



PLANNING OBLIGATIONS

DEVELOPER GUIDANCE NOTE

FINAL DRAFT

June 2009

1. INTRODUCTION

1.1 This guidance note has been prepared to confirm to developers, landowners and others, the range of infrastructure, services and facilities that Harborough District Council will normally seek to secure via planning obligations in relation to development proposals within the District.

1.2 This guidance note sets out the range of infrastructure, services and facilities which the Council considers are directly and reasonably related to new development. If the aspirations of the community are to be satisfied new developments will have to make full provision to meet demands which they create. This relates to both large and small, commercial and residential development proposals. Small sites contribute to demand in the same way as large sites and it is essential that their cumulative effect deliver an equivalent contribution to meeting the needs they create.

1.3 The practice of securing planning obligations in the District has not been formally or comprehensively set out in detail to date and this guidance seeks to confirm current practice and review associated charging arrangements where needed. It provides interim guidance prior to a full review of the approach to securing community infrastructure arising from development levels proposed in the East Midlands Regional Plan which will be set out in the Local Development Framework (LDF) Core Strategy. A Supplementary Planning Document (SPD) will be prepared in 2010 once the LDF Core Strategy is finalised. This document should be regarded as interim guidance that supports and amplifies the current local plan. It will contribute to the understanding of policies and applied to clarifying what the Council expects from developments.

1.4 As outlined in Harborough District Council's Statement of Community Involvement the process leading to the production of Supplementary Planning Documents will require evidence gathering and consultation on the draft SPD prior to adoption. Recent changes set out in PPS12 remove the need to apply the formal test of soundness. This requires the Council to move away from formal tests and to embrace closer working with communities to identify the outcomes that they aspire to. This new emphasis will be reflected in this draft guidance note.

1.5 Harborough District is within the Three Cities Three Counties New Growth Point; a County wide Infrastructure Assessment which examines ways of pooling developer contributions to assist with the funding of strategic infrastructure requirements arising from development has recently been published. The option of introducing a new Community Infrastructure Levy (CIL) on development is likely to be available in 2009 following the introduction of the Planning Act 2008; the District Council will respond to this opportunity in due course.

1.6 Until this takes place, this document seeks to outline the practice and process of securing planning obligations within Harborough District under the terms of the current legislative framework. Although this document provides guidance to be followed when considering development proposals the Council will retain flexibility in negotiations regarding the size, type and location of the development on which a planning obligation would be necessary and the infrastructure / contributions that it

would entail. The requirements of a planning obligation will also be dependent upon the capacity of the existing infrastructure within the vicinity of the proposed development and the requirement for on-site infrastructure and contributions towards enhancing off-site infrastructure.

2. CONTEXT

The Legislative Framework

2.1 Section 106 of the Town and Country Planning Act 1990 provides for any person interested in land to enter into certain types of obligation whether by agreement or unilaterally. Those types of obligation are limited to:

- restricting the development or use of land;
- requiring specified operations or activities to be carried out in, on, under or over the land;
- requiring the land to be used in a specified way; and
- requiring a sum or sums to be paid to the local planning authority on a specified date or dates, or periodically.

2.2 A planning obligation is enforceable by the local planning authority against the person entering into it and any person deriving the title from him. It can subsequently be modified or discharged by agreement or upon application (with appeal to the Secretary of State) after a period of 5 years.

2.3 Case law has established that there must be some connection between the planning obligation and the planning permission sought. As long as such a connection exists it is a matter for the local planning authority to decide the weight to be given to the obligation in determining the application.

