

Cabinet

Monday 30 April 2018

9.00 am, Colman and Cavell Rooms

South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

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please let us know in advance**

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Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk

Members of the Cabinet**Portfolio**

John Fuller (Chairman)	The Economy and External Affairs
Mr M Edney (Vice Chairman)	Stronger Communities
Mrs Y Bendle	Housing, Wellbeing, Leisure and Early Intervention
Mr B Stone	Finance and Resources
Mr L Hornby	Regulation and Public Safety
Mrs K Mason Billig	Environment and Recycling

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council's guidance on filming and recording meetings available in the meeting room.

Group Meetings

Conservatives – 8.00 am, Cabinet Office

Liberal Democrats – 8.15 am, Blomefield Room

Agenda

1. To report apologies for absence;
2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. To Receive Declarations of Interest from Members; (please see guidance – page 5)
4. To confirm the minutes of the meeting of Cabinet held on Monday 19 March 2018; (attached – page 6)
5. South Norfolk Economic Growth Prospectus; (report attached – page 18)
6. Response to consultations on draft Revised National Planning Policy Framework and Government statement on "Supporting housing delivery through developer contributions"; (report attached – page 23)

7. **Guidelines for Recreation Provision in New Residential Developments Supplementary Planning Document (SPD)**
– Revised Draft for Consultation; (report attached – page 171)
8. **Waveney Local Plan**
Duty to Cooperate – Statement of Common Ground on Housing Market Area, Functional Economic Area and
Objectively Assessed Needs; (report attached – page 323)
9. **Investors in People (IiP) 2018;** (report attached – page 333)
10. **Cabinet Core Agenda;** (attached – page 338)

DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of **other** interests, the member may speak and vote on the matter.
- If it is a **pecuniary** interest, the member must withdraw from the meeting when it is discussed.
- If it **affects or relates to a pecuniary interest** the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.



CABINET

Minutes of a meeting of the Cabinet of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday 19 March 2018 at 9.00 a.m.

Members Present:

Cabinet: Councillors J Fuller (Chairman), Y Bendle, M Edney, L Hornby, K Mason Billig and B Stone

Non-Appointed: Councillors B Bernard, F Ellis, J Hornby, N Legg, T Lewis, G Minshull, J Mooney, R Savage and V Thomson

Also in Attendance: Mr T Gurney (clerk to Wymondham Town Council), and Cllr S Nuri (Wymondham Town Council)

Officers in Attendance: The Director of Communities and Well-Being (J Sutterby), the Director of Growth and Business Development (D Lorimer), the Head of Business Transformation (H Ralph), the Head of Early Help (M Pursehouse), the Head of Health and Leisure (S Goddard), the Monitoring Officer (E Hodds) the Accountancy Manager (M Fernandez-Graham), the Business Improvement Manager (S Pontin), the Early Help Hub Manager (L Pickering), the ICT Manager (C Balmer), the Operational Economic Development Manager (D Disney), and the Policy and Partnerships Delivery Manager (T Cooke).

2628 DECLARATIONS OF INTEREST

Member	Item	Interest
Cllr J Fuller	Fair Funding Review (minute 2633)	“Other” interest as the Chairman of the LGA Fair Funding and Business Rates Retention Task Force.
Cllr L Hornby	Ketts Park Redevelopment Project (minute 2638)	“Other” interest as a member of Wymondham Town Council. Cllr Hornby chose not to partake in discussions or vote on the issue.

2629 MINUTES

The minutes of the meeting held 5 February 2018 were confirmed as a correct record and signed by the Chairman.

2630 Electric Vehicle Charging Points in our Market Towns

The Subject of the Decision

Members considered the report of the Operational Economic Development Manager, which outlined proposals for the Council to apply for an OLEV grant to install “fast” electric vehicle charging points in car parks in each of the market towns.

Cllr L Hornby commended the report to members, referring to the important role the Council could play in protecting air quality, and encouraging the use of electric vehicles. This was, he suggested, an example of the Council “leading the way”.

The Operational Economic Development Manager presented his report and outlined the salient points to members. He explained that although the car park in Harleston was leased to Redenhall with Harleston Town Council, the town would not be excluded from the opportunity to have charging points installed. Members agreed that the proposed locations should also include the Church Plain car park in Loddon, not the Staithe car park as indicated in the report.

During discussion, Cllr T Lewis, although supportive of the proposals in principle, sought clarification regarding the decision being made and he queried the risks involved. He suggested that a business case was required before the Cabinet could make any final decisions.

The Chairman explained that the capital provision for the project had already been agreed at the full Council meeting held in February, and that he did not consider there to be any significant risks or the need for a business case. The Operational Economic Development Manager reminded members that the current investment by the Council would be capped at 25k, as the project limit set by OLEV was 100K, and the grant would cover 75% of this.

Cabinet members expressed their support for the recommendations. Cllr K Mason Billig explained that she had attended the excellent member briefing on electric vehicle charging points, which she felt had dispelled many myths regarding electric vehicles.

She felt it prudent for the Council to go ahead with the proposals and take advantage of the OLEV grant, which might not be available in the future. She also suggested that consideration be given to the implementation of charging points in the Council office and leisure centre car parks. Members agreed that although the primary focus was on the market towns, this suggestion could be considered further, should finances allow.

During further discussion, members' attention was drawn to paragraph 3.6 of the report, which outlined the possibilities of a two-tier charging system, and the benefits this could bring to those who lived locally. Members also noted how the provision could attract tourists and additional visitors to the town, and the Chairman stressed the need to future proof installations so that future growth in the number of charging points was an option.

The Decision

- RESOLVED:**
- (a) To agree for officers to engage with manufacturers in a market assessment;
 - (b) To approve the application to OLEV for a grant to cover 75% of the cost of implementation of two Electric Vehicle Charging points in one of the car parks in each of the five Market Towns;
 - (c) That the initial proposed locations include Church Plain car park in Loddon (not the Staithe Car Park as indicated in the report);
 - (d) That should finances allow, the implementation of charging points in the leisure centres' and South Norfolk House car parks, be considered further.

The Reasons for the Decision

To assist in helping to reduce carbon emissions and tackle air quality, whilst supporting economic development in the market towns.

Other Options Considered

To do nothing and wait for other providers to install the charging points
To only provide the standard domestic style 8-12 hour charging points.

2631 Home Options Policy Changes Following Enactment of the Homelessness Reduction Act

The Subject of the Decision

Members considered the report of the Housing and Benefits Manager, which sought Cabinet approval to make changes to the Home Options Policy, to ensure that it remained legally compliant and fit for purpose, in readiness for the implementation of the Homelessness Reduction Act.

The Head of Early Help presented the report, and members noted that only minor amendments were required to the Policy, due to the Council's preventative and proactive approach, that had already been adopted.

Cllr Y Bendle commended the report to members, explaining that the proposed changes built on the good work that was already taking place. She referred in particular to the Council's First Officers, who worked alongside residents to ensure that they had the right skills and understanding to retain their tenancies.

The Decision

RESOLVED: To approve the changes to the Home Options Policy, to take effect from 3 April 2018, as the Homelessness Reduction Act comes in to effect

The Reasons for the Decision

To ensure that the Home Options Policy remains legally compliant and fit for purpose.

Other Options Considered

None

2632 DISCRETIONARY PAYMENTS DISTRICT DIRECT HOSPITAL DISCHARGE AND EARLY HELP FLEXIBLE FUND PAYMENTS

The Subject of the Decision

Members considered the report of the Policy, Partnerships and Delivery Manager, which outlined details of the District Hospital Discharge Grant and the Early Help Flexible Fund, and sought their inclusion in the South Norfolk Housing Strategy 2016-19.

Officers outlined details of both the District Hospital Discharge Grant and the Early Help Flexible Fund. Members noted that the Discharge Grant sought to speed up hospital discharge times for patients, by ensuring that their homes were fit to return to, for example, through the fitting of temporary wheelchair ramps, the provision of key safes for carers, or temporary stair climbers. The Early Help Flexible Fund was able to provide emergency provisions for residents, such as food, electric or oil, or help maintain education, training or employment. Officers explained that the aim was to provide a holistic approach, and as part of any grant award, First Officers would also be providing assistance with any wider issues.

Cllr Y Bendle commended the report to members, citing the District Hospital Discharge Grant as an excellent example of partnership working

The Decision

RESOLVED: To agree that the District Direct Hospital Discharge Grant and the Early Help Flexible Fund Payments are included as an addendum to the South Norfolk Housing Strategy 2016 -2019.

The Reasons for the Decision

To support the health and wellbeing of South Norfolk residents and to ensure an up to date and legally compliant Housing Strategy.

Other Options Considered

None

2633 RESPONSE TO FAIR FUNDING REVIEW TECHNICAL CONSULTATION

The Subject of the Decision

Members considered the report of the Accountancy Manager, which detailed the Government's Fair Funding Review consultation and the joint response from six Norfolk District authorities.

Cllr B Stone commended the report to Cabinet, explaining that South Norfolk Council had led on producing a joint response to the consultation on behalf of six Norfolk district authorities. Members noted that due to the deadlines involved, the response had already been submitted, following consultation with the Leader of the Council and the Portfolio Holder for Finance and Resources. Cllr Stone advised the meeting that any agreed formula would come in to effect from the 20/21 budgets.

The Accountancy Manager outlined the principles of the review, and drew attention to the key elements of the response, detailed at Appendix B of the report. He explained that the consultation was a technical document, and that there was currently not sufficient information to know how these changes would directly impact on the Council.

During discussion, the Chairman stressed the importance of the consultation and reminded members that there would be no Revenue Support Grant from 2019/20. He referred to the different issues facing rural and urban areas, and referred to the difficulty in measuring deprivation in the more rural areas. Cllr K Mason Billig expressed her support for the Council's response, referring in particular to Internal Drainage Boards and the need for transparency.

Cab Min 19/03/18CLW

The Decision

RESOLVED: To note the report and endorse the response to the consultation.

The Reasons for the Decision

To ensure a fair approach to funding that meets the needs of local authorities.

Other Options Considered

None

2634 GENDER PAY GAP

Members noted that the Council was required by law to publish its gender pay gap figures. The Chairman was pleased to report a near parity between male and female employees' average pay, with the mean average pay gap being minus 0.3%, and on average female employees earning very slightly more than men.

The Chairman was enormously proud of this, stressing that the Council was committed to equality and diversity.

2635 STATEMENT OF CO-OPERATION WITH WAVENEY DISTRICT COUNCIL

Members noted that this item was deferred to the April meeting of the Cabinet.

2636 CABINET CORE AGENDA

Members noted the latest version of the Cabinet Core Agenda.

2637 LEISURE PRINCIPLES AND DRAFT STRATEGY

The Subject of the Decision

Members considered the report of the Director of Communities and Wellbeing, which presented members with the draft Leisure Strategy, and proposed principles on which the leisure service would be developed.

Cllr Y Bendle commended the report to members, referring to the links with health and wellbeing and the impact the Council could have in ensuring healthier and more active residents.

The Director of Communities and Wellbeing presented the report, explaining that the Council was in a minority of district councils in terms of retaining an in-house provision of its leisure facilities. He outlined the proposed principles, and referred to the need to continue to extend the leisure offer outside the physical confines of the Leisure Centres.

The Chairman reminded members that the Council was not only providing a high-quality leisure provision, but also striving to provide an operational surplus for the Council, which was beyond reach for most local authorities.

Members referred to the exempt papers at Appendix 2 of the report, and it was then

RESOLVED: To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended)

Discussion then followed concerning the future challenges facing each of the leisure centres, and the Head of Health and Leisure referred to the opportunities in extending the leisure provision, and the areas of focus over the next three years.

The Decision

RESOLVED: To:

- a) Agree the principles outlined in the report as a policy framework, as to how officers will develop the leisure service over the life of the Strategy;
- b) Approve and adopt the draft Leisure Strategy, subject to an additional paragraph demonstrating the leisure options available to residents in the East of the District.

The Reasons for the Decision

To ensure an innovative and planned strategic approach to the service, whilst continuing to deliver quality leisure facilities.

Other Options Considered

None

2638 KETTS PARK REDEVELOPMENT PROJECT

The Subject of the Decision

(The Wymondham Town Clerk and Wymondham Town Councillors were, with the agreement of the Chairman, permitted to be present for the duration of this item)

Members considered the *exempt* report of the Community Leisure Manager, which updated Cabinet on the progress made with the proposed project in partnership with Wymondham Town Council, to redevelop and enhance the sport and leisure facilities at Ketts Park in Wymondham.

The Chairman wished to convey his thanks to the Community Leisure Manager, Mark Heazle, for his hard work in progressing the project to its current status. On behalf of the Cabinet, he also expressed his deepest sympathies to Mr Heazle and his family, on the recent passing of his wife, Sharon.

Cab Min 19/03/18CLW

The Head of Health and Leisure outlined the salient points of the report, explaining that the project had reached a critical point whereby decisions from both South Norfolk and Wymondham Town Councils were required. He drew attention to the external sources of funding and the associated deadlines, and members noted that Wymondham Town Council was due to consider the proposals at its meeting later that week. The Business Improvement Manager then explained in detail the issues relating to the section 106 agreements.

Member welcomed the proposals, referring to the enormous benefits the proposed project would bring, and the compelling offer of significant grant funding from partners.

During discussion, Mr T Gurney, Clerk to Wymondham Town Council, and Cllr R Savage (speaking in his capacity as Mayor of Wymondham), expressed some concerns and sought amendments to the relevant section 106 agreements so as to ensure that all future receipts were ringfenced to Wymondham. In response, Cabinet agreed that at this critical stage in the project, this was neither possible or necessary. Members noted that the section 106 receipts could only be spent outside of Wymondham, should there be no viable projects in the town.

Members stressed the real value of the project, not just in monetary terms, but to the health and wellbeing of residents in Wymondham and the surrounding area, and Cabinet urged Wymondham Town Council to approve the proposals at its meeting later that week.

The Decision

To:

- a) agree to deliver the Ketts Park redevelopment project in partnership with Wymondham Town Council, following the successful conclusion of negotiations (including the signing of Heads of Terms prior to 24th March 2018), including the Town Council agreeing to utilise the S106 receipt from the Carpenters Barn development. Should the signing of Heads of Terms not take place by 24th March 2018 it is acknowledged that the ability to deliver the project is severely compromised.

- b) agree that decisions to proceed with the allocation of capital spend outlined within the report, and the signing of any agreements with external funders to this project, and the signing of any agreement with Wymondham Town Council and any other parties to the development and operation of the Ketts Park site, be delegated to the Director of Communities and Wellbeing in consultation with the portfolio holder for Housing, Wellbeing, Leisure and Early Intervention.

The Reasons for the Decision

To deliver a project that would benefit residents in Wymondham and the surrounding area, in line with the Health and Wellbeing principles of the Leisure Strategy.

Other Options Considered

Do nothing.

2639 TELEPHONY PROJECT UPATE

The Subject of the Decision

Members considered the *exempt* report of the Assistant Director – Resources, which updated members regarding the Council's telephony contact.

Cllr Edney explained that the current telephony system was to be withdrawn from service as of June 2018. The Council was looking to ensure that any new system was future proofed, allowing for any growth or reduction in capacity and service provision, limiting costs and improving ways of working.

The ICT Manager explained the process that had been undertaken in order to identify a new telephony supplier and officers responded to a number of questions from members on points of detail.

The Decision

RESOLVED: To note the report and, due to the timescales involved, delegate the awarding of the telephony contract to the Section 151 Officer in consultation with the relevant Portfolio holder.

The Reasons for the Decision

To ensure a system which is future proofed and can deliver efficiencies and value for money for the Council.

Other Options Considered

None.

(The meeting concluded at 11.02 am)

Chairman

**Cabinet
30 April 2018**

Agenda Item 5

South Norfolk Economic Growth Prospectus

Report of the Funding Manager

Cabinet Member: Councillor John Fuller, The Economy and External Affairs

**Author: David Disney,
Email: ddisney@s-norfolk.gov.uk**



1. Introduction

- 1.1** The purpose of this report is to seek approval of the proposed concept, layout and design for a bespoke online South Norfolk Economic Growth Prospectus. This would, align with the New Anglia Local Partnership's Norfolk and Suffolk Economic Strategy and aims to attract greater levels of inward investment into the District and Greater Norwich by clearly setting out the opportunities for delivering growth, the key investment assets of the area as well as the rationale why this locality is a great place to live and do business. The recommendation of this report is to approve the online layout and summary of the content of the website so that it can be developed for use as an important tool to attract and land new businesses, gaining investment in the District and Greater Norwich as well as encouraging existing businesses to grow within the area.

2. Background

- 2.1** Cabinet endorsed the New Anglia Partnership's Norfolk and Suffolk Economic Strategy in October 2017 and proposed a refresh of the South Norfolk Economic Growth Strategy (2016-2021). It was subsequently agreed that having endorsed the Norfolk and Suffolk Economic Strategy a more advantageous approach would be to produce an outward facing online Prospectus to assist with delivering the growth ambitions of South Norfolk as part of Greater Norwich.

3. Current Position

- 3.1** Although the number of investments received from international developers and investors have increased to the UK over the past 10 years (1,573 to 2,265, source DIT), investments within the East of England as a region and Norfolk as a County still lag behind other UK locations. Given the long lead in time to realise foreign investments and UK investments, if South Norfolk is to achieve its target to increase its GVA to £39 per head and achieve 3,400 new jobs by 2036, more needs to be done to proactively promote the district and Greater Norwich to new investors as being an investment ready location.
- 3.2** South Norfolk currently depends on external organisations to promote its offer e.g. *The East Prospectus* (New Anglia LEP) and *Locate Norfolk* (Norfolk County Council) which while valuable could be further strengthened by a bespoke prospectus. As South

Norfolk is part of Greater Norwich it is anticipated that our prospectus, while concentrating on locations within the district, will also promote the whole of the Greater Norwich Area and that it will complement those produced in future by Broadland and Norwich.

- 3.3** Once finalised the aim is that the website will be used mainly by those companies who are seeking to locations in which to become established or space to grow their business if already established in this location. Other users of the website are anticipated to be the New Anglia LEP, promoters of the individual locations such as the Norwich Research Park as well as the Department for International Trade to promote the interests of South Norfolk as part of Greater Norwich at a local, national and international level.
- 3.4** The proposed concept and design has been considered and endorsed by an informal meeting of the Growth, Infrastructure and Environment Policy Committee on the 17th April 2018.

4. Proposal

- 4.1** South Norfolk Council is proposing to develop an online prospectus to better deliver its ambitious growth plans as part of Greater Norwich. A proposed design will be shown to Members for their consideration at the Cabinet meeting however it is envisaged that the website will include the following contents:

4.1.1 Key Sectors

Of the nine key sectors identified in the New Anglia Partnership's Norfolk and Suffolk Economic Strategy five are found within South Norfolk and Greater Norwich these are listed below. The website will describe each of these sectors, businesses who are already based in the locality and the benefits for businesses in joining each individual sector with case studies.

- Life Science, bioeconomy & biotech
- Advance manufacturing and engineering
- Agriculture, agritech and food & drink
- ICT, Tech, creative & digital
- Visitor economy, tourism and culture

4.1.2 Sites & Properties

Information on each of the key employment sites will be included, these will be based on the site specific cards produced for MPIM but the information will include access to utilities and connectivity. The sites along the Cambridge Norwich Tech Corridor will include:

- Norwich Research Park
- Hethel Technology Park
- Browick Road
- In addition, the Food Enterprise Zone will also be included

4.1.3 Connectivity

This will include digital connectivity as a result of the investment the council has made to ensure 100% coverage of the District, in addition to the key transport links (rail, road and air) within the region and beyond.

4.1.4 Living in Greater Norwich

This section of the website will describe the benefits of living and working in Greater Norwich from the leisure, shopping and cultural activities available in Norwich to the Market Towns, Broads and Coastline of Norfolk. It will include references to education, higher education facilities and housing.

4.1.5 Cost competitive

The cost of employment land will be compared to the cost in Cambridge and London. In addition, the website will also compare the average house price in relation to the average salary in the District to Cambridge and London.

4.1.6 Business Support

This section will describe how South Norfolk Council will help remove barriers and solve problems to assist investors in developing their businesses in the locality.

4.1.7 The website will also offer the opportunity to download a more detailed prospectus once contact details have been provided to enable Officers to follow up leads. It will also have website links to relevant third parties i.e. New Anglia Local Enterprise Partnership. Finally, the prospectus will be optimised for mobile devices and also to allow a printed version.

5. Risks and implications arising

- 5.1 The proposal for an online prospectus has been costed and can be accommodated within the budget.
- 5.2 The production of an online prospectus does not have any significant risks or impact on crime and disorder.

6. Other options

- 6.1 The Council could do nothing and continue to rely on third parties such as the New Anglia's Local Enterprise Partnership's promotional prospectus to attract and land new investment opportunities into our area, however the proposed online prospectus will align and enhance the current offerings. In addition, other Greater Norwich partners can link with it to increase the overall impact.

7. Recommendation

- 7.1 Cabinet is asked to:
 - 7.1.1 Approve the proposed concept, content and design of the South Norfolk Economic Growth Prospectus
 - 7.1.2 Delegate the production of the prospectus to the Director of Growth and Business Development.

Cabinet 30 April 2018

Agenda Item 6

**Response to consultations on draft Revised National Planning Policy Framework
and Government statement on “Supporting housing delivery through developer
contributions”**

**Report of the Interim Joint Spatial Planning Manager
Cabinet Member: John Fuller, The Economy and External Affairs**

CONTACT
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1. Introduction

- 1.1 The purpose of this report is to set out a proposed response to the Government's consultations on a draft revised National Planning Policy Framework, and statement on "Supporting housing delivery through developer contributions – reforming developer contributions to affordable housing and infrastructure". Supporting documents have also been published for reference: Draft Planning Practice Guidance and Housing Delivery Test: draft measurement rule book. The two consultation documents are appended to this report (Appendix A and B) and all the documents can be viewed via <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework> and <https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions>.
- 1.2 A draft response to the consultations has been produced under the Greater Norwich Development Partnership with additional input from South Norfolk and Broadland officers. These composite responses are appended at Appendices C and D.

2. Background

- 2.1 The draft NPPF proposes extensive change to the document, with very little of the original document left untouched. In general the ordering within sections is clearer, with general principles first, then what plans should do, then how to approach decision making, then other considerations.

Key elements are:

- Achieving sustainable development – retaining the presumption in favour of sustainable development.
- Plan-making – sets the aspiration for the planning system to be genuinely plan-led, and that at a minimum, plans must address strategic priorities, with an expectation for the plan to be reviewed to assess whether it needs updating at least once every five years. Explicitly distinguishes local policies as additional to strategic policies. Some changes to the tests of soundness, clarifying that a plan should set out 'an appropriate strategy' rather than 'the most appropriate strategy'. There is also a greater emphasis on viability assessments at the plan making level, suggesting a lesser role in relation to specific planning applications. This will require local plans to undertake more detailed viability work, which could impact on the local plan timetable.
- Decision making – much of this section relates to development management matters, and there is the expectation for all viability assessments to be made publicly available.

- Delivering a wide choice of high quality homes – looks for 20% of allocated sites to be on sites of half a hectare or less. No affordable housing on sites below ten units, and at least 10% affordable home ownership required on major sites. The five year housing land supply requirement remains, along with a presumption in favour of sustainable development where delivery is below 75% of housing required from 2020.
- Building a strong, competitive economy – changes to support business growth and productivity, including accommodating local business and community needs in rural areas.
- Ensuring the vitality of town centres – nothing significant has been changed
- Promoting Healthy and Safe Communities – significant changes in this section, seeking policies and decisions to consider the social and economic benefits of estate regeneration.
- Promoting sustainable transport – the draft sets out how transport issues should be considered from the earliest stages of plan-making and development proposals to support the objectives set out in the document.
- Supporting high quality communication – mainly development management matters raised, but there is an expectation for planning policies to support the expansion of electronic communication networks.
- Making effective use of land – largely new, with an increased emphasis to use brownfield and under-utilised land, and opportunities for upward extension. Proposes local plans to set minimum density standards for parts of the plan area.
- Achieving well-designed places – little new content in this section.
- Green Belt – no new content, but it does repeat how new Green Belts should only be established in exceptional circumstances, having considered other reasonable options for accommodating growth.
- There is little new content in the chapters: Meeting the challenge of climate change, flooding and coastal change; Conserving and enhancing the natural environment; Conserving and enhancing the historic environment; and, Facilitating the sustainable use of minerals.

2.2 In the “Supporting housing delivery through developer contributions” document it is stated (at para 39) that:
“The key objectives that the Government is seeking to achieve through the reform of developer contributions and the NPPF are to make the system of developer contributions more transparent and accountable by:

- **Reducing complexity and increasing certainty** for local authorities and developers, which will give confidence to communities that infrastructure can be funded.

- Supporting **swifter development** through focusing viability assessment on plan making rather than decision making (when planning applications are submitted). This speeds up the planning process by reducing scope for delays caused by renegotiation of developer contributions.
- **Increasing market responsiveness** so that local authorities can better target increases in value, while reducing the risks for developers in an economic downturn.
- **Improving transparency** for communities and developers over where contributions are spent and expecting all viability assessments to be publicly available subject to some very limited circumstances. This will **increase accountability** and confidence that sufficient infrastructure will be provided.
- Allowing local authorities to **introduce a Strategic Infrastructure Tariff** to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit.”

In addition, it is proposed to make “technical clarifications to support the operation of the current system”.

3. Proposals

- 3.1 It is proposed that the draft responses to the consultations, set out in Appendices C and D, are submitted to the Government as the Council’s response.

4. Risks and implications arising

- 4.1 There will be no direct impacts arising from the report. If approved by the Government, the revised NPPF will become a key consideration in the production of local plans and the determination of applications for planning permission. If the proposals in

“Supporting housing delivery through developer contributions” are taken forward by the Government, then changes will occur to the CIL and S106 processes that will need to be implemented by the Council.

