

BABERGH DISTRICT COUNCIL

From: Head of Natural and Built Environment	Report Number: L106
To: STRATEGY COMMITTEE	Date of meeting: 24 November 2011

SECTION 106 PLANNING OBLIGATIONS GUIDANCE FOR DEVELOPERS: PUBLIC CONSULTATION AND PROPOSED ADOPTION

1. Purpose of Report

- 1.1 The Suffolk local planning authorities are in the process of revising and updating the existing 1998/9 Section 106 Planning Obligations Supplementary guidance document(s). This report proposes the adoption of the finalised guidance
- 1.2 Drafts of the new documentation were submitted to this Committee at its meeting on 13 January 2011 when it was resolved as follows:
- 1.2.1 **(1) that the contents/approach of the Appendices and Topic Papers attached to paper K175 be agreed as acceptable in principle for adoption as Supplementary Planning Guidance, subject to any changes required as a result of public consultation in co-operation with the County Council.**
- 1.2.2 **(2) that a summary of consultation responses referred to in (1) above be reported to Strategy Committee, together with the recommended resultant changes for consideration by the Committee, prior to adoption of the documents as Supplementary Planning Guidance.**
- 1.3 The purpose of this report is therefore to update members on the public consultation exercise undertaken by the County Council on behalf of all the local authorities, and to respond to the second resolution above.

2. Recommendations

- 2.1 That the Developers Guide to Infrastructure Contributions in Suffolk appended to this report, and its supporting documents, be agreed as non-statutory Supplementary Planning Guidance by this Council.
- 2.2 That the Head of Natural and Built Environment be authorised:
- To adopt the final documents, including any amendments proposed by the editing team, unless he considers them to be of such significance that they should be brought to the attention of the Committee for consideration
 - To review and update this guidance on a periodic basis, subject to any major issues being brought to the attention of the Committee for its consideration.

The Committee is able to resolve this matter.

3. Financial Implications

3.1 The documents raise no direct financial implications and do not change the basis of the Council receiving S106 funds to be used to mitigate development impacts.

4. Risk Management

4.1 This report is most closely related to the Council's (new) Significant Business Risk no. 7 – Localism & Community Engagement

Risk Description	Likelihood	Seriousness or Impact	Mitigation Measures
Reconciling local community aspirations (and raised expectations through Localism) arising from new development with the strict legal rules governing use of S106 funds to mitigate adverse impacts (the need to be properly and fairly related to the development itself, necessary, etc.) and thereby remaining fully lawful in practice	B High (this 'dilemma' has been encountered)	2 Critical	The proposed guidance cannot alter or impact at all on the legislative background. However, it should be useful in making clearer (to everyone involved) the legitimate scope and use of S106 contributions. Progress towards adoption therefore suggested

4.2 All 5 Babergh Themes are addressed:

- Quality homes that local people can afford
- Strong and sustainable Babergh economy
- Cleaner and greener Babergh
- Vibrant places and strong communities
- Safer and healthier Babergh

5. Consultations

5.1 No specific consultations have been carried out in the preparation of this report. However, the document itself has been subject to substantial public consultation procedures and revised as a result of this.

6. Equality Analysis

6.1 The contents of this report impact upon the Council's role as a planning authority, and are not seen as having any direct equality issues.

7. Shared Service / Partnership Implications

- 7.1 None perceived – each authority must make its own arrangements for the adoption of planning policy. Mid Suffolk District Council is anticipated to also adopt this document for its own use in due course.

8. Key Information

Background

- 8.1 The January 2011 report gave the following information as background to the current exercise:

- Councillors will be aware that Section 106 of the Town and Country Planning Act makes provision for Legal agreements to be made committing developers to various actions, including the payment of monies, upon the grant of planning permission for development.
- This is a wide-ranging power, which can be open to abuse, and there are certain legal and ethical constraints upon its use. Above all, the whole system must be seen to be fair, to be related to planning issues, and not to give rise to any suspicion of planning permission having effectively been “bought”. S106 Obligations must only deal with recognised Planning Matters.
- The scope and implementation of S106 Obligations has grown more complex and ambitious over the years, and in 1998 a Protocol was agreed between the County and District local authorities of Suffolk (adopted for use by Babergh in February 2000). Since then, this document has been adopted policy guidance, and the background document to negotiations on Obligations/Agreements. The overall funding environment has, of course, changed considerably since 1998.

- 8.2 The report went on to explain that it was time to review and update the 1998/9 document, and a county-wide group had produced drafts for consultation. These drafts consisted of:

- The Policy Document – “Section 106 Developers Guide to Infrastructure Contributions in Suffolk”
- The Operational Protocol – “Section 106 Planning Obligations – Code of Practice Protocol”, and
- The Topic Papers – covering a number of the subject areas for Agreements

- 8.3 In the light of this, the above-quoted resolution was passed.

The Public Consultation Process

- 8.4 Relevant documents are appended to this report, in their “track change” version. Members will probably be aware that in such versions text that is underlined is new, and deleted text is recorded in the margin. In this way an impression can be gained of how the documents have changed as a result of the public consultation process.

- Appendix A is the revised Policy document “Section 106 Developers Guide to Infrastructure Contributions in Suffolk”.

- Appendix B is the Code of Practice Protocol, and
 - Appendix C is the introduction to the “Statement of Representations and Officer Responses” produced by the County Council. This explains the public consultation process undertaken. As is recorded, 1226 individuals/groups/organisations were consulted and 97 representations were received. These representations have been analysed in a document some 74 pages long. It is not considered that members will need to read such a lengthy document, and so just the introduction is copied. However a full copy can be obtained from the author of this report if required.
- 8.5 Also the subject of Consultation has been a series of explanatory Technical Support documents. These cover Air Quality, Archaeology, Early Years, Education, Fire and Rescue, Health, Highways, Libraries and Archives, Police, Supported Housing, and Waste. These too, may be obtained from the author of this report, copies of which are also in the Members’ Room.
- 8.6 Many changes are in the presentation and order of the documents, and are of no strategic consequence. The more notable changes are:
- Appendix A –
- New Introduction, explaining status of the Guide, and relating it to Community Infrastructure Levy
 - New paragraphs 2.3 – 2.6 relating the Guide to the changing planning scene – the emerging National Planning Policy Framework (NPPF), the process of withdrawal of the Regional Spatial Strategy, the Localism Bill, and new organisations.
 - List of S106 topics put into alphabetical order (para 4.3. et seq). A section has been added on Sustainable Urban Drainage
- Appendix B –
- Role of town and parish councils noted as providers of certain infrastructure, and so to be included in relevant pre-application discussions (para 3.2).
- 8.7 So far as the Public Consultation exercise is concerned, referred to in appendix C, each of the objections is recorded and analysed, and recommendations for change or no-change made for the documents. The bulk of the representations come from the development industry – some 16 parties. In broad terms developers are uneasy at the suggestions within the documents of wider areas for contributions, and object to these proposals.
- 8.8 In the January 2011 report K175 we made the following comments which put the objections into perspective:
- Over recent years the scope of those Section 106 agreements/obligations related to residential development has widened. Traditionally local authorities have dealt with education, affordable housing, open space and highways matters. However, new housing provision does make other demands on community infrastructure budgets and those responsible for such matters seek what they regard as their share of the development “cake”.

- The legitimacy of these claims cannot be denied, and whatever loyalties practitioners may have to the responsibilities of their own particular organisation, the fact is that the planning system operates in the wider public interest, to support the needs of the community as a whole. We all have an interest in achieving the best possible development and for securing robust arrangements for the on-going maintenance of new infrastructure wherever possible.
- However, the development “cake” is only so large. There is a limit to the amount of “planning gain” (if it can indeed be called that) that can be afforded from any development – if excessive demands are pursued then the development simply will not happen, or the local authority position will be challenged at appeal or in the Courts. There is therefore a vital need to be fair and realistic in the Council’s requirements of new development. As demands made from developments have become more significant, so local authority planners have increasingly been drawn into assessing what can be afforded and in some cases, prioritising where payments shall be made. Hence, the role of evidence in the process is of increasing importance. It is indeed Babergh’s Planners and Development Committee that have responsibility for making these assessments, since it is they who approve or refuse the application for planning permission.

8.9 Thus, whilst the developers’ concern for increased areas of funding is understandable, the fact is that there will only be higher bills for Section 106 items if the development itself can bear it. It will not be defensible or desirable for undue costs to be loaded on to development such that desirable developments do not occur.

8.10 The system continues to evolve, and in due course the Community Infrastructure Levy will take over much of the current role of Section 106 Agreements.

Conclusions

8.11 The updated Guidance will assist all stakeholders in approaching issues surrounding Section 106 agreements in a professional manner, minimising the scope for disagreement. It will also facilitate the spread of planning obligations monies among all areas that bear the costs of new development.

8.12 All objections have been thoroughly appraised, and the documents amended where necessary and helpful.

8.13 In all the circumstances it is suggested that the documents as revised following the public consultation be accepted and adopted by this Council as Supplementary Guidance. Given the extensive and thorough public consultation undertaken, it can be expected that this Supplementary Guidance should be given considerable weight by Inspectors and other decision-makers.

8.14 This exercise has involved a large number of parties in producing the documents (District Councils, County Councils, Health Authorities, Broads Authority), and so it is quite possible that some final alterations will be made as a result of this reporting back procedure. It is therefore appropriate to request delegated authority for the Head of Natural and Built Environment to be able to adopt the final versions on the Council’s behalf.

