

Section 106 Developers Guide to Infrastructure Contributions in Suffolk

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1 Introduction

- 1.1 The purpose of the Developers Guide is to provide guidance on a wide range of infrastructure issues that may need to be considered by the relevant local planning authority when determining development proposals. It is not intended to be prescriptive, as each development proposal will need to be considered on its own merits.
- 1.2 There are 8 local planning authorities in Suffolk, which include the Broads Authority. The Section 106 Developers Guide to Infrastructure Contributions in Suffolk (“the Developers Guide”) has been produced to provide consistent guidelines on the types of planning obligations which may be sought. The Developers Guide should be regarded as a transparent guide that sets out the general approach to development in Suffolk and provides developers and other interested parties with information in advance of any planning application.
- 1.3 The Developers Guide is not a Development Plan Document or a Supplementary Planning Document. It is intended to improve transparency and consistency in planning obligation requirements across Suffolk by providing guidance to statutory agencies, community organisations, developers and all stakeholders involved in the development process.
- 1.4 However, the level of consultation and scrutiny undertaken on the Developers Guide means that weight can be attributed to it in planning decisions. It should be noted that any request for planning obligations will need to be justified in their own right having regard to the tests of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (2010 as amended). Reference to a type of contribution in this Developers Guide is not in itself justification for requesting a planning obligation.
- 1.5 Contributions secured by planning obligations will meet the statutory tests as set out in Regulation 122 of the CIL Regulations 2010 as amended.
- 1.6 The Developers Guide sets out the Suffolk approach for determining what is necessary to mitigate the impact of individual developments. It is not a one size fits all approach. Contributions will only be secured on the basis of the individual circumstances of a development. For example, a developer wants to build 100 houses. The local schools have capacity to take all children anticipated to be brought to the area by the new houses. Therefore, an education contribution will not be secured for this particular development.
- 1.7 Negotiations with developers will start from the position set out in the Developers Guide, which sets out the likely contribution that will be sought from the developer. With individual circumstances the contribution requested may be less or more than shown in this document. The Developers Guide is not prescriptive but a useful document to illustrate likely demands placed on new development proposals. Some of its content may not be relevant for all proposals and in certain circumstances additional or alternative elements may need to be addressed.
- 1.8 The intention is to provide as much information as possible on the approach to contributions and responses to both pre-application enquiries and planning

applications, so the Developers Guide will be regularly updated to reflect the current position.

What is a Section 106 planning obligation?

- 1.9 Planning obligations (or “s106 agreements”) are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land (or “developers”), and intended to make acceptable development which would otherwise be unacceptable in planning terms. Obligations can also be secured through unilateral undertakings by developers. For example, planning obligations might be used to prescribe the nature of development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development’s impact (e.g. through increased public transport provision. The outcome of all three of these uses of planning obligations should be that the proposed development concerned is made to accord with published local and national planning policies.
- 1.10 The National Planning Policy Framework published in March 2012 replaces ‘Circular 05/2005: *Planning Obligations* (18 July 2005)’. Further information on the Government’s approach to planning obligations is set out in the National Planning Practice Guidance.

What is the ‘Developers Guide’?

- 1.11 This document demonstrates a joint working approach to public service provision by involving service providers and commissioners such as NHS England and the local Clinical Commissioning Groups (CCGs) that cover Suffolk; NHS Ipswich and East Suffolk CCG, NHS West Suffolk CCG and NHS Great Yarmouth and Waveney; Suffolk Libraries, the Broads Authority and Suffolk Constabulary. It will assist developers and others interested in development to identify the range and likely level of contributions that these organisations may seek in order to mitigate the impacts of development proposals. It promotes a consistent and open approach, so those interested, will be able to see and understand how development in their area is making a fair and positive contribution to the local community.

The purpose of this Guide

- 1.12 The Developers Guide provides helpful guidance on the types of contributions which may be sought, and the general approach for calculating the level of them. The County Council, NHS England and Suffolk Constabulary have also produced topic papers to provide further information on infrastructure requirements and these are available online through chapter five of this document. An additional document titled '*Section 106 Planning Obligations - code of practice protocol*' sets out how the authorities and service providers will work together in assessing infrastructure contributions and what a developer can expect from the authorities. The Developers Guide and associated documents will supersede the outdated '*Suffolk Local Planning Authorities Supplementary Planning Guidance relating to Section 106 Obligations*' (1999).

