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Planning Obligations and Developer Contributions
Supplementary Planning Guidance
February 2010.





Planning Obligations and Developer Contributions Supplementary Planning Document

Adopted 2nd February 2010
Working Towards a Better District

**Blaby District Council
Planning Obligations and Developer Contributions
Supplementary Planning Document**

This document can be made available on request, in other languages and formats (large print, Braille or on audio tape) by contacting:

Planning Policy Team
Blaby District Council
Desford Road
Narborough
LEICS
LE19 2EP

Tel 0116 272 7520
Fax 0116 272 7592
Email: planning.policy@blaby.gov.uk
web: www.blaby.gov.uk

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1.0 Introduction

- 1.1 This Supplementary Planning Document (SPD) outlines Blaby District Council's strategy for securing relevant developer contributions in relation to new development. Contributions are typically secured against residential development but can also be required for non residential development if it would have an impact on the area.
- 1.2 This SPD sets out when Blaby District Council will request contributions, whether for the District Council or on behalf of another service provider, and how the payments will be collected, distributed and monitored. This document does not stand alone and should be read in conjunction with the Council's policies and strategies for individual issues and have regard to the Leicestershire County Council Adopted Statement of Requirements for Developer Contributions.
- 1.3 The Statement of Requirements for Developer Contributions in Leicestershire (SRDCL) is the County Council's adopted developer contributions policy document. The document was adopted in December 2006 (interim review December 2007) as LCC policy for developer contributions towards County wide services and infrastructure and was produced in consultation with a range of relevant stakeholders including the District Council. It is the intention that it is used by each District Council in the County to apply the SRDCL to complement their planning obligations and/or developer contributions SPD for their own services.
- 1.4 New development can make a positive addition to an area, for example, providing new homes and jobs. It can also have an impact on the local community, placing additional pressures on the local infrastructure and facilities such as the local schools and other essential services. It may also have an impact on the highway network. Effective use of Obligations and Contributions can play a vital role in ensuring that necessary infrastructure provision keeps pace with new development.
- 1.5 Where new development is acceptable in principle but the proposal raises negative impacts which would not be controlled by the imposition of planning conditions, developer contributions can help to reduce or mitigate its impact on the locality by requiring a developer to either deliver or contribute to services / facilities by way of either physical works or financial contributions. The impact of new development will vary between development sites and any planning obligation should reflect the specific requirements of the locality.
- 1.6 The majority of planning obligations are negotiated between the Local Planning / County Authority and a developer and are then set out in a legal agreement, although in some cases they can be put forward

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independently by a developer to be considered by the Local Planning Authority (these are called unilateral undertakings).

- 1.7 A fundamental principle of planning obligations is that they are not used to 'buy' a planning permission nor should they be used as a means of taxing a developer. They are, however, intended to make acceptable development which would otherwise be unacceptable in planning terms. Planning obligations also cannot be sought or used to mitigate an existing problem in the area; they can only be sought against a future need that would be created by the proposed development.
- 1.8 If a development would be acceptable in planning terms but relevant developer contributions are not secured then the adverse impact that a proposal might have on local services, facilities and amenities, housing balance or highway safety may result in a refusal of planning permission.

2.0 Policy Background

- 2.1 The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) establishes the statutory framework for developer contributions in the form of section 106 planning obligations.
- 2.2 From this legislation a strong policy background has been developed for the requirement of relevant new development to contribute to the infrastructure and facilities which serve the community in which the development would be located. Circular 05/2005: Planning Obligations sets out the national framework and this Circular contains 5 tests for the scope and appropriateness of seeking developer contributions. These tests will be applied to all contributions sought:-
- **Relevant to planning;**
 - **Necessary to make the proposed development acceptable in planning terms;**
 - **Directly related to the proposed development;**
 - **Fairly and reasonably related in scale and kind to the proposed development; and**
 - **Reasonable in all other respects.**
- 2.3 In addition to the legislation and supporting circular several of the Planning Policy Statements and Guidance Notes (PPS / PPG) issued by central government also contain guidance on when developer contributions could be relevant to the subjects covered by individual PPS's and PPG's.
- 2.4 The District Council's position is currently outlined in the 'saved policies' of the Blaby District Local Plan, which has a specific policy (IM1: Planning Obligations, see appendix 4 for the full text) relating to the

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provision of developer contributions, as listed below, in addition there are detailed requirements set in other policies of the local plan.

- Provisions of, or contributions towards, new highway or public transport infrastructure and/or public transport services;
- Provision of, or contributions towards, new storm drainage infrastructure;
- Provision of, or contributions towards, children's play areas or open space for formal recreation;
- Provision of, or contributions towards, new educational or community facilities;
- Control over the occupation of affordable or specialist housing; and
- To secure the removal of an existing building or structure or the revocation of a previous planning permission that is required as a result of granting planning permission for the new proposal.

The Local Plan policies will be superseded when the Core Strategy of the Local Development Framework is adopted and this SPD will remain in force as part of the Framework.

- 2.5 The Government is currently considering the implementation of fundamental changes to the system of developer contributions including the Community Infrastructure Levy (CIL). Blaby District Council will respond to any changes in the developer contributions regime, as and when new legislation, guidance or Regulations are issued.

3.0 When Contributions are Required

- 3.1 There are several matters which can generate a need for developer contributions as a consequence of a new development. However, it is the site's individual circumstances that dictate the matters which have an impact on the community, Therefore each site will be considered on its own merits with contributions sought only when a need has been demonstrated and the Circular's tests complied with. The appendices list the most common developer contributions which will be sought together with the applicable thresholds and any known formulas. This list is not exhaustive but contains the common issues that can be relevant to a proposed development. Just as the list is not comprehensive, individual subjects do not necessarily apply to every development proposed.
- 3.2 Blaby District Council is responsible for the delivery of affordable housing, play and open space, waste collection and community facilities. The provision of other facilities / infrastructure are the responsibility of Leicestershire County Council or other public bodies and the onus of providing robust justification for the identified and tested requirements generated by the development rests with the relevant provider.
- 3.3 The identification and negotiation of appropriate developer contributions can occupy a significant portion of the time taken to determine a

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planning application. Pre application discussions which include possible requirements are recommended as this would allow for a developer's proposed Heads of Terms to be included as part of a submitted application.

- 3.4 Negotiations about the level of specific developer contributions may be necessary depending on individual circumstances. Any proposed reduction in contributions has to have a robust justification which will be subject to an open book financial appraisal by the District Valuer or other independent valuer; this would not normally be in the public domain. The costs arising from the assessment of the financial appraisals shall be borne by the developer. If reduced contributions are agreed then they shall be distributed between the identified requirements, depending on the individual factors affecting the site. In prioritising the distribution of developer contributions the District Council will be guided by 'Blaby Together' the Sustainable Community Strategy for its area.
- 3.5 Indexation will be used in the calculation of the payments of contributions in accordance with the legal agreement. The main methods of indexation used in the payment of the contributions will be:-
- Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) 'All in Tender' Price index
 - Department for Business & Regulatory Reform (BERR) Cost Indices as set in the Quarterly Building Price and Cost Indices
- The choice of the type of indexation will be based on those most relevant to the contribution and service area.

On or Off Site Provision

- 3.6 The provision of infrastructure, facilities and services which are required by a planning obligation should, wherever possible, be provided on site. Nevertheless, there will be circumstances where this may be neither practical, as in the case of small sites, nor appropriate within the existing policy context. In these instances, the Council will seek financial contributions towards the provision and/or maintenance of infrastructure, facilities and services at an appropriate alternative location.
- 3.7 The Council will consider the issue of whether the required facilities are to be provided on or off site according to each individual planning proposal. Even so, it is expected that where affordable housing obligations are required, provision will be on site, unless exceptional circumstances do not allow for this. This approach will ensure that the requirements of Circular 05/2005 are adhered to and that obligations, wherever possible, are located on site.

Pooling of Planning Obligations

- 3.8 Where the combined impact of a number of developments (*whether* phased sites or single plots with a cumulative impact) creates the need for infrastructure, facilities and services above any existing capacity

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which would be used by all occupiers/users of the developments, it may be reasonable for the developers' contributions to be pooled. The Council will seek contributions to specific future provision as long as the need is demonstrable, justified and has a realistic timescale for implementation, for example, future strategic highway requirements.

- 3.9 On an occasion where a number of developments will be expected to contribute to the provision of infrastructure, facilities or services the financial contribution will be paid into a fund held by the appropriate service provider. Circumstances may include, for example, a requirement to improve the frequency of buses along a particular route or the provision of a new school. In such cases, it may also be possible to phase the payment of contributions as a development proceeds.

Cumulative Impact of Planned Phased Development

- 3.10 The Council is aware that some large sites will have development levels below some contribution thresholds on individual phases. However, the cumulative impact of the multiple sites would have the same impact as one large development. Therefore the Council will require, for the purposes of calculating the planning obligations, that in these instances all the individual proposals are combined.

4.0 Payment of Contributions

- 4.1 The timing of financial payments under planning obligations will vary depending on their purpose and the time they become necessary to ameliorate the impact of development. In some cases the payment of a financial contribution can be in response to development trigger points to ensure that requirements are met as development continues. This will be particularly relevant on phased development schemes, where large scale infrastructure could have long lead in times and might need to be funded from pooled contributions.
- 4.2 The trigger points for phased payments of financial contributions will be set out within the planning obligation. It will be the responsibility of the developer to make the payments at the appropriate time, whilst the District Council/County Council (as appropriate) will be responsible for ensuring that financial contributions are received in accordance with the trigger points as specified in the obligations. Any contributions received on behalf of third parties who are not signatories to the planning obligation shall be passed on to them.
- 4.3 Late payment of contributions (more than three weeks after the specified trigger points) without the written agreement of the District Council will result in a reminder letter. Non payment within three weeks of receipt of this letter by any developer or their agent will result in the Council pursuing appropriate action (including legal action) to ensure prompt payment of outstanding amounts. Any unpaid amounts, including

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interest, will be pursued. On receiving financial contributions the District Council will confirm payment by receipt.

Cost Recovery

- 4.4 Developers will be liable for all legal fees for the processing, preparation and conclusion of legal agreements. Government advice considers it justifiable that Local Planning Authorities also recover reasonable costs of:

- 1) Monitoring the payment to the District Council and implementation of scheme;
- 2) The costs of obtaining independent advice, if necessary, to validate specific aspects of the application

The District Council will therefore seek a flat rate payment of £250 per legal agreement or 2% of the value of the developer contributions payable to Blaby District Council, whichever is the greater. Where there is no quantifiable monetary value to the developer contributions, the flat rate of £250 will be payable. Other signatories to the legal agreement may also seek their own monitoring payment. Leicestershire County Council will require a Monitoring cost contribution of £250 per obligation or 0.5% of the value of the total of any contributions per planning obligation whichever is the greater. The monitoring cost contribution is normally paid prior to commencement of development. Any cost recovery monies will be payable on the issue of a planning decision with any monitoring costs normally paid prior to commencement of development.