9. Appendices

Title	Location
(a) Appendix A is the revised Policy document "Section 106 Developers Guide to Infrastructure Contributions in Suffolk".	Attached
(b) Appendix B is the Code of Practice Protocol,	Attached
(c) Appendix C is the introduction to the "Statement of Representations and Officer Responses" produced by the County Council.	Attached

10. Background Documents

- 10.1 Full copy of the Statement of Representations and Officer Responses, including list of comments, and appendix A, the list of bodies consulted.
- 10.2 Explanatory Technical Support documents, covering Air Quality, Archaeology, Early Years Education, Fire and Rescue, Health, Highways, Libraries and Archives, Police, Supported Housing, and Waste.

Authorship:

Name: Michael Smith
Job Title: Senior Planning Policy Officer

Tel. 01473 825712
Email: michael.smith@babergh.gov.uk

Section 106 Developers Guide to Infrastructure Contributions in Suffolk

Consultation Document 7th March 2011 - 3rd May 2011

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1 Introduction

The purpose of the Developers Guide is to provide guidance on a wide range of infrastructure issues that may need to be considered by the relevant local planning authority when determining development proposals. It is not intended to be prescriptive, as each development proposal will need to be considered on its own merits.

There are 8 local planning authorities in Suffolk, which include the Broads Authority. The Section 106 Developers Guide to Infrastructure Contributions in Suffolk (“the Developers Guide”) has been produced to provide consistent guidelines on the types of planning obligations which may be sought. The Developers Guide should be regarded as a transparent guide that sets out the general approach to development in Suffolk and provides developers and other interested parties with information in advance of any planning application.

The Developers Guide is not a Development Plan Document or a Supplementary Planning Document. It is intended to improve transparency and consistency in planning obligation requirements across Suffolk by providing guidance to statutory agencies, community organisations, developers and all stakeholders involved in the development process.

However, the level of consultation and scrutiny undertaken on the Developers Guide means that it can be afforded similar weight to a Supplementary Planning Document, in line with the requirements set out in paragraph 6.3 of Planning Policy Statement 12. This reflects the importance of giving sufficient weight to planning obligations in the decision-making process which fully support the principles of sustainable development.

Contributions secured by planning obligations will meet the statutory tests as set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

The Developers Guide sets out the Suffolk approach for determining what is necessary to mitigate the impact of individual developments. It is not a one size fits all approach. Contributions will only be secured on the basis of the individual circumstances of a development. For example, a developer wants to build 100 houses. The local schools have capacity to take all children anticipated to be brought to the area by the new houses. Therefore, an education contribution will not be secured for this particular development.

Negotiations with developers will start from the position set out in the Developers Guide, which sets out the likely maximum contribution that will be sought from the developer. With individual circumstances the contribution requested may be less than shown in the Developers Guide. The Developers Guide is not prescriptive but a useful document to illustrate likely demands placed on new development proposals. Some of its content may not be relevant for all proposals and in certain circumstances additional or alternative elements may need to be addressed.

The intention is to provide as much information as possible on the approach to contributions and responses to both pre-application enquiries and planning applications, so the Developers Guide will be regularly updated to reflect the current position.

What is a Section 106 planning obligation?

1.1 Planning obligations (or “s106 agreements”) are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land (or “developers”), and intended to make acceptable development which would otherwise be unacceptable in planning terms. Obligations can also be secured through unilateral undertakings by developers. For example, planning obligations might be used to prescribe the nature of development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development’s impact (e.g. through increased public transport provision. The outcome of all three of these uses of planning obligations should be that the proposed development concerned is made to accord with published local, regional or national planning policies.

What is the ‘Developers Guide’?

1.2 This document demonstrates a joint working approach to public service provision by involving service providers such as Suffolk Primary Care NHS Trust (NHS Suffolk), Great Yarmouth & Waveney Primary Care Trust (NHS Great Yarmouth and Waveney), the Broads Authority and Suffolk Constabulary. It will assist developers and others interested in development to identify the range and likely level of contributions that these organisations may seek in order to mitigate the impacts of development proposals. It promotes a consistent and open approach, so those interested, will be able to see and understand how development in their area is making a fair and positive contribution to the local community.

The Purpose of this Guide

1.3 The Developers Guide provides helpful guidance on the types of contributions which may be sought, and the general approach for calculating the level of them. The county council, Primary Care Trust and Suffolk Constabulary have also produced topic papers to provide further information on infrastructure requirements and these are available online through chapter five of this document. An additional document titled '*Section 106 Planning Obligations - code of practice protocol*' sets out how the authorities and service providers will work together in assessing infrastructure contributions and what a developer can expect from the authorities. The Developers Guide and associated documents will supersede the outdated *Suffolk Local Planning Authorities Supplementary Planning Guidance relating to Section 106 Obligations (1999)*.

1.4 The possible infrastructure requirements identified in chapter four of this document are explained in more detail through district or borough development plans and county council requirements are in topic papers. Links to all of these are stated in chapter five of this document. Core Strategies provide the policy basis for seeking developer contributions, whilst detailed mechanisms and site specific policies will be set out in site allocations documents, area action plans, development management/control policy documents and in supplementary planning documents.

1.5 The Developers Guide provides guidance on the following:

1. The approach to Section 106 contributions between the Suffolk local authorities, including consultation with NHS Suffolk, NHS Great Yarmouth and Waveney,

- Suffolk Constabulary and the Broads Authority;
2. A list of infrastructure which may be included in planning obligations, including further information links to district, borough and county council web pages; and
 3. Guidance based on the 'tests' provided in Circular 05/2005 and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations (2010).

How does the county council stand in relation to district and borough planning authorities?

1.6 The Developers Guide has been developed as a collaboration between the following organisations:

- Babergh District Council,
- Forest Heath District Council,
- Ipswich Borough Council,
- Mid Suffolk District Council,
- St Edmundsbury Borough Council,
- Suffolk Coastal District Council,
- Suffolk County Council, and
- Waveney District Council.

The following organisations provided important input:

- NHS Suffolk,
- NHS Great Yarmouth & Waveney,
- Suffolk Constabulary, and
- The Broads Authority.

As the district and borough councils and the Broads Authority are the Local Planning Authorities (other than for waste and minerals and county council development which fall under the county council), it is they who will be the determining authority as to whether an individual development proposal is acceptable in planning terms. This includes the degree to which contributions are necessary to make an application acceptable. They may consult and/or receive advice from other bodies including town and parish councils in deciding what is acceptable.

1.8 The district and borough councils intend to introduce a Community Infrastructure Levy (CIL) - an emerging tariff based approach that authorities can choose to introduce to help fund infrastructure in their area. The Developers Guide will be used as a key piece of evidence in developing a charging schedule for an area. Depending on whether a district or borough council implements a CIL, it is apparent that Section 106 planning obligations will remain in place to secure mitigation measures directly related to developments on a site-by-site basis. For further information on CIL, refer to the Department of Communities and Local Government (DCLG) publication 'Community Infrastructure Levy: an overview' published in May 2011.

Consultation

1.9 The Developers Guide and supporting documents have been prepared in accordance with paragraph 6.3 of [Planning Policy Statement 12 \(PPS12\)](#).

1.10 A **screening evaluation** of the Developers Guide was carried out to determine whether or not a Strategic Environmental Assessment (SEA) was required. Following consultation with the Statutory Consultees, the conclusion was that an SEA was not

required as any significant effects would have been appraised during the development of a relevant Development Plan Document.

The Developers Guide was also the subject of an Equality Impact Assessment screening assessment.

Document review

1.11 The Developers Guide and supporting topic papers will form Supplementary Guidance and will be regularly updated to provide current cost information and changes to supporting policies. For example, education cost multipliers can be issued annually and this influences the cost of providing additional school places. The annual review will also take into account the Building Cost Information Service (BCIS) index and any other inflationary impacts particularly associated with construction costs or service provision where there is an implication for developer contributions. Factual updating which does not materially change the document will be made as and when required.

2 Policy Approach

Planning Policies

2.1 The Community Infrastructure Levy Regulations (2010) Regulation 122 makes the following tests of [Circular 05/05: Planning Obligations](#) (DCLG, 2005) statutory. The key requirements of planning obligations are that they must be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the proposed development.

2.2 In considering the first two tests, i.e. whether an obligation is necessary and relevant to planning to make the proposed development acceptable, the starting point is an examination of the planning policy background. Core strategies provide detailed policies requiring developer contributions for specified items of infrastructure. Similarly, saved policies from local plans may contain such policies. More detailed site-related policies may be provided in area action plans, site allocations documents or in supplementary planning documents. Policies contained in emerging local development documents may be accorded weight where these have been subject to public consultation and are at an advanced stage in the adoption process. If a specific item of infrastructure is not listed within general infrastructure policies in core strategies, this does not necessarily preclude contributions being sought for that infrastructure, provided that there is evidence to demonstrate its need and that it accords with the general terms of the policy.

2.3 The consultation draft of the National Planning Policy Framework (NPPF), which was published on 25 July 2011 and closes on 17 October 2011, contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore the draft NPPF is capable of being a material consideration. The presumption in favour of sustainable development is to send a strong signal to those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by the search for opportunities to deliver sustainable development, rather than barriers. In addition the draft NPPF talks of the significant potential to improve the efficiency and effectiveness of the planning application system for all parties by pre-application engagement and front loading. The Developers Guide seeks to support that aim by providing increased clarity for developers and other stakeholders in the planning process. Planning conditions and obligations are covered in paragraphs 67 – 70 of the draft NPPF.

