



Norfolk County Council

Planning Obligation Standards

February 2021

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1.0 Introduction

1.1. The purpose of this document is to clearly set out the planning obligations requirements the County Council may seek in association with new developments.

These standards apply to the following County Council services:

- Children's Services
- Library Service
- Fire Service
- Community Services – Adult Care
- Green Infrastructure and Public Rights of Way
- Other Potential Infrastructure E.g. Household Waste Recycling Facilities

1.2. The highway and transport infrastructure and services directly required from new development will continue to be negotiated on a site by site basis (see section 9).

1.3. Other infrastructure and service requirements will be sought by District Councils for affordable housing, play space, open space etc. A list of District Council contacts is set out in Section 11. In addition, other service providers, such as the Police and the various Health Bodies may also seek developer contributions towards improvements to their services.

2.0 National Guidance

- 2.1. All infrastructure requirements must be compliant with the legal tests set out in the Community Infrastructure Regulations (2010) (Reg 122) and be:
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

- 2.2. Amended Regulations were laid before Parliament on 4 June 2019 (Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019) and came into force on 1 September 2019. The amended Regulations follow the Government's Technical Consultation in December 2018 on Reforming Developer Contributions, which covered:
 - Lifting the pooling restrictions on Section 106 i.e. allowing more than five such S106 agreements to contribute towards a single piece or type of infrastructure. In particular the Government accepts the argument that lifting the pooling restriction in all areas would remove barriers to development and could in some circumstances give local planning authorities the ability to secure more funding through S106 to deliver the infrastructure needed to support development;
 - To clarify how S106 planning obligations can be used for monitoring specifically permitting Local Authorities to charge for monitoring obligations;
 - Allowing Local Planning Authorities to use both S106 agreements and the Community Infrastructure Levy (CIL) to fund the same infrastructure; and
 - Introducing Infrastructure Funding Statements, whereby Local Authorities set out their infrastructure priorities and delivery as well as showing how monies received have been spent.

- 2.3. These reforms have been included within the CIL (Amendments) 2019. The County Council's Planning Obligations Standards reflect the lifting of the pooling restrictions and the clarification regarding monitoring charges. The County Council is also working closely with all District Councils on other aspects of the CIL reforms.

- 2.4. The County Council will continue to provide a detailed justification/explanation of any contributions it seeks. The Standard Charges detailed below illustrate the range of facilities, which may be expected from developers as a consequence of the development. Developers will be expected to enter into a S106 legal agreement with the local planning authority regarding the contributions sought or will be obliged through a planning condition to deliver the on-site infrastructure requirements.

- 2.5. The Planning Obligations Standards are revised annually taking into account:
 - Changes in national guidance/standards;
 - Inflation – where cost have changed;
 - Any other material considerations.

2.0 National Guidance

- 2.6. These Standard Charges have taken into account the Community Infrastructure Levy Regulations (2010) and the subsequent amendments.
- 2.7. The following national guidance has been taken into account:
- National Planning Policy Framework;
 - The Planning Act (2008) – this provides ministers with the power to make the CIL Regulations.

Community Infrastructure Levy

- 2.8. The County Council will work in partnership with District Councils to develop CIL Charging Schedules and rates. In the meantime the County Council will continue to use the planning obligations standards until the respective CIL Charging Schedules are implemented. Even when CIL is implemented there may still be a need for the County Council to use S106 agreements:
- (a) To secure infrastructure which is not identified as being funded through CIL; and/or
 - (b) To deal with the transfer of land (e.g. where there is a need for a new school).
- 2.9. In addition, the amended CIL Regulations (2019) now allow authorities to use funds from both the Levy and planning obligations to pay for the same piece of infrastructure.
- 2.10. Therefore in those Local Planning Authority areas (LPAs) , where CIL has been introduced (i.e. Norwich City Council, South Norfolk District Council; Broadland District Council; and King's Lynn and West Norfolk Borough Council), the Standards below would not normally be applied except where:
1. There is agreement with the LPA to use both the Levy and planning obligations for the same piece of infrastructure;
 2. The site is in a zero CIL rated location; and is reliant on S106 to deliver necessary infrastructure; or
 3. The contribution relates to land transfer.
- 2.11. The County Council will expect to be consulted at the application stage on proposals likely to have an impact on County Council infrastructure and services by those District Councils who have adopted CIL Charging Schedules.

NB the County Council is working closely with those LPAs who have adopted CIL, as well as those intending to develop CIL, to ensure that necessary County Council infrastructure is secured and delivered through CIL.