- 1.13 The possible infrastructure requirements identified in chapter four of this document are explained in more detail through district or borough development plans and county council requirements are in topic papers. Links to all of these are stated in chapter five of this document. Core Strategies provide the policy basis for seeking developer contributions, whilst detailed mechanisms and site specific policies will be set out in site allocations documents, area action plans, development management/control policy documents and in supplementary planning documents.
- 1.14 The Developers Guide provides guidance on the following:
- a) The approach to Section 106 contributions between the Suffolk local authorities, including consultation with NHS England, Suffolk Constabulary and the Broads Authority;
 - b) A list of infrastructure which may be included in planning obligations, including further information links to district, borough and county council web pages; and
 - c) Guidance based on the policy requirements set out in the National Planning Policy Framework and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations (2010 as amended).

How does the county council stand in relation to district and borough planning authorities?

- 1.15 The Developers Guide has been developed as collaboration between the following organisations:
- Babergh District Council,
 - Forest Heath District Council,
 - Ipswich Borough Council,
 - Mid Suffolk District Council,
 - St Edmundsbury Borough Council,
 - Suffolk Coastal District Council,
 - Suffolk County Council, and
 - Waveney District Council.

The following organisations provided important input¹:

- NHS England,
 - Suffolk Constabulary, and
 - The Broads Authority.
- 1.16 As the district and borough councils and the Broads Authority are the Local Planning Authorities (other than for waste and minerals and county council development which fall under the county council), it is they who will be the determining authority as to whether an individual development proposal is acceptable in planning terms. This includes the degree to which contributions are necessary to make an application acceptable. They may consult and/or receive advice from other bodies including town and parish councils in deciding what is acceptable.

¹ The two Primary Care Trusts; NHS Suffolk and NHS Great Yarmouth and Waveney; have been abolished under the terms of the 2012 Health and Social Care Act,

- 1.17 The district and borough councils intend to introduce a Community Infrastructure Levy (CIL) - an emerging tariff based approach that authorities can choose to introduce to help fund infrastructure in their area. The Developers Guide will be used as a key piece of evidence in developing a charging schedule for an area. Depending on whether a district or borough council implements a CIL, it is apparent that Section 106 planning obligations will remain in place to secure mitigation measures directly related to developments on a site-by-site basis.
- 1.18 Waveney District Council introduced a CIL on 1 August 2013. The CIL in Waveney is the primary tool for the collection of developers contributions for infrastructure. However, Section 106 will still be used in some limited circumstances for site specific infrastructure, such as that required in the Lake Lothing and Outer Harbour Area Action Plan area. To find out more please visit www.waveney.gov.uk/cil.
- 1.19 For further information on CIL, refer to the Department of Communities and Local Government (DCLG) publication 'Community Infrastructure Levy: an overview' published in May 2011.

Consultation

- 1.20 The Developers Guide and supporting documents were prepared in accordance with paragraph 6.3 of Planning Policy Statement 12 (PPS12) and regulation 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).
- 1.21 A screening evaluation of the Developers Guide was carried out to determine whether or not a Strategic Environmental Assessment (SEA) was required. Following consultation with the Statutory Consultees, the conclusion was that an SEA was not required as any significant effects would have been appraised during the development of a relevant Development Plan Document.
- 1.22 The Developers Guide was also the subject of an Equality Impact Assessment screening assessment.

Document review

- 1.22 The Developers Guide and supporting topic papers will be regularly updated to provide current cost information and changes to supporting policies. For example, education cost multipliers can be issued annually and this influences the cost of providing additional school places. The annual review will also take into account the Building Cost Information Service (BCIS) index and any other inflationary impacts particularly associated with construction costs or service provision where there is an implication for developer contributions. Factual updating which does not materially change the document will be made as and when required.
- 1.23 This version of the Developers Guide incorporates updates made in December 2014.

2 Policy Approach

Planning policies

- 2.1 The Community Infrastructure Levy Regulations (2010 as amended) Regulation 122 makes the following tests statutory. Planning obligations should only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and,
 - c) Fairly and reasonably related in scale and kind to the development.
- 2.2 In considering these tests the starting point is an examination of the planning policy background. Core strategies provide detailed policies requiring developer contributions for specified items of infrastructure. Similarly, saved policies from local plans may contain such policies. More detailed site-related policies may be provided in area action plans, site allocations documents or in supplementary planning documents. Policies contained in emerging local development documents may be accorded weight where these have been subject to public consultation and are at an advanced stage in the adoption process. If a specific item of infrastructure is not listed within general infrastructure policies in core strategies, this does not necessarily preclude contributions being sought for that infrastructure, provided that there is evidence to demonstrate its need and that it accords with the general terms of the policy.
- 2.3 The National Planning Policy Framework (NPPF) contains a number of references to the presumption in favour of sustainable development, and the need to support economic growth through the planning system. It sets out the Government's planning policies for England and how these are expected to be applied. The presumption in favour of sustainable development is to send a strong signal to those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by the search for opportunities to deliver sustainable development, rather than barriers. In addition the NPPF talks of the significant potential to improve the efficiency and effectiveness of the planning application system for all parties by pre-application engagement and front loading. The Developers Guide seeks to support that aim by providing increased clarity for developers and other stakeholders in the planning process. Planning conditions and obligations are covered in paragraphs 203 – 206 of the NPPF.
- 2.4 On 6th March 2014, the Government published the National Planning Practice Guidance as part of its review of national guidance. This includes a section on planning obligations, which aids interpretation of the National Planning Policy Framework. It is an online resource, available from <http://planningguidance.planningportal.gov.uk/>.
- 2.5 Refer also to the Growth and Infrastructure Act 2013, which contains various provisions relating to infrastructure.

