



Gloucestershire
COUNTY COUNCIL

LOCAL DEVELOPER GUIDE

**INFRASTRUCTURE & SERVICES
WITH NEW DEVELOPMENT**

UPDATE 2016

ADOPTED DECEMBER 2016

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LOCAL DEVELOPER GUIDE

INFRASTRUCTURE & SERVICES WITH NEW DEVELOPMENT

Introduction

1. District and borough councils in Gloucestershire deal with nearly all planning applications for development – new homes, offices, factories and shops. However, Gloucestershire County Council is responsible for much of the infrastructure and services needed to make the built environment function properly.
2. 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.
3. The County Council will negotiate 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 are able to 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.
4. 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 terms. However they cannot be used to secure financial contributions.
5. 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)¹. 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.
6. 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 local authority or other third parties. UU's are often seen as a simpler way for developers to commit to infrastructure and

¹ Section 106 Agreements are named after the first legal measure that introduced them - Section 106 of the Town and Country Planning Act 1990.

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 UU's are being considered.

What are the rules governing planning contributions?

Planning Conditions

7. Local planning authorities have the legal power to impose conditions on planning permissions². 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.
8. The Government has laid down criteria for the use of conditions and government policy includes three tests³. 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.
9. By imposing conditions on planning permissions or by recommending them for use by district and borough

²See 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.

³The tests are set out in paragraph 206 of the National Planning Policy Framework – March 2012., and the NPPG explains their application <http://planningguidance.communities.gov.uk/blog/guidance/use-of-planning-conditions/application-of-the-six-tests-in-nppf-policy/>

councils, the County Council must follow the same requirements.

Planning Obligations

10. The use of planning obligations to provide for services and facilities connected to new development is authorised by law⁴. There are three tests that local planning authorities must be satisfied are met before they can seek planning obligations⁵: -
 - Are they necessary to make the development acceptable in planning terms?
 - Are they directly related to the development? and
 - Are they fair and reasonably related in scale and kind to the development?
11. In addition to the tests, local planning authorities should consider market conditions over time and ensure sufficient flexibility so as not to stall planned development⁶.
12. Recent changes to planning obligations have been made⁷. The most important change is the restriction on the number of S.106 agreements that can be used, particularly for infrastructure that might be eligible for funding through

⁴See 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.

⁵ See NPPG guidance on Planning Obligations <http://planningguidance.communities.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

⁶Paragraph 205 of the NPPF provides specific national policy on dealing with obligations under changeable market conditions with the premise of avoiding planned development from becoming stalled.

⁷See 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.

the Community Infrastructure Levy (CIL).

and be mindful of other relevant up-to-date guidance.

13. Another key change, introduced in April 2015⁸ is the stopping of local planning authorities from completing more than five S.106 agreements to support a particular piece of infrastructure or service. This is a mechanism known as 'pooling' contributions. The County Council monitors all S.106 agreements which it has entered into, and will take necessary measures to ensure that any S.106 planning obligations sought do not reach the limit on pooling towards a specific piece of infrastructure.

14. 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.

15. When involved in negotiations and / or the reconsideration of planning obligations, the County Council will need to follow the legal requirements as set out in the NPPG,

⁸In April 2013 the Coalition Government commenced a consultation into further proposed changes to the Community Infrastructure Levy Regulations 2010. This includes an extension of 12-months to April 2015 for the stopping of pooled developer contributions.

Why has a local guide been produced?

16. 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 resources⁹. Mitigation and / or compensation for loss or damage caused by development may be a justifiable requirement for securing S106 planning obligations.

17. The County Council plays a key role in achieving sustainable development, primarily through its role as a provider of local infrastructure. In recent years the following average amounts have been secured per year in signed legal agreements¹⁰:

- Early Years: £460k
- Primary Schools: £3.5m
- Secondary Schools: £2.6m
- Libraries: £300k
- Highways: £4.3m

18. However it is accepted there are limits on the ability of the system of contributions to achieve all infrastructure aspirations with new

⁹Paragraph 32 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.

¹⁰ The amounts are averages secured in signed s106 agreements for each financial year from 2010. These are amounts excluding any provision in kind.

development. This is exacerbated during challenging economic times where scheme viability takes on heightened importance.

19. , Wherever possible, the County Council will actively look to leverage in other funding resources or types of support. These other funding resources will be sought wherever possible in addition to developer contributions. The County Council considers this a key public sector contribution towards facilitating wider sustainable local economic growth.
20. Nevertheless 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.
21. 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 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.

22. Furthermore, for district and borough councils preparing new local plans and for those groups involved in neighbourhood planning¹¹, 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 proposals¹². This will be especially important for those parts of Gloucestershire that decide not to introduce CIL.

23. The County Council is already supporting district and borough councils in identifying future infrastructure requirements through their suite of district 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 (either s106 or CIL)

The Community Infrastructure Levy

24. 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. Local planning authorities are able adopt a CIL Charging Schedule if they choose to do so, and if they can demonstrate a funding gap. CIL is

¹¹ 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.

¹² The County Council is subject to the statutory duty to co-operate under part 6, clause 110 of the Localism Act 2011.

charged per square metre on types of development which the local planning authority (the LPA – for CIL purposes known as the “Charging Authority”) is able to demonstrate allows for viable development to proceed. 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 GCC is responsible for a significant proportion of infrastructure provided locally, it will continue to work with districts on IDP assessments and strategic infrastructure analysis.

25. 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.
26. 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.