Prioritisation

2.3 Different areas in Suffolk have differing priorities for service and infrastructure provision. Therefore prioritisation between service needs may be necessary, having regard to specific local needs and viability of development proposals. The relevant district or borough council will prioritise obligations in line with Local Development Documents and Infrastructure Delivery Plans, which will provide the basis for prioritisation of service and infrastructure provision. However the detailed strategy to be used in any case will be based on local evidence, including studies undertaken, local strategies and community

views. The Regional Spatial Strategy (RSS) for the East of England is still part of the Development Plan. However it is clear that the Government's priorities are to remove the Regional Spatial Strategies and this will happen when the Localism Bill is enacted. Please contact the relevant district or borough council planning office for an update on how this is being dealt with in planning policy terms at a local level.

Other

2.5 There are other organisations and/or partnerships such as the New Anglia Local Enterprise Partnership for Norfolk and Suffolk, the Suffolk Wellbeing Board, Suffolk: Creating the Greenest County and locality working groups that are important in the infrastructure planning process. These bring together representatives from the local statutory, voluntary, community and private sectors to identify and address local problems, promote initiatives and avoiding working in isolation. In addition, as part of the emerging localism agenda and Neighbourhood plans town and parish councils will continue to be an important part of the engagement process.

2.6 Cross border issues. Where proposed developments may have an impact on a neighbouring authority in Norfolk, Cambridgeshire or Essex then appropriate consultation will take place and Section 106 contributions may be secured to mitigate any negative impacts on the neighbouring authority. Alternatively, where proposed developments in neighbouring authorities impact on Suffolk then appropriate consultation will take place and Section 106 contributions may be secured to mitigate impacts following the principles set out in the Developers Guide that apply to development in Suffolk.

3 Contributions Approach

Section 106 Agreements and Unilateral Undertakings

3.1 "Section 106 Agreements" and "Unilateral Undertakings" are types of Planning Obligation authorised by Section 106 of the Town and Country Planning Act 1990..

3.2 In most cases, it is expected that local planning authorities and developers will finalise planning obligations by agreement. However, where there is difficulty reaching a negotiated agreement, a developer may offer unilaterally to enter into a planning obligation. A unilateral undertaking is an obligation offered by the applicant to the planning authority either in support of a planning application or used at planning appeals. Paragraphs B46 – B49 of Circular 05/05 set the general approach to unilateral undertakings.

Determining Developer Contributions via Planning Obligations

3.3 The impact of a development proposal will be determined using information provided by the developers and/or landowners, the district councils, borough councils and county council, and other appropriate information sources such as from the relevant town or parish council, together with the approach and methodologies contained within the Developers Guide. Regard will also be had for national / local policies and, where appropriate, emerging policies and guidance e.g. the National Planning Policy Framework.

3.4 The thresholds for assessing and securing developer contributions from a development proposal may vary depending on each local planning authority. The county council will normally undertake an assessment of "major development" proposals where the number of dwelling-houses to be provided is 10 or more, or the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more. This is based on the definition of "major development" contained in the Town and Country Planning (Development Management Procedure) (England) Order 2010. However district and borough councils may request developer contributions using lower and/or different thresholds e.g. for affordable housing, open space etc.

Suffolk County Council, as the Highways Authority, is a statutory consultee on all planning applications which may have an impact on the highway.

Pre-application discussions

3.5 The pre-application services provided by the district and borough councils are intended to provide an early indication to potential applicants of planning issues that will need to be considered and addressed, including the level and range of likely planning obligations requirements.

3.6 It is important that full use is made of pre-application discussions, to develop draft Section 106 heads of terms in agreement with the developer, prior to submission of an application. Any pre-application enquiries will be considered by individual service departments and other infrastructure providers, e.g. NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary, to enable provision of a coordinated view on infrastructure requirements and early discussion with developers.

3.7 In many instances, studies and/or impact assessments will be required to be undertaken to inform final heads of terms. Where these are required to be undertaken by developers, information on the scope of the studies or assessments will be provided by the local authorities in liaison with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary or other infrastructure coordinating agency at pre-application stage.

3.8 The information provided to developers and district and borough councils by the county council, once an assessment of a development has been conducted, is for illustrative purposes only and is time-limited. Normally this is time-limited for a period of 6 months from the date of information being provided. The final decision regarding the level and range of developer contributions rests with the relevant local planning authority that will determine the planning application. In planning appeal situations the final decision will either be made by an Inspector or the Secretary of State.

Formulae and Standard charges

3.9 Circular 05/2005, paragraphs B33 to B35, advises that formulae and standard charges may be used, where practicable, to provide consistency and transparency. However, all contributions sought will be assessed on a site by site basis directly related to an individual development proposal and comply with Regulation 122 of the Community Infrastructure Levy regulations 2010.

Pooled contributions

3.12 Paragraphs B21 – B24 of Circular 05/2005 also advises that contributions may be pooled from a number of developments in order to enable provision of infrastructure, which would not be feasible in connection with a single development. Examples of such infrastructure are new schools and larger road schemes.

3.13 The total cost of the required infrastructure must be assessed, and a proportionate contribution relating to the impact of the proposed development calculated. In the case of the transfer of land and apportionment of this to multiple developments, the calculation must take into account land value.

3.14 This approach is dependant on all of the identified contributing developments coming forward. Any timescale for expenditure specified in the planning obligation must therefore be realistic by the local authority. In the event of uncertainty regarding future development coming forward, alternative sources of funding for the infrastructure should be examined.

3.16 In many cases, it will be a requirement for infrastructure to be provided in advance of all pooled contributions having been collected, for example within an early phase of a development. It will therefore be necessary to obtain funding from alternative sources and to collect developer funding retrospectively for these projects.

Monitoring of Planning Obligations

3.17 The district and borough councils and the county council are working together to ensure that Section 106 obligations and trigger points are monitored as appropriate, before, during and after development takes place. Information is shared between these local authorities regarding stages of work on site and contact details of developers. Each

planning obligation is pro-actively monitored and each trigger brought to the attention of the developer promptly. Information regarding payments received and other infrastructure requirements complied with is shared between authorities. Final contributions will be index linked as defined in the Section 106 agreement.

Fees for Monitoring and Legal costs

3.18 Standard monitoring charges may be required in respect of each Section 106 agreement and unilateral undertaking. The purpose of the monitoring charge is to cover the staff costs of monitoring compliance with the planning obligations concerned. The amount payable will be calculated by reference to a standard charge for each clause to be monitored.

3.19 In addition to monitoring fees, the legal costs arising in connection with the preparation of the Section 106 agreement will be payable by the applicant. Any legal costs incurred are required to be covered, regardless of whether or not the Section 106 agreement proceeds to completion. Additional costs may be sought for the involvement by officers in the development and delivery of a project, for example the Assistant Education Officer. This will be directly related to the development and will take place solely to mitigate the impact caused by the development. Monitoring fees and legal costs must be paid by the applicant before completion of the Section 106 agreement.

Enforcement

3.20 The onus is on developers to comply with Section 106 agreements associated with their development. In the event of non-compliance the district or borough council and/or the county council will, if necessary, enforce the terms of the planning obligations in the courts.

Viability

3.21 In cases where viability is in question, this must be assessed using open book accounting and viability testing, and must consider whether a project is viable currently and at a specified time in the future. This should be considered in relation to the life of the development. The developer, or applicant, will be required to pay an appropriate agreed fee to the relevant local planning authority to undertake viability testing and for assessment of accounts. Guidance and methodology on viability testing is provided by the Homes and Communities Agency and is available at:

3.22 www.homesandcommunities.co.uk/economic-appraisal-tool.

3.23 In considering questions of viability, the advice of a suitably qualified person e.g. a Chartered Surveyor, may be sought in order to provide an independent opinion. The life of development permission may also be considered in conjunction with viability to allow for future envisaged changes in viability.

4 Details of Infrastructure Contributions

4.1 The following paragraphs briefly describe the types of infrastructure which may be secured by means of a Section 106 agreement in Suffolk. The following paragraphs are not exhaustive, and do not preclude the provision being made for other

[Section 106 Developers Guide to Infrastructure Contributions in Suffolk](#)

types of infrastructure which may be required to mitigate the impact of a development. The level and range of developer contributions against individual schemes will be the subject of negotiation between the local planning authority and the developer. Agreed heads of terms on the s106 package will be reported to the relevant local authority planning committee, who will be the responsible body for making a decision on the planning application including the level and range of the associated s106 package.

4.2 The offer by a developer of infrastructure under one or more of the following headings, does not imply that an individual development proposal will be found to be acceptable by the relevant local planning authority. The presumption is in favour of sustainable development. If development is not sustainable then it may not be permitted, even if the developer can demonstrate viability as an issue. Viability does not always mean that is a reason to allow non-sustainable development.

As a general over-arching principle, all infrastructure secured will be assessed on a case by case basis. This will be based on local needs, be justified and meet the tests of Circular 05/05, as amended by the Community Infrastructure Levy Regulations (2010).

Local authority related information on the following types of infrastructure requirements is provided in the Further Information chapter where you will find web pages to relevant supporting development plan policies and national policies. In many instances, socio-economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms.

Affordable Housing

4.3 Most residential development proposals throughout Suffolk will require a contribution towards affordable housing provision that meets the needs of all customer groups, including older people and adults with disabilities. The development of specialist accommodation for older people and other customer groups, such as adults with disabilities, will be pursued in partnership through the county council's Flexicare project. District and borough councils define affordable housing policies in Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). Affordable housing may sometimes include subsidised supported housing which covers a wide range of specific housing needs such as very sheltered housing where a local need is identified. More information and links to specific policies on affordable housing provision is available within the web pages stated in the Further Information chapter that follows this chapter.