Government advice

2.4 National guidance on the use of planning obligations is set out in Government [Circular 05/2005](#). This requires planning obligations to be sought only if the obligation is:

- i relevant to planning
- ii necessary to make the proposed development acceptable in planning terms
- iii directly related to the proposed development
- iv fairly and reasonably related in scale and kind to the proposed development
- v reasonable in all other respects

2.5 Provisions for a Community Infrastructure Levy (CIL) are contained within the Planning Bill 2008. This will provide an opportunity for local authorities to apply (if they so wish) a set levy on development to enable the pooling of developer contributions to assist with the funding of strategic infrastructure. A tariff based charge may be a very effective method of delivering physical infrastructure, however due regard will have to be given to ensure that the often more local needs identified by the community are continued to be delivered. The District Council will consider its position on the need to introduce a CIL during 2009 following an Infrastructure Study which is being undertaken collaboratively across the Leicester and Leicestershire Housing Market Area

Local Planning Framework

2.6 The Harborough District Local Plan is the relevant adopted development plan for the District. The Secretary of State issued a direction in September 2007 to save certain policies and render others expired on the basis that some policies repeated national guidance. The former policy IM/1 was one of these which indicated the Council's policy to expect developer contributions in applications for new residential commercial and other development towards necessary on site and off site infrastructure works. Policy IM/1 was not saved and is therefore no longer applicable but similar guidance is now contained in Circular 05/2005. Other policies within the Local Plan are still relevant in assessing the need for planning obligations such as

Policy IN/1	Standards of Development
TR/3	Development impacts on the existing road network
TR/11	Contribution in lieu of on site parking provision
LR/5	Recreation requirements in new residential development

The Council will use the advice contained within Circular 05/2005 together with relevant development plan policies as the basis for securing planning obligations

3. OVERVIEW OF CURRENT PRACTICE

Scope of Contributions sought

3.1 Areas which are currently considered appropriate for contributions are as follows:

- Affordable Housing
- Children and Young People Services (CYPS)
- Community Facilities
- Highways and Transportation
- Library Services and Facilities
- Open Space, Sport and Recreation Provision
- Primary Health Care
- Waste and Recycling (Including Civic Amenity Sites)
- Other

3.2 In the first instance at the pre-application stage discussions will take place between those submitting proposals for development and the Council, in order to ascertain the requirements for particular sites. To satisfy the Planning Application process it will be necessary from April 2009 to outline the Heads of Terms for a Section 106 Agreement in the Planning Application form. In the course of considering applications the Council will ensure that the details of development proposals are available electronically for infrastructure providers to examine; those organisations who identify a development which may require an obligation should contact the Council to discuss their proposal. Infrastructure providers may include:

- Community Services, Harborough District Council
- Street Scene Services, Harborough District Council
- Built Environment Services, Harborough District Council
- Leicestershire County Council
- Leicestershire Constabulary
- Leicestershire Fire and Rescue Service
- Water and Sewage Service Providers
- Public Transport Operators
- Utility Companies
- Environment Agency

3.3 The Statement of Requirements for Developer Contributions in Leicestershire (SRDCL) is the County Council's developer contributions policy document. The document was approved as Leicestershire County Council (LCC) policy in December 2006 for dealing with developer contributions towards County wide services and infrastructure. It was produced in consultation with a range of relevant stakeholders including District and Borough Councils. The intention of the SRDLC is that each Local Authority within the County will apply the Statement to complement their own guidelines and policies relating to developer contributions.

In determining planning applications, the District Council as the local planning authority has responsibility for deciding which developer contributions are necessary for the improvements to services and infrastructure to ensure developments are acceptable. *In executing this responsibility the District Council will take account of adopted guidance and responses from all service providers including the County Council.* This document provides guidance on practice but only covers the principal areas where contributions may be sought and it is neither exclusive nor exhaustive. It is in the interest of all parties to ensure that the full range of relevant services or infrastructure are available to mitigate the impact of a development for the benefit of the community, regardless of the responsibilities for different services or infrastructure.

Approach to Contributions – thresholds, pooling and charges

3.4 The majority of developments by themselves may not warrant major investment in new infrastructure, services or facilities. For example, a development of five houses in itself would be of insufficient size to require an extension to a primary school. However, a number of small developments will have a cumulative impact on existing infrastructure, services and facilities and those responsible for their provision will find it more cost effective to make a single improvement after a number of small developments have been developed.