27. 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.
28. The Planning Act says that authorities can only spend CIL on providing infrastructure to support the development of their areas.
29. “Infrastructure” legally includes: flood defence, open space, recreation and sport, roads and transport facilities, education and health facilities.
30. The Localism Act clarifies that CIL can be spent on the on-going costs of providing infrastructure (Maintenance, Operational and Promotional).
31. The County Council is not able to become a CIL Charging Authority, but is a statutory consultee. It may also be a major recipient of CIL funds as it is the responsible body for a large proportion of local 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.
32. The introduction of CIL charging schedule will have a significant impact on the future use of S.106 agreements across Gloucestershire. Infrastructure and services identified to be funded through CIL will not be

provided through planning obligations. This is to prevent the prospect of 'double-charging' on developers for infrastructure through S.106 as well as CIL.

33. A number of CIL Charging Schedules are being introduced in Gloucestershire. The County Council will work with the CIL Charging Authorities to ensure that arrangements are in place to provide funding for County Council infrastructure. The use of developer contributions through S.106 planning obligations will remain important for securing infrastructure to meet the demands from new development, either for strategic sites for which CIL is not levied, or within districts which choose to delay or not to introduce CIL.

CIL Implementation in Gloucestershire

34. In order to start charging CIL, planning authorities need an up-to-date (or advanced stage of preparation) Local Plan in place. This sets out the area's plans for growth and the supporting infrastructure required. Authorities then evidence that the cost of necessary infrastructure exceeds the available funding. When setting a CIL charge they need to balance the need to fill this gap against ensuring they do not harm the overall viability of development in an area.
35. Charging Authorities go through a statutory process to set their CIL charge. This includes publishing a preliminary draft charging schedule for a full public consultation. This is then revised and a draft charging schedule published. This is subject to an examination in public which

considers the impact of the proposed charges on the economic viability of new development in an area. If the charging schedule is found sound it can then be adopted by the authority.

36. CIL becomes payable when a planning permission is implemented. There will therefore be a time lag between adoption of CIL Charging Schedules, and the point at which Charging Authorities receive funds. Across Gloucestershire it is anticipated that CIL receipts will first provide an income from 2017, with a gradual increase in the early years of operation.
37. A number of areas of infrastructure provision are the responsibility of the County Council. In order to support districts and boroughs set their CIL charges, the County Council provides information about infrastructure requirements over the life of each Local Plan. The most significant infrastructure responsibilities for the County Council are provision of school places and transport, including roads that are not the responsibility of the Highways Agency (i.e. all roads in the county except for motorways and some regionally significant A roads).
38. Decisions about infrastructure projects and priorities, and how to spend CIL receipts will sit with each district. The County Council will seek the necessary CIL receipts from districts and boroughs to meet any shortfall in funding for identified infrastructure for which it is responsible. Although CIL charge setting is dependent on evidencing a gap in funding for infrastructure, CIL is only expected to partly contribute to meeting this gap, and will

represent a relatively small proportion of the overall requirement.

39. CIL cannot be considered in isolation but rather as one of a number of sources of funding for infrastructure. It is important that a joint working approach to infrastructure provision is agreed so that CIL can be combined with other funding sources. On the basis of an agreed programme, CIL funding can be allocated by the districts to the County Council and other infrastructure delivery bodies.
40. The County Council continues to facilitate the Gloucestershire Economic Growth Joint Committee (GEGJC) - a joint committee with representatives from all local authorities, which can consider growth and infrastructure across the county. These meetings ensure all authorities share experience and support work to develop overarching countywide principles for prioritising CIL spend.

Clarifying County Council Infrastructure Priorities

41. County Council infrastructure priorities are included in, and account for 70-80% of each Infrastructure Delivery Plan (IDP). Building on the information in each IDP, districts and boroughs are expected to publish their Regulation 123 lists of infrastructure provision which may be funded, at least in part, by CIL.
42. The County Council will expect Regulation 123 Lists to reflect the IDPs, and to reflect priorities from various GCC Policies, Plans or

Strategies (either jointly or solely prepared) including the following:

- Local Transport Plan (Gloucestershire's LTP 2015-2031) with implementation programme and longer term priorities. The LTP includes the major transport schemes, as well as intermediate schemes and packages of schemes such as bus or cycling infrastructure improvements.
 - Gloucestershire Infrastructure Implementation Plan (GIIP): The GIIP brings together local authorities and business leaders to agree the investment priorities to support the county's economy over the next few decades and establish a list of longer-term infrastructure priorities
 - In addition work has been completed and continues to be developed to identify specific schools where expansion may take place over the longer term in order to deliver the County Council's Schools Basic Needs Capital Programme. Education expansion, either in general, or specific school expansion projects should be listed on Regulation 123 lists where they may be funded through CIL (although they may continue to be funded through S.106 contributions)
43. The district Reg123 List is the tool for ensuring that CIL monies are allocated to the correct infrastructure projects. Each Reg123 List can be readily updated with the required level of consultation. GCC will expect involvement in the preparation of Reg123 Lists, and that, where necessary, a Reg123 List will be updated to reflect County Council requirements.

44. The Reg123 List is a list of projects which the Charging Authority will not be collecting any contributions for either through S106 or S278.
45. Up to 25% of CIL receipts will be spent on schemes supported by the local community (through Neighbourhood Plans). These schemes do not necessarily need to be listed on the Regulation 123 lists or included in IDPs. The County Council considers that this local funding – known as the meaningful proportion - could be used to help fund larger schemes, possibly from the County Council’s priority schemes, where the local community is supportive of a particular scheme.

