



Allerdale Borough Council



Allerdale Local Plan

Supplementary Planning Document

Developer Contributions

July 2017



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Introduction

- 1.1 Allerdale Local Plan seeks to ensure that future housing and employment growth is sustainable and community needs are met. Therefore, the Council will expect new developments to fund or contribute to the necessary physical and social infrastructure improvements and subsequent maintenance, in accordance with Policy S21: Developer Contributions.
- 1.2 These improvements will be secured in two ways. Some will be agreed through the planning application process and the delivery can therefore be secured through a planning condition. Alternatively their delivery will be the subject of a planning obligation, which can be secured through either a Section 106 Agreement or a Unilateral Undertaking depending on the nature of the development.
- 1.3 In most circumstances a Section 106 Agreement would be the most appropriate, which are entered into by the Council (and County Council where relevant) and the developer/landowner. However there will be occasions where the use of Unilateral Undertakings may be appropriate. This is a simplified version of a Planning Agreement and is only entered into by the landowner. It will only be appropriate in circumstances where the agreement consists solely of the payment of financial contributions.

Scope of the document

- 1.4 This Supplementary Planning Document (SPD) is intended to expand upon Policy S21 and provide greater clarity and certainty to developers, landowners, the community regarding the types of obligation that the Council may seek to secure from developments and the formulae and charges which the Council would seek to apply.
- 1.5 **The types of obligation included in this document are not exhaustive. Each application will be considered on a case-by-case basis and, when required, other necessary contributions may be identified.**

Status and use of the SPD

- 1.6 In accordance with the relevant legislation, this document has been subject to public consultation. The SPD was formally adopted by the Council on 26 July 2017.
- 1.7 As such it is a material consideration in the determination of planning applications: it should therefore be taken into consideration when undertaking initial feasibility, when negotiating for site acquisition and during the preparation of proposals for new residential and non-residential developments.

Legislative and national policy context

- 1.8 The ability for the Council to use planning obligations comes from Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act and the Localism Act 2011. These set out the legislative background against which planning obligations may be sought. Further legislation and guidance is set out in the National Planning Policy Framework (NPPF), the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the Planning Policy Guidance (PPG).

Local policy context

- 1.9 The Allerdale Local Plan (Part 1) adopted in July 2014, sets out the strategic context for the Allerdale Plan Area and will be complemented by Part 2: Site Allocations Document, to be prepared in line with the timescales set in the Local Development Scheme.

- 1.10 The Local Plan (Part 1) contains a number of policies that, in order for a development to be compliant, may necessitate the use of planning obligations:

- Policy S2 – *Sustainable Development Principles* – ensuring that physical and social infrastructure is fit for purpose and ensure sufficient capacity for planned development
- Policy S4 – *Design Principles* – achieving high quality design and integration with existing development through the provision of public and private open spaces
- Policy S5 – *Development Principles* – ensuring that proposed developments do not exceed the capacity of local infrastructure
- Policy S8 – *Affordable Housing* – securing the provision of affordable housing as part of residential development proposals.
- Policy S15 – *Education and Skills* – proactively planning for the provision of schools in the right location and of sufficient size/capacity for future population requirements,
- Policy S21 – *Developer Contributions* – securing infrastructure improvements which are necessary to make the development acceptable by planning obligations.
- Policy S22 – *Transport Principles* – ensuring that developments can be accessed safely and minimising the impacts on the strategic highway network
- Policy S24 – *Green Infrastructure* – ensuring through developments green infrastructure assets should be created, enhanced, maintained and protected
- Policy S25 – *Sports, Leisure and Open Space* – seeking the quantitative and qualitative improvements to the provision of open

space from new developments where deficiencies have been identified.

- Policy S29 – *Flood Risk and Surface Water Drainage* – minimising the risk from tidal, fluvial and surface water flooding and securing the long-term management of Sustainable Urban Drainage Systems (SuDs).
- Policy DM14 – *Standards of Good Design* – ensuring that new developments incorporate landscaping in order to integrate it into its surroundings and contribute to the provision of green infrastructure.

Two tier authority

1.11 The Council operates within a two-tier local government system. Cumbria County Council is the Local Highways Authority, Local Education Authority and the Lead Local Flood Authority. As such they are responsible for providing and maintaining strategic infrastructure such as highways and education as well as developing and delivering a strategy for local flood risk management throughout the county. Therefore if a planning obligation is sought for contributions covering highways, education or flood risk management, then the County Council may be required to enter into the S106 agreement.

General approach to planning obligations

- 1.12 Paragraphs 203 to 205 of the NPPF and CIL Regulation 122 set out the following legal tests that the Council must consider in relation to whether planning obligations should be sought:
- Necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fair and reasonably related in scale and kind to the development
- 1.13 The NPPF also highlights that the Council should consider the economic viability of developments and should ensure that the scale of planning obligations does not undermine deliverability.
- 1.14 Dates will be identified within planning obligation agreements when ‘in-kind’ and financial contributions will be provided. These dates are known as ‘trigger points’. For larger developments, phased in-kind and financial contributions may be linked to each stage of the development. In all cases, the Council will liaise with the developer to agree appropriate trigger points.
- 1.15 Planning obligation agreements will also include dates by which the Council must spend any financial contributions they have received from developers. Any contribution that is not spent by the specified date will be returned to the developer, along with any interest accrued in that time period.

Pre-application engagement

- 1.16 The Council encourages early engagement with developers and key stakeholders to discuss planning obligations. Applicants will be encouraged to discuss and agree heads of terms of the planning obligation at the pre-application stage and submit a draft heads of terms with any subsequent planning application.
- 1.17 The Council will liaise with infrastructure providers and key stakeholders in order to determine whether planning obligations will be necessary and if so, their form and scope. This will provide developers with an indication of the level of contributions that could be required as a result of their development.
- 1.18 The drafting and/or checking of a S106 Agreement or Unilateral Undertaking will be carried out by the Council’s Legal Team or by solicitors acting on the Council’s behalf; applicants will be expected to pay all reasonable costs that the Council incurs.

Pooled Contributions

- 1.19 Planning obligations may be used to pool developer contributions from a maximum of five developments that are near to each other. This pooling will be used to provide specific pieces of infrastructure in an

equitable way where it is identified as being as necessary as a result of development.

