

Planning Obligations Summary

Preamble

Planning Obligations are a proper and recognised part of the planning system and can provide the means of reconciling the aims and interests of developers with the need to safeguard the environment or to meet the costs and needs arising as a result of the development. They enable developers to covenant by agreement with local authorities to agree that certain works are carried out in relation to a proposed development. The provision of facilities or financial contributions to enable their provision will be secured by means of a planning obligation negotiated with the developer. The City of Leicester Local Plan (January 2006) includes the following policy on planning obligations.

IMP01. PLANNING OBLIGATIONS

In the case of new development proposals planning obligations will be sought in order to secure from developers the necessary costs and provision of infrastructure, facilities and needs arising directly as a result of the development. Any provision will relate to the scale and nature of the development.

NB: Further reforms to Planning Obligations are likely, e.g. the introduction of planning charges / planning gain supplement. The timescale for these reforms is dependent on relevant legislation being enacted.

The following summary will be kept under review and may be amended to reflect guidance in future Local Development Framework documents.

Summary of possible Developer Contributions - includes the requirement or formula and the Department and officer responsible.

S106 Model Y/N		Subject	Threshold	Reference Local Plan*	Criteria	Requirement/Formula/Variables	Responsible Dept/Person
	1.	LRC Master Plan Regeneration aspirations+	All developments identified in LRC Master Plan area	Chapter 2 – Plan Strategy	Development identified in Local Plan/Local Development Framework and/or SPG/SPD	Contribution as indicated in policy documents	Regen + Culture
	2.	LCC Vision Doc/Public Realm/ Landscape Improvements+	All developments	Chapter 2 – Plan Strategy Chapter 3 – Urban Design	Apply criteria set out in Local Plan, and Leicester Strategic Vision document Apply Urban Design criteria from Urban Space SPG (draft currently)	Contribute as required by SPG or on a case by case basis	Regen + Culture/ Urban Design/Deborah Rose

* City of Leicester Local Plan, adopted January 2006

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	3.	Sustainable Construction	All major developments	Chapter 2 – Plan Strategy	High density residential developments, Protocols including EMAS (Eco-management Audit System for Council Buildings, Schools, etc)	Calculate contribution on a case-by-case basis, to meet the Building Research Establishments “Eco Homes Excellent” rating and the standards set out in the Better Buildings Project. Alternatively, provide contribution to improve environmental sustainability within the City	Regen + Culture Urban Design Building Control Environment Team
	4.	Sustainable Waste Management	Major developments	Chapter 2 – Plan Strategy Chapter 3 – Urban Design Chapter 9 – Built Environment	For developments that place a burden on the existing waste management facility	Contribute towards provision of infrastructure to achieved Council waste management goals, case-by-case	Regen + Culture Waste Management
	5.	Sustainable Environment – Air Quality	Major developments that have air quality impact	Chapter 2 – Plan Strategy	Air Quality Action Plan →provide info for drafting SPD – Air Quality	Case-by case depending on scale and impact of the development – could be assisting with monitoring	Regen + Culture Pollution Control/ Environment Team (Anna Dodd)
	6.	Sustainable Environment – Waste Water management	All developments	Chapter 2 – Plan Strategy Chapter 9 – Built Environment	Grey Water Action Plan →provide info for drafting SPD – Water minimisation/recycling	Case-by-case, including non-residential/car parking/road run-off reuse	Regen + Culture Urban Design/ Environment Team (Anna Dodd)

