

# **The Gloucestershire County Council LOCAL DEVELOPMENT GUIDE**

Infrastructure and Services  
required to Support New  
Development

UPDATE April 2020  
*(Consultation Draft)*

## Foreword

Gloucestershire County Council (GCC) has produced this Local Development Guide (LDG) refresh in order to update the current LDG adopted in 2014 and updated in 2016. Given the timescale and changes in both government and local policies, it was felt that now was the right time to refresh this guidance to ensure that all stakeholders are clear of the requirements towards infrastructure and services that would be expected arising from new developments.

GCC hopes this guidance will support developers and landowners as well as our District, Town, City and Parish Councils in providing clear and detailed guidance.

Development should provide positive strengths to our communities and support economic wellbeing. The provision of support for social and economic infrastructure, such as roads, schools, surgeries and community facilities, as identified in this guidance, is crucial in making a development acceptable in planning terms.

GCC is responsible for delivering specific infrastructure and services and ensuring that new developments do not adversely impact upon the capacity of existing services, or the ability to deliver them.

This document provides guidance for the delivery of infrastructure and services that are appropriate to the County Council and is published to supplement the various infrastructure guidance provided by each of the six Districts of the County.

### Next steps:

Following this consultation, comments received will be considered and any changes incorporated into the Guide. A final version of the Guide will be presented to GCC Members for adoption as Council Policy in June 2020. Once adopted, the guide will form a material consideration for planning applications.

It is fully acknowledged that this guide could be more succinct and cohesive, however, due to the fluidity of the policy landscape in Gloucestershire and the lack of clarity around CIL governance especially, it is recognised that it will only usefully serve as an interim policy statement. Consequently, readers are asked to take this holding position on board, but be reassured that the collective of local authorities in the County have every intent to work collaboratively on an improved, co-authored version of the guide as soon as practically possible and hopefully by Spring 2021.

## Contents

Introduction	3-5
What are the rules governing planning contributions?	5-8
The Community Infrastructure Levy	8-11
Developer Contributions Protocol	11-20
What types of infrastructure and services is the County Council going to seek developer contributions for?	20
- Pre-school Places	20-21
- Primary & Secondary Schools	22-25
- Special Schools	25
- Academies and Free Schools	25
- Adult Social Care	25-27
- Libraries	27-28
- Archives	28-29
- Health & Public Health	29-30
- Fire and Rescue	30-31
- Sustainable Drainage	31
- Waste and Recycling	31-32
- Transport	32-34
- Broadband	34-35-
Appendix 1: Approach to Bonding	36
Appendix 2: Pupil Yields	37
Appendix 3 Broadband Information	38-40
Appendix 4 How Does Securing Infrastructure With New Development Fit Into The Broader Planning Framework?	41-42
Appendix 5 Links to District CIL charges	43

# LOCAL DEVELOPMENT GUIDE

## INFRASTRUCTURE & SERVICES WITH NEW DEVELOPMENT

### Introduction

#### Why Has a Local Guide Been Produced?

1. A fundamental aspect of achieving sustainable development is providing infrastructure and services in the right place and at the right time. Provision must be sufficient to meet the needs of new neighbourhoods and, in general, result in minimal impact upon existing communities and their resources<sup>1</sup>. Mitigation and/or compensation for loss or damage caused by development may be a justifiable requirement for securing S.106 planning obligations.
2. The County Council plays a key role in achieving sustainable development, primarily through its role as a provider of local infrastructure. In recent years an average of £17m has been secured per year in signed legal agreements.
3. However, it is accepted there are limits on the ability of the system of contributions to achieve all infrastructure aspirations with new development. This is exacerbated during challenging economic times where scheme viability takes on heightened importance.
4. Wherever possible, the County Council will actively look to lever in other funding resources or types of support. These other funding resources will be sought where possible in addition to developer contributions. The County Council considers this a key public sector contribution towards facilitating wider sustainable local economic growth.
5. The County Council remains committed to ensuring that opportunities to secure the right levels of infrastructure are taken up, where it is practical and reasonable to do so. This is the motivation behind preparing a local guide.
6. In addition, developer contributions are often key in securing funding from other sources, thereby reducing the impact on the public purse.
7. The ability to identify local infrastructure priorities and expectations early-on in the life of a proposal should also bring about a greater degree of local consistency and certainty, which

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<sup>1</sup>Paragraph 109 of the NPPF makes specific reference to the degree of impact on the transport network by new development (which is termed 'severe') before it is considered reasonable to refuse a planning proposal.

will be helpful in development viability. This in turn should reduce the risk of costly delays as negotiations will not need to start from a blank sheet of paper. In addition, unjustified reductions in infrastructure commitments by developers should prove easier to avoid, particularly where generously high purchase prices or commitments to purchase land, have been cited as the reason. Developers will be encouraged to consider this local guide when they enter into negotiations with landowners and/or their agents.

8. For the District, Borough and City Councils preparing new local plans and for those groups involved in neighbourhood planning<sup>2</sup>, the local guide may help enhance the understanding and evidence on the relationship between infrastructure and growth. The County Council is duty bound to support all groups involved in preparing plans by helping to integrate infrastructure priorities into emerging proposals<sup>3</sup>.
9. The County Council supports District, Borough and City Councils in identifying future infrastructure requirements through their suite of Infrastructure Delivery Plans (IDPs). This guide will look to complement the County's existing commitment and act as a useful tool for securing new or improved local facilities and services through developer contributions (such as S.106 and/or CIL).
10. District, Borough and City Councils in Gloucestershire deal with nearly all planning applications for development – new homes, offices, factories and shops. However, Gloucestershire County Council (the County Council) is responsible for much of the infrastructure and services needed to make the built environment function properly. Most Infrastructure Delivery Plans (IDPs) within Gloucestershire suggest that the County Council is responsible for some 70-80% of the necessary community infrastructure.
11. Development and growth requires associated infrastructure. In some cases, agreements are needed between developers, the Council and other providers to make sure this happens. Without reaching agreement, proposals for new developments may be refused.
12. The County Council negotiates with developers the appropriate infrastructure and service provision for which it is responsible. It can ask for conditions to be attached to planning permissions. It can also seek legal agreements to support existing facilities, or to build new infrastructure. Furthermore, developers can offer up their own plans for infrastructure, although these will need to be approved by key providers, like the County Council, before they can influence planning decisions.
13. Typically, planning conditions attached to planning permissions cover more minor infrastructure requirements. These might include completing archaeological investigations, delivering local site-related transport improvements, or carrying out flood risk solutions. Planning conditions are the preferred way for making development acceptable in planning

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<sup>2</sup> Neighbourhood plans have been introduced under the Localism Act 2011 and came into effect in April 2012 under the Neighbourhood Planning (General) Regulations 2012. They allow Parish and Town Councils or newly created Neighbourhood Forums to produce statutory development plans to cover development over a neighbourhood area. Policies in neighbourhood plan might include where new homes could be built, and how they might look.

<sup>3</sup> The County Council is subject to the statutory duty to co-operate under part 6, clause 110 of the Localism Act 2011.

terms. However, they are not generally used to secure financial contributions. Developer contributions and or works in support of highways infrastructure may be secured through provisions within the Highways Act 1980 nonetheless.<sup>4</sup>

14. Legally binding agreements can be made between developers, landowners, local authorities and other affected third parties. These agreements are used to secure planning obligations and are known as Section 106 Agreements (S.106)<sup>5</sup>. They can include financial contributions towards new or existing infrastructure, the provision of land to support the delivery of services, or the actual building of new facilities.
15. Another way of securing a planning obligation is known as a Unilateral Undertaking (UU). It can only be used by Landowners and does not require the agreement of the local authority or other third parties. UUs are often seen as a simpler way for developers to commit to infrastructure and other matters, needed to make new development acceptable. They are often put forward at planning appeals, particularly where S.106 agreements have not been secured. The views of the relevant authority should always be sought when UUs are being considered.

## What Are the Rules Governing Planning Contributions?

### Planning Conditions

16. Local Planning Authorities (LPAs) have the legal power to impose conditions on planning permissions<sup>6</sup>. However, in doing so they should ensure this is done in a fair, reasonable and practicable manner, where there is a clear land-use planning justification. Planning conditions should be used to make otherwise unacceptable development acceptable.
17. The Government has laid down criteria for the use of conditions and government policy includes three tests<sup>7</sup>. Planning conditions should only be imposed where they are: -
  - Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.

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<sup>4</sup> Highways Act 1980 <http://www.legislation.gov.uk/ukpga/1980/66>

<sup>5</sup> Section 106 Agreements are named after the legal measure that introduced them - Section 106 of the Town and Country Planning Act 1990.

<sup>6</sup> See sections 70, 72, 73, 73A, 91 and 92 and Schedule 5 to the Town and Country Planning Act 1990 and revised clauses under sections 42 and 43 of the Planning and Compulsory Purchase Act 2004.

<sup>7</sup> The tests are set out in the National Planning Policy Framework (NPPF), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779764/NPPF\\_Feb\\_2019\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf) and the National Planning Policy Guidance (NPPG) explains their application <https://www.gov.uk/government/collections/planning-practice-guidance>

18. By imposing conditions on planning permissions or by recommending them for use by District, Borough and City Councils, the County Council must follow the same requirements.
19. The two-tier system of local government in Gloucestershire requires the County Council to ensure there are sufficient school places<sup>8</sup> available in the locality to accommodate pupils. Where there is housing growth, the Education Place Planning team within the County Council are consulted to assess whether there are sufficient places to meet the demand for school places arising from new housing developments. If additional places are required to accommodate pupils arising from the development, developer contributions will be requested to provide new schools and land or expansions to existing schools, depending on the size of the housing development being provided.
20. National Planning Practice Guidance (NPPG) advises on how local planning authorities should prepare plans and take account of education requirements. The Guidance advises local planning authorities and developers to work together to ensure long-term pupil place planning objectives are reflected in the Development Plan (and supplementary planning documents which do not form part of the Development Plan, but which are material planning considerations). Precise policies can aid decision-making later, setting out the total amount of land required for education, and the approach to securing equitable developer contributions when one developer provides the land for a new school, though the need for the school is generated by more than one development or phase.
21. <sup>9</sup>In two-tier areas where education and planning responsibilities are not held within the same local authority, planning obligations may be the most effective mechanism for securing developer contributions for education, subject to the tests as outlined above. The use of planning obligations where there is a demonstrable link between the development and its education requirements can provide certainty over the amount and timing of the funding needed to deliver sufficient school places. The Department for Education recommends that planning obligations allow enough time for developer contributions to be spent (often this is 10 years, or no time limit is specified).
22. <sup>9</sup>Where new schools or school expansion is necessary to mitigate the impacts of development, and those new facilities are to be forward funded (for example by local authorities borrowing money to fund school development prior to receiving Section 106 monies or by using capital reserves), it may be possible to secure developer contributions to recoup the monies, including interest, fees and expenses as well as the principal sum spent.