Community Infrastructure Levy

- 1.20 Planning obligations may still be used alongside Community Infrastructure Levies (CIL) to secure the provision of affordable housing and other site specific requirements. The Council is currently exploring the possibility of introducing a CIL. Policy S21 of the Local Plan (Part 1) states that the Council will not adopt CIL unless it can be demonstrated that it can be done without compromising development viability.
- 1.21 In the interim, the Council will continue to use planning obligations to secure and deliver infrastructure requirements.

Enforcement and Monitoring

- 1.22 Allerdale Borough Council will monitor planning obligation requirements to ensure that they are complied with. In the event of an obligation not being fulfilled – either ‘in kind’ or financial contribution - the Council will write to the developer requesting timescales for completion within 21 days.
- 1.23 In the absence of a response or if the Council remains dissatisfied with the proposed timescales for completion, the Council will consider instigating enforcement action. The Council has the option of using an injunction, which can stop the development proceeding and/or ensure compliance with the terms of the Agreement. The Council has the power to enter the land and carry out any works that were required and recover the costs (a 21 day notice of intention must be given to do this).
- 1.24 The Council will report annually on all money received through s106 agreements and how money has been spent. This information will be included within the Annual Monitoring Report which is published on the Council's [website](#).

Viability

- 1.25 The Council acknowledges that there may be occasions where, as a result of economic viability, the development is unable to meet the full policy/planning obligation requirements. Where this scenario arises, the developer must submit evidence to the Council to support their case for a lower level of obligation.
- 1.26 It is acknowledged that there is no single approach to assessing viability. However, the Council's preferred approach is the Residual Land Value method. The methodology framework for the Residual Land Value method is set out in the RICS document [Financial Viability In Planning](#).

- 1.27 It is expected that the issue of viability will be addressed at the pre-application or application stage. However, developers can request that the Council reviews the financial viability of a development following the granting of planning permission.
- 1.28 The Council will seek an independent review of any financial appraisal or viability assessment submitted. The cost of this independent assessment will be met by the applicant/developer.

Affordable housing

- 2.1 Delivering a balanced housing market and increasing access to affordable housing is a key priority of the Council. There is significant need for affordable housing within the Allerdale Plan Area, evidenced in the Council's Strategic Housing Market Assessments. This section sets out how the Council will seek to secure appropriate levels of affordable housing through the use of planning obligations in accordance with national and local plan policy.

Policy Background

- 2.2 Policy S8 of the Local Plan sets out the approach to the delivery of affordable housing to meet the objectively assessed needs within the Allerdale Plan Area. This SPD provides further guidance on the implementation of this policy.

Housing mix and type

- 2.3 In relation to affordable housing, the house type and mix will be determined on a site by site basis using the most up to date local evidence. Early discussions with the Council's Housing department to agree the mix and house type would be expected before an application is submitted. In addition, with respect to social rented properties, evidence that a Registered Provider has expressed interest in purchasing the affordable housing should accompany the planning application.

Tenure Mix

- 2.4 The expected tenure mix is set out in Policy S8; however, if there is clear evidence that no Registered Provider is willing to take the affordable stock with that tenure mix then the Council would explore, alongside the developer and Registered Providers, the possibility of amending the tenure ratio or house types to ensure on-site delivery. Any proposed amendments to the tenure mix should reflect, as far as possible, the need identified in the local housing study.

Viability

- 2.5 Policy S8 recognises that in some cases, issues of viability may justify an exception to the required level of affordable housing or an alteration to the tenure mix. The onus will be on the developer to provide the evidence necessary to justify a lower affordable housing contribution.

Under use of sites

- 2.6 Policies S2 and DM14 of the Local Plan (Part 1) require development to make the most efficient use of land and build at an appropriate density and layout according to local setting and character. The

Council will assess site/ownership boundaries, density and unit mix to ensure that land is not used inefficiently or in a piecemeal fashion to deliberately produce schemes below the policy thresholds.

Design considerations

- 2.7 When affordable housing is required as part of a scheme, it should be well designed, integrated with and not visually distinguishable from the rest of the development. To this end, Policy S8 requires that the affordable housing provision is distributed throughout a site in the form of clusters. In addition, all social and intermediate housing requiring Homes and Communities Agency grant funding must be built to the relevant design and quality standards.

Timing of provision

- 2.8 Triggers for the delivery of affordable housing will be included in the Section 106 agreement to ensure their timely delivery. The Council will expect all affordable housing units to be ready for occupation prior to the occupation of 70% of the open market dwellings within a defined phase.

Exceptional Circumstances

- 2.9 Policy S8 stipulates that all affordable housing provision must be on-site, unless exceptional circumstances dictate otherwise. Where the Council is satisfied that the developer can demonstrate an exceptional circumstance exists that dictates that an alternative form of provision would offer greater social benefits and maximise affordable housing delivery, it may accept off-site delivery. In this scenario, the Council will apply the following sequential approach:

1: Alternative Site

- 2.10 The Council's preferred off-site solution is the provision of affordable housing on an alternative site in the same town/village as the proposed development. The percentage requirement set out in Policy S8 will be applied across both sites to ensure a pro-rata contribution. It is unlikely that the Council will accept a proposal that results in an inappropriate mix of tenures across the two sites or excessive dominance of affordable housing within a particular location.
- 2.11 The Council must be satisfied that there is a suitable and available alternative site to accommodate the affordable housing. The site should be identified by the applicant during pre-application discussions and either:
- Already have planning permission for housing, in which case the Council will need to be satisfied that the site can, in principle, accommodate the off-site provision; or

- Be acceptable to the Council for housing in principle. In this case, the site will need to be the subject of a concurrent planning application. The two planning permissions will be tied together by means of a Section 106 agreement, to ensure delivery of the affordable housing.

2.12 The Council will agree the timescales for the completion of the affordable units on the alternative site in the Section 106 agreement. The Council will expect the affordable units on the alternative site to be completed and, where applicable transferred, to the Registered Provider prior to the completion of the market housing development to which they relate.

2: Off-site purchase

2.13 If applicants can demonstrate that they are unable to provide the affordable housing requirement on an alternative site, they may buy an equivalent number of dwellings of the correct size on the open market for use as affordable housing. The dwellings should be in a location agreed by the Council at the pre-application stage, and have the potential to meet all the required standards. In addition, an indication that a Registered Provider has expressed an interest in purchasing the properties should accompany the planning application.