5.0 Distribution of Monies

- 5.1 Where financial contributions are paid through a planning obligation and are to be spent by the District Council they will be accounted for in such a way that contributions can be clearly identified and spent on the purposes for which they were intended.
- 5.2 Legal agreements can include the County Council as a signatory to the agreement where developer contributions will be required for education, highways and transportation, civic amenity and library facilities, as key examples. Developer contributions for these are normally paid directly to the County Council, in the event that they are not and the District Council receives the contribution it will be passed to the County Council in full, including any indexation, in a timely manner.
- 5.3 Where monies are 'pooled' from a number of developments to fund a wider scheme, the monitoring database will make clear where contributions toward the scheme have been provided from. Pooling of financial contributions towards facilities and other infrastructure will be permitted where this is in accordance with adopted policies, such as play and open space and affordable housing.

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- 5.4 Legal agreements will normally specify a time period within which any submitted contributions must be spent (where no phasing is otherwise agreed as part of the agreement). The usual time period for spending the contributions is five years from the date of receipt unless otherwise formally agreed between the applicant / developer and Local Planning Authority and other recipient parties to the agreement. There must be certainty that a scheme will be forthcoming (beyond a five-year period) in such circumstances as it is unreasonable to hold funds in perpetuity. Where monies have not been spent within the agreed specified time period, they will be returned, including interest at the agreed rate.
- 5.5 Any developer contributions received which are the responsibility of the District Council will be spent within the area related to the proposed development. If the Parishes / Town Council are subsequently given responsibility for spending the financial contributions then they will need to provide the following:-
- 1) Details of a scheme to be agreed by Blaby District Council together with the job specification and quotes for the work;
 - 2) Bills from the successful contractors / suppliers in respect of the agreed scheme as they arise; and
 - 3) Confirmation that the works / goods billed are satisfactory and meets the scheme's specification.

6.0 Monitoring of the Developer Contributions.

- 6.1 The monitoring of developer contributions payable to the District Council will be undertaken to ensure that all obligations entered into are complied with on the part of both the developer and the Council. Action will be taken by the Council where planning obligations are not being complied with. The costs of agreeing and monitoring planning obligations will be recovered through the legal process for each development proposal site as set out in paragraph 4.4.
- 6.2 Monitoring information detailing the contributions and the progress of agreements will be kept on a database maintained by the District Council; monitoring reports will be produced from this database detailing information relating to all agreements entered into, financial contributions received and the completion of proposals funded from financial contributions. The process will ensure spending of financial contributions once they have been received, and will provide assurance that obligations have been spent in full and appropriately.

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GLOSSARY

Blaby District Local Plan	This document is part of the Development Plan for the District of Blaby. It was adopted in 1999 with the aim of providing planning policies at the local level to 2006. However, with changes brought about by the Planning and Compulsory Purchase Act 2004, many policies of the plan have been 'saved' until such time as they are superseded by the Local Development Framework
Core Strategy	This is the 'over-arching' document which sets out the key elements of the planning framework for the District. Once adopted all other Development Plan Documents must be in conformity with it.
Heads of Terms	The general obligations that the developer is willing to put on the table at the start of negotiations. These do not need to be overly detailed, although they may include any trigger points identified. They can also be presented as a draft legal agreement
Infrastructure, Facilities and Services	Examples can be found in Appendix 1
Legal Agreement	A document to which the developer and the District / County Council and other parties are signatories which sets out the agreed obligations, together with any trigger points
Local Development Framework (LDF)	This is a portfolio of individual documents which collectively form the LDF for the District of Blaby up to 2026. This includes the Core Strategy; Site Specific Allocations; the Adopted Proposals Map and Supplementary Planning Documents
Open Book Financial Appraisal	This is necessary when a developer is stating that the viability of the proposal would be detrimentally affected by the required planning obligations. It involves independent verification of the development's likely cost and profits. It is commercially sensitive and is therefore not part of the public consultation for the proposal.
Phased payments	These are tied to any identified trigger points and allow a developer to spread the cost of obligations for the development.

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Planning Obligations	These are the requirements generated by the proposed development which will mitigate its impacts. Obligations can be either physical works for example highway improvements, on site provision of a facility or a financial contribution to enable off site provision.
Pooling	This occurs when individual financial contributions need to be collected together to pay for infrastructure, facilities or services which have been identified but could not be funded by an individual contribution.
Provision threshold	All planning obligations have an identified threshold, at and above which contributions will be applicable to the development. These thresholds are specified in Appendix 1 attached to this document
Robust Justification	Is needed either for the District Council requesting an obligation or a developer requesting not to provide it. The justification from service providers will need to include verifiable fact/figures that show a negative impact will result because of the development. Developers negotiating against identified need, will have to show that the viability of the proposal would be detrimentally affected.
Supplementary Planning Documents (SPD)	These documents contain the more detailed policies of the LDF and relate back to policies in individual development plan documents, including the Core Strategy.
Trigger points	Are stages within a development at which a contribution or provision becomes necessary, examples are: 'upon commencement' 'upon the occupation of the n th dwelling' 'prior to _____ occurring'
Underdevelopment	If a proposed development has been set out so that there is an unjustifiably low level of development, taking into account the site's constraints, then the site is considered not to be making the best and most efficient use of the land.
Unilateral Undertaking	A legal agreement which is only signed by the developer, and sets out the obligations they are willing to undertake in relation to the proposed development.

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Appendix 1.1 – Open Space, Sport and Recreation	
Service Provider	Blaby District Council Leicestershire County Council Parish and Town Councils
Current Guidance	Circular 05/2005 PPG17 – Planning for Open Space, Sport and Recreation National Playing Fields Association Standards Sport England Facilities Planning Model Leicestershire Leicester City and Rutland Playing Fields Strategy County Sports Partnership Business Plan BSEN 1176 / 1177 (Children's Playgrounds) Blaby District Local Plan Blaby District Local Development Framework PPG17 Study – Play and Open Spaces (2009)
Type of Facilities for which provision may be needed	New, extended or existing public open space including amenity land, public parks, wildlife habitat, water facilities, and pathways for use by the public, children's play facilities (including equipment), outdoor youth provision, sport pitches (grass or artificial), indoor or outdoor sports facilities etc, allotment gardens. Any financial contribution can be used for LEA/ schools for shared use facilities; local authorities to enhance facilities or dedicated public rights of way.
Type of development and threshold which might trigger need	One or more dwellings; any additional residential development will put pressure on all types of open space and recreation provision. Major developments for industrial / commercial developments may generate excess demand on existing leisure facilities. Demand requiring the provision of new leisure facilities should be assessed on the basis of individual planning applications. Consideration should be given to the need for access to leisure provision before / after work (by commuters) as well as lunchtime leisure requirements by employees.
Form in which contributions should be made	For developments of 25 or more dwellings the required open space should normally be provided on site in accordance with the adopted policies of Blaby District Council. However, if on site open space is not provided, the District Council will seek a financial contribution which will be put towards the provision of off site facilities elsewhere

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in the locality of the development, which would be used by the occupiers / users of that development.

For developments of 1 – 24 dwellings the District Council will not require a developer to provide on site open space in accordance with the adopted policies of Blaby District Council, but will secure a financial contribution, as shown below, per dwelling towards the improvement, enhancement and development of open space and recreational facilities.

The below figures show the maximum amount payable for a fully off site provision where there is no capacity in the existing provision within range of the proposed development. The amount payable would be less if there is existing capacity or if part or all of the provision would be met on site.

Residential unit size	construction cost per unit	commuted maintenance sum per unit	total financial contribution per unit
1 bed	1,063.11	398.22	1,461.33
2 bed	1,771.85	663.70	2,435.55
3 bed	2,834.96	1,061.92	3,896.88
4+ bed	3,543.70	1,327.40	4,871.10

Details of the calculations and the justification behind the above figures can be found in Appendix 2 Justification for Open Space, Sport and Recreation provision for new residential development. These figures are subject to change and updated annually on 1st April.

Contact details

Landscape Development Officer
 Blaby District Council, Council Offices, Desford Road,
 Narborough, Leics, LE19 2EP.
 telephone: 0116 272 7730
 email: planning@blaby.gov.uk

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Appendix 1.2 – Affordable Housing	
Service Provider	BDC and Registered Social Landlords
Current Guidance	<p>Circular 05/2005 PPS1 – Delivering Sustainable Development PPS3 – Housing East Midlands Regional Plan (2009) (RSS8) Sustainable Communities: Building For The Future (2003) Sustainable Communities: Homes For All (2005) Blaby District Local Plan Blaby District Local Development Framework, Housing Needs and Market Study (2005) Leicester and Leicestershire Strategic Housing Market Area Assessment (2008) Affordable Housing Viability Assessment (2009)</p>
Type of Facilities for which provision may be needed	<p>Provision of affordable housing that will be available to people who cannot afford to satisfy their housing need on the open market. In order to meet identified local needs some 80% of affordable housing should be social rented and 20% intermediate housing, this is indicative dependant on site needs and market demands.</p>
Type of development and threshold which might trigger need	<p>Residential development of 15 or more units will require an on site provision, developments below this threshold may be required to pay a contribution towards off site provision.</p> <p>The need for affordable housing will be assessed on a site by site basis using an internal model, which will follow a similar methodology to the Bramley based model produced as part of the Leicester and Leicestershire Strategic Housing Market Assessment. The model will be updated regularly with data from the Blaby District Council housing register, supply data from CORE (lets), house price data from the Land Registry and other demographic data as provided by Housing Intelligence East Midlands.</p> <p>The viability assessment is online here: http://idocs.blaby.gov.uk/external/planning-building/planning/ldf-ahva2009-07-09.pdf</p>

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Form in which contributions should be made	<p>On-site provision of 30% affordable housing within the proposed Sustainable Urban Extension and 25% affordable housing on all other developments</p> <p>Only in exceptional circumstances may affordable housing be provided off-site and only if the Council and the developer agree. The Council will need to be persuaded that the off-site provision would meet housing need at least to the same extent as the on-site provision would have done.</p> <p>On sites where 100% affordable housing is being provided by a Registered Social Landlord consideration will be given to reducing or removing planning obligations.</p>
Contact details	<p>Housing Strategy and Policy Officer Blaby District Council, Council Offices, Desford Road, Narborough, Leics, LE19 2EP. telephone: 0116 272 7516 email: housing.strategies@blaby.gov.uk</p>

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Appendix 1.3 – Children & Young People’s Service (Education)	
Service Provider	Leicestershire County Council and their agents
Current Guidance	Circular 05/2005 Blaby District Local Plan Blaby District Local Development Framework.
Type of Facilities for which provision may be needed	Additional classrooms and facilities/ other building provision at existing schools (including additional grass/artificial turf sports pitches and nature areas); or sites and construction costs of new schools Since school capacity varies from term to term, consultation with the Children and Young People’s Services is essential to establish whether or not there is spare capacity in a given school.
Type of development and thresholds which might trigger need	Residential development of 10 or more dwellings, or less with a phased development site. Contributions will be calculated on the basis of a minimum of 24 primary places and 20 secondary places per 100 houses. For flats/apartments the current figures are 4.3 primary pupils and 3.2 secondary pupils per 100 units. Information about local pupil yields will be taken into account in setting the precise requirements. The cost multipliers per pupil place based on DCSF 2009/10 figures, are: £12,099 for primary, £17,876 for 11-16 year old pupils and £19,328 for 16+ students On a ‘per house built’ basis this equates to: £2,904 per house for primary, £1,788 per house for 11 – 14 High Schools, and £1,863 per house for 14 – 18 upper schools. On a ‘per flat built’ basis this equates to: £520 per flat for primary, £286 per flat for 11 – 14 High schools, and £294 per flat for 14 – 18 upper schools. The rate / figures are subject to change and updated annually on 1 st April.

