

Appendix 1: Revised Draft Developer Contributions Supplementary Planning Document



Revised Draft Developer Contributions Supplementary Planning Document

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1. Introduction

Background

- 1.1. Rushcliffe Borough Council is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the Council expects new development to provide or contribute directly towards the provision of necessary infrastructure and affordable housing to mitigate the impact of new development¹.
- 1.2. The purpose of this Supplementary Planning Document (SPD) is to provide information about the provision of and/or contributions towards infrastructure. The SPD identifies cases where infrastructure provision (including contributions) will be sought and secured through planning conditions, planning obligations or Section 278 highway agreements.
- 1.3. The Council has a Community Infrastructure Levy (CIL) which was adopted in October 2019. CIL will be used to fund or part fund strategic infrastructure as outlined in the Council's Annual Infrastructure Funding Statement (IFS). Such items of strategic infrastructure within the IFS are necessary to address the cumulative impacts of development across larger areas of the Borough. The use of planning obligations and/or conditions provides for more site-specific mitigation in order to address specific impacts.

Scope of this document

- 1.4. This SPD sets out the likely scope and scale of planning obligations applicable to different types of development and outlines the Council's general approach to securing them. It should be viewed as a general guide as development proposals and their required contributions will be assessed on a case-by-case basis.
- 1.5. The SPD includes:
 - Explanation of the planning conditions and planning obligations used to secure contributions for infrastructure, and guidance on the circumstances when contributions may be secured through these;
 - Explanation of the procedure when negotiating and securing planning obligations; and
 - Guidance on the process and material that should be submitted by applicants with planning applications.
- 1.6. This SPD should be read alongside the Rushcliffe Borough Council Affordable Housing SPD.

¹ Where applicable, infrastructure provision will be sought through planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and the Community Infrastructure Levy. This may include direct provision or financial contributions towards infrastructure.

Status and use of this document

- 1.7. When adopted, this SPD will be a material consideration in the determination of planning applications. It should be considered during the preparation of proposals for residential and non-residential development and when negotiating site acquisitions and undertaking development feasibility.

Legislative and policy context

- 1.8. This SPD takes into account the statutory framework for planning obligations set out in Section 106 of the Town and Country Planning Act 1990 and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). Government policy on planning obligations and conditions is set out in the National Planning Policy Framework and Planning Practice Guidance.
- 1.9. This SPD relates to the relevant policies within the Council's Local Plan that secure the delivery of new or improved infrastructure and are the main context for the guidance in this document. Policy 18 and 19 of the Local Plan Part 1: Core Strategy are the primary policies that relates to developer contributions. Policy 18 states that contributions will be sought from development proposals which give rise to the need for new infrastructure. Policy 19 states that all development will be expected to meet the reasonable cost of new infrastructure required as a consequence of their proposal, and where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements.
- 1.10. Policy 43 of the Local Plan Part 2: Land and Planning Policies sets out the threshold at which planning obligations may be sought for certain types of development. There are also other policies within the Local Plan that may require the use of planning obligations and/or planning conditions in order to address the impacts of new development. Figure 1 below provides a list of the main policies where planning obligations and/or planning conditions may be used to secure items of infrastructure to mitigate against the impact of new development.
- 1.11. The Council is currently preparing the Greater Nottingham Strategic Plan (GNSP) with Broxtowe Borough and Nottingham City Councils. Upon adoption, the Strategic Plan will replace the Rushcliffe Local Plan Part 1: Core Strategy and the policies of the Local Plan Part 1 will be superseded by the policies of the Strategic Plan. Many of the GNSP's draft policy requirements related to infrastructure and planning obligations are the same as or similar to those contained within the Rushcliffe Local Plan Part 1. Where this is the case, the provisions of this SPD will remain applicable to relevant development proposals even once the GNSP has been adopted.

Figure 1 – Policies where the impacts of development may require mitigation through a Section 106 agreement, Section 278 agreement and/or planning conditions.

Local Plan Part 1: Core Strategy

Policy 2. Climate Change
Policy 3. Spatial Strategy
Policy 5. Employment Provision and Economic Development
Policy 8. Housing Size, Mix and Choice
Policy 11. Historic Environment
Policy 12. Local Services and Healthy Lifestyles
Policy 14. Managing Travel Demand
Policy 15. Transport Infrastructure Priorities
Policy 16. Green Infrastructure, Landscape, Parks and Open Spaces
Policy 17. Biodiversity
Policy 18. Infrastructure
Policy 19. Developer Contributions
Policies 20-25. Strategic Allocations

Local Plan Part 2: Land and Planning Policies

Policies 2-10. Housing Allocations
Policy 12. Housing Standards
Policy 14. Specialist Residential Accommodation
Policy 17. Managing Flood Risk
Policy 18. Surface Water Management
Policy 23. Redevelopment of Bunny Brickworks
Policy 24. Redevelopment of Former Islamic Institute Flintham
Policy 28. Conserving and Enhancing Heritage Assets
Policy 29. Development affecting Archaeological Sites
Policy 32. Recreational Open Space
Policy 43. Planning Obligations Threshold

The Council has a number of made Neighbourhood Plans which may include policies regarding infrastructure.

2. Securing development infrastructure and contributions

What is development infrastructure and contributions?

- 2.1. Development infrastructure and contributions are associated with the granting of planning permission. They ensure that development proposals are acceptable in planning terms and deliver necessary improvements to, or contributions towards, supporting infrastructure. This section explains each of the available developer contribution mechanisms.

Mechanisms for securing development infrastructure

- 2.2. Legislation and national planning policy provide the tools for local authorities to secure developer contributions through the planning system for infrastructure and affordable housing in order to meet the needs of their area. The main methods of securing developer contributions (either individually or collectively) are through the use of:

- Planning conditions;
- Planning obligations (Section 106 Agreement, Unilateral Undertaking)
- Agreement with the Highways Authority pursuant to the Highways Act 1980 to secure new roads on-site (Section 38 Agreement) or for off-site highway works (Section 278 Agreement); and
- the Community Infrastructure Levy.

Planning conditions

- 2.3. Planning conditions are imposed on the granting of planning permission to enhance the quality of development and enable development proposals to proceed where it otherwise would have been necessary to refuse planning permission. Conditions may relate to the phasing of development, timing the delivery of infrastructure (including up front delivery before the commencement of development), completion of mitigation measures that address environmental or ecological impacts, or the appearance of development – all of which can help to manage the adverse impacts or additional pressures of development.
- 2.4. When imposing planning conditions, local planning authorities are required to ensure that the conditions satisfy the following tests:
- Necessary;
 - Relevant to planning;
 - Relevant to the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects

Planning obligations

- 2.5. Planning obligations enable the local authority to secure the provision of infrastructure or services, or contributions towards them, to support development. Planning obligations are used to make an otherwise unacceptable development acceptable and are used where it is not possible to address an unacceptable impact through planning conditions.
- 2.6. Planning obligations are provided pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) by agreement with the Local Planning Authority or via a unilateral undertaking.
- 2.7. Planning obligations should only be sought where they meet the following statutory tests:
- Necessary to make a development acceptable in planning terms;
 - Directly related to a development; and
 - Fairly and reasonably related in scale and kind to a development.
- 2.8. The statutory tests mean that planning obligations can only be used to enable the provision of additional or renewed infrastructure to create additional capacity in order to satisfy the demands arising directly from that development and to make it acceptable in planning terms. This may include, where relevant, financial contributions towards infrastructure which has been built or provided as at the date the relevant Section 106 agreement is entered into; early delivery of certain infrastructure may be beneficial or necessary in order to enable or encourage development and may be forward funded by a third party, including another developer, on the basis that future S106 contributions towards that infrastructure will be collected by the Council or County Council and passed to the third party delivering that infrastructure. ~~They~~ Planning obligations cannot be used to correct existing pre-development community infrastructure deficits.
- 2.9. The Council may (at its discretion) apply contributions secured via planning obligations towards the costs associated with any professional fees and project management costs to fund the planning and implementation stages of delivering new infrastructure (including the process of obtaining all requisite consent orders, agreements, licences and permissions).
- 2.10. In the case of non-residential development, the requirement for infrastructure will be considered on a case-by-case basis.
- 2.11. The Council is expected to use all of the funding received by way of planning obligations as set out in individual agreements. Agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, when they are not used. This period of time is typically ten years from receipt of the requisite contribution(s) in full.