3: Financial Contribution

2.14 Only if the above options are not feasible would the Council consider the provision of affordable housing by way of financial contribution, calculated using the formula set out below. Offsite payments would normally be paid at the commencement of work. However, phasing of payment may be considered where it would enable delivery of the overall development. In such cases a payment schedule will be agreed with the Council and incorporated in to the S106 agreement.

Calculating Commuted Sums

2.15 For the purposes of calculating commuted sums payable in lieu of affordable housing on-site, for affordable/social rented units the sum shall be equal to the difference between the open market valuation of the units for which a need has been identified and the purchase price that a Registered Provider would be willing to pay for those units. For intermediate (Low Cost Home Ownership) units the sum shall be equal to the difference between the open market valuation of the units for which a need has been identified and the discounted purchase price at which those units would be offered.

2.16 With regards to affordable/social rented units, Registered Providers' purchase values typically based on a calculation from rental income, typically over a 30 year period. On average, across the Allerdale Plan Area, these purchase values equate to 50% of the open market value.

However the commuted sum sought by the Council will be calculated based on past evidence taking into account recorded purchase values and the level of discount achieved within the locality in which the development site is located (governed by the localities identified in Policy S6 of the Local Plan Part 1). In relation to intermediate units the commuted sum sought will be calculated based on the Council's most current discount schedule for Low Cost Home Ownership units. A worked example is provided in Figure 1.

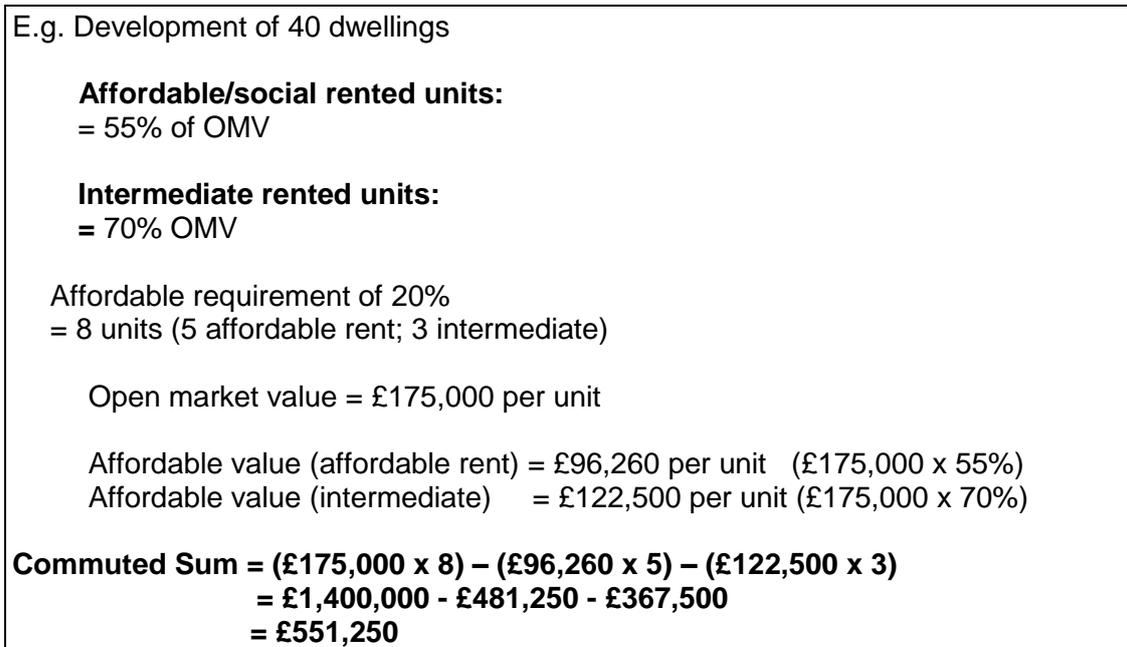


Figure 1: Worked example of a commuted sum for affordable housing in lieu of on-site provision

- 2.17 In establishing the open market values of affordable units, these will be based on an equivalent property within the immediately locality and carried out by a suitably qualified person that has been verified by the Council. The house type will be determined on local needs, as evidenced by an up-to-date Local Housing Study.
- 2.18 All commuted sums for affordable housing will be secured through the use of a Section 106 agreement, which will include phasing of payments where appropriate.

Care and Retirement Accommodation

- 2.19 All forms of retirement and extra care accommodation will be required to provide affordable housing in line with policy S8 of the Local Plan (Part 1). The only exception would be institutional care homes and nursing homes which fall into Class C2 of the Use Classes Order.

Section 106 Agreements

- 2.20 The Council will use Section 106 Agreements to secure affordable housing and ensure affordability in perpetuity

Open space

2.21 Developing a comprehensive network of high quality open space is a key priority of the Council. New residential developments generate an increase in the population of an area and a corresponding increase in the number of open space users. This can lead to an undersupply of open space within settlements. This section sets out how open space contributions will be sought from new residential developments to mitigate this impact.

Policy Background

2.22 Paragraph 73 of the National Planning Policy Framework (NPPF) requires that planning policies for the provision and safeguarding of open space, sports and recreation facilities should be based on robust and up-to-date assessments. Assessments should also identify specific needs and quantitative and qualitative deficiencies and surpluses in local areas.

2.23 Allerdale Borough Council commissioned an Open Space, Sport and Recreation Study (2014), which provides an assessment with regard to the level of provision in the Allerdale Plan Area and its condition, distribution and overall quality. It also considers the demand for provision based on population distribution and planned growth and underpins the methodology and calculations used in this SPD.

2.24 Ensuring that all residents within the Plan Area have access to high quality open space is a key objective of the Council, which is reflected in Strategic Objective SO5d and SO6e of the Local Plan (Part 1) and Policies S2, S4, S24, S25 and DM14

Types of open space sought from developer contributions

Amenity Greenspace

2.25 This type of open space is most commonly found in residential areas and includes informal recreation spaces, green spaces and village greens. Their primary purpose is to provide opportunities for informal recreation activities for residents within the vicinity; however they also serve to provide visual breaks within built-up areas and enhance the appearance of developments.

Provision for Children and Young People

2.26 This type of open space can be found within both residential areas and municipal locations. Provision for children typically comprises of areas containing piece of play equipment and can range from small sites serving a housing estate to large municipal sites that serve the wider community. Provision for young people comprises of sites containing

equipment that caters to older age ranges and may incorporate facilities such as ball courts, skate parks and teenage shelters.