Prioritisation

- 2.6 Different areas in Suffolk have differing priorities for service and infrastructure provision. Therefore prioritisation between service needs may be necessary, having regard to specific local needs and viability of development proposals. The relevant district or borough council will prioritise obligations in line with Local Development Documents and Infrastructure Delivery Plans, which will provide the basis for prioritisation of service and infrastructure provision. However the detailed strategy to be used in any case will be based on local evidence, including studies undertaken, local strategies and community views.

Other

- 2.7 There are other organisations and/or partnerships such as the New Anglia Local Enterprise Partnership for Norfolk and Suffolk, the Suffolk Health and Wellbeing Board, Suffolk Creating the Greenest County and locality working groups that are important in the infrastructure planning process. These bring together representatives from the local statutory, voluntary, community and private sectors to identify and address local problems, promote initiatives and avoiding working in isolation. In addition, as part of the emerging localism agenda and Neighbourhood plans town and parish councils will continue to be an important part of the engagement process.
- 2.8 Cross border issues. Where proposed developments may have an impact on a neighbouring authority in Norfolk, Cambridgeshire or Essex then appropriate consultation will take place and Section 106 contributions may be secured to mitigate any negative impacts on the neighbouring authority. Alternatively, where proposed developments in neighbouring authorities impact on Suffolk then appropriate consultation will take place and Section 106 contributions may be secured to mitigate impacts following the principles set out in the Developers Guide that apply to development in Suffolk. The relevant local planning authority will take the lead role in assessing the need for any cross border issues.

3 Contributions Approach

Section 106 Agreements and Unilateral Undertakings

- 3.1 "Section 106 Agreements" and "Unilateral Undertakings" are types of Planning Obligations authorised by Section 106 of the Town and Country Planning Act 1990.
- 3.2 In most cases, it is expected that local planning authorities and developers will finalise planning obligations by agreement. However, where there is difficulty reaching a negotiated agreement, a developer may offer unilaterally to enter into a planning obligation. A unilateral undertaking is an obligation offered by the applicant to the planning authority either in support of a planning application or used at planning appeals.

Determining developer contributions via planning obligations

- 3.3 The impact of a development proposal will be determined using information provided by the developers and/or landowners, the district and borough councils and the county council, and other appropriate information sources such as from the relevant town or parish council, together with the approach and methodologies contained within the Developers Guide. Regard will also be had for national and local policies and, where appropriate, emerging policies and guidance.
- 3.4 The thresholds for assessing and securing developer contributions from a development may vary depending on each local planning authority. The county council will normally undertake an assessment of "major development" proposals where the number of dwelling-houses to be provided is 10 or more, or the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more. This is based on the definition of "major development" contained in the Town and Country Planning (Development Management Procedure) (England) Order 2010. However district and borough councils may request developer contributions using lower and/or different thresholds e.g. for affordable housing, open space etc.
- 3.5 Suffolk County Council, as the Highways Authority, is a statutory consultee on all planning applications which may have an impact on the highway.

Pre-application discussions

- 3.6 The pre-application services provided by the district and borough councils are intended to provide an early indication to potential applicants of planning issues that will need to be considered and addressed, including the level and range of likely planning obligations requirements.
- 3.7 It is important that full use is made of pre-application discussions, to develop draft Section 106 heads of terms in agreement with the developer, prior to submission of an application. These discussions will be coordinated by the relevant local planning authority, who will then seek appropriate input from the county council and other service providers and/or stakeholders.

- 3.8 In many instances, studies and/or impact assessments will be required to be undertaken to inform final Section 106 heads of terms. Where these are required to be undertaken by developers, information on the scope of the studies or assessments will be provided by the local authorities in liaison with local health bodies and Suffolk Constabulary or other infrastructure coordinating agency at pre-application stage.
- 3.9 The information provided to developers and district and borough councils by the county council, once an assessment of a development has been conducted, is for illustrative purposes only and is time-limited. Normally this is time-limited for a period of 6 months from the date of information being provided. The final decision regarding the level and range of developer contributions rests with the relevant local planning authority that will determine the planning application. In planning appeal situations the final decision will either be made by an Inspector or the Secretary of State.