5. Other options

5.1 Cabinet could decide to make amendments to the proposed responses or that no response be made.

6. Recommendation

6.1 that Cabinet resolves to:

- i) agree the Council’s proposed responses as set in Appendices C and D;
- ii) Delegate authority to the Director of Growth and Business, in consultation with the Cabinet Member for Economy and External Affairs, to agree any minor factual corrections to the responses if necessary.

Appendices

A: National Planning Policy Framework – Draft text for consultation

B: Supporting housing delivery through developer contributions – Reforming developer contributions to affordable housing and infrastructure (consultation)

C: Consultation response form – draft NPPF

D: Developer Contributions Consultation response form



Ministry of Housing,
Communities &
Local Government

National Planning Policy Framework

Draft text for consultation



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March 2018

ISBN: 978-1-4098-5207-0

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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. General references to planning policies in this Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
5. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

¹ This document replaces the first National Planning Policy Framework published in March 2012.

² This includes the local and neighbourhood plans that have been brought into force, and any spatial development strategies produced by combined authorities or elected Mayors (see glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic plans⁵ should, as a minimum, provide for objectively assessed needs for housing and other development, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

⁵ Local plans or spatial development strategies that contain policies to address the strategic priorities of an area (see chapter 3).

⁶ As established through statements of common ground.

⁷ The policies referred to are those in this Framework relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, within a National Park (or the Broads Authority) or defined as Heritage Coast; irreplaceable habitats including ancient woodland; aged or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 55); and areas at risk of flooding or coastal change. It does not refer to policies in development plans.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that have been brought into force⁸), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. Where a neighbourhood plan that has recently been brought into force⁹ contains policies and allocations to meet its identified housing requirement, the adverse impact of allowing development that conflicts with it is likely to significantly and demonstrably outweigh the benefits where:
 - a) paragraph 75 of this Framework applies; and
 - b) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement), and its housing delivery was at least 45% of that required¹⁰ over the previous three years.

⁸ Brought into force refers to neighbourhood plans passed at referendum.

⁹ 'Recently been brought into force' means a neighbourhood plan which was passed at referendum two years or less before the date on which the decision is made.

¹⁰ Assessed against the Housing Delivery Test, from November 2018 onwards. Transitional arrangements are set out in Annex 1.

3. Plan-making

15. The planning system should be genuinely plan-led: succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹¹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. As a minimum, authorities must ensure that there is a plan which addresses the strategic priorities for their area¹². This strategic plan can be produced by:
 - a) local planning authorities working together or independently, in the form of a joint or individual local plan; or
 - b) an elected Mayor or combined authority, in the form of a spatial development strategy (where plan-making powers have been conferred).
18. Where more detailed issues need addressing, local policies may be produced for inclusion in a local plan, or in a neighbourhood plan prepared by a neighbourhood planning group (a parish or town council, or a neighbourhood forum).
19. It is the combination of these statutory plans, produced at the strategic and local levels, that makes up the 'development plan' for a particular area.

¹¹ This is a legal obligation on local planning authorities exercising their plan-making functions.

¹² Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. The strategic policies required for the area of each local planning authority should include those policies, and strategic site allocations, necessary to provide:
 - a) an overall strategy for the pattern and scale of development;
 - b) the homes and workplaces needed, including affordable housing;
 - c) appropriate retail, leisure and other commercial development;
 - d) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - e) community facilities (such as health, education and cultural infrastructure); and
 - f) climate change mitigation and adaptation, and conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure.
21. Plans should make explicit which policies are 'strategic policies'. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any local policies that may be needed. Those local policies may come forward either as part of a single local plan¹³ or as part of a subsequent local plan or neighbourhood plan. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
23. Policies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁴. Reviews should be completed no later than five years from the adoption date of the plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has increased; and they are likely to require earlier review if local housing need is expected to increase in the near future.
24. Strategic plans should indicate broad locations for development on a key diagram, and land-use designations and allocations on a policies map¹⁵. They should have a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. They should, as a minimum, plan for and

¹³ Where a single local plan is prepared the local policies should be clearly distinguished from the strategic policies.

¹⁴ Reviews at least every five years are a legal requirement for all local plans.

¹⁵ For spatial development strategies, this is only where the power to make allocations has been conferred.

allocate sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be met more appropriately through other mechanisms, such as brownfield registers or local policies).

25. The preparation and review of strategic policies should be underpinned by relevant and up-to-date evidence. This should be adequate but proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

Maintaining effective cooperation

26. Local planning authorities and county councils (in two-tier areas) have a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
27. Strategic plan-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
28. Effective and on-going joint working between strategic plan making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
29. In order to demonstrate effective and on-going joint working, strategic plan-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Local policies

30. Local policies can be used by authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles and setting out development management policies.
31. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less

development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.

32. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan for that neighbourhood, where they are in conflict; unless they are superseded by strategic or local policies that are adopted subsequently.
33. The preparation and review of local policies should be underpinned by proportionate, relevant and up-to-date evidence, focused tightly on supporting and justifying the policies concerned.

Development contributions

34. Plans should set out the contributions expected in association with particular sites and types of development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, green and digital infrastructure). Such policies should not make development unviable, and should be supported by evidence to demonstrate this. Plans should also set out any circumstances in which further viability assessment may be required in determining individual applications.

Assessing and examining plans

35. Strategic and local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
36. Strategic and local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
 - a) **Positively prepared** – provides a strategy which will, as a minimum, meet as much as possible of the area's objectively assessed needs (particularly for housing, using a clear and justified method to identify needs); and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may also require Strategic Environmental Assessment but only where there are potentially significant environmental impacts.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in this Framework.
37. These tests of soundness will be applied to local policies¹⁸ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
38. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements¹⁹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁸ Where these are contained in a local plan.

¹⁹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front loading

40. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
41. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
42. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
43. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
44. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
45. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

- 46. Local planning authorities should consult the appropriate bodies when considering applications for the siting or changes to hazardous substances establishments, or for development around such establishments.
- 47. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process.

Determining applications

- 48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 49. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 50. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission

for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

52. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
53. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
54. The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁰.
57. 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.

²⁰ When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

58. Where proposals for development accord with all the relevant policies in an up-to-date development plan, no viability assessment should be required to accompany the application. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
61. In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account.
62. Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²¹, people who rent their homes and people wishing to commission or build their own homes).
63. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
64. Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²².
65. Where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²³, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions should also be made where the site or proposed development:
 - a) provides solely for Build to Rent homes;

²¹ Travellers who do not fall under the definition of 'traveller' in Annex 1 of the Planning Policy for Traveller Sites. The latter sets out how travellers' accommodation needs should be assessed for those covered by the definition in Annex 1 of that document.

²² Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

²³ As part of the overall affordable housing contribution from the site.

- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, an entry level exception site or a rural exception site.
66. Strategic plans should set out a housing requirement figure for designated neighbourhood areas²⁴. Once the strategic plan has been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.
67. Where it is not possible to provide a requirement figure for a neighbourhood area²⁵, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

68. Strategic planning authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Strategic plans should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan²⁶; and
 - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
69. Small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small sites forward;

²⁴ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic plans at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

²⁵ Because a neighbourhood area is designated at a late stage in the strategic plan process, or after a strategic plan has been adopted; or in instances where strategic policies for housing are out of date.

²⁶ With an appropriate buffer, as set out in paragraph 74. See glossary for definitions of deliverable and developable.

- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
70. Neighbourhood Planning Groups should also consider the opportunities for allocating small sites suitable for housing in their area.
71. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
72. Local planning authorities should support the development of entry level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be outside existing settlements, on land which is not already allocated for housing, and should:
- a) comprise a high proportion of entry-level homes that will be offered for discounted sale or for affordable rent; and
 - b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework²⁷, and comply with any local design policies and standards.
73. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. Working with the support of their communities, and other authorities if appropriate, strategic plan-making authorities should identify suitable opportunities for such development where this can help to meet identified needs in a sustainable way. In doing so, they should consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. They should also consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

74. Strategic plans should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing

²⁷ As set out in footnote 7.

requirement, or against their local housing need where the strategic plan is more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan²⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply²⁹.
75. For applications which include housing, paragraph 11d of this Framework will apply if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that delivery of housing has been substantially³⁰ below the housing requirement over the previous three years.
76. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates all the recommendations of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.
78. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major housing development, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

²⁸ For the purposes of paragraphs 74b and 76 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October that year.

²⁹ From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

³⁰ Where the Housing Delivery Test indicates that delivery was below 75% of the housing requirement.

Rural housing

79. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
80. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
81. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential property; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

82. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation³¹, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
83. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period (including making provision for clusters or networks of knowledge driven, creative or high technology industries);
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Supporting a prosperous rural economy

84. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

³¹ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*

85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land and sites that are well-related to existing settlements should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and change in a way that supports a diverse retail offer, provides customer choice, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, identify primary and secondary frontages, and make clear which uses will be permitted in such locations;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development needed, looking at least ten years ahead. Meeting needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review;
 - e) allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre, where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites; and
 - g) support diversification and changes of use where town centres are in decline, as part of a clear strategy for their future, while avoiding the unnecessary loss of facilities that are important for meeting the community's day-to-day needs.
87. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

89. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
90. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
91. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above considerations, it should be refused.

8. Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for multiple connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
94. Planning policies and decisions should consider the social and economic benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
95. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
96. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing all plausible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate³². Local policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

97. Access to a network of high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is required, and which plans should seek to accommodate.
98. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former use.

³² This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

99. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
100. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Identifying land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
101. The Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
102. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

103. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for mitigation and for net gains in environmental quality; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
104. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
105. Planning policies should:
- a) support an appropriate mix of uses across an area, and within strategic sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans;
 - e) provide for any large scale facilities, and the infrastructure to support their operation and growth, taking into account any relevant national policy statements and whether such development is likely to be a nationally significant

infrastructure project. For example ports, airports, interchanges for rail freight, roadside services and public transport projects³³; and

- f) recognise the importance of maintaining a national network of general aviation facilities – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy³⁴.

106. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

107. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Considering development proposals

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating

³³ The primary function of roadside services should be to support the safety and welfare of the road user.

³⁴ Department for Transport (2015) *General Aviation Strategy*.

access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10. Supporting high quality communications

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
113. The number of radio and telecommunications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network. Use of existing masts, buildings and other structures for new telecommunications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
114. Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development, or insist on minimum distances between new telecommunications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that telecommunications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.
115. Applications for telecommunications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for a telecommunications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic plans should contain a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land³⁵.
118. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated and unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)³⁶; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.
119. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as sites included on brownfield registers or held in public ownership, using the full range of powers available to them.
120. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority

³⁵ Except where this would conflict with other policies in this Framework, including causing harm to habitats of high environmental value.

³⁶ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan reviews, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive places.
123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:
- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density

standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site³⁷.

³⁷ And so long as the resulting scheme would provide acceptable living standards.

12. Achieving well-designed places

124. Planning policies and decisions should support the creation of high quality buildings and places. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
125. To provide maximum clarity about design expectations, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should not inhibit a suitable degree of variety where this would be unjustified (such as where the existing urban form is already diverse).
126. Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and effective landscaping;
 - c) respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
127. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can

demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

128. Local planning authorities should ensure that they have appropriate tools and processes for assessing and improving the design of development. These include design advice and review arrangements, which should be used as early as possible in the evolution of schemes. Other tools include assessment frameworks, such as Building for Life³⁸, and design workshops. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
129. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development.
130. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they are sensitive to the overall form and layout of their surroundings.
131. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

³⁸ Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*

13. Protecting Green Belt land

132. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
133. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
134. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic plans, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic plans for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
135. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or updating of plans. Strategic plans should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been demonstrated through a strategic plan, detailed amendments to those boundaries may be made through local policies, including neighbourhood plans.
136. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all

other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account the preceding paragraph, and whether the strategy;

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

137. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic plan-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

138. When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time; planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

139. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other

means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

140. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
141. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

Proposals affecting the Green Belt

142. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
143. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
144. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
 - where the development would re-use previously developed land and contribute to meeting an identified local affordable housing need, not cause substantial harm to the openness of the Green Belt.
145. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness); and
 - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.
146. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

147. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

148. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, , water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures³⁹. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
149. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
150. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

³⁹ And within the context provided by the Climate Change Act 2008.

- c) identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
151. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local or strategic plans that are being taken forward through neighbourhood planning.
152. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
153. When determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. For wind energy developments, this should include consideration of the local community's views⁴⁰. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

154. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
155. Strategic plans should be informed by a strategic flood risk assessment, and set out policies to manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

⁴⁰ A proposed wind energy development involving one or more wind turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

156. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test set out below;
 - b) safeguarding land from development that is required for current and future flood management;
 - c) using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
157. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
158. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test can be applied. This should be informed by a strategic or site-specific flood risk assessment, as appropriate. For the exception test to be passed it must be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
159. Both elements of the exception test should be satisfied for development to be allocated or permitted.
160. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the test again. However, local planning authorities should consider whether aspects of the exception test need to be reapplied to specific applications, depending on the extent and nature of potential flood risk identified and assessed during plan production, and the age of that information⁴¹.

⁴¹ If the exception test is required at the application stage, it should be informed by a site-specific flood risk assessment.

161. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁴². Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resilient and resistant;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
162. Applications for some minor development and changes of use⁴³ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 42.
163. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

164. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

⁴² A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

⁴³ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

165. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
166. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁴⁴.
167. Local planning authorities should limit the planned life-time of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

⁴⁴ As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

168. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of geological value and soils (in a manner commensurate with their statutory status or identified quality);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it;
 - d) minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
169. Plans should: allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁴⁵; take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
170. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁴⁶. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

⁴⁵ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

⁴⁶ English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
171. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 170), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

172. To protect and enhance biodiversity and geodiversity, plans should:
- a) identify and map components of local wildlife-rich habitats, including the hierarchy of designated sites of importance for biodiversity⁴⁷; wildlife corridors and stepping stones that connect them; and areas identified by local partnerships for habitat restoration or creation⁴⁸; and
 - b) promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
173. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional

⁴⁷ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁴⁸ Where Nature Improvement Areas are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

reasons⁴⁹ and a suitable mitigation strategy exists. Where development would involve the loss of individual aged or veteran trees that lie outside ancient woodland, it should be refused unless the need for, and benefits of, development in that location would clearly outweigh the loss; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for the environment.

174. The following should be given the same protection as European sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁵⁰; and
- c) sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

175. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Ground conditions and pollution

176. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

177. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

⁴⁹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁵⁰ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

178. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life⁵¹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
179. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
180. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established⁵². Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to secure suitable mitigation before the development has been completed.
181. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

⁵¹ See Explanatory Note to the Noise Policy Statement for England.

⁵² Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

16. Conserving and enhancing the historic environment

182. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁵³. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁵⁴.
183. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
184. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. They should also make Information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

185. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is

⁵³ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁵⁴ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

186. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
187. Where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
188. In determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

189. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of potential harm to its significance. The more important the asset, the greater the weight should be.
190. Any harm or loss to a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁵⁵.
191. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

⁵⁵ Non-designated heritage assets of archaeological interest, that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
192. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
193. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
194. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
195. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁵⁶. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
196. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
197. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 190 or less than substantial harm under paragraph 191, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

⁵⁶ Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

198. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

17. Facilitating the sustainable use of minerals

199. It is important that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
200. Planning policies should:
- a) provide for the extraction of mineral resource of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Minerals Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
201. When determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁵⁷, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- g) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- h) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Maintaining supply

202. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as

⁵⁷ National planning guidance on minerals sets out how these policies should be implemented.

appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) making provision for landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

203. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging an appropriate level of safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

Oil, gas and coal exploration and extraction

204. Minerals planning authorities should:

- a) recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;
- b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production);

- c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
 - d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
 - e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
 - f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.
205. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground exploration, extraction and storage operations and facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
206. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Annex 1: Implementation

207. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
208. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
209. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted⁵⁸ on or before [] *[this will be the date which is six months after the date of the final Framework's publication]*. In these cases the examination will take no account of the new Framework.
210. Where a plan is withdrawn or otherwise does not proceed to adoption⁵⁹ following publication of this Framework, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
211. The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. For the purpose of paragraph 75 in this Framework, substantial under-delivery means where the Housing Delivery Test results published in:
- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;
 - b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;
 - c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.
212. For the purpose of paragraph 14:
- a) neighbourhood plans which have been approved at referendum on a date which is more than two years before the decision is taken, may also be considered to be 'recently brought into force', up to and including 11 December 2018; and

⁵⁸ For spatial development strategies, 'submission' in this context means the point at which a statement of intention to publish the strategy, and a copy of the strategy intended for publication, are sent to the Secretary of State in accordance with regulation 9(2) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent.

⁵⁹ Or publication, in the case of spatial development strategies, or referendum, in the case of neighbourhood plans.

b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.

213. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-making. Income restrictions should be used to limit a household's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London)
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Birds and Habitats Directives: European Directives to conserve natural habitats and wild fauna and flora.

Brownfield land: See previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development scheme comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Decentralised energy: Local renewable and local low-carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Entry level exception site: A site that provides entry level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 72 of this Framework.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety and can include NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment record: Comprehensive, publicly accessible and dynamic resources that provide information about the local historic environment. Every local planning authority should maintain a Historic Environment Record or have access to one.

Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

Irreplaceable habitat: those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes ancient woodland, blanket bog, limestone pavement and some types of sand dune, saltmarsh, reedbed and heathland. For the specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local enterprise partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: the number of homes identified as being needed through the application of the standard method set out in national planning guidance, or a justified alternative approach.

Local nature partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. The local plan can consist of both strategic and local policies.

Local policies: policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Mineral safeguarding area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Nature improvement areas: Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plans: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass

accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent granted by a local planning authority which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development control procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Safeguarding zone: An area defined in Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas, to safeguard such sites.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic plan: A plan which sets out the strategic policies for an area in the form of an individual or joint local plan (which may also include local policies); or a spatial development strategy prepared by an elected Mayor or combined authority (where this power has been conferred).

Strategic plan-making authority: Those authorities responsible for producing strategic plans (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing a strategic plan or not.

Strategic policies: Policies and strategic site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of

shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.



Ministry of Housing,
Communities &
Local Government

Supporting housing delivery through developer contributions

Reforming developer contributions to affordable housing and
infrastructure



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March 2018

ISBN: 978-1-4098-5210-0

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Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on reforming developer contributions to affordable housing and infrastructure.</p> <p>It covers the following areas:</p> <ol style="list-style-type: none"> 1. Community Infrastructure Levy 2. Section 106 Planning Obligations 3. Strategic Infrastructure Tariff 4. Technical Clarifications to Regulations <p>Most of these changes were outlined as part of Autumn Budget 2017, available here:</p> <p>https://www.gov.uk/government/topical-events/autumn-budget-2017</p>
Scope of this consultation:	<p>This consultation looks at proposed reforms to the system of developer contributions.</p> <p>Others reforms, including in relation to viability, are covered by the National Planning Policy Framework (NPPF) consultation¹, published alongside this document.</p>
Geographical scope:	<p>These proposals relate to England only.</p>
Impact Assessment:	<p>The Community Infrastructure Levy does not fall within requirements for regulatory impact assessments.</p> <p>The consultation document sets out the level of developer contributions and refers to the accompanying research and analysis² and the independent CIL Review³ which set out the key evidence base that has informed this consultation.</p> <p>The responses to consultation will further inform proposed reforms and any changes brought forward as a result will be subject to appropriate assessment.</p>

¹ National Planning Policy Framework Consultation Document, March 2018

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

² MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

³ The CIL review team: A new approach to developer contributions, February 2017

<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation is open from 5 March to 10 May 2018.
Enquiries:	For any enquiries about the consultation please contact: developercontributionsconsultation@communities.gsi.gov.uk
How to respond:	<p>Consultation questions, and further details of the proposals, are set out in Annex A.</p> <p>Consultation responses should be submitted by online survey: https://www.surveymonkey.co.uk/r/TH577RP</p> <p>We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.</p> <p>Should you be unable to respond online we ask that you complete the pro forma found at the end of this document. Additional information or evidence can be provided in addition to your completed pro forma.</p> <p>In these instances you can email your pro forma to: developercontributionsconsultation@communities.gsi.gov.uk</p> <p>Or send to:</p> <p>Planning and Infrastructure Division Ministry of Communities and Local Government 2nd floor, South East Fry Building 2 Marsham Street LONDON SW1P 4DF</p> <p>If you are responding in writing, please make it clear which questions you are responding.</p>

	<p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> - your name, - your position (if applicable), - the name of organisation (if applicable), - an address (including post-code), - an email address, and - a contact telephone number <p>If on behalf of an organisation, please highlight which group you represent</p> <p>Local Authorities (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)</p> <p>Neighbourhood Planning Bodies / Parish or Town Council</p> <p>Private Sector Organisations (including housebuilders, housing associations, businesses, consultants)</p> <p>Trade Associations / Interest Groups / Voluntary or Charitable Organisations</p> <p>Academia / Private individual / Other</p>
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Foreword

The Government is determined to fix the broken housing market and restore the dream of home ownership for a new generation. There is no single solution to this problem and we are taking action on all fronts.

And these efforts are starting to bear fruit.

Since 2010, we have delivered more than a million homes and last year saw the biggest increase in housing supply in England – over 217,000 new homes – for almost a decade.

We have helped hundreds of thousands of people on to the housing ladder through Help to Buy and the cut in Stamp Duty announced at the recent Budget.

We have also cracked down on rogue landlords, abuse of leaseholds, taken steps to make renting fairer and to tackle homelessness through earlier intervention.

However, we know that there is much more needed to deliver the 300,000 homes a year in England we need.

And we are rising to the challenge.

We have set up a new, more assertive national housing agency, Homes England which will use investment and planning powers to intervene more actively in the land market.

We have launched an independent review, led by Sir Oliver Letwin, into the gap between planning permissions granted and homes built.

And we are giving local authorities the tools they need to build more homes more quickly, such as the £5bn Housing Infrastructure Fund, which is helping to fund vital physical infrastructure projects which could unlock up to 200,000 new homes. The first round of funding projects of up to £866m was announced in February 2018.

It is vital that developers who are building these homes know what contributions they are expected to make towards affordable housing and essential infrastructure and that local authorities can hold them to account. It is right to consider whether a higher proportion of affordable housing can be delivered where there is a higher uplift in land value created by development.

However, it is clear that the current system of developer contributions is not working as well as it should. It is too complex and uncertain. This acts as a barrier to new entrants and allows developers to negotiate down the affordable housing and infrastructure they agreed to provide.

This is why we are reforming the National Planning Policy Framework and developer contributions, as announced at Autumn Budget 2017 and as set out in this consultation. The reforms set out in this document could provide a springboard for going further, and the Government will continue to explore options to create a clearer and more robust

developer contribution system that really delivers for prospective homeowners and communities accommodating new development.

One option could be for developer contributions to be set nationally and made non negotiable. We recognise that we will need to engage and consult more widely on any new developer contribution system and provide appropriate transitions. This would allow developers to take account of reforms and reflect the contributions as they secure sites for development.

The proposals in this consultation are an important first step in this conversation and towards ensuring that developers are clear about their commitments, local authorities are empowered to hold them to account and communities feel confident that their needs will be met.

They are also a vital step towards fixing our broken housing market and ensuring that it delivers for everyone.

Reforming developer contributions

Summary

1. Last year saw a record number of planning permissions granted, and the highest level of housing completions since the recession. Thanks to the concerted efforts of Central and Local Government, last year 217,000 new homes were completed. However, to meet demand will require consistently delivering 300,000 homes every year across England.⁴
2. The government has invested £9bn through the Affordable Homes Programme to 2020-21 to support the delivery of a wide range of affordable homes. Overall since 2010, 357,000 affordable homes have been delivered.
3. Local authorities are being given the tools they need to bolster development. For instance, the £5bn Housing Infrastructure Fund is helping to fund vital physical infrastructure projects that could unlock up to 200,000 new homes. The first round of funding projects of up to £866m was announced in February 2018.
4. In addition, the Government is introducing a standardised step by step method of calculating housing need in local areas. The first step uses household growth projections, the second step increases the number of homes that are needed in the less affordable areas, and the third step will cap the level of increase relative to existing local plans to ease transitions. These three steps will provide a minimum for local authorities and an honest and transparent appraisal of how many homes an area needs
5. And if developers do not build homes quickly, the new housing delivery test will ensure that local authorities and wider interests are held accountable for their role in ensuring new homes are delivered in their area.
6. It is right that developers are required to mitigate the impacts of development, and pay for the cumulative impacts of development on the infrastructure in their area. New developments often create new demands on infrastructure. Public sector infrastructure investment and the granting of planning permission can also generate increases in land value.