3.5 Developer contributions for particular localities will be pooled to ensure that the cumulative effect of development within a specific area will be addressed. Harborough District is a rural area with a dispersed pattern of development with a large number of small and medium sized developments. The threshold approach to obtaining developer contributions needs to reflect the pattern of future growth and demand on facilities.

Subject to the detail of requirements set out in this document, the planning authority will seek to secure a contribution from residential and commercial development. Owing to the cumulative effect on demand that developments generate the Council will seek contributions from all relevant developments.

3.6 Partially owing to the need to aid collective and fair contributions from a number of developments to help fund community infrastructure, the District Council has developed a series of standard charges in relation to provision of recreational provision and community facilities. This parallels the County Council's approach to securing contributions to educational and other facilities and not only aids pooling of contributions but helps to create certainty for developers about the levels of contributions being sought. Large commercial developments may increase demands on infrastructure, therefore should there be a demonstrable need directly related to the development a contribution will be sought. The types of need may be related to transportation, such as cycle ways, footpaths. In those cases where there is an established need for other services, e.g. Community Services these will also be required.

Finance and viability

3.7 The level of contributions required will depend on the size of the development and the anticipated impact that the development will have on the community. Financial contributions will be placed in a fund controlled by the signatory responsible for the provision of that service or facility. The timing, method and the parties specified to receive the payment of financial contributions will be used solely for the purposes set out in the legal agreement. The contribution shall be spent on improvements to services or infrastructure to mitigate the impact of development.

3.8 Should the requirement for developer contributions or for the provision of infrastructure result in viability concerns being raised it will be the responsibility of the applicant to provide an independent financial viability assessment to substantiate the situation and bear the cost of the assessment. If the assessment is accepted as reasonable the Council may request lower contributions for a particular site provided that the benefits of developing the site outweigh the loss of the developer contribution. Land values have a significant impact on viability issues; existing options to purchase land may need to be renegotiated to reflect current market conditions.

Impact of the Economic Downturn on Section 106 Negotiations

Some developers are citing the economic downturn and reduced land or property values as a reason why they should not provide some or all of their planning obligations requirements. In such cases the developer will be required to submit sufficient evidence to show that there is an urgent need for development of the site and its viability. This assessment must take into account the “at risk” nature of land purchase and the ability of the proposed developer to re-negotiate purchase costs. The Council as the Local Planning Authority will consider all of the material considerations and decide the planning obligations that will apply. Each case will be considered on its own merits.

3.9 Although Harborough District is a relatively affluent area there are some pockets of deprivation. There are also certain groups which may face exclusion. Due to the significant rural nature of the district there is the possibility of social exclusion for some due to difficulties accessing services. Should a proposal for development be in an area that has been identified as an area of relative deprivation or will impact upon the outcomes for identified disadvantaged groups, the Council may require additional contributions to mitigate the impact of development.

Maintenance payments

3.10 Subsequent maintenance of assets secured through planning obligations should normally be borne by the owner. If contributions are deemed appropriate they will reflect the time lag between provision of the facility and inclusion within a wider maintenance budget.

Bonding

3.11 Any financial contributions that are required as part of a development proposal will be required to be paid prior to the commencement of development at a date specified in the legal agreement.

In the event of payments required at some future date, the applicant may also be required to enter into a bond with a bank or insurance company in order to prevent any default in payment through bankruptcy, liquidation or refusal to pay.

3.12 Any legal agreements requiring developer contributions will be enforceable against any future freehold or leasehold owners of the land who may derive the title from the person who originally entered into the agreement.

Cost Recovery – Management and Monitoring Fee

3.13 It is appropriate for the Council to recover costs associated with the negotiating, production and subsequent monitoring of developer contributions. This covers the legal costs of creating agreements, any costs associated with obtaining independent or specialist advice to validate aspects of the contributions and the costs of monitoring the payment and implementation of schemes and funding.