3.0 County Advice

Dealing with Major Urban Regeneration Sites

- 3.1. The County Council recognises that there will be occasions when not all the infrastructure and services required by the development will be able to be provided by the developer. This is likely to be the case on major urban regeneration sites where there may be exceptional costs associated with site clearance and possibly decontamination.
- 3.2. In such circumstances it may be appropriate for the local authority and other public sector agencies to assist and facilitate in the development coming forward. This may involve a reduction in the level of contributions normally sought. This would in practice mean the County Council or other service providers being required to fund in part the infrastructure and services needed.
- 3.3. However, in such circumstances the County Council would need clear evidence that:
 - The economics of the site do not allow for all contributions to be met. The County Council would want to see the viability assessment (VA) produced and would need to be satisfied with the VA before waiving any contribution sought; and
 -
 - The development is in the wider public interest i.e. will provide a wide range of community benefits such as the removal of derelict land and will provide local services (e.g. schools and healthcare provision) accessible to the community as a whole. In these circumstances the matter would be taken to the relevant County Council Committee in order to secure agreement to reduce the County Council's infrastructure and service requirements. The County Council recognises that it is the District Council who will determine the application and ultimately decide the content of the S106 agreement.

Use of Bonds

- 3.4. The County Council may seek from developers where appropriate the use of "bonds" to act as a guarantee where large contributions have been negotiated through the S106 process towards for example, schools, travel planning and transport schemes.

Phasing of payments

- 3.5. Agreed planning obligations contributions will typically be paid to the County Council in a series of phased payments to be agreed with the applicant and determining authority.

3.0 County Advice

Potential Claw-back of Payments

- 3.6. Where contributions have been made, the County Council will normally be expected to use the sum of money received for the purposes agreed within 5 years of final occupation. However, for some large-scale developments the period may be extended. If the County Council has not spent the money in this time then some or all of the contributions will be returned to the developer as agreed in the S106 agreement.

Legal Charges

- 3.7. The developer will be required to pay the County Council's legal fees for drafting and negotiating the S106 agreement and a solicitor's undertaking must be supplied to the County Council's legal advisor before any legal work is carried out.
- 3.8. The County Council will review all the charges set out in these Standards when they are next updated.

Monitoring Charges

- 3.9. The County Council will seek a charge towards the administration of the S106 agreements (i.e. covering monitoring of S106 agreements; undertaking sites visits; invoicing; preparation of an Infrastructure Funding Statement; and chasing up any payments outstanding).
- 3.10. The charge will generally be levied at a rate of £500 per obligation covering each infrastructure item sought, for example, pre-school; primary school; and high school would each be counted as a separate piece of infrastructure and a monitoring fee sought for each. On more complex sites the charge will be levied at a rate of 1 % of the County Council's total obligations up to a maximum of £10,000 per agreement.
- 3.11. On major strategic housing sites (typically over 1,000 dwellings), the monitoring fee will be negotiated on a site by site basis reflecting any potential complexities associated with the S106 and the additional work involved in monitoring the agreement over a lengthy time period.
- 3.12. The monitoring charge will normally be payable on commencement of the development.
- 3.13. In relation to S106 Travel Plan monitoring fees (see section 9.0) these will be based on separate cost figures, details of which are provided in the [County Council's Travel Plan Guidance](#).

4.0 Education

- 4.1. The County Council has a statutory responsibility to ensure sufficient school places in the County for children between the ages 5 and 16 years. It works with other partners to ensure a sufficient supply of 16 – 19 year places many of which are integrated in 11 – 19 year schools. In addition the County Council has a statutory duty to ensure a sufficient supply of pre-school places (e.g. Day Care and/or Early Education provision) for children aged three and four. There is also a duty to ensure free places for eligible two-year olds. Contributions for pre-school provision may be required either for existing pre-schools or purpose built new facilities on a separate site, possibly shared with a school. Existing play groups and nurseries (including private facilities) will be taken into account. Primary phase schools are now able in law to extend their age range to encompass two and three year olds.
- 4.2. The Education Act 2006 gives the County Council the duty to secure sufficient places in its area. Subsequent legislation has created a platform for the development of a more diverse and more locally accountable school system, supported by a wider range of providers than in the past, particularly through multi-academy trusts.
- 4.3. The County Council maintains (funds) community schools, voluntary controlled schools; and community special schools. Statutory regulation ensures that governing bodies have delegated authority to run schools. The County Council and the Department for Education have the right and duty to intervene where a school is at risk of failing. The County Council acts as admissions authority for community and voluntary controlled mainstream schools and co-ordinates “applications and offers” for all mainstream schools, including free schools and academies. The Local Authority co-ordination ensures a fair process for parents and their children, offers an accessible school place to all applicants and seeks to meet parental preference as far as possible.
- 4.4. The County Council acts as a champion for all Norfolk residents, in respect of all children and young people and their parents/carers. In a diverse educational context, it will broker partnerships to support governors, school leaders and providers in securing the best for the community they serve. Its partnership, school improvement and school intervention activity is exercised in pursuit of the highest quality school provision in all schools in Norfolk.
- 4.5. The County Council receives capital grant from government to support the supply of places in all schools. It also seeks contributions from housing developments towards the cost of new school places. Where it secures such contributions it may add to them an element of Basic Need funding to enhance the facilities but will not reduce the level of obligations set out in this document.
- 4.6. The County Council is also, under the Education Act 2006, as amended by the Academies Act 2010, a commissioner rather than a provider of new schools. It has the power to set out the characteristics of a school needed for a new community in order that providers may identify their capacity to provide that school. All new schools commissioned in this way will be established as Free schools (in law academies). The County Council has to provide the site and funds for such a school, although these will usually be expected to come from the developer(s). The County Council will procure the school building through its OJEU (Official Journal of the European Union) compliant contractor framework and will provide the new building for the successful free school sponsor (multi-academy trust) to occupy.