⁴ For example: Barker (2004), "Review of Housing Supply - Delivering Stability: Securing our Future Housing Needs" Final Report; House of Lords Select Committee on Economic Affairs (2016), "Building more homes", July 2016; KPMG and Shelter (2015) "Building the Homes We Need"

7. In November 2015, the Government commissioned an independent review into the Community Infrastructure Levy (CIL)⁵, and its relationship with planning obligations. The Review was published in February 2017. It found that the system of developer contributions was not as fast, simple, certain or transparent as originally intended.
8. The Government announced a package of reforms at Autumn Budget 2017⁶ in response to the CIL Review. These reforms complement the proposed changes to viability in the National Planning Policy Framework (NPPF) and make the system of developer contributions more transparent and accountable by:
 - Reducing complexity and increasing certainty for local authorities, developers and communities;
 - Supporting swifter development;
 - Improving market responsiveness of CIL;
 - Increasing transparency over where developer contributions are spent; and
 - Introducing a new tariff to support the development of strategic infrastructure.
9. A number of technical amendments will also be made to support the operation of the current system.
10. This consultation sets out the proposals for these reforms. These changes will provide continuity and certainty for developers in the short term. In the longer term, the Government will continue to explore options for going further. One option could be for contributions to affordable housing and infrastructure to be set nationally, and to be non-negotiable.
11. Further consultation would be required and appropriate transitional arrangements would need to be put in place before any such approach was undertaken. This would allow for developers to take account of reforms and reflect the contributions as they secure sites for development.
12. The Government's 25 Year Environmental Plan⁷ has also set out a commitment to explore how tariffs could be used to steer development towards the least environmentally damaging areas and to secure investment in natural capital.
13. Alongside this consultation, we are publishing research commissioned from the University of Liverpool on "The incidence, value and delivery of planning

⁵ The CIL review team: A new approach to developer contributions, February 2017

<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

⁶ HM Treasury, Autumn Budget, November 2017 <https://www.gov.uk/government/topical-events/autumn-budget-2017>

⁷ <https://www.gov.uk/government/publications/25-year-environment-plan>

obligations and the Community Infrastructure Levy in England in 2016-17” (the research report).⁸

The current system of developer contributions

14. Contributions from development towards local infrastructure are collected primarily through two mechanisms, section 106 planning obligations and the CIL.
15. Section 106 planning obligations⁹ are negotiated legal agreements between developers and local authorities. They are used to make development acceptable through delivery of affordable housing or infrastructure, or requiring development to be used in a particular way.
16. A local planning authority should set out policies which indicate the level of contributions required, such as for affordable housing. Individual agreements taking account of these policies are then made on a site by site basis. All section 106 planning obligations are subject to statutory tests to ensure they are necessary, proportionate and directly related to the development.¹⁰
17. CIL was introduced in 2010. It was established on the principle that those responsible for new development should make a reasonable contribution to the costs of providing the necessary additional infrastructure. As a more standardised approach than section 106 planning obligations, it was intended to be faster, fairer, more certain and more transparent.
18. CIL allows authorities to set a fixed rate charge per square metre of new development, and is used to address the cumulative impact of development in an area. CIL can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. The choice as to whether to apply CIL and the rate at which it is set rests with the local authority. A proportion of local CIL receipts are earmarked for local areas to spend on anything that addresses the demands that development places on their area.¹¹

⁸ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

⁹ So called as they relate to that section of the Town and Country Planning Act 1990

¹⁰ CIL Regulations as amended, 2010 (Regulation 122)
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

¹¹ Fifteen per cent of Community Infrastructure Levy charging authority receipts are passed directly to those parish and town councils where development has taken place. Communities with a neighbourhood plan or neighbourhood development order benefit from 25% of the levy revenues. If there is no parish, town or community council, the charging authority will retain the levy receipts but should engage with the communities where development has taken place and agree with them how best to spend the neighbourhood funding.

Box 1: Examples of projects which have been funded through developer contributions

Norwich City Council has funded transport and environmental improvements.

Bristol City Council has funded a new MetroBus service.

London Borough of Islington Council has spent CIL on expanding a heat and power network.

Wycombe District Council is using CIL to fund an alternative route around High Wycombe Town Centre.

The level of contributions secured through CIL and section 106

19. Developer contributions are an important element towards meeting the cost of funding infrastructure. In 2016/17, an estimated £6.0bn was committed through section 106 planning obligations and CIL, a real terms increase of 50% since 2011/12 (see Table 1).
20. Of this, approximately £5.1bn was committed through section 106 planning obligations. However, not all planning permissions are built out, and planning obligations can be renegotiated, meaning the amount ultimately collected will likely be lower than the amount committed.

Table 1: The estimated value of developer contributions 2005-17 (in real terms), in (£) millions¹²

Contribution Type	2005-06	2007-08	2011-12	2016-17
CIL	-	-	-	£945
Affordable Housing*	£2,579	£3,221	£2,480	£4,047
Open Space	£278	£289	£122	£116
Transport & Travel	£467	£570	£453	£132
Community	£97	£237	£171	£146
Education	£199	£334	£219	£241
Land Contribution	£1,238	£1,109	£323	£330
Other Obligations	£193	£226	£32	£51
Total Value	£5,064	£6,006	£3,989	£6,007

Numbers may not sum due to rounding

¹² Figures in the table are extrapolated from a sample of responses from local planning authorities. The estimated value of developer contributions, adjusted for inflation to 2016/17 levels (using the Consumer Prices Index, CPI), are set out.

*This includes commuted sums (direct payments in lieu of in-kind provision) towards affordable housing.

21. There are significant differences between regions in the value of affordable housing contributions (see Table 2). The greatest value was levied in London and the South East, where land values and affordable housing need are highest, and the lowest value was levied in the North East.

Table 2: The estimated value of affordable housing and other developer contributions by region, 2016/17, in (£) millions

	Total value of in-kind affordable housing		Total value of (non-kind affordable housing) planning obligations and CIL		Total value of planning obligations (including affordable housing) and CIL	
	Value	%	Value	%	Value	%
East	£514	13%	£324	16%	£838	14%
East Midlands	£232	6%	£36	2%	£268	4%
London	£1,212	31%	£1,084	54%	£2,295	38%
North East	£78	2%	£28	1%	£106	2%
North West	£157	4%	£26	1%	£183	3%
South East	£876	22%	£314	16%	£1,190	20%
South West	£450	11%	£114	6%	£564	9%
West Midlands	£283	7%	£43	2%	£326	5%
Yorkshire & Humber	£170	4%	£67	3%	£238	4%
TOTAL	£3,972¹³	100%	£2,036	100%	£6,007	100%

Numbers may not sum due to rounding

22. There was also a significant increase in affordable housing as a proportion of the total value of developer contributions. In 2016/17, affordable housing made up 68% of total CIL and section 106 planning obligations levied, compared to 53% in 2007/08.¹⁴ This equates to £4.0bn levied on affordable housing in 2016/17 compared to £3.2bn in 2007/08.

23. Of the estimated £5.1bn agreed through section 106 planning obligations in 2016/17, around £4.0bn was allocated for affordable housing, enough to enable approximately 50,000 dwellings. This represents an almost 10,000 increase in the number of affordable housing dwellings agreed in 2016/17 planning obligations compared to 2011/12.¹⁵

¹³ This aggregate total does not include commuted sums (direct payments in lieu of in-kind provision)

towards affordable housing, which amounts to £75.4 million nationally. This value is included in the Table 1

¹⁴ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

¹⁵ Ibid

Issues with the present system

24. A range of research including the research report¹⁶ accompanying this document and the CIL Review¹⁷ have identified the following consistent themes:
- The partial take-up of CIL has resulted in a complex patchwork of authorities charging and not charging CIL. Where CIL is charged, it is complex for local authorities to establish and revise rates. These can often be set at a lowest common denominator level;
 - Development is delayed by negotiations for section 106 planning obligations, which can be sought alongside CIL contributions;
 - Developers can seek to reduce previously agreed section 106 planning obligations on the grounds that they will make the development unviable. This renegotiation reduces accountability to local communities;
 - CIL is not responsive to changes in market conditions;
 - There is a lack of transparency in both CIL and section 106 planning obligations – people do not know where or when the money is spent; and
 - Developer contributions do not enable infrastructure that supports cross boundary planning.

Partial take up and lowest common denominator

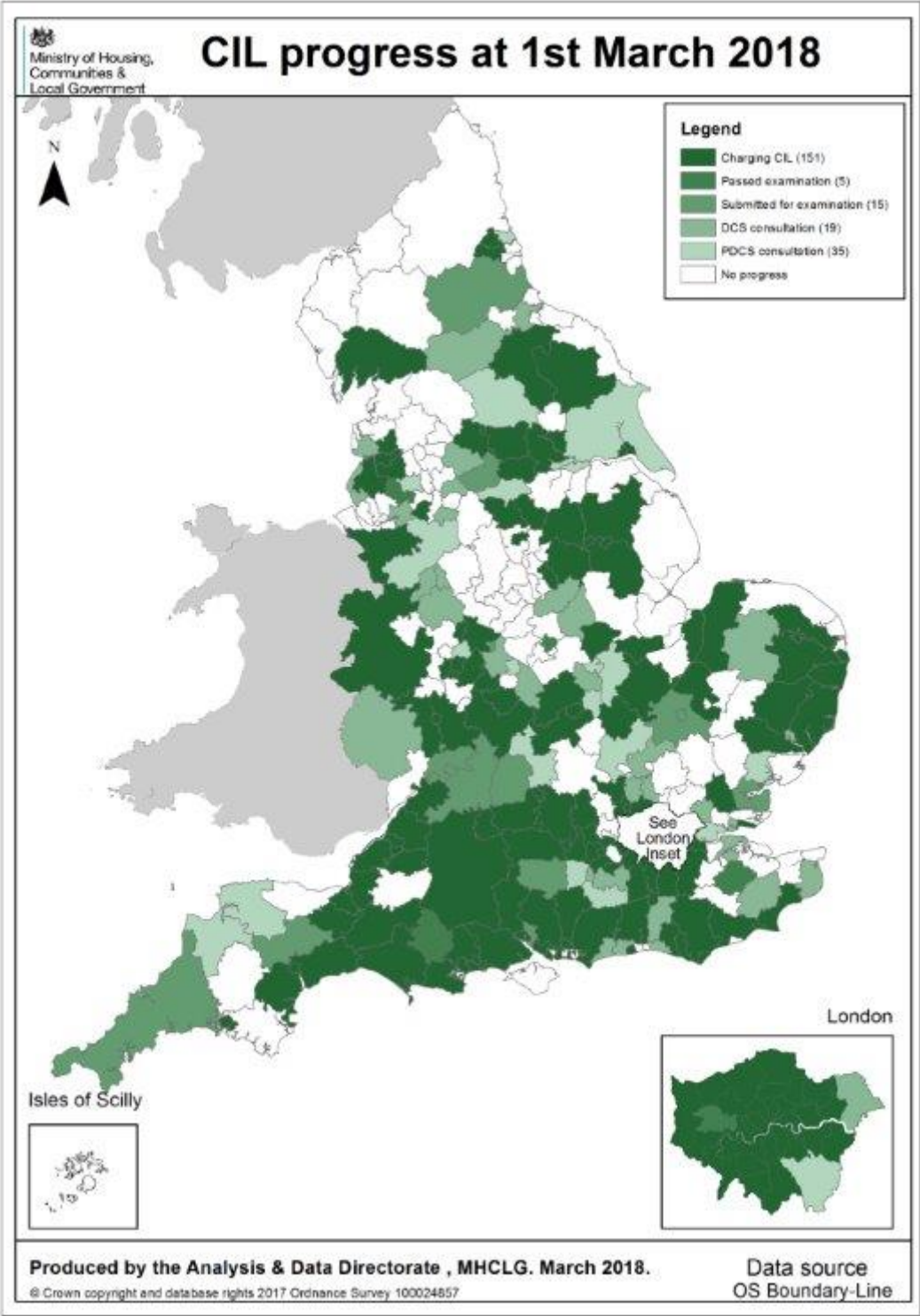
25. Take up of CIL by local authorities was initially slow, and by March 2015, 54 authorities had adopted the levy. However, this has increased significantly, with 151 authorities now charging CIL in England (44% of all potential charging authorities). A further 74 authorities have taken steps towards adopting CIL, meaning 225 authorities (66%) are either charging CIL or have taken steps towards doing so.
26. CIL uptake has been notably swifter where land values are higher. Many areas that have not adopted CIL have considered the approach and commissioned viability analysis. However they have concluded that they would need to set rates at a very low or zero rate in order for development to remain viable in their area when taking into account other requirements such as affordable housing.¹⁸

¹⁶ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

¹⁷ The CIL review team: A new approach to developer contributions, 2017 <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

¹⁸ MHCLG, Section 106 Planning Obligations in England, 2011-12 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314066/Section_106_Planning_Obligations_in_England_2011-12_-_Report_of_study.pdf

Figure 1: CIL uptake by local authorities



Development is delayed by negotiations for section 106 planning obligations

27. Stakeholders have told us that the use of viability assessments in planning permission negotiations has expanded significantly. This can delay the planning process causing complexity, uncertainty and increased risk for developers. It can also result in fewer contributions for infrastructure and affordable housing than required by local policies.
28. Over 80% of local authorities consider that section 106 planning obligations create a delay in the granting of planning permission and over 60% believe that this slows development completion.¹⁹

Developers can reduce previously agreed contributions reducing accountability

29. Planning obligations are frequently renegotiated. 65% of planning authorities renegotiated a planning agreement in 2016/17. Changes to the type or amount of affordable housing agreed is one of the most common reasons for renegotiations recorded.
30. Renegotiation can ensure that a development remains viable. However, this can lead to a lack of trust with local communities who feel they are unable to hold developers to account.²⁰

Not market responsive

31. The total amount of developer contributions committed has increased since 2011/12, although the number of houses built has also increased. The value of section 106 planning obligations and CIL per dwelling built has remained broadly the same over this time period.²¹ By contrast, house prices in England have increased by 30%.²²
32. This suggests that the current system of developer contributions can quickly become dated and may only have captured a small proportion of the increase in value that has occurred since 2011.

¹⁹ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

²⁰ Ibid

²¹ Internal MHCLG analysis. Figures adjusted for inflation, and to reflect changes in distribution of planning permissions across regions between 2011/12 and 2016/17.

²² Percentage increase in the Land Registry House Price Index
http://landregistry.data.gov.uk/app/ukhpi?utm_medium=GOV.UK&utm_source=datadownload&utm_campaign=tool&utm_term=9.30_17_10_17

33. The lack of responsiveness can be exacerbated by the length it takes to implement CIL. The majority of CIL charging authorities report that initial CIL implementation took one to two years.²³

Lack of transparency

34. The proceeds of planning obligations are not clearly communicated to the public.²⁴ There is also little transparency on how section 106 planning obligations are negotiated, nor on how they have delivered the necessary infrastructure to support development. The way in which CIL contributions have been spent is also unclear.
35. Local authorities have reported they anticipate benefits in doing more to communicate with local communities, but often lack resources to do so.²⁵

Does not support cross boundary planning

36. In addition, the system does not encourage cross boundary planning to support the delivery of strategic infrastructure. In London, the Mayor has been able to collect funding for cross-boundary transport infrastructure through CIL. Since 2012, £381 million has been levied through Mayoral CIL towards Crossrail.²⁶ This model could be adopted elsewhere to support the delivery of strategic infrastructure.

Objectives of developer contributions reform

37. The Government has proposed to make a series of reforms to the existing system of developer contributions in the short term. These reforms will benefit the local authorities who administer them, developers who pay them and the communities in which development takes place.
38. The reforms that are being proposed in this consultation will enable the necessary supporting infrastructure to be built and to continue to support the delivery of affordable housing.

²³ Three Dragons / Reading University. The Value, Impact and delivery of CIL' 2017 <http://three-dragons.co.uk/value-impact-delivery-community-infrastructure-levy-three-dragons-university-reading-research-paper/>

²⁴ Ibid

²⁵ Mayoral Community Infrastructure Levy <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>

²⁶ Ibid

39. The key objectives that the Government is seeking to achieve through the reform of developer contributions and the NPPF are to make the system of developer contributions more transparent and accountable by:
- **Reducing complexity and increasing certainty** for local authorities and developers, which will give confidence to communities that infrastructure can be funded.
 - Supporting **swifter development** through focusing viability assessment on plan making rather than decision making (when planning applications are submitted). This speeds up the planning process by reducing scope for delays caused by renegotiation of developer contributions.
 - **Increasing market responsiveness** so that local authorities can better target increases in value, while reducing the risks for developers in an economic downturn.
 - **Improving transparency** for communities and developers over where contributions are spent and expecting all viability assessments to be publicly available subject to some very limited circumstances. This will **increase accountability** and confidence that sufficient infrastructure will be provided.
 - Allowing local authorities to **introduce a Strategic Infrastructure Tariff** to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit.
40. We will also make a number of technical clarifications to support the operation of the current system.
41. In the longer term, the Government will continue to explore options for going further. One option could be for contributions to affordable housing and infrastructure to be set nationally, and to be non-negotiable.
42. Further consultation would be required and appropriate transitional arrangements would need to be put in place before any such approach was undertaken. This would allow developers to take account of reforms and reflect the contributions as they secure sites for development.
43. The Government's proposals to address these objectives are set out in this document. **Consultation questions, and further details of the proposals, are set out in Annex A.**

Reducing complexity and increasing certainty

44. Communities need assurance that developers will make contributions towards new infrastructure required by development. By reducing the complexity and increasing the certainty of developer contributions, local authorities will be able to more effectively secure these contributions. This will enable them to provide this confidence to communities. Increased certainty will also benefit developers, as they will be better able to price the cost of contributions into their business models.

Setting CIL charging schedules

45. Charging authorities introducing or revising a CIL charging schedule are currently required to undertake two consultations on their proposed CIL rates. Regulations set out minimum requirements, including the consultation period. This is followed by a statutory examination in public. The majority of CIL charging authorities report that initial CIL implementation took one to two years.²⁷
46. The statutory consultation process is the same whether setting CIL rates for the first time or making minor changes to existing rates. This creates a significant barrier to making targeted revisions to a charging schedule.
47. Local authorities have also suggested that resource constraints can affect their willingness to review charges. Some developers have also argued that rates should be reviewed more regularly than at present.²⁸ As such, there is an opportunity to streamline the process charging authorities must undertake in order to set or revise a CIL charging schedule.
48. There are also opportunities to further align the evidence requirements for plan making and for setting CIL charging schedules. National planning policy requires a consideration of viability as part of plan preparation. The draft NPPF is clear that plans should set out contributions expected in association with sites they allocate, and in association with particular types of development.²⁹ It sets out that policies should be supported by evidence regarding viability. Similar

²⁷ Three Dragons / Reading University. The Value, Impact and delivery of CIL, 2017 - <http://three-dragons.co.uk/value-impact-delivery-community-infrastructure-levy-three-dragons-university-reading-research-paper/>

²⁸ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

²⁹ Draft National Planning Policy Framework <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

information is required in order to establish that policies in a plan are viable, and to establish the rate at which a CIL can be set.

49. The Government's proposed reforms to how viability assessments are used also increase the emphasis on the need for clear infrastructure plans.³⁰ Proposals in this consultation include the use of an Infrastructure Funding Statement that sets out how authorities anticipate using funds from developer contributions, and how these contributions have been used (see paragraph 85).

To address these issues the Government proposes to:

50. Ensure that consultation **requirements for setting and revising a CIL charging schedule are proportionate**, by replacing the current statutory formal consultation requirements with a requirement to publish a statement on how an authority has sought an appropriate level of engagement. This would be considered through the examination process, and would allow authorities to set schedules more quickly, and to expedite revising them in response to changes in circumstance.
51. **Streamline the process for local authorities to set and revise CIL charging schedules** by aligning the requirements for evidence on infrastructure need and viability with the evidence required for local plan making. This will reduce the burden on local authorities and make introducing CIL more attractive.

Lifting the section 106 pooling restriction

52. Regulation 123 of the CIL regulations prevents local authorities from using more than five section 106 planning obligations to fund a single infrastructure project. The pooling restriction incentivises local authorities to introduce CIL in order to collect a fixed contribution towards infrastructure from a large number of developments. In contrast, planning obligations are individually negotiated to allow for site specific issues to be mitigated. Obligations must be directly related and reasonable in scale to the development and necessary to make it acceptable in planning terms.³¹
53. However, the CIL Review³² identified that the pooling restriction could have distortionary effects, and lead to otherwise acceptable sites being rejected for planning permission. The research report highlighted that the restriction was a

³⁰ Draft National Planning Policy Framework <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

³¹ Community Infrastructure Regulations 2010 Regulation 123
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/123>

³² The CIL review team: A new approach to developer contributions, 2017
<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

key concern for both local authorities and developers, and that it was seen as making the process longer, slower and more difficult than before.³³ This can hold back development and has been found to cause particular problems for large or strategic sites. Reforms are proposed in order to address these issues, but also to encourage the use of CIL.

54. In particular the Government recognises that where authorities already have CIL in place, it is reasonable to allow them extra flexibility by lifting pooling restrictions. There may also be authorities where it is not feasible to charge CIL, as the amount forecast to be raised would not justify operating the costs of the system, or because an authority considers the viability impact of even a low CIL alongside section 106 planning obligations outweighs the desirability of funding the required infrastructure from CIL.

55. The Government also recognises that there may be rare circumstances where a CIL has not been adopted, and development of significant scale is proposed on large sites. In some of these areas, lifting of the pooling restriction could significantly aid the funding of the infrastructure needed to support development.

To address these issues the Government proposes to:

56. **Remove the pooling restriction** in areas:

- that have adopted CIL;
- where authorities fall under a threshold based on the tenth percentile of average new build house prices, meaning CIL cannot feasibly be charged;
- or where development is planned on several strategic sites (see Annex A).

57. **Retain the pooling restriction in other circumstances.** This will maintain simplicity by ensuring that other tariff based approaches are avoided by local authorities that have taken a policy decision not to implement CIL.

Improvements to the operation of CIL

58. We also propose a series of **improvements** to the operation of CIL. These include:

- a more proportionate approach to administering exemptions;
- clarifying how indexation is applied where a planning permission is amended; and

³³ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

- extending abatement provisions to phased planning permissions secured before the introduction of CIL.

Swifter development

59. Viability assessment is a process of assessing whether a site may be financially viable, by looking at whether the value generated by a development is more than the cost of developing it. The interpretation of existing policy has led to an increase in the use of viability assessment in planning application negotiations to such a degree that it causes complexity and uncertainty and results in fewer contributions for infrastructure and affordable housing than required by local policies. 81% of local authorities felt that negotiating section 106 planning obligations creates a delay in granting planning permission.³⁴

60. In addition, viability assessments are often withheld from the public, on the grounds of commercial confidentiality. This has generated concern over transparency and how viability assessments are used to inform decisions.

The Government proposes as part of the NPPF consultation to:

61. **Improve viability assessment in plan making** and ensure that where a proposed development accords with all relevant policies in the local development plan (e.g. provision of affordable housing) there is no need for a viability assessment to accompany the planning application. This will reduce scope for delays and protracted negotiations at the planning application stage. As such, we do not currently propose to take forward further development of dispute resolution mechanisms.

62. **Enable transparency and accountability** by expecting all viability assessments to be conducted on an open book basis, be publically available and to use the Government's recommended definitions of key factors, as set out in guidance.

Increasing market responsiveness

63. If CIL charging schedules do not respond to changes in the housing market, they may quickly become out of date. In a rising housing market, this can mean that local authorities do not capture as much value as they might otherwise secure. In a falling housing market, this can affect development viability and disincentivise landowners from making sites available for development.

³⁴ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

Setting CIL rates based on the existing use of land

64. Regulations currently allow different CIL rates to be set within different areas of the charging authority's boundary and on the basis of the type and scale of the proposed development.
65. However, this means that the rates that a charging authority sets do not necessarily reflect the increases in land value that can occur when planning permission is granted. This is because the value of the land in its existing use and new use will differ for each development.
66. For instance, there is likely to be a significantly bigger increase in value for agricultural land that receives planning permission for new homes, than for land which is in industrial use. This is because agricultural land has a lower existing value.
67. Local authorities can target differences in the increase in land values by setting different CIL rates in different parts of their authority. For instance, they can charge higher rates in areas with generally higher increases in land value (greenfield land) and lower rates in areas with generally lower values (brownfield land).
68. However, rates must take into account land with lower uplift in an area and evidence suggests that CIL rates tend to be set at a 'lowest common denominator' level, to accommodate the least viable proposals. This leads to some developments paying less than they might otherwise be asked to contribute.

To address these issues the Government proposes to:

69. **Allow CIL charging schedules to be set based on the existing use of land.** This will allow local authorities³⁵ to better capture an amount which better represents the infrastructure needs and the value generated through planning permissions. Local authorities will continue to have the ability to set CIL at a low or zero rate to support regeneration.
70. Some complex sites for development may have multiple existing uses. This could create significant additional complexity in assessing how different CIL rates should be apportioned within a site, if a charging authority has chosen to set rates based on the existing use of land.

³⁵ Where they have good justification for differential or zonally rates, taking into account the balance between raising funding for infrastructure and the viability impacts on development across the area. Authorities will also need to have regard to State Aid rules in setting differential rates.

71. In these circumstances, the Government proposes to **simplify the charging of CIL on complex sites**, by:

- encouraging the use of specific rates for large strategic sites (i.e. with a single rate set for the entire site)
- charging on the basis of the majority use where 80% of the site is in a single existing use, or where the site is particularly small; and
- other complex sites could be charged at a generic rate, set without reference to the existing use of the land, or have charges apportioned between the different existing uses.

Indexation

72. CIL charges are applied at the point development is permitted. They are indexed to the Building Cost Information Service (BCIS) All-In Tender Price Index. This index reflects changes in contractor costs, and is used to account for changes in the costs of delivering infrastructure.

73. However, contractor costs do not necessarily increase at the same rate as house price inflation. Since 2001, average annual house prices across England and Wales have risen faster than contractor costs. This means the impact that a rate has on the viability of development reduces over time, and the local authority collects less than could otherwise be the case.

To address these issues the Government proposes to:

74. **Index residential development to regional or local authority house prices. For non-residential development the Government could index commercial development to a factor of house prices and Consumer Price Index (CPI),³⁶ or to CPI alone.**

75. By indexing to a measure which is more market responsive such as house prices, it can be ensured that charging schedules stay up to date in terms of the impact on viability. This reduces the need for local authorities to revise charging schedules, and creates more long-term certainty for developers. Indexation could be applied on a regional or local authority basis, to account for differing housing markets in different areas.

76. In addition, indexing to house prices would support developers in the event of a market downturn, as CIL charges on newly permissioned development would reduce, reducing costs and risk.

³⁶ Further details included at Annex A

77. However, the Government recognises that house price inflation may not be an appropriate measure for non-residential development. Industrial land, for instance, has not increased in value at the same rate as residential land, in recent years. On the basis of historic data, a correlation can be identified between industrial land values, and a factor of house price inflation and CPI.