Section 106 Agreements

2.12. A Section 106 Agreement is a bilateral legal agreement between local planning authorities, landowner(s) and other parties with an interest in the land forming the application site. The Section 106 Agreement is used to secure planning obligations to make a proposed development acceptable, which would otherwise be unacceptable, in planning terms so that planning permission can be granted. The obligations are linked to triggers in the planning permission (for example, payment of a commuted sum prior to first occupation) and bind the land itself, rather than the person or organisation that develops the land. The obligations are registrable as a local land charge and will bind successors in title. ~~Anyone with an interest in the land which is registered, or capable of being registered, at the Land Registry (i.e. freehold, leasehold with seven years or more left to run and/or proprietor of a registered charge such as a mortgagee)~~ For this reason, any ~~party~~ person with ~~a registrable~~ an interest in the land being bound ~~is~~ will be required to be a party to the Section 106 Agreement to consent to their interest being bound in this way – including freeholders, leaseholders, holders of any estate contracts and any mortgagees. Holders of options to acquire the land will also be required to be a party to the Section 106 Agreement.

2.XX The Council will charge a proportionate and reasonable monitoring fee for the monitoring of and reporting on the delivery of planning obligations and Section 106 agreements. The County Council will also charge a monitoring fee for planning obligations and Section 106 agreements together with a separate charge to cover its costs involved with administering payments in line with the County Council's Developer Contributions Strategy.

Unilateral Undertakings

2.13. A unilateral undertaking is in effect a binding promise given by the landowner to the Local Planning Authority. A unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 works in the same way and has the same effect as a bilateral Section 106 Agreement, as set out in the paragraph above. The undertaking is to secure planning obligations and is given by the landowner and any other party with a legal interest in the land to the Council. The only difference is that the Council is not a party to the obligation and therefore cannot provide reciprocal obligations (for example, to spend a contribution on a stated purpose and in an agreed timeframe).

Highway Agreements

2.14. A section 278 agreement allows the highway authority to enter into a legal agreement with a developer to make modifications to the existing highway network to facilitate a new development and mitigate its impact. The Council is not party to these agreements. The highway authority may recommend the use of Grampian planning conditions to complement the Section 278 agreement. A Section 38 agreement under section 38 of the Highways Act 1980 is used when a developer

proposes to construct a new road for that may be offered to the highway authority for adoption as a highway maintained at the public expense.

Community Infrastructure Levy

2.15. The Community Infrastructure Levy (CIL) is a tool for local authorities to help fund the delivery of infrastructure. CIL is a non-negotiable standard charge on new development. It takes the form of a charge per square metre of net additional floorspace and applies to certain types of new development. CIL will be used to fund or part-fund identified infrastructure requirements set out in the Council's Annual Infrastructure Funding Statement, which will complement the continued use of planning obligations to fund site specific infrastructure requirements.

Cross boundary issues

2.16. In the case of development applications close to the Borough's boundary which may have implications for service delivery in adjoining authority areas, these authorities will be consulted, and requests for contributions to services provided by those authorities will be duly considered. Similarly, if adjoining authorities receive applications which will have an impact on the delivery of services in the Borough, the Council may seek contributions.

Thresholds for developer contributions

2.17. Policy 43 of the Local Plan Part 2 sets out certain thresholds for planning obligations which are to be secured through a Section 106 Agreement. Where relevant, planning obligations will be sought on residential developments of more than 10 dwellings and for non-residential development of 1,000 square metres or more gross floorspace, for the provision, improvement or maintenance of the following infrastructure:

- Health;
- Community and sports facilities;
- Green infrastructure and recreational open space;
- Biodiversity mitigation and compensation;
- Education; and
- Highways, including sustainable transport measures.

2.18. Planning obligations for affordable housing should only be sought for residential developments that are major developments, with the exception of 100% affordable housing schemes and rural exception sites. Major development is defined in the National Planning Policy Framework.

2.19. Planning obligations that are secured through a Section 106 Agreement are typically not sought from householder development. An exception to this would be obligations related to biodiversity net gain.

2.20. In contrast to this, Community Infrastructure Levy can be collected from any size development across the Borough. Therefore, the levy is the most appropriate

mechanism for capturing developer contributions from small developments.

Negotiating and Completing Planning Obligations

- 2.21. The completion of planning obligations is critical on schemes where such obligations are required to make the development acceptable in planning terms. In line with the [Planning Practice Guidance](#), and to provide certainty to all parties, planning permission will not be granted until the necessary planning obligations are in place. Any queries about the planning obligations sought as part of a development; be they from the applicant/agent or the body/organisation seeking the obligation, should be directed to the case officer who is dealing with the planning application.
- 2.22. The Council will recharge its reasonable legal costs for agreeing planning obligations. These costs are payable whether or not the obligation is completed. These costs will be charged on a fixed fee basis agreed at the outset up to a limit of £2,500 provided that the Council reserves its right to seek to recover a higher amount for particularly complex agreements. VAT is not payable on the Council's legal fees as it represents the recovery of an in-house charge. The rates charged by the Council for Section 106 obligations will be subject to annual review and so may increase from time to time. [Nottinghamshire County Council will also recharge developers for reasonable legal costs incurred in agreeing planning obligations for its services. Further details are referenced in its Developer Contributions Strategy.](#)

Pre-application advice

- 2.23. The Council offers a [pre-application advice service](#). Entering into pre-application discussions offers the opportunity to clarify the relevant planning policies and material considerations, issues to be resolved and requirements for supporting documentation. Entering into such discussions prior to the purchase of land will enable developers to better anticipate the financial implications of planning obligations on development proposals. If an applicant over-pays for a site because they have not appropriately taken into consideration the planning policies when agreeing a land price, this is not a valid viability argument for subsequently seeking to reduce or remove the planning obligations.
- 2.24. In addition to the above, pre-application discussions can minimise delays in determining planning applications. Developers and landowners are therefore advised to enter into discussions with the Council, the relevant Town/Parish Council/s and infrastructure providers as early as possible in the application process to understand their requests and aspirations in terms of contributions towards infrastructure.
- 2.25. When a request for pre-application advice is submitted, the Council may (depending on the level of advice requested) seek comments from consultees about the principle of development, including seeking initial information about the contributions that may be sought to mitigate the impact of the proposal. The starting point for any negotiations will be for development proposals to accord with the adopted Local Plan policies. As part of this, developers and landowners should have regard to this SPD,

the Affordable Housing SPD and the County Council's Developer Contributions Strategy to provide information to support discussions.

- 2.26. It is important to note that information about planning obligations, which is received from consultees at the pre-application stage, may be subject to change and will be finalised once a formal application is submitted. This will be fed back to the applicant/agent as part of the Council's wider response to the applicant.
- 2.27. Where development sites adjoin each other, in particular where sites form part of a larger allocation, the impacts on infrastructure may be considered cumulatively. This will be determined on a case-by-case basis.