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<sup>8</sup> Gloucestershire County Council, *School Places Strategy 2018-2023 Primary and Secondary Schools Place Planning Strategy* November 2018 <https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>

<sup>9</sup> Department for Education, *Securing Developer Contributions*:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843957/Developer\\_Contributions\\_Guidance\\_update\\_Nov2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf)

23. Strategic planning of urban extensions and new settlements often includes place-making objectives about the early provision of infrastructure, to establish a sense of community and make the place attractive to residents. Early delivery of a school can be problematic if it precedes new housing and draws pupils from existing schools threatening their viability and resulting in unsustainable travel-to-school patterns. Local authorities with education responsibilities are advised to work jointly with local planning authorities and other partners to agree the timing of new school provision, striking an appropriate balance between place-making objectives, education needs and parental preference.
24. In Highways terms a planning condition may relate to a specific improvement or a method for controlling matters relating to construction, servicing, parking and or maintenance etc.
25. Where specific improvement is required or the matter is developer funded, the planning condition is necessary to mitigate the impacts of the development but is not the mechanism by which it is secured.<sup>10</sup>

### Planning Obligations

26. The use of planning obligations to provide for services and facilities connected to new development is authorised by law<sup>11</sup>. This follows the three tests that local planning authorities must be satisfied are met as previously outlined on page 5, before they can seek planning obligations<sup>12</sup>.
27. In addition to the tests, LPAs should consider market conditions over time and ensure sufficient flexibility so as not to stall planned development<sup>13</sup>.
28. Changes to the used application of planning obligations have been made<sup>14</sup> through the introduction of the Community Infrastructure Levy Regulations which originally placed legal restrictions on the use of S.106 agreements, particularly for infrastructure that might be eligible for funding through the Community Infrastructure Levy (CIL).
29. Since the regulations changed in September 2019, more than five S.106 agreements can be used to support a particular item of infrastructure or service. Charging authorities can also use both CIL and S.106 contributions to fund the same piece of infrastructure, as long as clearly defined.

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<sup>10</sup> Highways Act 1980 <http://www.legislation.gov.uk/ukpga/1980/66>

<sup>11</sup> See Section 106, 106a, 106b and 106c of the Town and Country Planning Act 1990 replacement clauses 46 and 47 under the Planning and Compulsory Purchase Act 2004, and further replacement clauses 174 and 223 under the Planning Act 2008.

<sup>12</sup> See NPPG guidance on Planning Obligations

<sup>13</sup> The NPPF provides specific national policy on dealing with obligations under changeable market conditions with the premise of avoiding planned development from becoming stalled.

<sup>14</sup> See the Community Infrastructure Levy Regulations 2010 and revisions contained within the Community Infrastructure Levy (Amendment) Regulations 2011, and the Town and Country Planning (Modification and Discharge of Planning Obligations) (Amendment) (England) Regulations 2013.



30. Rules covering the reconsideration of planning obligations have also been amended. They enable all signatories to S.106 agreements to formally request the reconsideration of planning obligations at any time for agreements made before the 6th April 2010. The purpose is to help bring forward stalled developments where obligations were agreed under more buoyant market conditions. However, this change does not mean existing obligations should be automatically removed or their terms adjusted. Renegotiations must not result in unacceptable development being permitted. Any new obligations must still be justified and sufficient to make development acceptable in planning terms.
31. When involved in negotiations and/or the reconsideration of planning obligations, the County Council must follow the legal requirements set out in the NPPG and be mindful of other relevant up-to-date guidance.

## **The Community Infrastructure Levy**

32. The Community Infrastructure Levy (CIL) allows local planning authorities to secure support from almost all development to help deliver new or improved infrastructure and services. However, CIL is a generic pot of money which is applied across the CIL Charging Area to facilitate development across the locality. However, there is no guarantee that the funds from the CIL pot will be forthcoming to cover the associated infrastructure contributions and to mitigate for the impact of the development. Furthermore, CIL is currently set at a level which cannot meet the full infrastructure spending gap. This is in contrast to S.106 contributions, which are site specific and directly mitigate the impacts of the development.
33. Local planning authorities can adopt a CIL Charging Schedule if they choose to do so, and if they can demonstrate a funding gap. CIL is charged per square metre on types of development which the local planning authority (the LPA – for CIL purposes known as the “Charging Authority”) can demonstrate allows for viable development to proceed.
34. It is designed to ensure that all development liable to a CIL charge makes a reasonable contribution towards the cost of infrastructure for an entire area and not just to support a single development. Charging Authorities are responsible for setting local rates for CIL and are also the Collecting Authority. County Councils cannot become a Charging Authority and must work with the LPA as Charging and Collecting Authority to secure infrastructure funding arising from CIL. Setting a CIL rate requires evidence of viability and infrastructure costs. Because the County Council is responsible for a significant proportion of infrastructure provided locally, it will continue to work with LPAs on IDP assessments and strategic infrastructure analysis, in support of this process.
35. A key purpose of CIL is to help meet envisaged gaps in funding for new infrastructure after other mainstream sources have been exhausted. Understanding funding gaps is an essential part of the local plan-making process, particularly in demonstrating how a plan

will be delivered. Consequently, CIL can only be introduced once an up-to-date plan has been prepared or is sufficiently advanced to properly understand infrastructure requirements needed to support growth.

36. When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments. Achieving the right balance is at the centre of the charge-setting process. Links to District CIL charges can be found in Appendix 5
37. The aim is to allow local authorities to raise funds from developers to fund a wide range of infrastructure that is needed as a result of new development.
38. The Planning Act says that authorities can only spend CIL on providing infrastructure to support the development of their areas.
39. "Infrastructure" legally includes: flood defence, open space, recreation and sport, roads and transport facilities, education and health facilities.
40. The Localism Act clarifies that CIL can be spent on the on-going costs of providing infrastructure (Maintenance, Operational and Promotional).
41. The County Council is not able to become a CIL Charging Authority but is a statutory consultee for CIL. It may also be a major recipient of CIL funds as it is the responsible body for a large proportion of strategic infrastructure. In recognition of this the County Council is already heavily involved in supporting assessments of future infrastructure needs through local plan making. This work would be applied by District and Borough Councils if or when they so choose to introduce a CIL Charging Schedule.
42. CIL is levied across a wide range of developments and so it cannot be guaranteed that CIL will mitigate the impacts of a particular development and therefore make a development acceptable in planning terms.
43. S106 planning obligations are site specific and therefore reduce the impacts of the development on existing communities and services making the development acceptable in planning terms. S106 contributions are important in terms of responsible place planning and in building sustainable communities.
44. CIL can run alongside S106 planning obligations but there should be no situation where a developer is paying CIL and S106 for the same specific element of infrastructure in relation to the same development.
45. In certain cases, the use of developer contributions through S.106 planning obligations will remain important for securing infrastructure to meet the demands from new development. It is likely, for example, that S.106 contributions will continue to be used for securing infrastructure on strategic sites, as well as in instances where the infrastructure is

to be provided on-site and is directly related to the development. In such cases and where appropriate, contributions from several geographically located developments may be pooled to provide the required infrastructure.

Additionally, S.106 contributions will still be sought where an authority chooses not to introduce CIL.

On the potential granting of a planning consent, the decision will be made between the LPA and the County Council as to whether the infrastructure contributions sought will be best secured via S.106 or via CIL, as appropriate, duly noting that CIL is a mandatory charge on developments, which has already undergone viability testing at the Development Plan EIP stage. S.106 is subject to viability testing at the planning application stage.

46. County Council infrastructure priorities are included in and account for 70-80% of each Local Plan Infrastructure Delivery Plan (IDP), reflecting the needs identified in various County Council Policies, Plans and/or Strategies.
47. Formerly, local planning authorities were required to produce Regulation 123 Lists, but legislative amendments introduced in September 2019 have seen these lists removed from the regulations and aspects of their accountability replaced by Infrastructure Funding Statements (IFS). Through such mechanisms, the County Council and the District/Borough/City Councils will work collaboratively to define the infrastructure spending priorities of each respective area.
48. In addition, allowances need to be made for up to 25% of CIL receipts to be spent on schemes supported by the local community through adopted Neighbourhood Plans. These schemes do not necessarily need to be listed in IFSs or be included in IDPs. Nonetheless, the County Council considers that this local funding could be used to help fund broader infrastructure needs, possibly from the County Council's priority list, where relevant to the Neighbourhood Plan area and the local community is supportive.

#### **Clarifying Gloucestershire Infrastructure Priorities**

49. As a CIL Charging Authority, each District/Borough will make its own arrangements for agreeing priorities on which to spend CIL receipts. It is unlikely there will be a single governance and decision-making protocol within Gloucestershire. Nevertheless, it is important to ensure that the County Council can influence the prioritisation of infrastructure schemes. This will best be achieved by agreeing clear and deliverable infrastructure priorities and ensuring these are shared by each Charging Authority.
50. The Charging Authority will agree priorities on which CIL will be spent. The County Council will advise Charging Authorities of known and potential infrastructure requirements, in this regard. Where appropriate, however, it will continue to seek S.106 contributions in parallel.

51. The County Council also facilitates the Gloucestershire Economic Growth Joint Committee (GEGJC), a statutory Joint Committee with representatives from all Gloucestershire local authorities, which actively considers growth and infrastructure issues and opportunities across the County. These meetings ensure all authorities and the Local Enterprise Partnership share experience and support work to develop overarching countywide growth management principles, including prioritising CIL spend.

## **Developer Contributions Protocol**

### **The County Council's Approach**

52. Developer contributions will be sought through Charging Authorities' CIL charge and/or S.106 contributions, as appropriate, on a case by case basis. In terms of CIL, as monies are paid in to a generic district wide pot, the site specific need, identified by the County Council, is not negated or removed, yet as the County Council is not the CIL Charging Authority, it has no control over how the CIL payments collected will be utilised. Consequently, the County Council has no guaranteed means of mitigation and may, where justified, continue to pursue S.106 contributions as a result. Nonetheless, it is understood that work is underway, by the Charging Authorities in the County, to review and update Charging Schedules to address this practical matter.