Gloucestershire County Council’s Role in CIL Governance

46. As a CIL Charging Authority, each district 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.
47. The Charging Authority will agree priorities on which CIL will be spent. The County Council will advise Charging Authorities of infrastructure requirements and of any requirements for including items on Regulation 123 Lists. These will be monitored over time, and where a Regulation 123 List requires

amending, the County Council will advise accordingly.

How does securing infrastructure with new development fit into the broader planning framework?

48. 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

49. All new local plans will be prepared by the county’s district and borough councils. Neighbourhood plans put together by parishes and other local groups will also form part of Gloucestershire’s development plan.
50. In the interim, previously prepared local plan policies will remain part of the local development plan^{13 14}. Regional and countywide policies, no longer have development plan status¹⁵.

¹³The term ‘saved’ policies refers to the previous Government’s rules on agreeing which policies from old style local plans should remain part of the development plan until such time they were to be replaced under a, now defunct system, of regional and local strategies.

¹⁴For completeness the development plan for Gloucestershire also includes the saved local policies of the countywide Minerals Local Plan and the yet to be replaced local plan policies of the countywide Waste Local Plan. These plans mostly deal with development proposals for minerals and waste facilities.

¹⁵On the 20th May 2013 an order was laid before parliament under clause 109 the Localism Act 2011, which formally revoked the development plan status afforded to the Regional Strategy for the South West (RPG 10) and the remaining saved

51. This local guide is underpinned by the saved district and borough local plans policies, and newly adopted and emerging Core Strategy and Local Plan Policies that consider infrastructure relating to new development¹⁶. The types of infrastructure identified in these cases include:
- Transport – incorporating safe accessibility and support for public transport;
 - Emergency services;
 - Medical and health services;
 - Pre-schools and day nurseries;
 - Education facilities;
 - Cultural facilities including art galleries, museums, public libraries, public halls and exhibition halls, and;
 - Places of worship.

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

Other material considerations

52. 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.

53. The National Planning Policy Framework (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 impacts¹⁷. They consider the provision of infrastructure, accessibility of local services to the extent they reflect community needs, support for healthy lifestyles, social and cultural well-being, the minimisation of waste and pollution, mitigation and adaptation to climate change and the pursuit of a low carbon economy¹⁸. The NPPF also provides national policy on how specific infrastructure should be considered. Further references to the NPPF are made throughout this local guide when looking in more detail at the infrastructure and services that are the responsibility of the County Council.
54. Although this guide is not part of the development plan, it is based on evidence that underpins it which may be a valid material consideration. It should be a material consideration in the determination of planning applications.
55. Other public policy, best practice and guidance that cover infrastructure and services may also be viewed as valid material considerations. Throughout the remainder of this local guide reference is made to a

policies of the Gloucestershire Structure Plan (2nd Review). <http://www.legislation.gov.uk/ukxi/2013/935/made/data.pdf>
¹⁶ 'Saved' local plan policies for Gloucestershire that are concerned with infrastructure and new development include: - Cotswold Local Plan (2001-2011) policies 38 and 49; Cheltenham Local Plan 2nd Review (2006) policies CP.8; Forest of Dean Core Strategy policy CSP4; Gloucester City Local Plan 1983 policy C.1; Stroud Local Plan (Adopted 2005) GE7; and Tewkesbury Local Plan (through to 2011) policy GNL11.

¹⁷ See the interpretation of the '*presumption in favour of sustainable development*' under paragraph 14 of the NPPF

¹⁸ As set out under the '*three roles*' of planning in achieving sustainable development contained in paragraph 7 of the NPPF

variety of different public policies and other publications that advise on the delivery of infrastructure and services.

Developer Contributions Protocol

The County Council's Approach

56. Developer contributions will be sought through Charging Authorities' CIL charge where a Charging Schedule is operational. Other necessary S.106 mitigation will be secured where they comply with the CIL Regulations. Where CIL is not applicable (because there is no Charging Schedule, or the development is zero rated), contributions will be negotiated by the County Council for the purpose of mitigating the impacts of development on existing local communities and their surroundings. S106 and/or S278 Highways agreements will be the main means for securing the obligations. Both CIL and planning obligations will therefore be used to ensure the quality and value of local facilities and the achievement of sustainable development. This aligns with the Council's corporate priority of *"providing the infrastructure and services that keep Gloucestershire moving and working, and making decisions that promote long-term sustainability"*¹⁹
57. Negotiations with the County Council should not be seen as an obstacle when seeking to secure a planning permission – a means of simply agreeing a mitigation package for a development proposal. Rather,

developer contributions represent a proactive mechanism for helping to achieve positive high quality planning. 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. At the pre-application stage, reference to Infrastructure Delivery Plans (IDPs) should be made as evidence for understanding critical and essential infrastructure as well as the cumulative impact of development through the lifetime of each LPA Local Plan.

58. The following principles underpin the County Council's approach to S106 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 work;
 - **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

¹⁹ As set out in the Gloucestershire County Council Strategy 2011 – 2015 (Update 2013/14) - 'Meeting The Challenge'

social providers, should be facilitated;

- **Quality** – The highest environmental and other standards of delivery should be a factor in 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 work;
- **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.

59. The remainder of this section sets out the County Council Strategy in more detail.

Development thresholds for considering developer contributions

60. Where a CIL Charging Schedule is operational, the threshold for contributions via CIL will be that set out in legislation. Where contributions are sought via planning obligations, the County Council does not apply fixed thresholds to the size, scale or type of development. 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. In each case that contributions are sought, an assessment is made. The approach is not, therefore, a tariff-style approach. The County Council must strike a balance between the scale of

the developer contribution likely to be sought and the level of resources needed to achieve this.