Application submission

- 2.28. Planning applications must be submitted with the appropriate documentation in accordance with the Local Scheme of Validation. Where it is anticipated that a planning obligation is required, it is expected that applicants will submit a draft heads of terms which clearly set out the obligations that the developer/landowner anticipates will be necessary to mitigate the impacts of the development.
- 2.29. Applicants should provide up to date evidence of the title to the application site and details of their legal representative to enable discussions around obligations.
- 2.30. If viability is likely to be an issue, this should be raised by the applicant early in the planning application process. Where a viability assessment is submitted as part of the application, this should be in line with the requirements of the National Planning Policy Framework and the Planning Practice Guidance. In accordance with this, when submitting a viability argument, it will be for the applicant to demonstrate what has changed since the Local Plan was approved (and the planning obligations established). Any viability assessment submitted (and any further assessments) will be made publicly available and will need to be independently verified, by an external consultant appointed by the Council, with the applicant required to meet the associated costs.

Application assessment

- 2.31. The negotiation of planning conditions or obligations is undertaken during the consideration of a planning application. The case officer assigned to the planning application will manage the negotiation process in conjunction with the Council's Legal Services team where legal assistance is required. Negotiation will involve consultation with internal departments and external bodies, ~~which may include~~ including Town/Parish councils and Nottinghamshire County Council ~~where relevant~~, to determine the conditions and/or obligations necessary to make the development acceptable in planning terms. The consultation response will be relayed to the applicant with a view to negotiating and agreeing the nature, scale and any triggers for matters to be included.
- 2.32. To ensure requests for planning contributions satisfy the statutory tests, any request

from internal departments and external bodies will need to be supported by evidence to demonstrate that the condition and/or obligation is necessary in order to mitigate against the impacts of new development.

- 2.33. Where heads of terms are submitted for a unilateral undertaking or Section 106 Agreement, the Council will instruct their legal department to review the document to ensure it is suitable. The cost of this will be covered by the applicant, and details in respect of costs are referred to above.
- 2.34. Where a viability assessment is submitted, the Council will arrange for the assessment to be independently reviewed. The Council will shortlist three land valuers, and the applicant will select a land valuer from this shortlist to undertake the review. The chosen valuer should not have any previous involvement with the proposed development. The applicant will be required to pay the Council's costs for having this work undertaken. Payment from the applicant will be required upfront and prior to the instruction of the land valuer.
- 2.35. If material changes are made to an application post submission that could affect the scheme's viability, a revised viability assessment is required. This could lead to a delay in the determination of the application. This highlights the importance of engaging with the Council in pre-application discussions. If it has not been possible to determine the application within the timescale originally envisaged, it may be necessary to submit an updated viability assessment to reflect current market conditions.
- 2.36. Where an application is to be refused on grounds unrelated to a planning obligation, a decision will be made as to whether it is prudent to pursue completion of a planning obligation prior to determination of the application or whether, if no planning obligation is completed, to add its absence as an additional reason for refusal.

Determination and post determination

- 2.37. Where a Section 106 agreement is required to support a planning application, unless the agreement relates to standard requirements or the proposed agreement complies with the Council's Supplementary Planning Guidance, the planning application shall be referred to the Council's planning committee for decision (unless any subsequent changes to the Council's Constitution are made following adoption of this SPD).
- 2.38. If an application is to be considered by the Council's planning committee, the proposed obligations must be known and agreed with the applicant by the time the application is taken to committee. Details of the obligations will be set out in the committee report.
- 2.39. The committee will decide whether the proposed obligations are necessary to make the development acceptable in planning terms, if the proposed obligations are directly related to the development, and whether the proposed obligations are fairly and reasonably related in scale and kind to the proposed development. Any

resolution to grant planning permission will be made subject to the prior completion of a satisfactory Section 106 agreement. The preparation of the legal agreement should be progressed immediately following the committee resolution to grant planning permission. Planning permission and any other consent will be issued at a point following the completion of the required planning obligation.

- 2.40. Where an application is to be determined by a case officer under delegated authority, the case officer will instruct the Council's legal team who will then liaise with the applicant's legal team to draft and finalise a Section 106 agreement. Ordinarily in the case of ~~Planning~~ planning obligations in a Section 106 agreement relating to Nottinghamshire County Council functions (e.g. education, highways, libraries) these will also need to be agreed with them ~~as they are required and they will be expected~~ to be a signatory to the agreement. Either party can take the lead upon the drafting of an agreement. Once a consensus has been reached as to the content, the Section 106 agreement will be signed by all parties and completed. Once this has taken place the decision notice can be issued.
- 2.41. The Council requires all parties with an interest in the land forming the application site to enter into the Section 106 agreement. For example, if the land to which the proposal relates is mortgaged or charged to other third parties or if a developer has an option arrangement, it will be necessary for the persons holding such interests to be party to any planning obligation. Applicants should liaise as early as possible with interested parties/lenders/chargees about their proposals to ascertain whether their approval is likely and to avoid lengthy delays in the signing/execution of the legal agreement.

2.XX Where planning obligations in a Section 106 Agreement have been reduced or adjusted, as a result of a viability assessment, below those which would normally have been required, the Council will require the Section 106 Agreement to include a requirement for an updated viability assessment to be provided at appropriate intervals to determine whether the obligations can be reinstated, fully or in part, to what would normally have been required.

Appeals

- 2.42. Where an application is appealed, the appellant can state on the appeal form any proposed planning condition(s) that they consider would mitigate the impact of the proposed development. If the appeal is to be heard at a hearing or a public inquiry, the Inspector will usually hold a session to discuss the draft conditions which may be imposed if the proposed development is granted planning permission.
- 2.43. The Planning Inspectorate have provided good practice advice on planning obligations, which should be reviewed prior to the submission of an appeal where obligations are relevant. Additionally, the appellant should be aware that obligations need to be submitted to the Planning Inspectorate in line with the timescales set out in the Planning Inspectorate guidance.

3. Development Requirements

- 3.1. Table 1 below summarises the infrastructure requirements that may arise as a result of new development, and the likely contribution mechanism that would be used to secure the delivery of the infrastructure. The list of infrastructure requirements in Table 1 is not exhaustive as specific developments may have unique requirements that arise through consultation with the Council's internal departments and any relevant external bodies.
- 3.2. In order to ensure the longevity of this SPD the amount per dwelling that may be sought through tariff style contributions will not be contained within the body of this SPD, as the amount may change year on year due to economic factors. Instead, a summary table of such contributions is contained within Appendix 1

Table 1 - Summary of infrastructure requirements and contribution mechanisms

Type	Likely Mechanism	Potential application of developer contributions	Threshold	Policy
Residential				
Affordable housing	Planning obligation	All types of residential development that meets the policy threshold. Developments resulting in a loss of existing affordable housing units.	10 or more dwellings or 0.5 ha or more	Local Plan Part 1 Policy 8 NPPF
Self-build and custom build housing	Planning condition	Housing developments and selected others	Case by case basis	Local Plan Part 2 Policy 13
Accessible and adaptable housing	Planning obligation and/or planning condition	Housing developments	A minimum of 1% of dwellings on sites of over 100 dwellings should comply with Building Regulation M4(3)(a) in relation to wheelchair adaptable dwellings	Local Plan Part 2 Policy 12
Water efficiency standards	Planning condition	All residential developments	All new dwellings will be required to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day	Local Plan Part 2 Policy 12

