



Norfolk County Council

Planning Obligation Standards

June 2023

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1.0 Introduction

- 1.1. The purpose of this document is to set out the planning obligations requirements the County Council may seek in association with new housing developments.
- 1.2. These standards apply to the following County Council services and fees:
 - Children's Services
 - Library Service
 - Norfolk Fire and Rescue Service
 - Community Services – Adult Care
 - Green Infrastructure and Public Rights of Way
 - Monitoring Fees
- 1.3. The highway and transport infrastructure and services directly required from new development will continue to be negotiated on a site-by-site basis, by the Highways Authority (see section 9).
- 1.4. Other infrastructure and service requirements will be sought by District Councils for affordable housing, play space, and open space etc. In addition, other service providers, such as the Police and the various Health Bodies may also seek developer contributions towards improvements to their services directly.

2.0 National Guidance

- 2.1. All infrastructure requirements must be compliant with the legal tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and be:
 - Necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind to the development.
- 2.2. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, came into force on 1 September 2019. The key amendments were:
 - Lifting of the pooling restrictions on Section 106
 - The introduction of monitoring fees
 - Allowing the use of both S106 agreements and the CIL to fund the same infrastructure
 - Introducing the requirement to produce an Infrastructure Funding Statement.
- 2.3. These reforms have been included within the CIL Regulations 2010 (as amended). 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 in this document illustrate the range of contributions, which may be expected from developers as a consequence of new housing development. Developers will be expected to enter into a Section 106 legal agreement (S106 agreement) with the County Council 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 considering:
 - Changes in national guidance/standards
 - Inflation – where cost have changed
 - Any other material considerations.
- 2.6. The following national guidance has been considered:
 - National Planning Policy Framework
 - The Planning Act (2008) – this provides ministers with the power to make the CIL Regulations.
- 2.7. The Government is running a consultation on a proposed [Infrastructure Levy](#) from 17 March to 9 June 2023. This is proposing reforms to the existing system of developer contributions, including S106 agreements and CIL. The reforms would take a number of years to come into force, so the planning obligation standards remain valid until any new regulations/legislation is formally adopted.

Community Infrastructure Levy

- 2.8. The County Council will provide comments on the Local Planning Authority (LPA) CIL Charging Schedules and rates as required. In the meantime, the County Council will continue to use the 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:
- To secure infrastructure which is not identified as being funded through CIL and/or
 - To deal with the transfer of land (e.g., where there is a need for a new school).
- 2.9. In addition, the CIL Regulations 2010 (as amended) allow authorities to use funds from both CIL and S106 agreements to fund the same piece of infrastructure.
- 2.10. Therefore, in those LPAs areas where CIL has been introduced which includes 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:
- There is agreement with the LPA to use both CIL and an S106 agreement for the same piece of infrastructure;
 - The site is in a zero-rated CIL location, and is reliant on S106 to deliver necessary infrastructure; or
 - The contribution relates to the transfer of land.
- 2.11. The County Council will expect to be consulted at the application stage on planning applications likely to have an impact on County Council infrastructure and services by those LPAs who have adopted CIL Charging Schedules.
- 2.12. 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.

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.

Potential Claw-back of Payments

- 3.6. Where contributions have been made, the County Council will normally be expected to use the sum of monies 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 team before any legal work is carried out.

Monitoring Charges

- 3.8. The County Council will seek a charge towards the administration of S106 agreements (i.e., covering monitoring of S106 agreements, invoicing, preparation of an Infrastructure Funding Statement; and chasing up any outstanding payments).
- 3.9. 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.
- 3.10. 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 agreement 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. 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.
- 3.14. 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 there are sufficient school places in the county for children between the ages of 4 and 16 years old. The County Council works with partners to ensure a sufficient supply of 16 – 19-year-old 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 Early Education and Childcare places, for children aged three and four. There is also a duty to ensure there are sufficient funded childcare places for eligible two-year olds. Contributions for pre-school provision may be required either for existing pre-school provision or purpose-built new facilities on a separate site, possibly shared with a school. To enable this, primary phase schools are now able 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. In addition to the County Council's statutory obligation to provide sufficient school places to meet the needs of the population, it also has a statutory duty to provide suitable education placement for children and young people with Special Education Needs and Disabilities (SEND) to all aged 0-25.
- 4.4. National Planning Policy Guidance (NPPG) confirms the expectation that as well as securing developer contributions towards mainstream and early years education, local authorities should also ensure they secure contributions towards additional cost of providing facilities for children and young people with SEND.
- 4.5. 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 (DfE) 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. This 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.
- 4.6. 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.
- 4.7. The County Council receives a 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.
- 4.8. 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 must provide the site and funds for such a school, although these will usually be expected to come from the developer(s) contributions. The County Council will procure the school building through the Major Construction Works (2015) compliant contractor framework and will provide the new building for the successful free school sponsor (multi-academy trust) to occupy.