Calculating the 'Impact' of new development

61. Development proposals will be assessed by the County Council to evaluate their impact upon infrastructure and services. In doing so, it will assess the impact and assess the availability of spare capacity in existing facilities. Where there is significant existing or known forecast capacity, it will inform the level of S.106 contributions required. 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.

62. 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 evidence.

63. 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.

Promoting integrated infrastructure and services

64. 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. If someone else can do a better job or make the money go

further then we should make use of their skill and expertise.²⁰

65. 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

66. 'Grampian conditions' can be used to require certain actions to be carried out before a development is allowed to start. 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.
67. 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

²⁰ Taken from the Gloucestershire County Council Strategy 2011 – 2015 (Update 2013/14) - 'Meeting The Challenge'

compromised and made undeliverable.

68. 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

69. 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 S106 on a case-by case basis. Careful consideration will be given to the short, medium and 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

70. 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

71. 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

72. 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

73. 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 so as to mitigate the impact of the development when it arises. The County 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.
74. 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.
75. 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.
76. Most CIL instalment policies allow significant 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 obligations²¹, and maintaining certainty for those operating and managing local infrastructure and service.
77. Where phased S.106 contributions are considered, the County Council will take the following factors in to consideration in determining the timing and amount 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

²¹ Paragraph 205 of the National Planning Policy Framework – March 2012.

78. The payment of contributions secured through planning obligations often occurs some time after they are incorporated into a signed legal agreements, and planning permission 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 guides²²: -

- 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 Business Innovation & Skills (BIS) PUBSEC: Tender Price Index for Non-Housing
- Department for Education (DfE) School Building Cost Multiplier

79. 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 by the Collecting Authority.

Performance bonds or 'sureties'

80. 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

81. The County Council is 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. Where contributions are sought through S.106 planning obligations, the

²² Retail Prices Index (RPI) can be found at:
<http://www.ons.gov.uk/ons/taxonomy/index.html?nscl=Retail+Prices+Index>
Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) "All in Tender" Index can be found at:
<http://www.bcis.co.uk/site/index.aspx>
Spon's Architects and Builders Annual Price Book can be found at:
<http://www.rics.org/uk/shop/books/pricebooks/spo ns/>
Department for Business Innovation & Skills (BIS) ROADCON: Tender Price Index for Road Construction at:
<https://www.gov.uk/government/organisations/department-for-business-innovation-skills/series/price-and-cost-indices>
Department for Business Innovation & Skills (BIS) PUBSEC: Tender Price Index for Non-Housing at:
<https://www.gov.uk/government/organisations/department-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.

County Council will consider the impact on viability of development. Evidence submitted by the applicant will be considered and can influence decisions around timing of payments, triggers and the use of deferred contributions.

Monitoring contributions

82. 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 S106 planning obligations. 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 County Council and the respective district or borough council where the development is located.
83. 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.
84. 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.
85. The monitoring charge is applied in certain complex cases, ordinarily in instances 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 includes 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 has fully taken into account the 'Oxfordshire decision'²³ and has been modified accordingly²³
86. The Council's other fees (legal, technical) will also be recovered. All charges must be paid before completion of the planning obligation.
87. 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. This audit trail is an essential element of annual monitoring and reporting of CIL.

²³ Oxford County Council v. SoS [2015] known as the 'Oxfordshire decision'

Confidentiality and Freedom of Information

88. 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. 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?

89. CIL contributions passed to the County Council will be spent in accordance with the agreed priorities and with relevant Regulation 123 Lists, with details of the expenditure recorded and reported to the Charging Authority.

90. 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.

91. 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. Where these will be funded through CIL, it will not be possible to secure them 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 with a particular 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

92. 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.
93. An extra 15 hours of free childcare is anticipated, and will be available across 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. This will have an impact on childcare provision in the County, as take-up rates will be high. The impact will be assessed and reflected in update child yields (see Appendix 2).
94. 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.
95. New residential development may create new demands on the availability of local pre-school childcare places. This could adversely impact on the ability of the existing local childcare market to offer a reasonable and flexible offer for parents. Where this occurs the
- County Council will seek developer contributions to resolve this matter. Additionally, the County Council will, where appropriate, seek to spend CIL monies to ensure sufficiency of places throughout Gloucestershire.
96. Where CIL is not applicable, in the majority of cases a financial contribution sought through a S.106 planning obligation will be recommended. 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.
97. Larger developments might reasonably require the provision of land and funding towards the construction of new pre-school childcare facilities, possibly as part of other community infrastructure such as a new primary school.
98. The County Council consider it vitally important that reasonable access to facilities can 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 home²⁴.

²⁴This is a specific policy position as described under paragraph 38 of the National Planning Policy Framework (NPPF) and which is supported locally through the Gloucestershire Local

Primary & Secondary Schools

99. It is the statutory responsibility of Gloucestershire County Council to ensure every child in the community has fair access to local schools and the highest standards of teaching²⁵.
100. Where a CIL Charging Schedule is adopted and applicable, the County Council will expect CIL monies to be passed to the County Council to provide 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. For example, where a development requires a 1 Form Entry Primary School²⁶, there are advantages to delivery to secure this through a S.106 planning obligation. In areas where CIL is not applied, this will remain standard approach. The County Council will proactively work with applicants and Charging Authorities to ensure delivery 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 schools(s), and

Transport Plan (LTP3) under the fourth objective - Good Access to Services. The Gloucestershire Manual For Streets (Feb 2012) also provides a local definition of a 'walkable neighbourhood' as that which supports a range of facilities within 10 minutes (800m) safe walking distance of residential areas.