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- 4.7. New Free schools can also be approved by the Secretary of State. These can add to the supply of places but also can increase the diversity of provision in an area. Where they meet a shortfall of places, they would be supported by the County Council.
- 4.8. In order to assess the number of new children likely to arise from a new development the County Council has undertaken an analysis of recent development in the County (2018) and cross checked this with Health Authority and School Census data, which has resulted in the use of the following pupil generation figures (based on expected children per 100 dwellings):

Table 1 Pupil Generation Figures

| Age range | No. years cohorts | Type of school | Multiplier (no. of Children) |
|------------------|--------------------------|-----------------------|-------------------------------------|
| 2 - 4 | 2 | Early Education | 9.7 |
| 4 – 7 | 3 | Infant | 12.9 |
| 7 - 11 | 4 | Junior | 15.2 |
| 4 - 11 | 7 | Primary | 28.1 |
| 11 - 16 | 5 | High | 14.5 |
| 16 - 18 | 2 | Sixth Form | 1.5 |
| Total | | | 53.8 |

- 4.9. For the avoidance of doubt the above multipliers have been generated as an average child yield across the whole of Norfolk and will be used to calculate developer contributions for all residential developments. Norfolk County Council reserves the right to use more “local multipliers” if the evidence is available to show that the multipliers are more likely to provide an accurate prediction of pupil numbers in the school system as a whole.

The following allowances are:

- No children are assumed on development comprising 1-bed accommodation or sheltered housing where there is an age-related occupancy condition e.g. restricted to the over 50s. In these circumstances no education contributions will be sought;
- For flats, apartments and maisonettes the above multipliers are discounted by a factor of 50% reflecting the fact that fewer children are likely to arise from these types of dwellings.

Catchment Schools

- 4.10. The County Council will plan on the basis that pupils generated from any new development would attend the catchment school as set out in its statutory admissions documentation. However, if the catchment school is at full capacity, the County Council may, at its full and sole discretion, consider the next nearest school with places providing:
1. The school lies within the statutory maximum distance a child would be expected to travel (i.e. 2 miles for the age range 5 – 8 and 3 miles for the age- range 8 plus.);

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2. The school, if primary phase, is within the same high school designated area as set out in the statutory admissions documentation;
3. There will be no adverse impact on the pupils affected in terms of splitting peer groups (i.e. classmates) or siblings;
4. Existing and planned investment in local schools is not compromised;
5. The route to the school is adequate and safe. Where there is inadequate access the County Council may seek developer contributions towards safe routes to school;
6. The developer addresses the impact of those children having to commute further to school e.g. through the provision of cycle storage and/or contributions towards safe routes to school (see 4 above).

Types of Infrastructure Projects

4.11. New housing development will typically put additional pressure on existing schools, which may require the developer providing funding towards one of the following school projects listed below. It should be noted that the list of projects below is not exhaustive.

4.12. These projects will need to demonstrate that they satisfy and are in compliance with Reg 122 (legal tests) of the Community Infrastructure Levy Regulations 2010 (as amended). Developer funding will be sought for the following types of infrastructure project at a named catchment school/s, or the school/s serving the development:

1. New self-contained class block
2. Extension to provide additional classroom(s)
3. Internal remodelling to provide additional class places
4. Additional toilet provision
5. Additional group room provision
6. Additional curriculum support space
7. Additional staff accommodation
8. New/extended hall space
9. New/extended sports hall
10. Multi use games area (MUGA)
11. Improvement/extension to outdoor learning space/classroom
12. Playground extension
13. Provision or extension of changing rooms and/or cloakroom
14. New/extended dining capacity
15. Kitchen facilities
16. Extension or adaptation of science laboratory
17. Extension or adaptation of technology rooms
18. Additional car parking; and/or cycle storage facilities
19. Extension or refurbishment of early years provision
20. Specialist accommodation for children with additional needs by extension or adaptation.

4.13. The County Council will not typically identify the precise project at the named catchment school/s, or school/s serving the development until it has sufficient pooled contributions to put together a deliverable / viable project. It is expected that the legal agreement (S106) will indicate that contributions will be spent at a specific school/s in order to increase pupil capacity.

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Costs of Infrastructure Projects

- 4.14. The charges for both extension and new build works (e.g. new classrooms) are derived from a “basic need multiplier” produced by the Department for Education (DfE). The DfE multipliers are based on building cost information received from LAs across the country as a whole. The figures take into account regional variations in prices.
- 4.15. The DfE provide a range of “basic need multipliers” which take into account the different school age ranges. These multipliers have been translated into a charge per dwelling (see table 2 below) and assume that there is no long-term unfilled capacity at the recipient school (i.e. a worst case scenario). Future pupil forecasts will also be taken into account.