3.14 The Council employs a dedicated Section 106 Co-ordinator who manages the often complex process of ensuring that obligations are fulfilled. The Co-ordinator not only provides a single point of contact within the Council for all matters related to planning obligations, but also monitors developments to check on when obligations are required if trigger points have been agreed and invoices the applicant accordingly to ensure that obligations are paid in accordance with the agreement. The Council has an adopted procedure to recover outstanding Section 106 invoices which allows a range of options to be pursued to ensure that S106 contributions are met. This dedicated approach to the developer contribution process saves the applicant time and effort and provides a seamless practice that contributes to greater certainty and transparency throughout the process. In the context of this it is reasonable for the Council to seek payment for recovery of this element of the Co-ordinators work.

The Council will seek a contribution of 15% of the total planning application fee within any agreement or £250 per individual contribution whichever is the greater, towards the costs of monitoring payments and implementation of schemes.

In those cases of large scale development which may require significant planning obligation contributions it may be appropriate to negotiate a fee based on officer involvement rather than on the above formula.

SCHEDULE OF CONTRIBUTIONS SOUGHT

A. AFFORDABLE HOUSING

Justification

It is widely accepted that the provision of housing in any area must seek to meet the needs of the whole community. Buying a home on the open market is out of the reach of a considerable proportion of residents and other tenures need to be available – social rented, shared ownership and intermediate rented. The District Council maintains up to date assessments of local housing need to determine appropriate approaches.

Current policy and practice on securing affordable housing in new development is set out in the Council's [Affordable Housing Supplementary Planning Document \(adopted February 2006\)](#)

The route to revising the proportion of social housing sought in new development will be through a revised SPD which would be open to wider scrutiny and consultation. This document simply summarises the current position. However since the SPD was prepared, a further District Housing Needs Assessment has been completed which provides evidence that the current proportion should be increased.

Affordable housing shall be secured in section 106 agreements on the basis of the Council's Affordable Housing Supplementary Planning Guidance which states that 30% of all private housing developments of five dwellings or over should be affordable i.e. social rented or intermediate forms of rent/purchase. In light of the evidence of the Housing Needs Assessment 2007, this is to be regarded as a minimum.

Commutated sums in lieu of on site provision will only be justified in exceptional circumstances as set out in the Practice Note to section 12 of the Affordable Housing SPD.

In light of market conditions, the Council welcomes proposals from developers which demonstrate balance in properties for rent and sale which deliver increased levels of affordability.

Level of contribution

The current SPD indicates that 30% of all housing developments of 5 or more dwellings should be affordable and provided on the site of the development proposed. In exceptional cases an off site provision is accepted - either through development of units on another site owned by the developer or payment of a sum in lieu of actual provision of units

This payment will be held by the Council and will be used to help enable provision of social housing elsewhere in the District where an appropriate opportunity arises.

Implementation

Agreement over provision of affordable housing units will be reached with a Registered Social Landlord (Housing Association), preferably drawn from a list of associations active in the social rented housing sector within Harborough District.

The Housing Enabling Officer will advise on the preferred mix of affordable housing units and assist in liaison with a Social Landlord.

Guidance on off site affordable contributions which outlines a system for allocating commuted sums is contained in the document "Practice Note – Off Site Affordable Housing Provision" approved by the Executive of the Council in June 2008.

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B. CHILDREN AND YOUNG PEOPLE SERVICES (CYPS) FORMERLY EDUCATION

Justification

The District Council supports the need for new or extended school provision and facilities where new development places a burden on existing class sizes. In the case of large developments, a suitable site would be required and contributions to meet the build costs would be expected. In the majority of cases however the funding will be sought towards expanding existing levels of local provision.

Consultation with the County Council as Local Education Authority via the Developer Contributions Officer at Leicestershire County Council will be carried out at the time of application to establish whether or not there is spare capacity in a given school.

Contributions to primary and secondary education provision will be sought from all residential development proposals where there is shown to be insufficient pupil capacity and it can be demonstrated that the development is likely to generate a need for additional school places.

Level of contribution

Information about local pupil yields will be taken into account in setting the precise requirements and are based on costs per pupil place.