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	7.	Leicester Heritage Skyline	All City Centre developments	Chapter 3 – Urban Design	Apply to tall building (greater than 5 storeys) located in the Leicester City Centre area (Draft SPD - Tall Buildings)	Contribute to lighting plan for building facades; alternatively provide contribution where light cannot be provided on site	Regen + Culture/ Urban Design/Deborah Rose
	8.	Public Rights of Way	All Developments	Chapter 4 – Special Policy Areas – the City Centre	A diversion of an existing/new right of way required for the development to proceed: see SPG	Contribution calculated on a case-by-case basis	Regen + Culture Transport Engineers/ Public Rights of Way Officer
	9.	Sustainable Transport	Residential developments (units/size) and non-residential (square meterage)	Chapter 5 – Access and Movement	Apply criteria from draft LCCAS and LTP, and Local Plan policies including Cycle/Pedestrian needs	Relate contribution to size of residential units, and highest number of vehicle trips forecast, for non-residential schemes	Regen + Culture Highways/Eddie Tyrer
	10.	Travel Plan	Non-residential developments that are likely to generate significant amounts of vehicle based movement	Chapter 5 – Access and Movement	Eg, Workplaces, schools and nurseries, medial centres, large shopping and leisure facilities	Outline Travel Plan should be submitted with application for approval, suitable for attachment to the Section 106 agreements	Regen + Culture Highways/Lisa Guest
Y	11.	Highways Works	All Development proposals	Chapter 5 – Access and Movement	Refer Section 278 criteria	Spell out provision/maintenance, acquisition/dedication of land for highways improvements, required infrastructure	Regen + Culture Highways/Eddie Tyrer

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Y	12	Affordable Housing	Residential proposals for 25 or more dwellings or residential sites of 1.0 ha or more	Chapter 6 - Housing (Policy H09 and paras. 6.36 to 6.45)	<p>The actual number and types of affordable housing agreed should be in line with the most up-to-date and available housing needs data.</p> <p>Pre-determination negotiations to confirm the following details:</p> <ul style="list-style-type: none"> i) number ii) mix of house type/size and tenure iii) on-site/off-site contribution iv) dispersal/location v) indistinguishable appearance, design and quality. <p>S106 to confirm number, house-type, tenure, plot number(s), agreed plans, minimum build standards, affordability, delivery/phasing of any on-site provision and amount, trigger point, payment details (including index-linking) of any off-site contribution.</p>	<p>Minimum of 30% affordable dwellings (15% in LRC areas)</p> <p>Housing Dept uses a calculation to adjust the amount of affordable housing sought to reflect the larger floor areas of affordable homes compared with many smaller market homes; for example, on a proposal for 100 dwellings, the policy target of at least 30% affordable homes equates to LCC seeking at least 18 affordable homes.</p> <p>In exceptional circumstances, a commuted sum will be accepted in lieu of on-site provision. The current adopted per unit commuted sum figure is £79,100.</p>	Housing/Ann Branson & Housing Development Team

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	13	Housing Size/type, distribution and appearance	Residential proposals for 25 or more dwellings or residential sites of 1 ha or more	Chapter 6 – Housing (Policy H06 and paras. 6.28 to 6.29)	All large residential developments should provide an appropriate mix of dwelling sizes, types and affordability to meet local needs, across all tenures. The details of proposed housing mix and type will be negotiated and agreed at detailed application stage.	To ensure mixed and balanced communities, new housing devts. should avoid the creation of large areas of housing of similar characteristics. At least 15% of new dwellings to be to Lifetime Homes standards, some of these to be to Housing Corporation's wheelchair standard.	Housing/Ann Branson & Housing Development Team
	14	Employment and Training; and Business Relocation	Major development, as defined by Replacement Local Plan	Chapter 7 – Employment	Development in particular areas where there are identified shortages in (local) employment and training priority for targeted groups	Contribute to or implement a Local Employment and Training Scheme	Regen + Culture/Trevor Mee
	15	Other infrastructure	All Development proposals	Chapter 9 – Built Environment	<ul style="list-style-type: none"> - Flood alleviation requirements - Heritage constraints - River/Canal-side requirements 	Infrastructure related to development	Highways/Environmental Health/Community Safety Officer