Table 2 Cost Per Place

| Sector | Basic Need Multiplier Cost Per Pupil (2019) (£) | Standard Charge per dwelling (providing there is no unfilled capacity at the local school) (January 2013) (£) |
|------------------------------|--|--|
| Early Education (2- 4) | 14,022 | 1,360 |
| Infant (4 - 7) | 14,022 | 1,809 |
| Junior (7 - 11) | 14,022 | 2,131 |
| Primary Sector (4-11) | 14,022 | 3,940 |
| High School Sector (11 - 16) | 15,664 | 2,271 |
| Sixth Form (16 -18) | 15,664 | 235 |
| Total | | 7,806 |

New School Requirements

- 4.16. The building of a new school or pre-school facility will be sought where there is a significant housing proposal.
- 4.17. When building a new school the County Council will consider the wider community use of both the school buildings and playing fields but the use of these facilities will be for the Governing Body to determine.
- 4.18. Developer contributions towards a new school will be sought when:
- The existing catchment area school cannot be expanded any further (e.g. insufficient usable land area); and/or
 - The proposed residential development is of such a scale that a new school can be justified. For the purposes of a new primary school the typical threshold needed to sustain a new 1FE (and pro rata) school is around 800 new dwellings. For a High school the level is considerably higher 5,000 – 6,000 new dwellings.

If the scale of proposed development falls below the critical threshold to deliver a 100% developer funded school the Local Authority will seek a pro-rata contribution towards the new build costs where appropriate. However, the County Council would, in such circumstances, need to carefully examine the proposed development in the

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context of the Local Plan in order to ensure that the wider objectives of delivering a sustainable community are met.

- 4.19. In the case of a new Primary School, the County Council preference is for 420 place school (2 forms of entry). It would thus expect the free transfer of a suitable site but will make provision for return of some of this land if the school does not need to accommodate 420 places. Site sizes are approximately 2 hectares for a 420 place school and 1 hectare for a 210 place school or otherwise in accordance with [DfE Building Bulletin 103: Area Guidelines for Mainstream Schools](#), plus the full cost of construction, including early education provision.
- 4.20. The same principle above will apply to a new High School and the land requirement will be in accordance with DfE Building Bulletin 103: Area Guidelines for Mainstream Schools.
- 4.21. The costs of a new school will need to be negotiated on a site by site basis and will reflect type of school (primary or secondary); size of school (e.g. whether 1 Form Entry or larger); and the site constraints (e.g. need to have a level/flat site; free from vegetation/trees; good drainage; and secure etc).

School Capacity

- 4.22. It should be noted that existing unfilled capacity in the school system will not automatically be credited to developers, except where there is a significant existing unfilled capacity at the recipient school. The County Council in assessing unfilled capacity in the catchment area will also take into account:
- Schools that have been expanded but are filling from their lower year groups;
 - Other permitted development in the area; and
 - Those sites allocated in the Local Plan or any emerging Local Plan but not subject to a planning application

Capacity at local schools is taken from the County Council's records at the time of the formal application and is based on the most recent pupil count at the school.

- 4.23. It should be noted that relocatable classrooms (e.g. temporary mobile) will not be counted towards the net capacity of the school. Therefore, those schools where there are re-locatable classrooms present will normally be considered as being at, or over capacity, and as such developer contributions will be sought.

4.0 Education

Education/Children's Services Contributions arising from Affordable Housing

4.24. The approach set out below applies to both housing schemes where affordable housing forms a component part of a larger market housing development and to those schemes which are 100% affordable housing.

4.25. The County Council's approach is that it will seek, for the most part, education contributions on the whole housing site including any component of the proposal which may be developed for affordable housing. The reasons for seeking such contributions are:

- Affordable housing may involve a variety of tenure types, for example rented, shared equity or cheaper market housing, and these tenures are as likely, if not more so, to be occupied by families containing children as market housing; and
- Those families moving into a new affordable development will almost certainly have vacated a home elsewhere, which could in turn be occupied by another family containing children. This means the new development could lead in net terms to more families in the area and more children attending local schools.

4.26. However, the County Council does accept that there may be some instances where new affordable housing will not lead to additional children in the area, for example:

1. Where the families being housed are from a shared household (i.e. sharing with a family member). Therefore, once they move to the new affordable home the original home reverts back to a single household; or
2. The family being housed live in a nearby bed and breakfast, hostel or other such accommodation provided by the Local Housing Authority thereby not freeing-up any housing stock; or
3. Where there is an occupancy condition precluding children (i.e. accommodation for the elderly).

4.27. Even in these circumstances (1 and 2) there may still be some justification for the County Council to seek education contributions if the family containing children move between school catchment areas (i.e. leading to children transferring schools and placing greater pressure on the recipient school). Therefore, it will only be in very exceptional cases that no education contribution, or reduced contributions, are sought in connection with affordable housing proposals. In such cases it will be up to the applicant together with the Local Housing Authority to clearly demonstrate to the County Council that the affordable housing proposed will not lead to a net increase in the number of children in the respective school catchment area.

Affordable Housing – Claw Back provision

4.28. The County Council recognises that there is an issue surrounding the payment of education contributions for the affordable housing element of a new development. The practical solution would be for a legal agreement to allow for an element of claw-back by the applicant where it can be demonstrated that the provisos set out above are satisfied. The detailed wording of such a claw-back clause will be a matter for respective solicitors to agree, although the principle should be acceptable, as this is consistent with the current Government guidance. The County Council will continue to monitor the implementation of this approach and review the situation when the standards are updated.