Type	Likely Mechanism	Potential application of developer contributions	Threshold	Policy
Gypsy and traveller accommodation	Planning obligation and/or planning condition	Strategic Allocations South of Clifton and East of Gamston/North of Tollerton	N/A – requirement is specified in Local Plan policies	Local Plan Part 1 Policies 24 and 25
Highways and Transport including Sustainable Transport				
Infrastructure improvements required to serve new development including the strategic road network, e.g. works to highways, pedestrian and cycling facilities and public transport provision	CIL, planning obligation and/or condition and/or Section 278 agreement	All development subject to assessment by the relevant local highway authority	Case by case basis	Local Plan Part 1 Policies 14, 15, 18 and 19
Sustainable transport (Total Access Demand), i.e. schemes that promote travel other than the private car	Planning obligation and/or condition and/or Section 278 agreement and/or CIL	All development subject to assessment by the relevant local highway authority	Case by case basis	Local Plan Part 1 Policies 14, 15, 18 and 19
Travel Statements/Travel Plans and identified associated measures	Planning obligation and/or planning condition	All development subject to assessment by the relevant local highway authority	Case by case basis	Local Plan Part 1 Policies 14, 15, 18 and 19
Public transport services and facilities	Planning obligation and/or planning condition	All development subject to assessment by the relevant local highway authority	Case by case basis	Local Plan Part 1 Policies 14, 15, 18 and 19

Type	Likely Mechanism	Potential application of developer contributions	Threshold	Policy
Recreational Open Space and Sports Provision				
Sufficient provision of recreational open space and facilities: e.g. children and young people play provision, formal outdoor sports, parks and recreation grounds, including to secure land/buildings	Planning obligation and/or planning condition and CIL	Housing developments	11 or more dwellings	Local Plan Part 1 Policies 18 and 19 Local Plan Part 2 Policy 32
Indoor Sports and Leisure Provision				
Sufficient provision of indoor sports facilities (e.g. swimming pools and sports halls), including to secure land and buildings.	Planning obligation and/or CIL	Housing developments	11 or more dwellings	Local Plan Part 1 Policies 18 and 19
Healthcare				
Sufficient provision to meet new demand for services and facilities	Planning obligation and CIL	Housing, care homes and extra care	11 or more dwellings or 1,000 square metres or more gross floorspace	Local Plan Part 1 Policies 18 and 19 Local Plan Part 2 Policy 43
Education and Services for Children and Young People				
Sufficient provision to meet new demand for services, e.g. early years provision, primary schools, secondary	Planning obligation and/or CIL	Housing developments	11 or more dwellings	Local Plan Part 1 Policies 18 and 19 Local Plan Part 2 Policy 43

Type	Likely Mechanism	Potential application of developer contributions	Threshold	Policy
schools, sixth form, special education needs, tertiary and adult education, youth provision/ residential care, including to secure land/buildings				
Social and Local Community Infrastructure				
Sufficient provision to meet new demand for services and facilities (e.g. social, community, youth/adult facilities including community buildings and library Services), including to secure land/buildings	Planning obligation and/or CIL	Housing developments	11 or more dwellings	Local Plan Part 1 Policies 18 and 19
Drainage and Flood Protection				
Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures	Planning obligation and/or planning condition	Most developments	All new development. Standing advice from the Environment Agency is used in relation to proposals for minor development	Local Plan Part 1 Policies 2, 18 and 19 Local Plan Part 2 Policies 17-19
Waste and recycling				
Provision of or improvement to local and wider waste and	Planning obligation and/or planning	Major development	Housing, employment and retail developments	Local Plan Part 1 Policies 18 and 19

Type	Likely Mechanism	Potential application of developer contributions	Threshold	Policy
recycling facilities	condition			
Green Infrastructure and Biodiversity				
The protection, creation and enhancement of biodiversity, ecological networks and green infrastructure	Planning condition and/or planning obligation	All developments	All developments other than householder applications	Local Plan Part 1 Policies 16 and 17 Local Plan Part 2 Policies 34-38
Biodiversity Net Gain				
The delivery of a minimum of 10% biodiversity net gain	Planning condition and/or planning obligation	All developments	The Government has provided a <u>list of developments that are exempt</u> from Biodiversity Net Gain	The Environment Act (2021)
Information and Communication Technology				
The provision of ducting in order to enable the provision of fast broadband connection	Planning condition	Major residential and other relevant developments	Major and other relevant developments	Local Plan Part 1 Policies 18 and 19
Emergency Services				
Improvement to local emergency service infrastructure	Planning obligation and/or CIL	Major developments	Case by case basis	Local Plan Part 1 Policies 18 and 19

Housing

3.3. Providing the right amount and the right type of housing that meets the needs of all in the community is a key objective of the Local Plan. Planning obligations or planning conditions are used to secure the delivery of particular types of housing, including:

- On-site provision of affordable housing;
- Self-build and custom build housing;
- Accessible and adaptable housing;
- Specialist accommodation or care; and

- Gypsy and traveller accommodation.

Affordable housing

- 3.4. One of the roles of the Council is to enable and co-ordinate the provision of affordable housing to meet the needs of those within the community. In seeking to meet these needs it is evidenced that some people are unable to meet their housing needs through the private housing market. The Council is therefore justified to require the provision of affordable forms of housing.

When is affordable housing required?

- 3.5. Policy 8 of the Local Plan Part 1 and its supporting text sets out the Council's requirements in relation to affordable housing. Further information on the provision of affordable housing is set out in the Affordable Housing SPD. The SPD outlines the Council's approach to the delivery of affordable housing in the Borough, and provides guidance on:

- Exception sites;
- Tenures of affordable housing, including rented (affordable and social rent) and affordable homes for sale (shared ownership, discounted market sale and First Homes);
- Design and layout;
- Vacant building credits;
- Viability and financial contributions;
- Securing contributions and Section 106 obligations; and
- Exceptional circumstances where a financial contribution towards affordable housing will be accepted instead of on-site provision.

Self-build and custom build housing

- 3.6. The terms 'self-build' and 'custom build' are used to describe instances where individuals or groups are involved in creating their own home. The amount of personal involvement will vary. Community-led projects can also be defined as self-build and/or custom build.
- 3.7. Self-build housing projects are defined as those where a person or persons directly organise the design and construction of their own home. This covers a wide range of projects from a traditional DIY self-build home to projects where the self-builder employs someone to build their home for them.
- 3.8. Custom build homes are defined as those where a person or persons work with a developer to help deliver their own home. This is more of a hands-off approach and the developer may help to find a plot, manage the construction and arrange the financing of the development.
- 3.9. For the avoidance of doubt, self-build and custom build does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

- 3.10. Self-build and custom build need not be solely for privately owned housing. Affordable housing may also be developed through low-cost home ownership schemes such as shared ownership or affordable rented housing. Affordable self-build and custom build must remain affordable in perpetuity, via a planning obligation between the appropriate parties and the Council. Self-build housing will not be accepted in lieu of, and only in addition to, on-site affordable housing provision.
- 3.11. The Council encourages developers of larger residential developments to designate a proportion of the plots for self-build or custom build to support the development of sustainable communities. All other residential developments will be considered as to their suitability to deliver serviced plots.
- 3.12. An open market scheme that provides self-build plots will need to be phased so that the open market housing and access is in a separate phase to the self-build plots. Each self-build plot needs to form a separate phase to facilitate the submission of a full or reserved matters planning application by the intended occupant.
- 3.13. To ensure quality design, the Council may wish to agree a design code for self-build and custom build homes.

Accessible housing

- 3.14. The Government introduced technical housing standards for new dwellings through a written ministerial statement on 25 March 2015. This included Building Regulation standards for access.