Outdoor sports facilities

2.27 This type of open space can be found within municipal locations and includes grass and synthetic playing pitches (for rugby, football, cricket and hockey), hard courts (for tennis, netball and basketball), bowling greens and athletics tracks. This typology also includes associated facilities and infrastructure such as car parking, toilets, changing facilities and floodlighting.

Developer contributions for amenity greenspace and provision for children and young people

2.28 The approach Council will require a developer contribution consists of four stages:

1. Determining whether a contribution is required
2. Determining whether on-site provision or an off-site financial contribution is required
3. Calculating the required on-site provision or off-site financial contribution
4. Determining the format of on-site provision

Stage 1: Determining whether a contribution is required

2.29 Figure 2 sets out the process of determining whether a contribution is required and if so, whether it should take the form of on-site provision of new open space or a financial contribution to enhance existing off-site provision.

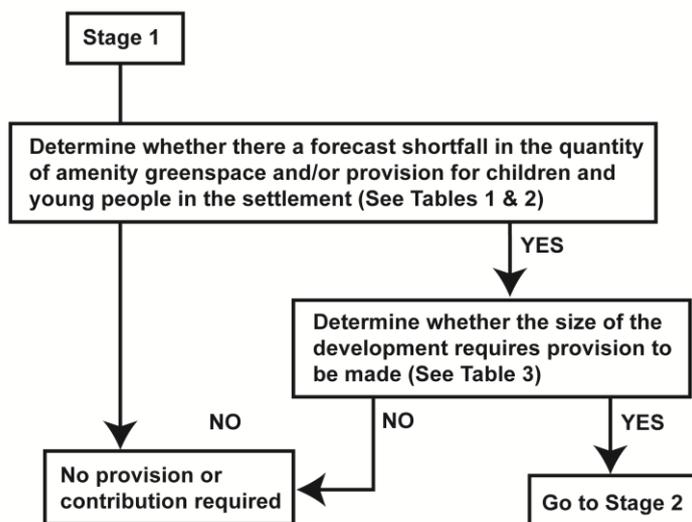


Figure 2: Determining whether a contribution for amenity greenspace and/or provision for children and young people is required

2.30 Table 1 sets out the current provision and future requirements for amenity greenspace.

Settlement	Current Provision (ha)	Current Population	Current Settlement Standard (ha per 1,000 pop ⁿ)	Plan Area Standard (ha per 1,000 pop ⁿ)	Future Population	Surplus / deficit in provision by 2029 (ha)
Workington	18.66	25207	0.74	0.65	29612	-0.59
Maryport	13.15	9925	1.32	0.65	11436	+5.72
Cockermouth	3.04	8761	0.35	0.65	10019	-3.47
Wigton	2.39	5831	0.41	0.65	7089	-2.22
Aspatria	0.59	2834	0.21	0.65	3338	-1.58
Silloth	0.92	2546	0.36	0.65	2923	-0.98
Abbeytown	0.83	819	1.01	0.65	934	+0.22
Allonby	5.90	444	13.29	0.65	490	+5.58
Brigham	0.82	756	1.08	0.65	963	+0.19
Broughton	1.19	783	1.52	0.65	1071	+0.49
Br Moor	1.65	1,799	0.92	0.65	2018	+0.34
Dearham	1.15	1,707	0.67	0.65	2236	-0.30
Flimby	1.14	1,704	0.67	0.65	1888	-0.09
Gt Clifton	1.05	600	1.75	0.65	784	+0.54
Kirkbride	0.29	489	0.59	0.65	696	-0.16
Prospect	0.39	328	1.19	0.65	443	+0.10
Thursby	0.98	846	1.16	0.65	1122	+0.25

Table 1: Current and required future provision of amenity greenspace by settlement

2.31 Table 2 sets out the current provision and future requirements for provision for children and young people

Settlement	Current Provision (ha)	Current Population	Settlement Standard (ha per 1,000 pop ⁿ)	Plan Area Standard (ha per 1,000 pop ⁿ)	Future Population	Surplus / deficit in provision by 2029 (ha)
Workington	1.45	25207	0.06	0.06	29612	-0.33
Maryport	0.24	9925	0.02	0.06	11436	-0.44
Cockermouth	0.41	8761	0.05	0.06	10019	-0.19
Wigton	0.25	5831	0.04	0.06	7089	-0.18
Aspatria	0.16	2834	0.06	0.06	3338	-0.04
Silloth	0.26	2546	0.10	0.06	2923	+0.08
Abbeytown	0.0	819	0.00	0.06	934	-0.06
Allonby	0.37	444	0.83	0.06	490	+0.34
Brigham	0.02	756	0.03	0.06	963	-0.04
Broughton	0.11	783	0.14	0.06	1071	+0.05
Br Moor	0.05	1,799	0.03	0.06	2018	-0.07
Dearham	0.24	1,707	0.14	0.06	2236	+0.11
Flimby	0.03	1,704	0.02	0.06	1888	-0.08
Gt. Clifton	0.05	600	0.08	0.06	784	0.00
Kirkbride	0.12	489	0.25	0.06	696	+0.08
Prospect	0.15	328	0.46	0.06	741	+0.11
Thursby	0.0	846	0.00	0.06	1122	-0.07

Table 2: Current and required future provision for children and young people by settlement

2.32 In Tables 1 and 2, the final column indicates whether the settlement, will have a surplus or deficiency in the amount of amenity greenspace and/or provision for children and young people at the end of the Plan period (2029). This calculation uses a combination of the level of housing growth directed to that settlement set out in the Local Plan and average household size to estimate population uplift.

Stage 2: Determining whether on-site provision or an off-site financial contribution is required

2.33 The need for and type of contribution will be dependent on the size of the development, as indicated in Table 3.

Amenity Greenspace (AGS)		
	Contribution Required	Type
Less than 10 dwellings	No	
10-29 dwellings within 400m walking distance of existing AGS	No	
10-29 dwellings beyond 400m walking distance of existing AGS	Yes	On site (See Stage 3)
More than 30 dwellings	Yes	On site (See Stage 3)

Provision for Children and Young People		
	Contribution Required	Type
Less than 20 dwellings	No	
20-49 dwellings	Yes	Financial contribution to upgrade existing off-site facilities (See Stage 3)
50-79 more dwellings within 400m walking distance of an existing equipped area of play	Yes	Financial contribution to upgrade existing off-site facilities may be acceptable (See Paragraphs 2.34-2.35 and Stage 3)
50-79 dwellings beyond 400m walking distance of an existing equipped area of play	Yes	Preference for on-site (See Paragraphs 2.34-2.35 and Stage 3)
More than 80 dwellings	Yes	On site

Table 3: Site size thresholds for open space contributions

2.34 In relation to amenity greenspace, schemes that do not require on-site provision must still demonstrate compliance with the requirements of Local Plan policy DM14, which requires all new development to incorporate high quality landscaping in order to integrate it into its surroundings and contribute to the green infrastructure network across the Plan Area.