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	<p>The value of contributions will be based upon either DCSF cost multipliers current at the time of the signing of the formal agreement or the appropriate cost multipliers plus an index linked update (as defined earlier), whichever is the greater.</p> <p>New residential developments may generate the requirement for a new school depending on the scale of development and the resultant population of the area.</p>
<p>Form in which contributions should be made</p>	<p>Usually an off site financial contribution would be required due to the nature of the service.</p> <p>When a new school is required the developer would be expected to provide a site and construction costs including professional fees, furniture and equipment to the County Council's specifications.</p>
<p>Contact details</p>	<p>Development Contributions Officer Community Services, Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk</p> <p><i>The Leicestershire County Council's Adopted Statement of requirements for Developer Contributions can be found at: www.leics.gov.uk/dev_cont_update_121207-2.pdf</i></p>

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Appendix 1.4 – Civic Amenity and Waste Collection	
Service Provider	Leicestershire County Council - Waste Disposal Authority Blaby District Council - Waste Collection Authority
Current Guidance	Circular 05/2005 Environmental Protection Act (1990) PPS10 Planning for Sustainable Waste Management Leicestershire Leicester Rutland Waste Local Plan Minerals and Waste Local Development Framework Leicestershire Municipal Waste Management Strategy 2006
Type of Facilities for which provision may be needed	Civic Amenity (CA) site construction costs for extensions or alterations to existing infrastructure or new facilities. Provision of waste collection infrastructure.
Type of development and thresholds which might trigger need	<p><u>Civic Amenity provision</u> Contributions will be sought where: (i) the number of additional dwellings amount to 6 or more; or (ii) the total contribution sum would amount to £200 or more.</p> <p>Each additional dwelling unit is claimed at the same rate and the total number of additional dwelling units claimed for is net of any demolitions. Contributions may be sought from smaller sized developments if they form part of an overall development in an area.</p> <p>The CA site facilities are provided for resident households to take their own household waste. Other types of users are normally not eligible or are highly unlikely to use the CA facilities so contributions are not sought at present.</p> <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 £92.71 per additional dwelling unit. Where it is deemed that two CA sites are equally likely to be used by residents then contributions are sought at a reduced rate of 50% for each site. The amount of the contribution will be index-linked.</p> <p>Currently contributions for other types of County Council waste facilities are not claimed for but this will not preclude claims for them in the future.</p>

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	<p><u>Waste Collection</u> New residential development can have an effect on the infrastructure of waste collection and a contribution will be sought on major applications where there is no spare capacity in the waste collection infrastructure.</p>
<p>Form in which contributions should be made</p>	<p>Financial contribution for capital costs. Where the contributions are relatively small amounts, then payment of the contribution/s are normally required in full prior to the commencement of the development.</p>
<p>Contact details</p>	<p><u>Civic Waste</u> Development Contributions Officer Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk</p> <p><i>The Leicestershire County Council's Adopted Statement of requirements for Developer Contributions can be found at:</i> www.leics.gov.uk/dev_cont_update_121207-2.pdf</p> <p><u>Waste Collection</u> Kevin Pegg, Neighbourhood Services Operations Manager Blaby District Council, Council Offices, Desford Road, Narborough, Leics, LE19 2EP. telephone: 0116 272 7615</p>

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Appendix 1.5 – Community Facilities	
Service Provider	Blaby District Council Leicestershire County Council Parish / Town Councils
Current Guidance	Circular 05/2005 Blaby District Local Plan Blaby District Local Development Framework Village Services Fact File (2008) Community Priority Statements Village Appraisals / Parish Plans
Type of Facilities for which provision may be needed	Extended, improved or new community facilities such as community / village halls, community Transport Facility, village car parks. This is not a definitive list and local needs will be identified by the Parish Councils.
Type of development and thresholds which might trigger need	New community facilities will be needed where facilities such as community halls, are proven to be required due to a lack or a capacity issue as a result of new development. For example, significant developments are likely to generate the need for new community halls or expansion / improvement of existing facilities. Where a capacity issue or lack of facility has been identified by the Parish / Town Council, a pooled contribution will be required for developments of 1 or more residential units.
Form in which contributions should be made	Usually an off site financial contribution would be required due to the nature of the service. Capacity issues will be dependent on the nature and scale of the development and if it is part of a phased site.
Contact details	The designated Case Officer Planning Department, Blaby District Council, Council Offices, Desford Road, Narborough, Leics, LE19 2EP. telephone: 0116 272 7705 / email planning@blaby.gov.uk

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Appendix 1.6 – Adult Social Care and Health	
Service Provider	Leicestershire County Council
Current Guidance	Circular 05/2005 Government's White Paper: Our Health, Our Care, Our Say Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	Community facilities for adults which may include day and / or residential services. Care Services for adults of all ages including those with learning and / or physical disabilities. Multi- agency, integrated community facilities e.g. Health and Social Care Centre, Community Centre, extended school. (as promoted in the Government's White Paper "Our Health, Our Care, Our Say").
Type of development and threshold which might trigger need	Any residential development is likely to have an impact on the County's Adult Social Care provision. Developments likely to house a high concentration of older people, people with learning disabilities or people with physical disabilities will have a greater demand on services. These developments will be assessed on a case by case basis. Any residential development may trigger a need for contributions.
Form in which contributions should be made	Where contributions may be required they should take the form of financial contributions or land where considered appropriate. The contributions may be required for setting up and dealing with increased demands in services.
Contact details	Andrew Tyrer, Development Contributions Officer Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk <i>Please refer to LCC Adopted Statement of requirements for Developer Contributions</i> www.leics.gov.uk/dev_cont_update_121207-2.pdf

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Appendix 1.7 – Highways and Transportation	
Service Provider	Leicestershire County Council The Highways Agency
Current Guidance	Circular 05/2005 Circular 02/2007, Planning and Strategic Road Network PPS13 – Transport PTOLEMY Land Use and Transport Model Blaby District Local Plan Blaby District Local Development Framework Highways, Transportation and Development document www.leics.gov.uk/htd (HTD) Assessment of Highways and Transport Implications(2009)
Type of Facilities for which provision may be needed	Pedestrian and cycle facilities, public transport enhancement (bus and rail, capital and revenue), Travel Plans, park and ride facilities, road improvements, traffic management, car parking, traffic regulation orders, Air Quality Management equipment, and associated landscape work including planting and hard surfacing for the local and / or strategic road network.
Type of development and threshold which might trigger need	Any type of development which: <ul style="list-style-type: none"> • leads to a material increase in traffic on the network; • is detrimental to road safety; • has inadequate access (including walking, cycling and public transport); • has inadequate parking provision; • creates an on-street parking problem; or • affects a public right of way would require some form of contribution (see HTD). Requirements will depend on the local circumstances relating to the development, any adverse impact and existing capacity on the road network. The submission of a Transport Assessment helps in assessing requirements.
Form in which contributions should be made	The required infrastructure will generally be provided by the developer, but some matters may be covered by a financial contribution, for example bus subsidy and particular maintenance liabilities. Maintenance contributions usually take the form of a commuted sum. Liability included for compensation arising from development highway works. <i>Further information is available in the 'Highways, Transportation and Development' document</i>

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	<p style="text-align: center;">www.leics.gov.uk/htd</p>
Contact details	<p>Development Contributions Officer Community Services, Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk</p> <p><i>Please refer to LCC Adopted Statement of requirements for Developer Contributions</i> www.leics.gov.uk/dev_cont_update_121207-2.pdf</p> <p>The Highways Agency is responsible for Motorways and other Trunk Roads Regional Manager, East Midlands, Highways Agency, 5 Broadway, Broad Street, Birmingham, B15 1BL telephone: 0121 678 8134 email: SpatialPlanningEM@highways.gsi.gov.uk web www.highways.gov.uk</p>

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Appendix 1.8 – Blaby Town Centre	
Service Provider	Blaby District Council
Current Guidance	Circular 05/2005 Blaby Town Centre Master Plan Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	The Blaby Town Centre Master Plan has identified several proposals and projects to improve the Town Centre, for example environmental improvements to the public realm including improving / replacement facilities in both public and private ownership.
Type of development and thresholds which might trigger need	Development which would relate to and have an impact on Blaby Town Centre may be subject to developer contributions for improvements. However, any need will be calculated on a case by case basis with provision dependant on the proposed development and the identified impact.
Form in which contributions should be made	Financial contributions which will be pooled towards a specified project. Alternatively the developer can undertake to provide the project. <i>Further information is available in the Blaby Town Centre Master Plan</i> http://idocs.blaby.gov.uk/external/planning/economic_development/btcmp_r_dec08.pdf
Contact details	Economic Development & Information Officer or Town Centre Manager Blaby District Council, Council Offices, Desford Road, Narborough, Leics, LE19 2EP. telephone: 0116 272 7735 / 0116 272 7729 email: planning@blaby.gov.uk

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Appendix 1.9 – Library Services	
Service Provider	Leicestershire County Council
Current Guidance	Circular 05/2005 Review of the Libraries and Information Service Network Service Delivery Policy and Strategy Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	Access to library and information materials and equipment.
Type of development and threshold which might trigger need	Any new residential development has potential for increasing the service delivery, however, developments of 1 or 2 dwellings would not attract a need for a contribution. A large commercial / employment development could also lead to an increase in the use of local library services
Form in which contributions should be made	Cash in the majority of cases, however, for some large scale developments shared use of new/converted buildings may be more appropriate. A contribution will be required for the enhancement of existing static library facilities, for example, contributions to be used for a programme of refurbishment of and/or enhancement of library facilities and/or library materials, IT equipment and in some cases the provision of mobile library services. Calculations are based on the average number of residents per type of dwelling, the current provision of library materials and the numbers that use the service. These factors are converted into a formula for a cost per type of dwelling. Current costs are: 1 bedroomed houses @ £27.18 per house / apartment 2 bedroomed houses @ £54.35 per house / apartment 3/4/5 bedroomed houses @ £63.41 per house / apartment These costs are reviewed annually in June and adjusted to reflect the CIPFA submitted costs of providing Library Services

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Contact details

Development Contributions Officer
Community Services, Leicestershire County Council,
County Hall, Glenfield, Leics. LE3 8RA
telephone 0116 305 8223
email Andrew.Tyrer@leics.gov.uk

*Please refer to LCC Adopted Statement of requirements for
Developer Contributions*

(www.leics.gov.uk/dev_cont_update_121207-2.pdf)

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Appendix 1.10 – Health	
Service Provider	Leicestershire County and Rutland Primary Care Trust
Current Guidance	Circular 05/2005 Health Care Business Plans Public Health Strategies Blaby District Local Plan Blaby District Local Development Framework Our Sustainable Community Strategy (Blaby Together)
Type of Facilities for which provision may be needed	Sites of new facilities or construction costs for additional facilities / extensions or alterations.
Type of development and thresholds which might trigger need	Any residential development can have an impact on the demand for health services. The standard threshold is 10 or more residential units, but this will be reduced if an area is being developed in small sites. Any contribution will be based on the Health Formula which considers the following areas which impact on Health Care Services: <ul style="list-style-type: none"> • Population • Capacity • Public Health needs assessment • Deprivation • GP list sizes • Population distribution, (Age, Culture) <p>If an expansion of an area will impact on the demand for Health Care, the same or similar formula will apply, for example</p> <ul style="list-style-type: none"> • Expansion or contraction of major employer
Form in which contributions should be made	Capital costs to contribute to the expansion of Health Care provision which would be either a payment for a specific area or a pooled contribution for that area where there is a progressive expansion. The level of contribution will be in accordance with the Health Care Formula and linked to the MIPS Health Care inflation index. Leicestershire County and Rutland Primary Care Trust will provide its own Developer Contribution needs assessment and supporting documentation in line with this guidance. <p>A contribution of land or buildings may be required instead of monies, dependant on the scale of the new development.</p>