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	16	Renewable Energy	All major developments	Chapter 9 – Built Environment	Renewable Energy SPD November 2005	10% of predicted energy requirements to be provided by on-site renewable energy production. Design statement to be approved. Financial contribution to be calculated depending on impact + cost of implementing local renewable energy schemes	Regeneration + Culture Urban Design /Development Control/ Building Control
	17	Archaeology		Chapter 9 – Built Environment (Policy BE01)	City centre Archaeological Alert Area & Scheduled Ancient Monuments (Local Plan Proposals Map)	Archaeological assessment & evaluation	City Archaeologist
Y	18	Open Space (Children’s Play Provision)	0.8ha per 1000 population	Chapter 10 - Green Environment (Policy GE12)	Less than 15 dwellings (see Draft SPG Open Space)	Off – site provision	Regen + Culture/Adrian Edge
					15-49 dwellings (see Draft SPG Open Space)	On or off-site provision Cost of Provision per Dwelling x Number of dwellings = amount of financial contribution	As above
					More than 50 dwellings (see Draft SPG Open Space)	As above	As above

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Y		Open Space (Youth & Adult Outdoor Playing Space)	1.6ha per 1000 population	Chapter 10 – Green Environment (Policy GE13)	15-49 dwellings (see Draft SPG Open Space)	On or off-site provision Cost of Provision per Dwelling x Number of dwellings = amount of financial contribution	As above
					More than 50 units (see Draft SPG Open Space)	As above	As above
Y		Amenity open space	1.6ha per 1000 population	Chapter 6- Housing (Policy H03)	(see Draft SPG Open Space)	On – site provision but in the case of city centre residential developments an off-site contribution towards improving existing facilities will be considered	As above
	19	Local Economy/Social Enterprise support		Chapter 11 – Community and Leisure Facilities	Areas identified by Vision/Regeneration Strategy	Contribute to or implement Local Enterprise Support Plan	Regen + Culture Trevor Mee/Andy Thomas

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Y	20	Education	Residential Developments with [greater than 10 Units total/size 2+ bedrooms]	Chapter 11 – Community and Leisure Facilities	<ul style="list-style-type: none"> - located where shortage in places identified; or - in vicinity of schools with substantial provision of temporary classrooms; or - where size of devt creates a significant impact on existing residents attendance at local schools 	DFES formula Child Yield x Cost per pupil place. Discounted % of pupils attending independent schools. Cost Per School Place (DFES, Oct 04) = £15k/Primary and £25k Secondary	Chidrens and Young Peoples' Services/ Planning and Property/John Garratt + Rob Thomas
Y	21	Community Facilities/Buildings - Libraries - Health Centres - Sports Halls	For Major Residential Developments	Chapter 11 – Community and Leisure Facilities	Will depend on scale of the development and the impact on existing community facilities. Proposals will be considered on their individual merits.	On -site provision of new facilities if required or off-site contribution towards improvement of existing facilities	Regen+Culture Cultural Services (Libraries/Sports) /Urban Design
Y	22	Art in the Environment	All major developments	Chapter 12 – Implementation Para 12.16	Developments in priority regeneration areas, as specified in Regeneration Strategies/SPD for development areas/LDF	Incorporate a piece into the design of building/provision of piece; alternatively, a contribution if good reason for not including in design	Regen + Culture/ Urban Design
	23	Planning Obligation Monitoring	All developments with Planning Obligations	Chapter 12 – Implementation	All Agreements	Apply administration fee of 5% up to £2000, for monitoring	Devt Contribs Officer (post vacant); or Development Control/Case Officer + Enforcement Officer; or Snr Manager/Planning

Notes

+ LRC Masterplan Area - a tariff approach may be considered as an alternative to planning obligations

'Abnormals' - Items not specified because 'unknown' at

- (a) time of land purchase
- (b) time of start of planning application process, or
- (c) at time of planning decision

Abnormal site costs associated with development to be demonstrated by an independent viability appraisal encompassing both costs and values (funded by the developer). In rare exceptions, such abnormal costs may justify a reduction in the level of developer contributions sought where proven by an independent viability appraisal – the Council will expect 'open book' negotiations.

Standard development costs that will not normally be considered as abnormal include:

- Demolition
- Landscaping
- Site surveys e.g. ecological
- Drainage or flood prevention measures