- 4.9. 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.
- 4.10. To assess the number of new children likely to arise from a new development the County Council undertook an analysis of development in the county in 2022 this data was cross checked with Health Authority and School Census data. This analysis produced the following pupil generation figures (based on expected children per 100 dwellings). This data is checked annually and remains valid.

Table 1 Pupil Generation Figures

Age range	No. years cohorts	Type of school	Multiplier (no. of Children) based on a 100-dwelling development	No. of Children Generated Per Dwelling
2 - 4	2	Early Education	8.0	0.08
4 - 7	3	Infant	12.9	0.129
7 - 11	4	Junior	15.2	0.152
4 - 11	7	Primary	28.1	0.281
11 - 16	5	High	14.5	0.145
16 - 18	2	Sixth Form	1.5	0.015
0 - 25	14	SEND	1.0	0.01

- 4.11. 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.

The following allowances are:

- No children are assumed on developments comprising of 1-bed accommodation, student accommodation, sheltered housing, or care homes 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.
- The SEND multiplier has been based on the proportion of pupils with an Education Health and Care Plan (EHCP) against that of the number of children in mainstream school from January 2022.

Catchment Schools

- 4.12. 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 pupils aged 5 – 8 and 3 miles for pupils aged 8 – 16)
 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 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 5 above).

Types of Infrastructure Projects

- 4.13. New housing development will typically put additional pressure on existing schools, which may require the developer to provide funding towards one of the following school projects listed below. It should be noted that the list of projects below is not exhaustive.
- 4.14. These projects will need to demonstrate that they satisfy and are compliant with Regulation 122 (legal tests) of the CIL 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:
- New self-contained class block
 - Extension to provide additional classroom(s)
 - Internal remodelling to provide additional class places
 - Additional toilet provision
 - Additional group room provision
 - Additional curriculum support space
 - Additional staff accommodation
 - New/extended hall space
 - New/extended sports hall
 - Multi use games area (MUGA)
 - Improvement/extension to outdoor learning space/classroom
 - Playground extension
 - Provision or extension of changing rooms and/or cloakroom
 - New/extended dining capacity
 - Kitchen facilities
 - Extension or adaptation of science laboratory
 - Extension or adaptation of technology rooms
 - Additional car parking; and/or cycle storage facilities

- Extension or refurbishment of early years provision
- Specialist accommodation for children with additional needs by extension or adaptation.

4.15. The County Council will not typically identify the precise project at the named catchment school/s, or school/s serving the development. It is expected that the S106 agreement will indicate that contributions will be spent at a specific school in order to increase pupil capacity.

Costs of Infrastructure Projects

4.16. The charges for both extension and new build works (e.g., new classrooms) are derived from a “basic need multiplier” produced by the DfE. The DfE multipliers are based on building cost information received from local authorities across the country. The figures consider regional variations in prices.

4.17. 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), future pupil forecasts will also be considered.

4.18. The secondary school basic need allocation is uplifted by the DfE by 30% to reflect the higher costs associated with creating secondary school places, this will be evidenced in the overall cost to deliver a larger school having a higher number of cohorts. The DfE also uplifts funding rates by 10% to support costs associated with achieving improved sustainability standards. These sustainability standards are essential to meet the councils target of carbon zero by 2030, biodiversity net gain and the need to manage a more efficient and well-equipped school estate for the future.

4.19. The cost of providing a SEND place is greater than that of a mainstream schooling place, but this will depend on the type of need to be met. The average cost for SEND places is taken from the [National School Delivery Cost Benchmarking \(2022\)](#). [The NCC SEND Sufficiency Strategy](#) highlighted in 2021 the significant increase in pupils eligible and in receipt of EHCP’s. A direct result is the SEND provision across the County must improve and increase to accommodate what is expected to be a continuous need at a higher rate, which the County Council must try to manage.

4.20. The cost to deliver school infrastructure across the county increased by 20% and as result we have had to increase charges to reduce the overall impact.

4.21. The cost per place as set out in table 2 indicates a total of the standard charge per dwelling. When responding to applications the County Council assesses the capacity at each school sector and will only seek contributions for those sectors that are deemed to be at full capacity. The cost per place is comparable to neighbouring County Councils.