Formulae and standard charges

- 3.10 Formulae and standard charges may be used, where practicable, to provide consistency and transparency. However, all contributions sought will be assessed on a site by site basis directly related to an individual development proposal and comply with Regulation 122 of the Community Infrastructure Levy regulations 2010.

Pooled contributions

- 3.11 Contributions may be pooled from a number of developments in order to enable provision of infrastructure, which would not be feasible in connection with a single development. Examples of such infrastructure are new schools and larger road schemes.
- 3.12 The total cost of the required infrastructure must be assessed, and a proportionate contribution relating to the impact of the proposed development calculated. In the case of the transfer of land and apportionment of this to multiple developments, the calculation must take into account land value.
- 3.13 This approach is dependent on all of the identified contributing developments coming forward. Any timescale for expenditure specified in the planning obligation must therefore be realistic by the local authority. In the event of uncertainty regarding future development coming forward, alternative sources of funding for the infrastructure should be examined.
- 3.14 In many cases, it will be a requirement for infrastructure to be provided in advance of all pooled contributions having been collected, for example within an early phase of a development. It will therefore be necessary to obtain funding from alternative sources and to collect developer funding retrospectively for these projects.
- 3.15 Regulation 123 of the CIL regulations covers the relationship between Section 106 and CIL, regarding the use of pooled contributions. After April 2015 pooled contributions may only be sought from up to 5 separate planning obligations for an item of infrastructure that is not intended to be covered by CIL.

Monitoring of planning obligations

- 3.16 The district and borough councils and the county council are working together to ensure that Section 106 obligations and trigger points are monitored as appropriate, before, during and after development takes place. Information is shared between these local authorities regarding stages of work on site and contact details of developers. Each planning obligation is pro-actively monitored and each trigger brought to the attention of the developer promptly. Information regarding payments received and other infrastructure requirements complied with is shared between authorities. Final contributions will be index linked as defined in the Section 106 agreement.

Fees for monitoring and legal costs

- 3.17 Standard monitoring charges may be required in respect of each Section 106 agreement and unilateral undertaking. The purpose of the monitoring charge is to cover the staff costs of monitoring compliance with the planning obligations concerned. The amount payable will be calculated by reference to a standard charge for each clause to be monitored.
- 3.18 In addition to monitoring fees, the legal costs arising in connection with the preparation of the Section 106 agreement will be payable by the applicant. Any legal costs incurred are required to be covered, regardless of whether or not the Section 106 agreement proceeds to completion. Additional costs may be sought for the involvement by officers in the development and delivery of a project, for example the Assistant Education Officer. This will be directly related to the development and will take place solely to mitigate the impact caused by the development. Monitoring fees and legal costs must be paid by the applicant before completion of the Section 106 agreement.

Enforcement

- 3.19 The onus is on developers to comply with Section 106 agreements associated with their development. In the event of non-compliance the relevant district or borough council and/or the county council will, if necessary, enforce the terms of the planning obligations in the courts.

Viability

- 3.20 In cases where viability is in question, this must be assessed using open book accounting and viability testing, and must consider whether a project is viable currently and at a specified time in the future. This should be considered in relation to the life of the development. The developer, or applicant, will be required to pay an appropriate agreed fee to the relevant local planning authority to undertake viability testing and for assessment of accounts. Guidance and methodology on viability testing is provided by the Homes and Communities Agency and is available at:

<http://www.homesandcommunities.co.uk/ourwork/development-appraisal-tool>

- 3.21 In considering questions of viability, the advice of a suitably qualified person e.g. a Chartered Surveyor, may be sought in order to provide an independent opinion. The life of development permission may also be considered in conjunction with viability to allow for future envisaged changes in viability.
- 3.22 Notwithstanding the value of independent advice from a suitably qualified person, helpful guidance on viability considerations does exist. The Harman Report considered the issue of viability a local plan scale, which may prove useful as CIL charges are developed and plans are developed. The Royal Institution of Chartered Surveyors has also produced guidance; the 2012 'Financial Viability in Planning' Report; which is available online and may prove helpful.