- 2.35 With regards to provision for children and young people, the approach to sites between 50-79 dwellings may be varied depending on the individual circumstances of the site and its surroundings. A distance threshold of 400m has been used as benchmark as it is referred to as an appropriate distance in the 'Guidance for Outdoor Sport and Play' (Fields in Trust, 2015).
- 2.36 However the Council will exercise its judgement in determining whether on-site or off-site provision is appropriate in individual cases:
- It may take the view that a site that is less than 400m from an existing play area must still make provision on-site, if the identified route is considered to be unsafe (e.g. adjacent to a busy road or involves crossing a busy road where there is no pedestrian crossing point) or arduous (in terms of condition and/or terrain).
 - It may consider distances that are in excess of 400m (up to 25%) acceptable if the proposed route is both safe and accessible to all users.
 - In cases where on off-site contribution is proposed, consideration will be given as to whether the existing play area has the scope to be upgraded. It may not be feasible to accommodate additional play equipment on small and constrained sites. In this scenario the Council may take the view that provision should be on-site.

Stage 3: Calculating the required on-site provision or off-site financial contribution

- 2.37 The Council will calculate the area requirement for on-site provision amenity greenspace and provision for children and young people will per dwelling, based on the standards set out in the Allerdale Open Space Standard Paper 2014.
- 2.38 The standards set out in the Allerdale Open Space Standard Paper are based on per 1,000 population. In Cumbria, 1,000 persons equates to 431 dwellings, based on the fact the 2011 census indicates that the average household size in the county is 2.3 persons ($1000/2.3=431$).

Amenity greenspace

- 2.39 In the case of amenity greenspace, the Allerdale standard is 0.65ha or 6,500m² per 1,000 population. Therefore **15m² of amenity greenspace will be required** per dwelling ($6500/431$).

<p>E.g. Development of 80 dwellings</p> <p>15m² of provision required per dwelling</p> <p>Total amount of on-site amenity greenspace required: 80 x 15 = 1,200 m²</p>
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Figure 2: Worked example of a calculation for on-site provision of amenity greenspace

Provision for children and young people

- 2.40 In the case of provision for children and young people, the Allerdale standard is 0.06ha or 600m² per 1,000 population. Therefore **1.34m² of provision for children and young people will be required per dwelling** (600/431).

E.g. Development of 85 dwellings

1.34m² of provision required per dwelling

Total amount of on-site provision required: 85 x 1.34 = 114 m²

Figure 3: Worked example of a calculation for on-site provision of provision for children and young people

- 2.41 The financial contribution for the off-site enhancement/improvement of provision for children and young people will be calculated based on the formula used to determine the amount of on-site provision. A cost of **£120 per m² will be sought in lieu of on-site provision**. This is based on the costings identified in the Council's Review of Non-Strategic Play Areas 2010.

E.g. Development of 75 dwellings (within 400m of existing play area)

1.34m² of provision required per dwelling

Financial contribution required: 75 x 1.34 x £120 = £12,060

Figure 4: Worked example of a commuted sum provision for children and young people in lieu of on-site provision

Stage 4: Determining the format of on-site provision

Amenity greenspace

- 2.42 The Council will normally expect the required area to be provided as a single parcel of land so that it is large enough to be 'multifunctional' – with the purpose of providing a space for wildlife habitats, biodiversity and informal outdoor sports and recreation in addition to its landscaping function and contribution to the visual amenity of the development.
- 2.43 However, on large developments (i.e. in excess of 150 dwellings) the subdivision of the required area into smaller parcels may be acceptable to avoid the creation of large and impractical tracts of land. Whilst there must be a single parcel of land large enough to be 'multifunctional', the residual area may be subdivided into smaller parcels of land and distributed throughout the development.

Provision for children and young people

- 2.44 Developments of 80 units or more will normally be expected to provide the requisite sized play area on site. However, on large developments (i.e. in excess of 150 dwellings) the Council may accept a smaller area

of on-site provision than would be required using the formula, if a local municipal play lies within 1000m walking distance of the site.

- 2.45 An appropriately-sized area of on-site provision - to cater for young children - will be agreed with the Council with an off-site financial contribution, calculated upon the residual area, to upgrade the identified existing neighbourhood play area.

E.g. Development of 200 dwellings
1.34m² of provision for children and young people required per dwelling
Total amount of on-site provision required: 200 x 1.34 = 268 m²
Agreement with Council for 150m² on site provision:
268m² (Full Requirement) -150m² (agreed on site provision) = 118 m²
Residual financial contribution required: 118m² x 1.34 x £120 = £18,974

Figure 5: Worked example of a part on-site provision part commuted sum for provision for children and young people

Developer contributions for outdoor sports facilities:

- 2.46 On large developments (i.e. in excess of 150 dwellings) developers will be required to make an financial contribution for the provision of new or upgrading of existing outdoor sports facilities in areas where:

- Local deficits in provision are identified within the Council’s Playing Pitch Strategy and;
- Projects to address these deficits have been prepared and fully costed

- 2.47 In circumstances where the requirement for financial contribution is triggered, the Council will use the proportion of the overall housing growth in the settlement that the development represents as a basis for the calculation. This figure will then be applied to the total cost of the project to derive the requested sum.

E.g. Development of 200 dwellings in Wigton
Total costs of identified project = £15,000
200 (Total No. dwellings) / 547 (Total Housing Growth for Wigton)
= 0.37 (37%)
£15,000 (Total cost of project) x 0.37 (development’s proportion of total housing growth = £5,550
Financial contribution required = £5,550

Figure 6: Worked example of a commuted sum for off-site contribution for outdoor sports facilities

Future maintenance

Amenity greenspace and provision for children and young people

- 2.48 Planning obligations for the provision of amenity greenspace and provision for children and young people will also be accompanied by a requirement for their future maintenance. Developers will be expected to meet the maintenance requirements either directly through a Residence Management agreement or a Management Company.
- 2.49 Alternatively, where the relevant town or parish council is in favour of doing so, the responsibility for maintenance may be transferred to them. Such an arrangement would be subject to a suitable commuted sum, agreed between both parties, for ongoing future maintenance.