Table 2 Cost Per Place

School Sector (age range)	Cost Per Pupil Place (2023)	Standard Charge per dwelling (2023)
Early Education (2-4)	£22,200	£1,776
Infant (4-7)	£22,200	£2,864
Junior (7-11)	£22,200	£3,374
Primary School (4-11)	£22,200	£6,238
High School (11-16)	£26,900	£3,901
Sixth Form (16-18)	£26,900	£404
SEND (0-25)	£74,920	£749

Indexation

- 4.22 To ensure financial contributions continue to cover the actual cost of delivering infrastructure, these will be subject to indexation. NCC applies Building Cost Information Service (BCIS) All-in Tender Price Index.

New School Requirements

- 4.23. The building of a new school or pre-school facility will be sought where there is a significant number of new houses proposed.
- 4.24. Any contributions received for the provision of SEND places will be pooled to improve or enhance facilities at the most appropriate provision. This may not be the provision closest to the development as pupils with SEND are often transported to the facility best able to provide for their needs, as confirmed in their EHCP.
- 4.25. 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 or Academy Trust to determine.
- 4.26. 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 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 County Council 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 context of the Local Plan to ensure that the wider objectives of delivering a sustainable community are met.

- 4.27. In the case of a new Primary School, the County Council's preference is for a 420-place school (2 forms of entry) with Early Years provision. With the significant increase in SEND places required across the county a school site may be needed to

provide for an element of Special Resource Base (SRB) as part of the development. The County Council will review each project as part of the specific need in the local community. The County Council would 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 the number of places identified.

- 4.28. New Primary School sites are designed in accordance with the [DfE Building Bulletin 103: Area Guidelines for Mainstream Schools](#). The County Council would also seek the full cost of construction, including early education and SEND provision (where required). The site sizes below are indicative, and each new school site size is to be negotiated on a site-by-site basis in conjunction with the overall need, table 3 sets out the indicative site sizes which may be required these are based on DfE Building Bulletin 103 guidelines and include allowances for biodiversity net gain.

Table 3 Indicative Size of New School Sites

Provision	Minimum (Hectare)	Maximum (Hectare)
2 FE (420) Primary with Nursery (52 place) and SRB	2.3	2.6
3 FE (630) Primary with Nursery (52 place) and SRB	3.3	3.7
8 FE (1200) Secondary with SRB	9.6	10.8
10 FE (1500) Secondary with SRB	11.7	13.2

- 4.29. The same principle above will apply to a new High School and the land requirement will be in accordance with DfE Building Bulletin 103.
- 4.30. The costs of a new school will need to be negotiated on a site-by-site basis and will reflect type of school, either primary or secondary, the size of school, whether 2 Form Entry or more is required, and the site constraints.
- 4.31. A new school site must be free of contamination, compaction and cleared of any previous land use, especially if the site was largely industrial land. The cost of all archaeological surveys and remedial work will be met by the developer. Design aims for a new school site will include rectangular in shape, on level ground and located on a gyratory road (i.e., not a cul-de-sac) near to the centre of the development and close to the other community facilities.

School Capacity

- 4.32. 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 consider:
- Schools that have been expanded but are filling from their lower year groups
 - Other permitted development in the area
 - 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.

- 4.33. School capacity will be assessed on a site by site basis and will consider a range of factors such as the total number of pupil places, permitted development within the area, numbers on roll and aligns with the DfE expectations allowing for surplus places in case of in year pressure not counted as part of any census date submission, as set out in *the [2013 National Audit Office report \(on behalf of DfE\) Capital Funding for New School Places](#)*. A buffer of 5% may be applied to the capacity of the school on a site-by-site basis (i.e., some schools will be deemed as being full at 95% capacity being filled).
- 4.34. It should be noted that relocatable classrooms (temporary mobiles) will not be counted towards the net capacity of the school. Therefore, those schools where there are relocatable classrooms present will normally be considered as being at, or over capacity, and as such developer contributions will be sought.

Education/Children's Services Contributions arising from Affordable Housing

- 4.35. 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.
- 4.36. 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 discounted market housing, and these tenures are as likely, if not more so, to be occupied by families containing children than market housing; and
 - Those families moving into new affordable developments 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.
- 4.37. 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 LPA thereby not freeing-up any housing stock; or
 3. Where there is an occupancy condition precluding children (i.e., accommodation for the elderly).
- 4.38. Even in these circumstances (points 1 and 2 above) 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 LPA 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