Clearly, where CIL is not operational, contributions will continue to be negotiated by the County Council for the purpose of mitigating the impacts of development on existing local communities and their surroundings. Due regard will also be given to the cumulative impact of development and where relevant, schemes already permitted and not built, schemes in the planning system and schemes identified in local/infrastructure plans.

### **Barriers to Development**

53. Negotiations with the County Council should not be seen as an obstacle when seeking to secure a planning permission. Rather, developer contributions represent a proactive mechanism for helping to achieve positive high-quality planning and place making objectives. Negotiations with the County Council should occur as early as possible including at the pre-application stage - with a focus on collaboration to deliver complementary solutions that both support the requirements of new communities and facilitate opportunities for local enhancement.
54. The County Council is a statutory consultee on planning applications, and must provide robust, evidenced consultation responses in a timely manner. Where possible, the County

Council supports pre-application discussions which provide an early indication of what requirements may be likely.

55. At the pre-application and planning application stages, reference to identified infrastructure delivery objectives should be made as evidence for understanding critical and essential infrastructure needs as well as the cumulative impact of development through the Local Plan period.

56. The following principles underpin the County Council's approach to developer contributions:

- **Fairness** – Developers should reasonably be expected to commit to provide, pay for and/or otherwise contribute towards infrastructure and services only where it is necessary to make development sustainable;
- **Consistency** – Consistent and transparent methods should be followed when setting out the requirements for contributions covering facilities provided and/or commissioned by the County Council;
- **Evidenced** – All evidence considered should be based upon 'impacts' in a local context as informed by best practice and which seek to result in the achievement of sustainable development;
- **Integrated** – Wherever opportunities occur, integrated infrastructure and services, including the sharing of provision managed and operated by different providers, should be facilitated;
- **Quality** – The highest environmental and other standards of delivery should be a factor in to identifying agreeable solutions;
- **Fit-for-Purpose** – Emerging CIL Charging Schedules and governance arrangements should seek to reflect and complement the infrastructure and services deemed necessary to make new development sustainable;
- **Flexible** – Every effort should be made to account for evolving best practices when considering infrastructure and services provided for new development. The approach to developer contributions will be reviewed periodically to reflect such changes.

### Development Thresholds for Considering Developer Contributions

57. Where contributions are sought via planning obligations, the critical factor is whether or not a development is likely to generate identifiable adverse impacts in relation to infrastructure and services that can be justifiably and appropriately mitigated. Where contributions are sought, such an assessment will have been made. The approach is not, therefore, a tariff-style approach. The County Council must establish a balance between

the scale of the developer contribution likely to be sought and the level of resources needed to appropriately mitigate for the development.

### Calculating the 'Impact' of New Development

58. Development proposals will be assessed by the County Council to evaluate their impact upon infrastructure and services. In doing so, the Council will consider the impact and also assess the availability of spare capacity in existing facilities. Where there **is** sufficient capacity in existence, **no contribution** will be sought, however, if there is no capacity in the area then requests for contributions will be made for places at the local school or the local education planning area stated. Assessments of capacity should include reference to individual IDPs to inform the need for infrastructure: -
- A review of anticipated impacts on infrastructure and services resulting from already permitted, but yet to be delivered development.
  - Consideration of the size, scale and timeframe of delivery for any agreed mitigation package for already permitted development incorporating the delivery of relevant infrastructure and services; and
  - The implications of any planned changes in providing infrastructure and services by the County Council and / or its delivery partners.
59. An understanding of the number of people that are likely to come into and use a new development will be critical to determining the potential infrastructure 'impact' of new development. This may include residents, workers, shoppers, tourists and those accessing essential community services such as education, healthcare, emergency provisions, recreation and leisure and those who are also employed within these sectors. The County Council has successfully used occupation and usage data in the past and will continue to do so. Data sources are periodically reviewed to reflect changes that occur over time (e.g. trends in housing occupancy rates, number of resident children and adults, trips taken by car, etc.). Applicants may provide their own evidence to demonstrate a different usage/occupancy rate and impact. The County Council will reasonably examine any evidence and will assess impact based on the best available information, including viability considerations.
60. Wherever possible the County Council will also look to apply established 'per unit cost multipliers' when setting out a value for potential contributions. This is not a tariff-based approach but allows the aggregate contribution to be varied on a per unit basis if the development composition varies at a later date. This should provide a greater degree of consistency and clarity when engaging in discussions.

In highways terms however, in some cases it may be the whole highways infrastructure scheme will be costed, duly recognising that highway infrastructure is often required ahead of development to facilitate the construction process.

## **Promoting Integrated Infrastructure and Services**

61. The integration of services includes encouraging shared-use facilities, partnership working in delivery, operation and securing complementary functions, wherever possible (e.g. bus routes being tuned to school commuting times). These measures are embedded in the County Council's own strategy to find the best, most efficient way of delivering services which satisfy customers.<sup>15</sup>
62. As a result, the County Council promotes integrated services solutions and will consider it a preferential option when engaging in discussion with developers.

## **Grampian Conditions – An Alternative to Planning Obligations**

63. 'Grampian conditions' can be used to require certain actions to be carried out before a development is allowed to commence. This approach may be applied as an alternative to seeking planning obligations or as a means of enabling a planning decision to progress, without the need to wait for a planning obligation to be completed.
64. Grampian conditions will not normally be recommended by the County Council due to their notorious complexity and history of legal dispute. However, there are exceptional circumstances where such an approach may be necessary. By way of an example, when general agreement on the detailed content of an obligation has been reached between the developer and the County Council but where the expected delay before any legal agreement can be signed is too long given a developer's need for a planning permission to proceed with a land purchase or land disposal. In this instance the developer would need to satisfy the County Council that without the assurance of a planning permission it's otherwise workable, acceptable and agreed proposal would be irrevocably compromised and made undeliverable.
65. The decision to enter into a Grampian condition affecting a County Council service will always need to be agreed by the County Council.

## **In-kind Contributions**

66. In-kind contributions describe those circumstances where a promoter of a development offers to build a facility, or directly puts in place the services to fulfil an identified infrastructure requirement instead of agreeing to make a financial contribution. The County Council will consider the acceptability of in-kind contributions secured through S.106 on a case-by case basis. Careful consideration will be given to the short, medium and

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<sup>15</sup> Taken from the Gloucestershire County Council Strategy 2019 -2022 *Our Council Strategy*'

long-term value for money of the offer, the standards of quality being proposed and any potential delivery risks. In-kind provision will require an agreed specification of the resource or infrastructure to be included within the S.106 agreement.

### **One-off Contributions**

67. The County Council will encourage early one-off contributions under certain circumstances to facilitate a speedier resolution and to help keep administrative costs down. The key factors include: the scale of any facilities to be provided and/or the value of any payments to be made in relation the size of the development and the timescales for delivering infrastructure or services.

### **Contributions towards Maintenance<sup>16</sup>**

68. It is not unreasonable for S.106 contributions to cover the maintenance of infrastructure (e.g. physical upkeep). The County Council will consider recommending contributions of this nature where there is justifiable and robust evidence to do so, and where it is in accordance with the CIL Regulations. This will include an assessment of the possible adverse impacts if maintenance is not included and the estimated cost of mitigation. Furthermore, the County Council will look to recommend a reasonable proportionate contribution for maintenance rather than seeking the full amount where a piece of infrastructure is likely to be used by the wider community and not just by those from the new development.

### **Initial Support for Infrastructure and Services**

69. Certain infrastructure and services require initial support to be made viable and deliverable. A time lag can sometimes occur between the necessity for a new item of infrastructure and the ability for reasonable costs to be recovered by the development itself (e.g. council tax income or the payment for services from local users to cover costs for a local bus service for example). Where this is expected the County Council will consider the option of seeking a one-off payment to cover costs over a period of time. This one-off payment, often called a 'commuted sum' has the advantage of reducing administration costs by removing a potential burden from the developer of making lots of small payments over time.

### **Phasing and Timing of Contributions**

70. There are cases where one-off contributions are impractical. The County Council will work with developers with the aim of ensuring infrastructure and services are delivered in a timely fashion to mitigate the impact of the development when it arises. The County

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<sup>16</sup> Highways Act 1980, Section 59 <http://www.legislation.gov.uk/ukpga/1980/66/enacted>



Council would strongly support the use of clear payment phasing in appropriate circumstances, which may include using the construction or occupation of a defined number of units. All phasing decisions must seek to ensure clarity and provide certainty regarding the delivery of infrastructure and services for all interested parties. Phasing will need to relate to the development but recognise an appropriate lead-in time to infrastructure delivery.

71. Schools can be delivered in single or multiple phases; the best approach will depend on local circumstances and characteristics of the development. Where appropriate, for instance in the early stages of development while the need for school places is growing, developer contributions can be secured for temporary expansions to existing schools if these are required and transport costs for pupils travelling further than the statutory walking distance. This will allow a permanent new school to be provided in a single construction phase once the development has generated sufficient pupil numbers, rather than phased construction over a longer period. While the existing pupil cohort may not switch schools initially, children living in the development will usually have priority for admission to the new school and will take up these school places over time.
72. CIL charging authorities within Gloucestershire are generally favourable to using their discretionary powers to introduce instalment policies related to the value of the payment. Without an instalment policy, CIL is liable in full 60 days from commencement of the development. In some cases payment might be triggered by pre-commencement conditions/clauses.
73. The County Council strongly discourages the phasing of S.106 contributions that would result in most infrastructure and services being delivered at the end of a development. Robust evidence to justify such circumstances should be presented and agreed to by the County Council. Ultimately, the case will need to be made to the decision maker as to why such an approach would satisfactorily overcome uncertainty and not create unreasonable risks for those responsible for operating and managing effected infrastructure and services.
74. Most CIL instalment policies allow CIL liabilities to be paid via instalments. Where contributions are sought through S.106 planning obligations, the timing of phased contributions is critical to the delivery of necessary infrastructure and services. Where 'enabling' infrastructure is required, the County Council will seek to recommend the relevant proportion of the total agreed contribution on the commencement of the development. Remaining contributions will need to be clearly and justifiably linked to a time or other delivery milestones as agreed by all parties. This approach should strike a balance between giving sufficient flexibility to improve the chances of development viability

– a key government policy for obligations<sup>17</sup>, and maintaining certainty for those operating and managing local infrastructure and service.