4 Details of Infrastructure Contributions

- 4.1 The following paragraphs briefly describe the types of infrastructure which may be secured by means of a Section 106 agreement in Suffolk. The following paragraphs are not exhaustive, and do not preclude the provision being made for other types of infrastructure which may be required to mitigate the impact of a development. The level and range of developer contributions against individual schemes will be the subject of negotiation between the local planning authority and the developer. Agreed heads of terms on the Section 106 package may be reported to the relevant local authority planning committee, who will be the responsible body for making a decision on the planning application including the level and range of the associated Section 106 package.
- 4.2 The offer by a developer of infrastructure under one or more of the following headings does not imply that an individual development proposal will be found to be acceptable by the relevant local planning authority. The local planning authority will need to take account of the development plan and other material considerations in reaching its decision on the merits of a planning proposal. Scheme viability does not always mean that is a reason to permit development. Equally, lack of scheme viability does not always mean that Section 106 contributions should be compromised, if overall harm is created or it puts the development out of conformity with the development plan.
- 4.3 As a general over-arching principle, all infrastructure secured will be assessed on a case by case basis. This will be based on local needs, be justified and meet the policy requirements as set out in the NPPF and the statutory tests as set out in the Community Infrastructure Levy Regulations (2010).
- 4.4 Local authority related information on the following types of infrastructure requirements is provided in the Further Information chapter where you will find web pages to relevant supporting development plan policies and national policies. In many instances, socio economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms.

Affordable housing

- 4.5 Most residential development proposals throughout Suffolk will require a contribution towards affordable housing provision that meets the needs of all customer groups, including older people and adults with disabilities. The development of specialist accommodation for older people and other customer groups, such as adults with disabilities, will be pursued in partnership through the county council's Flexicare project. District and borough councils define affordable housing policies in Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). Affordable housing may sometimes include subsidised supported housing which covers a wide range of specific housing needs such as very sheltered housing where a local need is identified. More information and links to specific policies on affordable housing provision is available within the web pages stated in the Further Information chapter that follows this chapter.

Air quality

- 4.6 It is important that developers are encouraged to consider mitigation measures, along with their effectiveness at an early stage. The relevant local planning authority may use Section 106 agreements, unilateral undertakings or conditions to mitigate impacts from new developments that are detrimental to air quality and are in or adjacent to or have a quantifiable impact on air quality in air quality management areas (AQMA). More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

Archaeology

- 4.7 In most cases, the investigation and recording of archaeological remains can be covered by planning condition. However, in some circumstances a Section 106 agreement may be necessary if financial contributions are required, or other provisions are necessary to protect and ensure the preservation of archaeological finds. The county council's archaeological team will advise on the specific requirements of any application. More details can be found in the topic paper on the All of Suffolk web page located in the next chapter

Community Development Officer

- 4.8 Traditionally Community Development Officers work alongside people in communities, building relationships with key people and organisations. This helps highlight common concerns and areas for work. The main benefits of community development work are that communities can become stronger, be supported to be more sustainable, more active and influential in shaping decisions that affect them. It is anticipated that funding for this may only be secured against major development proposals. If such a requirement is necessary, your district or borough council planning officer will be able to offer advice on specific information.

Community facilities and services

- 4.9 Community facilities and services may include a wide range of physical and social infrastructure provision including local centres providing floor space for a variety of land uses, including public halls, multi-faith centres, GP surgeries, health centres, police facilities and transport hub facilities. Where there is an identified need for provision of a new local centre or a public / community hall as part of new development, opportunities for collocation of facilities or links with the requirements of other infrastructure providers (e.g. healthcare providers; which can be GPs, NHS Trusts, commercial or voluntary bodies; Suffolk Constabulary, Libraries and Education) should be fully explored in liaison between the authorities and organisations concerned. New local centres, including public meeting places or community halls, should be in a central and accessible location. The need for a local centre, community hall or other community facility should be identified in a development plan policy, development brief or through local evidence such as need surveys, views of local residents, or following an audit of the suitability of existing facilities.
- 4.10 In circumstances where provision is to be by means of the transfer of land to the local authority, any financial contribution or off-site provision, then a Section 106 planning obligation will be required.

Cultural facilities

- 4.11 Contributions towards cultural facilities may be required where supported by evidence of clear local need and/or development plan policy. In considering local need, regard will be given to the quality of existing provision and any initiative for improvement. Cultural facilities may take the form of museum, gallery or theatre services, but individual decisions will be made on a case by case.

Early years and childcare provision

- 4.12 The provision of sufficient childcare places and early education is a local authority duty under the Childcare Act 2006. Provision must be made for free early education for children aged 3 and 4 years. Under the terms of the 2011 Education Act, provision must also be made for every disadvantaged 2 year old. Early years provision is provided directly by the county council (through nursery classes in primary schools) and by the private and voluntary sectors. Most of the available grant aid is revenue for running the services. There is a funding gap for the capital cost of provision of new and improved premises.
- 4.13 An assessment of the capacity of existing early education facilities will be undertaken in relation to the impact of new development. If there is inadequate capacity to accommodate the pre-school children likely to arise from a development, then a financial contribution will be calculated using the methodology set out in the early years and childcare topic paper located in the All of Suffolk web page in the next chapter.