Outdoor sports facilities

- 2.50 The costs of future upkeep of outdoor sports facilities will have been included in the financial appraisal of the individual improvement projects. Therefore no additional financial contributions will be sought for future maintenance.

Education

2.51 Raising the levels of educational attainment and skills is a key priority of the Council. New residential developments generate an increase in the population of an area and a corresponding increase in the number of school pupils. This can lead to capacity problems in local schools and insufficient school places. This section sets out how education contributions will be sought from new residential developments to mitigate this problem.

Policy Background

2.52 Policies S5, S15 and S21 of the Local Plan (Part 1) seek to ensure the provision of schools with sufficient capacity for future population requirements and form the basis for seeking contributions for improvements to education services and facilities.

Circumstances in which planning obligations will be sought

2.53 Cumbria County Council, in the function as Local Education Authority, must ensure it has secured the provision of sufficient primary and secondary school places for its area. The provision of these places can be in local authority maintained schools or, with their support, at academies.

2.54 Where there is an identified and evidenced need for the provision of additional school places as a direct result of new development, the County Council will require the developer to meet the costs of providing the additional capacity or, if this is not feasible, provide transport to a nearby school with capacity.

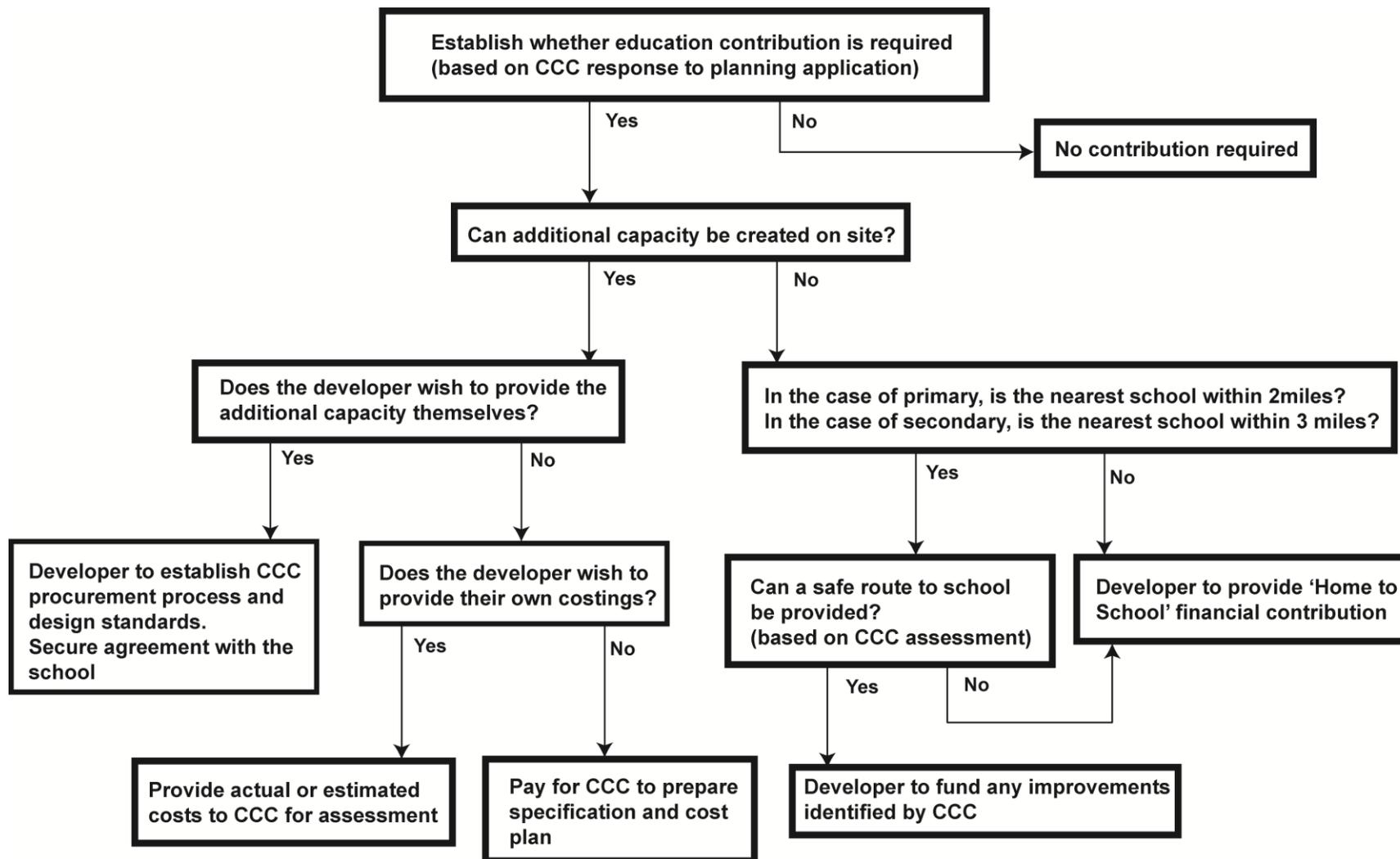


Figure 7: Process for determining whether planning obligations for education services and facilities will be sought

Calculating the potential pupil yield of the development

2.55 To calculate the anticipated pupil yield from a development, the County Council will use the most up-to-date census data.

2.56 The calculation is based on the presumption that households of 3 or more people include one child of school age. In Cumbria, the census data indicates that the following percentages of households have 3 or more people.