Improving transparency and increasing accountability

78. Support for local house building almost doubled between 2010 and 2016 from 29% to 57%, while opposition almost halved over the same period (46% to 24%).³⁷ Affordable housing, health facilities, transport, schools and green spaces, alongside new employment opportunities, are cited by communities as the primary benefits likely to increase support for new housing.³⁸

79. CIL charging authorities are required to report annually on how much CIL has been received, how much has been spent and what it has been spent on.³⁹ Recent research noted that better communication could do a great deal to adjust public attitudes to development.⁴⁰ Local authorities have reported that they would expect benefits from doing more to communicate to local communities what they have secured through developer contributions, but that they often lack resources to do so.⁴¹

80. Developers have also raised concerns about how much money is raised through CIL and where and how the money is spent.⁴² A series of recent case studies identified a clear absence of communication with the public about what developer contributions have paid for.⁴³

81. Regulation 123 of the CIL regulations enables local authorities to publish lists of infrastructure they intend to fund through CIL. This regulation also prohibits the

³⁷ NatCen Social Research [Homing in on housebuilding 2017](http://www.natcen.ac.uk/blog/natcen-on-the-election-homing-in-on-housebuilding) <http://www.natcen.ac.uk/blog/natcen-on-the-election-homing-in-on-housebuilding>

³⁸ NatCen Social Research's Public attitudes to new house building: 2014 <http://www.natcen.ac.uk/news-media/press-releases/2014/july/british-social-attitudes-opposition-to-house-building-falls/>

³⁹ Authorities are required to report by 31 December each year, for the previous financial year where they have collected or hold levy funds. Requirements for reporting are set out in the Community Infrastructure Levy Regulations 2010, (Regulation 62) <https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/62>

⁴⁰ MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17 <https://www.gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2016-to-2017-report-of-study>

⁴¹ Ibid

⁴² For example, the British Property Federation evidence to the CIL Review Group stated that it is "far too difficult to understand how CIL money is being spent".

⁴³ Ibid

use of section 106 planning obligations to provide contributions to fund infrastructure on this list.⁴⁴

82. There is a considerable amount of confusion and variation in relation to Regulation 123 lists. In many cases they do not serve a useful purpose, as the restriction can encourage authorities to put as little as possible on the lists.⁴⁵ The lists can also be updated at any time without consultation.

83. Some Regulation 123 lists set out generic expenditure headings, while others list particular pieces of infrastructure. Some lists also have little relationship with local infrastructure plans.⁴⁶ The regulation therefore does not provide the certainty or clarity for local communities originally intended about how the levy is intended to be spent. A more standardised approach to setting out how authorities intend to use CIL, and how monies received has been spent, could provide greater accountability.

To address these issues the Government proposes to:

84. **Remove regulatory requirements for Regulation 123 lists** which do not provide clarity or certainty about how developer contributions will be used.

85. **Amend the CIL Regulations to require the publication of Infrastructure Funding Statements** that explain how the spending of any forecasted income from both CIL and section 106 planning obligations over the next five years will be prioritised and to monitor funds received and their use.

86. These changes are supported by the draft National Planning Guidance which is available alongside the NPPF consultation. In particular, the Government is encouraging local authorities to consider the viability of development at the plan making stage, and to set out clear policy requirements for the developer contributions that should be provided. Where viability assessments are undertaken for plan making, CIL or in support of a planning application, it should be in the expectation that they will be published, except in limited circumstances. The Government thinks it would be helpful to issue guidance setting out what these limited circumstances would include. We have asked this question as part of the draft revised NPPF consultation.⁴⁷ The Government is

⁴⁴ Where a local authority has not published a Regulation 123 list it is only permitted to use section 106 planning obligations to fund affordable housing

⁴⁵ The CIL review team: A new approach to developer contributions, February 2017
<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

⁴⁶ Ibid

⁴⁷ National Planning Policy Framework Consultation Document, March 2018

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

also interested in whether local planning authorities may need to seek a sum for monitoring planning obligations as part of a section 106 agreement.

Introducing a Strategic Infrastructure Tariff

87. The Mayor of London is able to charge CIL in addition to London boroughs. The Mayor's CIL is limited to collecting funding towards transport infrastructure, in particular Crossrail. CIL towards Crossrail 1 is a low level tariff charged across all London boroughs. It has proved to be successful, raising £381 million against a £300 million target since it was introduced in 2012.⁴⁸
88. The Government recognises the potential for other strategic authorities to have similar powers where they are seeking funding to support a piece of strategic infrastructure, or to address the cumulative impacts that the strategic infrastructure will have.
89. Following the success of the Mayoral CIL in London, the Government proposes to allow **combined authorities and joint committees,**⁴⁹ **where they have strategic planning powers, to introduce a Strategic Infrastructure Tariff.** This will increase the flexibility of the developer contribution system, and encourage cross boundary planning to support the delivery of strategic infrastructure.

⁴⁸ Mayor of London, Annual receipt update 2012/13-2016/17 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>

⁴⁹ Established under Section 29 of the planning and compulsory purchase act 2004 of the Planning Act 2008

Annex A: reform of the system of developer contributions

Reducing complexity and increasing certainty

Aligning the evidence for CIL charging schedules and plan making

90. The Government proposes to align the evidence requirements for making a local plan and setting a CIL charging schedule. This will avoid duplication, saving local authority resources and reducing complexity in the CIL-setting process. There are two areas where evidence can be aligned: impacts on the viability of development, and evidence on the need to fund infrastructure.

Impacts on the viability of development

91. The draft revised NPPF and guidance sets out the process for assessing viability through plan making. **The Government proposes** to make clear through regulations and guidance that:
- a) viability evidence accepted for plan making should usually be considered sufficient for setting CIL rates, subject to being endorsed as to being of an appropriate standard by an Examiner
 - b) where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL. This could involve assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence.

Evidence on the need to fund infrastructure

92. **The Government proposes** to make clear through regulations and guidance that:
- a) evidence of local infrastructure need developed for plan making, including that set out through the Infrastructure Funding Statement (see paragraph 141 below), should be sufficient for the purposes of setting CIL rates.
 - b) It is likely most authorities will have an infrastructure funding need that is greater than anticipated CIL income. Where evidence, including that prepared to support plan making, shows a funding gap significantly greater than anticipated CIL income, further evidence of infrastructure funding need should not be required.

93. There are benefits to undertaking infrastructure planning for the purpose of planmaking and setting CIL at the same time. However doing so can also create delays. The Government will seek to amend planning guidance to make clearer that there are benefits to preparing CIL charging schedules alongside plans, but that it is not necessary to do so.

Question 1

Do you agree with the Government's proposals to set out that:

- i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making? **Yes/No**
- ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need? **Yes/No**
- iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence? **Yes/No**

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

Ensuring that consultation is proportionate

94. There are currently statutory requirements to consult twice when introducing or amending charging schedules. This creates a barrier to introducing CIL or amending charging schedules to ensure they remain market responsive.
95. **The Government proposes** to replace the current statutory requirements for two rounds of consultation with a requirement to publish a statement on how the charging authority has sought an appropriate level of engagement – a 'Statement of Engagement'. This would be considered by an Examiner through the CIL examination process. If necessary, the charging authority could withdraw the draft charging schedule to undertake further consultation.
96. The Statement of Engagement would allow authorities to determine the most appropriate approach to consultation in a range of circumstances. In most circumstances it is expected that charging authorities will want to continue a broad consultation as now (perhaps reducing to a single round of consultation, for example when revising an existing charging schedule).

97. In some circumstances (for example where a limited number of landowners or developers may be impacted by a new charge) alternative approaches such as targeted consultation and workshops may be more appropriate. Guidance will stress the need for consultation to be proportionate to the scale of any change being introduced or amended.

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement? **Yes/No**

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

Removing unnecessary barriers: the pooling restriction

98. The pooling restriction continues to support the adoption of CIL. It avoids additional complexity that would occur if other tariff-based section 106 mechanisms were taken forward by local planning authorities. Any such tariffs would need to accord with the statutory tests for planning obligations.⁵⁰ However, the Government recognises that there may be particular circumstances where the pooling restriction can hold back development. Reforms are proposed in order to address these issues, but encourage the use of CIL as the Government's preferred tariff-based system for collecting developer contributions.
99. **The Government proposes** to allow local planning authorities to pool section 106 planning obligations in three distinct circumstances:
- a) Where the local authority is charging CIL;
 - b) Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106; or
 - c) Where significant development is planned on several large strategic sites.

⁵⁰ CIL Regulations as amended, 2010 (Regulation 122)
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

Where a local authority is charging CIL

100. The Government proposes to amend legislation to allow local planning authorities charging CIL⁵¹ to pool section 106 planning obligations. It is reasonable to give these authorities additional flexibility to fund infrastructure. The legal tests for securing planning obligations⁵² will continue to ensure section 106 planning obligations are only used where necessary to make a particular development acceptable in planning terms. If a charging authority stopped charging CIL, the pooling restriction would be reinstated.

Where it would not be feasible for an authority to adopt CIL

101. The Government recognises that it may not be feasible for some local authorities to adopt CIL. This may be because CIL could not raise enough to justify the costs of operating the system, or because, alongside section 106 planning obligations, it would have a disproportionate impact on the viability of development.⁵³

102. The Government proposes to lift the pooling restriction in local authority areas where it would not be feasible to levy CIL. Lifting of the restriction would be based on a nationally set threshold. The proposed threshold is based on the tenth percentile of average new build house prices. This means that those authorities where average new build house prices are within the lowest 10% of those in England would have the restriction removed.⁵⁴

103. Local planning authorities would test against the threshold annually and state on their website if they fall below it. In order to provide certainty, the Government proposes that once the restriction has been lifted in an authority, it should remain lifted for 3 years. If an authority has submitted a CIL charging schedule for examination by the end of the third year a further year where the restriction is lifted will apply. This is intended to ensure there is time for any charging schedule being introduced to come into effect, and removal of the pooling restriction to continue.

⁵¹ The pooling restriction would not be lifted where a Mayoral or combined authority CIL (or Strategic Infrastructure Tariff) is in place, but CIL had not been adopted by the local planning authority making the section 106 agreement.

⁵² CIL Regulations as amended, 2010 (Regulation 122)

<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/regulation/122>

⁵³ Recent research found that many authorities had considered CIL but viability evidence showed that only a zero rate, or very low rate, would be viable in their area: MHCLG, The incidence, value and delivery of planning obligations and the Community Infrastructure Levy in England in 2016-17

<https://www.gov.uk/government/collections/National-Planning-Policy-Framework-and-developer-contribution-consultations>

⁵⁴ The threshold will be based on publicly available data published in government statistics, or data from the Office for National Statistics

104. The Government recognises the particular priorities of national parks, where a small amount of development proposed across a wide geographic area may give rise to feasibility challenges with introducing CIL. The Government would be interested in views on whether a specific approach is needed to lifting the pooling restriction in national parks, and whether a particular threshold (such as a planned number of homes) should be introduced.

Where significant development is planned on several large strategic sites

105. The Government recognises that there may be rare circumstances where a CIL has not been adopted, and development of significant scale is proposed. In some of these areas, lifting of the pooling restriction could significantly aid the funding of the infrastructure needed to support development. The CIL Review⁵⁵ found that large, strategic sites are often brought forward under separate planning applications or by different landowners. This means that the restriction might prevent all parts of the site contributing to the infrastructure required to mitigate the impacts of the development.

106. **The Government proposes** to remove the restriction in areas where significant development is planned on several large strategic sites. The Government would welcome views on two alternative approaches that could be taken:

- a) remove the pooling restriction in a limited number of authorities, and across the whole authority area, when a set percentage of homes, set out in a plan, are being delivered through a limited number of large strategic sites. For example, where a plan is reliant on ten sites or fewer to deliver 50% or more of their homes;
- b) amend the restriction across England but only for large strategic sites (identified in plans) so that all planning obligations from a strategic site count as one planning obligation. It may be necessary to define large strategic sites in legislation.

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

- i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106? **Yes/No**

⁵⁵ The CIL review team: A new approach to developer contributions, February 2017
<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

ii. Where significant development is planned on several large strategic sites?

Yes/No

Question 6

i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices? **Yes/No**

ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or
- ii. all planning obligations from a strategic site count as one planning obligation?

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

Improvements to the operation of CIL

107. Since its introduction in 2010, CIL regulations have been subject to a number of changes and refinements. The Government further proposes improvements to how the levy operates and further clarity in legislation where needed. The Government also intends to revisit planning practice guidance on CIL.

A more proportionate approach to administering exemptions

108. CIL regulations allow for some development to be exempt from the levy. Exemptions available from CIL need to be granted by the charging authority prior to the start of works on site. A developer must submit a Commencement

Notice to the charging authority prior to the start of works on site to confirm the exemption. Failure to do so results in the exemption being removed. The full levy liability then becomes due immediately, and any ability to pay the levy in phases is removed.

109. Commencement of development marks the start of the claw-back period for several of the exemptions available from CIL. These are applied when a disqualifying event (e.g. sale of a self-build home) occurs within a certain period, which means the exemption is no longer appropriate and the full levy should be paid.

110. There have been a number of cases where developers have submitted Commencement Notices after starting work on site. They have consequently been required to pay the full CIL liability immediately. This issue has particular implications for smaller developers and self-builders that have less regular involvement with CIL. The Government believes that immediate application of this penalty is disproportionate to the failure to comply with requirements.

111. **The Government proposes** to relax the Commencement Notice requirement for exempted development by providing a grace period that will allow the Notice to be served within two months of the start of works. If a Notice is submitted within this period, the exemption would remain in place. Claw-back provisions would still apply as they do now (in most cases from date of commencement).

112. The requirement for developers to initially obtain the exemption prior to commencement would remain. The Government would welcome views on introducing a small penalty charge for submitting a Notice within the proposed grace period. Such a charge could help authorities monitoring development to inform developers that have started work on an exempted development but not submitted a Commencement Notice and that they need to do so before the end of the grace period.

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development?

Yes/No

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Extending abatement provisions to phased planning permissions secured before introduction of CIL

113. Where a development was permitted before CIL came into force in an area, and is then subsequently amended under section 73 of the Town and Country Planning Act 1990 (through a 'section 73 application'), changes secured through the amended permission are subject to CIL. However, in these circumstances, certain CIL provisions do not apply.
114. For particularly large or complex developments, a developer may implement a planning permission in a number of phases. Each phase is treated as a separate chargeable development and incurs its own CIL liability. In cases where planning permission is first secured *while CIL is in force* and subsequently amended, provisions exist to offset any resulting increases in CIL liabilities in one phase against any decreases in CIL liability in another phase.
115. However, for developments permitted *before a charging authority implemented CIL* the regulations limit the way in which such abatement can be employed. A change in one phase may lead to an increase in CIL liabilities, but cannot be offset by a decrease in liabilities in another phase. This can result in significant additional costs where a developer may, for example, switch two elements of a development between phases, even though the amount and type of floorspace proposed across the entire development may not have changed.
116. There is an opportunity to extend the circumstances in which developers are allowed to offset increases in CIL in one phase of a development against decreases in another phase. This will allow developers to balance payments and liabilities between different phases of a development where planning permission is first secured before a charging authority implemented CIL, and subsequently amended using a 'section 73 application' after CIL has been introduced.
117. **The Government therefore proposes** to amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development? **Yes/No**

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

Applying indexation where a planning permission is amended

118. Currently, CIL rates are indexed to a measure of contractor costs to account for changes in the costs of delivering infrastructure. The Government is seeking to amend this approach to ensure that the indexation applied to CIL is more market responsive (see paragraphs 132-136).
119. Recent legislation⁵⁶ provided greater clarification on how charging authorities should apply rates of indexation in relation to development permitted before CIL came into force in an area and then subsequently amended.⁵⁷ A similar issue exists for developments which were both originally permitted and then amended while CIL is in force. In some cases this can result in developers being charged for indexation on floorspace for which they have already paid CIL.
120. The Government believes further clarification is required in relation to how indexation applies to development permitted before CIL came into force in an area, and then subsequently through a section 73 application.
121. **The Government proposes** to amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force, to clarify that the approach taken should align with the approach taken in the recently amended CIL regulations.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?⁵⁸

Increasing market responsiveness

Setting charging schedules with reference to the existing use of land

122. Existing regulations do not allow charging schedules to be set based on the existing use of land. Where there is evidence to support such an approach, being able to do so could allow authorities to more effectively reflect the increases in land value created by a proposed development.
123. **The Government proposes** to change regulations to allow local authorities to set differential CIL rates based on the existing use of land. A charging authority may, for example, choose to set out different rates for residential development

⁵⁶ The Community Infrastructure Levy (Amendment) Regulations 2018
<https://www.legislation.gov.uk/ukdsi/2018/9780111163030>

⁵⁷ Amended under Section 73 of the Town and Country Planning Act 1990 (through a 'Section 73 application')

⁵⁸ Ibid

depending on whether the land was in agricultural or industrial use before receiving planning permission.

124. The charging authority would identify and define those existing uses for which it would set differential rates. However it is important to avoid unnecessary additional complexity in the system of developer contributions. For this reason, the Government recommends authorities only set differential rates based on the existing use of land where there is a strong case for doing so.

Calculating liabilities on individual sites

125. Some sites for development will have multiple existing uses. In order to apply multiple differential rates, it would be necessary to calculate liabilities that take account of the range of existing uses, and apportion the differential rates. This would create additional complexities for charging authorities and developers in how liabilities are calculated.

126. For example, a charging authority may have two residential rates based on whether the existing use is industrial or office. On a site with both office and industrial uses at present, which is being redeveloped for new homes, authorities would need to determine what proportion of the new residential development will be charged CIL at each of those rates.

127. In order to ensure rates better reflect increases in land value created by development, whilst avoiding unnecessary complexities on such sites, **the Government proposes** to:

- a) Use planning guidance to encourage authorities to set a single CIL rate (including a nil rate where appropriate) for strategic sites with complex uses, based on the approach to viability assessment in plan making encouraged by draft planning policy and guidance.⁵⁹
- b) Require that CIL liabilities should be calculated on the basis of the majority existing use for smaller sites. The threshold for determining smaller sites could be defined in the same way as the existing small sites national planning policy for planning obligations.⁶⁰
- c) Require that, on other sites where differential rates apply, but 80% or more of the site is in a single existing use, then the entire CIL liability should be charged on the basis of the majority use.

⁵⁹ National Planning Policy Framework Consultation Document, March 2018

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

⁶⁰ Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Draft National Planning Policy Framework <https://www.gov.uk/government/collections/National-Planning-Policy-Framework-and-developer-contribution-consultations>

128. Where differential rates would apply to a larger site in multiple existing uses, but where no single existing use accounts for 80% or more of that site, two alternative approaches could be taken:
- a) CIL rates could be apportioned between existing uses (i.e. 40% of the CIL liability is charged at agricultural to residential, and 60% at industrial to residential);
 - b) Charging authorities choosing to set differential rates could be required to set a distinct rate for larger sites in multiple existing uses, but where no single existing use accounts for 80% or more of that site.
129. Apportionment would be based on the site area of different existing uses. Where existing buildings are themselves in multiple uses, the floorspace of those buildings would be assessed to determine the apportionment of that area of the site.
130. Land in an ancillary use (e.g. car park) on the same development site would be classed the same as the main use (e.g. a car park for an industrial site would be classified as industrial use). Where it is not clear whether an area is in one use or another, the lower of those possible rates would apply.
131. The Government is interested in views on whether further requirements should be made to ensure that the system would not be open to gaming, for instance to avoid changing uses by demolishing existing buildings.

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land? **Yes/No**

Question 17

If implementing this proposal do you agree that the Government should:

- i. encourage authorities to set a single CIL rate for strategic sites? **Yes/No**
- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? **Yes/No**
- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use? **Yes/No**
- iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

Indexing CIL rates to house prices

132. **The Government proposes** that CIL for residential development should be indexed to the House Prices Index (HPI).⁶¹ CIL is currently indexed annually to build costs. Seasonally adjusted regional HPI data is published monthly and local authority level data is published monthly without seasonal adjustment. **The Government proposes to** move to indexing residential CIL rates to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or
- b) The change in local authority-level house price indexation on an annual basis.

133. There is a trade-off between the greater frequency with which rates can be updated using regional-level indexation (due to the larger sample sizes and seasonal adjustment), and the degree to which indexation reflects local housing markets. The Government would welcome views on which approach is preferable.

134. As there is no clear link between the value of non-residential development and house price inflation **the Government proposes** that CIL for non-residential development should be indexed to a different metric. The Government is interested to hear views on two alternative approaches that could be chosen:

- a) Non-residential CIL rates could be indexed to the Consumer Price Index (CPI). This is a general measure of inflation and indexing to this measure is based on the expectation that price of non-residential land would indirectly reflect the general price level;
- b) Non-residential CIL rates could be indexed to a combined proportion of HPI and CPI. Historic data shows a correlation between changes in industrial land values and a combination of HPI and CPI.⁶² However this may not reflect more recent trends.

135. The Government is also interested in knowing whether other relevant data could be used for non-residential indexation. Data would need to be robust, apply nationally, and be both regularly updated and publicly available to support open data principles. This will ensure charging authorities and developers can be clear about what the index figure is.

136. In order to ensure clarity over charges, the new indexation metrics would apply from the date amended regulations come into force. Indexation would be applied under BCIS up to the point that the regulations came into force and under the new metric after the regulations came into force.

⁶¹ HPI data is published on GOV.UK. The proposed dataset is the seasonally adjusted index.

⁶² Until 2009 the VOA used to publish industrial land values annually. The correlation with industrial land values has been shown with combination of 40% HPI + 60% CPI has been shown between 2001 and 2009.

Question 19

Do you have a preference between CIL rates for residential development being indexed to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; or
- b) The change in local authority-level house price indexation on an annual basis

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development? **Yes/No**

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Prices Index? **Yes/No**
- ii. a combined proportion of the House Price Index and Consumer Prices Index? **Yes/No**

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

Improving transparency and increasing accountability

137. The Government believes that there is a need for greater clarity on how CIL and section 106 planning obligations work together. The expectation is that all viability assessments will be conducted on an open book basis and published except under limited circumstances. The Government thinks it would be helpful to issue guidance setting out what these limited circumstances would include. We have asked this question as part of the NPPF draft text for consultation.⁶³

⁶³ National Planning Policy Framework Consultation Document, March 2018
<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

138. This will complement measures to remove the pooling restriction in authorities that have adopted CIL and measures to improve monitoring and reporting of developer contributions set out in draft Planning Guidance published alongside the draft NPPF.
139. Greater clarity can ensure developers and local communities have more certainty about how charging authorities intend to use CIL receipts and how monies raised has been spent. **The Government therefore proposes** to remove the restrictions on section 106 planning obligations in regulation 123. Regulation 123 lists will be replaced with a more transparent approach to reporting by charging authorities on how they propose to use developer contributions, through infrastructure funding statements.
140. The CIL Review also found concerns with transparency over how much money has been raised and where and how it has been spent. CIL charging authorities are required to report annually on how much CIL has been received, how much has been spent and what it is spent on. However, a desktop study of reports has shown significant variation in how authorities report. This is an important issue for developers, who want reassurance that their contributions will be spent to support development. It is also an important issue for local communities, who cite the provision of local infrastructure and facilities as likely to increase their support for development.
141. **The Government proposes** to introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement in an open data format. The Statement will provide a flexible tool to set out infrastructure priorities and delivery, and could provide a framework for improving communication with local communities about delivery of section 106 planning obligations.⁶⁴
142. It will set out priorities for how a charging authority proposes to use CIL and, where possible, section 106 contributions for the coming five years. It will also be used to report on the choices charging authorities have made regarding how developer contributions from CIL and section 106 planning obligations over the previous year have been used.⁶⁵
143. While CIL charging authorities can use a proportion of the levy to cover its administration (including meeting legislative requirements on reporting), there is no similar provision for section 106 planning obligations.
144. Greater transparency over planning obligations will complement the existing CIL monitoring regimes. This will mean local communities are better informed

⁶⁴ DCLG Consultation *Planning for the right homes in the right places question 17*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652888/Planning_for_Homes_Consultation_Document.pdf

⁶⁵ The Infrastructure Funding Statement would provide a mechanism by which charging authorities can meet reporting obligations under Regulation 62 of The Community Infrastructure Levy Regulations 2010 (as amended)

about the infrastructure and affordable housing that is being delivered alongside a new development and the timescales for delivery.

145. The Government is interested in views on whether local planning authorities may need to seek a sum for monitoring planning obligations as part of a section 106 agreement. The Government would particularly welcome views on potential impacts of seeking such fees.

Question 24

Do you agree with the Government's proposal to:

- i. remove the restrictions in regulation 123, and regulation 123 lists? **Yes/No**
- ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement? **Yes/No**

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

A Strategic Infrastructure Tariff (SIT)

146. A key recommendation of the CIL Review⁶⁶ was that Combined Authorities should be enabled to set up an additional Mayoral type Strategic Infrastructure Tariff (SIT). The Government supports this recommendation as it is important that local authorities have a variety of mechanisms available to them to raise funding towards strategic infrastructure projects that unlock new development.

147. A SIT will operate in the same way as the London Mayoral CIL, including with the same exemptions and reliefs as set out in the CIL Regulations (2010) (as amended). It will operate alongside any localised form of developer contribution e.g. CIL and section 106 and contribute to the funding of strategic, large-scale

⁶⁶ The CIL review team: A new approach to developer contributions, February 2017
<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

infrastructure projects that cross administrative boundaries.

Who will be able to charge a Strategic Infrastructure Tariff?

148. Following the recommendations of the CIL review, the Government proposes that Combined Authorities should be eligible to charge a SIT. In order to do this, the Combined Authority would need to have strategic planning powers.
149. The Government also recognises that there may be other groups of authorities that wish to work together to collect a SIT. The Government is considering regulating to allow joint committees with strategic planning powers to implement a SIT. Joint committees can be agreed to on a voluntary basis by local authorities who wish to prepare joint policies or plans across their areas.
150. Allowing a SIT to be charged will increase complexity in an area, which is a criticism of the CIL review. In order to build acceptance in an area for the charging of a SIT, it is important that people understand the purpose of the tariff. Therefore, the Government proposes that a SIT should only be charged where there is a specific piece of strategic infrastructure that requires funding, or where the impacts of strategic infrastructure will need mitigating across local authority boundaries.
151. When discussing 'strategic' infrastructure, the Government considers this to be infrastructure projects with multiple benefits that have a direct impact on all the local areas across which the SIT is charged e.g. a piece of infrastructure that has impacts which cross administrative boundaries. Alternatively, strategic infrastructure could be defined by a fixed cost or size threshold.
152. Combined authorities or joint committees with strategic planning powers will also need to demonstrate an infrastructure funding gap for an identified strategic infrastructure project. There may also be scope for using a proportion of the funding for local infrastructure priorities that mitigate the impacts of strategic infrastructure.