Background information on the details of Leicestershire County Councils requirements are set out in the document [Statement of Requirements for Developer Contributions in Leicestershire](#)

Implementation

It will be agreed at the time of decision to which schools the contributions will support and the method of allocating funding to the school.

Contributions will be paid to Leicestershire County Council who will provide a report on request to the District Council to determine how funding has been allocated into local school facilities.

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C. COMMUNITY FACILITIES

Justification

Successful and sustainable communities are those where there are a good choice of social, cultural, youth and sporting activity often provided by community organisations. Harborough District has a range of providers of community centre, sporting and play facilities often delivered through the voluntary sector. New development can often impact considerably on the demand for new facilities in a largely rural area.

Adequate provision of and capacity in local facilities (e.g. community centres of a size to accommodate pre-school provision and other facilities for after school clubs and organisations and local sports) is essential if the housing or other development will meet the needs of purchasers or occupiers. Financial contributions will be sought and pooled to meet the following types of project

- Community Centre development/expansion
- Community Safety schemes
- Youth provision
- Biodiversity improvement
- Pathway and access improvements
- Environmental Enhancement projects
- Community and voluntary sector facilities
- Heritage and Arts Facilities

Developments of for example, over 1,000 dwellings may generate the need for a new multi purpose community hall or other new community facilities as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution in the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of application.

The majority of development in Harborough District is much smaller but should be expected to similarly contribute to community needs generated by additional development by helping to expand or develop existing levels of provision. It is often not possible nor appropriate to define the specific form of community facility required at the time of application but the Head of Community Services, relevant Parish or Town Council will be consulted at the time of application and will be asked to confirm or otherwise if there is broad evidence of need for additional community facilities in the area arising from the proposal.

Contributions to the costs of providing additional community and social infrastructure will be sought from all development proposals where there is a demonstrable need arising from the development concerned. Such facilities will normally be based in the same community in which the contributing development is located.

Level of contribution

The basis of current standard levels of contribution per dwelling for community facilities has been derived from a calculation of the cost of constructing a community leisure facility for a larger community in 1996 and updated annually for inflation. This has been revised to assess current construction costs for a typical community centre provision serving a neighbourhood of in the region 1000 dwellings. This equates to £735 per dwelling.

The present funding calculation is £675 per dwelling at 2007 but since establishing this community provision it is also used to help fund initiatives related to arts, heritage and other community environmental projects. An increase on current charging levels is reasonable to ensure such facilities are provided for within the community facilities contribution.

Proposed contribution per dwelling for community facilities (from April 2009) £735 per dwelling.

Implementation

The Council operates a community led approach to allocating funding for community projects and off site recreation contributions to take account of community needs and aspirations which occur directly at the time when the development is proceeding. An application system to a Grants Panel operates and further details are contained in the document "Section 106 Funding Guidance Notes for Community Facilities and Off Site Recreation"

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D. HIGHWAYS AND TRANSPORTATION

Justification

Transport infrastructure to deliver sustainable development (reducing the need for journeys by car) and off-set traffic impacts will generally be provided by the developer directly in association with development of the site, and be delivered in accordance with agreement with Leicestershire County Council as transport authority. Any development which leads to a material increase in traffic on the network, or is detrimental to road safety, needs improved access or may create a parking problem may require contribution to highway and transport measures and / or facilities

In accordance with the priorities of the transport authority, such measures may consist of contributions towards pedestrian and cycle facilities, public transport enhancement, travel plans, car parking, traffic regulation orders and associated landscaping works.

In Harborough District the average level of development size in each of the principal settlements is moderate but aggregated together developments can impact considerably on the local transport network. The Council supports the development of a system of pooled contributions arising from development in Market Harborough, Lutterworth and Broughton Astley. The pooled contributions can be used to realise town wide transport initiatives for the town to which the contribution relates.