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Contact details	Property Manager Facilities Consortium, Bridge Park Plaza, Bridge Park Road, Thurmaston, Leics. LE4 8PQ telephone: 0116 225 2525
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Appendix 1.11 – Museums, Heritage Interpretation and Cultural Development	
Service Provider	Leicestershire County Council
Current Guidance	Circular 05/2005 Draft Museums Interpretation Strategy 2007-2017 LCC Environment & Heritage Service Plan 2007-2010 Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	For example site interpretation, local museum or community learning room which gives intellectual / physical access to the cultural or heritage site or issue.
Type of development and threshold which might trigger need	Any development associated with a site or issue of cultural or heritage significance. Or An increase in residential population near a museum (say half an hour's drive time) can trigger greater need for museum facilities, especially when associated with a site or issue of cultural or heritage significance. Provision requirements will depend on the local circumstances relating to the development and the identified issue.
Form in which contributions should be made	Financial contribution; land or sites, where appropriate
Contact details	Development Contributions Officer Community Services, Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk <i>Please refer to LCC Adopted Statement of requirements for Developer Contributions</i> (www.leics.gov.uk/dev_cont_update_121207-2.pdf)

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Appendix 1.12 – Police / Crime	
Service Provider	Leicestershire Constabulary
Current Guidance	Circular 05/2005 PPS1 – Delivering Sustainable Development PPS3 – Housing PPS12 – Local Spatial Planning The Crime and Disorder Act 1998 Safer Places 2004
Type of Facilities for which provision may be needed	Sites and erection costs of new police stations or a contribution towards additional office/other building provision at existing police stations or other community buildings.
Type of development and threshold which might trigger need	<p>The impact upon police service provision will alter with different types / scales of development. Requirements will be assessed by the Police service. Contributions will be sought where additional development would have a detrimental impact on existing infrastructure. However, for residential development a threshold of 10 or more units will be applied.</p> <p>Proposals to redevelop an existing police station site by a developer would normally trigger need for a replacement police station. Otherwise, each application to be considered on an individual basis.</p> <p>The Leicestershire Constabulary provides a free Architectural Liaison Service and development proposals can be submitted directly for comment prior to the submission of an application. Similarly advice on developer contributions is available through this service.</p>
Form in which contributions should be made	Land where required and either the costs of construction of buildings or work in kind to the Constabulary's specification. Other contributions may be appropriate and these will be assessed on an individual site by site basis.
Contact details	Michael Lambert, Architectural Liaison Officer, Leicestershire Constabulary, Community Safety Bureau, Keyham Lane Police Station, Colin Grundy Drive, Keyham Lane, Leicester, LE5 1FY telephone 0116 222 2222 extn. 5942

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Appendix 1.13 – Ecology, Geology, Environment and Geomorphology	
Service Provider	Leicestershire County Council, Blaby District Council and Environmental Consultancies / Organisations
Current Guidance	Circular 05/2005 East Midlands Regional Spatial Strategy PPS9 – Biodiversity and Geological Conservation UK Biodiversity Action Plan Regional Biodiversity Strategy Interim Code for Sustainable Drainage Systems Local Biodiversity Action Plan Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	Mitigation measures, habitat restoration / habitat creation, landscaping, site management, and site interpretation, where possible using natural species, commonly occurring in the vicinity and of local stock. (Green and Environmental Infrastructure).
Type of development and threshold which might trigger need	The ecological or geological implications of a development will need to be assessed individually. The extent of the interest will need to be located and defined by prior assessment particularly on existing designated sites. Provision requirements will need to be individually assessed for each project / scheme / development depending on the impact and mitigation required.
Form in which contributions should be made	Financial contribution, control of land or other forms of works, as appropriate; to protect, enhance, provide or compensate biodiversity including wildlife sites. (See English Nature’s Guidelines for further detail on compensating wildlife sites). Financial contributions will include: <ul style="list-style-type: none"> • the capital costs of implementation; and • maintenance costs, which may be long term (minimum of 3 years). Any maintenance payments will be in the form of a commuted sum. A management plan to include monitoring and long term

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	maintenance arrangements will be required in all cases.
Contact details	<p>Development Contributions Officer Community Services, Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk</p> <p><i>Please refer to LCC Adopted Statement of requirements for Developer Contributions</i> www.leics.gov.uk/dev_cont_update_121207-2.pdf</p> <p><u>Sustainable Urban Drainage Systems</u> Planning Liaison East Environment Agency Trent Side North, West Bridgeford, Nottingham, NG2 5FA telephone 08708 506 506 email enquiries@environment-agency.gov.uk</p>

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Appendix 1.14 – Fire and Rescue	
Service Provider	Leicestershire Fire and Rescue Service
Current Guidance	Circular 05/2005. The Fire Service is required to secure water from either potable or open water services to effectively fight fires under normal circumstances, in line with the Code of Practice between all Fire Authorities and all Water Companies.
Type of Facilities for which provision may be needed	Hydrants and appropriate water mains with adequate pressure to supply them. Possible alternative sources of water for fire fighting include balancing lakes and underground tanks.
Type of development and threshold which might trigger need	Both residential and commercial development can trigger need. Storage and manufacturing uses raise particular needs. Requirements will be assessed by the Fire and Rescue service. Contributions will be sought where there would be inadequate capacity created in the infrastructure. Water for fire fighting is most often a problem in areas of Greenfield development.
Form in which contributions should be made	Land where required and the costs of construction of buildings / infrastructure to the Chief Fire Officer's specification.
Contact details	Audit & Review Manager Leicestershire Fire & Rescue Leicestershire Fire & Rescue Service Headquarters Anstey Frith, Leicester Road, Glenfield, Leics, LE3 8HD telephone 0116 287 2241 / fax 0116 231 1180

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Appendix 1.15 – Archaeology	
Service Provider	Leicestershire County Council
Current Guidance	Circular 05/2005 LCC Environment & Heritage Service Plan 2007-2010 Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	<p>Leicestershire County Council in its role as archaeological and historic environment advisors to the District and Borough Councils, seeks to promote awareness of the significance of the County's historic environment, and its contribution to local distinctiveness, character and sense of place.</p> <p>In Leicestershire there are 13500 recorded archaeological sites and historic features, ranging from nationally important scheduled remains, to the find spot of a Roman pot sherd or medieval coin. Although new sites continue to be discovered, often as a result of development activities, the historic environment is a vulnerable and finite asset. It is therefore important that appropriate measures are taken during the planning process to investigate, record, analyse and protect this resource.</p>
Type of development and threshold which might trigger need	The type of development where a need for a developer contribution might be required includes any new development which would have an impact or an association with a site or issue of archaeological, cultural, heritage or historic significance
Form in which contributions should be made	<p>This may include positioning public open space on a sensitive area or securing satisfactory archaeological investigation and recording prior to development unless provision can be achieved through conditions but there will be circumstances when a developer contribution and legal agreement will be required to ensure the impacts of a development on archaeological sensitive features or structures or locations are appropriately mitigated.</p> <p>The type of facilities for which contributions and/or provision ('works in kind') may be required include the following:</p> <ul style="list-style-type: none"> • Professional archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structures or remains;

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	<ul style="list-style-type: none">• Provision for site management, interpretation schemes and public access;• Provision of open space to protect archaeological remains that are sufficient importance which require preservation in situ where appropriate;• Maintenance of open space to prevent any form of ground disturbance where appropriate;• Commissioning of a relevant programme of work to safeguard archaeological sites and features of interest or for the provision of excavation recording or archiving. <p>Contributions to capital or revenue costs may occasionally be appropriate for site management and/or interpretation schemes</p>
Contact details	<p>Development Contributions Officer Community Services, Leicestershire County Council, County Hall, Glenfield, Leics. LE3 8RA telephone 0116 305 8223 email Andrew.Tyrer@leics.gov.uk</p> <p><i>Please refer to LCC Adopted Statement of requirements for Developer Contributions</i> www.leics.gov.uk/dev_cont_update_121207-2.pdf</p>

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Appendix 1.16 – British Waterways	
Service Provider	British Waterways
Current Guidance	Circular 05/2005 Blaby District Local Plan Blaby District Local Development Framework
Type of Facilities for which provision may be needed	Works to the canal, for example improvements to the banks or towpath or provision of additional furniture (benches, signposts)
Type of development and threshold which might trigger need	Any development adjoining the Grand Union Canal will have an effect on the character and appearance of the conservation area.
Form in which contributions should be made	The need for a contribution will depend on the relationship of the development with the canal, including any direct access to the towpath and if the development would have a direct detrimental impact on the canal and its environment. Usually an off site financial contribution would be required; however, if the developer undertakes the works then they shall be completed to the specification of British Waterways.
Contact details	British Waterways South East Unit, 510 – 524 Elder House, Elder Gate, Central Milton Keynes, MK9 1BW telephone, 01908 302 506 / fax, 01908 302 510 email, paul.maison@britishwaterways.co.uk

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Appendix 1.17 – Public Art	
Service Provider	Blaby District Council
Current Guidance	Circular 05/2005 Blaby District Local Plan Blaby District Local Development Framework Blaby Town Centre Masterplan
Type of Facilities for which provision may be needed	Public art or gateway feature to the development,
Type of development and threshold which might trigger need	The need for public art to enhance the environment will be dependant on the type and scale of the development and will usually be associated with large scale proposals or a comprehensive redevelopment of an area for example Blaby Town Centre. (see Appendix 1.8) A requirement will also apply to phased developments of major development sites.
Form in which contributions should be made	Provision of a scheme of public art on site or a pooled commuted sum as appropriate to the development.
Contact details	Arts and Heritage Development Officer Blaby District Council, Council Offices, Desford Road, Narborough, Leics, LE19 2EP. telephone: 0116 275 7617

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Appendix 2 – Open Space, Sport and Recreation requirements for Developer Contribution relating to new residential development

- A2.1 This appendix is primarily concerned with the provision of new onsite public open space, or developer contributions for offsite provision, as a result of any new residential housing development. The appendix is not intended to be prescriptive nor exhaustive.
- A2.2 The appendix also aims to guide new development in such a way that the Council are able to ensure that all of the residents living in the District of Blaby have access to sufficient high quality and diverse open spaces to serve its growing communities. Therefore, a variety of play, open space and leisure opportunities will be encouraged through new development to meet the future needs of local communities.
- A2.3 Whilst this appendix is primarily concerned with the provision of open spaces for play, sport and recreation, leisure and recreation pursuits can equally be met through the provision of built facilities such as changing rooms, village halls, sports halls or facilities for specific forms of recreation such as skate-boarding or cycling.
- A2.4 To ensure that all of the residents living in the District of Blaby, both now and in the future, are able to enjoy and benefit from an active and healthy lifestyle, it is both necessary and important for all local communities to have good access to quality open spaces, recreational areas, specific areas designed for play, areas of natural green space and other areas for informal recreation, which are located close to where they live and work.
- A2.5 Recent decades have seen a total net decline in the provision of open space per head of population. Developments have been characterised by poorly designed and inadequate open spaces that are limited in size, accessibility and may cause a nuisance to the neighbouring occupiers, whose needs they are designed to serve.
- A2.6 The District Council currently manages and supports a wide variety of green space, ranging from small areas of children's play space located within individual developments to larger urban parks with sports and play facilities that serve one or more housing areas, through to extensive countryside parks that serve both the District and beyond.