Question 27

Do you agree that combined authorities and joint committees with strategic planning powers should be given the ability to charge a SIT? **Yes/No**

Question 28

Do you agree with the proposed definition of strategic infrastructure? **Yes/No**

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure?

Yes/No

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

How would a Strategic Infrastructure Tariff work in practice?

153.Strategic Infrastructure Tariffs would be informed by evidence and undergo independent examination in the same way as CIL. This provides an opportunity to consider the impacts of the proposed rate on the viability of development and the need for funding infrastructure. An independent examiner would consider evidence, including any impacts on viability, and make a decision on the acceptability of the proposed rate.

154.Following the model adopted by London Mayoral CIL it is proposed that the SIT should be set at a low level and would be collected by the local authority on behalf of the SIT charging authority. This is because the local authority is responsible for the planning functions to which the SIT would be calculated on.

155.**The Government proposes** that the local authorities would be able to keep up to 4% of the SIT receipts for administration costs. The SIT charging authority would then be responsible for receiving, accounting and setting the procedure for reporting.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority? **Yes/No**

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT? **Yes/No**

Technical clarifications

156. **The Government also propose** to make other technical clarifications to the regulations. These include greater clarity on:

- a) Application of Regulation 128 in areas where the Mayor of London or a Combined Authority has introduced CIL. This will make clear that liability for borough/local authority CIL is not triggered for reserved matters applications unless a local authority charging schedule was in effect when the outline planning permission was granted;
- b) Application of exemptions and reliefs to Regulation 128A-related permissions. This will clarify that any liability calculated using Regulation 128A should include all exemptions and reliefs to avoid situations where liabilities for amendments to a planning permission are offset by exemptions or reliefs that relate to already permitted floorspace.
- c) Application of Regulation 128A to subsequent amendments under section 73 of the Town and Country Planning Act 1990 where an earlier amendment has already been secured. This will support existing guidance in clarifying that multiple section 73s can be applied to the original planning permission without triggering a CIL charge on the entire development.

Question 34

Do you have any comments on the other technical clarifications to CIL?

Planning guidance

157. Planning guidance is in place to support operation of CIL, and ensure those working with the system have clear advice on using it. The Government keeps planning guidance under review. Updated guidance will also be provided to support any reforms to CIL and the technical corrections and clarifications. This includes updates to help support in the administration of exemptions, taking account of unintended viability impacts (such as on agricultural buildings) when setting rates, and setting rates with reference to existing use.

Annex B: The CIL Review

158. In November 2015, an independent review panel was commissioned to assess the extent to which CIL provided an effective mechanism for funding infrastructure, and to make recommendations that would improve its operation in support of the Government's wider housing and growth objectives. The CIL Review was published in February 2017⁶⁷, alongside the Housing White Paper.⁶⁸

159. Particular issues that were identified, included:

- i. The partial take-up of CIL has resulted in a complex patchwork of CIL and non-CIL authorities across the country;
- ii. The amount raised through CIL has been lower than anticipated, an issue which has been exacerbated by the introduction of exemptions;
- iii. CIL is frequently set at a lowest common denominator level, so developers which could contribute more towards infrastructure do not do so;
- iv. Restrictions on local authorities ability to pool more than five section 106 planning obligations towards a single piece of infrastructure have created increased complexity, and can perversely disincentivise development;
- v. CIL is not market responsive, and charging schedules can be potentially be out of date on the day on which they are adopted;
- vi. It is complex and resource intensive for local authorities to set CIL charging schedules; and
- vii. That there is a lack of transparency in both CIL and section 106 planning obligations.

160. The CIL review panel considered a number of options for reform, including leaving the system as it currently is, abolishing CIL and reverting to section 106, making minor reforms to the existing system, and making more significant reforms. They concluded that, although they had seen places where CIL worked well, they had also seen places where, as currently configured, it could not work.

161. On this basis, the key recommendations of the review were:

- i. That the Government should replace the Community Infrastructure Levy with a hybrid system of a broad and low level Local Infrastructure Tariff (LIT) and section 106 agreements for larger developments. The LIT would be set nationally, but collected and spent locally. As the tariff would be low level, this would reduce the need for exemptions and reliefs

⁶⁷ The CIL review team: A new approach to developer contributions, February 2017
<https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

⁶⁸ MHCLG, Fixing our broken housing market, February 2017
<https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

- ii. That Combined Authorities should be enabled to set up an additional Strategic Infrastructure Tariff, based on the example of London Mayoral CIL
- iii. That Government should standardise and streamline its approach to section 106 planning obligations
- iv. That restrictions around the pooling of section 106 planning obligations should be lifted; and
- v. That complexities in the operation of CIL should be addressed through the development of its replacement

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If the Government receives a request for disclosure of the information it will take full account of your explanation, but cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how the process can be improved please contact us via the [complaints procedure](#).

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

Your details

First name*	Click here to enter text.
Family name (surname)*	Click here to enter text.
Title	Click here to enter text.
Address	Click here to enter text.
City/Town*	Click here to enter text.
Postal code*	Click here to enter text.
Telephone Number	Click here to enter text.
Email Address*	Click here to enter text.

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Please select an item from this drop down menu

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Click here to enter text.

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

No comment.

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Yes

Please enter your comments here

No comment.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

No

Please enter your comments here

Putting the core principles at the front of the document gives clarity and emphasis to them. They should be reinstated.

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

The clarification is welcomed.

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Not sure

Please enter your comments here

With regard to the tests of soundness, the Greater Norwich Development Partnership particularly welcomes the proposed change that makes it clear a plan should set out 'an appropriate strategy' rather than 'the most appropriate strategy'. This should help speed up plan production, helping local planning authorities to better judge what evidence is required and potentially reducing the time for the Examination. It would add to clarity and consistency if paragraph 35 (relating to the role of the sustainability appraisal) could reflect this change.

Question 6

Do you have any other comments on the text of chapter 3?

The Greater Norwich Development Partnership notes the greater role envisaged for viability assessments at the plan making level, and suggesting a lesser role in relation to specific planning applications.

This approach causes the partnership concern as it could have a substantial impact on the delivery of development. Land values and viability factors are dynamic and cannot be set in stone at one point in time (i.e. the local plan adoption date). It is appreciated a local plan should allocate sites that are economically viable, however, there is need for flexibility. While the Greater Norwich Development Partnership appreciates the draft NPPF does recognise this to some extent, it would be helpful if the document could give more guidance on the factors that would trigger the need for further viability assessment. This should include: changes since adoption in infrastructure (for example, changes in pupil forecasts since local plan adoption changing education requirements), unforeseen mitigation measures and, changes in national policy. In addition, regard should be had to changes to the Building Regulations that could inflate build costs. It would also be helpful if the NPPF set trigger for further viability testing linked to an index (such as the Tender Price Index). Where such an index exceeds a threshold set in the NPPF, the need for further viability work would be triggered.

The draft Planning Practice Guidance looks to clarify how viability assessments should be approached, and is welcomed. The Greater Norwich Development Partnership would find it particularly helpful if the guidance could define what would be considered a reasonable return for a landowner. As currently defined it is too vague, and would benefit from more precision, similar to the way developers' returns have been defined.

The reference to health in the list of infrastructure (para 20) is welcomed.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

No

Please enter your comments here

The Greater Norwich Development Partnership supports much of this section. For example, the encouragement for early engagement between with local planning authorities and the proposal to make all viability assessments publically available are both welcomed. We consider this will help build more public confidence in the planning system.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes

Please enter your comments here:

The Greater Norwich Development Partnership considers the first sentence of paragraph 58 to be superfluous. It is self-evident that a planning application that is compliant to an up-to-date local plan would not need a viability assessment.

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

The Greater Norwich Development Partnership believes there would be benefits that would arise from the NPPF mandating the use of review mechanisms to capture uplift in land values. One of the key benefits would be helping to redress the lack of confidence the public has in the planning system. It would enable major developments to give ongoing public benefit, allowing the betterment to be shared with residents through the provision of infrastructure that would improve the quality of life for current and future residents. This will demonstrate to residents the benefits that can be gained from new development.

Question 10

Do you have any comments on the text of Chapter 4?

In para 41 it is not clear what is meant by “non-statutory consultees”.

In para 54 it is not clear what is meant by “wellbeing of the area”.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

The local plans currently covering the Greater Norwich Development Partnership area provide a range of site sizes as housing allocations, and there are around 20% of current allocations that fall below the 0.5 hectare threshold being proposed. Whilst it is true these smaller sites have proved attractive to local and regional SME builders, and that the product tends to be of high quality and design, the smaller sites have not always addressed local housing need. Our experience is the smaller sites have produced less affordable housing, and are larger more expensive market homes that are priced beyond the means of local residents. So while the partnership agrees with the rationale for promoting smaller sites, and would be happy with a threshold set in the NPPF, the site size should be 0.75 hectares, to allow some of our concerns to be addressed. The NPPF could also stress the need for these sites to produce a variety of house size and type.

In reaching this conclusion, the Greater Norwich Development Partnership assumes this requirement relates to the provision of sites, rather than 20% of the supply being on sites of 0.5 hectare or smaller.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Not sure

Please enter your comments here

The Greater Norwich Development Partnership accepts the Government's aim to increase the amount of house completions, and has set out a Joint Core Strategy that has ambitious growth targets. However, the measures within the proposed NPPF do not recognise the potential for the development industry to “game” the system. For example, paragraph 77 relates to monitoring sites with planning permission. This could encourage developers to not seek planning permission on allocated sites, thereby reducing supply with planning permission, allowing paragraph 11d to be brought into play. This could be overcome by stronger

guidance that sets out an expectation that land promoters for allocated sites have a duty to bring them to market and be built out (as they will have set out in the local plan allocation process). Local Planning Authorities should have more powers to intervene if allocations are not progressed, such as amending Compulsory Purchase allowing purchase at current use valuation and discounting the allocated use.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

Not sure

Please enter your comments here

The Greater Norwich Development Partnership is unclear on how entry-level homes is defined and how such housing can be kept at “entry-level” in perpetuity, which is a requirement for forms of affordable housing.

Specific concerns on para 72 are:

- (a) The phrase “a high proportion” needs to be defined;
- (b) The phrase “proportionate in size” needs to be defined;
- (c) As the purpose is to enable people to buy or rent their first home, the Framework should explicitly require homes for sale or rent on the open market to have no more than 3 bedrooms, or not to exceed 90 sqm (the internal area of a 3 bedroom 5 person house in the Nationally Described Space Standards).
- (d) The possibility of “entry level exception sites” will produce a significant “hope value”, leading to such sites no longer being offered for traditional exception sites. The result would be being unable to meet identified local needs and the inability to contribute to local social sustainability.

Question 14

Do you have any other comments on the text of Chapter 5?

Although a minor point, it is disappointing that the word “quality” is no longer in the chapter heading as this gives the impression that the quality of new homes is no longer an issue. It is suggested that it should be reinstated.

The Greater Norwich Development Partnership welcomes the section relating to Rural Housing. In particular would express its support for paragraph 80, which seeks to enhance and maintain local services through the provision of new homes.

We welcome the approach advocated in paragraph 61 for determining the minimum number of homes needed; it reflects the approach the partnership has taken in preparing its joint local plan.

Paragraph 64 should be clarified and include a definition of designated rural areas. The partnership considers, that for its area, that this could be based on the definition contained in the Housing (right to acquire)(Designated Rural Areas in the East) Order 1997 provided that this was brought up-to-date to better reflect the situation in

rural areas.

Paragraph 65 – The Greater Norwich Partnership agrees to the principle of affordable home ownership forming part of the affordable homes provision on qualifying sites. However, rather than a blanket approach of at least 10%, the requirement should match the local needs identified in housing market assessments. In addition, the NPPF must make it clear such housing should be conditioned to ensure it is affordable in perpetuity (initial and subsequent occupations).

Also, the wording in criterion (c) is too vague as it would enable the proposer to meet the requirement but the actual developer could do something different. It should be reworded to: "...requires development to be by people who commission or build their own homes".

Paragraph 66 – The requirement for strategic plans to set out a housing requirement figure for designated Neighbourhood Areas is not realistic nor is it necessary. To work it would require Neighbourhood Plans to be produced in tandem with the strategic plans, where they arise as and when communities wish to do them. Also, it would result in no housing provision being made in a designated area if the Neighbourhood Plan did not progress. The requirement in paragraph 67 for Ipa's to provide an indicative figure if requested is sufficient.

Paragraph 69 d) – the Greater Norwich Development Partnership welcomes the clause to encourage the sub-division of larger housing sites to help speed up delivery. Unfortunately the NPPF does not give any indication of how this can be achieved. To achieve this policy aspiration it would be helpful if the NPPF how local planning authorities could do this, along with any new powers to give them a stronger hand to intervene.

Also, it would be useful to make reference to the need to still ensure a "consistency of place" when breaking up larger sites.

Paragraph 79 – the reflection of local needs is supported.

There are also concerns over the definition of affordable housing as set out in the glossary (see Q43).

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

Yes

Please enter your comments here

The Greater Norwich Development Partnership considers the greater Norwich area to have great potential for economic growth and increased productivity. The partnership is already engaged in preparing positive local plan policies that will drive innovation and contribute to the Government's Industrial Strategy. The partnership also welcomes the section on supporting a prosperous rural economy, and recognises the contribution rural economies can make to the grand challenges set out in the industrial strategy. We consider the draft proposals will provide a helpful framework for us in preparing our local plan.

Question 16

Do you have any other comments on the text of chapter 6?

There should be a recognition of the fact employment related allocations tend to have a longer lead-in time and NPPF should local planning authorities to protect strategic employment allocations for employment uses.

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Yes

Please enter your comments here

The Greater Norwich Development Partnerships welcomes this section.

Question 18

Do you have any other comments on the text of Chapter 7?

The further clarification in para 86(g) is welcomed.

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

No Comment

Question 20

Do you have any other comments on the text of Chapter 8?

The introduction of the word “safe” and the reference to “community safety” within the chapter is welcomed. A definition of “local green space” would be useful, perhaps in the glossary.

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Yes

Please enter your comments here

The measures advocated here are already in practice here at the Greater Norwich Development Partnership, with the transport authority (Norfolk County Council) being a full and active member the partnership. This means transport issues are considered at the earliest stages of plan-making.

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Yes

Please enter your comments here

The reference to “highway safety” is welcomed.

Question 23

Do you have any other comments on the text of Chapter 9?

None

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

The Greater Norwich Development Partnership recognises the importance of high quality communications and supports what is being proposed.

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Not sure

Please enter your comments here

The Greater Norwich Development Partnership broadly agrees with the approach set out, but reiterates its concerns that it will create pressure to release important employment related sites for housing development.

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Yes

Please enter your comments here

No additional comment

Question 27

Do you have any other comments on the text of Chapter 11?

In particular, para 122(d) and (e) are supported, as is footnote 37, and these should be retained.

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

No additional comment.

Question 29

Do you have any other comments on the text of Chapter 12?

Paragraph 125 – the reference to SPDs is welcomed and should be retained.

Paragraph 127 is supported and the emphasis on the importance of pre-application discussions welcomed.

Paragraph 129 – the last sentence is not required as development which complies with local design policies would not be refused on design grounds.

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Yes

Please enter your comments here

No additional comment.

Question 31

Do you have any other comments on the text of Chapter 13?

The Greater Norwich Development Partnership supports the approach advocated for defining and designating Green Belts.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

No comment

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

No

No comment

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Yes

Please enter your comments here

No additional comment

Question 35

Do you have any other comments on the text of Chapter 15?

The Greater Norwich Development Partnership welcomes the emphasis given to protecting and enhancing valued landscapes. The Partnership would welcome clarity as to how valued landscapes are defined. In any definition the partnership would suggest include a specific reference to the need to protect locally important landscapes and features, such as important gaps between settlements.

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

No additional comment

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

No comment

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Yes

Please enter your comments here

No comment

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

No

Please enter your comments here

No comment

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Yes

Please enter your comments here

No comments

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

No

Please enter your comments here

No comments

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Not sure

Please enter your comments here

No comments

Glossary

Question 43

Do you have any comments on the glossary?

The Greater Norwich Development Partnership has a concern at the definition of affordable housing as set out in the glossary:

- Criterion (a)(c) refers to the “normal form” which is imprecise.
- Criterion (b) does not give a sufficiently clear definition of “starter homes”.
- In criterion (c) the reference to local incomes and house prices, and to ensuring the discount remains for the future, is supported.
- Criterion (d) does not appear to provide provision for such housing to remain affordable in subsequent occupations, other than where public grant funding is provided. A clause requiring the affordability to be retained in the future, similar to the wording in the other criteria, should be included in d). The partnership would suggest the following wording be added: “There should be provision for homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative housing provision, or (where public grant funding is provided) the grant refunded to Government or the relevant authority specified in the funding agreement”.

Developer Contributions Consultation response form

If you are responding by email or in writing, please reply using this questionnaire proforma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterisk (*)

This form should be returned to
developercontributionsconsultation@communities.gsi.gov.uk

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
Fry Building
2 Marsham Street
LONDON
SW1P 4DF

By 10 May 2018

Your details

First name*	
Family name (surname)*	
Title	
Address	
City/Town*	
Postal Code*	
Telephone Number	
Email Address*	

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Click here to enter text.

Reducing Complexity and Increasing Certainty

Question 1

Do you agree with the Governments' proposals to set out that:

- i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making?

Yes

- ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need?

Yes

iii Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence?

Yes

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

- (i) The Greater Norwich Development Partnership can see the advantages in relying on the local plan evidence for CIL-setting purposes and supports this suggestion. (ii) The Partnership would hope the Government will assist provision of infrastructure through the provision of funding opportunities to ensure the delivery of strategic infrastructure. This will greatly assist local planning authorities to deliver the growth in the

numbers of new homes being completed. (iii) While the Greater Norwich Development Partnership welcomes the proposed pragmatic approach to responding to significant changes in market conditions, it remains doubtful as to whether the development industry or planning inspectors will follow this approach. It is likely there will still be a requirement to have some form of independent verification. The Partnership suggests that, when reviewing the CIL Regulations, the Government considers making amendments that would allow a review of a local plan and CIL to be done together, with one examination. This would help streamline the process, and would be a manifestation of the Government's proposals that local plan viability evidence will form the basis of a CIL charging schedule.

Ensuring that consultation is proportionate

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement?

Yes

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

As set out in the response to question 2, the Greater Norwich Development Partnership believes there is merit in using the local plan process to meet the statutory requirement of adopting CIL. If local plans and CIL charging schedules were prepared together, and consulted as part of the local plan there would be adequate engagement with all relevant stakeholders.

Removing unnecessary barriers: the pooling restriction

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

- i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106?

Yes

- ii. Where significant development is planned on several large strategic sites?

Yes

Question 6

- i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices?

Yes

- ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

No Comments

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or

The Greater Norwich Development Partnership suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area.

- ii. all planning obligations from a strategic site count as one planning obligation?

The Greater Norwich Development Partnership suggests both options be available to local planning authorities. It is important to be able to pool contributions to enable strategic sites to deliver essential infrastructure across the local plan area. □

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

The Greater Norwich Development Partnership asks the Government to take into account the following factors: The contribution the site(s) make in delivering the new housing allocation requirement. Any site size delivering 10% or more should be considered as strategic. In addition, sites that require infrastructure that has benefits

across the whole plan area should be considered as strategic. Such infrastructure will have been identified as a requirement through the local plan process.

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

The Greater Norwich Development Partnership would welcome the lifting of pooling restrictions. The partnership already pools CIL receipts from the partner authorities, and share a common charging schedule. Allowing pooling of S106 would greatly assist the three local planning authorities to strengthen their collective ability to provide infrastructure across the partnership area. Also, the draft implies that pooling is only an issue where significant development is planned, but it is also an issue for smaller scale development, such as where pooling could allow for the provision of meaningful areas of open space and play provision to be provided for developments which of themselves cannot provide on-site requirements. Therefore, there should be a general lifting of the pooling restrictions.

Improvements to the operation of CIL

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development?

Yes

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

In order to simplify the Regs consideration should be given to a 2 month grace for the submission of all commencement notices, not just where exemptions have been agreed. Introducing a penalty would add further complexity, ie is it proportionate to when the notice was submitted within the 2 month grace period (small penalty at the beginning of the 2 months, larger penalty at the end). If 2 months was given for all commencement notices, but the date for payment remained 60 days from the commencement date, the "penalty" would be that those submitting late would have less time in which to pay the liability. Any penalty tends to have more impact on smaller developers due to the maximum surcharge of £2500.

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

Should remove relief for domestic extensions. This is predominantly an administrative exercise with no clawback provision.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development?

Yes

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

If the floorspace from a previous phase could be offset against future phases, this could create difficulties where the payment has already been paid. ie on larger developments, the timing of payments relative to one phase could already have been paid and committed to infrastructure, and a proportion passed to the Parish Council. An abatement should not be available where payment has already been made.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?

Yes

Increasing market responsiveness

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land?

Yes

Question 17

If implementing this proposal do you agree that the Government should:

- i. encourage authorities to set a single CIL rate for strategic sites?

Yes

- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No

Yes

- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use?

Yes

- iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

There are likely to be challenges in establishing the extent of different uses, the implications of the extent of the “planning unit” and whether uses are lawful or whether they have been abandoned. The definition of “lawful use” differs in the current CIL regs to planning practice and this could create difficulties in different definitions for the establishment of the relevant CIL rate and subsequently establishing which floorspaces can be offset from liability calculations.

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

Consider that the CIL rate should be apportioned between the existing uses (eg 40% agricultural to residential, 60% industrial to residential)

Indexing CIL rates to house prices

Question 19

Do you have a preference that CIL rates for residential development being indexed to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; OR

No

- b) The change in local authority-level house price indexation on an annual basis

No

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development?

Yes

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Price Index? OR

No

- ii. a combined proportion of the House Price Index and Consumer Prices Index?

No

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

The Building Cost Information Service of the Royal Institution of Chartered Surveyors. The existing BCIS index should be retained for residential and non-

residential, although the Ministry may wish to try and negotiate a rate for the use of this Index by all CIL authorities.

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

No comments

Improving transparency and increasing accountability

Question 24

Do you agree with the Government's proposal to?

- i. remove the restrictions in regulation 123, and regulation 123 lists?

Yes

- ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement?

Yes

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

The Greater Norwich Development Partnership's sister organisation, the Greater Norwich Growth Board, already produces a five year infrastructure delivery plan, which is reviewed on an annual basis. The Greater Norwich Growth Board would be delighted to share its approach with Government as an example of good practice.

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of Section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

It is important for the successful implementation of infrastructure and the requirements of S106 agreements that monitoring is undertaken to secure payments and to facilitate provision by third parties such as Parish Councils. It is therefore appropriate that a monitoring payment is included.

A Strategic Infrastructure Tariff (SIT)

Question 27

Do you agree that Combined Authorities and Joint Committees with strategic planning powers should be given the ability to charge a SIT?

Yes

Question 28

Do you agree with the proposed definition of strategic infrastructure?

Yes

Question 29

Do you have any further comments on the definition of strategic infrastructure?

Consider that there should be further clarification regarding what constitutes a "Combined Authority". The Greater Norwich Development Partnership prepares the Local Plan as a joint planning function and undertakes the preparation of the Infrastructure Delivery Plan through the Greater Norwich Growth Board. It is considered appropriate that such a body should be considered as a combined authority for the purposes of CIL.

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure?

Yes

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

The Greater Norwich Development Partnership suggest the percentage dedicated to local priorities should match the proportion of CIL that is passed to town and parish councils.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority?

Yes

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT?

Yes

Technical clarifications

Question 34

Do you have any comments on the other technical clarifications to CIL?

No comments

Cabinet 30 April 2018

Agenda Item 7

**Guidelines for Recreation Provision in New Residential Developments
Supplementary Planning Document (SPD) -
Revised Draft for Consultation**

**Report of the Interim Joint Spatial Planning Manager
Cabinet Member: John Fuller, The Economy and External Affairs**

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1. Introduction

- 1.1 The purpose of this report is to present the revised draft Guidelines for Recreation Provision in New Residential Development Supplementary Planning Document (SPD), which is attached as **Appendix A**.
- 1.2 The draft SPD will replace the Council's 'Recreational Open Space Requirements for Residential Areas' Supplementary Planning Guidance (SPG), which was originally published in 1994. The document has been updated to refresh the Council's recommended standards; refer to current adopted Local Plan policy, reflect the Council's current policy on adoption and maintenance and to give guidance on new recommended safety and design standards. It has also been amended in response to comments received during the first consultation in summer 2017.

2. Background

- 2.1 Supplementary Planning Documents (SPDs) are non-statutory planning documents prepared by a Local Planning Authority following public consultation. SPDs are intended to provide more detailed advice or guidance to assist with the interpretation and implementation of the policies in a Local Plan but cannot set new policy.
- 2.2 There is a need to update the 1994 SPG document to reflect current adopted Local Plan policy. Policy 1 of the Joint Core Strategy states that areas of open space are important as an integral part of development. Subsequently the Council adopted the Development Management Policies document in October 2015, which contains a policy DM 3.15 relating to the provision of recreational open space. The supporting text to DM Policy 3.15 refers to the need for regard to be given to the 1994 SPG "or any subsequent version" and so although the 1994 document still carries "weight" and is used in development management decision-making, it is now very dated. Legal advice recommends updating the document to make it more relevant; an updated document would carry greater planning weight in decision making, and would reflect the high priority that the Government and Council gives to recreation provision in the context of the health and wellbeing agenda.
- 2.3 Historically new community assets such as recreational open space and play areas have often been adopted and managed by South Norfolk Council. A Community Assets Strategy for South Norfolk was agreed at Cabinet in January 2017 (see **Appendix B**), which sets out how community assets will now be managed in the period up to 2021; the Strategy will come into effect fully when

the Recreational Open Space Requirements for Residential Areas SPD is adopted, which is likely to be in summer 2018. The Community Assets Strategy makes it clear that, following adoption of the SPD, the Council will accept no further transfer of Section 106 infrastructure, other than in exceptional circumstances, meaning that they will no longer routinely take on ownership or maintenance of new recreational open and play areas provided through new developments.