The District Council is currently preparing a Core Strategy for Harborough District to set out the range of transport initiatives it wishes to see pursued across the District and in each main settlement. It is hoped this can form the basis of an agreed list of local transport initiatives which can be jointly funded from new development occurring within that settlement over the plan period to 2026.

The District Council supports the need to secure appropriate contributions from all development to support the delivery of sustainable development and to deal with impacts of traffic generation, car parking and improve accessibility. This will focus on improved safety and access for pedestrians and cyclists, better provision for local bus services and traffic management measures which improve traffic flow in the main towns. A system of pooling contributions to achieve joint funding of agreed local transport measures in the main towns is being pursued with the County Council.

Level of Contribution

This will depend on the outcome of a traffic assessment and design and access statement required to be submitted with relevant applications. The assessment will help determine the level and type of contribution required.

Further advice is contained in the document [Statement of Requirements for Developer Contributions in Leicestershire](#)

Implementation

Contributions will be paid to Leicestershire County Council who will provide a report on request to the District Council to determine how funding has been allocated into local transport facilities

Matters related to investment in local highway and transport improvements arising as a result of development are overseen by the Harborough Highways Partnership which brings together representatives of Leicestershire County Council and Harborough District Council at Member and Officer level. The Partnership is able to receive progress reports on the implementation of transport schemes and enables the District Council to monitor progress and implementation of schemes funded via planning obligations.

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E. LIBRARY SERVICES AND FACILITIES

Justification

Library services form an important part of a community offering a range of services from book and CD loan, internet access to space for community groups to meet. There are libraries at Market Harborough, Lutterworth, Fleckney, Great Glen, Broughton Astley and Kibworth.

Consultation with the Library service via the Developer Contributions Officer at Leicestershire County Council will be carried out at the time of application to establish whether or not there is need for additional library facilities.

Appropriate contributions will be sought to improve library facilities from all developments where it can be demonstrated that the development will generate a need for the additional provision of library services.

Level of contribution

The level of contributions required will be based on the additional use of the library services expected to be generated by the development.

Current requirements where applying depend upon house size and type. Details of Leicestershire County Councils requirements for library facilities are set out in the document [Statement of Requirements for Developer Contributions in Leicestershire](#)

The extent of available capacity with existing libraries is not referred to within this statement and the District Council considers that contributions should only be sought where there is a demonstrable need for additional services or increased opening hours

Implementation

Contributions will be paid to Leicestershire County Council who will provide a report on request to the District Council to determine how funding has been allocated into local library facilities.

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F. OPEN SPACE SPORT AND RECREATION PROVISION

Justification

Larger development will generally provide for open space and amenity recreational areas on the site. However there is an expectation that developers of residential schemes will mitigate the impact of development via the provision and enhancement of public open space in the District irrespective of whether this is done on site or off site.

Proposed development will be assessed against existing levels of provision to determine the need for additional provision.

A background document “Provision for Open Space Sport and Recreation” prepared by the Street Scene Service of the District Council provides information on local standards for open space provision following an assessment of recreational provision to comply with PPG17 in 2004. It contains an approach to determining the level of contributions towards open space, sport and recreation facilities that will be sought from developers applying for new residential development. The level of contributions will be periodically reviewed to ensure that they are accurate and will be calculated from a detailed assessment of the range of existing open space in the area.

The background document is in draft form at present and will be finalised to match the approval process for this document. Once adopted it will be used as the technical basis for justifying recreation and open space contributions...

Types of provision may include contributions towards

- Parks and Gardens
- Natural and semi natural greenspaces
- Outdoor sports facilities
- Amenity Greenspace (includes Green Corridors)
- Provision for Children and Young People
- Allotments and community gardens
- Cemeteries and other Burial Grounds
- Civic Spaces
- Indoor sport and recreation

A commuted sum will normally also be paid to ensure proper maintenance of the facilities over the initial 15 year life of the facility.

The District Council’s standards for the provision of outdoor open space, sport and recreation facilities shall be applied to all applications for new houses where there is a net increase in five units or more with the exception of Cemeteries and Burial Grounds where a charge will be applied for all residential sites where there is a net increase in units.