²⁵The Education Act 1996, Education & Inspections Act 2006
²⁶A 1FE Primary School has capacity for 210 children which equates to around 750 dwellings. However, the need to allow some surplus capacity means that developers should give consideration to additional primary school provision from around 600 dwellings, in consultation with GCC.

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. The PPR reflects the full expected child yield, but is reduced to take account of various factors such as: the take-up of local places (at nursery level this reflects the take-up of funded childcare); the proportion of children not educated within LEA schools; Sixth Form staying-on rates.
103. 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.²⁷ 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.
104. 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

²⁷The 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.

two bedrooms. All one-bedroom units are excluded. The County Council reviews from time to time the information used to generate the pupil product, and the costs to provide the places annually, and will update Appendix 2 to this Guide.

105. Where developer contributions are considered justified, financial contributions through S.106 planning obligations will be sought for capital works to extend, remodel, upgrade and improve the capacity of an identified existing local school or schools.

106. 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.

107. 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 objectives²⁸ and conform with a key Council Council's priority "*to be as efficient as possible and save money by joining up with partners*"²⁹

²⁸Paragraph 70 of the National Planning Policy Framework specifically 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

²⁹This 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*'

108. 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.

Academies & Free Schools and negotiating future developer contributions

109. The expansion of academies and the introduction of free schools has 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.

Youth Support Services

110. A key function of the County Council is to secure services and activities for local young people with the overarching aim of improving their well-being. The Council's statutory duty covers young people up to the age 19 and for those with learning difficulties up to the age of 24³⁰.
111. Local youth services are focused on supporting the county's more vulnerable young people. Services are provided by six area teams, which broadly cover local district areas. The teams consist of a network of specialists – social workers, youth workers, housing officers and youth crime prevention officers.
112. Operating out of local centres, local youth services offer advice, guidance and support on employment, training & skills, issues at school and other social and health issues of concern to young people. Local centres provide a combination of by-appointment services and drop-in sessions. Other outreach and localised mobile facilities are available in certain areas.
113. New residential development will need to be assessed by the County Council to identify possible demands on support services for young people. Existing local services accessible to new communities will need to be looked at to determine whether there is any capacity to accommodate the anticipated new service demands. Where additional community-run youth support is provided in a locality, which falls outside of the statutory service, the

County Council may explore a joint delivery approach.

114. The County Council will apply CIL monies to support infrastructure in accordance with the Charging IDPs and agreed priorities which allow expenditure on community facilities. Outside of CIL Charging Schedules, or where CIL is not applicable, the County Council will recommend the use of a S.106 planning obligation to secure financial support for local youth support infrastructure where a demonstrable unmet need is established. This may support an increase in the capacity of an existing local centre through extension or funded re-location to larger premises. In addition, or alternatively, opening hours may be extended, new equipment such as IT provided, and / or an expanded offer for local outreach and mobile services.
115. In the case of major development where new or significantly expanded communities of young people are anticipated, the County Council may look to secure a community-centric solution (i.e. a dedicated Youth Community Support Officer) to help manage the transition and integrate each newly emerging neighbourhood into the wider established community. This provision may be sought as an alternative or as an addition to funding for existing local services.

Adult Social Care

116. Adult social care involves a variety of services aimed at providing care and extra support through local authorities and partner

³⁰ As set out under section 507B of the Education Act 2006

organisations³¹. It is primarily concerned with older people, those with learning disabilities and/or physical disabilities, and people with mental health problems, drug and alcohol dependency problems and carers. Adult social care services are a core function of Gloucestershire County Council and are underpinned by a number of laws, regulations and national guidance across health care and local government.

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

118. Despite being one of the healthiest counties in England, adult social care and particular services focused on aged-related conditions has become a high priority for Gloucestershire. The county already has a higher than average older population³², which is set to expand at a faster rate compared with the rest of the country³³. 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.

119. 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 condition³⁴.

120. 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.

121. 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.

122. 'Designed-in' solutions may include adherence to Lifetime Homes standards new social and open

³¹ 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.

³² 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.*

³³ 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.

³⁴ 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.

market housing³⁵, or a requirement to install or enable the future conversion to assistive technology in homes and community facilities linked to the development³⁶. The County Council considers this a reasonable and proportionate approach to assisting Gloucestershire's local planning authorities with local housing need³⁷.

Promoting Changing Places Toilets

123. The increasing number 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.

124. GCC 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, GCC will promote provision in public places to make a dramatic difference to the lives of thousands of people who need these facilities.

125. CIL 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, the County Council will assess major new development, and may seek a financial contribution through S.106 planning obligations either solely, or in conjunction with other key healthcare partners to support an increase in service capacity.

Library Service

126. Gloucestershire County Council has a statutory duty to provide a comprehensive and efficient library service to all who live, work or study in the County³⁸.

127. The current service includes a network of local public libraries, a virtual online reference library and a mobile library service covering a number of localities within Forest of Dean, Cotswold and Stroud districts, and Tewkesbury Borough, as well as parts of Cheltenham Borough and Gloucester City.

128. CIL monies levied by the Charging Authorities will be spent in

³⁵ 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/revise-design-criteria.html>

³⁶ 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.