Education provision

- 4.14 The need for education provision at primary, middle, secondary and sixth form levels will be assessed on all development proposals of 10 or more dwellings. Applications for smaller developments will be exempt unless their co-location to other sites necessitates an area-wide look at the cumulative impacts. The type of residential accommodation will be taken into account in this assessment. For example, sheltered and student accommodation will not be expected to contribute. The need for new education provision arises from new market housing as well as affordable housing. Education need arises from almost all new housing irrespective of type and, therefore, affordable housing will be included in the assessment of education need.
- 4.15 The education provision topic paper located in the *All of Suffolk* web page referred to in chapter five provides details of the methodology used in assessing the need for new education facilities, and calculating developer contributions.
- 4.16 Provision for early years is dealt with separately, although colocation and/or close proximity to primary schools is considered important from a customer/service perspective.

Environmental improvements

- 4.17 Where planning applications affect a site or feature of environmental interest, there may be a need for contributions towards environmental improvements e.g. woodland screening and future maintenance.

Fire and Rescue Service

- 4.18 Developer contributions towards new fire service facilities may be requested where a specific need arising from a development is identified. Any contribution will be calculated to be proportionate to the development, taking into account that contributions may not be required to remedy existing deficiencies. Contributions may be by way of land provision and/or financial contribution towards new built facilities.
- 4.19 The assessment of need for new facilities will take into account the location of facilities in relation to planned developments and response times to deal with emergencies. Alternatives to developer contributions will be explored, for example the fitting of new buildings with sprinkler systems (where not a requirement of building regulations).
- 4.20 New development may require the provision of fire hydrants and associated infrastructure. Where fire hydrants and associated infrastructure are required, then developers will need to agree a scheme with the County Fire Service and be responsible for funding this provision. This provision will normally be secured by means of a planning condition attached to the planning permission. Refer to the Fire and Rescue Service topic paper.

Green infrastructure

- 4.21 There are a number of definitions of 'Green infrastructure' (GI), but the common factors are (a) that GI involves natural and managed green areas in both urban and rural settings (b) is about the strategic connection of open green areas and (c) that GI should provide multiple benefits for people. Green infrastructure is a network of multi-functional open spaces, including formal parks, gardens, woodlands, woodland creation, green corridors, waterways, street trees and open countryside.
- 4.22 Rights of Way may form part of the strategic connections between open spaces. Public open space, including recreational provision may also be included within GI. Both of these types of facility are, however, categories in their own right and are considered separately below.
- 4.23 Evidence of need for enhanced GI facilities may be provided by studies undertaken, e.g. the Haven Gateway Green Infrastructure Study. Whereas such studies may identify existing deficiencies in GI provision, developer contributions towards enhancement must be related to the development concerned and fairly and reasonably related in scale and kind to the proposals. Development plan policies may also provide a firm policy basis for seeking developer contributions towards GI.
- 4.24 Contributions may be requested for capital works, including land purchase or woodland creation for 'pump priming' services such as maintenance or supervision

until facilities become established. Pooling of contributions from a number of developments is likely to be required to develop strategic GI facilities.

Health facilities

- 4.25 The need for new health service facilities in connection with new development will be assessed by NHS England, who will also consult with the local CCG, which can be linked with the preparation of a Health Impact Assessment (HIA). This would take into account factors such as the increased population arising from the development, the capacity of existing primary care/acute facilities provision and the demographic nature of the area. The scope of health care infrastructure may include capital provision and/or related funding and services. In many instances, socio-economic impact assessments - to inform policy and decision makers about the potential benefits, as well as the probable adverse impacts - will be required to be undertaken to inform final heads of terms. Opportunities for combining health service provision, with other infrastructure or facilities provision as part of shared floor space within a local centre, should be explored.
- 4.26 The *All of Suffolk* web page referred to in chapter five provides further detail on the range of health care infrastructure provision which may be required.

Super fast broadband

- 4.27 The NPPF reinforces that advanced, high quality communications infrastructure is essential for sustainable economic growth. Suffolk County Council recommends that all development, certainly in the strategic allocations, is equipped with super fast broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest BT exchange is required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed. This will be discussed with developers on a site by site basis. The county council is looking at developing a strategy involving appropriate stakeholders to request contributions to improve linkages to exchanges and the upgrading of exchanges where this has been identified as necessary.