- 2 bedroom dwellings: 12.9% of households
- 3 bedroom dwellings: 37.9% of households
- 4+ bedroom dwellings: 50.2% of households

2.57 This is applied to new development to provide the pupil yield:

E.g. A development of 150 units:

50 2 bed houses (pupil yield = $50 \times 12.9\%$) = 6 school age children

50 3 bed houses (pupil yield = $50 \times 37.9\%$) = 19 school age children

50 4 bed houses (pupil yield = $50 \times 50.2\%$) = 25 school age children

Total pupil yield = 50 school age children

Figure 8: Example of Pupil Yield (Dwelling led)

Calculating the distribution between primary and secondary

2.58 To calculate the primary/secondary pupil yield split, the County Council will use the assumption that children will fall equally across the 12 school year groups – 7 primary and 5 secondary:

E.g. A total pupil yield of 50 school age children:

Primary = $50/12$ (total year groups) \times 7 (no. year groups) = 29

Total primary pupil yield = 29

Secondary = $50/12$ (total year groups) \times 5 (no. year groups) = 21

Total secondary pupil yield = 21

Figure 9: Example of primary/secondary pupil yield split (Dwelling led)

2.59 Where an outline planning application is submitted without an indication of the proposed dwelling mix, the yield estimate will be based upon a population-led model. This approach calculates the average number of school children living in each household and applies it to the total number of houses proposed:

E.g. Outline application for 150 dwellings

Number of households in Cumbria – 209,027

Number of children aged 4-15 living in households in Cumbria – 72,149

Number of children per household – 0.345 (72,149/209,027)

Total Pupil yield = 150 units x 0.345 = 52 children

Primary = 52/12 (total year groups) x 7 (no. year groups) = 30

Total primary pupil yield = 30

Secondary = 52/12 (total year groups) x 5 (no. year groups) = 22

Total secondary pupil yield = 22

Figure 10: Example of Pupil Yield – Population Led Model

2.60 In cases where an outline application is submitted and the number and type of dwellings is uncertain, the County Council will estimate the capacity of the site and housing mix based on similar approved schemes. When the number of dwellings and mix is confirmed at the subsequent Reserved Matters, the pupil yield will be recalculated.

Calculating the capacity of local schools

2.61 The County Council will take the following criteria into consideration when calculating the number of available spaces within the local school(s):

- The net capacity figure (provided to the Department of Education annually)
- The average projected pupil numbers (informed by annual data collected from the ONS Live Birth data showing all children aged 6 and under living in any given school catchment area)
- Other housing schemes with planning permission in the catchment areas of the school(s)
- The future school roll

Approach to the provision of additional school places

2.62 Where the pupil yield of a proposed development exceeds the capacity of the local school, the County Council will require the developer to provide the full cost of providing the required capacity.

2.63 The approach to providing the required capacity will be agreed with the County Council (and in the case of Free School or Academy, their agreement also). This could take the form of external works to extend a school to provide additional classrooms and associated ancillary facilities or in circumstances where extensions are not feasible, internal works to reconfigure the layouts of existing buildings.

- 2.64 The County Council will normally seek to create the extra capacity at the school nearest to the proposed development. However this may not always be possible and in these circumstances creating capacity in alternative schools within statutory walking distance of the development will be considered, if a 'Safe Route to School' can be provided.

Calculating the financial contribution to fund the works to provide additional school places

- 2.65 The specification and cost plan of the works should be submitted to the County Council for assessment and should be based on the Royal Institution of Chartered Surveyors Building Cost Indices. Alternatively the developer could pay the County Council to prepare the specification and cost plan.
- 2.66 In circumstances where the actual costs/detailed estimate cannot be provided, then the County Council will revert to the current Department of Education construction costs multipliers:

E.g. A total pupil yield of 50 school age children:
Primary = $50/12$ (total year groups) x 7 (no. year groups) = 29
Total primary pupil yield = 29
Secondary = $50/12$ (total year groups) x 5 (no. year groups) = 21
Total secondary pupil yield = 21
Contribution:
29 x DfE primary cost multiplier (at the time the additional places are required) plus;
21 x DfE secondary cost multiplier (at the time the additional places are required)

Figure 11: Example of construction cost multipliers

Developer undertaking the works to provide additional school places themselves

- 2.67 An alternative to the provision of a financial contribution is for the developer to provide the additional capacity themselves. This could constitute the developer building the additional classrooms and associated ancillary facilities or undertaking the internal works to reconfigure the layouts of the existing buildings.
- 2.68 This alternative approach would be subject to the procurement process, standards and requirements of the County Council. It would also require the agreement from the school subject of the works.

Approach to the provision of new schools

- 2.69 The typical trigger threshold for the provision of a new primary school is pupil yield of 150 or more. The threshold for a new secondary

school is typically 600 pupils or more. A new school will only be sought when the required additional school places cannot be reasonably met through the extension or remodelling of existing schools.

- 2.70 The requirement for a new school could be as a result of a single large development. In this instance, the developer could provide a financial contribution to meet the cost of building the new school. The specification and cost plan of the works should be submitted to the County Council for assessment and should be based on the Royal Institution of Chartered Surveyors Building Cost Indices. Alternatively the developer could pay the County Council to prepare the specification and cost plan.
- 2.71 Alternatively they could build the new school based on agreed specifications/guidance and hand it over to the County Council on a 'turnkey' basis. This approach would be subject to the procurement process, standards and requirements of the County Council.
- 2.72 Where the need for a new school is generated as a result of the cumulative effect of a number of smaller developments occurring at the same time, the provision of additional school capacity will be split proportionally across all of the developers based on the pupil yield from each development:

E.g. Development A – Pupil Yield = 25 primary age pupils
Development B – Pupil Yield = 50 primary age pupils
Development C – Pupil Yield = 100 primary age pupils
Total pupil yield = 175 primary age pupils

Existing local primary school(s) assessed as requiring an additional 90 places to accommodate all of the pupils arising from the three developments.

Contributions:

Developer A = (Actual cost or multiplier x 90 places) x (25/175)
Developer B = (Actual cost or multiplier x 90 places) x (50/175)
Developer C = (Actual cost or multiplier x 90 places) x (100/175)

Figure 12: Example of Cumulative Development Calculation

Safe routes to school

- 2.73 An alternative school within statutory walking of the development that has the capacity (or the scope to be upgraded to provide it) may be considered suitable to accommodate the pupils yielded by the development if a 'Safe Route to School' can be provided. Statutory walking distance to school is 2 miles for children aged under eight, and 3 miles for older children, as measured by the true distance (not 'as the crow flies').

- 2.74 In this scenario, the County Council will assess the safety of the walking route. If the route is considered to be suitable in principle, any improvement works required will be identified and costed. If an agreement over the scope and cost of works cannot be reached, then the developer will be required to fund the cost of the formal route assessment. The Assessment will be commissioned by the County Council and will involve walks of the route and analysis of data relating to traffic flow and accidents to clarify the level of risk.
- 2.75 If the route is not considered to be suitable or it is not feasible for it to be upgraded, in the case of developments more than 15 dwellings, the developer may be required to provide a contribution towards Home to School Travel costs.