75. Where phased S.106 contributions are considered, the County Council will take the following factors into consideration in determining the timing and number of triggers: -

- The CIL Instalment policy of the authority in which the development occurs.
- The lead-in time to provide the infrastructure.
- The impact on cash flow and viability of the development of significant front-loading of contributions.

### Index-linked Contributions

76. The payment of contributions secured through planning obligations often occurs some time after they are incorporated into a signed legal agreement, and planning permission has being granted. It is therefore important that their value continues to reflect the actual cost of their delivery. To achieve this, the County Council will apply one of the following inflationary indices or cost guides<sup>18</sup>: -

- Retail Prices Index (RPI);
- Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) “All in Tender” Index; and
- Spon’s Architects and Builders Annual Price Book, containing up to date construction price information;
- Department for Business Innovation & Skills (BIS) ROADCON: Tender Price Index for Road Construction;
- Department for Education (DfE) School Building Cost Multiplier

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<sup>17</sup> The National planning Policy Framework – June 2019

<sup>18</sup> Retail Prices Index (RPI) can be found at:

<https://www.ons.gov.uk/economy/inflationandpriceindices>

Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) “All in Tender” Index can be found at:

<https://www.rics.org/uk/products/data-products/>

Spon’s Architects and Builders Annual Price Book can be found at:

<https://www.rics.org/uk/products/data-products/bcis-construction/bcis-price-books/>

Department for Business Innovation & Skills (BIS) ROADCON: Tender Price Index for Road Construction at:

<https://www.gov.uk/government/collections/price-and-cost-indices>

Department for Business Innovation & Skills (BIS) PUBSEC: Tender Price Index for Non-Housing at:

<https://www.gov.uk/government/organisations/departments-for-business-innovation-skills/series/price-and-cost-indices>

The last version of the national School Building Cost Multipliers covered the period 2008 / 2009. It was published by the predecessor to the Department for Education – the Department for Children, Schools and Families (DCSF). The Department for Education (DfE) continues to utilise the School Building Cost Multipliers and has advised that it does not consider it necessary to update the construction cost multiplier element from 2008 / 2009, at this time. However, an updated location factor was published by DCSF in January 2009. Current cost calculations for contribution purposes are determined by indexing the 2008 / 2009 DCSF multipliers along with the Jan 2009 updated location factor using the Department for Business Innovation & Skills (BIS) PUBSEC: Tender Price Index for Non-Housing.

Where there is local evidence of higher costs for a particular scheme, such as a bespoke feasibility study or known “site abnormalities”, these can be used in preference to the adjusted national average.<sup>19</sup>

77. The choice of inflationary indices or cost guides by the County Council will be considered on a case-by-case basis and will be dependent upon their relevance to the infrastructure or service being sought. CIL indexation is covered by national legislation and will be calculated in accordance with the Regulations adhered to by the Collecting Authority.

### **Performance Bonds or ‘Sureties’**

78. There is always the risk that planning obligations are under-delivered, or that a financial default occurs. The County Council will assess this risk and where appropriate it will transfer this risk through the use of performance bonds otherwise known as sureties. Wherever possible, the County Council will work with a Developer to secure the most appropriate method by which the County Council’s risk is minimised such that any delay does not unnecessarily burden the public purse. Where a bond is required it will be proportionate to the risk exposure at that point in time. Further information is provided at Appendix 1.

### **Viability**

79. The County Council is fundamentally supportive of growth in its area. CIL is always set at a level which will not prevent development across the area, as evidenced and tested through the CIL charge setting process. However, where contributions are sought through S.106 planning obligations, the County Council will consider the impact on the viability of development. Evidence submitted by the applicant and or undertaken by the LPA will be considered and can influence decisions around timing of payments, triggers and the use of deferred contributions.

### **Monitoring Contributions**

80. Whilst the County Council acknowledges the landowner/developer’s responsibilities for monitoring completed agreements, it will monitor developer contributions that it has successfully negotiated through S.106 planning obligations. Contributions secured through CIL will be monitored through IFSs. To achieve this, all information regarding payments and other infrastructure requirements or activities, the stages of work on site, and contact details of the developer and/or promoter of development will be shared between the

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<sup>19</sup> Department for Education ,Securing Developer Contributions:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843957/Developer\\_Contributions\\_Guidance\\_update\\_Nov2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf)

County Council and the respective District or Borough Council where the development is located.

81. Planning obligations that are phased to a time or other delivery milestones will be pro-actively monitored to ensure that trigger points are brought to the attention of developers promptly. Unilateral Undertakings will also be pro-actively monitored for the same purpose of ensuring committed infrastructure activities are carried out accordingly.
82. Monitoring charges will be sought by the County Council from those parties responsible for monitored planning obligations including Unilateral Undertakings. The purpose of the charge is to cover the costs associated with monitoring compliance with each planning obligation. The amount payable will be calculated by reference to the level and complexity of the clauses to be monitored and to ensure the implementation of the S.106 obligations.
83. The monitoring charge is applied where a development is large in nature or has some complexity to it and/or involves multiple, phased payments which are triggered by events taking place after commencement of the development. The monitoring charge is not a standard charge or tariff, it is calculated based on the circumstances of each individual case. Whereas the County Council will recover these fees through the S.106 Agreement, the statutory provisions under which they are entitled to recover them are various and include S.111 of the Local Government 1972 and Section 1 of the Localism Act 2011 The County Council's practice of recouping its fees in relation to monitoring and technical fees. In setting these, the County Council has fully taken into account the 'Oxfordshire decision' and has been modified accordingly<sup>20</sup>.
84. The Council's other fees (legal, technical) will also be recovered. All charges must be paid before completion of the planning obligation.
85. Where CIL monies are spent by the County Council, the expenditure and delivery of infrastructure will be monitored and reported to the Charging Authority to provide progress updates on the infrastructure provision and the preparation of IFSSs. This audit trail is an essential element of annual monitoring and reporting of CIL.

## **Confidentiality and Freedom of Information**

86. The County Council may be subject to requests for information relating to planning obligations. Where this occurs the County Council must consider such requests in relation to its responsibilities under the Freedom of Information Act 2000 and Environmental Information Regulations 2004. Developers may consider that the information that they rely upon when negotiating developer contributions is commercially sensitive. The County Council should be informed of this circumstance at the earliest possible opportunity.

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<sup>20</sup> Oxford County Council v. SoS [2015] known as the 'Oxfordshire decision'

Commercially sensitive information may be exempt from any disclosure under the requirements of the Freedom of Information Act. However, all information that is in possession of the County Council will need to undertake a 'public interest' test when subject to request. All requested information must be disclosed if it is deemed to be in the public interest.

## **What Types of Infrastructure and Services is the County Council Going to Seek Developer Contributions For?**

87. Developer contributions, whether through CIL or S.106, passed to the County Council will be spent in accordance with the agreed priorities and with details of the expenditure recorded and reported to the Charging Authority.
88. Where contributions are sought through S.106 planning obligations, the decision on the type and scale of infrastructure and services deemed necessary for developer contributions will always be made on a case-by-case basis, in accordance with the CIL Regulations. This will occur following the careful consideration of demonstrable need, the policy aspirations of the development plan and other reasonable material factors that may inform decision makers as to the appropriate provision of infrastructure. Assessments should measure the degree of adverse impacts that might result from new development balanced against potential benefits or opportunities. In all cases the reasonableness and proportionate nature of any subsequent contributions must be in accordance with the legal tests and guidance that govern their use.
89. The following section of this guide outlines the type of infrastructure and services that the County Council is likely to seek to secure with new development. These will be funded through CIL, or secured through S.106 planning obligations. The omission of a certain type of infrastructure or service from the guide means that the County Council will not look for its inclusion as part of any future negotiations regarding an individual development. Applicants should check with the LPA regarding their planning policy requirements for infrastructure and services provision which are not County functions.

## **Providing for Pre-school Childcare**

90. The County Council has a lead role in facilitating the local childcare market within the broader framework of shaping children's services in partnership with the private, voluntary and independent sector. One of its key duties is to make sure that there are enough flexible childcare places to meet the free entitlement available for local children aged 3 and 4 years, and 2 year olds from economically disadvantaged families.
91. An extra 15 hours of free childcare has been made available in England from September 2017 for eligible 3 and 4 year olds who live in households where either a single parent or

both parents work or otherwise meet the criteria. This is on top of the existing universal provision of 15 hours of free childcare.<sup>21</sup> This has had an impact on childcare provision in the County, as take-up rates will be high. The impact is reflected in the updated child yields (see Appendix 2).

92. Childcare in Gloucestershire is principally delivered through day nurseries and pre-school playgroups, which provide full and sessional day care. Other local options include child-minders, nursery classes within independent schools, privately operated nursery schools.
93. New residential development creates new demands on the availability of local pre-school childcare places. Where this adversely impacts on the ability of the existing local childcare market to offer a reasonable and flexible offer for parents, the County Council will seek developer contributions to resolve this matter. Additionally, the County Council will, where appropriate, seek to spend developer contribution monies to ensure sufficiency of places throughout Gloucestershire.
94. Where applicable, a financial contribution may be sought through a S.106 planning obligation. The purpose of this would be to fund an increase in capacity for the existing childcare market attributable to new development. Funds may be channelled into supporting the expansion of an existing local provider's facility – such as an extension or funded re-location to new, larger premises, increasing open hours by number of days or for a longer time during the working day. Other options might include increasing the ability to accommodate more childcare places within an existing setting through additional or more efficient and adaptable equipment or training.
95. Larger developments might reasonably require the provision of land and funding towards the construction of new pre-school childcare facilities. Where a new primary school is being provided, there is an assumption that it will include a pre-school/nursery. The DfE states "All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional nursery places where required as a result of housing growth. However, they may be provided as part of school expansions or new schools"<sup>22</sup>.
96. Reasonable access to facilities must be achieved for new residents. Reasonable access means enabling people to carry out day-to-day activities (i.e. utilising childcare) within a reasonable walking distance of home<sup>23</sup>.