- 2.4** This means that for all planning decisions made after the adoption of this SPD, the developer will need to make robust arrangements for the adoption and long-term management and maintenance of such assets, with responsibility being taken on by either the relevant parish/town council (preferred), an appropriate community or a designated management company.
- 2.5** The January 2017 Cabinet concluded that Recreational Open Space Requirements for Residential Areas SPD should include useful guidance to parish/town councils considering taking on the adoption and maintenance of new open space and play space areas.
- 2.6** Consultation on the first draft ran from June to August 2017. 25 responses were received, ranging from parish councils, planning consultancies and developers to statutory consultees. **Appendix C** details the comments made and the Council's response to these comments. Subsequently the document has been subject to significant redrafting to address the issues raised.
- 2.7** The first draft of the SPD and the current SPG can both be found at <https://www.south-norfolk.gov.uk/open-space-spg>, and the original Cabinet report on the first draft SPD can be found at <https://www.south-norfolk.gov.uk/sites/default/files/Cabinet-Agenda-12-June-2017.pdf>.
- 2.8** In the interim period since this consultation, the Regulation and Planning Policy Committee considered a further iteration of the document at its December 2017 meeting. Further internal review of this document led to a decision to make further revisions prior to public consultation. This has now occurred and the proposed SPD was subsequently considered by the Regulation and Planning Policy Committee most recently at its meeting on 18 April 2018.

3. Current Position

- 3.1** The first draft SPD was produced by a team of South Norfolk Council officers, taking into account legislative requirements, best practice and legal advice. A number of detailed comments were made on particular elements of the draft SPD, for example, asking for it to reflect more clearly the needs of children with disabilities when planning play areas (wheelchair-accessible play equipment, for example). Where agreed with, these changes have generally been made to the document.
- 3.2** A second main area of comments came from Parish/Town Councils. Some expressed concerns about the costs and implications of taking on the maintenance of recreation spaces, highlighting worries about the long-term financial liability. The Council's clear position (as expressed in the revised SPD) is that the new recreational open space must be offered first to the relevant Parish/ Town council, with a 10-year maintenance commuted sum. However, if the Parish/ Town Council chooses not to take this on – and there is no requirement to so do – then the most likely option will be for the space to pass to a management company.
- 3.3** The only exception to this may be if another body is prepared to take on the recreational open space. The Land Trust (www.thelandtrust.org.uk) is a national charity “that is committed to the long-term sustainable management of open space for community benefit”; however, the body tends to deal with larger areas of open space rather than that associated with smaller developments. Occasionally there may be a local play area/playing field committee (independent of the parish council) which (with the 10-year commuted sum maintenance payment) will agree to take on the maintenance in perpetuity – Hingham is one such example in South Norfolk.
- 3.4** Some Parish Councils also raised worries about some of the practical effects of land passing to a management company for maintenance. It is important to note that the SPD can only cover planning matters, not property matters. Concerns about the costs of ongoing maintenance (which will normally fall on the householders of the associated development on an annual basis) are recognised as being an important matter, but the Section 106 legal agreement to secure new recreational open space cannot be overly-prescriptive about particular costs and standards of maintenance. These matters are covered in the management company's articles of association, and the Board of Directors of any management company will normally include at least some of the residents. It is for the Directors to help determine the appropriateness of the management regime, and costs. Prospective purchasers should be made aware, by their solicitors, of any ongoing costs, before buying a property.

- 3.5 Comments criticising the scale of the costs required by developers were made by several planning consultants and one housebuilder. The overall magnitude of the costs was asserted to be unreasonable, and also with no ability for any impact on overall scheme viability to be taken into account. These concerns have been noted, and various appropriate changes to the SPD have been made in reflection of these.

4. Proposals

- 4.1 The revised draft SPD is attached as **Appendix A**. The document has been updated to; refresh the Council's recommended standards, reflect the Council's current policy on adoption and maintenance, refer to current Local Plan policy and to give guidance on new recommended design standards. It also takes into account representations received on the first draft of the SPD.
- 4.2 The draft document has been extensively reviewed following the feedback from the 2017 consultation. The proposed approach has been revised and is now broadly based upon the most recent 2015 Fields in Trust (FiT) recommended standards. This was formerly known as the National Playing Fields Association's 'Six Acre Standard', which was instrumental in setting the standards in the 1994 SPG. In recognition of this approach the SPD seeks three main categories of recreational open space (Children's Playspace, Older Children and Adult's Recreation Space and Informal Recreation Space) the latter of which is an addition compared to the 1994 standards. As a consequence, the document now proposes an increased quantity of recreational open space - 4.9ha of recreational open space per 1,000 population. However, the SPD also recognises that open space can be multi-functional, and that informal space in particular can also form part of the landscaping, buffering to neighbouring uses and/or green infrastructure that is also necessary to make development acceptable.
- 4.3 The SPD cannot set new policy and can only provide guidance on the implementation of adopted policy, in this case Development Management Policy DM 3.15. Policy DM 3.15 does not set quantitative standards, referring only to the provision needing to be commensurate to the needs of the development. In light of the ongoing production of the Greater Norwich Local Plan, and the need for a timely current review of the SPG, it has been concluded that basic primary research to identify bespoke new standards is not pragmatic. The FiT standards are widely recognised as being good practice and used by many local planning authorities in England.

- 4.4 In recognition of the criticism of some of the proposals in the first draft of the SPD, an alternative strategy based on average household sizes and numbers of bedrooms (an occupancy multiplier) has been used to simplify the approach. Appendix 1 of the revised SPD sets this out clearly.
- 4.5 Appendix 1 also illustrates the costs for equipping and maintaining Children's Playspace, Older Children and Adult's Recreation Space and Informal Recreation Space. These costs are derived either from a blended rate of South Norfolk Council contractors or Sport England. Worked examples have been set out in Appendix 2, illustrating the costs for a range of site sizes (15, 51, and 200 residential units). It is important to note that the precise cost for each site will vary depending on a number of factors which include (but may not be limited to) the numbers of residential units and the housing mix of units on site, the proximity and nature of existing recreation space and any viability considerations. The cost of land has not been included in these costings due to the complexities of seeking a standardised land value.
- 4.6 The SPD seeks to retain a degree of flexibility, particularly relating to the provision of off-site recreational open space. However, it also makes clear that on-site provision of recreational open space is the Council's preferred option in order to directly mitigate the impact of development. The document also makes clear that the viability implications of the Recreational Open Space requirements will, where appropriate, be taken into account and that the Council will adopt a pragmatic approach.
- 4.7 A "screening" consultation on whether a Strategic Environment Assessment (SEA) would be required for the SPD concluded on 12 May 2017. The original SPD consultation document concluded that the SPD did not require a full SEA (see <https://www.south-norfolk.gov.uk/open-space-spg>); neither of the two consultation responses received (from Natural England and Historic England) disagreed with this conclusion, and Cabinet agreed that an SEA need not be undertaken. Whilst the substance of the revised draft SPD has not changed significantly, the SPD has been re-screened for SEA purposes (see **Appendix D**). It is concluded that the SPD still does not pass the tests for a full SEA. Nonetheless, this will be subject to consultation alongside the draft SPD to seek the views of consultees on this matter.
- 4.8 Once agreed by Cabinet, the revised draft SPD will be subject to four weeks' public consultation, commencing in May. The consultation will include all those previously consulted, including developers, housebuilders and all Parish/Town Councils in South Norfolk. All consultation comments will be considered and any appropriate modifications made. As agreed at the Regulation and Planning Policy Committee, minor modifications may be made in consultation with the Chairman of the Regulation and Planning Policy Committee however should substantive changes be required these would be referred back to the Committee for review.

- 4.9** The SPD will then return to Cabinet (currently expected to be July 2018, but dependent on the volume and significance of representations received) and then onto Full Council for formal adoption. As stated above in paragraph 4.6, from the date that the SPD is adopted, South Norfolk Council will not accept the transfer of any new open space and play space, unless the “exceptional circumstances” test set out in section 6 of the Community Assets Strategy is met.

5. Risks and implications arising

- 5.1** There will be no direct financial impact as the work to produce the SPD is covered within the current budget. However, when the Community Assets Strategy is formally adopted, the fact that the Council will no longer taking on maintenance responsibilities for new open space and play space will no longer increase the longer-term maintenance liabilities to the Council.
- 5.2** There may be increased risks if management companies fail or do not satisfactory undertake their responsibilities, or appointed parish/town councils do not undertake appropriate maintenance. However, the Council will ensure that appropriate maintenance arrangements are in place in principle through the S106 agreement for new development proposals (either to a parish/town council or management company). It must also be noted that Cabinet has already agreed (in January 2017) to the principle of the Council no longer taking on new open space and play space once the SPD has been adopted.
- 5.3** As the SPD cannot (and is not) introduce(ing) new policy, there will not be any significant equalities impacts. However, as stated in Appendix 4 of the revised draft SPD, there can be a number of advantages to more local control of open space and play space assets (for example, Parish/ Town Councils).
- 5.4** There are not likely to be any significant new environmental impacts, as the SPD is not proposing new policy. As noted in paragraph 3.2 above, the SPD has been screened for SEA purposes, and the Council’s opinion remains that an SEA does not need to be undertaken.
- 5.5** It is not considered that there will be any negative impact on crime and disorder. Indeed, the draft SPD contains guidance to ‘signpost’ the better designing out of crime on open spaces.

6. Other options

- 6.1** Cabinet could decide that appropriate clarifications and amendments should be made to the draft SPD before it is subject to public consultation in May 2018.

7. Recommendation

- 7.1** Cabinet resolves to:
- i) Note the representations received on the first draft of the SPD, and agree the Council's proposed responses (Appendix C);
 - ii) Agree the revised draft 'Guidelines for Recreation Provision in New Residential Developments' SPD (Appendix A) for four weeks' public consultation, to commence in May 2018;
 - iii) Agree that a Strategic Environmental Assessment of the 'Guidelines for Recreation Provision in New Residential Developments' SPD does not need to be prepared, but seek consultation views on the revised Screening Opinion (Appendix D); and
 - iv) Delegate authority to the Director of Growth and Business, in consultation with the Cabinet Member for Economy and External Affairs and the Chairman of the Regulation and Planning Policy Committee, to agree any minor changes to the revised draft SPD post consultation and prior to further consideration of the SPD by Cabinet and Full Council.

Appendices

- A: Revised Draft Supplementary Planning Document: 'Guidelines for Recreation Provision in New Residential Developments'**
- B: South Norfolk Council Community Assets Strategy 2016-2021**
- C: Summary of representations made to the consultation on the first draft SPD, and the Council's proposed responses**
- D: Strategic Environmental Assessment Screening Report for Draft Supplementary Planning Document: 'Guidelines for Recreation Provision in New Residential Developments'**

South Norfolk Council

GUIDELINES FOR RECREATION PROVISION IN NEW RESIDENTIAL DEVELOPMENTS

Supplementary Planning Document (SPD)

Second Consultation Draft – April 2018



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INTRODUCTION AND PURPOSE

1. This Supplementary Planning Document (SPD) sets out guidance for the provision, adoption and future maintenance of outdoor recreational facilities directly needed as a result of new residential development across South Norfolk. This space includes children's playspace as well as formal and informal recreational open space for older children and adults. This SPD is intended to supplement the Council's Development Management Policy DM3.15: '*Outdoor play facilities and recreational space*' and provides a tool to calculate the open space requirement a development will generate.
2. Developments proposing 15 residential units or more will be required to provide play and recreation space and informal recreational space in accordance with the criteria set out within this SPD. The 15 unit threshold is a continuation of the Council's previous working practices. It is reasonable to expect sites delivering 15 residential units or more to accommodate on-site recreational open space provision. South Norfolk Council also considers that sites of 15 residential units or more are of sufficient scale to start impacting upon existing community facilities therefore this should be mitigated for within the proposed development.
3. The requirement for on-site play space and recreational open space is separate from the provision of landscaping and other amenity spaces which form an equally important element of the design of new developments, although the dual use of land may be considered acceptable provided the land uses do not prejudice one another.
4. Larger scale facilities, including formal sports pitches, courts and greens, swimming pools and sports halls, may also be provided on-site as part of strategic scale developments; however, they are more likely to be provided for (at least partly) through the pooled Community Infrastructure Levy (CIL) pot and timetabled for delivery through the Greater Norwich Infrastructure Plan. Such facilities may also utilise funding from other organisations, such as Sport England and sports' governing bodies.
5. It is important that the provision and composition of the open spaces and recreational facilities in a settlement/ community are well related to need. It is recognised that quality open spaces and play areas have benefits in terms of health and wellbeing and supporting sustainable communities. The Council's Corporate Plan 2016-2020 recognises as a priority the need to enhance health and wellbeing and improve the quality of life of our communities. This is also reflected in the current Health and Wellbeing Action Plan where future developments should take account of health and wellbeing through public health and planning approaches.
6. Sufficient facilities should be provided in appropriate and convenient locations to cater for the normal leisure activities of local residents. It is key that new residential developments contribute towards the provision of recreational facilities, either through Section 106 agreement/ planning condition and/or more strategically through the payment of CIL. This will

ensure that appropriate levels of provision are maintained within settlements and that new communities have sufficient opportunities for recreation.

7. This SPD refreshes the Council's Supplementary Planning Guidance (SPG) '*Recreational Open Space for Residential Areas*' which was published in 1994. It has been updated to provide standards based on current Local Plan policy, the recommended Fields in Trust standards and to reflect the Council's policy on the adoption and maintenance of land.

Appendix 3 also provides guidance on design standards.

8. Whilst consistency is an important consideration in planning decisions, proposals will be assessed on the basis of their individual contexts. Where appropriate the Council will take account of evidenced viability and/or practical considerations about the delivery of the levels of recreational open space and playspace anticipated by this SPD, and may choose to enter into further discussions with developers and Parish Councils, either regarding quantitative amounts or delivery off-site.
9. Historically, community assets such as open space and play areas have usually been taken on and managed by South Norfolk Council. In January 2017 a Community Assets Strategy for the Council was agreed at Cabinet. This document sets out how new open spaces, play areas and other public community assets in South Norfolk will be managed in the period up to 2021. The Community Assets Strategy should be read alongside this SPD and it will come fully into effect on the date this SPD is adopted. There are no legislative requirements for the Council to have a Community Assets Strategy but it is considered good practice as it will allow for a more sustainable and progressive management regime.
10. The Community Assets Strategy makes clear that for planning application decisions made after the adoption of this SPD the Council will accept no further transfer of S106 infrastructure, barring in exceptional circumstances. In practice this means that South Norfolk Council will no longer take on the ownership or maintenance of new recreational open space or play areas provided as part of planning permissions granted after this date. Developers will need to make robust arrangements for the adoption and long term management and maintenance of such assets in line with the guidance in this SPD. This responsibility could be taken on by the relevant parish/town council or appropriate community group, or a designated management company (see **Chapter 6** for further details). The agreed details will be specified in a legal agreement. The Council cannot dictate who ultimately adopts or maintains these assets however it is the Council's preference for these recreational open spaces to be adopted by the Parish Council or appropriate community association.
11. Whilst it is not a planning matter, it will be important that home purchasers are made aware of the responsibility for making any ongoing financial contributions towards the maintenance of playspace and recreational areas in instances where the management role resides with a

management company. This information will be obtained via the home purchasers solicitors during the conveyancing process

12. In the context of this SPD the following recreational open space definitions have been applied:

South Norfolk Open Space Classifications	
Recreational open space	An umbrella term used to describe all of the different components of the open space requirements within the South Norfolk area.
Children's Playspace	Equipped areas of playspace aimed at children aged up to approximately 11 years, as well as areas of informal unequipped children's playspace (play equipment is considered to be ability based rather than age specific therefore any reference to age is indicative only).
Older Children & Adult's Recreation Space	Recreation space typically aimed at ages 11 years and above which may take a number of forms and could include facilities such as formal/informal pitches and courts, kick-about areas, outdoor gyms, trim trails, skate parks, bowls greens and Multi Use Games Area (MUGAs).
Informal Recreation Space	This could include areas such as natural green space, allotments, informal recreation areas (such as grassed areas, dog-friendly areas, woodland and trails) as well as wider landscaping of the site and development buffer zones. Green infrastructure requirements arising as a result of new development may also contribute towards the informal recreation space provision provided that the land uses do not prejudice one another and full access to the land is achievable at all times.

Table 1: South Norfolk Open Space Classifications

13. The standards for the provision of recreational space are applicable throughout South Norfolk's Local Planning Authority Area, irrespective of the location of the development site .

14. The document has been prepared using a m² (square metre) figure however a hectare (ha) conversion tool may be found in **Appendix 1**.
15. This SPD will be monitored through indicators relating to open space provision in the Council's Annual Monitoring Report (AMR). The SPD will be kept under review and amended as appropriate. Costings included within this SPD will be increased annually in accordance with the Retail Price Index (RPI) and applicants are advised to make these adjustments when calculating the financial liability generated by a development.

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POLICY CONTEXT

National Policy

1. Paragraph 70 of the National Planning Policy Framework (NPPF, March 2012)¹ requires local authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments. It emphasises the need for communities to have access to high quality open space, and recreation as an important contributor to health and well-being.
2. The Planning Practice Guidance (PPG) provides additional guidance to support the NPPF and also contains information in relation to the provision of open space, sports and recreation.

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk

3. The strategic context for the provision of open space and play facilities in South Norfolk is set by the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (January 2014).
4. The JCS vision states that 'there will be excellent public open space, sport and recreational facilities and community centres'. Objective 9 states that 'Development must provide environmental gains through green infrastructure...' and objective 11 states that the 'accessibility of open space, the countryside, sports and recreational facilities will be improved'.
5. JCS Policy 1 requires the development of a multi-functional green network which provides opportunities for formal and informal recreation, walking and cycling, as well as encouraging and promoting biodiversity and acting to mitigate flood risk and combat the effects of climate change. Where there is no conflict with biodiversity objectives, enjoyment and use of the natural environment will be encouraged. JCS Policy 8 expects development to provide for access to green space, including formal recreation, country parks and the wider countryside.

South Norfolk Council Policy

6. The South Norfolk Council Corporate Plan 2016-2020 sets out the Council's vision to "retain and improve the quality of life and prosperity of South Norfolk, for now and future generations, to make it one of the best places to live and work in the country". In part, this vision is to be achieved by enhancing the health and well-being of South Norfolk communities and enhancing the built and natural environment in our towns and villages.

¹ This section will be subject to update should the revised NPPF come into effect before the SPD is adopted.

7. The South Norfolk Council policy for the provision of recreational open space is contained within the Development Management Policies Document (October 2015), specifically Policy DM3.15, '*Outdoor play facilities and recreational space*', as set out in **Table 2** below. Paragraph 3.105 of the Development Management Policies Document and the supporting notes to Policy DM3.15 refer to the use of the standards in the 1994 SPG or any subsequent/successor documents.
8. Individual site allocation policies in the Council's Site Specific Allocations and Policies document (October 2015), the Wymondham Area Action Plan (October 2015), Long Stratton Area Action Plan (May 2016), and any successor documents, will outline if there are any additional recreational requirements on allocated sites. If site specific requirements have not been identified it is expected that recreational open space provision will be in accordance with the details set out in this SPD.
9. Recreational requirements may also be contained within adopted ('made') Neighbourhood Plans, which can be found on the Council's website <http://www.south-norfolk.gov.uk/neighbourhood-plans>.

<p>Policy DM3.15: Outdoor play facilities and recreational open space</p>
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<p>New housing development will be required to provide adequate outdoor play facilities and recreational open space commensurate with the level of development proposed in order to meet the needs of the occupants.</p>
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<p>Development must not result in a net quantitative or qualitative loss of existing open space unless it can be demonstrated that there is a surplus of amenity space.</p>

Table 2: Development Management Policy DM3.15

LEGAL MECHANISMS FOR SECURING PROVISION

1. New recreational provision in South Norfolk will be secured/ funded in a number of ways, at both the strategic and local level. At the strategic level, outside the scope of this SPD, Community Infrastructure Levy (CIL) income will be used to help provide sport and play provision to serve the needs for the wider South Norfolk and Greater Norwich communities. At the more local level, Section 106 agreements or planning conditions will be used to secure the elements of playspace and recreational open space necessary to make a development acceptable in planning terms. It is this aspect of provision which is covered by this SPD. More information about CIL, Section 106 agreements and planning conditions is given below.

Community Infrastructure Levy

2. The Community Infrastructure Levy (CIL) was introduced by the Government to ensure that when land is developed it comes with the necessary infrastructure to support it, such as schools, public transport and leisure facilities. CIL is charged on almost all new buildings to ensure that development contributes towards the infrastructure needed to support growth in an area. Local Authorities set their own CIL charge, subject to independent examination, and the priorities for what the money is to be spent on. A portion of the CIL funds is payable to local communities for the purpose of localised spending on priority infrastructure projects. CIL funds may be used to fund the provision of sport and recreational facilities.
3. South Norfolk Council implemented a CIL from 1 May 2014 and, apart from any exceptions set out in legislation, all new residential development is liable to pay CIL. Further information about CIL (such as the Charging Schedule and the Charging Zones) can be found on the Council's website at <http://www.south-norfolk.gov.uk/how-does-cil-affect-me>. The majority of CIL (70-80%) is pooled by the Greater Norwich authorities to fund strategic infrastructure across the area, and it is from this pot that funding bids for specific strategic infrastructure projects are made. In line with national requirements, 15% of CIL is passed to the parish council within which the development takes place, this rises to 25% in areas covered by an adopted 'made' Neighbourhood Plan., The remaining 5% of CIL is set aside to cover administrative costs. Also, Parish/ Town Council's may spend the CIL income that they receive on recreational provision for their own communities.
4. The Council's published CIL Regulation 123 list (http://www.south-norfolk.gov.uk/sites/default/files/123_list.pdf) sets out what type of infrastructure will be funded, or part funded, through CIL. In terms of sport and play provision this includes outdoor sports pitches, courts and greens, informal recreation open space, equipped and unequipped space for children and teenagers, swimming pools and indoor sports halls, apart from any element of such provision that may be provided on-site as part of a development.

5. Where the need for additional formal sports resources are identified it will be important that such provision, as well as the associated amenities (for example, changing rooms, storage facilities and car parking areas), are provided to the Sport England quantitative and qualitative standards (see 'Natural Turf for Sport' (2011) or any successor document). In some instances, the land for such infrastructure may be provided on-site through S106 agreements with the facilities themselves being brought forward by CIL.
6. Specific schemes for green infrastructure and sport and play provision that are required to meet strategic needs are identified individually within the Greater Norwich Infrastructure Plan (GNIP) as projects that could potentially be funded, or part funded, from CIL contributions. A number of priorities were identified through the Playing Pitch Strategy and Indoor Sports Facilities Strategy that were produced for the Greater Norwich authorities in 2014. Further information on the GNIP and the Strategies can be found on the Greater Norwich Growth Board website at <http://www.greaternorwichgrowth.org.uk>.

Section 106 Agreements

7. Planning obligations made under Section 106 of the Town and Country Planning Act 1990 (as amended) – commonly known as Section 106 Agreements – are legal agreements between local planning authorities and developers which make a development acceptable that would otherwise not be acceptable in planning terms. S106 Agreements focus on site specific measures to mitigate the impact of individual developments. Recreational open space and play facilities are often included within such agreements with trigger points agreed for the provision of the infrastructure. If the S106 agreement is not complied with it is legally enforceable against the person that entered into the obligation and any subsequent landowner. The Section 106 can be enforced by injunction.
8. Section 106 agreements should only be sought where they meet the following tests:
 - 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. From April 2015 the use of Section 106 agreements became more restricted as local authorities are prohibited from pooling contributions from five or more sources to fund a particular project or piece of infrastructure².

²In March 2018 the Government proposed that this pooling restriction may be removed where there is CIL in place.

10. In terms of recreational open space and play provision, the CIL Regulation 123 List states that the type of infrastructure and other items to be funded through a Section 106 agreement (or secured through planning condition) include the on-site provision of formal open space and play space in accordance with development plan policies in force at the time, or a commuted sum to cover the off-site provision of such facilities. The provision of maintenance for such facilities and any necessary transfer of land to secure the long-term future of such facilities are also necessary.
11. CIL contributions and money secured through a Section 106 agreement ("double-dipping") cannot be used to fund the same piece of infrastructure.

Planning Conditions

12. Paragraph 203 of the NPPF (2012) states that planning obligations (i.e. Section 106 agreements) should only be used where it is not possible to address the unacceptable impacts of a development through a planning condition.
13. Planning conditions can only be imposed where they are:
- Necessary; and
 - Relevant to planning and to the development to be permitted; and
 - Enforceable; and
 - Precise; and
 - Reasonable in all other respects.
14. A condition might require additional approvals for specific aspects of the development (such as the colour of the materials) or might restrict the use of the site (for example, limiting operating hours). Some conditions are informative (or restrictive) only, but others require the submission of further details to the Council. The wording of the condition may require these details to be approved in writing prior to commencement or occupation of the development and these conditions need to be discharged by the local authority. It is possible to secure open space and play facilities through planning condition.