5.0 Library

5.1. The County Council under the Public Libraries and Museums Act (1964) has a statutory responsibility to provide a comprehensive and efficient library service. New housing development will put a strain on existing library provision, which may require developer funding towards one of the following library projects listed below. It should be noted that the list of projects is not exhaustive.

5.2. These projects will need to demonstrate that they satisfy and are in compliance with Reg 122 (legal tests) of the Community Infrastructure Levy Regulations 2019 (as amended):

- **A new library building** - fixtures and stock. The provision of a new library is only likely to be sought on major new housing sites/allocations of 3,000 dwellings or more. However, each case will depend on an assessment of the particular requirements in that area and the likely impact of the new development on current provision. The cost of a new library will need to be negotiated on a site by site basis;
- **A library extension** - The cost associated with these works is based on information published by the Museums, Libraries and Archives (MLA) in their “Public Libraries, Archives and New Development – A Standard Charging Approach (May 2010)”. The MLA recommends 30 sq.m. per 1,000 population. The average cost per sq.m. for library provision is £2,020 (RICS East of England Library tender value first quarter 2013). Based on an average household size of 2.4 occupants this gives a figure of £144 per dwelling. In addition, there would be a requirement for the extension to be fitted out at £100 per dwelling.
This brings the total requirement to **£244 per dwelling**;
- **Major Capital Project** to an existing library facility – this might include provision of new toilets etc. The cost associated with this work is **£244 per dwelling**;
- **Upgrading of existing library facilities** - This may include one or more of the following projects:
 - a. Refurbish library – including improved decoration and new flooring;
 - b. Reconfigure internal space (new layout) to increase lending capacity;
 - c. Refurbish toilet facilities;
 - d. Improved visitor access to library facility i.e. allowing easier access for those with young children or with mobility issues;
 - e. External works – such as improved parking; cycle racks etc.;The costs associated with this work is **£100 per dwelling**.
- **IT Equipment; Furniture and Stock** - This may include one or more of the following projects:
 - a. provision of books at the named library or mobile service;
 - b. Provision of “talking books”; DVDs and other leisure materials;
 - c. Provision of “self-service” facilities and other potential IT equipment to increase the opening times and capacity of the library;

5.0 Library

- d. Provision of furniture e.g. book shelves; tables; chairs to increase visitor numbers;
 - e. Provision of computers and computing equipment - including tables;
 - f. Provision of learning equipment / play equipment for younger children;
- The costs associated with the above items is **£75 per dwelling**.

5.3. The County Council will not typically identify the precise project at the named library until it has sufficient pooled contributions to put together a deliverable / viable project. It is expected that the legal agreement (S106) will indicate that contributions will be spent at a specific library / libraries in order to increase lending capacity.

Table 3 Summary of Library Provisions

| Type of Library Provision | Standard Charge per dwelling |
|---|-------------------------------------|
| A new library and stock | To be negotiated |
| Library extension and fitting out | £244 |
| Major Capital Project to existing library | £244 |
| Upgrading of existing library facilities and/or fitting out extension | £75-£100 |
| Equipment and/or stock | £75 |

The above costs relate to any dwelling (e.g. houses, bungalows, flats and/or apartments). However, contributions will not be sought in relation to residential care homes and student accommodation.

6.0 Adult Social Care and Public Health

Affordable Housing

- 6.1. The Council wishes to support people who have or may develop care and support needs to be supported in their own home for as long as possible. This means that housing needs to be “future proofed” in terms of being suitable or readily adaptable to that end as a general principle. In addition, affordable housing is a key issue for people of all ages and disabilities who use Norfolk County Council services and this must be accessible and integrated, taking account of access to public transport in terms of location within a site.
- 6.2. A proportion of affordable and market housing should be built to:
 - Accessible and Adaptable Standards as set out in the Building Regulations Standards (M4(2)); and
 - Wheelchair User Dwelling Standards as set out in the above Standards (M4(3)).This would assist in meeting changing needs.

Accessible Housing

- 6.3. An increasing proportion (25%) of the population is over 65 or disabled. This places pressure on supported accommodation such as sheltered housing, extra care housing and care homes, residential care and supported living and means there is increased demand for more older peoples housing options in the future.
- 6.4. The County Council is committed to reducing residential care home and nursing home dependency for the elderly where they can be supported to remain more independent in their own homes or a housing based supported accommodation setting. It aims to provide care in:
 - a. Peoples own homes;
 - b. Rented accommodation in ordinary housing;
 - c. Housing with care / extra care housing (i.e. with residents living in own accommodation as tenants); and
 - d. Sheltered accommodation with warden provision in those where absolutely necessary.
- 6.5. The County Council also recognise that there will be a need for enhancing care homes and nursing homes, in line with population growth. The overall site size and minimum units are likely to be similar to extra care provision.
- 6.6. With regard to working age adults with special needs, the County Council is moving away from over reliance on residential care homes and instead is moving towards “supported living” i.e. housing with care (with residents living in their own accommodation as tenants) and single unit accommodation with floating support.
- 6.7. Therefore, on larger housing proposals, and on smaller sites where the cumulative effect on services is similar to a larger site, the County Council may ask for a contribution to develop care services, for example:
 - To upgrade, expand or convert care homes to supported living accommodation;
 - To provide new build extra care housing for the elderly to support housing moves for older people into appropriate housing as care needs increase and their homes become unsuitable;