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<sup>21</sup> For full details go to

Gloucestershire County Council, *School Places Strategy 2018-2023 Primary and Secondary Schools Place Planning Strategy* November 2018  
<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>

<sup>22</sup> Department for Education *Securing Developer Contributions for Education*, 2019 paragraph 9

<sup>23</sup> This is a specific policy position as described in the National Planning Policy Framework (NPPF) and which is supported locally through the Gloucestershire Local Transport Plan (LTP3)

## Primary and Secondary Schools

97. It is the statutory responsibility of the County Council to ensure every child in the community has fair access to local schools and the highest standards of teaching.
98. Where a CIL Charging Schedule is adopted and applicable and direct provision is not secured through S.106, the County Council will expect CIL monies to be prioritised to support the provision of new or expanded schools. The County Council's preference is that where developments are of a certain size, that in-kind provision and land is provided to meet the needs of the development. It is the County Council's expectation that strategic allocations will, in most cases, provide land and schools on-site where the need is identified.
99. For example, where a development requires a 1 Form Entry Primary School, there are advantages to delivery in securing this through a S.106 planning obligation. The site sizes are provided within Appendix 2, and it is noted that the Department for Education will expect a 2FE to be the minimum size for a viable new school. Whilst the development will only ever be required to contribute towards mitigation proportionate to its impact, there may be a need for additional land to be included in the contribution.
100. Even in areas where CIL is applied, this may be the County Council's preferred approach so that it is able to ensure it can mitigate for the **direct** effects of the proposed development. However, the County Council will proactively work with applicants and Charging Authorities to ensure delivery on-site via the most appropriate route.
101. Where contributions will be sought through S.106 planning obligations, the County Council will assess the impact of new development in terms of the ability of local primary and secondary schools to offer places to children arising from it. The impact from a new development will be assessed on the local school(s), and any obligation will comply with the legal tests. The assessment will normally use the closest school, unless others are of similar proximity to the development. The Pupil Product Ratio (PPR) is derived from the total child yield (see Appendix 2). This is reviewed annually and will be adjusted from time-to-time based on new information and data from other areas.
102. In 2018, the County Council adopted its School Places Strategy (SPS). This refers to the most up-to-date, evidenced pupil yields. These yields are derived from a study of new housing development in the County, which can be viewed here (<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>).
103. The evidence suggests that there is a difference in the yields and composition of houses between large strategic sites, which are effectively new communities, often with a new primary school built to serve them, and other developments that build into existing communities and schools. It is likely that in new communities, a new school is a

determining factor in the types of families who live there, and this has a direct impact on the number of children per household.

104. Appendix 2 sets out the yields per 100 houses for strategic sites and for other developments.
105. Where the nearby schools have sufficient surplus places, the assessment will identify that these can be matched up with the anticipated level of demand. Where a school is at or above 95% of capacity, it is considered to have no surplus places.<sup>24</sup>. The ability to achieve reasonable levels of access for families from the new development will be a key determining factor as to which local schools will be included in each assessment.
106. In assessing the need for school places, the County Council applies a countywide approach for the number of children expected to occur per 100 new 'qualifying' dwellings. This is known as the pupil product. A 'qualifying' dwelling is a house or flat that has no restricted occupancy for age or health reasons and at least two bedrooms. All one-bedroom units are excluded because the evidence suggests that the yield is small. **However, 'affordable housing' affords no special consideration as is often proven to appeal to family occupation and consequently is a significant school place generator.**
107. The County Council reviews from time to time the information used to generate the pupil product, and the costs to provide the places annually. Appendix 2 to this guide will be updated annually to reflect this and the Council will be reasonable in looking at any evidence brought to its attention.
108. Where developer contributions are considered justified, financial contributions will be sought for capital works to extend, remodel, upgrade and improve the capacity of an identified existing local school or schools.
109. For large scale development schemes, which are likely to generate sufficient demand to justify the requirement for a brand new school, the County Council will require a contribution to cover the full cost of building a new school including site infrastructure and playing fields. All new schools provided in this way will need to meet County Council design standards according to best practice at the time. Where a new school is provided, the County Council will expect the land on which it is located to be capable of future expansion, taking account of minimum site sizes for new viable schools (starting at 2FE).
110. Where it is not possible to access a school place through a safe walking route within statutory distances from a proposed development, the County Council will seek a contribution towards funding the provision of home to school transport. The requirement for this contribution will be determined on a case-by-case basis, in line with the statutory

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<sup>24</sup>The Audit Commission recommends authorities plan for a 95% occupancy rate across an area in order to achieve a match between pupils and places, efficient and educationally effective outcomes and to offer diversity and choice to parents.



policy for provision of home to school transport.<sup>25</sup> This states that where a child lives more than the statutory walking distance from the nearest school, transport arrangements are the Local Authority's responsibility.

111. <sup>26</sup>All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional nursery places required as a result of housing growth, however they may be provided, where these are proposed as part of school expansions or new schools.

112. In addition, the County Council may use the opportunity of new or reconfigured local schools to help accommodate other community infrastructure. Integrated solutions accord with a number of wider planning objectives<sup>27</sup> and conform with a key County Council priority "*to be as efficient as possible and save money by joining up with partners*"<sup>28</sup>

113. Potential shared uses include: pre-school and after-school childcare; parental support including access to information, advice and family learning opportunities; and adult & wider community access for life-long learning, sport, arts and ICT. The decision on whether an integrated solution will be pursued will be taken on a case-by-case basis and will very much depend upon the compatibility of the main school use with each additional use being considered. It will also be reliant upon the ability to achieve meaningful delivery in a timely fashion with other organisations that are responsible for providing and operating local community infrastructure. Furthermore, future new schools are going to be set-up and managed by organisations other than the County Council. These will need to be fully involved in delivering shared-use facilities. Some shared good practice can be found in the Turley Report<sup>29</sup>

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Department for Education *Securing Developer Contributions for Education, 2019*

<sup>26</sup> Paragraph 9 of the Department for Education publication entitled *Securing developer contributions for education, 2019* refers to the increase in pupil yields relating to Pre-school/Nursery places  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843957/Developer\\_Contributions\\_Guidance\\_update\\_Nov2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843957/Developer_Contributions_Guidance_update_Nov2019.pdf)

<sup>27</sup>The National Planning Policy Framework refers to the need to ensure an integrated approach is taken to towards community facilities and services, and the need to plan positively for the provision and use of shared space and community facilities

<sup>28</sup>This priority is set out under the theme – *living within our means*, which is contained within the Gloucestershire County Council Strategy 2011 – 2015 (Update 2013/14) - '*Meeting The Challenge*'

<sup>29</sup> [Turley Report](#)

<https://www.turley.co.uk/comment/s106-education-contributions-key-lessons>

## Special Schools

- 114.<sup>30</sup> Special schools require more space per pupil than mainstream schools, and this should be reflected in the assumed costs of provision. It is recommended that developer contributions for special or alternative school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104.8 You can also refer to the National School Delivery Cost Benchmarking report for the costs of delivering SEN school places
115. Special schools use the ratio of 0.52 for primary and secondary per 100 dwellings

## Academies and Free Schools and Negotiating Future Developer Contributions

116. The expansion of academies and the introduction of free schools have not diminished the responsibility of the County Council in ensuring sufficient school places are made available for local communities. Therefore, developers must continue to negotiate directly with the County Council and not with individual education establishments when considering schools infrastructure with new development. An in-principle agreement made with an individual school or group of schools may not accord with the County Council's more holistic position and may result in a development proposals being objected to and recommended for refusal.

## Adult Social Care

117. Adult social care involves a variety of services aimed at providing care and extra support through local authorities and partner organisations<sup>31</sup>. It is primarily concerned with older people, those with learning disabilities and/or physically disabilities, and people with mental health problems, drug and alcohol dependency problems and carers. Adult social care services are a core function of the County Council and are underpinned by a number of laws, regulations and national guidance across health care and local government.
118. Adult social care traditionally incorporates residential care homes, day centres, equipment and home adaptations, meals services and home care. However, it may extend to other measures such as: – funding for gym membership; art therapy; life coaching,

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<sup>30</sup> Department for Education *Securing Developer Contributions for Education*, 2019 paragraphs 9-13

<https://www.gloucestershire.gov.uk/media/2085281/gloucestershire-school-places-strategy-2018-2023-final-web.pdf>

<sup>31</sup>For Gloucestershire (after April 2013) partner organizations will include: - Clinical Commissioning Groups CCG's responsible for commissioning most local health-related services; the specialist mental health services provider – 2gether Foundation Trust; and Gloucestershire Care Services – the core local provider of community and social care services.

personal assistants; emotional support counselling; well-being and life-skills classes. It also covers the services made available to carers.

119. Despite being one of the healthiest Counties in England, adult social care and services focused on aged-related conditions has become a high priority for Gloucestershire. The county already has a higher than average older population<sup>32</sup>, which is set to expand at a faster rate compared with the rest of the country<sup>33</sup>. This circumstance will lead to more people living with long-term conditions and chronic diseases that need caring for and extra support. It will also generate a significant demand for more carers within the local population.
120. Modern adult social care services are strongly focused on supporting adults to live fulfilling and independent lives for as long as possible to delay the need for residential or nursing care. Where illness or surgery has occurred, services are geared towards getting people back to an optimal way of living through re-equipping them to attain lost skills or by making good use of technology to assist in independent living and / or to monitor their condition<sup>34</sup>.
121. These demographic challenges facing existing local provision should not be exacerbated by new residential development. This means the County Council must seek to ensure that adult social care is not adversely affected or degraded as a result of additional demands that are attributable to new development.
122. In the majority of cases, the County Council will focus its attention on facilitating greater efficiency in the delivery of local services through 'designed-in' solutions with new housing as a means of expanding service capacity. Local planning authorities will be advised by the County Council on the use of conditions rather than seeking planning obligations.
123. 'Designed-in' solutions may include adherence to "Lifetime Homes" standards new social and open market housing<sup>35</sup>, or a requirement to install or enable the future conversion to assistive technology in homes and community facilities linked to the development<sup>36</sup>. The

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<sup>32</sup> Data taken from the Census 2011 - *the proportion of Gloucestershire's population of older people stands at 13.6%, compared with 10.9% for England and Wales.*

<sup>33</sup> Data as headlined within Your Health, Your Care – The 5-year Action Plan for Health & Social Care prepared by Gloucestershire County Council and the Gloucestershire Health Community in March 2012.

<sup>34</sup> These form part of the two overarching principles from the adult element of Your Health, Your Care – The 5-year Action Plan for Health & Social Care.

<sup>35</sup> Lifetime Homes are ordinary homes designed to incorporate 16 Design Criteria that can be universally applied to new homes at minimal cost. Each design feature adds to the comfort and convenience of the home and supports the changing needs of individuals and families at different stages of life.