Accessible and Adaptable Dwellings

- 3.15. Building Regulations Document M [M4(2)] introduced the category Accessible and Adaptable Dwellings (Category 2 dwellings). Whilst there is no policy requirement for the provision, such provision is encouraged by the Council within new developments.

Wheelchair Adaptable Dwellings

- 3.16. Building Regulations Document M [M4(3)] introduced minimum specifications for Wheelchair User Dwellings (Category 3 dwellings). M4(3) is split into two sub-categories - (a) wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users) and (b) wheelchair accessible (a home readily useable by a wheelchair user at the point of completion). Policy 12 of Local Plan Part 2 requires 1% of homes on developments of 100 dwellings or more to comply with the M4(3)(a) standard (wheelchair adaptable). Such provision will usually be sought through a planning obligation to secure the percentage of wheelchair adaptable homes and/or a relevant planning condition linked to the submission of the relevant building regulations certificate. Further guidance is available in National Planning Policy Guidance – Housing: optional technical standards.

Water Efficiency Standards

- 3.17. Building Regulation Part G introduced tighter specifications for water efficiency

consumption of no more than an average of 110 litres per person per day, which Local Planning Authorities can request when there is a clear local need. The tighter specification is required by Policy 12 of the Local Plan Part 2. Such provision will usually be sought through a relevant planning condition linked to the submission of the relevant building regulations certificate. Further guidance is available in National Planning Policy Guidance – Housing: optional technical standards.

Specialist Accommodation and Care

- 3.18. Policy 14 of Local Plan Part 2, Specialist Residential Accommodation, states that proposals for specialist residential accommodation should not have an unacceptable impact on existing healthcare facilities. Contributions may therefore be sought towards improvements to healthcare facilities where evidence is provided by the relevant healthcare body of such an impact.

Gypsy and Traveller Accommodation

- 3.19. To ensure that a sufficient amount of accommodation for gypsies and travellers is delivered to meet identified needs within an appropriate timescale, provision is made in Policy 8 of the Local Plan Part 1 for the delivery of permanent pitches. The policy includes a requirement to monitor the need for the supply of such sites or other forms of accommodation over the plan period.
- 3.20. Permanent accommodation is proposed to be delivered as part of the Strategic Allocations at South of Clifton and at East of Gamston/North of Tollerton. This provision will be secured either through a planning condition or an obligation.

Highways and Transport including Sustainable Transport

- 3.21. The highway authority will consider the extent to which existing off-site infrastructure is able to accommodate extra transport movements as a result of a proposed development. In instances where the capacity of the existing network is inadequate as a consequence of the proposed development, or the increased use arising from the proposed development will give rise to safety concerns, the landowner/s and/or developer/s must provide or fund necessary new or improved off-site infrastructure. When considering capacity and safety, the effects of other, already committed development will be taken into account, including for instance unimplemented planning permissions and existing and proposed land allocations. Transport assessments submitted as part of any planning application should reflect this.
- 3.XX Enhancements to public transport services may be secured through planning obligation or condition and may include new routes or extensions to existing services designed to serve a new development. There might also be circumstances where a contribution is required for community or demand responsive bus services, in order to serve smaller sites including within rural areas.
- 3.22. Highways improvements may be secured through a condition, planning obligation and/or a Section 278 agreement for off-site improvements. Improvements could

include:

- Works to junctions on-site or junctions where the development will have an impact offsite;
- Diversion/extension of existing public transport routes through or in proximity to the proposed development including associated road alterations and bus stop improvements;
- [Introduction of or improvement to on and off-site pedestrian facilities \(e.g. footways, crossing refuge points\) and cycle facilities \(e.g. cycle ways, storage\);](#)
- [Public Rights of Way \(PROW\);](#) and
- Preparation and implementation of travel plans with on-going monitoring.

3.23. The design of internal infrastructure will be assessed against national guidance, local guidance provided in the Local Plan, and other guidance contained within the local highways design guide.

3.24. The A52 is a trunk road and a major transport route that runs through the Borough. As part of the mitigation required to deliver a number of the allocations within the Local Plan, the Council entered into a Memorandum of Understanding with the highway authorities to identify a process for funding the A52 junction improvements. In effect, a financial contribution has been or will be secured per dwelling from relevant developments in order to fund these improvements. The proposed development sites that are principally in the following areas and which would generate a certain level of traffic movements will be subject to this contribution:

- Edwalton;
- Gamston;
- Clifton;
- Ruddington;
- Keyworth;
- Cotgrave; and
- Radcliffe on Trent.

3.25. Developer contributions towards delivery of the improvements will be secured through either a Section 106 agreement or a Section 278 agreement for off-site highway works, with the requirement to enter into a Section 278 agreement made a condition of planning consent. [Further guidance and costs for highways and transport infrastructure and services can be found in the County Council's Developer Contributions Strategy](#).

Recreational Open Space and Sports Provision

3.26. This section addresses planning contributions for community open spaces, allotments and playing pitch requirements. Although they all overlap to some degree, they also have unique differences in their functions and uses. On-site provision, off-site contributions or a combination of both may be required to secure appropriate

contributions. This will depend on, for example, the location, type, and size of development, and what existing green infrastructure there is nearby. The importance of community open space, allotments and playing pitches is set out in Policy 16 of the Local Plan Part 1 and Policies 34 and 35 of the Local Plan Part 2.

3.27. An important part of any new residential development is the environment that it offers its residents. The provision of green infrastructure, including community open spaces, allotments and playing pitches, has a crucial role in shaping the environment, and ensuring residents have good access to a variety of facilities and spaces. Integrating these into new development is essential for many reasons, including their role in helping design places that are attractive, safe and support active lifestyles.

3.28. Policy 32 of the Local Plan Part 2 sets out open space requirements for new development. The policy's supporting text states that for developments from 11 up to 50 dwellings, the expectation is that financial contributions will be required to improve the quantity or quality of recreational open space in the surrounding area. For developments of over 50 dwellings, the expectation is that the provision of recreational open space and facilities will be made on-site within the development where this is most appropriate. There may be cases where a mix of on-site and off-site provision is more appropriate.

On-site provision

3.29. The Leisure Facilities Strategy Mid-Point Review and Play Strategy identifies the following standards to be provided as part of a new development.

Type	Local Standard (ha/1000 population)	National Guidelines (ha/1000 population)
Allotments	0.40	0.125
Playing Pitches	[Superseded by <u>Playing Pitch Strategy</u> and <u>Sport England calculator</u>]	
Formal and informal amenity open space and formal paths and gardens	0.72	No national guidelines
Unequipped children's play areas (LAP)	0.55	0.55
Equipped children's play areas (LEAPS)	0.25	0.25
Other outdoor provision (MUGAs & Skateboard parks) (NEAPS)	0.30	0.30

Allotments

- 3.30. Allotments are a form of recreational open space which provide an opportunity for people who wish to grow their own produce. They can also act as an educational resource, increase biodiversity and foster community development and cohesiveness. There are a number of allotment sites in Rushcliffe which are typically located within the Borough's towns and larger villages.
- 3.31. Provision of allotment space may therefore be sought as part of the open space, particularly where there is a deficiency in provision in the local area and/or where the proposal is strategic in scale. [Early engagement with the Council, relevant Parish/Town Council and/or other relevant body is important prior to the submission of a planning application.](#)

Playing Pitches

- 3.32. The [Rushcliffe Playing Pitch Strategy](#) and its update outlines the current provision of outdoor sports facilities. It provides recommendations to improve the quantity and quality of playing pitches, courts and greens where shortfalls in provision have been identified. Playing pitches cover a wide variety of open spaces and include both natural and artificial surfaces that provide for sport and recreation. Facilities covered in the Strategy include playing pitches, tennis courts, bowling greens, cricket pitches and other outdoor sports areas. The primary purpose of this type of open space is to provide opportunities for people to participate in outdoor sports.
- 3.33. The conclusions of the Strategy show that there is an overall deficiency of sports pitches across Rushcliffe, whereby demand and use of such facilities is greater than the amount they can support. In some areas where demand is being met, the quality of sports pitches and/or their ancillary facilities typically require an improvement. Where developer contributions are required in order to provide for or improve such provision, the Council will utilise Sport England's [playing pitch calculator](#).
- 3.34. For strategic development sites, direct provision may be more suitable in order to ensure that any such development is sustainable in terms of the facilities that are available on a site. A planning condition and/or a planning obligation may be used to ensure such provision will be available at some point during the development of the site. A proportion of CIL that is collected from the development will also be directed towards the provision of indoor sports and playing pitches.