Highways and Transport

- 4.28 Suffolk County Council as the Highway Authority will consider the overall transport requirements of a development proposal and a transport assessment will be required for all significant developments. Transport assessments will accord with the requirements of the National Planning Practice Guidance (though the deleted 2007 Department for Transport: [Guidance on Transport Assessment](#) remains useful) and will demonstrate how car use will be minimised and proposed mitigation to deal with residual traffic. This will require detailed assessment of opportunities for use of public transport, walking and cycling, including the improvements necessary to connect the development with destinations.
- 4.29 Full transport assessments will be required for residential development of 80 units and more. Smaller scale developments will require a simpler transport statement, which should consider the same issues. Further assessment may be required in

individual cases, particularly where a site is located near to other development sites.

More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

Highway improvements

- 4.30 The highway works deemed necessary as a result of a development proposal may include any works for improving the existing highway network, providing new highways, accommodating public transport, pedestrians and cyclists, associated engineering works and necessary legal and administrative costs, e.g. in implementing Traffic Regulation Orders. Highway works will normally be undertaken by the developer under a Section 278 agreement, which will include a charge for future maintenance.

Travel plans

- 4.31 Travel plans are essential elements within transport assessment because they identify the opportunities to minimise car use and set targets for this. Guidance on travel plans can be found in the National Planning Practice Guidance.
- 4.32 A travel plan will be required to; demonstrate how car use will be minimised, set challenging targets and identify the measures necessary to achieve those targets. The measures will include specific requirements for public transport facilities. Walking and cycling uses are dealt with in detail below but are to be considered as a package of measures required to minimise car use arising from the development.
- 4.33 Travel plans may be secured by condition or by Section 106 obligations where their provisions relate to on-site and related off-site improvements or management measures. However, where these relate to off-site provisions, or are linked with other travel plans in the area, then it is likely that a planning obligation will be required, in order to ensure effective enforcement of the plan. Financial bonds will generally be required to ensure that travel plan actions are delivered and performance is achieved. A standard form of travel plan is located in the Highways and Transport topic paper accessed through the Further Information chapter.

Public transport improvements

- 4.34 Public transport requirements will be required within a package of measures to reduce car use including public transport accessibility, provision of improved services and necessary supporting infrastructure such as bus stops, shelters and information devices.

Rights of way

- 4.35 Public Rights of Way (PRoW) are classified as footpaths, bridleways, restricted byways and byways open to all traffic. In Suffolk the majority of PRoW are footpaths and where appropriate, a development may necessitate a route status being upgraded to accommodate multi-use, such as cycling and equestrian use. Developments will often impact on the existing PRoW network and as a

consequence, there may be enhanced surfacing required to accommodate additional use. Improvements to the existing PRow network required as a result of a development may also necessitate provision of new routes linking existing rights of way. In each case, the required improvements will be determined in relation to the scale of development, securing opportunities for modal shift, and ensuring an appropriate access strategy to strategic facilities including green infrastructure.

Landscaping, planting and other screening

- 4.36 Maintenance contributions for landscaped areas not forming part of a package of green infrastructure, public open space, or highway verges may be required. Where the landscaped area is designed and located for wider public benefit, then this may be vested in the local authority after a specified period. However, in cases where landscaped areas are provided solely to benefit the occupiers of a new development, then a requirement may be made for maintenance payments in perpetuity and/or for a management company to be established to look after such areas.

Libraries and Archives

- 4.37 Suffolk County Council has chosen to commission Suffolk Libraries Industrial and Provident Society Ltd to be responsible for enabling the delivery of library services, as well as mobile libraries to serve rural areas. Buildings, physical and electronic stock (eBooks/eAudio) for loan, and ICT equipment remains the property of the County Council, and will need investment to meet the impact of new developments.

Therefore it is the intention of the County Council to continue to request contributions when justified and based on local need. The council will work with Suffolk Libraries IPS and its member outreach groups to develop and extend the library offer, to provide more outreach activity, to enable the use of the library as a community space, and to increase the use of the library service online. This may involve extensions and adaptations to existing libraries, increased levels of physical or electronic stock, public access IT provision, outreach, activities and deposit collections and the means to manage them and, where justified, the creation of new libraries and information centres which would then be used by the communities once they are established.

The Department for Culture, Media and Sport (DCMS) previously published national standards for library provision and monitored Library Authorities' performance against the standards. These were abolished but still form the basis for the performance measures in the county council's contract with Suffolk Libraries IPS. Details can be found via the further information chapter.

Police facilities

- 4.38 Section 17 of the Crime and Disorder Act 1998 places a duty to reduce crime and disorder within the community, a responsibility which requires the prioritising of finite police resources across the large rural county of Suffolk. The need for new police facilities in connection with new development will be assessed by the Suffolk Constabulary, usually following the preparation of a Crime and Disorder Impact Assessment (CDIA). This would take into account the likely increase in population,

the existing capacity of policing facilities and any local issues or concerns. The scope of police infrastructure may include both capital provision and / or related funding.