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A2.7 Each type of open space is as equally important to serve the different requirements of our local and wider communities. In addition to the green spaces, there are a number of recreational facilities that complement open spaces and outdoor sports facilities, such as Leisure Centres, Swimming Pools, Community Halls, and Youth Clubs

A2.8 The Council recognizes the need for a diverse network of green spaces that meet a variety of needs, and we are working to ensure that such environments are fit-for-purpose, clean, safe, attractive and well-maintained.

Community Benefits of Open Space, Sport and Recreation

A2.9 High quality, well-designed parks and green spaces make a significant contribution to our neighborhoods, towns and cities and to people's quality of life. They also play an important role in creating a sense of place for our local communities.

A2.10 For people, open spaces:

- Provide an area for recreation and play;
- Enable lifelong learning and education;
- Encourage equality and diversity;
- Promote community development and regeneration;
- Establish community cohesion and social inclusion;
- Tackle community safety issues;
- Empower communities.

A2.11 For the environment, open spaces:

- Encourages biodiversity;
- Provide wildlife habitats;
- Promotes education;
- Contributes to sustainable environmental resource management;
- Creates a natural amenity;
- Gives safe, sustainable transport routes;
- Alleviates flood risks;
- Regulates the local microclimate;
- Can instil unique character to an area and provide a sense of place and local identity.

A2.12 For health, open spaces:

- Improve physical health through exercise;
- Contribute to good mental health and well being;
- Provide positive community health through sense of space.

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- A2.13 For the economy, open spaces:
- Attract economic development and local investment;
 - Provide local employment;
 - Increase land and property values;
 - Encourage ongoing revenue streams through tourism;
 - Improve the image and standing of an area;
 - Influence location decisions for both employers and employees.

Blaby District Council Open Space Standards

A2.14 As recommended by the recently completed PPG17 Study (June2009), Blaby District Council has adopted new standards to determine the quantity and quality of new open space that will be required in association with any new residential development.

A2.15 The PPG17 Study recommended that for every 1000 head of population there should be 3.9Ha of accessible open space made up of six different typologies. The table below indicates the six open space typologies, the quantity and access standards for them and for built facilities. Justification for these standards is detailed in the PPG 17 Study which forms part of the evidence base for the Council's LDF Core Strategy.

Typology	Quantity Standard per 1000 head of population	Access Standard Maximum distance or equivalent straight line walk time
Parks and Recreation Grounds	0.8 ha	800 metres / 15 minutes
Outdoor Sports Space	1.0 ha	480 metres / 10 minutes
Children & Young people's Space	0.3 ha	<u>Junior Provision</u> – 450m / 10 minutes <u>Youth Provision</u> – 800 m / 15 minutes
Informal Open Space	0.5 ha	480 metres / 10 minutes
Natural Greenspace	1.0 ha	960 metres / 20 minutes
Allotments	0.3 ha	480m / 10 minutes
Small Halls and Community venues	1 per 2500 persons	10 minutes walk time

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Open Space Provision Within New Residential Developments

- A2.16 Any new residential development that requires the provision of new open space will be judged on its own merits. The amount of open space, the level and type of onsite facilities, or in lieu financial contributions, will be assessed individually against the following criteria:
- The type and scale of the proposed development
 - The location of proposed development
 - Any specific local circumstances
 - Any environmental considerations
 - The PPG 17 Study and audit data
 - The BDC guidance table for onsite Public Open Space
 - Other relevant Council strategies and policies
- A2.17 Open space and play facilities should normally be provided within the development. However, it is considered that open spaces of less than 2200m² in physical size are of limited recreational value, are expensive to manage and maintain, often lead to conflict with neighbours, and therefore have little overall community benefit. Therefore for developments of less than 25 dwellings, unless there are special local circumstances, open space will not normally be required within the development site and the developer will be required to make a financial contribution towards offsite facilities.
- A2.18 In circumstances where it has not, for any number of reasons, been possible or practical to locate the full amount of open space within a development site, the balance will be sought by financial contributions in lieu of the full amount of onsite open space provision. All offsite contributions will be calculated using the formulae contained in this appendix
- A2.19 The table below is a guide to the range of open space and recreational facilities that are normally to be provided within a residential development site. For developments of 500 dwellings or more the required new public open space and onsite facilities should all be provided within the development site and, for some larger scale developments, there may be also be a requirement to provide commensurate community venues, such as sports halls, swimming pools and leisure centres.

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Total No of dwellings	1 - 24	25 - 49	50 - 99	100 - 149	150 - 199	200 – 249	250 - 499	500 +
Total potential population increase based upon an average occupancy rate of 2.3	2.3 - 55.2	57.5 - 112.7	115 - 227.7	230 - 342.7	345 - 457.7	460 - 572.7	575 - 1147.7	1150 +
Developer Contributions	✓	*	*	*	*	*	*	*
Public Open Space		✓	✓	✓	✓	✓	✓	✓
Small scale equipped play area with 3 separate activities			✓	✓	✓	✓	✓	✓
Small sized MUGA's and Teenage Facilities				✓	✓	✓	✓	✓
Playing fields for outdoor sport					✓	✓	✓	✓
LEAP std Equipped play area with 5 separate activities					✓	✓	✓	✓
NEAP std Equipped play area with 8 separate activities						✓	✓	✓
Larger MUGA's and areas for wheeled sports						✓	✓	✓
Larger playing fields and changing facilities for outdoor sports							✓	✓
Small Halls and Community venues								✓

✓ - Contribution required
 * - Possible Contribution

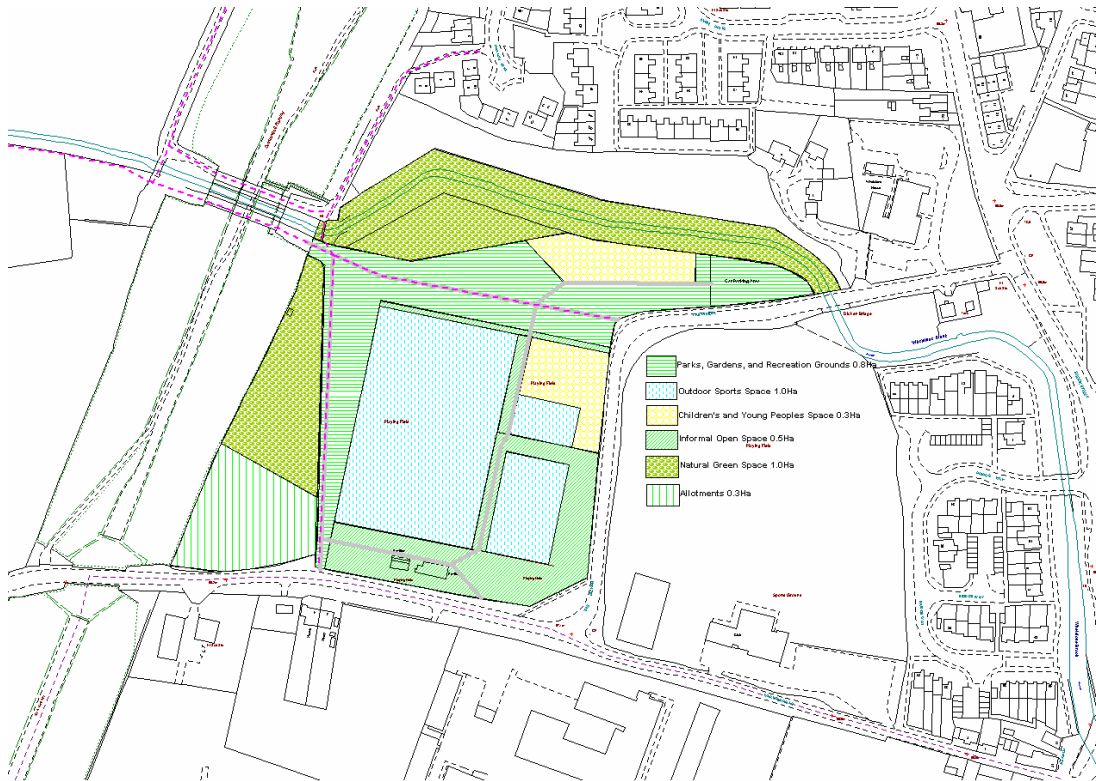
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Methodology for Establishing Offsite Financial Contributions

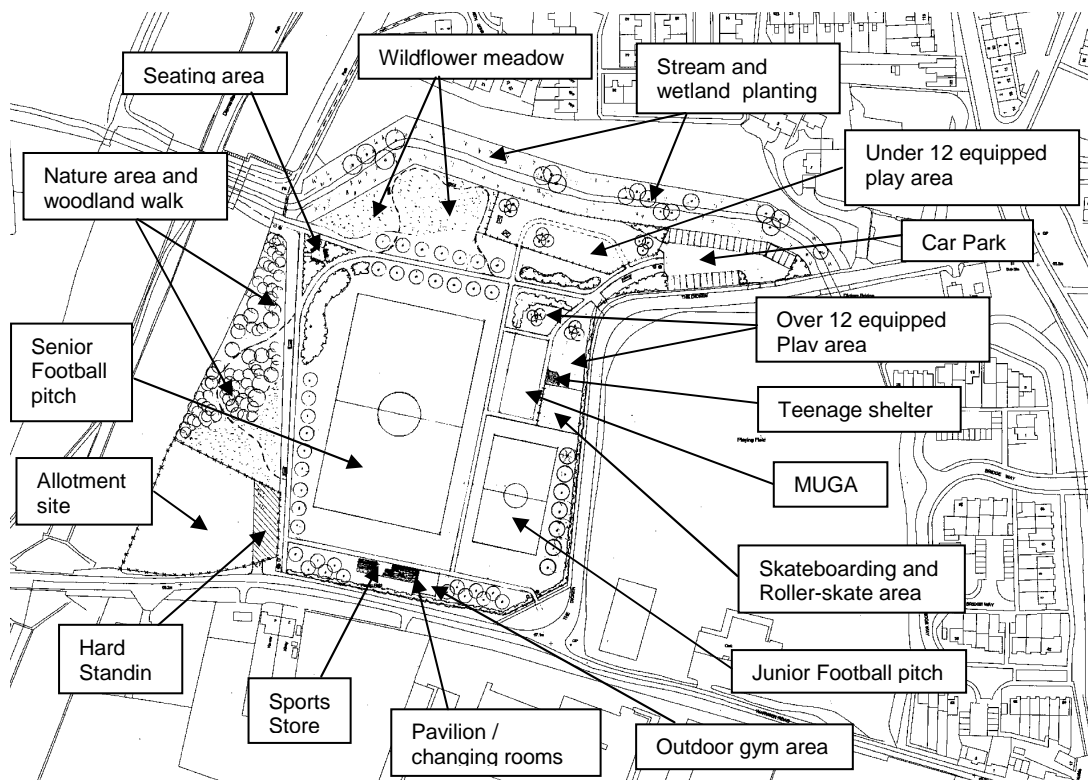
- A2.20 Due to the considerable variation between the sites and locations of new residential housing developments, it is considered to be impractical, given the time scales allowed to determine planning applications, to individually cost up each case where an offsite contribution is required. Therefore in the interests of equity and openness, the District Council has developed a standard formula for calculating the cost of providing the required facilities offsite on areas of existing open space and other public land.
- A2.21 The financial contributions formula is based upon the construction and subsequent maintenance costs of providing the necessary facilities offsite, in order to meet the open space and recreational needs of 1000 head of population, or pro rata thereof, as proposed in the PPG17 Study.
- A2.22 To enable the Council to calculate the above costs it was necessary to design a model open space of 3.9Ha, which is based upon the quantity and access standards proposed by the PPG17 Study. The model open space has been designed in such a way that it caters for all of the diverse recreational, play, and sporting needs of the community as a whole, and also provides areas that will benefit wildlife and ecology.
- A2.23 The costs for the required construction works were gathered from a variety of sources, such as the known costs for specific works from recent BDC and Parish / Town Council projects and tenders, for the installation of LEAP and NEAP play areas, MUGA's, skate parks, outdoor gym's and fitness trails, teenage shelters, seating, bins, fencing works, pitch construction and planting schemes. Prices were also obtained for some of the construction elements from Leicester City Council's landscape development section.
- A2.24 A comparison pricing exercise was also undertaken to compare the BDC cost of construction per square metre with that of a current developer consortium project to construct a 7.9Ha community park containing all of the necessary PPG17 elements and typologies as used in the BDC model. The BDC model construction costs are £17.58 per m², whereas the actual developer construction costs are £17.72 per m².