APPLICATION OF THE SOUTH NORFOLK STANDARDS

Applying the standards

1. Following adoption, this SPD will apply to all new residential developments delivering 15 units or more.
2. The guidelines will apply to all new residential development (under Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)).
3. Development proposals consisting entirely of non-institutional sheltered and retirement housing will be exempt from the requirement to provide children's playspace.
4. Development proposals that are within the Town and Country Planning (Use Classes) Order 1987 (as amended) categories that are likely to be exempt from the guidelines in this SPD include those set out below. Applicants for these forms of development should contact the Development Management team at the earliest opportunity in order to confirm whether the development would generate a requirement for recreational open space.
 - Hotels, boarding and guest houses under Class C1: Hotels;
 - Secure residential institutions in Use Class C2A.
5. Any recreational open space requirements for these types of development will be negotiated and assessed separately through the planning application process. Further advice can be obtained from the Council's Development Management team prior to the submission of an application.
6. The artificial sub-division of larger sites in an attempt to avoid the minimum 15 residential unit threshold will not be acceptable. In the instance an application for a smaller part of a larger site is submitted, (for example, part of a Local Plan allocation), the Council will have regard to the potential recreational open space requirements for the whole site in assessing the proposals for development on any part. It is not reasonable to defer play and open space requirements necessary for early phases of development to a later phase and agreement will be sought with the developer/landowner regarding the location, timing and delivery of provision appropriate to the whole site.
7. For large sites where a masterplan or design brief is to be prepared by the Local Planning Authority, more precise calculations and diagrammatic layouts can be incorporated and the developer made aware that open space of a certain size is required.
8. For outline applications where the precise dwelling mix is unknown an assumption in accordance with the current Strategic Housing Market Assessment (SHMA) (or equivalent

evidence base document) will be made. Full details of the quantity and occupancy calculations can be found in **Tables 3 and 4 and Appendix 1**. Worked examples based upon the 2017 SHMA figures are included in **Appendix 2**. Developers will be required to update the SHMA figures as appropriate to reflect the most up-to-date dwelling mix.

9. Maintenance contributions will be required for all sites, whether the recreational open space is provided on-site, at an off-site location or by off-site contributions (see later sections regarding the use of off-site provision). **Table 7** provides summary costs per 1,000 population.

Chapter 7 provides further information relating to the application of the maintenance costs and **Appendix 1** provides detailed equipment and maintenance costs.

South Norfolk Council Standards

10. South Norfolk Council requires all development to provide the stated amount of 'Children's Playspace' and 'Older Children and Adult's Recreation Space', as set out in **Table 3**.

11. In addition, the Council also requires all development developers to provide appropriate levels of Informal Recreation Space to meet the needs of the development, unless circumstances dictate otherwise. The Council has therefore set out the standard it expects developers to comply with, based on the Fields in Trust (FiT) figure for Informal Outdoor Space.

12. **Table 3** sets out the South Norfolk Council classifications and standards.

13. The following section of the SPD will deal with each of these components in turn.

Recreational Open Space Classification	Standards - m ² per 1,000 population (ha per 1,000 population)
Children's Playspace (including a minimum Activity Zone of 400m ²)	6,000 m ² (0.6 ha)
Older Children & Adult Recreation Space: (a) Open Space; and (b) Playing Pitches and Courts	(a) 3,000 m ² (0.3 ha)
	(b) 16,000 m ² (1.6 ha)
Informal Recreation Space	24,000 m ² (2.4 ha)
Total	49,000 m² (4.9ha)

Table 3: South Norfolk Classifications and Standards

Children's Playspace

14. For children's playspace, South Norfolk Council has set a standard of 6,000m² (0.6 ha) per 1,000 population, exceeding the FiT figure but recognising the critical importance of children's playspace for children's health and wellbeing. The Council has translated this into an equivalent amount per dwelling based upon a standard occupancy multiplier, as set out in **Tables 4 and 6**.
15. In accordance with the FiT recommendations, playspaces must have a minimum activity zone of 400m². On those smaller sites that do not naturally provide the required minimum activity zone it will be necessary for developers and the Council to agree a reduction in the provision of other recreational space to ensure this requirement is met.
16. The Council will normally expect on-site delivery of all children's playspace. Age ranges are indicative, however playspaces aimed at children up to the age of 11 years are particularly important as places where children can safely play away from traffic. New housing

developments should include adequate areas of land in the right places to meet this objective.

17. Off-site delivery of children's playspaces, and commuted sums for the same, will only be agreed by the Council in exceptional circumstances where on-site delivery proves to be impractical or unreasonable (for example, the presence of an established, accessible playspace adjacent to the proposed development site).

18. Children of different age groups and abilities require different types of play facilities and therefore two types of playspace will be sought by the Council:

- Small informal areas appropriate for low-key games, provided with one or two smaller features to encourage use by younger children, including the under-5's. Attendant adult seating and adequate fencing will also need to be provided.
- Larger areas capable of more intensive use for the under-11's. These should incorporate appropriate fixed play equipment and a suitable hard playing surface or grassed area for informal/ casual activities.

These areas should be near to one another and laid out to enable supervising adults to observe mixed-age children easily. Detailed design guidance is set out in **Appendix 3**.

Older Children and Adult's Recreation Space

19. Open space that caters for the recreational requirements of older children and adults will also be required on-site to meet the demands of residents of new development.

20. Fields in Trust recommends a total combined provision of 1.9 ha (19,000m²) per 1,000 population of both older children's playspace and playing pitches. Reflecting this guidance, as well as the Council's previous approach, South Norfolk Council has combined both categories to create a single classification, 'Older Children and Adult's Recreation Space', which will deliver both the requisite play space as well as the formal pitches as appropriate.

21. The Council has translated the above requirement into an equivalent m² amount per dwelling based upon a standard occupancy multiplier as set out in **Tables 4 and 6**. Further detailed information about the equipment and maintenance costs by open space type can be found in **Appendix 1**.

22. Examples of the types of appropriate facilities within this category are set out in **Table 1** of this SPD. These suggestions are not exhaustive and developers may choose to enter into discussions with the Council about additional/ alternative recreational equipment and pitch provision.

23. Developers will be expected to incorporate 'Older Children and Adult's Recreation Space' within the development site unless site-specific considerations and/or site constraints preclude on-site delivery. In such circumstances, off-site delivery and/or commuted sums will need to be agreed following the submission of robust evidence by the developer at the planning application stage to support a departure from the Council's requirement for on-site provision.

Informal Recreation Space

24. Following the broad principles of the FiT guidelines, South Norfolk Council expects developers to provide appropriate levels of on-site 'Informal Recreation Space' as an essential component of the overall open space provision.

25. Informal Recreation Space is recognised as being a critical element of the overall open space provision and can play a vital role in meeting the casual recreational and amenity needs of local residents, boosting health and wellbeing and providing an important function in enhancing the biodiversity of the District.

26. The Fields in Trust recommended standard is 3.2 ha (32,000m²) of Informal Outdoor Space per 1,000 population. This figure is broken down into three separate elements including Parks and Gardens. However, in recognition of the rural character of the district, South Norfolk Council has deducted this component from the Informal Recreation Space recommendations and as such an overall figure of 2.4 ha (24,000m²) per 1,000 population is sought, as set out in **Table 3**.

27. Informal Recreation Space can take a number of different forms and may, in some instances, have a multi-purpose role within the development site. Careful planning can, for example, enable the dual function of informal recreation space for landscaping, buffering adjacent uses or the delivery of green infrastructure objectives, as well as recreational use. In these instances, it will be the developer's responsibility at the time of the planning application to demonstrate to the satisfaction of the Council that the dual use of the land does not inhibit or prejudice either function.

28. **Table 1** sets out some of the possible components of the Informal Recreation Space. As part of this provision, developers are encouraged to consider the routing of existing and proposed footpaths, trails and green infrastructure corridors and take opportunities to maximise connectivity with the open space being provided.

Off-site Provision and Commuted Sums

30. South Norfolk Council requires the on-site provision of recreational open space where practicable (in accordance with the above standards) because this is considered by the Council to be the best option to meet the needs of new communities occupying the development. This means the direct provision of a space or facility within the agreed boundary of the development site.
31. The Council recognises that on occasion the guidelines in this SPD may be difficult to adhere to, so negotiation may take place on individual sites regarding the type of space to be provided on the site, taking account the needs of the area and the existing provision and deficiencies. This approach is supported by Paragraph 3.106 of the Development Management Policies document which allows for off-site provision in certain circumstances.
32. Off-site provision of children's playspace will only be considered where on-site provision is clearly unacceptable or unreasonable. Off-site provision will need to be easily accessible from the proposed development, taking into account the young age of the children using the facilities. Off-site provision may be through the delivery of a new facility or the enhancement of already established play facilities. The latter will allow the developer to contribute by way of a financial payment to upgrade or improve those facilities.
33. Financial contributions for the off-site provision of all forms of recreational open space will be based on the size of the development and calculated in accordance with the equipment costs set out in **Appendix 1**, with specific terms to be negotiated and agreed in writing by all interested parties. A commuted sum will also be required to be paid to cover the cost to establish/refurbish and maintain recreational open space for a ten-year period (for further details see section on 'Ongoing Maintenance Costs'). Detailed breakdowns of these figures are set out in **Appendix 1**.
34. For those development sites where off-site contributions are considered to be an acceptable means of securing recreational open space, developers will also be required to agree and pay the appropriate land value equivalent to the value of providing the land on-site.
35. This cost is variable, depending significantly on the precise location and situation of the proposed development and this will subject to change over time as the price of land alters. For this reason, the cost will need to be negotiated on a case-by-case basis. This payment will be calculated on an assumed cost of acquiring and laying out the area, based on a notional agricultural land value as improved to become recreational open space of the appropriate form.

Number of Bedrooms	Occupancy per dwelling
1 bedroom	1.5
2 bedrooms	2
3 bedrooms	2.5
4 bedrooms	3
5+ bedrooms	3.5

Table 4: South Norfolk Occupancy Multiplier

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Open Space Type	Amount (m ² per 1,000 population)	(Amount (ha per 1,000 population)	Amount (m ² per person)
Children's Playspace	6,000	0.6	6
Older Children and Adult's Recreation Space: (a) Open Space; and (b) Playing Pitches and Courts	(a) 3,000	0.3	3
	(b) 16,000	1.6	16
Informal Recreation Space	24,000	2.4	24

Table 5: Open Space Quantity Multiplier by Person

No. of bedrooms	Equipped Children's Playspace (m ²)	Older Children and Adult's Recreation Space (m ²) (a) and (b)		Informal Recreation Space (m ²)
		(a)	(b)	
1 bedroom	9	4.5	24	36
2 bedrooms	12	6	32	48
3 bedrooms	15	7.5	40	60
4 bedrooms	18	9	48	72
5+ bedrooms	21	10.5	56	84

Table 6: Open Space Requirement by Dwelling Size (m²)

Open Space Classification	Amount (per 1,000 population) m ²	Equipment Cost (£)	Maintenance Cost (£), per annum	Commuted 10-year Maintenance Cost (£)
Children's Playspace	6,000	118,130	32,668	326,680
Older Children and Adult's Recreation Space:				
(a) Open Space	3,000	57,780	13,720	137,200
(b) Playing Pitches and Courts	16,000	184,516	19,358	193,580
Informal Recreation Space	24,000	121,616	68,329	683,290

Table 7: Summary Equipment & Maintenance Costs (per 1,000 population)

MAKING A PLANNING APPLICATION AND SUBSEQUENT REVISIONS

1. The location of on-site recreational open space shall be determined as part of the overall site layout of new residential developments and consideration must be given to the guidance in this SPD. The Council welcomes and encourages early pre-application discussion, prior to the submission of any planning application. Larger development schemes would also benefit from public pre-application consultation so that the early views of residents can be obtained and taken into account when preparing the planning application.
2. Developers are encouraged to make use of the Council's chargeable pre-application advice service (<https://www.south-norfolk.gov.uk/do-i-need-planning-permission>) to discuss options for providing for the open space and recreational needs of their development (alongside other relevant matters such as highways or heritage assets) at an early stage and to clarify what level of detail will need to be submitted with any planning application.
3. Establishing play and open space requirements at an early stage in the planning process is important as it can affect the overall design and layout of a proposed development scheme. Developers are required to give due consideration to the integration of the recreation and play space within the development site, as well as landscaping, buffering and green infrastructure/ecological enhancements that could be achieved on the site.
4. Where outline planning applications show the indicative layout of the houses, they will also need to show (indicatively) where the open space will be located on the site and how this relates to the housing. Full and reserved matters planning applications will need to show the precise details of the on-site provision. In both cases, it is likely that the principle would be secured through a Section 106 agreement, although it could be through a planning condition if appropriate. Where off-site provision is accepted this would be covered in a similar way. Trigger points in the development for the delivery of recreational open space will be included in planning permissions.
5. Developers will need to provide drawings clearly showing the location of the recreational open space provision for application purposes. At the time of either full- or reserved matters applications plans will need to be submitted at a scale of 1:250 (or similar) showing the detailed layout of hard and soft works and landscaping, boundary treatments, contours, proposed drainage of the site and any other information deemed to be necessary to the project. This should include a complete list of all materials, lighting, safety surfacing and equipment. Design guidance is given in **Appendix 3**.
6. The main points of contact within the Council will be the Development Management case officer and the Technical Advisor (where appropriate), until such time as all relevant conditions of a planning consent are complied with and/or all obligations are fulfilled in

accordance with any Section 106 Agreement or similar between the Council and any other party.

7. Any changes to the proposed scheme after planning permission has been granted must be agreed in writing by South Norfolk Council. Depending on the level of change, this may require an amendment or variation to the Section 106 legal agreement, or variation of the relevant planning condition. Some minor non-material amendments may be acceptable without the need for a new planning application to be made. Developers will be expected to seek advice from the Development Management case officer at the earliest opportunity regarding this.
8. Before any on-site works can commence by the nominated contractor, a full method statement shall be submitted to the Council along with full details of the construction. These details will need to be discussed and approved and a start date for site construction agreed, with details to include on-site information, times of construction, materials and working practices.

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OPTIONS FOR ADOPTION

1. Following agreement of the Council's Community Asset Strategy at Cabinet in January 2017, the Council will not take on the adoption or maintenance of any new recreational open space or play facilities from the adoption date of this SPD, other than in exceptional circumstances. For more details please refer to the Community Assets Strategy.
2. From the adoption of this SPD there will be three main options for the adoption and maintenance of new recreational open space and play facilities within new residential developments:
 - Transfer to the relevant Parish or Town Council, along with the agreed commuted sum (maintenance contribution).
 - Where appropriate to the location of the development, transfer to a community association or similar body, along with the agreed commuted sum (maintenance contribution); or
 - Maintenance of the recreational open space and play facilities by the developer, either directly or through the use of a management company.

(An advice note for Parish/Town Councils and community groups considering adopting recreational open space can be found at **Appendix 4.**);
3. Unlike Parish/ Town Councils, management companies are not statutory bodies and adoption by the Parish/Town Council is thus likely to provide advantages in terms of performance, increased protection against vulnerability to financial or management failure and greater accountability over the longer term. Management by a community association or similar body may also provide some of these advantages so this may be an appropriate option in some locations where the Parish/Town Council does not wish to take on the land. All developers required to provide recreational open space will therefore be expected to follow the 'hierarchy' of management:
 - i. The land must be offered (with the ten-year maintenance sum) to the relevant Parish/Town Council;
 - ii. If the Parish/Town Council does not wish to take on the land, it must then be offered (with the ten-year maintenance sum) to any community association or similar body in the area nominated by the Council; and
 - iii. If none of the foregoing bodies wishes to take on the land the developer will either then retain it or pass it to a management company approved by the Council.
9. Where the management company route results, the ongoing costs of the management and maintenance of the recreational open space will be met by the management company.

Normal practice is for the company to then recharge its costs to residents of the development which has generated the need for the additional facilities. Initial and subsequent purchasers of such properties would normally be required to enter into an obligation to meet these charges as part of the conveyancing process and should therefore ask their conveyancer to investigate the details of how any arrangement will operate.

10. South Norfolk Council recognises that the management and maintenance responsibility for the recreational open space may not have been agreed at the time of the planning application. In this instance, the S106 Agreement will require agreement of the management entity at an appropriate trigger point, in accordance with the Council's preferred hierarchy (as set out above).

11. It is important that residents of new housing schemes have the use of all of the facilities associated with the development following a reasonable period of occupation. Therefore, before recreational open spaces or play facilities are adopted by either the Parish/Town Council, a community association or a management company South Norfolk Council will ensure the following:

- That the play area is operational and functional in accordance with the agreed Section 106 agreement trigger points/ planning conditions; and
- That the play area has been issued with a post-installation inspection to the RoSPA standard of safety. (This inspection will be at the expense of the developer); and
- That all papers required to demonstrate regulatory compliance and other outstanding issues have been completed to the satisfaction of the Council.

ONGOING MAINTENANCE COSTS

1. All recreational open space and play facilities within new developments must be designed with ease of long-term maintenance in mind.
2. From the adoption of this SPD, barring exceptional circumstances, South Norfolk Council will no longer take on any maintenance liabilities for such areas. As outlined in Chapter 6 above, this will fall to either the relevant Parish/Town Council, community association or designated management company.
3. If the Parish/Town Council (or community association or similar) is intending to take on the responsibility for recreational open space and play facilities within a new development then it is recommended that they make an arrangement to cover the maintenance and management costs of the recreational open space areas provided on the site for a period of ten years from the date of the adoption. This will normally be in the form of a commuted sum / maintenance contribution paid to the adopting body in advance, based on rates calculated as at April 2017, and increasing annually in line with the Retail Price Index (RPI) or with actual maintenance costs if these are found to be significantly different. See **Table 7** for an overview of maintenance costs. Full details of the maintenance and equipment costs breakdown are set out in **Appendix 1**. Following the expiry of this ten-year period the longer-term management and maintenance cost will be the responsibility of the parish/town council or community association.
4. If a management company is appointed/ established, then it will be for the developer and management company to arrange the funds to allow for the management and maintenance to take place. In most cases, this will take the form of an annual financial charge to those householders on the new development who will benefit from the recreational open space and play facilities.
5. Until adoption of the recreational open space, (including the children's playspace), the Council expects maintenance of the equipment and general tidiness of the area to remain the legal responsibility of the developers/ appointed maintenance contractors, unless otherwise agreed. At present the Council favours a one-year period following completion and implementation of the site. Parish/town councils or community groups who are taking on responsibility may wish to make an alternative agreement with developers. This responsibility does not stop adoption by a parish/town council , community group or a designated management company.
6. Public access to the recreational open space and play facilities must be maintained irrespective of the management arrangements.

SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

1. Sustainable drainage systems (SuDS) comprise a range of water management measures designed to deal with surface water in a manner that is more in keeping with the natural process of water management, rather than the conventional system of piping surface water to a watercourse. Common SuDS features include:
 - Permeable surfaces;
 - Filter strips;
 - Filter and infiltration trenches;
 - Swales;
 - Detention basins;
 - Underground storage;
 - Wetlands; and
 - Ponds.
2. For recreational open spaces containing SuDS features these must be robustly designed and have planning obligations placed on them to manage risk into the future. To avoid compromising the intended use of the recreational open space, such features should not be sited on the recreational components of open spaces unless it can be demonstrated that they will not affect the use of that space for recreation and amenity purposes.
3. Developers must demonstrate at the planning application stage that the installation of such features will not have an adverse impact on safety (open water bodies, for example). It will not be acceptable to combine equipped playspace with areas set aside for SuDS.
4. SuDS features should be designed to be as low maintenance as possible. Anglian Water may opt to take on the maintenance responsibilities for at least some SuDS features in the future, so applicants are advised to ensure that Anglian Water are included in any pre-application discussions. This will provide Anglian Water with a full opportunity to comment on proposals. For further information please see Development Management Policy DM4.2: *Sustainable drainage and water management*.

ECOLOGY AND BIODIVERSITY

1. The protection and enhancement of ecology and biodiversity is a key thread running through all the South Norfolk Local Plan documents. In assessing planning applications that provide for recreational open space and play facilities, a high priority will be given to schemes that enhance ecology and biodiversity promote green infrastructure connectivity.
2. Opportunities to increase biodiversity and wildlife corridors should be maximised across all development sites, and is particularly relevant to those sites contributing towards the recreational open space provision throughout the district. Careful consideration of existing local sites and facilities and their connectivity can help to alleviate pressures on existing sensitive current sites that are currently meeting recreational demands.
3. The potential for new open space to contribute to improvements to Green Infrastructure (JCS Policy 1, the Greater Norwich Infrastructure Study and Development Management Policy DM4.9) and, where practicable, public rights of way (NPPF, paragraph 75) should also be explored for every potential new area of recreational open space, and especially relating to existing and/or required new landscaping.

APPENDICES

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APPENDIX 1 – SOUTH NORFOLK COUNCIL MULTIPLIERS & STANDARDS (DETAILED BREAKDOWNS)

The following tables provide the basis of the calculations that will determine the quantitative amounts of recreational open space to be delivered on those development sites delivering in excess of the Council's threshold of 15 dwellings. Table 1 (Chapter 1) provides a detailed breakdown of the recreational open space classifications.

- M²/ Ha Conversion Table
- South Norfolk Occupancy Multiplier
- SHMA Housing Mix Multiplier Figures (2017)
- Open Space Quantity Multiplier by Person
- Open Space Requirement by Dwelling Size (m²)
- Detailed Children's Playspace Equipment Costings
- Detailed Children's Playspace Maintenance Costings
- Detailed Older Children & Adult's Recreational (a) Open Space Equipment Costings
- Detailed Older Children & Adult's Recreational (a) Open Space Maintenance Costings
- Detailed Older Children's & Adult's Recreational Playing Pitch Equipment & Maintenance Costings
- Detailed Informal Recreation Space Equipment Costings
- Detailed Informal Recreation Space Maintenance Costings

Conversion Rates

m ²	Hectare (ha)
1,000	0.1
5,000	0.5
10,000	1
15,000	1.5
20,000	2
24,000	2.4
45,000	4.5

South Norfolk Occupancy Multiplier

Number of Bedrooms	Occupancy per dwellings
1 bedroom	1.5
2 bedrooms	2
3 bedrooms	2.5
4 bedrooms	3
5+ bedrooms	3.5

South Norfolk Housing Mix Multipliers (SHMA, 2017)

Dwelling Size	SHMA % by site
1 bedroom	4.12%
2 bedrooms	17.32%
3 bedrooms	53.91%
4 bedrooms	19.38%
5+ bedrooms	5.23%

(The above table provides an indicative breakdown of site composition for those development sites where housing numbers have not been identified. This figure is an illustrative one, based upon the 2017 SHMA figures, and developers will need to provide an updated position based upon the relevant year's published data).

Open Space Quantity Multiplier by Person

Open Space Type	Amount (m ² per 1,000 population)	(Amount (ha per 1,000 population)	Amount (m ² per person)
Children's Playspace (equipped and unequipped)	6,000	0.6	6
Older Children and Adult's Recreation Space: (a) Open Space; and (b) Playing Pitches and Courts	(a) 3,000	0.3	3
	(b) 16,000	1.6	16
Informal Recreation Space	24,000	2.4	24

Open Space Requirement by Dwelling Size (m²)

No. of bedrooms	Equipped Children's Playspace (m ²)	Older Children and Adult's Recreation Space (m ²) (a) and (b)		Informal Recreation Space (m ²)
		(a)	(b)	
1 bedroom	9	4.5	24	36
2 bedrooms	12	6	32	48
3 bedrooms	15	7.5	40	60
4 bedrooms	18	9	48	72
5+ bedrooms	21	10.5	56	84

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CHILDREN'S PLAYSPACE – EQUIPMENT AND MAINTENANCE COSTS

The figures in the tables below are a blended 2017 rate of costings, provided by various South Norfolk contractors. Actual costings may vary between suppliers and contractors however unless otherwise agreed developers will be required to provide off-site contributions and/or commuted sums based on the details set out below.

The figures presented in the tables below are presented as illustrative costs for equipping (supplying and installing) and maintaining a 6,000m² (0.6 ha) area of children's playspace. The required playspace includes an activity zone (minimum 400m²) and is calculated in accordance with the requirements set out in this SPD. Developers will be required to adjust the overall costings to reflect the level of provision of children's playspace generated by each development. Not all items will be necessary on all sites, nor in the given quantities, and there may be additional items sought on specific sites that have not been identified in the table below. Costings included within this SPD will be increased annually in accordance with the Retail Price Index (RPI) and applicants are advised to make these adjustments when calculating the financial liability generated by a development

NOTE: The 'Equipment' cost provided in the key tables below relate to equipment suitable for younger children. Older children will require larger, more complex pieces of play equipment and the costs should be adjusted accordingly based on the multipliers set out below. The number of pieces of play equipment to be provided will be determined by the overall size of the playspace (a minimum area of 400m² is required in all instances) and advice should be sought from the Council at an early stage in the process to clarify precise requirements. These requirements will inform the overall costs of equipping and maintaining areas of children's playspace.