Air Quality

4.4 It is important that developers are encouraged to consider mitigation measures, along with their effectiveness at an early stage. The relevant local planning authority may use Section 106 agreements, unilateral undertakings or conditions to mitigate impacts from new developments that are detrimental to air quality and are in or adjacent to or have a quantifiable impact on air quality in air quality management areas (AQMA). More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

Archaeology

4.5 In most cases, the investigation and recording of archaeological remains can be

covered by planning condition. However, in some circumstances a Section 106 agreement may be necessary if financial contributions are required, or other provisions are necessary to protect and ensure the preservation of archaeological finds. The county council's archaeological team will advise on the specific requirements of any application.

Community Development Officer

4.6 Traditionally Community Development Officers work alongside people in communities, building relationships with key people and organisations. This helps highlight common concerns and areas for work. The main benefits of community development work are that communities can become stronger, be supported to be more sustainable, more active and influential in shaping decisions that affect them. It is anticipated that funding for this may only be secured against major development proposals. If such a requirement is necessary, your district or borough council planning officer will be able to advise on specific information.

Community Facilities and Services

4.7 Community facilities and services may include a wide range of physical and social infrastructure provision including local centres providing floor space for a variety of land uses, including public halls, multi-faith centres, GP surgeries, health centres, police facilities and transport hub facilities. Where there is an identified need for provision of a new local centre or a public / community hall as part of new development, opportunities for collocation of facilities or links with the requirements of other infrastructure providers (e.g. NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary, Libraries and Education) should be fully explored in liaison between the authorities and organisations concerned. New local centres, including public meeting places or community halls, should be in a central and accessible location. The need for a local centre, community hall or other community facility should be identified in a development plan policy, development brief or through local evidence such as need surveys, views of local residents, or following an audit of the suitability of existing facilities.

4.8 In circumstances where provision is to be by means of the transfer of land to the local authority, any financial contribution or off-site provision, then a Section 106 planning obligation will be required.

Cultural Facilities

4.9 Contributions towards cultural facilities, including places of worship, may be required where supported by evidence of clear local need and/or development plan policy. In considering local need, regard will be given to the quality of existing provision and any initiative for improvement. Cultural facilities may take the form of museum, gallery or theatre services, but individual decisions will be made on a case by case.

Education provision

4.10 The need for education provision at primary, middle, secondary and sixth form levels will be assessed on all development proposals of 10 or more dwellings. Applications for smaller developments will be exempt unless their collocation to other sites necessitates an area-wide look at the cumulative impacts. The type of residential accommodation will be taken into account in this assessment. For example, sheltered and student

accommodation will not be expected to contribute. The need for new education provision arises from new market housing as well as affordable housing. Education need arises from almost all new housing irrespective of type and, therefore, affordable housing will be included in the assessment of education need.

4.11 The education provision topic paper located in the *All of Suffolk* web page referred to in chapter five provides details of the methodology used in assessing the need for new education facilities, and calculating developer contributions.

4.12 Provision for early years is dealt with separately, although collocation and/or close proximity to primary schools is considered important from a customer/service perspective.

Environmental Improvements

4.13 Where planning applications affect a site or feature of environmental interest, there may be a need for contributions towards environmental improvements e.g. woodland screening and future maintenance.

Fire and Rescue Service

4.14 Developer contributions towards new fire service facilities may be requested where a specific need arising from a development is identified. Any contribution will be calculated to be proportionate to the development, taking into account that contributions may not be required to remedy existing deficiencies. Contributions may be by way of land provision and/or financial contribution towards new built facilities.

4.15 The assessment of need for new facilities will take into account the location of facilities in relation to planned developments and response times to deal with emergencies. Alternatives to developer contributions will be explored, for example the fitting of new homes with sprinkler systems (where not a requirement of building regulations).

4.16 New development may require the provision of fire hydrants and associated infrastructure. Where fire hydrants and associated infrastructure are required, then developers will need to agree a scheme with the County Fire Service and be responsible for funding this provision. This provision will normally be secured by means of a planning condition attached to the planning permission. Refer to the Fire and Rescue Service topic paper.

Green Infrastructure

4.17 There are a number of definitions of 'Green infrastructure' (GI), but the common factors are (a) that GI involves natural and managed green areas in both urban and rural settings (b) is about the strategic connection of open green areas and (c) that GI should provide multiple benefits for people. Green infrastructure is a network of multi-functional open spaces, including formal parks, gardens, woodlands, woodland creation, green corridors, waterways, street trees and open countryside.

4.18 Rights of Way may form part of the strategic connections between open spaces. Public open space, including recreational provision may also be included within GI. Both of these types of facility are, however, categories in their own right and are considered separately below.

4.19 Evidence of need for enhanced GI facilities may be provided by studies undertaken, e.g. the Haven Gateway Green Infrastructure Study. Whereas such studies may identify existing deficiencies in GI provision, developer contributions towards enhancement must be related to the development concerned and fairly and reasonably related in scale and kind to the proposals. Development plan policies may also provide a firm policy basis for seeking developer contributions towards GI.

4.20 Contributions may be requested for capital works, including land purchase or woodland creation for 'pump priming' services such as maintenance or supervision until facilities become established. Pooling of contributions from a number of developments is likely to be required to develop strategic GI facilities.

Health Facilities

4.21 The need for new health service facilities in connection with new development will be assessed by NHS Suffolk and NHS Great Yarmouth and Waveney, usually following the preparation of a Health Impact Assessment (HIA). This would take into account factors such as the increased population arising from the development, the capacity of existing primary care/acute facilities provision and the demographic nature of the area. The scope of health care infrastructure may include both capital provision and/or related funding and services. In many instances, socio-economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms. Opportunities for combining health service provision, with other infrastructure or facilities provision as part of shared floor space within a local centre, should be explored.

4.22 The *All of Suffolk* web page referred to in chapter five provides further detail on the range of health care infrastructure provision which may be required.

High-speed broadband.

4.23 Suffolk County Council recommends that all development, certainly in the strategic allocations, is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest BT exchange is required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed. This will be discussed with developers on a site by site basis. The county council is looking at developing a strategy involving appropriate stakeholders to request contributions to improve linkages to exchanges and the upgrading of exchanges where this has been identified as necessary.

Highways and Transport including Sustainable Urban Drainage Systems

4.24 Suffolk County Council as the Highway Authority will consider the overall transport requirements of a development proposal and a transport assessment will be required for all significant developments. Transport assessments will accord with current Department for Transport's: [Guidance on Transport Assessment](#) (2007) and will demonstrate how car use will be minimised and proposed mitigation to deal with residual traffic. This will require detailed assessment of opportunities for use of public transport, walking and cycling, including the improvements necessary to connect the development with destinations.

4.25 Full transport assessments will be required for residential development of 80 units and more, other uses in line with requests for Travel Plans as per the Department for Transport's: [Guidance on Transport Assessment](#) (2007). Smaller scale developments will require a simpler transport statement, which should consider the same issues. Further assessment may be required in individual cases, particularly where a site is located near to other development sites.

Highway improvements

4.26 The highway works deemed necessary as a result of a development proposal may include any works for improving the existing highway network, providing new highways, accommodating public transport, pedestrians and cyclists, associated engineering works and necessary legal and administrative costs, e.g. in implementing Traffic Regulation Orders. Highway works will normally be undertaken by the developer under a Section 278 agreement, which will include a charge for future maintenance.

Travel Plans

4.27 Travel plans are essential elements within transport assessment because they identify the opportunities to minimise car use and set targets for this.

4.28 A travel plan will be required to; demonstrate how car use will be minimised, set challenging targets and identify the measures necessary to achieve those targets. The measures will include specific requirements for public transport facilities. Walking and cycling uses are dealt with in detail below but are to be considered as a package of measures required to minimise car use arising from the development.

4.29 Travel plans may be secured by condition or by Section 106 obligations where their provisions relate to on-site and related off-site improvements or management measures. However, where these relate to off-site provisions, or are linked with other travel plans in the area, then it is likely that a planning obligation will be required, in order to ensure effective enforcement of the plan. Financial bonds will generally be required to ensure that travel plan actions are delivered and performance is achieved. A standard form of travel plan is located in the Highways and Transport topic paper accessed through the Further Information chapter.

Public Transport improvements

4.30 Public transport requirements will be required within a package of measures to reduce car use including public transport accessibility, provision of improved services and necessary supporting infrastructure such as bus stops, shelters and information devices.

Rights of Way

4.31 Public Rights of Way (PRoW) are classified as footpaths, bridleways, restricted byways and byways open to all traffic. In Suffolk the majority of PRoW are footpaths and where appropriate, a development may necessitate a route status being upgraded to accommodate multi-use, such as cycling and equestrian use. Developments will

often impact on the existing PRow network and as a consequence, there may be enhanced surfacing required to accommodate additional use. Improvements to the existing PRow network required as a result of a development may also necessitate provision of new routes linking existing rights of way. In each case, the required improvements will be determined in relation to the scale of development, securing opportunities for modal shift, and ensuring an appropriate access strategy to strategic facilities including green infrastructure.

Sustainable Urban Drainage Systems (SuDS)

It is anticipated that in April 2012; the sustainable drainage provisions within the Flood and Water Management Act 2010 will be implemented, requiring most developments to seek drainage approval from the County Council and/or its Agent alongside planning consent. At this time, the County Council and/or its Agent will be expected to adopt and maintain approved systems and a mechanism for funding this ongoing maintenance is expected to be introduced by the Government.

In the interim, developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. The National SuDS guidance will be used to determine whether drainage proposals are appropriate. Under certain circumstances the County Council may consider adopting SuDS ahead of April 2012 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.