³⁷ Paragraph 159 of 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

³⁸The Public Libraries and Museums Act 1964

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 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)³⁹ and achieving reasonable levels of accessibility to local library services for new communities⁴⁰. 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.

129. Where 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 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 capacity of the mobile library service (e.g. the length and frequency of stops) or facilitating increased access to library services through digital means.

130. 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

131. 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

132. Gloucestershire County Council is required to make proper arrangements for the security, preservation and access of public documents and records it belongs to

³⁹ 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

⁴⁰ 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.

or it has become a custodian of⁴¹. This includes an array of local material from councils, churches, schools, estates, businesses and individuals. Archives are an increasingly important social resource, which supports local communities to develop their community identity.

133. 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.

134. As with library services, any CIL expenditure will be in accordance with the Charging Authorities' Regulation 123 List. Where development occurs that is not liable for CIL contributions, the County Council to 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)⁴².

135. 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

136. 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.

137. 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.

138. GCC will expect local planning authorities to engage with relevant organisations when carrying out their planning function. In the case of health and wellbeing, the key

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

⁴²The 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

contacts include GCC 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.

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

Broadband

140. A fast and reliable broadband internet service is increasingly important for commercial and residential users. The government consider it fundamental to Britain's future success and vital for delivering growth⁴³. Online access has strong economic and social benefits – better communications between businesses, their suppliers and customers; greater accessibility to competitively priced goods and services; broader training and skills opportunities for householders; and bringing people and services together to tackle social exclusion and community cohesion challenges. It is also widely predicted, through speed and reliability improvements,

it will change the way public services are delivered – *remote health appointments and accessing professional social support in 'real-time' online*⁴⁴.

141. Improving the provision of local broadband is an infrastructure priority for Gloucestershire. It forms an integral part of the County Council's economic stimulus package – Grow Gloucestershire⁴⁵. The County Council has already made a significant investment into a major cross-authority project with Herefordshire that aims to bring fibre broadband to around 90% of existing homes and businesses in both areas. The project, known as Fastershire, is a non-profit making collaboration between Herefordshire Council, Gloucestershire County Council and BT⁴⁶.

142. Where new development is concerned, the County Council will seek the safeguarding of existing broadband services accessed by local communities and businesses. The introduction of new homes and business premises should not negatively impact upon the availability of existing high-level provision through creating increased local demand that degrades the quality and quantity of provider choice available. Where this could occur, the County Council will

⁴³ Comment taken from the House of Commons Library Standard Note: SN05970: *UK Broadband – Policy and Coverage* <http://www.parliament.uk/briefing-papers/SN05970.pdf>

⁴⁴ Creditably research on the potential future benefits of broadband has been carried out by the London School of Economics (LSE) in May 2012 – *'Costs and Benefits of Superfast Broadband in the UK'*, which can be viewed at:

<http://www.lse.ac.uk/businessAndConsultancy/LSECconsulting/pdf/Costs-and-Benefits-of-Superfast-Broadband.pdf>

⁴⁵ 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.'* <http://www.gloucestershire.gov.uk/grow>

⁴⁶ Details regarding the 'Fastershire' project can be found online at: <http://www.fastershire.com>

strongly encourage the local planning authorities to engage with developers to prepare and instigate a proper engagement strategy involving key infrastructure providers. This should include commitments towards maintaining local broadband capacities and where necessary a programme of upgrades, carried out in a timely fashion with minimal disruption.

143. The County Council will spend CIL monies in accordance with the Charging Authorities' IDPs and agreed priorities. For broadband, and other economic development infrastructure and ICT, it will spend CIL monies to provide strategic infrastructure, whilst site-specific mitigation will continue to be expected through S.106 planning obligations.

144. Where development occurs that is not liable for CIL, either because it is a strategic site where mitigation is being provided through Planning obligations, or because it is outside of a CIL Charging Authority, planning obligations may be used to ensure new communication infrastructure will achieve Next-generation Access (NGA)⁴⁷ standards. Where appropriate, requirements may also include facilitating existing infrastructure delivery initiatives such as Fasternshire. Conditions may seek the imposition of ducting capable of accepting fibre-optic cabling; the installation of Fibre-to-the-Premises (FTTP) only infrastructure; or adherence to industry guidance such as that

endorsed by the Department of Culture, Media and Sport (DCMS) and British Standards Institution (BSI) on digital communications to and within new build homes⁴⁸.

Fire & Rescue Services

145. Gloucestershire 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 incidents⁴⁹. Gloucestershire Fire & Rescue Service (GFRS) carries out the functions of the Gloucestershire FRA.

146. 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.

147. 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 Company (Severn Trent) which, in most cases,

⁴⁷ The UK Office of Communications (Ofcom) defines Next-generation Access (NGA) as super-fast broadband that provides a maximum download speed that is greater than 24 Megabit/s <http://stakeholders.ofcom.org.uk/binaries/consultations/wla/summary/wlacondoc.pdf>

⁴⁸ PAS 2016:2010: *next generation access for new build homes guide* (February 2011) <https://www.gov.uk/government/publications/pas-2016-2010-next-generation-access-for-new-build-homes-guide>

⁴⁹ The Fire and Rescue Service Act 2004 and Fire and Rescue Services (Emergencies) (England) Order 2007

will be the infrastructure provider. GFRS will need to agree the location and number of hydrants. The County Council will provide relevant informatives when responding to planning applications, and will expect planning conditions to ensure provision where appropriate.

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.

148. 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 infrastructure⁵⁰. The County Council expects that providing for or facilitating the future installation of sprinklers and associated water supply infrastructure can also be achieved through planning conditions rather than planning obligations.