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Representative layout of a 3.9Ha open space containing the 6 PPG17 Typologies



Representative Typology Layout



Representative Detailed Layout

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Calculation of construction costs for off site open space works

	A	B	C	D	E
<u>Parks, Gardens and Recreation Grounds (0.8 Ha)</u>					
Amenity grass area for formal recreation	5856	sq.m	3.50	20,496.00	
Shrub and planted areas	518	sq.m	20.85	10,800.30	
Plant trees	30	Heavy standards	105.67	3,170.10	
Formal footpath system 1.5m width	508	sq.m	66.00	33,528.00	
Hard surfaced seating area's each with 1 bench (3sq.m per bench)	6		510.00	3,060.00	
Litter bins	3		112.00	336.00	
Dog bins	3		160.00	480.00	
Car parking area	1100	sq.m	66.00	72,600.00	
				<u>144,470.40</u>	<u>18.06</u>
<u>Outdoor Sports Space (1.0Ha)</u>					
Small sided junior football pitch	1600	sq.m	6.33	10,128.00	
Football pitch and surrounds	7610	sq.m	6.33	48,171.30	
Outdoor exercise area including fitness and outdoor gym equipment	100	sq.m	121.63	12,163.00	
Bench seat	2		300.00	600.00	
Multi use ball court including fencing goals, basketball etc	592	sq.m	102.29	60,555.68	
Pavilion / changing room and sports equipment storage	98	sq.m	1800.00	176,400.00	
				<u>308,017.98</u>	<u>30.80</u>
<u>Children's and Young People's Space (0.3 Ha)</u>					
Equipped play area 0-12 years, fenced with 5 pieces of equipment	1		57809.00	57,809.00	
Equipped play area 12 years and over, 3 pieces of equipment	1		25862.00	25,862.00	
Teen Shelter meeting point (on 25sq.m tarmac area)	1		5225.00	5,225.00	
Hard surfaced wheeled sports area (Skate park)	400	sq.m	71.62	28,648.00	
Grass area for informal play and activities	2215	sq.m	3.50	7,752.50	
Shrub and planted areas	160	sq.m	20.85	3,336.00	
Formal footpath system 1.5m width	200	sq.m	66.00	13,200.00	
Plant trees	15	standards	105.67	1,585.05	
Picnic benches	2		375.00	750.00	
Bench seating	2		300.00	600.00	
Litter bins	2		112.00	224.00	
				<u>144,991.55</u>	<u>48.33</u>

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	A	B	C	D	E
<u>Informal Open Space (0.5 Ha)</u>					
Grass area for informal recreation	4628	sq.m	3.50	16,198.00	
Formal footpath system 1.5m width	366	sq.m	66.00	24,156.00	
Plant trees	19	standards	105.67	2,007.73	
Dog bins	2		160.00	320.00	
Litter bins	2		112.00	224.00	
Seating and base	2		510.00	1,020.00	
				<u>43,925.73</u>	8.79
<u>Natural Green Space (1.0 Ha)</u>					
Meadow area for Wildlife, Ecology and Biodiversity	1960	sq.m	3.65	7,154.00	
Whip planted areas	1880	sq.m	5.00	9,400.00	
Bench seating	2		300.00	600.00	
Plant trees	20	standards	105.67	2,113.40	
Reed and tall herb planting	4064	sq.m	3.68	14,955.52	
				<u>34,222.92</u>	3.42
<u>Allotments (0.3 Ha)</u>					
Ground Preparation, cultivation and conditioning	2490	sq.m	0.55	1,369.50	
Hard standing and gravel paths	510	sq.m	34.32	17,503.20	
Installation of fencing, gates and security	220	m	62.68	13,789.60	
Plant hedge to screen fencing to road and park frontage	90	m	5.00	450.00	
				<u>33,112.30</u>	11.04

A = quantity needed

B = unit

C = cost per unit (£)

D = total cost per item (£)

E = cost per square metre (£)

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Calculation for financial contribution for open space provision

Construction costs per head of population

	A	B	C	D
<u>Type of Open Space</u>				
Parks, Gardens and Recreation Grounds	0.8	8	18.06	144.47
Outdoor Sports Space	1.0	10	30.80	308.02
Children's and Young People's Space	0.3	3	48.33	144.99
Informal Open Space	0.5	5	8.79	43.93
Natural Green Space	1.0	10	3.42	34.22
Allotments	0.3	3	11.04	33.11
				708.74

A = requirement per 1000 head of population in hectares. From BDC PPG17 Study (2009)

B = requirement per head of population in square metres

C = construction costs of type per square metre

D = total cost per type of open space (B x C)

20 year commuted sum for maintenance of open space per head of population

Type of work	E	F	G	H	I	J
Maintenance						
High Maintenance areas	26000	sq.m	0.25	6,500.00	6.50	
Low Maintenance areas	13000	sq.m	0.09	1,170.00	1.17	
General repairs*	39000	sq.m	0.06	2,340.00	2.34	
Play equipment repairs/replacement	11	item	120.00	1,320.00	1.32	
Inspections						
general site inspection	52	visit	7.50	390.00	0.39	
play area equipment check	156	visit	9.00	1,404.00	1.40	
ROSPA / NPFA annual inspection	1	visit	150.00	150.00	0.15	
					13.27	265.48

E = quantity per year

F = unit

G = cost per unit (£)

H = total cost per type of work (E x G) (£)

I = cost per head of population (£)

J = 20 year cost per head of population (£)

* including replacing / repairing fencing, furniture, hard areas, signage etc.

Summary of calculation

Dwelling size	K	L	M	N	O	P
1 bed residential unit	1.5	708.74	1,063.11	265.48	398.22	1,461.33
2 bed residential unit	2.5	708.74	1,771.85	265.48	663.70	2,435.55
3 bed residential unit	4	708.74	2,834.96	265.48	1,061.92	3,896.88
4+ bed residential unit	5	708.74	3,543.70	265.48	1,327.40	4,871.10

K = Average occupation rate per dwelling size. From PPG17 Companion Guide

L = construction cost per head of population (£)

M = construction cost per residential unit (£)

N = commuted maintenance sum per head of population (£)

O = commuted maintenance sum per residential unit (£)

P = total financial contribution per residential unit (£)

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Appendix 3 – Draft Section 106 Agreement

DATED _____ 20??

and

BLABY DISTRICT COUNCIL (2)

and

[LEICESTERSHIRE COUNTY COUNCIL (3)]

PLANNING AGREEMENT

Section 106 of the Town and Country Planning Act 1990
relating to

Delete square brackets if not required

**Blaby District Council
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THIS AGREEMENT is made the day of
Two Thousand and

BETWEEN:

1. **THE OWNER** of("the Owner")
2. **[THE MORTGAGEE]** of
3. **BLABY DISTRICT COUNCIL** of Council Offices, Desford Road,
Narborough, Leicestershire, LE19 2EP ("the District Council")
4. **[LEICESTERSHIRE COUNTY COUNCIL** of County Hall,
Glenfield, Leicester, LE3 8RA ("the County Council")]

RECITALS:

- A. By means of the Planning Application planning permission was
sought from the District Council to carry out the Development
- B. The District Council is the Local Planning Authority for the
purposes of the Act for the District of Blaby within which the
Application Land is situated
- C. The District Council [and the County Council] are/is [both]
Principal Councils within the meaning of the Local Government
Act 1972
- D. [The County Council is responsible for the provision of
..... for the area in which the Application Land is situate]
- E. The Owner is the freehold owner of the Application Land
registered at HM Land Registry with title absolute under title
number [subject to a charge in favour of the Mortgagee]

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F. The District Council has resolved to grant the Planning Permission subject to conditions and to the making of this Agreement

G. The Owner has agreed to enter into this Agreement with the intent that its interest in the Application Land shall be subject to the covenants and obligations entered into by it and with the intention that the covenants and obligations entered into by it should create planning obligations pursuant to Section 106 of the Act

OPERATIVE PROVISIONS:

1. DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following expressions shall have the following meanings:

“Act”	the Town & Country Planning Act 1990
[“Affordable Housing Development”	the units comprising..... to be constructed on the Affordable Housing Land]
[“Affordable Housing Land”	that part of the Application Site upon which the Affordable Housing Development is to be shown edged on the Plan]
“Application Land”	the land to which the Planning Application relates shown for identification purposes only as edged red on the Plan
[“Civic Amenity Contribution”	The sum of as a contribution towards the cost of the provision of facilities at the Civic Amenity Site which would ordinarily be expected to be visited by residents of the Development]
“Commencement of Development”	the earliest date on which any of the material operations (as defined by Section 56(4) of the Act) pursuant to the implementation of the Development is begun save that irrespective of the provisions of Section 56 (4) of the Act none of the following operations shall constitute a

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material operation for the purposes of constituting Commencement of Development

- i. trial holes or other operations to establish the ground conditions of the Application Land, site survey work, or works of remediation
- ii. archaeological investigations on the Application Land
- iii. any works of demolition or site clearance
- iv. any structural planting or landscaping works
- v. ecological or nature conservation works and surveys associated with the Development
- vi. construction of boundary fencing or hoardings
- vii. construction of access or highway works
- viii. any other preparatory works agreed in writing with the District Council

“Development”	the development described in the Planning Application and to be carried out pursuant to the Planning Permission
“Dwelling/s”	means any dwelling built pursuant to the Planning Permission and whether an Affordable Dwelling or otherwise
[“Education Contribution”	the sum of as a contribution towards the cost of the provision and enhancement of educational facilities at schools which would ordinarily be expected to be attended by residents of the Development]
[“Library Contribution”	The sum of as a contribution towards the cost of the provision of books or alternative educational facilities at the Library which would ordinarily be expected to be visited by residents of the Development]