Landscaping, planting and other screening

4.32 Maintenance contributions for landscaped areas not forming part of a package of green infrastructure, public open space, or highway verges may be required. Where the landscaped area is designed and located for wider public benefit, then this should be vested in the local authority after a specified period. However, in cases where landscaped areas are provided solely to benefit the occupiers of a new development, then requirement may be made for maintenance payments in perpetuity.

Libraries and Archives

4.33 The Suffolk Libraries and Archives Service operates libraries and public records offices throughout the County, as well as mobile libraries to serve rural areas. They will still need investment to meet the impact of new development and therefore it is the intention of the county council to continue to request contributions where justified and based on local need. This may cover extensions to existing libraries, increased levels of book stock, public access IT provision, and, where justified, the creation of new libraries and information centres which would then be used by the communities once they are established. The Department for Culture, Media and Sport (DCMS) previously published national standards for library provision and monitored Library Authorities' performance against the standards. These were abolished but still form the basis for Suffolk County Council's in-house standards. Detailed calculations can be found in the libraries and archives topic paper accessed through the Further Information chapter.

Police Facilities

4.34 Section 17 of the Crime and Disorder Act 1998 places a duty to reduce crime and disorder within the community, a responsibility which requires the prioritising of

finite police resources across the large rural county of Suffolk. The need for new police facilities in connection with new development will be assessed by the Suffolk Constabulary, usually following the preparation of a Crime and Disorder Impact Assessment (CDIA). This would take into account the likely increase in population, the existing capacity of policing facilities and any local issues or concerns. The scope of police infrastructure may include both capital provision and / or related funding. Opportunities for combining police service provision with other infrastructure or facilities provision as part of the floor space within a local centre should be explored.

4.35 Detail on the range of police infrastructure provision that may be required can be found in the police infrastructure provision topic paper accessed through the Further Information chapter.

Early years and Childcare Provision

4.36 The provision of sufficient childcare places and early education is a local authority duty under the Childcare Act 2006. Provision must be made for free early education for children aged 3 and 4 years. A further pilot scheme is being run for free early education provision for some 2 year olds. Early years provision is provided directly by the County Council (through nursery classes in primary schools) and by the private and voluntary sectors. Most of the available grant aid is revenue for running the services. There is a funding gap for the capital cost of provision of new and improved premises.

4.37 An assessment of the capacity of existing early education facilities will be undertaken in relation to the impact of new development. If there is inadequate capacity to accommodate the pre-school children likely to arise from a development, then a financial contribution will be calculated using the methodology set out in the early years and childcare topic paper located in the **All of Suffolk** web page in the next chapter.

Public Art

4.38 Provision for public art may be made in development plan policies, supplementary planning documents or may be negotiated on an individual site-specific basis. If provision is to be made on site, this can be covered by planning conditions. Alternatively, pooled contributions may be sought from a number of developments towards public art which may be within a town centre or other focal point.

Public Realm Improvements

4.39 Contributions may be requested towards streetscape or other public realm improvements, including hard and soft landscaping, street furniture, signage etc. A clear linkage between the development and the improvements must be demonstrated.

4.40 Contributions towards public realm improvements may be pooled. If any standard charge is to be imposed, the basis for calculation will be set out in the relevant district or borough councils Development Plan Document or Supplementary Planning Document.

Social Infrastructure including Open Space, Sport and Recreation

4.41 The detailed basis for contributions towards social infrastructure is set out in development plan documents including district and borough councils supplementary planning documents which are available from the web pages in the next chapter. Contributions may be requested in kind, for the provision of land and/or facilities, or may be by way of financial contributions. A standard charge may be imposed, provided that details of calculation of the charge are available within the development plan and have been subject to public consultation.

Contributions may be required towards the provision of off-site outdoor space for sport and recreation (including playing fields, tennis courts, bowling greens and multi-use games areas), and indoor community sports facilities such as swimming pools and sports halls; where on-site provision is not justified or feasible. Contributions will usually also include an element for future management and maintenance of such areas. A standard charge may be imposed provided that details of calculation of the charge are available within the development plan and have been subject to public consultation.

Specific pooled contributions

4.42 Refer to chapter five for a link to the district and borough councils Section 106 pages where any other contributions are described.

Waste Infrastructure

4.43 **There is a requirement to encourage waste minimisation and recycling in connection with new development. This is articulated in local, regional and national policies. A waste minimisation and recycling strategy may be covered by suitable planning conditions.** Waste collection / recycling facilities may be provided on site and covered by planning conditions. However, the wider requirements for waste disposal on a strategic basis are dealt with by the county council, which includes Household Waste & Recycling Centres. The county council, in accordance with European Union targets for the sustainable disposal of waste, and in accordance with policies contained in the county council's Waste Core Strategy, is seeking to reduce reliance on landfill and is currently in the process of delivering new Energy from Waste (EfW) facilities. More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

5 Further Information

5.1 Please go to one of the following Section 106 web pages where you will find further information relating to the district, or borough council or the Broads Authority that your development is located within.

The **All of Suffolk** web page contains further details regarding Suffolk County Council requirements along with NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary.

District and borough council web pages:

<http://www.babergh.gov.uk/babergh/PlanningObligations>

<http://www.forest->

[heath.gov.uk/Planning/Forward+Planning/Section+106+Planning+Obligations.htm](http://www.heath.gov.uk/Planning/Forward+Planning/Section+106+Planning+Obligations.htm)

http://www.ipswich.gov.uk/site/scripts/download_info.php?downloadID=956

<http://www.midsuffolk.gov.uk/planningobligations>

<http://www.stedmundsbury.gov.uk/sebc/live/planningobligations.cfm>

<http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy>

http://www.waveney.gov.uk/site/scripts/documents_info.php?documentID=134&categoryID=608&pageNumber=4

All of Suffolk

<http://www.suffolk.gov.uk/PlanningAndBuilding/PlanningPolicy/PlanningObligations.htm>

5.2 It is anticipated that in due course Suffolk Constabulary, Suffolk Primary Care NHS Trust, Great Yarmouth & Waveney Primary Care Trust and the Broads Authority will host these consultation documents on their own web sites.

If you need help to understand this information in another language please call **08456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.	Portuguese	بەم زانیاری دەشتنی ئە ب ت گەیی هتی دە یارمەر پ و ی س تی ت بە گەیی ه بگە وە ی خوارم ژمارە نە دی بە ی وە بە زما ن کە ی تر ت کە ی	Kurdish
Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.	Polish	如果你需要其他語言來幫助你了解這些資訊，請撥以下電話。	Chinese
এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন	Bengali	اگر شما نیاز دارید که این اطلاعات را به زبان دیگری دریافت کنید لطفاً به شماره زیر تلفن کنید.	Farsi

If you would like this information in another format, including audio tape or large print, please call **08456 066 067**.

  

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SECTION 106 PLANNING OBLIGATIONS – CODE OF PRACTICE PROTOCOL

Suffolk Local Authorities, the Broads Authority, Great Yarmouth & Waveney
Primary Care Trust, Suffolk Primary Care NHS Trust and Suffolk Constabulary.

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1 INTRODUCTION

- 1.1** This document is intended to provide best practice guidance on managing Section 106 Planning Obligations. This document together with the Section 106 Developers Guide to Infrastructure Contributions in Suffolk supersedes the Suffolk *Local Planning Authorities Supplementary Planning Guidance Relating to Section 106 Obligations* (1999). The document amplifies the guidance provided in Circular 05/2005 (as amended by the Community Infrastructure Regulations (CIL) 2010) with particular reference to the issues faced in Suffolk and existing best practice as used by Suffolk authorities. It looks towards a collaborative approach to public service provision, embracing service providers such as Suffolk Primary Care NHS Trust (NHS Suffolk), Great Yarmouth and Waveney Primary Care Trust (NHS Great Yarmouth and Waveney), the Broads Authority and Suffolk Constabulary.
- 1.2** This provides guidance for use across the County of Suffolk, by district and borough councils and the county council. Suffolk Constabulary, NHS Suffolk, and NHS Great Yarmouth and Waveney will be consultees in the management of planning obligations and have been involved in the preparation of this document.
- 1.3** This document provides guidance on the following:
- 1.3.1 A protocol is set out for consultation and joint administration arrangements for Section 106 planning obligations between the Suffolk local authorities, to include consultation with NHS Suffolk, NHS Great Yarmouth and Waveney, the Broads Authority and Suffolk Constabulary;
- 1.3.2 Good practice guidance to ensure that processes are streamlined and follow best practice which includes benchmarking with other Regional local authorities;

2 **PROTOCOL FOR MANAGEMENT OF SECTION 106 PLANNING OBLIGATIONS**

2.1 The following section sets out a working protocol for use by the district and borough councils and the county council in Suffolk for dealing with Section 106 planning obligations.

2.2 Types of development covered by the protocol -

The intention is that the protocol between the district and borough councils (in their capacities as local planning authorities) and the county council will apply to “major” developments, which are defined as follows.

2.2.1 Sites of 10 dwellings or more;

2.2.2 Smaller sites of less than 10 dwellings where it is part of a phased development, where developments will cumulatively add up to 10 dwellings or more. The current arrangements with the county council (Highways Authority) acting in its capacity as statutory consultee will remain where development may have an impact on the highway, and,

2.2.3 Non-residential floor space of 1,000 square metres or more.

2.2.4 In addition the Highways Authority will continue to assess any development which is likely to result in a material increase in the volume or material change in the character of traffic entering or leaving a classified road or proposed highway.

These levels may be amended at a subsequent date.