Amenity Open Space & Formal Paths and Gardens

- 3.35. Amenity open space can provide opportunities for informal activities close to home or work and can enhance the appearance of an area. They are typically small areas of mixed vegetation but largely grassed and are found scattered through towns and villages. They are used by children for informal play and commonly for dog walking. They can also provide opportunity to deliver a net gain in biodiversity.
- 3.36. Similarly to amenity open space, formal paths and gardens provide opportunities to access open green space, which also acts to enhance the appearance of an area. Formal paths and gardens within Rushcliffe range from small, landscaped garden

squares within residential development to larger landscaped parks. These spaces are openly accessible to all members of the community.

Unequipped children's play areas (LAP)

3.37. A Local Area of Play (LAP) is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live i.e. within one minute's walking time. LAPs are designed to allow for ease of informal observation and supervision and primarily function to encourage informal play and social interaction for toddlers. The LAP requires no play equipment as such, relying more on demonstrative features indicating that play is positively encouraged.

Equipped children's play areas (LEAPS)

3.38. Locally Equipped Areas of Play Space (LEAPS) are areas of open space specifically designed and laid out with features including equipment for children who are beginning to play independently. They are designed for unsupervised play, containing a wide range of equipment types which allows for progression through the age ranges.

3.39. The exact provision of LEAPS within a development will depend upon the scale of development, the proximity to other such provision and whether existing provision is adequate to absorb the impact of new development. In certain cases, it may be preferable to improve the existing provision [or collaborate with adjoining developers to provide more extensive shared facilities](#). The Council's Play Strategy provides further guidance regarding contributions towards LEAPS.

3.40. Early engagement with the Council and with relevant parish councils is important prior to the submission of a planning application in order to establish what type of provision or improvements will be necessary to accommodate the impacts of a particular development.

Other outdoor provision (NEAPS, MUGAs and Skateboard Parks)

3.41. Neighbourhood Equipped Areas of Play Space (NEAPS) are areas of open space specifically designated, laid out and equipped mainly for older children but potentially with play opportunities for younger children as well. They often contain an extensive range of play equipment. NEAPS can and are often combined with the provision of LEAPS.

3.42. MUGAs (Multi-Use Games Areas) are designed to cater for a wide range of sports/activities due to the features of the flooring used and the different line markings on the surface. Skateboard Parks can be used by a variety of different wheeled devices, including: skateboards, BMX, other bicycles, WCMX (adapted wheelchairs), scooters & roller skates (traditional and in-line).

3.43. The Council's Play Strategy provides further guidance regarding the contributions towards NEAPS, MUGAs and Skateboard Parks. Early engagement with the Council [and the relevant Parish/Town Council](#) is important prior to the submission of a

planning application in order to establish what type of provision or improvements will be necessary to accommodate the impacts of a particular development.

Management and Maintenance

- 3.44. The Council will secure through appropriate conditions and planning obligations measures related to the long-term management and maintenance of community open space, leisure and formal sports provision. Developers are encouraged to engage with Parish/Town Councils and the Council early in the development process to make management and maintenance arrangements as early in the development process as possible to avoid delay at application stage. [Where a Parish/Town Council is expected to adopt and manage any play spaces, sports pitches or other recreational open space, they should be engaged with and given the opportunity to influence the design and specification of those spaces. This should include consideration as to whether features such as SuDs or biodiversity improvements can be incorporated within open space, given that this might impede a Parish/Town Council's ability to adopt the space.](#)
- 3.45. A commuted sum for management and maintenance is payable where the land is to be transferred to a Parish/Town Council. This payment should be provided for 15-years of management and maintenance of the community open space, leisure and formal sports provision. The Council typically does not take on the management or maintenance of open space.
- 3.46. Where the management and maintenance of open space is to be delivered by a developer, it is recommended that the [New Homes Quality Code](#) is followed, and the developer applies to become a 'registered developer' under the Code. Additionally, the Council ~~is working~~ [has worked](#) with developers and residents to develop a [Good Practice Guide](#) for the management of open spaces. The Guide will expand upon the New Homes Quality Code, providing additional guidance that is tailored towards Rushcliffe and the expectations of the Council. There is a presumption that developers will refer to the [New Homes Quality Code](#) and the Good Practice Guide when setting up management companies for open space.

Off-site Provision

- 3.47. Whether provision should be made onsite or via an offsite contribution is dependent on the size and location of the development. In some instances, if new provision cannot be sufficiently delivered onsite it is appropriate to seek to enhance the scale and quality of existing provision and/or improve access and linkages to existing sites in order to meet the additional need generated by the development. For example, a development may be located within proximity of an existing site. In such cases, particularly where the development only generates a small space requirement, it may be more appropriate for an off-site contribution to be made to improve or enhance the existing site. The Council will look to secure an off-site contribution through a planning obligation.

3.48. Early engagement with the Council is important prior to the submission of a planning application in order to establish if an off-site contribution is appropriate to accommodate the impacts of a particular development, and an approximate cost of the contribution.

Indoor Sports and Leisure Provision

3.49. New development must ensure existing and future residents can access sufficient facilities for indoor sport and leisure. As part of its Leisure Facilities Strategy, the Council undertook an assessment of the supply, future demand and access to swimming pools and sports halls by applying the Sport England Facility Planning Model. The assessment found that in general, such facilities are already well used. By 2028 there will be a 16.3% increase in the demand for swimming pools and a 19.4% increase in the demand for sports halls.

3.50. On this basis, contributions may be sought for the provision of or improvement to swimming pools and/or sports halls. The Sport England Sports Facility Calculator will be used to quantify the additional demand for key community sports facilities from a proposed development. The Council also have funding available through CIL.

3.51.

Education and Services for Children and Young People

3.52. The County Council has a statutory responsibility to commission education places for children of school age (children aged 4 to 16 years) and to ensure sufficient nursery places for 3 and 4 year olds, or from 2 years old for children with Special Educational Needs. Additionally, the County Council has a statutory responsibility to secure sufficient education and training opportunities to meet the reasonable needs of younger people, in partnership with other bodies and institutions such as sixth form colleges and colleges of further education. Young people are defined as those who are over compulsory school age but are aged under 19 years, or aged up to 25 years for those with Special Educational Needs and Disabilities.

3.53. Landowners and developers should note the County Council's pupil admissions policies. The policies aim to ensure that parents can typically expect places for their children at the schools serving the area that they live in. However, it should be noted that individual governing bodies such as church aided schools, foundation schools, academies and free schools are responsible for their own admissions policies.