- 4.39 Opportunities for combining police service provision with other infrastructure or facilities provision as part of the floor space within a local centre should be explored.
- 4.40 Detail on the range of police infrastructure provision that may be required can be found in the police infrastructure provision topic paper accessed through the Further Information chapter.

Public art

- 4.41 Provision for public art may be made in development plan policies, supplementary planning documents or may be negotiated on an individual site-specific basis. If provision is to be made on site, this can be covered by planning conditions. Alternatively, pooled contributions may be sought from a number of developments towards public art which may be within a town centre or other focal point.

Public realm improvements

- 4.42 Contributions may be requested towards streetscape or other public realm improvements, including hard and soft landscaping, street furniture, signage etc. A clear linkage between the development and the improvements must be demonstrated.
- 4.43 Contributions towards public realm improvements may be pooled. If any standard charge is to be imposed, the basis for calculation will be set out in the relevant district or borough councils Development Plan Document or Supplementary Planning Document.

Social infrastructure including open space, sport and recreation

- 4.44 The detailed basis for contributions towards social infrastructure is set out in development plan documents including district and borough councils' supplementary planning documents which are available from the web pages in the next chapter. Contributions may be requested in kind, for the provision of land and/or facilities, or may be by way of financial contributions. A standard charge may be imposed, provided that details of calculation of the charge are available within the development plan and have been subject to public consultation.
- 4.45 Contributions may be required towards the provision of off-site outdoor space for sport and recreation (including playing fields, tennis courts, bowling greens and multi-use games areas), and indoor community sports facilities such as swimming pools and sports halls; where on-site provision is not justified or feasible. Contributions will usually also include an element for future management and maintenance of such areas. A standard charge may be imposed provided that details of calculation of the charge are available within the development plan and have been subject to public consultation.

Specific pooled contributions

- 4.46 Refer to chapter five for a link to the district and borough councils Section 106 pages where any other contributions are described.

Sustainable Urban Drainage Systems

- 4.47 The Flood and Water Management Act 2010 will, once the relevant sections are implemented, require most developments to seek drainage approval from the county council and/or its agent alongside planning consent. At this time, the county council and/or its agent will be expected to adopt and maintain approved systems and a mechanism for funding this ongoing maintenance is expected to be introduced by the government.
- 4.48 In the interim, developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. The national SuDS guidance will be used to determine whether drainage proposals are appropriate. Under certain circumstances the county council may consider adopting SuDS ahead of the implementation of the Act and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.

Waste infrastructure

- 4.49 There is a requirement to encourage waste minimisation and recycling in connection with new development. This is articulated in local and national policies. A waste minimisation and recycling strategy may be covered by suitable planning conditions. Waste collection / recycling facilities may be provided on site and covered by planning conditions. However, the wider requirements for waste disposal on a strategic basis are dealt with by the county council, which includes Household Waste & Recycling Centres. The county council, in accordance with European Union targets for the sustainable disposal of waste, and in accordance with policies contained in the county council's Waste Core Strategy, is seeking to reduce reliance on landfill and is currently in the process of delivering a new Energy from Waste (EfW) facility serving Suffolk from December 2014. More details can be found in the topic paper on the **All of Suffolk** web page located in the next chapter.

5 Further Information

- 5.1 Please go to one of the following Section 106 web pages where you will find further information relating to the authority area that your development is located within. The **All of Suffolk** section contains further details regarding Suffolk County Council requirements along with NHS England and Suffolk Constabulary.

Planning Authority web pages:

[Babergh District Council](#)

[Broads Authority](#)

Also of use may be the [Development Management pages](#).

[Forest Heath District Council](#)

[Ipswich Borough Council](#)

[Mid Suffolk District Council](#)

[St Edmundsbury Borough Council](#)

[Suffolk Coastal District Council](#)

[Waveney District Council](#)

All of Suffolk

All topic papers are hosted on the [Suffolk County Council](#) website.

If you need help to understand this information in another language please call **08456 066 067**.

Se precisar de ajuda para ler estas informações em outra língua, por favor telefone para o número abaixo.	Portuguese	بەم زانیاری دەشتنێ یە ب ت گەییەتی دە یارمەر پ ویستیت بەگەئە بکەر. وە ی خوارەم ژمارەندی بەیو بەزمان گئی تر تکایە	Kurdish
Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.	Polish	如果你需要其他語言來幫助你了解這些資訊，請撥以下電話。	Chinese
এই লেখাটি যদি অন্য ভাষাতে বুঝতে চান তাহলে নিচের নম্বরে ফোন করুন	Bengali	اگر شما نیاز دارید که این اطلاعات را به زبان دیگری دریافت کنید لطفاً به شماره زیر تلفن کنید.	Farsi

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