Where provision for local open space is made on the site and is agreed to transfer to the Council’s ownership, a commuted sum for maintenance over the first 15 years will be payable.

Where provision is not appropriate on site, a commuted sum based on the cost of provision will be made.

Level of contribution

Since the proposed method of calculation needs to take into account existing provision and is based on a number of types of open space, a specific contribution figure for on and offsite provision will be in future calculated at the time of application. The commuted sum for maintenance will be similarly calculated on the basis of the open space type expected.

A worked example is included in the Provision for Open Space Sport and Recreation document.

Implementation

Where contributions towards specific types of open space or recreational provision have been agreed, the Council will ensure that funding is held and pooled if needed in order that a specific scheme can be implemented. In other cases it may be that such provision needs to be secured solely through partnerships with the voluntary sector. In both cases, funding will be disbursed either to District Council projects or to Voluntary Sector agencies through the Grants Panel referred to earlier via an application process.

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G. PRIMARY HEALTHCARE

Justification

One of the principal demands on a growing community is good health care facilities and often there will be the opportunity to provide sites for additional medical facilities within new development areas. Alternatively existing provision may require additional

facilities, extensions or alterations. Where a development would produce extra demand on the local healthcare provision beyond the capacity of existing provision, planning obligations may be sought to assist in meeting the needs created by the development.

The District Council supports the need to ensure that local health care provision meets the needs of household growth in the District. The Council will consider applications from NHS Leicestershire County and Rutland on developments of five dwellings or over to determine if a contribution is justified based on the capacity in the specific area within which a development is proposed. In larger development projects, the opportunity presented to provide land for medical facilities should be examined.

Level of Contribution

Details of advice on Health Care contributions are set out in the document [Statement of Requirements for Developer Contributions in Leicestershire](#)

Implementation

Contributions will be paid to NHS Leicestershire County and Rutland who will provide a report on request to the District Council to determine how funding has been allocated.

Contact

TBA

H. RECYCLING AND WASTE MANAGEMENT FACILITIES

Justification

It is critical that new development is provided with easy and convenient methods of waste reduction and encouraged to recycle in order to help the District and County meet local and national targets for waste management. Appropriate design and layout of residential and commercial development will be important in helping to

make storage and collection of waste material easy but equally there may be need to increase provision of larger off site facilities for recycling and waste management

Where needed contributions may be required towards increasing the capacity of waste disposal and recycling centres where residents take their own household waste. There are three such centres in the District (Market Harborough, Lutterworth and Kibworth). Currently Market Harborough is the only centre at capacity where contributions are sought. Contributions may also be required towards increasing the capacity of kerbside waste and recycling provision facilities and other facilities to encourage householders and businesses to recycle.

Appropriate contributions will be sought to improve facilities for waste recycling from all developments where it can be demonstrated that the development will generate a need for the additional provision. The level of contributions required will be based on the capital cost of additional provision.

Contributions may also be sought to improve facilities for kerbside waste recycling from residential development where it can be demonstrated that the development will generate a need for the additional provision. The level of contributions required will be based on the capital cost of additional provision.

Level of contribution

Details of Leicestershire County Councils requirements for Civic Amenity/ Waste Management sites are set out in the document [Statement of Requirements for Developer Contributions in Leicestershire](#)

Implementation

Contributions to Waste Disposal and Recycling Centres will be paid to Leicestershire County Council who will provide a report on request to the District Council to determine how funding has been allocated.

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I. OTHER

This statement of practice focuses on the principal areas for which planning obligations are commonly sought within the District at the moment. Depending on the scale and significance of the proposed development planning obligations may be sought for contributions towards any other measures which are needed to ensure development is acceptable, for example flood mitigation measures.

EMERGENCY SERVICES

Justification

Services such as the Leicestershire Constabulary and Leicestershire Fire and Rescue Service have made approaches to the Council to seek inclusion within current planning obligations practice by the levying of a standard charge per dwelling to cover the additional costs of emergency service provision resulting from additional development.

