottinghamshire County Council will assess the submitted Transport Statement / Transport Assessment to determine whether a development is acceptable in terms of offering opportunities for sustainable transport modes, thereby reducing the need for major transport infrastructure. This will take into account the nature and location of the site concerned.*

<p>Current Guidance</p>	<ul style="list-style-type: none"> • National Planning Policy Framework • Department for Transport Guidance on Transport Assessments 2007 • Newark & Sherwood Core Strategy DPD Policy SP6 – Infrastructure for Growth • Newark & Sherwood Core Strategy DPD - Policy SP7 Sustainable Transport • Newark & Sherwood Allocations & Development Management DPD, Policy DM3 – Developer Contributions and Planning Obligations
<p>Type of facilities for which provision may be required</p>	<p>Contributions may be sought for the following to improve a site’s sustainability in terms of integrated transport measures:</p> <ul style="list-style-type: none"> • Public transport; • Cycling and walking measures; • Intelligent transport systems (e.g. “Next Bus” information at bus stops); • Bus priority measures; • Highway capacity improvements to reduce journey delays <p>Subject to the restrictions within CIL Regulation 123 this may be pooled along with similar contributions from other nearby developments. The type of measures supported by such contributions could include:</p> <ul style="list-style-type: none"> • Nearby junction improvements • Enhancements to existing subsidised bus services • The costs of future travel plan initiatives <p>Where appropriate, a separate fee may also be sought to cover the County Council’s travel plan monitoring costs which would be negotiated as part of the S106 agreement.</p>

Type and size of development which may trigger need	Type of Development	Unit size triggering 30 two-way peak hour vehicle trips
	Food retail Non-food retail Residential* B1(a) Office B1 Non-office/ B2 General Industry B8 Storage & Distribution Other Uses - Transport Statement thresholds	Per 250m ² gross floor area(gfa) Per 800m ² gfa Per 50 Units or 1.2hectares Per 1,500m ² gfa Per 2,500m ² gfa Per 3,000 m ² gfa DfT Guidance on Transport Assessment Appendix B
Form in which contributions should be made	Financial Contributions: Will be negotiated on a site by site basis to improve sustainable links both within and between settlements linked to the site where opportunities exist and the need for such improvements as a result of the development can be demonstrated.	
Contact details of relevant people	Planning Contributions Unit, Nottinghamshire County Council, Policy, Planning and Corporate Services Department, 1st Floor, County Hall, West Bridgford, Nottingham, NG2 7QP	
Last updated	2013	

*It would be reasonable to expect a contribution towards a residential development containing solely flats/apartments to be in the region of 50% of that expected for Dwelling houses

15.3 These minimum thresholds (detailed above) required prior to a contribution being sought is based on guidance within Department for Transport guidelines which is referred to above. However, there is no suggestion that developments which fall below these thresholds are exempt from providing appropriate sustainable transport measures should they be reasonably required, particularly if the development is to form part of a larger site.

* Nottinghamshire County Council have a Planning Contributions Strategy which covers this issue and which can be viewed on their website at:

<http://www.nottinghamshire.gov.uk/thecouncil/democracy/planning/planningcontributionsstrategy/>

Appendix A – Schedules for Development

It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.

Schedule for Residential Schemes

Whilst it is unlikely that the majority of development will trigger all of the requirements indicated in the schedule below, they reflect the widest range of common contributions which may be sought. It is therefore important that developers liaise / engage with the LPA through the pre-app and application stages to understand the specific impacts in the location of their proposed development.

Number of Dwelling Units	Site Area (hectares)	Potential areas for inclusion that may be required where need is demonstrated
5 or more		Affordable Housing (Excluding Newark Urban Area) Open Space – Provision for children and young people (Excluding New housing developments in Settlements Central to delivering the Spatial Strategy ³) <i>Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton))</i>
	0.2 or above	Affordable Housing (Excluding Newark Urban Area)
	0.4 or above	Affordable Housing (Newark Urban Area)
10 or more		Affordable Housing Community Facilities Education – Primary Only Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space <i>Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton))</i>
30 or more		Affordable Housing Community Facilities Education – Primary Only Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space Open Space - Amenity green spaces

³ Newark Urban Area, Southwell, Ollerton & Boughton, Clipstone, Rainworth, Collingham, Sutton-on-Trent, Farnsfield, Lowdham, Bilsthorpe, Edwinstowe and Blidworth.

		Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton))
50 or more		Affordable Housing Community Facilities Education – Primary Only Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space Open Space - Amenity green spaces Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton)) Transport
65 or more		Affordable Housing Community Facilities Education – Primary Only Health Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space Open Space - Amenity green spaces Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton)) Transport
100 or more		Affordable Housing Community Facilities Education – Primary Only Health Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space Open Space - Amenity green spaces Open Space - Outdoor sports facilities Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton)) Transport
400 or more		Affordable Housing Community Facilities Education – Primary Only Health Libraries Open Space – Provision for children and young people Open Space - Natural and Semi-Natural Green Space Open Space - Amenity green spaces Open Space - Outdoor sports facilities Open Space - Allotments and community gardens Open Space – SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton)) Transport

Schedule for Other Uses

Type of Development	Site Area	Potential areas for inclusion that may be required where need is demonstrated
Development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation		Health SANGS (within 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton))
Food retail	Per 250m ² gross floor area(gfa)	Transport
Non-food retail	Per 800m ² gfa	Transport
B1(a) Office	Per 1,500m ² gfa	Transport
B1 Non-office, B2 General Industry	Per 2,500m ² gfa	Transport
B8 Storage & Distribution	Per 3,000 m ² gfa	Transport
Other Uses - Transport Statement thresholds	DfT Guidance on Transport Assessment Appendix B	Transport