Home to School Travel

- 2.76 A contribution for home-to-school transport may be sought if the nearest available school with capacity was, in the case of primary over 2 miles from the development and in the case of secondary, more than 3 miles. A home to school transport contribution will also be sought where there is insufficient capacity at the nearest/catchment school(s) within the statutory walking distance.
- 2.77 Where a contribution for home to school transport is required, it will be calculated using the following formula:

Daily cost of transport x 190 school days x number of years*
(* *The number of years refers to 10 years for primary schools and 5 years for secondary schools*)

Flood risk and surface water management

2.78 Minimising the risk to people, property and places from flooding is a key priority of the Council. New residential developments can interfere with natural processes such as changes to river channels or their flood plains, increases in runoff from land or blocked drainage systems. This section sets out how contributions will be sought from new residential developments to mitigate these potential problems.

Policy Background

2.79 Policies S5, S21 and S29 seek to ensure that development is not carried out in locations that are at risk of flooding and that developers look to incorporate sustainable drainage solutions within their developments. They form the basis for seeking contributions for flood protection and surface water drainage infrastructure.

Planning obligations related to off-site provision

2.80 Developers must ensure that their proposed development is safe from flooding and will not increase flood risk elsewhere. It is expected that developers will in the first instance minimise and avoid flood risk through the location and design of development and secondly, meet the costs of the direct impacts of their development on local drainage and flood risk management through appropriate planning conditions.

2.81 However planning obligations may be sought on all proposals where the development requires:

- Off site management of surface water to ensure no increase in flood risk elsewhere;
- Offsite works to reduce the overall flood risk to an acceptable level.

2.82 A Grampian condition and/or Section 106 Agreement will be used to secure the delivery of the off-site works. The nature of the works to be undertaken must be agreed by the Council (in conjunction with the County Council, United Utilities and the Environment Agency where appropriate). The appropriate contracts must be in place before the commencement of development, including securing the agreement of the relevant landowners.

2.83 In order to ensure the necessary infrastructure is delivered in tandem with the development, the trigger point for the payment of financial contributions will be on the commencement of development. If the developer is undertaking the physical works themselves, then the works must be completed before any part of the development is occupied.

2.84 Off-site infrastructure will need to be maintained in order to ensure it continues to operate effectively. There may be circumstances where the infrastructure is adopted, however in the majority of cases the

Section 106 Agreement will also need to include arrangements for the ongoing maintenance.

- 2.85 This will involve the developer preparing a management plan for the flood risk management or drainage infrastructure, to be agreed by the Council and to put in place the mechanisms to deliver ongoing management, typically through a Management Company.

Planning Obligations related to on-site provision

- 2.86 On-site infrastructure may also be provided to alleviate the risk of flooding, and reduce impacts on drainage infrastructure. This will normally form part of the detailed matters submitted and agreed through the planning application process and the delivery can therefore be secured through a planning condition.
- 2.87 However the arrangements for the on-going maintenance of on-site infrastructure will be subject to a Section 106 Agreement. The approach will be similar to that for off-site infrastructure outlined above.

Highways and Transport

2.88 Supporting highway infrastructure improvements to deliver housing and economic growth and promoting sustainable transport modes is a key priority of the Council. New developments can have impacts on the strategic and local road network that have knock-on effects on both accessibility and safety. This section sets out how highway and transport contributions will be sought from new developments to mitigate these potential problems.

Policy Background

2.89 Policies S5, S21 and S22 seek to ensure that new developments do not compromise highway safety and promote the use of sustainable transport. They form the basis for seeking contributions for highways and transport.

Planning Obligations

2.90 Planning obligations will be sought by the County Council when there is a need for highway infrastructure improvements and/or to promote sustainable transport and a reduction in levels of private car use. These will either be secured through a financial contribution, paid to the County Council, for identified works, or by the developer providing the necessary infrastructure.

2.91 The County Council will normally secure financial contributions for necessary works to the highway network under Section 278 Agreements under the Highways Act 1980.

2.92 If the developer intends to provide the infrastructure, then the works must be carried out to an adoptable specification approved by the County Council. The County Council will also require a security bond to be paid by the developer to cover the costs of the works in case of a default.

Traffic Regulation Orders

2.93 In circumstances where a development requires Traffic Regulation Order to be made, the developer will provide a financial contribution to the County Council to cover the administrative and legal costs as well as the cost of implementing the scheme on the road.

Excessive/Extraordinary Traffic Maintenance Payments

2.94 Major developments can cause accelerated wear and tear on the condition of the local highway network. For those that generate significant increases in plant/HGV movements during the construction phase, the County Council may seek a planning obligation to meet the costs of any associated repair and/or maintenance work. Transport

Assessments and/or Construction Environmental Management Plans will form the basis of the assessment as to whether a contribution will be sought.

- 2.95 In circumstances where a planning obligation is sought by the County Council for excessive/extraordinary traffic maintenance, there are two options for determining the required contribution(s):
1. A sum is agreed between the developer and Cumbria County Council, based on an estimation of the costs of the repair and/or maintenance works likely to be incurred; or
 2. A survey of the highway(s) that will be affected by the plant/HGV movements is carried out prior to the commencement of development. A joint statement between the developer and Cumbria County Council would then be agreed, documenting the condition of the current state of the highway network. Subsequent staged inspections will identify any necessary repair and/or maintenance works to be funded by the developer.

Travel Plans

- 2.96 The purpose of Travel Plans is to reduce the anticipated level of car trips associated with the development by identifying opportunities for the effective promotion and delivery of sustainable transport initiatives such as walking, cycling and public transport.
- 2.97 The National Planning Policy Framework states that all developments that generate significant amounts of transport movement should be supported by a Transport Assessment/Statement and a Travel Plan.
- 2.98 In circumstances where a Travel Plan is required, the County Council will expect the accompanying planning obligation to include the following implementation and monitoring measures:
- Timescales for the appointment of a Travel Plan Co-coordinator
 - Timescales for the commencement of the measures and actions set out in the Travel Plan to promote walking, cycling and public transport
 - A Travel Plan administration fee of £6,664 to cover a five year monitoring period
- 2.99 The County Council may also seek a planning obligation for a performance bond to be used to fund the delivery of remedial measures and/or identified infrastructure upgrades in the event that the Travel Plan objectives are not being met. If the objectives are met, then the performance bond will be returned to the developer.