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["Market Dwelling/s"]	means any dwelling constructed as part of the Development for sale on the open market which is not an Affordable Dwelling]
"Monitoring Costs Contribution"	£250.00 (Two Hundred and Fifty Pounds) or 2% of the value of the contributions, whichever is greater, index linked in accordance with the BCIS as set out in the Second Schedule towards the costs of monitoring compliance with the obligation/s contained in this agreement
"Occupation"	<p>means in relation to the Development beneficial occupation of any part of it for residential purposes but shall not include</p> <p>(i) daytime occupation by workmen involved in the erection fitting out or decoration of any part of the Development; or</p> <p>(ii) the use of any dwelling house(s) for the marketing of the Development; or</p> <p>(iii) the storage of plant and materials</p> <p>and "Occupy" and "Occupied" shall be construed accordingly</p>
["Open Space Contribution"]	the sum of adjusted in accordance with the second schedule]
"Plan"	the Plan attached hereto
"Planning Application"	the Planning Application submitted to the District Council and allocated reference number applying for the proposed erection of on the Application Land
"Planning Permission"	means the planning permission granted pursuant to the Planning Application in accordance with the draft contained at the First Schedule

1.2 Words in this Agreement importing the singular meaning shall where the context so admits include the plural meaning and vice versa

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- 1.3 Words in this Agreement of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa
- 1.4 References in this Agreement to any statutes or statutory instruments shall include and refer to any statute or statutory instrument amending consolidating or replacing them respectively from time to time and for the time being in force
- 1.5 Where in this Agreement reference is made to a Clause or Schedule such reference (unless the context otherwise requires) is a reference to a Clause or Schedule of this Agreement
- 1.6 Covenants made hereunder:
- 1.6.1 on the part of the District Council shall be enforceable against the District Council and any statutory successor to it as Planning Authority
- 1.6.2 [on the part of the County Council shall be enforceable against the County Council and any statutory successor to it as County Council]
- 1.7 The expression "the Owner" shall where the context so admits include their respective successors and assigns.

2. **GENERAL PROVISIONS**

Statutory Authority

- 2.1 This Agreement and each of the covenants given by the Owner contained herein is a planning obligation and is made pursuant to Section 106 of the Act

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- 2.2 The covenants by the Owner contained herein shall be enforceable by [either or both of the County Council and] the District Council [except where the obligation is expressed as a covenant made solely with the County Council or the District Council in which case such obligation shall be enforceable only by that authority]

Liability

- 2.3 The covenants given by the Owner contained herein are made with the intent that the covenants will bind the Application Land and be binding on and enforceable against its successors in title or assigns and subject to clausethose deriving title under the Owner PROVIDED THAT without prejudice to the enforcement of covenants against successors in title no person shall be liable for any breach or non-performance of the covenants contained herein or for the performance of any obligations which arise from the carrying out of the Development on and in respect of any land of which he is no longer seised save in respect of any prior subsisting breach
- 2.4 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Application Land in accordance with a planning permission (other than the Planning Permission as defined herein or any renewal thereof or any reserved matters approval with respect thereto) granted (whether or not on appeal) after the date of this Agreement in respect of which development this Agreement will not apply PROVIDED THAT the obligations in this Agreement can be applied to any planning permission granted subsequent to the grant of the Planning Permission as herein defined by agreement between the Owner and the District Council as evidenced by a memorandum endorsed on this Agreement

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2.5 The covenants contained in this Agreement shall not be enforceable against individual purchasers or lessees of Dwellings on the Application Land constructed pursuant to the Planning Permission having a roof, windows and doors and being in a state of readiness for occupation or against statutory undertakers in relation to any parts of the Application Land acquired by them for electricity sub-stations gas governor stations or pumping stations or against anyone whose only interest in the Application Land or any part of it is in the nature of the benefit of an easement or covenant

2.6 In the event that the Owner disposes of its interest in the Application Land or any part thereof (other than a disposal to a purchaser of an individual Dwelling) it shall within twenty-eight days of such disposal give written notice of the name and address of its successors in title to the District Council [and the County Council] together with sufficient details of the land included in the disposal to allow its identification

Contingencies

2.7 With the exception of this clause and the obligations contained in clause 2.16 the obligations in this Agreement are conditional upon the grant of Planning Permission and the Commencement of Development and until such time as these conditions are satisfied the obligations contained herein shall be of no effect

2.8 In the event of the Planning Permission expiring or in the event of the revocation of the Planning Permission the obligations under this Agreement shall cease absolutely and the District Council shall procure that any entry referring to this Agreement in the Register of Local Land Charges shall be removed forthwith

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Commencement of Development

- 2.9 The Owner shall give the District Council seven days notice in advance of the Commencement of Development [and shall send a copy of such notice to the County Solicitor of the County Council] and the date on which Commencement of Development has taken place shall be confirmed by exchange of correspondence between the Owner and the District Council [and the County Council] PROVIDED THAT default in giving notice or confirming the date by exchange of correspondence shall not mean that Commencement of Development is deemed not to have occurred for the purposes of this agreement

Determination by Expert

- 2.10 Notwithstanding any specific provision in this Agreement in the event of any dispute between the Owner the District Council [or the County Council (or any of them)] concerning this Agreement including any dispute as to whether or not an obligation has been performed or matter to be agreed under any of the provisions of this Agreement the matter may at the written option of any relevant party (notice of which shall be given to the other party or parties) be referred to such expert as they may agree or (in default of agreement within 20 working days of the date of giving of the notice) appointed by the Chairman for the time being of the Planning and Environment Bar Association whose appointment shall be conducted on the following terms
- 2.10.1 The person to be appointed pursuant to Clause 2.10 shall if possible be a person having ten years or more relevant post-qualification experience of the issue in dispute and projects comprising works of the scale and nature of the Development and of the particular issue in dispute

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- 2.10.2 The reference to the expert shall be on terms that:
- 2.10.2.1 the expert shall afford the parties to the dispute an opportunity to make representations to him/her in writing and if he/she so directs to make submissions on one another's representation;
 - 2.10.2.2 the expert shall be able to stipulate periods of time for the making of such submissions and representations;
 - 2.10.2.3 the expert shall be bound to have regard to the said submissions and representations;
 - 2.10.2.4 the expert shall have the power to award the costs of the determination in favour of either party at the expense of the other in the event that the expert shall consider that the said other party has acted unreasonably and the extent of the costs awarded shall reflect the extent and effect of said unreasonable behaviour;
 - 2.10.2.5 the expert shall be limited in his findings to the proposals put by either party or a proposal falling between both of them; and
 - 2.10.2.6 the findings of the expert shall save in the case of manifest material error be final and binding on the Owner the District Council [and the County Council] save that the parties retain the right to refer to the Courts on a matter of law

VAT

- 2.11 In the event that the provision by the Owner to the District Council [the County Council] or other body of any land or buildings or infrastructure or matters pursuant to this Agreement is a taxable supply for the purposes of the legislation relating to Value Added Tax in respect of which any Value Added Tax should become payable then the District Council [the County

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Council] or other body in receipt of such supply shall pay to the Owner all such Value Added Tax upon receipt from the Owner of a Value Added Tax invoice therefore and the Owner shall endeavour to ensure that the timing of such invoice or invoices within any four week period shall be such as to minimise the period between settlement of the invoice and recovery of the tax

Time Periods

- 2.12 It is agreed between the parties that any of the periods specified in the Agreement may be extended by mutual agreement in writing between the Owner and the District Council [and/or the County Council (as the case may be)] SAVE THAT any party to this Agreement who requires time to be of the essence in any period extended shall serve notice on any other relevant party stating that time is of the essence in relation to any time period so extended

Approvals

- 2.13 For the purposes of this Agreement where a party is required to make a request give confirmation approval or consent express satisfaction with agree to vary or to give notice of any matter such request confirmation approval consent expression of satisfaction agreement to vary or notice shall be deemed to have not been given or expressed unless given or expressed in writing and shall not be unreasonably withheld or delayed

Notices

- 2.14 The service of notices and communications pursuant to this Agreement shall be sent to the addressee at the address stated in this Agreement or at such other address as the addressee shall have notified to the others in writing

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2.15 Notices and communications under this Agreement may be sent by personal delivery or by First Class Post (recorded delivery) and any notice or communication sent by First Class Post (recorded delivery) and correctly addressed shall be conclusively deemed to have been received by the addressee on the second business day following the date of posting

Exclusion of the Contracts (Rights of Third Parties) Act 1999

2.16 Nothing herein contained or implied shall give or be construed as giving rights, privileges, powers or enforceability other than to the specific parties executing this document and their successors (if any) as defined herein and the provisions of the Contracts (Rights of Third Parties) Act 1999 and any benefits or rights which could arise therefrom are expressly excluded to the intent that no third party within the meaning of that Act shall have any rights of enforcement in respect of any matter herein contained

Perpetuity Period

2.17 For the purposes of such parts of this Agreement as may be subject to the law against perpetuities, the perpetuity period shall be a period of 80 years from the date hereof

Void Provisions

2.18 If any provision of this Agreement is declared by any judicial or other competent authority to be void voidable illegal or otherwise unenforceable the remaining provisions of this Agreement shall continue in full force and effect and the parties shall amend that provision in such reasonable manner as achieves the intention of the parties without illegality provided that any party may seek

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the consent of the other or others to the termination of this Agreement on such terms as may in all the circumstances be reasonable if the effect of the forgoing provisions would be to defeat the original intention of the parties

Application of this Agreement

- 2.19 If the District Council agrees pursuant to an application under Section 73 of the Town and Country Planning Act 1990 to any variation or release of any condition contained in the Planning Permission or if any such condition is varied or released following an appeal under Section 78 of the Town and Country Planning Act 1990 the covenants or provisions of this Agreement shall be deemed to bind the varied permission and to apply in equal terms to the new planning permission

No Fetter of Discretion

- 2.20 Save as permitted by law in equity nothing contained or implied in this Agreement shall prejudice or affect the rights powers duties and obligations of the District Council [and the County Council in their/its] respective rights powers duties and obligations under all public and private statutes bylaws and regulations which may be as fully and effectually exercised as if the District Council [and/or the County Council] were/was not a party to this Agreement

Effect of any Waiver

- 2.21 No waiver (whether express or implied) by the District Council [and/or the County Council] of any breach or default by the Owner in performing or observing any of the terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the District Council [and/or the County

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Council] (as relevant) from enforcing any of the said terms or conditions or from acting upon any subsequent breach or default in respect thereof by the Owner

General Requirement to Co-operate

2.22 Without prejudice to its statutory duties the District Council [the County Council] and the Owner shall all act in good faith and shall co-operate with each other to facilitate the discharge and performance of the obligations of the other contained within this Agreement within the timescales specified

3. **THE OWNER'S PLANNING OBLIGATIONS WITH THE DISTRICT COUNCIL**

3.1 The Owner covenants with the District Council :

Open Space

3.2 To pay the Open Space Contribution to the District Council prior to the first occupation of the Final Dwelling

Legal Costs

3.3 To pay the District Council's reasonable legal costs up to a maximum of [] (£[]) in respect of the preparation of this agreement on its execution