3.54. Some types of residential development may have no measurable effect on the demands for educational services e.g. sheltered housing. Additionally, the County Council will take into account the extent to which existing educational facilities serving the area are able to meet the educational needs predicted to arise from committed housing developments (those with planning permission or [which](#) are allocated for residential development in the Local Plan).

3.55. Where a residential development is proposed in an area with insufficient projected

capacity of educational places, or the development would result in insufficient projected capacity of educational places, the County Council will require a contribution. A contribution is required for every pupil place needed in excess of the projected capacity. In the majority of cases, contribution requirements will be calculated using the cost per place for permanent expansions. However, where a new school is required by the County Council, either as a single solution to multiple developments, or where one development is of sufficient size to sustain its own school, contributions will instead be sought based on the cost per place of a new school build, plus the cost of land, where appropriate. Further guidance and costs can be found in the [County Council's Developer Contributions Strategy](#).

3.56. The Council also have secondary education as a CIL funding stream, [apart from the provision of a new secondary school on the East of Gamston/North of Tollerton strategic allocation site. This is expected to be provide by the developers as a planning obligation. This site is not subject to CIL payments.](#)

Healthcare

3.57. Rushcliffe Borough Council is covered by the Nottingham and Nottinghamshire Integrated Care Systems (ICSs), which is a collection of organisations that come together to plan and pay for health and care services. The Nottingham and Nottinghamshire ICS is a partnership between the County's NHS and care organisations which look to support health and wellbeing, active communities and ensure the delivery of high quality joined up care where needed for the local people of Nottingham and Nottinghamshire.

3.58. The ICS has four main aims:

- Improve outcomes in population health and healthcare;
- Tackle inequalities in outcomes, experience and access;
- Enhance productivity and value for money; and
- Help the NHS support broader social and economic development.

3.59. The ICS has two statutory elements, an Integrated Care Partnership (ICP) and an Integrated Care Board (ICB). The ICB is responsible for planning health services for the local population and will consider and advise the Council as to the needs which would arise from a proposed development for the provision of additional infrastructure. The possible requirement for the provision of new or improved health facilities is dependent, not only on the scale [and nature](#) of the proposed development, but also on the available capacity in health facilities serving the area, so consultations with the ICB are advised early in the development process. Where there is a lack of capacity to accommodate a proposed development, financial contributions will be sought to increase capacity at existing facilities. Direct provision of health facilities on strategic sites will be considered on a case-by-case basis where existing ~~practices~~ [medical facilities](#) are not capable of improvement.

Social and Local Community Infrastructure

Community buildings

- 3.60. Large residential developments may generate the need for a new, purpose-built community building or sufficient land and a financial contribution, to be provided by the developer, as an integral part of the scheme. In the case of large site allocations, the requirement for a community building may be a policy requirement identified in the Local Plan. The size and specification of the facility will depend upon local circumstances and should be discussed with the Council, [Parish/Town Councils and any other bodies as appropriate](#).
- 3.61. Smaller residential developments may not generate the need for a new community building but will still generate extra demand for such facilities. The Council will also take into consideration the cumulative impact of development, including any outstanding applications that remain to be determined at the point the application is received. A financial contribution towards the extension or improvement of existing community buildings or, in appropriate cases, towards the construction of new facilities may be required.

Library services

- 3.62. The County Council has a statutory responsibility to provide a library service. The County Council may seek developer contributions to mitigate the additional demand on library services generated by new development. Contributions may be sought for any residential development (including student accommodation), and could contribute towards the following:
- Construction of new libraries (including fit-out costs);
 - Extensions/alterations to existing libraries; and
 - Increasing stock levels at existing libraries.
- 3.63. Where new development places demand on the library network above its physical capacity, a new library or an extension to an existing facility may be required. The need for a contribution will be established by comparing the current capacity of the nearest, existing library and population it serves with the number of people expected to be generated by the new development. Where the physical capacity of the library would be exceeded, a contribution will be required.
- 3.XX [Where a library building is able to accommodate the extra demand created by a new development, but it is known and demonstrable that the stock levels are inadequate to meet the needs of the additional population \(based on recommended stock levels\), a contribution will be sought towards increasing the stock level at that library to accommodate the additional population generated.](#)
- 3.64. The County Council's approach to seeking contributions for such provision can be found in its [Developer Contributions Strategy](#).

Flood Mitigation and Water Infrastructure

- 3.65. The County Council as Lead Local Flood Authority (LLFA) is the risk management

authority responsible for local flood risk, which is defined as flooding from surface water, groundwater and ordinary watercourses. The LLFA is required to provide consultation responses on the surface water drainage provisions associated with major development. Engagement with the LLFA is strongly advised at an early stage of the planning process. [Such engagement may also be necessary with the Internal Drainage Board, in areas with one, and Severn Trent Water.](#)

- 3.66. The provision of on-site Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures will be secured through a planning condition and/or planning obligation. Where SuDS are provided, arrangements must be put in place for their management and maintenance.
- 3.67. The expectation is that SuDS will likely form part of the public open space and therefore the management and maintenance of SuDS will form part of the overall management scheme for open space. It is crucial that developers consider SuDS in the design concept for the site from the outset. Notwithstanding their multi-functional benefits, SuDS form part of the surface water drainage system and must therefore be designed to perform a technical drainage function.
- 3.68. Developers will be required to submit a SuDS Specification that sets out the detail for how the SuDS will be designed, constructed and maintained. The SuDS Specification should be prepared by a suitably qualified and professionally approved person carrying appropriate professional indemnity insurance. The SuDS Specification will be considered and determined by the Council in consultation with the LLFA.

Waste and Recycling

- 3.69. The provision of on-site site-specific waste and recycling provision is expected as part of good design for development. It is expected that new developments will provide:
- adequate facilities within each dwelling for storage and collection of waste/ recyclable materials; and
 - depending on the scale of development, provide a local recycling facility off-site or secure a financial contribution towards the provision of such a facility off-site.
- 3.70. Developers are made aware, through the planning process, of the Council's policy to charge for the provision of refuse-wheeled containers. Further information on the Council's fees can be found in the [Planning Advice for Waste Collection Services.](#)
- 3.71. The County Council has a statutory responsibility to provide facilities for household waste. Where a residential development is proposed in the catchment area of a recycling centre that is at capacity or close to capacity, the County Council may deem it necessary to seek developer contributions to support the construction of a new or expanded site. In cases where a new site is required it may be possible for a developer to gift land that is deemed to be in a suitable location for the construction

of a new recycling centre. The County Council's approach to seeking contributions for such provisions can be found in its Developer Contributions Strategy.

- 3.72. When considering planning applications for non-residential development the Council, in consultation with the County Council, will assess the needs for the provision of additional appropriate recycling facilities on a case-by-case basis.