<http://www.lifetimehomes.org.uk/pages/revised-design-criteria.html>

<sup>36</sup> Assistive Technology is an umbrella term that includes assistive, adaptive, and rehabilitative devices for people with disabilities and also includes the process used in selecting, locating, and using them. AT promotes greater independence by enabling people to perform tasks that they were formerly unable to accomplish, or had great difficulty accomplishing, by providing enhancements to, or changing methods of interacting with, the technology needed to accomplish such tasks.

County Council considers this a reasonable and proportionate approach to assisting Gloucestershire's local planning authorities with local housing need<sup>37</sup>.

124. The increasing numbers of people who are limited in their mobility often need equipment or support from one or two carers to get on the toilet, or other assistance with toileting or changing. Standard accessible toilets ("disabled toilets") do not provide changing benches or hoists and most cannot accommodate carers, which can put the person with disabilities at risk.
125. The County Council accepts and expects that everyone has a right to live in the community, to move around within it and access all its facilities. Government policy promotes the idea of "community participation" and "active citizenship," but for some people with disabilities the lack of a fully accessible toilet is denying them this right. Although the numbers are increasing, there are not enough Changing Places toilets across the country, and Gloucestershire has very few at all. Working with LPAs, the County Council will promote provision in public places to make a dramatic difference to the lives of thousands of people who need these facilities.
126. Developer Contribution monies will be spent by the County Council to provide appropriate adult social care infrastructure. Outside of CIL Charging Authorities, or where CIL is not applicable or the most appropriate mechanism to directly mitigate for the impact of a planned development, the County Council will assess major new development and may seek a financial contribution through S.106 planning obligations. This may be either solely, or in conjunction with other key healthcare partners to support an increase in service capacity.

## **Library Service**

127. The County Council has a statutory duty to provide a comprehensive and efficient library service to all who live, work or study in the County<sup>38</sup>.
128. The current service includes a network of local public libraries and customer access points, and a virtual online reference.
129. CIL monies levied by the Charging Authorities will be spent in accordance with IDPs and agreed priorities, to increase access to library services in accordance with the Library Strategy (A Strategy for Library Services in Gloucestershire 2012, and any updates). Where development occurs and is not liable for a CIL charge, or is outside of a CIL Charging Authority, it will be assessed by the County Council to determine whether it will adversely

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<sup>37</sup>The NPPF sets out the policy framework for assessing and influencing the requirement for new homes. The considers the need for different types of housing for different groups in the community such as (amongst others) older people and people with disabilities

<sup>38</sup>The Public Libraries and Museums Act 1964

impact on the existing provision of local library services. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA)<sup>39</sup> and achieving reasonable levels of accessibility to local library services for new communities<sup>40</sup>. The County Council periodically reviews its benchmark for levels of local provision and may seek to factor in the anticipated expanding use of online library services in the future.

130. Where direct mitigation is deemed justified, the County Council will normally look to secure a proportionate financial contribution through a S.106 planning obligation. Funding may be used in order to increase access to services in line with A Strategy for Library Services in Gloucestershire 2012, and the wider County Council Strategy “ Looking to the Future” and Digital Strategy, and may include capacity improvements such as extending the physical size of one or more local public libraries, facilitating an increase in opening hours, increase in accessibility and support for digital and IT facilities, increase in information resources and/or the renewal of library stock, furniture or fittings. In rural localities, the infrastructure mitigation may include facilitating an increase in the number of customer access points or facilitating increased access to library services through digital means.

131. The County Council may also consider more substantial developer contributions towards additional new local infrastructure where major development is expected to generate demand that cannot be accommodated by existing public libraries. As previously highlighted in this guide, any such requirement will be explored in terms of its potential to facilitate shared local facilities.

### **Community-run Libraries**

132. A number of community-run libraries are in operation across Gloucestershire. These are library services for local communities that occur outside the provision made by the County Council. The County Council may factor in this local provision on a case-by-case basis when determining the anticipated impact of new development upon existing libraries services.

### **Archives Service**

133. The County Council is required to make proper arrangements for the security, preservation and access of public documents and records it belongs to or it has become a custodian of<sup>41</sup>. This includes an array of local material from councils, churches, schools,

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<sup>39</sup> The Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) sets out a recommended library space provision standard of 30 sq. metres per 1,000 population

<sup>40</sup> The Gloucestershire Manual For Streets (Feb 2012) includes a local agreed definition of a ‘walkable neighbourhood’ as that which supports a range of facilities within 10 minutes (800m) safe walking distance of residential areas.

<sup>41</sup> Local authority archiving requirements are set out within the Public Records Act (1958) and Local Government Act (1972)

estates, businesses and individuals. Archives are an increasingly important social resource, which supports local communities to develop their community identity.

134. Gloucestershire Archives is the county's record office. However, it also includes a substantial resource for the neighbouring unitary authority area of South Gloucestershire, which formed part of a larger historic Gloucestershire. The Archive comprises a central storage facility with space for users – individuals and visiting groups, to consult material onsite. An electronic 'virtual' resource is also being developed to allow increased remote access.
135. As with library services, any CIL expenditure will be in accordance with the Charging Authorities' priorities. Where development occurs that is not liable for CIL contributions, the County Council will determine whether existing demand for the local archive service is not unduly exacerbated as a result of new development. In doing so careful consideration will be given to current levels of provision compared against the nationally recommended benchmark of the Arts Council - formerly put together by Museums, Libraries and Archives Council (MLA)<sup>42</sup>.
136. Where an undue impact is identified and mitigation deemed justified, the County Council will look to secure a proportional financial contribution through a S.106 planning obligation. Funds would be used to support capacity improvements such as increasing the amount of the physical archive space available or facilitating increased public access to records through longer opening times and / or an expansion of the evolving online resource.

## Health and Public Health

137. Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should refer to the NPPG to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.
138. The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. Links to planning and health are found throughout the NPPF e.g. in the core planning principles (paragraph 17) and the policies on transport, high quality homes, good design, climate change, and the natural environment.
139. The County Council will expect local planning authorities to engage with relevant organisations when carrying out their planning function. In the case of health and

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<sup>42</sup>The Public Libraries, Archives and New Development A Standard Charge Approach (May 2010) sets out a recommended library space provision standard of 30 sq. metres per 1,000 population

wellbeing, the key contacts include Gloucestershire County Council Public Health, and the Gloucestershire Clinical Commissioning Group (CCG). Engagement with these organisations will help ensure that local strategies to improve health and wellbeing, and the provision of the required health infrastructure (NPPF para 7, 156 and 162) are supported and taken into account in local and neighbourhood plan making and when determining planning applications.

140. Appropriate infrastructure will be secured either through S.106 planning obligations, or where health infrastructure is required to be funded through CIL and a CIL Charging Schedule is in place, CIL monies may be used to provide infrastructure in accordance with local IDPs and agreed priorities.

### **Fire and Rescue Services**

141. The County Council is the local Fire and Rescue Authority (FRA). It is responsible providing the services of extinguishing fires, protecting life and property, rescuing people from road traffic accidents, undertaking urban search and rescue and dealing with industrial incidents<sup>43</sup>. Gloucestershire Fire & Rescue Service (GFRS) carries out the functions of the Gloucestershire FRA.
142. It is essential that new development is provided with effective fire and rescue infrastructure. In the majority of cases this can be achieved through the provision of fire hydrants affixed to water mains and the carrying out of other appropriate engineering works to ensure the correct and consistent volume and pressure for the water supply. The preference of the County Council is for this matter to be dealt with through planning conditions and the County Council expect sufficient hydrants to be provided within developments.
143. Provision will need to be agreed at the time that infrastructure is planned to serve the new development, with the involvement of the relevant Water Companies (Severn Trent and Thames Water) which, in most cases, will be the infrastructure provider. GFRS will need to agree the location and number of hydrants. The County Council will provide relevant information when responding to planning applications and will expect planning conditions to ensure provision where appropriate.
144. The provision of sprinklers or other automatic fire suppression systems may also be considered where local fire risk could demonstrably be heightened. This may include, new residential neighbourhoods where groups of more vulnerable residents are anticipated to live and, or congregate (e.g. residential care homes, supporting living accommodation, community centres, day facilities and schools etc.). A risk-cost-benefit analysis may be applicable to determine the reasonableness of any requirement for this level of fire & rescue infrastructure<sup>44</sup>. The County Council expects that providing for or facilitating the

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<sup>43</sup> The Fire and Rescue Service Act 2004 and Fire and Rescue Services (Emergencies) (England) Order 2007

<sup>44</sup> Information and advice on the installation of sprinklers and other automatic fire suppression systems in domestic, residential care and school premises can be found on the Chief Fire Officers Association (CFOA) website.

future installation of sprinklers and associated water supply infrastructure can also be achieved through planning conditions and compliance with building regulations rather than planning obligations.

145. There may be circumstances where more significant developer contributions, sought through S.106 planning obligations may be necessary. This is likely to cover substantial major development, where the existing capacity of local services could be unduly impacted. Funding may be sought to help expand local physical infrastructure – stations and equipment. Where major re-modelling is anticipated, the County Council may also look to promote an integrated approach that would facilitate a shared solution in partnership with other local infrastructure services.

### **Sustainable Drainage Systems (SuDS)**

146. SuDS infrastructure should be properly planned and integrated into new development. As Lead Local Flood Authority (“LLFA”), the County Council is a statutory consultee for SuDS on major developments. Appropriate sustainable drainage measures will be an important material consideration with planning proposals<sup>45</sup>. Compliance with existing national SuDS standards will be a key factor for all proposed drainage systems<sup>46</sup>. Under certain circumstances the County Council may also consider it is expedient to participate in the ongoing management of new SuDS infrastructure. Where this occurs, it is likely that a S.106 planning obligation would be sought for the purpose of contributing towards the cost of ongoing maintenance.
147. Site-specific SuDS and flood alleviation measures will be secured through the County Council’s role as LLFA, and statutory consultee on major developments. Where flood alleviation is required to support growth more generally, or flood alleviation measures are required for existing flood risk from ordinary watercourses, surface and ground water sources, County Council will look to solutions from other funding sources including CIL. The County Council will spend CIL monies in accordance with the Charging Authorities’ IDPs and agreed priorities. This means that it could be appropriate to spend CIL Money on strategic flood defences, enhanced SuDS on Natural Flood Management (NFM).