2.3 The district and borough councils approach

The district and borough councils will:

2.3.1 Consult the county council on pre-application proposals and applications for planning permission for major development (as defined in paragraph 2.2) which have implications for county council services;

2.3.2 Consult with NHS Suffolk, NHS Great Yarmouth and Waveney, the Broads Authority and Suffolk Constabulary on proposals in accordance with the protocol and as deemed appropriate;

- 2.3.3 Allow a statutory 21 day period for response on all consultations on planning applications and pre-application submissions, this period to be extended by agreement between the authorities;
- 2.3.4 Inform the county council, NHS Suffolk, NHS Great Yarmouth and Waveney, the Broads Authority and Suffolk Constabulary as necessary, of any subsequent amendments to the proposal;
- 2.3.5 The district and borough councils will ultimately be responsible for prioritising service requests in arriving at a decision and will liaise with the county council throughout this process. The views of the county council and of relevant county council service departments, NHS Suffolk, NHS Great Yarmouth and Waveney, the Broads Authority and Suffolk Constabulary will be taken into account in this process: All requests must be submitted within the agreed time scale. Requests submitted (including upward amendments) after this deadline will generally not be accepted for the purpose of negotiations on heads of terms with the developer unless as a result of changes to proposed development mix or numbers.

2.4 The county council's approach

In considering infrastructure requirements of any development, the county council will:

- 2.4.1 Act in accordance with relevant planning policies and other policy documents including Local Area Agreements and will have regard to the government's national planning policy guidance and Circular 05/2005 (as amended by CIL) on planning obligations;
- 2.4.2 Provide a corporate response regarding infrastructure implications to district and borough council consultations on all local development documents, development briefs, planning applications and informal enquiries where the criteria is met in section 2.2;
- 2.4.3 Provide a corporate response within the consultation timescale, unless otherwise agreed with the relevant district and borough council;

- 2.4.4 Ensure that a coordinated, consistent and transparent response is provided, with copies to the relevant district and borough council and developer/agent;
- 2.4.5 Provide evidence and reasoned justification based on planning policies for requests for developer contributions;
- 2.4.6 Identify a named individual to coordinate the county council's response, and provide a list of people to contact for detailed discussions and enquiries;
- 2.4.7 The county council's service area managers will assess the capacity of existing infrastructure and services and particular area needs in areas planned for growth in the Development Plan and will assess the infrastructure and service needs of any specific development proposal;
- 2.4.8 The county council will liaise with NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary and other infrastructure providers in determining its corporate response;
- 2.4.9 The county council will provide its corporate response to the relevant district and borough councils and developers, and will provide draft heads of terms for incorporation into Section 106 obligations;
- 2.4.10 The county council will attend meetings with the relevant district and borough councils, applicants and their agents as necessary to discuss draft s106 heads of terms;
- 2.4.11 Where requested by the relevant local planning authority (LPA) and when deemed appropriate, the county council will provide evidence and witnesses for planning appeals, including hearings and inquiries where the decision is supported.

2.5 Other Bodies

- 2.5.1 The district and borough councils will, at their discretion, consult with other relevant public bodies such as NHS Suffolk, NHS Great Yarmouth and Waveney, Suffolk Constabulary and town and parish councils in relation to pre-application enquiries and planning applications in order to ensure a comprehensive approach to infrastructure provision.

2.5.2 The district and borough councils and the county council will work with other relevant public bodies including the relevant town or parish council to ensure the effective planning of new infrastructure, that linkages between infrastructure are maximised and that opportunities for multiple or joint use of facilities are utilised.

2.6 Monitoring of Obligations

.2.6.1.1. The district and borough councils and the county council will work together to ensure that Section 106 planning obligations and trigger points are monitored as appropriate, before, during and after development takes place. Information shall be shared between the authorities regarding stages of work on site and contact details of developers. Each obligation shall be pro-actively monitored and each trigger point shall be brought to the attention of the developer promptly. Information regarding payments received and other infrastructure requirements complied with shall be shared between authorities.

.2.6.1.2. Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by the county, district and borough councils to monitor the obligations concerned. The use of standardised systems is recommended, for example, IT databases, in order to ensure that information on the implementation of planning obligations is readily available to the local authority, developer and members of the public.

3 PRACTICE

The following paragraphs provide guidance on good practice, and are based on national guidance provided in [Circular 05/05: Planning Obligations](#) (DCLG, 2005) and the government's [Planning Obligations: Practice Guidance](#) (DCLG, 2006), as well as existing procedures developed by Suffolk local authorities and English local authorities.

Pre-application discussions

- 3.1** It is important that full use is made of pre-application discussions to develop draft heads of terms in agreement with the developer prior to submission of an application. Any pre-application enquiries will be considered by individual service departments and other infrastructure providers, e.g. NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary, to enable provision of a coordinated view on infrastructure requirements and early discussion with developers.
- 3.2** In considering major pre-application proposals, district / borough Councils and the county council will work together and will liaise closely with other relevant infrastructure providers including town and parish councils.
- 3.3** Heads of terms produced at pre-application stage are draft, and the figures to be incorporated in the final Section 106 obligation may be updated to reflect changed data or changed costs, if the period of time from initial enquiry to setting final heads of terms is protracted.

Standard documentation

- 3.4** The use of standardised obligation documents or standard clauses is encouraged, in order to ensure consistency and provide an efficient process.
- 3.5** Heads of terms should also be standardised where possible, and an example of a standard heads of terms document is at appendix 1.

Development Team approach

- 3.6** The use of a 'development team' approach in considering major development proposals is encouraged. Development teams within district / borough councils will typically be made up of officers representing development management, planning policy, housing, public open space and legal services, together with appropriate county council representatives. The county council will also operate a development team approach to include representatives from service departments, NHS Suffolk, NHS Great Yarmouth and Waveney, and Suffolk Constabulary.
- 3.7** District / Borough development teams will ideally meet on a regular basis such as fortnightly or monthly and will discuss the likely acceptability of major proposals, their impact and mitigation measures required in terms of infrastructure provision. Regular development team meetings are a mechanism for sharing information and reaching corporate agreement prior to preparing heads of terms and engaging in discussions with applicants, and help to streamline the Section 106 process.
- 3.8** It is essential that information on implementation of planning obligations is shared between the relevant authorities and service providers as early as possible in the process to ensure effective and sustainable delivery of infrastructure.

Fees for Monitoring and Legal costs

- 3.9** Standard monitoring charges may be imposed on each Section 106 Agreement and Unilateral undertaking. A standard charge may be imposed for each clause to be monitored.
- 3.10** In addition to monitoring fees, the legal charges of preparation of the Section 106 Agreement will be payable by the applicant.
- 3.11** Monitoring fees and legal costs will be payable by the applicant before completion of the Section 106 obligation.

Enforcement

Where it becomes necessary to enforce the terms of a Section 106 Planning Obligation involving the County and District / Borough the authorities will work together to coordinate the enforcement of the Section 106 Planning Obligation.

4 - Appendix 1 – Standard Heads of Terms

(TITLE: LOCATION OF SITE)

Suffolk County Council Planning Obligations Requirements: Heads of Terms

1. Introduction

1.1 This document sets out an initial summary of the draft Heads of Terms, as at (DATE). The Heads of Terms will be developed further as investigations continue into the potential impact of the proposals. The policy justifications for each requirement are set out in the Section106 Developers Guide to Infrastructure Contributions in Suffolk and related supporting web pages.

2. Transport

Local Plan/Core Strategy Policies (INSERT)

2.1 The Highway Authority will assess the overall transport requirements of a proposal and a transport assessment will be required for all significant developments. Transport assessments will accord with current Department for Transport Guidance (2007) will demonstrate how car use will be minimised and propose mitigation to deal with residual traffic.

2.2 This will require detailed assessment of opportunities for use of public transport, walking and cycling, including the improvements necessary to connect the development with destinations. A travel plan will be required to demonstrate how car use will be minimised, set challenging targets and to identify the measures necessary to achieve those targets.

2.3 The measures will be considered as a comprehensive package to facilitate sustainable travel, to include facilities for highway

improvements, public transport improvements and footpath/cycle route improvements.

- 2.4 The specific package of measures identified should be implemented before the development is occupied unless agreed by the Highways Authority.
- 2.5 A breakdown of contributions for specific network, public transport and sustainable transport initiatives to serve the development will be derived from the Transport Assessment, Travel Plans and relevant strategies. The onus will be on the developer to demonstrate with evidence any proposed alternative solution to that put forward by the Highways Authority.

Highway Improvements

- 2.6 The highway works deemed necessary as a result of a development proposal may include accommodating public transport, pedestrians and cyclists; any works for improving the existing highway network; providing new highways; associated engineering works; and necessary legal and administrative costs, e.g. in implementing Traffic Regulation Orders.
- 2.7 Section 106 obligations may require the provision of highway works by the developer, or may require the payment of a contribution to the highway authority, which in turn will undertake the works, together with a commuted sum for future maintenance. In the case of the former, the Highway Authority will wish to retain control over the detailed design of the works.
- 2.8 It may be necessary for developers to enter into Section 278 agreements with the Highway Authority to allow for works within the existing adopted highway. The adoption of new highway works will be covered under Section 38 of the Highway Act. Highway works will normally be

undertaken by the developer under an S278 agreement, which will include a charge for future maintenance.

Public Transport

2.9 Dependent upon the scale of the proposed development the Local Transport Authority will assess the likely public transport requirement taking into account existing services (commercial and supported). Based upon this assessment the most appropriate means of delivering a sustainable public transport solution will be proposed.

2.10 Where this assessment is that delivery is best delivered by way of a registered bus route such a route will be identified through the development linking the development to anticipated centres of employment, nearby towns and/or interchange points to link into the wider transport network.