Blue and Green Infrastructure and Biodiversity

- 3.73. In order to deliver the policies of the Local Plan and nature recovery objectives, contributions may be sought from developments for the provision of accessible blue and green infrastructure, net gains in biodiversity and improvements to ecological and nature recovery networks. This will ensure that blue and green infrastructure and ecological networks are cohesive, provide good access for existing and future residents, and deliver improvements in biodiversity (achieving habitats that are bigger, better and more connected). Blue and green infrastructure functions comprise: nature conservation, flood risk management, active travel, health and well-being benefits, and recreation.
- 3.74. Specific improvements to blue and green infrastructure could include contributions to create, improve and upgrade rights of ways or other recreational routes; restore, enhance and expand priority habitats and the wider ecological network; and create, improve and enhance public open space, playing pitches, and other greenspace and on-site green infrastructure.
- 3.75. Policy 1 and Policy 38 of the Local Plan Part 2 requires, where possible and appropriate, net gains in biodiversity through the preservation, restoration and recreation of priority habitats. The introduction of the Environment Act (2021) requires the delivery of a minimum of 10% biodiversity net gain on all developments, except where a development is exempt.
- 3.76. To demonstrate biodiversity net gain, the most recent statutory biodiversity metric must be used, completed by a competent person, and submitted as part of a planning application. A detailed biodiversity gain plan and final biodiversity metric must be submitted (if not previously provided) and approved by the Council prior to the commencement of development. This is typically secured via a planning condition.
- 3.77. Prior to the determination of a planning application, the Council will discuss with the applicant whether planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the proposed development to deliver biodiversity net gain. Where an obligation is required, the Council will secure a legal agreement with the applicant to enhance and maintain a habitat. The legal agreement will last for at least 30 years, and will set out:
- How the habitat will be maintained;
 - Who is responsible for creating or enhancing the habitats; and

- Who is responsible for maintenance, management and monitoring.

3.78. The Council, where appropriate, will require a biodiversity net gain monitoring fee to monitor the habitats associated with a development.

3.79. Further information on the Council's approach to biodiversity net gain conditions and obligations can be found in the Council's Ecological Standing Advice.

3.80. The Council commonly requires environmental infrastructure provided as part of a new development to be managed and maintained, and that such arrangements are secured by a condition and/or obligation. This is normally incorporated as part of the overall management and maintenance of open space.

Telecommunications

3.81. The Council supports improved digital connectivity, including the provision of full fibre and 4G and 5G across the Borough, due to the benefits it will bring to both businesses and residents. The provision of off-site full fibre broadband is normally a matter for broadband providers. However, to ensure that new major development is ready for such connection, the Council requires prior to the occupation of each dwelling, each dwelling to be provided with a full fibre broadband connection. This requirement will be secured through a planning condition.

Emergency Services

3.82. Any new development can increase demands on emergency services, such as fire and rescue teams and the police, both by extending an area of risk and increasing the level of risk in an area. Demands manifest themselves in a variety of forms depending on the scale and nature of the proposed development. Growth in households and population also places an additional demand on resources. The NPPF confirms that planning policies should promote public safety and include (where appropriate and proportionate) steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

3.83. The East Midlands Ambulance Service NHS Trust (EMAS), Nottinghamshire Fire and Rescue Service and Nottinghamshire Police may request developer contributions from qualifying developments to meet the additional costs to deliver their respective emergency service provision.

3.84. When emergency service providers make a request for developer contributions, they will need to provide the Borough Council with sufficient justification that new development directly results in an increased need for infrastructure funding.

Appendix 1: Schedule of financial contributions

The table provides indicative financial contributions [and other Section 106 obligations](#) (as of April 2025), intended to help inform prospective applicants about the potential financial costs of a development. The financial contributions [and Section 106 obligations set out in the table](#) provided are indicative only and are subject to change based on the context of each individual application and subject to indexation [\(which shall update the amounts requested in the Section 106 Agreement to allow for any increase in indexation since April 2025 and which shall also include a clause in the Section 106 Agreement to allow for any increase in indexation between the date of the Section 106 Agreement and the date of payment\)](#). In addition the [financial contributions set out below may be reviewed by the Council where necessary with such revisions being consulted on by the Council as appropriate and published](#).

For infrastructure types that Nottinghamshire County Council (NCC) has responsibility for, reference should also be made to its [Developer Contributions Strategy](#), April 2024, [including details in respect of its fees for monitoring planning obligations](#).

Infrastructure Type	Consultee	Financial Contribution
Affordable Housing	Rushcliffe Borough Council	Affordable Housing should be delivered on site. In exceptional circumstances that permit a financial contribution, there is no prescriptive method for calculating a sum. The general principles on how to calculate an appropriate financial contribution are set out in Chapter 3 of the Affordable Housing SPD .
Highways	Nottinghamshire County Council	Case-by-case basis
Public Rights of Way	Nottinghamshire County Council	Case-by-case basis
Walking and Cycling Infrastructure	Nottinghamshire County Council	Case-by-case basis
Bus Infrastructure and Services	Nottinghamshire County Council	Bus Stop Infrastructure: 10-49 dwellings - £13,000 (pair of bus stops)

Infrastructure Type	Consultee	Financial Contribution
		<p>50-99 dwellings - £20,400 (there may be more than a single pair of bus stops which require improvements for developments of this size)</p> <p>100+ dwellings – dependant on scale (there may be more than a single pair of bus stops which require improvements for developments of this size)</p> <p>Bus Service - £150,000 per annum gross for a full day, Monday - Saturday operation for a double decker/ single deck.</p>
Travel Plans	Nottinghamshire County Council	<p>Single occupier commercial; single phase of development; up to 200 dwellings - £1,500 per annum for 5 years (plus £900 per annum for subsequent years beyond year 5 up to and including the year after the end of construction)</p> <p>Multi occupancy commercial; multi-phase development, mixed use; over 200 dwellings - £3,000 per annum for 5 years (plus £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction)</p> <p>These fees for Travel Plans cover the monitoring of Travel Plans and not their preparation</p>
Recreational Open Space and Sports Provision	<p>Rushcliffe Borough Council</p> <p>Town/Parish Councils</p>	<p>Infrastructure should be delivered on site.</p> <p>In circumstances where this is not appropriate, a financial</p>

Infrastructure Type	Consultee	Financial Contribution
		<p>contribution may be permitted. Approximate costings: LAP - £350 per m² LEAP - £225 per m² NEAP - £170 per m²</p> <p>Monitoring and Maintenance - £1,000 per annum for 15 years</p>
Indoor Sport and Leisure	<p>Rushcliffe Borough Council</p> <p>Town/Parish Councils and community sports providers</p>	<p>Case-by-case basis using the <u>Sports England Sport Facility Calculator</u></p> <p>A proportion of CIL will be directed towards indoor sport and leisure facilities.</p>
Education	Nottinghamshire County Council	<p>Primary</p> <p>Temporary Expansion - £10,405 per pupil place Permanent Expansion - £22,008 per pupil place New School Build - £31,054 per pupil place</p> <p>Secondary</p> <p>Temporary Expansion - £11,681 per pupil place Permanent Expansion - £30,270 per pupil place New School Build - £37,621 per pupil place</p> <p>A proportion of CIL will be directed towards secondary education.</p> <p>Post 16</p> <p>Temporary Expansion - £11,681 per pupil place Permanent Expansion - £30,270 per pupil place New School Build - £37,621 per pupil place</p>

Infrastructure Type	Consultee	Financial Contribution
		Special Educational Needs and Disabilities (SEND) education contribution is £104,556 per place.
Healthcare	Nottingham and Nottinghamshire Integrated Care Systems (ICSs)	Case-by-case basis A proportion of CIL will be directed towards healthcare provision.
Community Buildings	Rushcliffe Borough Council	Case-by-case basis
Libraries	Nottinghamshire County Council	Stock Provision - £44.64 per person Contribution to improve capacity – case-by-case basis
Flood Mitigation and Water Infrastructure	LLFA Internal Drainage Broads Severn Trent Water	N/A
Wheeled Bins	Rushcliffe Borough Council	240 litre wheeled containers - £50 per two bin package 1100 litre wheeled container - £390 each
Waste and Recycling	Nottinghamshire County Council	Case-by-case basis
Blue and Green Infrastructure and Biodiversity	Rushcliffe Borough Council	Case-by-case basis
Telecommunications	Broadband Providers	N/A