149. 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

Sustainable Urban Drainage Systems (SuDs)

150. SUDS infrastructure should be properly planned and integrated into new development. As Lead Local Flood Authority (“LLFA”), GCC is a statutory consultee for SUDS on major developments. Appropriate sustainable drainage measures will be an important material consideration with planning proposals⁵¹. Compliance with existing national SUDS standards will be a key factor for all proposed drainage systems⁵². 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.

151. Site-specific SUDS and flood alleviation measures will be secured through the County Council’s role as LLFA, through the planning

⁵⁰ 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. <http://www.cfoa.org.uk/10043>

⁵¹ This will be especially important for development proposals in areas of risk of flooding, wherein the NPPF; ‘...gives priority to the use of sustainable drainage systems.’ (paragraph 103).

⁵² In December 2011, the Department for the Environment, Foods and Rural Affairs (DEFRA) published National Standards for Sustainable Drainage Systems: *designing, constructing, operating and maintaining drainage for surface runoff* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82421/suds-consult-annexa-national-standards-111221.pdf

application process. Where flood alleviation is required to support growth more generally, or flood alleviation measures are required for existing flood risk from ordinary watercourses, pluvial 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, or SUDS+ (Suds Plus) initiatives.

promoting new development are expected to demonstrate that any impacts on the transport network are insignificant, or that improvements can be cost effectively undertaken and that the reliability of the transport network will not be severely degraded⁵⁵. 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 process and help facilitate the best possible transport solutions⁵⁶.

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 traffic⁵³.

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 is detailed within the Manual for Gloucestershire Streets⁵⁴.

154. Nearly all types of development create a level of new or re-directed travel demand. Typically this results in more cars using the local transport network. Those involved in

155. 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; aid walking and cycling over short distances⁵⁷; 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

⁵³As prescribed within the Traffic Management Act 2004

⁵⁴Manual for Gloucestershire Streets is primarily based on the national 'Manual for Streets' and also includes reference to the County's Cycle Infrastructure Design Guide. The manual can be accessed through the County Council's web site. <http://www.gloucestershire.gov.uk/article/105956/Manual-for-Gloucestershire-Streets>

⁵⁵ Paragraph 32 of the NPPF sets out the criteria by which transport issues associated with new development should be assessed.

⁵⁶ Detailed information on the process of assessing transport proposals can be found in Guidance on Transport Assessments (2007) <https://www.gov.uk/government/publications/guidance-on-transport-assessment>

⁵⁷ Specific local advice on this matter is set out in Gloucestershire County Council Cycle Facility Guidelines (2012) <http://www.gloucestershire.gov.uk/extra/CHttpHandler.ashx?id=51715&p=0>

environmental indicators such as noise and air pollution.

156. Demonstrating the deliverability of a transport mitigation package is of key importance to the County Council. Therefore, where existing local transport infrastructure is insufficient, the County Council may pursue capacity-building or network efficiency improvements through the use of developer contributions. More often than not these will be a combination of planning conditions and S.106 planning obligations.

157. 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 Gloucestershire Local Transport Plan⁵⁸. Consequently, the County Council will seek to promote technology based 'smart' solutions which future proof infrastructure and allow demand management and travel solutions to make use of advances in technology..

158. The County Council will spend CIL monies in accordance with the Charging Authorities' IDPs and agreed priorities. This means that CIL monies can be spent on more strategic infrastructure for walking,

cycling, public transport and highways, whilst S.106 planning obligations will be required to mitigate the site-specific issues where they are justified.

159. 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)⁵⁹ or relevant local guidance, which is presently contained within the Manual for Gloucestershire Streets. It should also comply with the Gloucestershire Enhanced Materials Policy⁶⁰. 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.

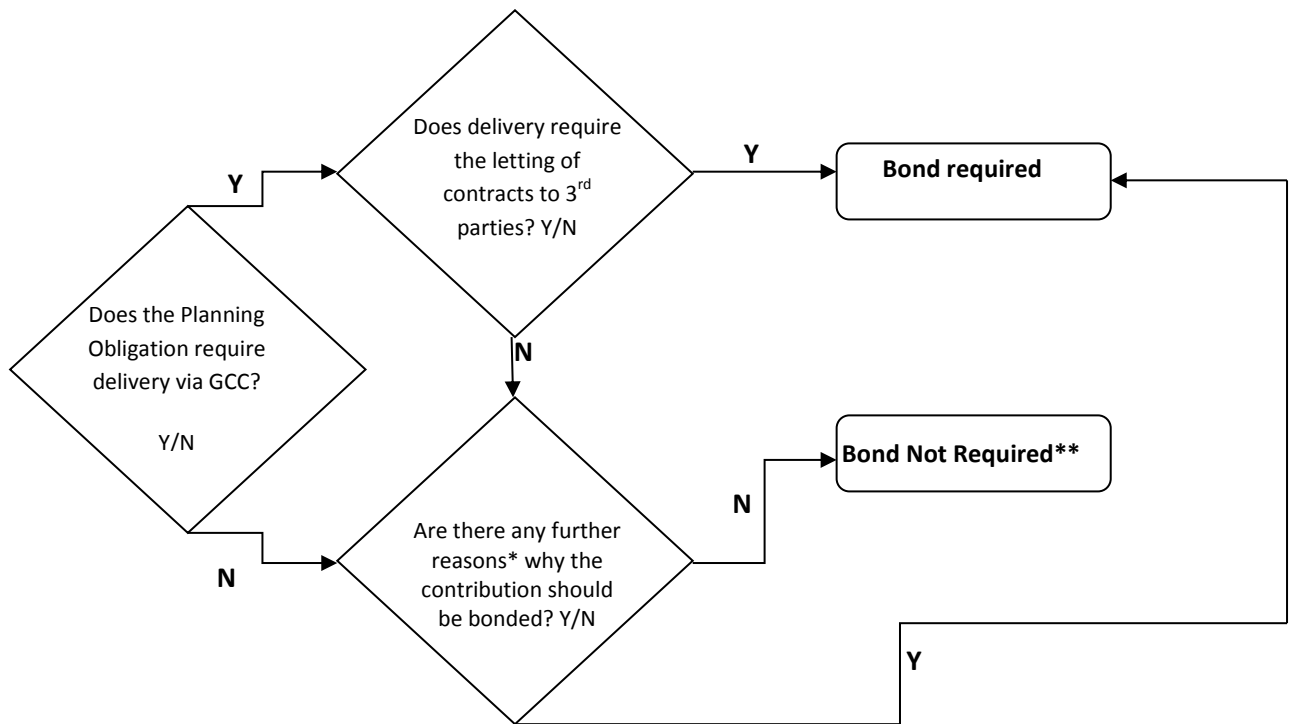
⁵⁸The Gloucestershire Local Transport Plan 2015 – 2031 (LTP3)
<http://www.gloucestershire.gov.uk/extra/article/108065/Local-Transport-Plan-3>