2.11 In order to support bus services the county council will identify & upgrade existing major bus stops between the new development and the town centre to provide Disability Discrimination Act (DDA) compliant platform kerbing and paving. The county council anticipates that on-site bus shelters with DDA compliant kerbing (and lay-bys if deemed appropriate, once road layout has been finalised) will be provided at the developers cost via planning conditions. Bus shelters must be to SCC Specification. Real time passenger information (RTPI) screens (@ £ [INSERT AMOUNT] each) may be required to be provided to key locations throughout the development. To support this 'bus kits' (@ £ [INSERT AMOUNT] each) to interface with the RTPI will be required.

2.12 In the case of a registered bus service minimum service conditions that need to be included in the Section 106 agreement are as follows:

- [INSERT] minute service frequency between the new development and the town centre, 7am to 7pm Monday to Saturday inclusive.

- A reduced frequency may be specified for services in the evenings & on Sundays where deemed necessary.
- Minimum [INSERT] seat vehicle. Service assumed to require [INSERT] vehicles during the 0700-1900 timeframe to ensure level of frequency.
- In the case of some developments agreement will be sought to phase the level of service delivery to ensure that services are available at a level appropriate to the level of occupation.

2.13 Services may be delivered by way of a financial contribution to the transport authority to secure the specified service by way of a complaint tendering process. Where this is not desirable or possible due to the close proximity of commercially operated services the Transport Authority may specify the level of service to be delivered and agree that this should be delivered through an agreement between the developer and the bus operator(s).

2.14 Where the delivery of services outlined in 2.8 is by means other than a conventional registered local bus service (due to the location or size of the development proposed) it may be specified that delivery will be by means of a Demand Responsive Service or Community Transport Service delivered at local level. The Transport Authority will in such a case seek a financial contribution commensurate with the cost of the anticipated additional capacity that will be required to provide sustainable passenger transport solutions for the development. At this time the area to be served will be specified with the intention of providing services to locations as outlined in 2.9. The level of service to be delivered will be by way of a service level specification stating the core hours of operation that will be available, type of vehicle to be used and the geographical scope of the service.

2.15 Services will in all cases be supported for 5 years from a start date to be agreed with the principle that the intention is to provide a high quality transport service from the first occupation of the development, encouraging new residents to use sustainable modes of transport as an

alternative to the car. This period of support is intended to allow the service(s) to mature to a point where it will operate without recourse to further financial support.

Rights of Way

Local Plan/Core Strategy Policies (INSERT)

- 2.16 Any works for diversion or stopping up of Rights of Way which are necessary as a result of development will be dealt with either under the Town and Country Planning Act, sections 257, 258 or 261, or under the Highways Act. Contributions towards improvements to existing rights of way may be obtained through Section 106 obligations.
- 2.17 Public Rights of Way are classified as footpaths, bridleways, restricted byways or byways open to all traffic and their alignment is recorded on a legal document, known as the Definitive Map. A route may also have a recorded width, as described in the accompanying Definitive Statement. It may be necessary in some cases to upgrade footpath routes to accommodate equestrian and cyclist use. Developments should also take account any claims submitted to the county council, in its capacity as surveying authority.
- 2.18 Improvements to the existing network required as a result of development may also necessitate provision of new routes linking existing rights of way. The measures for improvement in each case will be determined in relation to the scale of development and securing opportunities for modal shift as well as ensuring an appropriate access strategy to strategic facilities including green infrastructure.
- 2.19 Planning obligations may be required for off-site improvements to Public Rights of Way and cycle routes and for management measures for a defined period of time. Contributions will cover the cost of carrying out works as well as legal costs for any required public path orders.

Improvements to Rights of Way will be integrated with the overall package of sustainable transport measures.

Travel Plans

- 2.20 Travel plans may be secured by condition or by Section 106 obligations where their provisions relate to on-site and related off-site improvements or management measures. However, where these relate to off-site provisions, or are linked with other travel plans in the area, then it is likely that a planning obligation may be required, in order to ensure effective enforcement of the plan. Financial bonds will generally be required to ensure that travel plan actions are delivered and performance is achieved.
- 2.21 The Travel Plan Implementation Bond acts as surety against failure by the developer to implement the Travel Plan. The bond is based on the cost of implementing the Travel Plan, which is to be calculated by the developer (for example on a cost per dwellings basis). The timescale on which the bond is based covers a five year period, but can vary depending on phasing of the development. Where bonds are secured, the travel plan will be monitored annually, with one fifth of the bond (depending on development phase) released back to the developer if the travel plan is successfully implemented. If the developer fails to implement the travel plan then the county council will use the bond to deliver the travel plan measures.
- 2.22 For large development (above 80 dwellings) or development located in existing areas where there are transport problems a Travel Plan Target Bond may be required in addition to the implementation bond. An annual target to reduce vehicle use and increase sustainable transport will be agreed between the developer and the county council. If annual monitoring shows that targets have not been met, part of the bond will be called upon by the county council to address the situation. If targets are

partially met then a percentage may be deducted from the bond and provided back to the developer, with the rest being used to tackle unmet areas. The Travel Plan Target Bond may be secured through Section 106 obligations.

2.23 A Car Share Contribution may be requested to support the running and promotion costs of Suffolk Car Share. The cost is based on £5 per dwelling/ employee depending on the type of development. The fee includes use of the website, provision of promotional literature and support. This contribution may be required through Section 106 obligations.

2.24 Travel plans will contain targets for reducing single occupancy vehicles and include measures to show how targets will be reached and implemented over a five year period. Where development is phased, the travel plan may be required for the duration of the phased development with an additional five years after final occupation.

2.25 A Travel Plan Approval Fee may be requested to cover the costs of county council officer time to review and approve the travel plan. This may be required as an upfront fee and may be in the region of £500 but this will be determined on a case by case basis.

2.26 A Travel Plan Monitoring and Support Fee may be required to cover the cost of the county council's travel plan coordinator's time spent providing support to the site travel plan coordinator. The fee is also used to cover the cost of the council evaluating travel plan progress reports and survey results.

3. *Education*

Local Plan/Core Strategy Policies (INSERT)

- 3.1 This major development proposal will have a significant impact on (primary, middle, upper & sixth form DELETE AS APPROPRIATE) education provision. The Supplementary Guidance sets out how education provision will be assessed in connection with new development proposals.
- 3.2 The total number of dwellings proposed is (INSERT NO.)
- 3.3 The county council will use the latest cost multipliers provided by the Partnerships for Schools (PfS) for remodelling and new builds.
- 3.4 Provision of School Site(s)

Where the scale of development is sufficient in itself to justify a new school(s) the developer will be expected to provide the site(s) free of charge in addition to the contribution.

The site(s) will be reserved and provided at no cost to the county council within the proposed development in a central location in close proximity to local services and on a gyratory road, i.e. not in a cul-de-sac. The site should also be adjacent to an area of open space in order to fully integrate the new primary school into the new community and to allow possible future expansion if demand for places increases beyond the anticipated capacity. The Site(s) will be rectangular in shape. It (they) will also be fully serviced before construction commences, be level & free of contamination, with all remedial archaeological surveys and work carried out at no cost to the county council. Detached playing fields are not acceptable. For a full list of site suitability please see attached checklist.

This development requires a minimum of [] acres ([] hectares) site for a new [] place primary school. Some larger developments may require more than one primary school site which will be identified by the county council.

For larger developments the county council will require a minimum of [] acres ([] hectares) site for a new secondary school.

If a full new site is not required, the additional pupils, and hence the increase in capacity, is such that the current school site will not meet the minimum DfE

BB98 and 99 Area Guidelines. The county council will therefore require £ towards the cost of acquiring the additional land needed to meet the minimum Area Guidelines, or the developer will provide the required land free of charge to the county council.

3.5 Financial Contributions

Extension/modifications to Existing Schools – this development will generate a sufficient number of primary and/or secondary school places that will create a shortfall of places at the local schools. In some instances schools will require significant internal remodelling to adequately meet the changing needs of the curriculum due to additional pupils from a new development. Evidence of need has been provided which shows that a total sum (for full applications only) of [£] or [£] per dwelling (for Outline applications only) is required to allow additional facilities to be provided at schools within the vicinity of the development. These costs are based on the DfE Cost Multipliers x the number of additional places required for Primary, Middle, High and Sixth form places.

New School(s) – Where a new school or schools are required, the county council will expect a financial contribution to meet the site preparation (e.g. archaeology, sewers, levelling, playing field provision and construction of the school premises). The infrastructure costs for a new school are much higher per pupil place than school extensions hence the county council will require full build costs of the new school(s) by the developer(s). This takes account of additional costs such as:

- meeting BREEAM requirements - new buildings and projects with a value of over £500,000 must achieve BREEAM excellent
- adhering to new Building Regulations and
- to meet the County's Environmental Policy to champion Suffolk's ambition to Create the Greenest County by tackling the issue of climate change, for example by reducing our carbon emissions (with a target of zero carbon emission for new schools)

Based on 2010 build costs the following table gives an indication of the costs of building new schools (these may vary for each school and over time):

SCHOOL TYPE	BUILD COSTS (£M)	
Primary (1 fe 5 – 11) 210 places	£7m	
Secondary (11 -18)	£30m	

Examples of schools currently under construction, or recently completed, can be provided on request.

- 3.8 In summary the combined impact on education provision as a direct result of this major development proposal is (INSERT SUMMARY DETAILS)

Pre-school provision

- 1.2 The number of pre-school pupils arising from a development of (INSERT DWELLING NO.) houses is calculated to be (INSERT PUPIL NO.) for each year group (based on historical Suffolk county council data). This figure is multiplied by 2 for the two pre-school year groups. The DfE standard multiplier for primary schools is £ INSERT AMOUNT, and this figure is halved to take into account that pre-school education is provided on a half-daily basis. The calculation is therefore £ INSERT HALF MULTIPLIER AMOUNT multiplied by INSERT TWICE PUPIL NUMBER divided by INSERT DWELLING NUMBER, giving a cost per dwelling of £ INSERT AMOUNT.
- 3.9 Suffolk county council therefore seeks a contribution of £ INSERT AMOUNT per dwelling, providing a total contribution of £ INSERT AMOUNT.