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- To provide new or supported living to meet the needs of new residents to be near their extended family;
 - To provide single unit accommodation in general housing with floating support.
- 6.8. This will not be a fixed charge but will be negotiated on a site by site basis, and in the case of care homes or extra care may be based on a land contribution. Any contributions sought will need to meet the policy tests set out in the CIL Regulations.
- 6.9. In addition, the County Council would support the LPA as Housing Authority in seeking contributions towards:
- a. Housing with Care / Extra Care Housing Provision for elderly;
 - b. Sheltered Accommodation for the elderly; and
 - c. Supported Living (housing with care) for working age adults with special needs.

Public Health

- 6.10. The County Council in its Public Health role will consider whether proposed new development requires any contributions towards the general improvement of health. In general, it is unlikely that public health will require any contribution, although it may seek to influence the design and make-up of the development in order to encourage healthier living through for example encouraging walking; cycling and the use of public transport.
- 6.11. It should be noted that under the agreed Norfolk Strategic Planning Framework sit a series of agreements including a County-wide Health Protocol (Agreement 20), which commits LPAs, as determining authorities, to engage with all the relevant health care and social care partners; commissioning bodies; as well as the County Council on relevant planning applications.
- 6.12. It will ultimately be up to the respective LPA to decide upon seeking any developer funding to specific health care projects such as contributions towards new doctor's surgery / medical facility.
- 6.13. Such contributions towards capital schemes will not resolve workforce shortages within the NHS or other services. It may however enable surgeries and other services to expand their physical capacity, thereby making recruitment and retention easier in the longer run.

7.0 Fire

- 7.1. Developers will be required to provide fire hydrants to the relevant potable water supply infrastructure. At least one hydrant is required for every 50 dwellings to provide adequate fire fighting water supply, depending on site layout and existing provision in the locality. The minimum cost of provision of a fire hydrant fitted on no less than 90 mm mains is £921. The cost per dwelling equates to £18.42 (note that this figure will be updated annually).
- 7.2. Fire hydrants may also be sought in respect of commercial development at a minimum cost of £921 per hydrant. The number of hydrants required will need to be assessed on a site by site basis, in line with The Building Regulations Approved Document B Volume 2 Sections 15 & 16, British Standards 9990 and the 'National guidance document on the provision of water for fire fighting'.
- 7.3. Given that the provision of a fire hydrant will in most cases be on site, the County Council would expect that they are delivered through a planning condition. The fire hydrants ought to be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, in order to avoid any excessive costs to the developer. The location of the hydrant must be agreed with the Norfolk Fire and Rescue Service prior to installation. The developer will be expected to initiate the installation of the hydrant through contact with the Water Company and will incur all costs associated with the hydrant and its installation. The following conditions will be sought:

Condition 1 Residential Development:

No development shall commence on site until a full or phased scheme has been submitted to and agreed by the Council, in consultation with Norfolk Fire and Rescue Service. The condition requires the provision of at least one fire hydrant, connected to the potable water supply, for every 50 dwellings forming part of the development (or part thereof to provide adequate fire fighting water supply, dependent on site layout). No dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service; and/or+

No development shall commence on site until a full or phased scheme has been submitted to, and agreed by the Council in consultation with Norfolk Fire and Rescue Service, for the provision of at least one fire hydrant (served by mains water supply) for every 50 dwellings forming part of the development and no dwelling shall be occupied until the hydrant(s) serving the property or group of properties has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service; and/or

Condition 2 Commercial Development:

No development shall commence on site until a scheme has been submitted for the provision of 0.75 fire hydrants per hectare (served by a 150 - 180mm main water supply depending on the mix and type of commercial uses) for the benefit of the commercial development in a location agreed with the Council in consultation with Norfolk Fire and Rescue Service and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access), British Standard 9990 and the 'National guidance document on the provision of water for fire fighting'. The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction

of the Council in consultation with the Norfolk Fire and Rescue Service.
The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council in consultation with the Norfolk Fire and Rescue Service.

Informative

- 7.4. With reference to Conditions 1 and 2, the developer will be expected to meet the costs of supplying and installing the fire hydrants.

7.0 Fire

Reason for Condition

- 7.5. Condition is needed to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.
- 7.6. Developers may also be asked to contribute towards additional off-site facilities made necessary by the proposed development. For any off-site requirements the County Council would expect these to be dealt with through a S106 agreement.
- 7.7. The delivery of on-site fire hydrants should therefore be dealt through the use of planning condition rather than within a S106 agreement.
- 7.8. Fire hydrant condition/s will be sought for any application in line with advice set out in Paragraph 55 of the National Planning Policy Framework. The County Council will normally seek such a condition/s in respect of an outline application, rather than relying on separate conditions imposed at the reserved matters stage, in order to:
 - (a) ensure that the hydrants are properly planned across the development as a whole;
 - (b) avoid any potential “gaps” in provision; and
 - (c) reduce any cost burden on the development industry through avoiding unnecessary duplication.