⁵⁹Department for Transport (DfT) Design Manual for Roads & Bridges (DMRB) | Volumes 0 – 14
<http://www.dft.gov.uk/ha/standards/dmr/>

⁶⁰Gloucestershire County Council Enhanced Materials Policy (2010)
<http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=42952&p=0>

Appendix 1
Approach to Bonding/Sureties in GCC 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 GCC 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**

Based on 2013 study and updateable based on evidence

Pupil Product (Reviewed annually in April).

1. 2016/17: Pupil Product per House and/or Flat

	Houses (developments <90 dwellings)		Houses (developments of 90+ dwellings)		Flats	
	No. Children	Pupil Product	No. Children	Pupil Product	No. Children	Pupil Product
Pre-school*	0.24	0.07	0.271	0.0813	0.074	0.022
Primary School	0.29	0.27	0.30	0.2802	0.029	0.0271
Secondary (11-18)	0.18	0.14	0.218	0.1698	0.008	0.0045
Total	0.71	0.48	0.79	0.5313	0.111	0.0536

*Pupil Yield based on 15 hours funded childcare. The number of hours of funded childcare is likely to rise, and take-up is high, which will result in an increased pupil yield when reviewed in future years.

2. Cost per place (updated annually following April updating of relevant index)

The cost per place (from April 2016) is as follows:

Pre-school and Primary places:

£13,211.00

Secondary and 6th Form places:

£20,148.00*Multipliers are reviewed annually.***3. Adjustment figures**

Where the scheme is in outline, or number of units is likely to adjust (increase or decrease) then the agreement can build in an adjustment per dwelling.

The adjustment amounts per unit are shown below:

	Houses (developments <90 dwellings)	Houses (developments of 90+ dwellings)	Flats
Pre-school	£959	£1074	£293
Primary School	£3529	£3701	£358
Secondary (11-18)	£2815	£3421	£55

Worked Example:

- 1) A scheme of 35 houses and 15 flats. (The pupil yield uses the yield for <90 dwellings).

Pre-School: 35 houses x 0.07 + 15 flats x 0.022 = **2.87**

Primary School = 35 x 0.27 + 15 x 0.0271 = **9.75**

$$\text{Secondary} = 35 \times 0.14 + 15 \times 0.0045 = \mathbf{4.96}$$

Where the scheme is assessed as having no surplus places in the nearest school(s), the above pupil place numbers are multiplied by the relevant multiplier (see above), resulting in contributions of:

$$\text{Pre-School: } 2.87 \times \text{£}13211 = \mathbf{\text{£}37,916}$$

$$\text{Primary School: } 9.75 \times \text{£}13211 = \mathbf{\text{£}128,807}$$

$$\text{Secondary : } 4.96 \times \text{£}20148 = \mathbf{\text{£}99,934}$$

- 2) A scheme of 80 houses and 20 flats (The pupil yield uses the yield for 90+ dwellings).

$$\text{Pre-school} = 80 \text{ houses} \times 0.0813 = 6.504 + 20 \text{ flats} \times 0.022 = 0.44 = \mathbf{6.94}$$

$$\text{Primary School} = 80 \times 0.2802 = 22.41 + 20 \text{ flats} \times 0.0271 = 0.542 = \mathbf{22.95}$$

$$\text{Secondary School} = 80 \times 0.169 = 13.52 + 20 \times 0.0045 = 0.09 = \mathbf{13.61}$$

Where the scheme is assessed as having no surplus places in the nearest school(s), the above pupil place numbers are multiplied by the relevant multiplier (see above), resulting in contributions of:

$$\text{Pre-School: } 6.94 \times \text{£}13211 = \mathbf{\text{£}91,684}$$

$$\text{Primary School: } 22.95 \times \text{£}13211 = \mathbf{\text{£}303,193}$$

$$\text{Secondary: } 13.61 \times \text{£}20148 = \mathbf{\text{£}274,214}$$

Note: Where there is a forecast surplus of places in the nearby school(s), in excess of 5%, the contributions will be reduced.