### **Waste and Recycling Facilities**

148. The County Council is the Waste Disposal Authority. It commissions the services of 5 Waste & Recycling Centres across the County. The service has been benchmarked against

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<http://www.cfoa.org.uk/10043>

<sup>45</sup> This will be especially important for development proposals in areas of risk of flooding, wherein the NPPF stipulates that all major developments and those in in areas at risk of flooding ‘should incorporate sustainable drainage systems’ (paragraph 163/165).

<sup>46</sup> In March 2015, the Department for the Environment, Food and Rural Affairs (DEFRA) published English non-statutory SuDS standards: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>. These should be applied in conjunction with the CIRIA SuDS Manual: <https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>



other comparable authorities, and provision is lower in Gloucestershire than in many other parts of the UK.

149. There is likely to be a need for additional HRC (Household Recycling Centre) to meet the needs of housing population growth.

150. The HRC will need to be funded and the County Council will look to source capital and grant monies where possible. Developer contributions, either through CIL or S.106 planning obligations may also be sought to fund the HRC, or to site a facility where it is justified.

151. Future large-scale site allocations will need to demonstrate the availability of access to HRC facilities for the likely growth in population, as well as complying with other County Council guidance on provision of space for waste and recycling materials on a household scale.

## Transport

152. The County Council has a duty to manage the local road network (other than special and trunk roads) with a view to securing the expeditious movement of traffic.

153. District and Borough local planning authorities in Gloucestershire look to the advice of the County Council on most transport related matters, particularly regarding the maintenance of highway safety and in assessing and identifying solutions to resolve transport challenges resulting from new development. This process of engagement can be obtained by contacting Highways Development Management [devcoord@gloucestershire.gov.uk](mailto:devcoord@gloucestershire.gov.uk)

154. Nearly all types of development create a level of new or re-directed travel demand, for all modes and including freight and home deliveries. Typically this results in more cars using the local transport network. Those involved in promoting new development are expected to demonstrate that any impacts on the transport network are insignificant, that they demonstrate consideration of modal shift, public transport accessibility and increasingly, electric vehicles. They are also expected to demonstrate that improvements can be cost effectively undertaken and that the reliability of the transport network will not be severely degraded<sup>47</sup>.

155. The County Council expects to be fully involved at the earliest possible stage in assessing new development proposals. This should avoid unnecessary delays in decision making

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<sup>47</sup> Paragraphs 108-109 of the NPPF sets out the criteria by which transport issues associated with new development should be assessed.

process and help facilitate the best possible transport solutions<sup>48</sup>. The County Council's suite of highway traffic models are available to assist in assessing the impact (Local and Strategic) of any given land use proposal or scheme. Details of how to access the suite of models and associated access charges can be provided by contacting Highways Development Management; [devcoord@gloucestershire.gov.uk](mailto:devcoord@gloucestershire.gov.uk)

156. Where a mitigation package for transport is needed, the County Council will look favourably upon proposed measures that will seek to limit the number of additional car journeys upon the local network; deliver modal shift and aid walking and cycling over short distances<sup>49</sup>; stimulate the use of local public transport for accessing community services, leisure purposes and school based journeys; and which will facilitate opportunities to use regionally or nationally orientated public transport including rail and coach for long distance travel. Other important outcomes include assisting access for efficient local deliveries of goods and services incorporating for community social care providers and preventing the degradation of key local environmental indicators such as noise and air pollution.
157. Demonstrating the deliverability of a transport mitigation package is of key importance to the County Council. Therefore, where the existing local transport infrastructure is insufficient, the County Council will require that developers provide the necessary transport infrastructure to mitigate the significant impact of proposed development on the highway and transport networks and ensure that the opportunities for sustainable travel have been taken up. Travel plans, along with Delivery and Servicing Plans, will be required where appropriate to promote sustainable modes of transport. Developers are to identify and incentivise sustainable transport mitigation measures ahead of delivering necessary highway capacity deficit. The mitigation package will be secured through a combination of planning conditions and/or S.106 planning obligations or via provisions within the Highways Act 1980.
158. The Developer contributions sought through S.106 planning obligations must solely assist in mitigating against the adverse impacts of new development on the local transport network. They cannot be used as an alternative funding stream for addressing pre-existing infrastructure issues, unless in doing so it can be justified as a demonstrable mitigation measure. However, there may be circumstances where proposed mitigation aligns with pre-identified infrastructure priorities set out within the adopted and emerging Gloucestershire Local Transport Plan<sup>50</sup>. Consequently, the County Council will seek to

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<sup>48</sup> Detailed information on Travel plans, transport assessments and statements can be found on the following link [www.gov.uk/guidance/travel-plans-transport-assessments-and-statements](http://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements)

<sup>49</sup> Specific local advice on this matter is set out in <https://www.gloucestershire.gov.uk/media/2090454/s-transportplanningprojects-strategy-planning-cwis-csv-cwip-2018-combined-report-20190701-ii.pdf>

<sup>50</sup> The Gloucestershire Local Transport Plan 2015 – 2031 (LTP3)  
[www.gloucestershire.gov.uk/transport](http://www.gloucestershire.gov.uk/transport)

promote technology based 'smart' solutions which future proof infrastructure and allow demand management and travel solutions to make use of advances in technology.

159. The County Council will spend CIL monies in accordance with the Charging Authorities' IDPs and agreed priorities. This means that CIL monies can appropriately be spent on more strategic infrastructure for walking, cycling, public transport and highways in combination with S.106 planning obligations which may be required to mitigate the site-specific issues where they are justified including mitigating the impacts of overspill parking in neighbouring areas, plus the encouragement of car/permit-free developments.
160. All new infrastructure concerned with the local highway must be designed in accordance with either national guidance set out in the Design Manual for Roads and Bridges (DMRB)<sup>51</sup> or relevant local guidance, which is presently contained within Gloucestershire's Technical Specification for New Streets 2<sup>nd</sup> Edition February 2020<sup>52</sup>. For all transport-related mitigation proposals, appropriate audits must be undertaken covering road safety, mobility, walking, cycling and quality, before any final designs can be approved.

## Broadband

161. Improving the provision of local broadband is an on-going infrastructure priority for Gloucestershire. The recently approved (December 2019) revised Fastershire Broadband Strategy<sup>53</sup> follows the County Council's economic stimulus package, Grow Gloucestershire<sup>54</sup> and as a consequence the County Council is continuing to make a significant investment into a major cross-authority joint project with Herefordshire that aims to enable all Gloucestershire residents and businesses to access the connectivity they need and encourage people to use faster broadband to do more online, boost business growth and achieve their potential.

The project known as "Fastershire" is a non-profit making collaboration between Herefordshire Council, the County Council and several broadband infrastructure providers.<sup>55</sup>

Therefore, GCC is keen to work with Local Planning Authorities and Developers to support the provision of the digital infrastructure required at the outset of any new developments. The County Council is keen to ensure that early discussions are held with Developers and

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<sup>51</sup> <http://www.standardsforhighways.co.uk/ha/standards/>

<sup>52</sup> <https://www.gloucestershire.gov.uk/media/2095270/technical-specification-for-new-streets-2nd-edition.pdf>

<sup>53</sup> <https://www.gloucestershire.gov.uk/gloucestershire-county-council-news/news-december-2019/faster-broadband-on-its-way-to-the-county-s-hardest-to-reach-properties/>

<sup>54</sup> Grow Gloucestershire is an economic stimulus package for investing in and encouraging further investment in skills and infrastructure improvements across the county. One of its three priorities include: '... connecting the county through improved infrastructure, from roads to broadband.' <https://www.gloucestershire.gov.uk/council-and-democracy/grow-gloucestershire/roads-to-broadband/>

<sup>55</sup> Details regarding the 'Fastershire' project can be found online at:- <https://www.fastershire.com/>

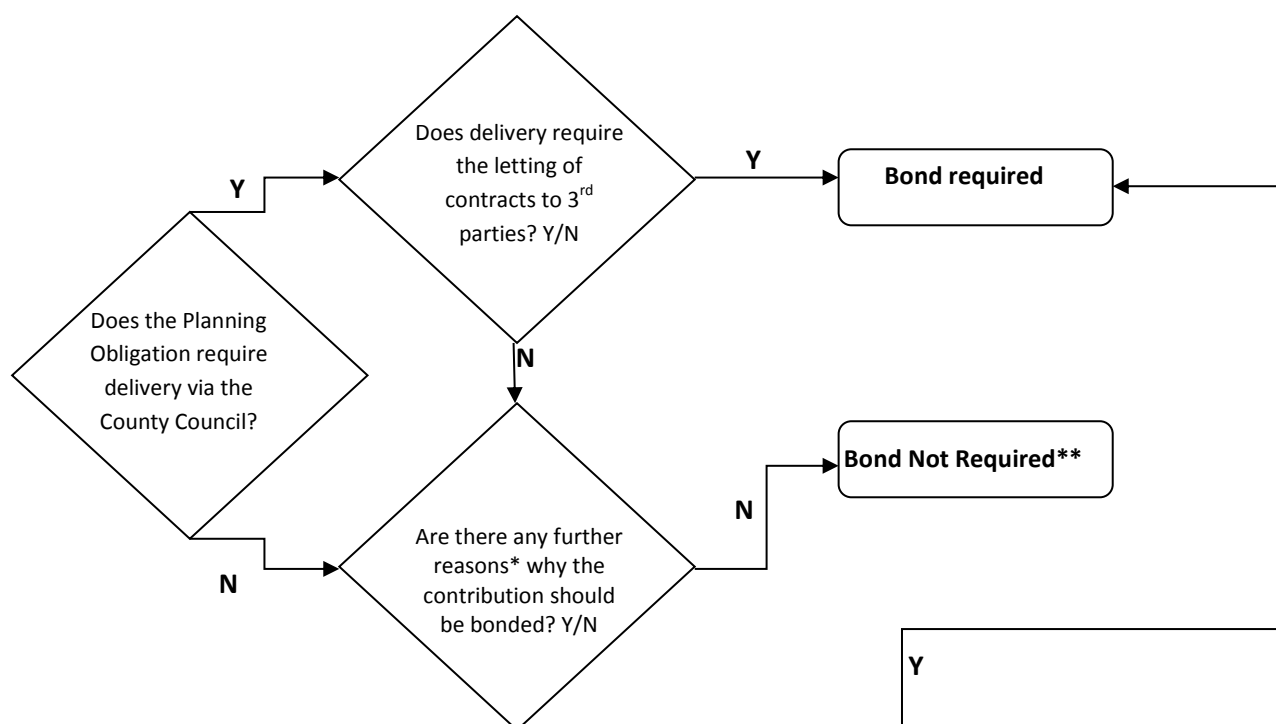
telecom providers to ensure the necessary delivery of ducting at the outset of any new housing or employment development. More detail can be found in Appendix 3.