The Police Authority have published a document Policing Contributions from Development Schemes which seeks to outline the need for community safety considerations in development schemes and set out the basis for a standard charges towards policing facilities.

Under PPS1 and the Crime and Disorder Act 1998, local planning authorities need to actively work towards design solutions which create safe environments and help reduce crime and the fear of crime. Developers will be expected to contribute to safer communities by investing in design that minimises crime.

Sufficient evidence in respect of need and existing or planned capacity to justify applying these charges will be required. Where there is clear evidence of capital costs the Council will look at the particular circumstances of the proposed development. It could be that certain developments, particularly those of a larger scale may justify such contributions.

Other County and District Council Services

The Leicestershire County Council document Statement of Requirement for Developer contributions refers to other service areas such as Adult Social Care and Health, Ecology and Museums / Heritage which could be affected by new development. They have not been referred to under individual headings since the case in relation to funding appears less well developed nor evidenced to date.

Similarly at District Council level, the case could be made for contributions to enhance service areas such as Housing Advice, Environmental Health, Sports Development and Planning on the basis of service demands generated by additional housing development.

In both cases the evidence to justify specific contributions towards these service needs collecting and will be kept under review and particular circumstances involving large scale development may justify such a charge.

Sub regional infrastructure and funding

A broader range of contributions may however be eventually justified in the context of larger growth plans across Leicestershire.

A county wide assessment of infrastructure requirements has been commissioned and this may form the basis for a future Community Infrastructure Levy. Such arrangements would require agreement across Leicestershire and the Council will actively take part in this assessment and consider the need to introduce or replace the current Section 106 practice in light of the outcome of this work.

There are several areas of work being developed which will provide evidence for further contributions– a strategic flood risk assessment and a transport assessment of growth options. In addition a sports facilities strategic framework being developed by the Leicestershire and Rutland County Sports Partnership which will help assess need for larger sports facilities.

Appendix

Contribution	Amount	Organisation Responsible
Community Facilities	£735 per dwelling. Please refer to Planning Obligation Developer Guidance Note	Harborough District Council
Open Space Sport and Recreation	Dependent upon calculation specific to each site. Please refer to Provision for Open Space Sport and Recreation document	Harborough District Council
Affordable Housing	Minimum 30% AH contribution on sites that deliver a net increase of 5 or more units. Please refer to Affordable Housing Supplementary Planning Document Adopted February 2006	Harborough District Council
Children and Young People Services (CYPS) formerly education	For developments of 10 dwellings or more the following charges apply: £2,501.28 per house for primary schools £1,571.30 per house for 11 – 14 High Schools £1,608.46 per house for 14 – 18 upper schools £448.15 per flat for primary schools £251.41 per flat for 11-14 High schools £257.41 per flat for 14-18 upper schools Source: Statement of Requirements for Developer Contributions in Leicestershire	Leicestershire County Council
Library Facilities	1 bedroom houses @ £26.44 per house 2 bedroom houses @ £52.87 per house 3/4/5 bedroom houses @ £61.68 per house 1 bedroom apartments @ £26.44 per apartment 2 bedroom apartments @ £52.87 per apartment 3/4/5 bedroom apartments @ £61.68 per apartment	Leicestershire County Council

Appendix A

	Source: Statement of Requirements for Developer Contributions in Leicestershire	
Recycling and Waste Management	<p>The contribution rate for all CA sites is currently reviewed on an annual basis. The rate requested per CA site varies and currently the highest amount is £87.26 per additional dwelling unit.</p> <p>Source: Statement of Requirements for Developer Contributions in Leicestershire</p>	Leicestershire County Council
Primary Healthcare	To be confirmed	NHS Leicestershire County and Rutland
Transport Infrastructure	Requirements will depend on the particular circumstances relating to the development and may include, for example, highway implications such as parental car parking at schools and traffic management. The submission of a Transport Assessment helps in assessing requirements.	Leicestershire County Council