8.0 Green Infrastructure

- 8.1. The County Council, in partnership with Local Planning Authorities, expects developers to contribute towards the provision of green infrastructure in line with requirements in the NPPF and local plan policies. Contributions towards green infrastructure should not be confined to monetary obligations but should be considered within the overall design of development and its context.
- 8.2. The principle of green infrastructure is to provide landscape connectivity for people and wildlife as well as, where appropriate, assisting in the protection of designated sites. The County Council therefore expects that green infrastructure provision is considered and secured through on-site open space provision with appropriate connections to the wider off-site GI network. This can be achieved, for example, through strategic Highway planting, enhancements to the Public Rights of Way (PROW) network and effective use of sustainable urban drainage systems as multifunctional assets.
- 8.3. The County Council's green infrastructure responsibilities include:
- 8.4. **Public Rights of Way** - Norfolk County Council has a duty to sign and maintain 3,750 km PROW. New development may directly affect routes through for example:
 - Requiring those that exist to be moved or adopted; or
 - Creating the need for new ones; or
 - Requiring existing ones to be improved.

Where detached ways are proposed it is in the public benefit that they be dedicated as PROW. Increased use will be made of off-site routes requiring enhanced maintenance incurring cost to this authority.

- 8.5. **Norfolk Trails** – Where development is near to one of the Norfolk Trails, a contribution may be sought to help bring social and economic benefits to the local community with regards to connectivity with the trail infrastructure.

Therefore, where proposed development is likely to have an impact on PROW, the County Council will seek to negotiate a contribution which is consistent with the tests set out in the CIL Regulations (2010).

- 8.6. **Habitat Regulation Assessment and ecological networks** - In terms of the Conservation of Species and Habitat Regulations 2010 (as amended), new and enhanced Green Infrastructure can be used as mitigation for impacts from recreational disturbance on internationally designated wildlife sites as a result of new development. Therefore, the County Council, in partnership with Local Planning Authorities, expects developers to contribute towards the provision of a coherent and connected green infrastructure network.

8.0 Green Infrastructure

8.1. In addition, LPAs have a general duty to protect biodiversity. The County Council, in partnership with the respective District Council, may seek contributions towards improving areas of green space and/or the creation of new habitats in order to maintain, enhance, restore or add to biodiversity interests, where they relate to new housing development as required by the NPPF. Such contributions towards biodiversity interests will assist local authorities to discharge their responsibilities under the Section 40 of the Natural Environment and Rural Communities Act (2006). Contributions will only be sought where they can be justified in terms of the tests set out in Regulation 122 of the CIL Regulations (2010), for example where residents from an individual proposed development site are reasonably likely to adversely impact a County Wildlife Site through increased footfall and where mitigation measures are necessary to address this.

9.0 Highways & Transport and other Potential Contributions

Highway and Transport

- 9.1. The County Council, through its role as Highways & Transport consultee supports development where it can be clearly demonstrated that it meets the requirements of the NPPF in being safe and sustainable. With this in mind, developers may be required to provide transport related mitigation to address transport impacts of development. The mitigation measures secured by obligation can take the form of travel planning, public transport provision including infrastructure, measures to improve road safety/capacity, or facilities to enable non-motorised users of the highway.
- 9.2. This can be delivered through financial contributions or physical works within the highway and will be dealt with by both the Planning (S106) and Highways (S278 of the 1980 Highways act) legislation. Highways and Transport contributions/works are assessed on a site-specific basis.
- 9.3. Early engagement with [Highway Developer Services](#) officers is actively encouraged prior to submission of any planning application.

Travel Planning

- 9.4. Where it has been identified that a travel plan is required, [Norfolk County Council's Travel Plan Guidance](#) sets out the requirements including the travel plan surety bonds/contributions and monitoring fees.
- 9.5. The following two options are available to all developers.
 - A travel plan can be delivered by the developer or their 3rd party contractor with the surety bond payable to the County Council; or
 - The County Council can deliver the travel plan for an agreed fee through the S106. This travel plan would be delivered by the AtoBetter project.
- 9.6. Both options will require to pay the monitoring fee to the County Council in respect of monitoring and evaluation of their travel plans.

Household Waste Recycling Facilities (HWRF)

- 9.7. Norfolk County Council, as a Waste Disposal Authority, has a statutory duty under the Environmental Protection Act (1990) to provide facilities at which residents may deposit their household waste. Each facility must be situated either within the area of the authority or so as to be reasonably accessible to persons resident in this area.

9.0 Highways & Transport and other Potential Contributions

9.8. Planned housing growth in Norfolk will place further pressures on existing facilities and will require a combination of new or improved facilities in order to meet future demand. Contributions may be sought to deal with the cumulative impact of a series of both small and large developments. The removal of Reg123 pooling restrictions provides for greater opportunities for seeking developer funding towards HWRF providing this is in line with the statutory legal tests set out in the CIL Regulations (Reg 122). This will not be a fixed charge but will be negotiated on a site by site basis.