4. **THE OWNER'S PLANNING OBLIGATIONS TO THE COUNTY COUNCIL**

4.1

5. **DISTRICT COUNCIL COVENANTS**

5.1

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6. **[COUNTY COUNCIL COVENANTS]**

6.1

7. **[DISTRICT COUNCIL AND COUNTY COUNCIL COVENANTS]**

7.1

**Blaby District Council
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Supplementary Planning Document**

THE FIRST SCHEDULE

The Draft Planning Permission

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THE SECOND SCHEDULE

Indexation Provisions

1. In this Schedule:-

"Index"

means

- (i) in the case of the Monitoring Costs Contribution the All Items Retail Price Index published by the Office of National Statistics (or contained in any official publication substituted therefore) or such other index as may from time to time be published in substitution therefor or if for any reason the Index shall be abolished, there shall be substituted for the purposes of this Schedule, such index of food price costs (including the altered All Items Retail Price Index) as may from time to time be published by or under the authority of any Ministry or Department of Her Majesty's Government and if no such index is published, the parties thereto shall endeavour to agree such other index as shall most closely reflect changes in the cost of living; and

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[(ii) in the case of the Contribution the All in Tender Price Index of Buildings Cost Information Services ("BCIS") as published by the Royal Institute of Chartered Surveyors ("RICS") or in the event that the RICS shall change the basis of compilation or cease to compile or publish the said Index such other Index as the parties hereto shall agree or in default of agreement such Index as shall be determined by an Arbitrator appointed by the President of the RICS for the purposes of this Agreement in all cases to ensure as nearly as possible that the sums of money involved shall fluctuate in accordance with the general level of the building industry costs]

"Base Index Date" means the date of this Agreement or the date of the grant of planning permission whichever is the earlier.

"Base Index Figure" means the figure published in respect of the Index immediately prior to the Base Index Date

"Final Index Figure" means the figure published or otherwise agreed or determined in respect of the Index immediately prior to

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the respective dates upon which the

Contribution/s are/is paid

2. The Contribution/s shall be increased by such sum, if any, in pounds sterling as shall be equal to the sum calculated according to the following formula:-

$$\text{Increased Sum} = \frac{A \times C}{B}$$

Where: "A" equals the Contribution/s and the Monitoring Costs Contribution

"B" equals the Base Index Figure

"C" equals the Final Index Figure

3. If after the Base Index Date there should be any change in the Base Index Figure by reference to which changes in the Index are calculated, the figure taken to be shown in the Index after such change shall be the figure which would have been shown in the Index if the said Base Index Figure had been retained and the appropriate reconciliation shall be made
4. If any substitution for the said All Items Retail Prices Index or the BCIS, or any index previously substituted therefore shall occur, the parties hereto shall endeavour to agree the appropriate reconciliation between the Index substituted on the one hand and the All Items Retail Prices Index or the BCIS or any index previously substituted therefore on the other hand

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THE THIRD SCHEDULE

Specification/Works etc.

**Blaby District Council
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IN WITNESS whereof the parties hereto have executed this Agreement on the date first above written

THE COMMON SEAL OF **BLABY DISTRICT**)
COUNCIL was hereunto affixed in the presence)
of: -)

[THE COMMON SEAL of **LEICESTERSHIRE**)
COUNTY COUNCIL was hereunto)
affixed in the presence of: -])

Authorised Officer

SIGNED AS A DEED on behalf of)
)
by:-)

Director

Director/Secretary

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Appendix 4 – Blaby District Local Plan Policy IM1

12.7 Government guidance on the use of Planning Obligations is set out in Circular 1/97 and PPG 12. The Structure Plan includes Strategy Policy 5 which sets out the requirements for providing relevant infrastructure to serve major new developments; this states:-

"Major new housing development (usually more than 100 dwellings), major new employment development (usually more than 5 hectares) and other major new development should meet most or all of the requirements for, and costs of, relevant infrastructure, including such public highway, public transport, public services, utilities, off site landscaping and community facilities required to support the development, with contributions being expected from developers for these costs."

12.8 PPG 12 indicates that where a Local Authority intends to seek an obligation to implement policies in a Local Plan then these requirements should be set out in the Plan. The policy below outlines the types of requirements that planning obligations will be used to secure in relation to new development proposals, where planning objections cannot be overcome by means of a condition.

IM1 WHEN GRANTING PLANNING PERMISSION FOR NEW DEVELOPMENT THE DISTRICT COUNCIL WILL, WHERE APPROPRIATE, SEEK A PLANNING OBLIGATION FROM APPLICANTS TO SECURE PARTICULAR OBJECTIVES WHERE THEIR NEED ARISES FROM THE PROPOSED DEVELOPMENT, INCLUDING:

(i) PROVISIONS OF, OR CONTRIBUTIONS TOWARDS, NEW HIGHWAY OR PUBLIC TRANSPORT INFRASTRUCTURE AND/OR PUBLIC TRANSPORT SERVICES.

12.9 Applicants for new developments that would otherwise be acceptable but would give rise to traffic problems on the existing highway system of the type referred to in Structure Plan Transport Policy 4 (described earlier) will be encouraged to enter into a planning obligation to secure satisfactory improvements to the local road system.

12.10 In the implementation of the Transport Choice Strategy the District Council will encourage developers to contribute towards the improvement of public infrastructure (such as a new railway station, a rail service or an improved bus service) where these are required to meet the Transport Choice criteria. In the case of revenue support for

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public transport services this will be for a limited period in the short term only and with a maximum cost specified.

**(ii) PROVISION OF, OR CONTRIBUTIONS TOWARDS, NEW
STORM DRAINAGE INFRASTRUCTURE.**

12.11 Where new developments would overload the capacity of the existing surface or storm water drainage system the applicant will be encouraged to enter into planning obligations to provide an enhanced system including, where appropriate, balancing lagoons or flood water retention measures where planning objections cannot be overcome by means of a condition. This will be implemented in accordance with policies CF5 and CF6.

**(iii) PROVISION OF, OR CONTRIBUTIONS TOWARDS,
CHILDRENS PLAY AREAS OR OPEN SPACE FOR FORMAL
RECREATION.**

12.12 Where open space cannot be provided on-site in accordance with the standards set out in Policies R13 and R14 the Council will encourage applicants to enter into a planning obligation so that satisfactory provision may be achieved off-site.

**(iv) PROVISION OF, OR CONTRIBUTIONS TOWARDS, NEW
EDUCATIONAL OR COMMUNITY FACILITIES.**

12.13 Where a new development would generate the need for new educational or community facilities within or near the development area then applicants will be encouraged to enter into a planning obligation to secure or enable the provision of these facilities.

**(v) CONTROL OVER THE OCCUPATION OF AFFORDABLE AND
SPECIALIST HOUSING.**

12.14 Policy R5 allows, under exceptional circumstances, the development of affordable housing outside the limits to built development. Where the Council grants planning permission for such schemes applicants will be encouraged to enter into a planning obligation to ensure that the housing remains available as affordable housing in perpetuity.

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(vi) TO SECURE THE REMOVAL OF AN EXISTING BUILDING OR STRUCTURE OR THE REVOCATION OF A PREVIOUS PLANNING PERMISSION THAT IS REQUIRED AS A RESULT OF GRANTING PLANNING PERMISSION FOR THE NEW PROPOSAL.

12.15 In cases where the granting of planning permission would only be satisfactory if an existing building or structure is removed, or where it would be undesirable to allow the proposal in addition to development which already has planning permission, applicants will be encouraged to enter into a planning obligation to achieve this aim.

12.16 Policy CF2 requires the removal of any structures that are made redundant by the granting of permission for a new telecommunications mast and applicants will be encouraged to enter into a planning obligation to secure this objective.

12.17 Policy IM1 contains the main situations where the Council would be likely to encourage applicants to enter into a planning obligation. The list of examples included in this policy is not intended to be comprehensive and other situations may arise where the Council will require the use of planning obligations as part of the development control process.

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Appendix 5 – Summary of Conformity with the Development Plan			
Appendix topic	RSS 8 – East Midlands Regional Plan	Blaby District Local Plan	Emerging Blaby District LDF Core Strategy
Open Space, Sport and Recreation	<u>Policy 12</u> Development in the Three Cities Sub-area <u>Policy 28</u> Regional Priorities for Environmental and Green Infrastructure <u>Policy 41</u> Regional Priorities for Culture, Sport and Recreation	<u>Policy IM1</u> Planning Obligations <u>Policy R13</u> Playspace for Children <u>Policy R14</u> Open Space for Formal Recreation	<u>Policy 11</u> Developer Contributions <u>Policy 13</u> Green Infrastructure <u>Policy 14</u> Play and Open Spaces
Affordable Housing	<u>Policy 14</u> Regional Priorities for Affordable Housing <u>Policy 15</u> Regional Priorities for Affordable Housing in Rural Areas	<u>Policy IM1</u> Planning Obligations <u>Policy R4</u> Affordable Housing on Sites not Specifically Proposed for Development	<u>Policy 6</u> Affordable Housing <u>Policy 11</u> Developer Contributions
Children's and Young Peoples Service (Education)		<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer Contributions
Civic Amenity and Waste Collection	<u>Policy 38</u> Regional Priorities for Waste Management	<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer Contributions <u>Policy 21</u> Waste
Community Facilities		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions

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Adult Social Care and Health		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions
Highways and Transportation	<u>Policy 12</u> Development in the Three Cities Sub-area <u>Policy 49 A</u> Regional Approach to Improving Public Transport Accessibility <u>Policy 52</u> Regional Priorities for Integrating Public Transport	<u>Policy IM1</u> Planning Obligations	<u>Policy 9</u> Transport Infrastructure <u>Policy 11</u> Developer Contributions
Blaby Town Centre	<u>Policy 22</u> Regional Priorities for Town Centres and Retail Development	<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer Contributions <u>Policy 12</u> Retailing
Library Services		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions
Health		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions

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Museums, Heritage Interpretation and Cultural Development	<u>Policy 26</u> Protecting and Enhancing the Region's Natural and Cultural Heritage <u>Policy 27</u> Regional Priorities for the Historic Environment	<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions <u>Policy 17</u> Cultural Environment
Police / Crime		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions
Ecology, Geology, Environment and Geomorphology	<u>Policy 26</u> Protecting and Enhancing the Region's Natural and Cultural Heritage <u>Policy 29</u> Priorities for Enhancing the Region's Biodiversity <u>Policy 30</u> Regional Priorities for Managing and Increasing Woodland Cover	<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer Contributions <u>Policy 16</u> Bio-diversity and Geo-diversity
Fire and Rescue		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to Support Growth <u>Policy 11</u> Developer Contributions

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Archaeology	<u>Policy 26</u> Protecting and Enhancing the Region's Natural and Cultural Heritage <u>Policy 27</u> Regional Priorities for the Historic Environment	<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer Contributions <u>Policy 17</u> Cultural Environment
British Waterways	<u>Policy 27</u> Regional Priorities for the Historic Environment	<u>Policy IM1</u> Planning Obligations	<u>Policy 11</u> Developer contributions <u>Policy 13</u> Green Infrastructure <u>Policy 17</u> Cultural Environment
Public Art		<u>Policy IM1</u> Planning Obligations	<u>Policy 10</u> Services and Facilities to support growth <u>Policy 11</u> Developer contributions