Consultation Draft

## Appendix 1

### Approach to Bonding/Sureties in Gloucestershire County Council Planning Obligations

The following process flowchart will be used for determining whether or not a bond or other form of surety is required to guarantee third party security in connection with planning obligations. Where a bond is required it should normally be in place prior to commencement of the development.



\*Such reasons for bonding include:

- Provision of infrastructure in-kind through third party contract;
- Risk assessment-based consideration of delivery of infrastructure warrants bonding of contribution, or for an individual component or part of the value of the obligation;
- Other factors on a case-by-case basis at the County Council's discretion.

\*\*Where a bond is not required, consideration should be given to any other assurances which might be required

## Appendix 2

### Child Yield and Pupil Products in new Developments and Costs

Pupil Product (Reviewed annually in April).

Based on data collected in 2018 and 2019, the following pupil product ratios apply:

- 30 pre-school children per 100 dwellings
- 41 primary school children per 100 dwellings
- 20 secondary school children (11-15) per 100 dwellings
- 11 post 16 children (16-18) per 100 dwellings

SEN PPR based on current mainstream and SEN pupil numbers (2019/20)			
<b>PROPOSED</b>	SEN Multiplier	No of dwellings	Yield
<b>SEN PPR - PRIMARY</b>	<b>0.0052</b>	<b>100</b>	<b>0.52</b>
SEN PPR - PRIMARY	0.0052	1000	5.20
<b>SEN PPR - SECONDARY</b>	<b>0.0052</b>	<b>100</b>	<b>0.52</b>
SEN PPR - SECONDARY	0.0052	1000	5.20

Full details of the pupil product ratio study are available on the County Council website at:

<https://www.gloucestershire.gov.uk/media/2093765/gloucestershire-county-council-ppr-report-703.pdf>

**Minimum Site Sizes** - \*1Form Entry (FE) is below the size which DfE suggests is viable, so generally a new school will be 2FE. For Primary – minimum sizes, range indicates whether or not Early Years provision is made on-site.

1FE\* (210 places): 1.2ha to 1.5ha

2FE (420 places) 1.8ha to 2.0ha

3F (630 places): 2.6ha to 2.8ha

4FE (840 places): 3.2ha to 3.4ha

Secondary – minimum size for 11-16:

5 FE (750 places): 5.8 hectares

6 FE (900 places): 6.8 hectares

7 FE (1,050 places): 7.7 hectares

8 FE (1,200 places): 8.7 hectares

9 FE (1,350 places): 9.6 hectares

## Appendix 3

### Broadband Information

In the coming decades, fixed and mobile networks will be the enabling infrastructure that drives economic growth. The Government is committed to providing the UK with world-class digital connectivity that is gigabit-capable, reliable, secure and widely available across the UK - and to do so at pace. They have set an ambitious target of making gigabit-capable networks available to 15 million premises by 2025, with nationwide coverage by 2033.

Whilst previously targets of making gigabit-capable networks available to 15 million premises by 2025, with nationwide coverage by 2033 were set by the previous Government. It is becoming increasingly apparent with the new Government that these targets will become even more ambitious with commitments being made for gigabit capable networks being delivered UK wide by 2025.

To enable this aspiration of delivering Gigabit connectivity and improving mobile coverage, legislation and policy instruments are currently being reviewed which it is believed will address perceived barriers to deployment, promote investment and accelerate delivery in the current months and years.

The availability, reliability and speed of mobile and fixed broadband provision is now a key consideration for most house buyers as well as visitors and many view it as essential as the traditional utilities. Similarly, it is also a key concern for the business sector.

Local Planning Authorities, through local planning policy and engaging early with developers can play an important role in helping to achieve the transformation in mobile and broadband provision. Local Authorities have a pivotal role to play in encouraging and supporting developers to future-proof their developments and maximise their value by installing high-speed broadband and by working with mobile telecoms companies to ensure

There is a comprehensive and reliable network that minimises the impact on the Gloucestershire landscape. It is in this context that Local Planning Authorities must consider their strategies and guidelines for developers in the knowledge that such measures are likely to be superseded by government policy and potentially legislation in the forthcoming months. However, whatever the outcome to these impending reviews and projected changes this fibre aspiration needs to be seen as an opportunity for local authorities to play a key enabler role.

As a County Council we welcome and actively support the move towards Fibre to the Premises (FTTP) as the de facto technical solution. In particular, the County Council welcomes the commitment of key parts of market to work with Developers and invest at their cost in delivering a fibre to the premise solution in new developments of over 20 dwellings.

In contributing to this enabling role Local Planning Authorities should give due consideration to the progress of a series of options and work streams outlined below:

**Broadband Fibre to the Premises:** Fibre to the Premises uses fibre-optic cable direct from the exchange to a business or home.

## Recommended Way Forward – Fibre to the Premises Enabling Role

### Promotion of the Fibre to the Premises (FTTP)

All residential developments over 10 dwellings and all employment developments will enable FTTP.

For schemes under these thresholds the Council's expectation is that provision for FTTP will be achieved, where practical.

Where it can be demonstrated that fibre to the premises is not practical due to special circumstances then non Next Generation Access (NGA) technologies that can provide speeds in excess of 24Mbps should be delivered wherever practical.

**Policy:** Adopt as part of any respective Local Plans and subsequent Telecom Supplementary Planning Document (SPD) the following requirement:

**Market Awareness:** LPAs to support the Fastershire programme in engaging with fibre providers to determine any future deployment plans.

**Developer Engagement:** Engage with Developers at a pre-application stage with a view to ascertaining what provision developers are making in the provision of digital infrastructure with their applications

**Notification:** Involve any interested fibre network providers at the pre-application stage of residential and commercial planning applications<sup>56</sup>. Fibre Providers to be notified as part of the pre-application utility notification stage of impending development applications referencing the issue in pre-application discussions and adding it to planning application validation lists as a consideration.

**Council Assets:** Where possible local authorities identify ways in which Council owned infrastructure and assets could be utilised to extend or encourage digital infrastructure deployment e.g. access to ducting.

**Highway Policy:** Implement wayleave policies that only seek to cover costs and work with landowners to improve connectivity.

**Fastershire Programme:** To continue to work with and support the Fastershire Team to ensure that the enhanced broadband infrastructure is delivered to those remaining properties and any new developments within the county.

### Mobile Coverage Improvements Enabling Role:

**Market Engagement:** To support Fastershire team in engaging with mobile operators to determine future deployment plans in Gloucestershire and to understand how the Shared Rural Network (SRN) will be delivered across the County.

<sup>56</sup> Under non-disclosure agreements where required



**Council Assets:** Where possible local authorities identify ways in which Council owned infrastructure and assets could be utilised to improve mobile coverage (access to street furniture assets/buildings/fire towers).

**Policy:** Ensuring Local Plans and Economic Strategies recognise the benefit of reliable connectivity and include actions to be taken at local level to support the improvement of connectivity. LPA's should consider the inclusion of a policy for new major development sites (over 10 dwellings) and large scale buildings should include infrastructure design from the outset to sympathetically locate masts, and/or provide backhaul ducting to negate the need for retro-fix infrastructure

**Guidance:** Respond positively to requests for any pre-application advice, where new or upgraded infrastructure is proposed the potential impacts on the local environment will need to be considered.

### Challenge for Local Planning Authorities

Although Government and Gloucestershire Local Authorities both support and encourage the inclusion of high speed broadband, there are currently no statutory requirements which support this aspiration.

## **Appendix 4**

### **How Does Securing Infrastructure With New Development Fit Into The Broader Planning Framework?**

Securing infrastructure to support new development should occur where it is needed to make that development acceptable in planning terms. This means making sure a requirement for individual facilities or services can be justified through the policies of the Development Plan or other relevant material planning considerations, where no local policy has been provided, there is insufficient policy detail or current policies are out of date.

#### **The Development Plan**

All new local plans will be prepared by the county's district, borough and city councils. Neighbourhood Plans produced by parishes and other local groups also form part of the Development Plan, as do the adopted Waste Core Strategy and Minerals Local Plan.

This local guide supports district, borough and city Local Plan in relation to infrastructure to support new development. The types of infrastructure identified in these cases include:

- Transport – incorporating safe accessibility and support for public transport;
- Emergency services;
- Pre-schools and day nurseries;
- Education facilities;
- Health and public health;
- Waste and recycling facilities;
- Cultural facilities including art galleries, museums, public libraries, public halls and exhibition halls; and
- Places of worship.

The County Council has responsibility for a number of these infrastructure types.

#### **Other Material Considerations**

<sup>57</sup>The fundamentals of sustainable land-use planning are widely applied as material considerations that may outweigh policies contained in the development plan. In relation to infrastructure and new development this might incorporate the degree to which existing neighbourhoods may be impacted upon and the availability of infrastructure to meet local needs. The validity and significance of material considerations are made on a case-by-case basis.

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57

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

The National Planning Policy Framework (February 2019) (the NPPF) and NPPG are important and influential material considerations. They set out the Government's view on how development should be taken forward and the degree to which the wider benefits from development may outweigh adverse impacts. They consider the provision of infrastructure, accessibility of local services to the extent that they reflect community needs; support healthy lifestyles, social and cultural well-being; highways safety and capacity; the minimisation of waste and pollution; as well as the mitigation and adaption to climate change and the pursuit of a low carbon economy. The NPPF also provides national policy on how specific infrastructure should be considered.

Although this guide is not part of the Gloucestershire 'Development Plan', it is a material consideration in the determination of planning applications.

Other public policy, best practice and guidance that cover infrastructure and services may also be material considerations.

## Appendix 5

### Links to District CIL Charging Information

- Charging schedules for Tewkesbury, Cheltenham and Gloucester can be found at <https://www.tewkesbury.gov.uk/#charging-schedules>
  - Charging schedule for Stroud can be found at <https://www.stroud.gov.uk/environment/planning-and-building-control/community-infrastructure-levy-cil/liable-development-and-charging-schedule>
- Charging schedule for Cotswolds can be found at <https://cotswold.gov.uk/planning-and-building/community-infrastructure-levy/calculate-your-cil-charge>