Historic Environment

9.9. Developers will be required to meet the costs of protecting or examining and recording the historic environment generally including archaeological remains, historic buildings and other landscape feature through planning conditions or legal agreement.

Climate Change

9.10. Government is encouraging the use of the planning system to reduce the impacts linked with increasing the levels of carbon emission that exacerbate climate change. In due course this may involve contributions to abate these impacts; however, at this stage the precise figure has not been calculated and would not be implemented until consultation has occurred with the District Councils as part of any CIL preparation.

Monitoring of Contributions

9.11. The County Council will closely monitor the contributions collected and ensure that any monies collected and spent are in accordance with the respective S106 agreement.

10.0 Summary of Developer Requirements

10.1 The table below summarises the maximum costs per dwelling for education, library and fire hydrant provision:

Table 4 Summary of Developer Requirements

| Infrastructure/Service Area | Cost per Dwelling |
|---|---|
| Education | £7,806* |
| Libraries | £75 (Minimum) |
| Adult Care Services | To be negotiated |
| Fire Hydrant | £921 (1 Hydrant cost) |
| Household Waste Recycling Facilities | To be negotiated |
| Highways and Transport | To be negotiated |
| Green Infrastructure | To be negotiated |
| Other Items (relating to Historic Environment and Climate Change) | To be negotiated |
| Total | £8,802 This figure excludes fire hydrants which will be dealt with through condition |

*The education figure assumes extension and new build associated with an existing school and does not reflect the construction costs of a new school.

11. Contacts

11.1 For general enquiries regarding the County Council’s planning obligations standards please email planobs@norfolk.gov.uk.

11.2 If you have any queries regarding specific sites please contact the relevant local planning authority below:

| District | Phone Number |
|------------------------------|---------------------|
| Breckland | 01362 656357 |
| Broadland | 01603 431133 |
| Broads Authority | 01603 610734 |
| Great Yarmouth | 01493 856100 |
| King’s Lynn and West Norfolk | 01553 616200 |
| North Norfolk | 01263 513811 |
| Norwich City | 01603 412180 |
| South Norfolk | 01508 533701 |

Appendices

Planning Obligations - Best Practice Note

Issues on Major Housing Sites – Outline Scheme

A significant issue facing the County Council relates to an increase in housing arising from increased densities. While S106 agreements will allow for an increase in housing by ensuring that each additional dwelling over and above a given level contributes on a pro-rata basis (i.e. an uplift clause), they do not typically allow for additional land needed for a school (except on key strategic sites). With a modest increase in housing of between 10% - 15%, it is considered possible that a pro-rata increase in contributions would cover any additional build costs associated with the recipient school. However, the level of increase which could come forward (40% plus) on some sites (i.e. reflecting Government aspirations for higher housing densities) may require a larger school site i.e. requiring additional land to that agreed in the S106.

Other issues include Demographic Multipliers - S106 are negotiated on the basis of demographic multipliers produced by the County Council, which are from time to time updated. Therefore, it is possible on those S106s agreed prior to the current pupil multipliers that more children arise from the development than previously thought.

Increase in Build Costs – Estimates of build costs may rise over and above those allowed for through index -linking. The S106 relies on the RICS Building Cost index.

General S106 Issues and Way Forward on Outline Schemes

The following “best practice” actions are considered appropriate:

Capping the Level of Development - All S106 relating to outline schemes should have an upper limit/ cap placed on them through condition. This cap will need to be agreed between the District the County and the developer and be soundly based on the effective delivery of infrastructure and service (e.g. for education and highway provision);

Uplift charge – where an uplift charge (overage) is considered appropriate as an alternative to a “cap”, the uplift will be limited to an additional 10% dwellings. Any additional dwellings arising through more intensive development will require a new S106. The uplift will only relate to reserve matters applications.

Demographic Multipliers– these multipliers will be reviewed on a regular basis and where necessary updated in the County Council’s Planning Obligations Standards. The County Council will ensure that the most up to date multipliers are used.

Additional Land for a School – in responding to District Council Local Plan consultations on site specific proposals the County Council will seek where appropriate additional school land to that required (i.e. contingency site) in order to serve the development in the event that housing numbers increase substantially. The site could potentially be reverted back to the developer if higher densities do not emerge. However, consideration would need to be made to the potential impact of any further housing on local infrastructure and services. In some instances, it may be prudent to earmark any “contingency” site for other uses such as open space rather than simply handing the site back to the developer;

Appendices

Build Costs for Schools - where a new school is needed the valuation will need to be robust and time limited to say three years after the agreement is signed. Thereafter the S106 should allow the costs to be re-negotiated.

Norfolk County Council is the local authority for Norfolk. We provide a wide range of services for people who live, work, do business or visit here. They include education, social services, highway maintenance, waste disposal, libraries, museums, fire and rescue, economic development and trading standards. For further details visit www.norfolk.gov.uk

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