- 4.39. 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 compliant with Regulation 122 of the CIL Regulations 2010 (as amended). These projects are:
- **A new library building**, including new 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 sqm per 1,000 population. Based on recent costs Norfolk County Council Property Team advised £2,400 to £200 per square meter and rising to extend, based on an average household size of 2.4 occupants this gives a figure of £187 per dwelling. In addition, there would be a requirement for the extension to be fitted out at £133 per dwelling. This brings the total requirement to **£320 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 **£320 per dwelling**.
 - **Upgrading of existing library facilities** - This may include one or more of the following projects:
 - Refurbish library – including improved decoration and new flooring
 - Reconfigure internal space (new layout) to increase lending capacity
 - Refurbish toilet facilities
 - Improved visitor access to library facility i.e., allowing easier access for those with young children or with mobility issues
 - External works – such as improved parking; cycle racks etc.
 - The costs associated with this work is **£130 per dwelling**.
 - **IT Equipment, Furniture and Stock** - This may include one or more of the following projects:
 - Provision of books at the named library or mobile service
 - Provision of audio books, DVDs, and other leisure materials
 - Provision of self-service facilities and other potential IT equipment to increase the opening times and capacity of the library.
 - Provision of furniture e.g., bookshelves, tables, and chairs to increase visitor numbers
 - Provision of computers and computing equipment - including tables
 - Provision of learning equipment / play equipment for younger children
 - The costs associated with the above items is **£100 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 or libraries in order to increase lending capacity.

Table 4 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	£320
Major Capital Project to existing library	£320
Upgrading of existing library facilities and/or fitting out extension	£130
Equipment and/or stock	£100

5.4. The above costs relate to any dwelling (e.g., houses, bungalows, and flats). However, contributions will not be sought in relation to elderly accommodation, including residential care homes and housing with care, library contributions will also not be sought for student accommodation.

6.0 Adult Social Care and Public Health

Affordable Housing

- 6.1. The County Council aims 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)). Which would assist in meeting the populations 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, residential care homes, 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:
 - Peoples own homes
 - Rented accommodation in ordinary housing
 - Housing with care / extra care housing (i.e., with residents living in own accommodation as tenants)
 - Sheltered accommodation with warden provision in those where absolutely necessary.
- 6.5. The County Council also recognises 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 seek developer contributions 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

- 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 CIL Regulations 2010 (as amended).
- 6.9. In addition, the County Council would support the LPA in seeking contributions towards:
- Housing with Care / Extra Care Housing Provision for elderly
 - Sheltered Accommodation for the elderly
 - 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 firefighting water supply, depending on site layout and existing provision in the locality. The cost of provision of a fire hydrant fitted on no less than 90 mm mains would be the current cost levied by the water authority or other supplier dependent on who the developer engages. The minimum cost of provision of a fire hydrant fitted on no less than 90 mm mains is £822.
- 7.2. Fire hydrants may also be sought in respect of commercial development and the cost would be the current cost levied by the water authority or other supplier dependent on who the developer engages. 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 firefighting'.
- 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 firefighting 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 a minimum of 0.75 fire hydrants per hectare dependent on layout (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 firefighting'. 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.

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:
- Ensure that the hydrants are properly planned across the development as a whole
 - Avoid any potential "gaps" in provision
 - Reduce any cost burden on the development industry through avoiding unnecessary duplication.

8.0 Green Infrastructure

- 8.1. The County Council, in partnership with LPAs, expects developers to contribute towards the provision of green infrastructure in line with requirements in the National Planning Policy Framework (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 green infrastructure 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 PROW, Norfolk Trails, Habitat Regulation Assessment, and ecological networks.

Public Rights of Way

- 8.4. Norfolk County Council has a duty to sign and maintain 3,750 km PROW. New developments may directly affect routes by:
 - Requiring existing PROW be moved or adopted
 - Creating the need for new PROW
 - Requiring existing PROW to be improved.
- 8.5. Where detached routes 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 the County Council.

Norfolk Trails

- 8.6. 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 Regulation 122 of the CIL Regulations 2010 (as amended).

Habitat Regulation Assessment and ecological networks

- 8.7. 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 LPAs, expects developers to contribute towards the provision of a coherent and connected green infrastructure network.

8.8. In addition, LPAs have a general duty to protect biodiversity. The County Council, in partnership with the respective LPA, may seek contributions towards improving areas of green space and/or the creation of new habitats 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 (as amended) 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
 - 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 travel plan 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.

- 9.8. 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 Regulation 122 of the CIL Regulations 2010 (as amended). 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 LPAs as part of any CIL preparation.

10. Contacts

- 10.1. For general enquiries regarding the County Council's planning obligations standards please email planobs@norfolk.gov.uk.
- 10.2. If you have any queries regarding specific sites, please refer to your LPA for further information.

Appendix 1

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 new housing developments. 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.

S106 agreements 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 updated pupil multipliers are adopted that more children arise from the development than previously thought.

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 agreements 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 agreement. 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.

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 S106 agreement is signed. Thereafter the S106 agreement 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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