4. Green Infrastructure

Local Plan/Core Strategy Policies (INSERT)

- 4.1 A contribution will be required towards off-site green infrastructure provision, the details of which are to be determined.

5. Waste Service

Local Plan/Core Strategy Policies (INSERT)

6.1 The county council, as Waste Disposal Authority is pursuing a strategy of reducing reliance on landfill and moving towards alternative methods of disposal, such as Energy from Waste or Mechanical and Biological Treatment Plants. A standard developer contribution towards waste disposal facilities has been calculated on a County-wide basis, using the following assumptions:

- There are 18 existing Household Waste Recycling Centres (HWRC) which serve the total population of Suffolk (307,000 households). Each HWRC serves an average of 17,055 households. A new HWRC costs in the region of £1.5 million to construct (not including the land purchase costs), therefore £1.5million for 17,055 households is equivalent to £87.95 per household for HWRC provision.
- One Energy from Waste (EfW) plant processing about 250,000 tonnes of residual waste would have a capital cost of £105 million and three Transfer Stations with land purchase would have a capital cost of £12 million. Based on 307,000 households then the average capital share per household for this project would be £381.

6.2 These two elements taken together result in a standard contribution of £469 per dwelling. The Borough/ District Council is the Waste Collection Authority and may wish to request contributions towards any capital costs associated with the provision of collection services to new households (for example additional collection vehicles, the provision of wheelie bins, bring facilities (bottle banks etc), depots, street cleansing equipment etc).

6.3 (INSERT PARAGRAPHS RE. SITE SPECIFIC REQUIREMENT)

7. Libraries and Archives

Local Plan/Core Strategy Policy (INSERT)

- 7.1 Suffolk County Council uses standards recommended by the Museums, Libraries and Archives Council (MLA), with the exception that the floor space standard adopted for archive accommodation, at 5 sq. m. per 1,000, population is smaller than recommended. In summary, a formula-based approach is used to calculate the required library and archive accommodation contribution of £259 per dwelling, calculated as follows:
- a minimum standard of 30 sq. m. of new library space and 5 sq. m. of archive space per 1,000 population is required;
 - construction and initial fit out cost of £3,000 per sq. m. for libraries and £3,600 per sq. m. for archives (based on RICS Building Cost Information Service data but excluding land costs).
 - this gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space and $(5 \times £3,600) = £18,000$ per 1,000 people or £18 per person for archive space (total £108 per person).
 - assumed occupancy of 2.4 persons per dwelling (regional average house occupancy) results in a contribution of £259 per dwelling. This approach excludes any consideration of provision of a site, and is purely a contribution towards build and fit out costs.
- 7.2 The financial contribution towards libraries and archives arising from a development of (INSERT DWELLING NUMBER) at £259 per dwelling would be £ INSERT AMOUNT.
- 7.3 ADD ANY SITE SPECIFIC INFORMATION.
- 7.4 Record Offices are also identified as a high priority for investment. There is currently a serious concern about the limited amount of archive storage available in all 3 record offices in Suffolk (Bury, Lowestoft and Ipswich). Virtually all accrual space has been filled so that the Record Office will in the

very near future be unable to accept any significant new deposits. There is an urgent need to increase the amount of storage space available meeting BS5454 and other standards.

8. *Supported Housing*

Local Plan/Core Strategy Policies (INSERT)

- 8.1 Suffolk County Council's Adult and Community Services (ACS) have noted that the number of older persons needing funding from Care Services is expected to grow by 39% from 2008 - 2021. Based on these figures SCC has carried out modelling, assuming various multi-tenure options, on the need for Very Sheltered Housing (Extra Care or VSH) over this period. The conclusion was that the County would need over 8 new VSH schemes per year until 2021 to meet the projected demand.
- 8.2 There is predicted to be a 7.7% increase in over 75 year olds and an 18% increase in over 85 year olds by 2010. There will be a corresponding increase in the number of people with dementia. Whilst the county council's policy is to support people within their own homes as long as possible, there will be a need for provision of supported housing as part of major developments where there is not expected to be adequate provision already in the locality.
- 8.3 A proportion of the affordable housing requirement at (INSERT LOCATION), as determined by local need, should be provided for as Very Sheltered Housing. Where appropriate and backed up by evidence of need, 'mixed use', purpose designed and built 40-60 x 2B units VSH for older people (mixed tenure) with community linked resources, along with smaller 'core and cluster' supported housing will be required. This could be self-contained or shared with mixed tenure for specialised client groups with say 4 -10 units in each location but equally 'linked' shared service wise. Careful consideration is required to provide more flexibility and longevity of VSH along with fairer access to such services. The accommodation standards should be innovative in design and service configuration and in the use of new assistive technologies.
- 8.4 Very Sheltered Housing (VSH) falls under the broad definition of affordable housing and is part of the Supported Housing agenda which involves close

partnership working between the PCT, District Councils and county council. The local and national demographic trend is that we are faced with an ageing population which is placing severe & extremely challenging pressures on service providers.

8.5 The new National Housing Strategy for an Ageing Society strongly recommends that proper local analysis is done to understand current and projected levels of provision of VSH for older people by combining a whole system of health, housing and care. In estimating likely needs, (INSERT) District Council should be aware of the following factors, which should inform the provision of VSH:

- The demand for conventional sheltered housing is likely to decline
- The suitability of older stock for letting will become increasingly problematic
- The potential for leasehold retirement accommodation will continue to grow
- Some existing schemes will lend themselves to refurbishment and remodelling to provide VSH, some of which should be offered for sale/shared ownership
- VSH should be provided for sale and rent
- There is a need for VSH for people with dementia
- The design of VSH should mitigate residential care and may allow some measure of re-provision
- Dementia VSH is replacing nursing homes for those with moderate to severe dementia

8.6 (INSERT SITE SPECIFIC DETAILS)

9. *Police Service*

Local Plan/Core Strategy Policies (INSERT)

9.1 Details of police requirements are to be determined. Any financial contribution would be subject to Section 106 planning obligation.

10. *NHS Suffolk and NHS Great Yarmouth and Waveney*

Local Plan/Core Strategy Policies (INSERT)

- 10.1 Details of NHS Suffolk and NHS Great Yarmouth and Waveney requirements remain to be determined. It is likely that a proportionate contribution would be required towards new health care facilities in the area under the terms of the Section 106 agreement.

Supplementary Guidance

Section 106 Developers Guide to Infrastructure Contributions in Suffolk

Suffolk Local Authorities, the Broads Authority, Great Yarmouth & Waveney
Primary Care Trust, Suffolk Primary Care NHS Trust and Suffolk
Constabulary.

Statement of Representations and Officer Responses

October 2011

This statement sets out the measures undertaken by the Suffolk Local Authorities to involve the community and other stakeholders in the production of the Supplementary Guidance and supporting documents.

A public participation period was carried out over an eight-week period from 7 March 2011 to 3 May 2011 inviting comments on the draft Supplementary Guidance and its supporting documents including topic papers and code of practice protocol. A consultation statement, statement of matters and screening appraisal for the Strategic Environmental Assessment were also available for inspection. Notification letters in some cases with the Supplementary Guidance, were sent to:

- Statutory consultation bodies,
- local groups/organisations taken from Suffolk Local Authority consultation databases associated with their Local Development Frameworks,
- the county-wide Section 106 officer group,
- members of the Councils,
- other appropriate Suffolk Local Authority officers; and,
- other appropriate Suffolk Local Authority council departments.

Copies of the draft Supplementary Guidance including the documents mentioned above and in the Statement of Matters were available for inspection and collection during office hours from 52 deposit points including all Suffolk libraries and from the main receptions of the 8 local authorities in Suffolk.

Copies were also available for inspections from the 8 local authorities' websites. The Supplementary Guidance and the consultation exercise were published by a public notice in the East Anglian Daily Times and Evening Star on 8th March 2011, and Lowestoft Journal and Newmarket Journal on the 11th March 2011.

Supplementary Guidance regulations

There is no specific guidance on producing Supplementary Guidance. However Planning Policy Statement 12 (PPS12) paragraph 6.3 and regulation 17 and 18 of the Town and Country Planning (Local Development (England)) Regulations 2004 have been followed to provide a rigorous production and consultation process. PPS12 paragraph 6.3 states that if the same disciplines of consultation are applied as a Supplementary Planning Document (SPD) then Supplementary Guidance can be afforded similar weight to an SPD. On this basis when considering Regulations 17 & 18 the 'same disciplines' have been followed yet it is not the intention to produce an SPD. Therefore in absence of any specific regulations in producing Supplementary Guidance we are following in the spirit of Regulations 17 and 18 of the Town and Country Planning (Local Development (England)) Regulations 2004 but with the intention of producing Supplementary Guidance.

Therefore regulation 18 has been followed in producing a statement setting out the main issues raised in the representations received and how these

main issues have been addressed in the Supplementary Guidance which is intended to be adopted by the Suffolk local authorities.

Representations

A total of 1226 individuals/groups/organisations were consulted and 97 representations were received (a full list of consultees is available in appendix 1). This included following careful consideration of the comments received, the Supplementary Guidance was amended accordingly.

The following table provides a summary of the main issues raised and the section 106 county-wide group's response to the issues.