Typical Equipment Costings for Children's Playspace

Equipment Type	Works/ Goods	Unit No.	Cost (£)
Younger children	Supply and install	1	6,400
Older children	Supply and install	1	7,100

Typical Equipment Costs for Children's Playspace

Item	Works/ Goods	Cost as provided by contractor (£)	Unit	No.	Cost per play area (0.6 ha) (£)
Equipment	5x items of equipment, supply and install	32,000	1	1	32,000
Fencing	Bow top galvanised, supply and install	100	Lin m	90	9,000
Seating	DDA compliant recycled seating, supply and install	1,375	1	2	2,750
Gates	Mono-hinge gates (1x access and 1x maintenance/ access), supply and install	4,900	No	1	4,900
Bin	Supply and install	300	1	2	600
Safety surfacing (Activity zone)	Wetpour, supply and install	98	m ²	150	14,700
Signage	2 informational signs, supply and install	185	No	2	370
Drainage (Activity zone)	(a) Excavate and lay new soakaway	195	m ³	3	585
	(b) Excavate and lay new land drain	115	Lm	15	1,725
Tarmac path	Constructed (5% of overall area)	85	Lm	300	25,500
Landscaping costs	Clearance of the site within the activity zone & preparation of site for handover	7.80	m ²	400	3,120
	Clearance of site outside the activity zone	4	m ²	5,600	22,400
Post installation inspection	Supply with written report	480	No	1	480

Typical Annual Maintenance Costings for Children's Playspace

Maintenance Works Description	Cost per m ² / lm/ visit (£)	No.	Quantity/Area (where applicable)	No. visits per annum	Cost per annum (£)
Grass: Mow and strim (Activity zone)	0.23	m ²	400	15	1,380
Buffer zone: Mow and strim	0.23	m ²	5,600	15	19,320
Shrubs & Hedges: Cut	2.29	Lm	90	2	412
Litter pick: Before every cut	2.00	As required		18	36
Bin: Empty bins	5.30	2		52	551
Path: Sweep path	0.50	m ²	300	18	2,700
Technical Maintenance: Equipment inspection, pressure wash, parts & labour	7% of overall equipment cost	As required		As required	8,269

The summary costs of supplying and installing children's playspace in accordance with the details set out in this SPD are as follows:

Total cost per Children's Playspace (per 6,000 m²): £118,130

Total Cost per person (per 1,000 population): £118.13

Total Cost per m²: £19.68

The summary costs of maintaining the children's playspace (per annum) in accordance with the details set out in this SPD are as follows:

Total cost per Children's Playspace (per 6,000 m²): £32,668

Total Cost per person (per 1,000 population): £32.67

Total Cost per m²: £5.44

Ten-year commuted maintenance sum (per 6,000m²): £326,680

OLDER CHILDREN AND ADULT'S RECREATION SPACE – EQUIPMENT AND MAINTENANCE COSTS

The tables below provide two sets of figures for the equipping and maintaining of Older Children and Adult's Recreation Space, reflecting the Council's requirement for both formal/informal pitches etc, as well as open space. Costings for the open space element of this category are a blended 2017 rate, provided by various South Norfolk contractors. Actual costings may vary between suppliers and contractors however unless otherwise agreed developers will be required to provide off-site contributions and/or commuted sums based on the details set out below. Costings included within this SPD will be increased annually in accordance with the Retail Price Index (RPI) and applicants are advised to make these adjustments when calculating the financial liability generated by a development

The pitch/ court figures presented below are based upon a Sport England sum for the provision of different types of formal and informal pitches and courts. These figures have been updated to reflect the South Norfolk Council requirement for 1.6ha provision per 1,000 population. They do not provide for changing rooms/ parking/ lighting etc – these may be required on certain sites but, if so, will be negotiated on a case-by-case basis. The actual requirement for the provision of pitches and courts within this recreational open space classification will be dependent upon site specific matters and will also be determined, in part, by the availability of facilities within the site's locality. The figures provided below should be considered as illustrative costings and developers will be required to adjust the overall prices to reflect the actual detail of the on-site provision agreed with South Norfolk Council.

In the event a developer wishes to provide an alternative form of pitch/ court on-site or type of space not listed in the table below (for example, a skate park or trim trails) then it will be necessary to contact the Council at the earliest opportunity to ensure that appropriate costings may be obtained.

Typical Equipping/Landscaping Costings for Older Children and Adult's Recreation Space

(a) Open Space

Item	Works	Cost (£)	Unit Type	Provision per 3,000m ² (0.3ha)	Cost per 3,000m ² (0.3ha)
Site clearance	Clear site & level for planting and seeding	4.00	m ²	3,000	12,000.00
Pathways (5% of overall area)	Provide & lay to tarmac (1.5x150)	85.00	Lm	150	12,750.00
Grass	Supply & lay topsoil	40.00	m ³	23	920.00
Seed	Supply & cultivate seed	1.20	m ²	750	900.00
Bin	Supply and install (mini plaza)	300.00	No.	2	600.00
Seating	Supply and install recycled DDA compliant seating	1375.00	No.	2	2,750.00
Fencing	Bird mouth with steel straps	41.00	Lm	675	27,675.00
Signage	Supply & install informational signs	185.00	No.	1	185.00

Typical Maintenance Costings for Older Children and Adult's Recreation Space

(a) Open Space

Works Description	£ per m ² / Lm/ visit	Unit type	Area	No. visits per annum	£ per annum (per 3,000m ²)
Grass: Mow & strim	0.23	m ²	3000	15	10,350.00
Path: sweep	0.50	m ²	150	6	450.00
Bin: Empty	5.30	2		52	551.00
Litter pick: Before every cut	2.00			18	36.00
Shrubs & Hedges: Cut	1.50	Lm	200	2	600.00
Technical Maintenance	3% of overall equipment costs				1733.00

The summary costs of equipping/ laying out the open space component of Older Children and Adult's Recreation Space (Open Space) in accordance with the details set out in this SPD are as follows:

Total cost per 3,000 m²: £57,780

Total Cost per person (per 1,000 population): £57.78

Total Cost per m²: £19.26

The summary costs of maintaining the open space component of Older Children and Adult's Recreation Space (Open Space) (per annum) in accordance with the details set out in this SPD are as follows:

Total cost per 3,000m²: £13,720

Total Cost per person (per 1,000 population): £13.72

Total Cost per m²: £4.57

Ten-year commuted maintenance sum (per 3,000m²): £137,200

Typical Equipping & Maintenance Costings for Older Children and Adult's Recreation Space (example pitches and courts to cover a 16,000m² area)

(b) Playing Pitches and Courts

Provision	Description	Cost (£ per m ²)	Percentage of 16,000m ² (1.6ha)	Total area to be provided (m ²)	Equipping cost per 16,000m ² (£)	Percentage of maintenance cost pa (%)	Maintenance cost per annum (£)
Adult football pitch	Lay & maintain grass pitch for 12x months	9.18	62%	9,920	91,065.00	16.7	15,207.00
Run-off to adult pitch	Clear site, top soil, seed	3.11	32%	5,120	15,923.00	13	2070.00
Tennis courts x 2 (No lighting)	Fenced tarmac court (36.58x33.53)	98.00	2.6%	416	40,768.00	0.5	204.00
Bowling Green	Flat/ Crown Green (40x40)	61.12	2.9%	464	28,360.00	6.5	1843.00
MUGA/FISA	Fenced tarmac court (36.6x21.35)	105.00	0.5%	80	8,400.00	0.4	34.00

The summary costs of equipping the playing pitches component of Older Children and Adult's Recreation Space in accordance with the details set out in this SPD are as follows:

Total Cost per Playing Pitches and Courts (per 16,000m²): £184,516

Total Cost per person (per 1,000 population): £184.52

Total Cost per m²: £11.53

The summary costs of maintaining the playing pitches component of Older Children and Adult's Recreation Space (per annum) in accordance with the details set out in this SPD are as follows:

Total Cost per Playing Pitches and Courts (per 16,000m²): £19,358

Total Cost per person (per 1,000 population): £19.36

Total Cost per m²: £1.21

Ten-year commuted maintenance sum (per 16,000m²): £193,580

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INFORMAL RECREATION SPACE – EQUIPMENT AND MAINTENANCE COSTS

The figures in the tables below are a blended 2017 rate of costings, provided by various South Norfolk contractors. Actual costings may vary between suppliers and contractors however, unless otherwise agreed, developers will be required to provide off-site contributions and/or commuted sums based on the details set out below. Costings included within this SPD will be increased annually in accordance with the Retail Price Index (RPI) and applicants are advised to make these adjustments when calculating the financial liability generated by a development

The figures presented in the tables below are presented as illustrative costs for equipping, planting and maintaining a 24,000m² (2.4ha) area of Informal Recreation Space. These costings are calculated in accordance with the requirements set out in this SPD and, in this indicative table, are assumed to comprise grassed amenity areas with landscaping. Developers will be required to adjust the overall costings to reflect the actual detail of the on-site provision agreed with South Norfolk Council. Not all items will be necessary on all sites, nor in the given quantities, and there may be additional items sought on specific sites that have not been identified in the tables below.

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Typical Equipping /Landscaping Costings for Informal Recreation Space

Item	Works	Cost (£)	Unit Type	Provision per 24,000m ²	Cost per 24,000m ² (£)
Site clearance	Clear site & level for planting and seeding	2.55	m ²	24,000	61,200.00
Pathways	Provide & lay to tarmac (1.5x150)	85.00	m ²	169	14,365.00
Grass	Supply & lay topsoil	40.00	m ³	188	7,520.00
Seed	Supply & cultivate seed	1.20	m ²	6,000	7,200.00
Shrub planting (10%)	Supply 2.5 shrubs per m ² (in 3 ltr pots)	8.50		750	6,375.00
	Supply & lay topsoil	40.00	m ³	37.5	1,500.00
	Cultivate ground & plant shrubs	5.00	m ²	375	1,875.00
	Supply & install ground cover weed control membrane	1.30	m ²	375	488.00
Hedging (5%)	Supply 5 plants per metre	8.00	Lm	375	3,000.00
	Cultivate & plant hedging	13.00	Lm	375	4,875.00
	Supply & install ground cover weed membrane	1.30	Lm	375	488.00
Trees	Supply native deciduous saplings	145.00	No.	15	2,175.00
	Cultivate ground & plant with 1no. stake each	40.00	No.	15	600.00
	Supply & lay ground cover weed membrane	1.30	No.	15	20.00
Bins	Supply & install mini plaza litter bin on concrete pad	300.00	No.	2	600.00
Dog bin	Supply & install dog bin on steel post	250.00	No.	1	250.00
Signage	Supply & install informational signage	185.00	No.	1	185.00
Seating	Supply & install recycled seating	1375.00	No.	2	2,750.00
Knee rail	Bird mouth with steel straps	41.00	Lm	150	6,150.00

Typical Maintenance Costings for Informal Recreation Space

Works Description	£ per m²/ lm/ visit	Unit Type	Area (where appropriate)	No. visits per annum	£ per annum (per 24,000m²)
Grass: Mow & strim	0.23	m²	16,000	15	55,200.00
Meadow grass: Mow	0.23	m²	8,000	2	3680.00
Shrubs/Hedges: Cut	2.29	Lm	800	2	3664.00
Litter pick: Before each cut	2.00		24,000	18	86.00
Bin: Empty	5.30	2		52	551.00
Path: Sweep	0.50	m²	500	6	1,500.00
Technical Maintenance	3% of equipping costs	As required		As required	3,648.00

The summary costs of equipping/ laying out the open space component of Informal Recreation Space in accordance with the details set out in this SPD are as follows:

Total cost per 24,000m²: £121,616

Total Cost per person (per 1,000 population): £121.62

Total Cost per m²: £5.07

The summary costs of equipping and maintaining the open space component of Informal Recreation Space (per annum) in accordance with the details set out in this SPD are as follows:

Total cost per 24,000m²: £68,329

Total Cost per person (per 1,000 population): £68.33

Total Cost per m²: £2.84

Ten-year commuted maintenance sum (per 24,000m²): £683,290

APPENDIX 2 – SOUTH NORFOLK COUNCIL WORKED EXAMPLES

The following tables provide a number of illustrative worked examples (15, 51 and 150 dwellings), utilising the multiplier figures set out in Appendix 1 above, and based upon the standards set out throughout this SPD. These figures provide an indication of the quantitative amounts of recreational open space a developer would be expected to incorporate into development sites of different scales, as well as the costings for equipping and maintaining these areas.

As set out Chapter 4 (Chapter 4) these figures do not include land values due to the complexity of applying a standardised figure to all sites across the South Norfolk District. Developers will therefore need to ensure that this cost is built into their specific financial models when assessing individual site viability.

Equipment and per annum maintenance costs have been calculated by multiplying the appropriate m² figures from the above tables by the provision requirement generated by the development. As per the requirements of the SPD the site / dwelling breakdown is based upon the 2017 SHMA figures.

Example 15-Dwelling Site - Recreational Open Space Requirement

Dwelling Type	Dwelling Mix	Children's Playspace (m²)	Older Children & Adult's Recreation Space (m²)		Informal Recreation Space (m²)
			Open Space	Pitches	
1 bed	1	9	4.5	24	36
2 bed	2	24	12	64	96
3 bed	8	120	60	320	480
4 bed	3	54	27	144	216
5+ bed	1	21	10.5	56	84
TOTAL	15	228³	114	608	912

Example 15-Dwelling Site – Equipment and Per Annum Maintenance Costs

Dwelling Type	Dwelling Mix	Children's Playspace (£)		Older Children & Adult's Recreation Space (£)				Informal Recreation Space (£)	
		Equipping Cost	Maintenance Cost	(a) Open Space		(b) Playing Pitches		Equipping Cost	Maintenance Cost
				Equipping	Maintenance	Equipping	Maintenance		
1 bed	1	7,872	2,176	2,196	521	7,010	736	4,624	2,590
2 bed	2								
3 bed	8								
4 bed	3								
5+ bed	1								

TOTAL EQUIPPING COST: £21,702

TOTAL PER ANNUM MAINTENANCE COST: £6,023

TOTAL 10-YEAR COMMUTED MAINTENANCE COST: £60,230

³ Note: Minimum Activity Zone of 400m² required

Example 51-Dwelling Site - Recreational Open Space Requirement

Dwelling Type	Dwelling Mix	Children's Playspace (m²)	Older Children & Adult's Recreation Space (m²)		Informal Recreation Space (m²)
			Open Space	Pitches	
1 bed	2	18	9	48	72
2 bed	9	108	54	288	432
3 bed	27	405	202.5	1080	1620
4 bed	10	180	90	480	720
5+ bed	3	63	31.5	168	252
TOTAL	51	774	387	2064	3096

Example 51-Dwelling Site – Equipment and Per Annum Maintenance Costs

Dwelling Type	Dwelling Mix	Children's Playspace (£)		Older Children & Adult's Recreation Space (£)				Informal Recreation Space (£)	
		Equipping Cost	Maintenance Cost	(a) Open Space		(b) Playing Pitches		Equipping Cost	Maintenance Cost
				Equipping	Maintenance	Equipping	Maintenance		
1 bed	2	15,232	4,211	7,454	1,769	23,797	2,497	15,696	8,792
2 bed	9								
3 bed	27								
4 bed	10								
5+ bed	3								

TOTAL EQUIPPING COST: £62,179

TOTAL PER ANNUM MAINTENANCE COST: £17,269

TOTAL 10-YEAR COMMUTED MAINTENANCE COST: £172,690

Example 150-Dwelling Site - Recreational Open Space Requirement

Dwelling Type	Dwelling Mix	Children's Playspace (m²)	Older Children & Adult's Recreation Space (m²)		Informal Recreation Space (m²)
			Open Space	Pitches	
1 bed	6	54	27	144	216
2 bed	26	312	156	832	1248
3 bed	81	1215	607.5	3240	4860
4 bed	29	522	261	1392	2088
5+ bed	8	168	84	448	672
TOTAL	150	2271	1135.5	6056	9084

Example 150-Dwelling Site – Equipment and Per Annum Maintenance Costs

Dwelling Type	Dwelling Mix	Children's Playspace (£)		Older Children & Adult's Recreation Space (£)				Informal Recreation Space (£)	
		Equipping Cost	Maintenance Cost	(a) Open Space		(b) Playing Pitches		Equipping Cost	Maintenance Cost
				Equipping	Maintenance	Equipping	Maintenance		
1 bed	6	44,693	12,354	21,870	5,189	69,826	7,328	46,056	25,799
2 bed	26								
3 bed	81								
4 bed	29								
5+ bed	8								

TOTAL EQUIPPING COST: £182,445

TOTAL PER ANNUM MAINTENANCE COST: £50,670

TOTAL 10-YEAR COMMUTED MAINTENANCE COST: £506,700

APPENDIX 3 – DESIGN GUIDANCE

In order to secure good quality and functional recreational open spaces, careful consideration must be given to the design and location of all of these important spaces. This appendix gives additional guidance to developers regarding design requirements in relation to the provision of recreational open space, including specifically children's playspace, on new residential developments.

Location of Children's Playspace

It is essential, where possible, to locate children's playspace centrally to the new development. Areas should be sited at least five metres from the ground floor windows of adjoining houses and the perimeter of children's playspace activity zones should be located at least 25 metres from any dwelling. This will be the expected minimum for all play spaces; however, the location of larger areas for older children will be subject to negotiation on a site by site basis, using the guidelines below. The locations of such play spaces, and the number of pieces of equipment to be provided, will be agreed following discussion with South Norfolk Council.

The following twelve guidelines should be adhered to where possible:

1. Best practice is for children's play areas to be located within a specified walking distance – 400 metres (about five minutes' walk) is the Fields in Trust recommendation;
2. Accessible without having to cross main roads, railway tracks or waterways;
3. Separated from areas of major vehicle movement and accessible from pedestrian routes;
4. Sited in areas which are not secluded locations or enclosed by high fencing and trees;
5. Sited on suitable land for which the purpose of the area is intended;
6. High climbing equipment should not impose on nearby dwellings;
7. Buffer zones should be incorporated to reduce the disturbance from noise to the immediate dwellings;
8. Accessible by footpaths with a firm suitable surface;
9. Overlooked from dwelling or pedestrian routes that are well used;
10. Where possible, it is not advisable to install slides south-facing;
11. The need to have regard to the setting of heritage assets and the wider historic environment or landscape; and
12. Where practicable, play space should not be located immediately adjacent to older people's accommodation, particularly any ground floor bedrooms.

Further information relating to these guidelines can be obtained from South Norfolk Council (www.south-norfolk.gov.uk), Fields in Trust (<http://www.fieldsintrust.org/>), and Play England (<http://www.playengland.org.uk/>).

Layout of Recreational Open Space

The design and layout of recreational open space and children's playspace on new residential developments must be approved by South Norfolk Council. Oddly shaped areas of land should be avoided by being incorporated into private gardens from the outset.

Existing natural landscape features such as trees, hedgerows and changes in level should be preserved in such a way as to enhance the play experience and avoid adversely impacting on the ecological value of the site. Advice should be sought from South Norfolk Council at an early stage regarding this. It will not normally be acceptable to fell healthy mature trees to facilitate layout on recreational open space. New trees should be planted where possible to enhance the provision of play and recreational spaces and native species should be chosen to attract wildlife and improve the local ecology.

Play equipment should be chosen to ensure that children benefit from a variety of different experiences. Play equipment can, for example, incorporate sliding, spinning, swinging, climbing, social interaction and imaginative play. Many pieces of modern play equipment can be multi-functional. Similar consideration should also be given to the types of equipment and facilities

provided to meet the requirements of the Older Children and Adult's Recreation Space and the varied needs of these users. Advice should be sought from South Norfolk Council at an early stage in the design process to inform details of the requirement, which will in turn influence the layout.

Appropriate consideration must also be given to creating inclusive areas of recreational open space, including children's playspaces, that can accommodate those with disabilities. Simple design solutions can positively contribute to meeting this need for example, wheelchair accessible gates, wide pathways, inclusive play equipment, sensory areas and/or quiet breakaway areas. Further guidance may be obtained online (www.inclusiveplay.com or www.kids.org.uk) or from the Council's Technical Advisor.

Land Preparation and Construction

It is essential that the ground is properly prepared. Developers and/or their contractors will need to ensure that the land is cleared of brick rubble, sand, traces of cement and is left to stand for a period of time for excess salt (etc.) to be washed away. The land will need to be levelled a good seed (e.g. a conservation mix) used, one that is capable of withstanding intensive use and wear.

In terms of design, as a basic minimum the following requirements are important. It is expected that appropriate drainage methods will be used with full drainage schemes/reports signed off by South Norfolk Council before any works are permitted. It is expected that all sites that are provided will be drained and levelled (to running contours) with an established grass surface. Any landscaping conditions forming part of the planning consent will be additional to the above.

Where edgings are required these will be PCC (pre-cast concrete) unless otherwise agreed with South Norfolk Council.

All safety surfacing must comply with BSEN1177 guidelines relating to dimensional compliance and impact absorbency level, suitable for the relevant fall height and where possible constructed from a type 1 sub-base with a wet pour topping or any other suitable surfacing agreed with South Norfolk Council.

Where pathways are required they should be constructed from a suitable material e.g. concrete/bitumen, be a minimum 1.2 metres wide (for wheelchair accessibility) and with a suitable camber (1:40).

Drain and access manholes are not advisable on play areas, but where there are no other alternatives, all covers should be a sealed unit with screwed down fixings or a lockable cover.

Quality Control

All play areas to be provided on new residential developments are to be constructed under the guidance and regulations in the South Norfolk Council 'Standards Policy Document'. All works to be carried out strictly in accordance with the Health & Safety at Work Act 1974 and all other appropriate legislation. Best practice and industry legislation will apply (refer to RoSPA Play Safety).

South Norfolk Council will only permit play areas to be released for adoption if they obtain an acceptable standard following a final inspection by an independent play inspector (RoSPA).

The contractor will supply a certificate of warranty, and if the materials (safety surface) used are manufactured by others, in conjunction with the manufacturing company. All warranty documents must cover the items as laid down within the specification.

The contractor is duty bound to supply a certificate of warranty to the effect that due consideration is given to the sub-grade, formation and workmanship in laying down the safety surface. All warranties for the supplied equipment must be valid for at least a minimum twelve-month period.

Any defects arising from the works carried out will be rectified by the contractor at their expense, provided it is within the twelve-month 'Defect Correction Period', except for the wet pour safety surface, which must be guaranteed for five years.

Note: All such materials liable to deterioration or damage must be stored in such a way that they shall be in accordance with the specification at the time of use.

Planting

Guidance on planting should be sought regarding maintainable species, especially with thorny ground cover, as this can be a problem when litter picking. Planting should also be carefully chosen to ensure that it is of an appropriate type to withstand children at play. Detailed advice can be provided by South Norfolk Council regarding these matters, and to ensure that those species that are chosen are the most appropriate for enhancing the local ecology and biodiversity network. This is especially relevant for the more significant areas of informal recreation space that will be delivered in accordance with the requirements of this SPD.

All soft landscaping works will be undertaken in accordance with horticultural industry standards.

Road Safety

It is recommended that traffic calming measures should be installed throughout new residential developments, particularly in the vicinity of recreational areas and especially close to children's play areas. This is in addition to road signage and other measures as dictated by Norfolk County Council Highways.

Parking bays should not be positioned adjacent to children's playspaces.

Safety barriers or railings should be installed where necessary, in addition to traffic awareness signs depicting children at play.

When appropriate, appropriate spaces for bicycle and scooter parking should be provided.

Fencing and gates

Fencing should be provided, where considered necessary in agreement with the Development Management case officer and the Council's Technical Advisor.

All fencing surrounding the children's playspaces should be of a suitable type, mild steel, galvanised and installed up to a height of 1.2 metres. In each playspace there must be provision for two Mono Hinge self-closing gates 1 – 1.2 metres high and a minimum of 1 metre wide, giving an opening of 971mm. These gates should be easily distinguishable (for example, of a different colour to the Bow Top fencing (Equality Act 2010)). Provision should also be made for a maintenance gate if access is required for the use of mowing or surface cleaning machinery.

Where possible all gates should open outwards from the play area to ensure the area remains dog proof.

Seating

Appropriate seating should be sited in the vicinity of playspaces and playing pitches etc., fixed to the ground and where possible a minimum 1 metre distance from the perimeter of play area fencing. Consideration should also be given to installing family style picnic benches where appropriate.

Further seating may be required within the informal areas of recreational space however this will depend upon the scale of the development and the amount of recreational open space to be provided. Seating within these areas can provide a vital role in the enjoyment of these spaces, especially for those people with mobility problems or for older members of the local community.

Litter bins

Within the children's playspaces litter bins are to be sited within the confines of the play area, or in an agreed location, at a distance of 2 metres from the seating and 1 metre from the fencing.

Litterbins should be constructed of a standard Durapol or Aluminium material, with a lockable/secure lid and stainless steel liner (Glasdon Mini Plaza).

Signage

Until adoption of children's playspaces, a sign should be displayed at each entrance stating the following information:

- Name of play area;
- Site owner;
- Contact number for defect reporting;
- 'No dogs allowed';
- 'Children under eight years of age to be supervised'.

The postcode of the play area, together with Eastings and Northings, should be displayed on the sign to aid the response of emergency services to the playspace/playing field in the event of an incident.

Once the playspace is adopted, the adopting body will be required to erect their own signage.

Safety and security

Open spaces should be designed to enhance the safety and security of users. Natural surveillance, for example, can serve to 'design out' crime. If any lighting is required/desirable this will need to be agreed at the time of the planning application but in all instances, it should be designed to minimise light pollution. Cycle and scooter parking/ stationing areas should be sited in visible areas that are also subject to natural surveillance.

APPENDIX 4 – ADVICE NOTE REGARDING THE ADOPTION AND MAINTENANCE OF RECREATIONAL OPEN SPACE

This advice note provides information for parish and town councils (or community associations) who are considering taking on the adoption and maintenance of recreational open space in their locality.

What is a Supplementary Planning Document (SPD)?

A Supplementary Planning Document (SPD) provides additional information to assist with the interpretation and implementation of Local Plan policy. An SPD cannot set new policy. The *Guidelines for Recreation Provision in New Residential Developments* SPD supplements the Council's Development Management Policy DM 3.15 'Outdoor play facilities and recreational space'. It provides clear guidelines to developers as to the local requirements of South Norfolk Council when submitting planning applications for new housing developments and also gives information regarding the Council's approach to the adoption and maintenance of play facilities and recreational spaces.

What type of recreation provision is covered by the Council's 'Guidelines for Recreation Provision in New Residential Developments' SPD?

This SPD outlines guidelines for the provision of recreational facilities directly needed as a result of new residential developments across South Norfolk, including informal recreational space, playing pitches and children's playspace. The SPD provides suggested standards for the provision of all types of on-site recreational open space required throughout the district as a result of individual development proposals. It does not include the provision of landscaping or other amenity spaces within new developments. It is also separate from the provision of new strategic recreation provision designed to serve the wider community, such as formal sports pitches, courts and greens, swimming pools and sports halls, which will be funded, or part funded, through pooled Community Infrastructure Levy income.

How is recreational open space (including children's playspace) delivered on new developments?

At a local level, Section 106 agreements or planning conditions will be used to secure the elements of recreational open space, including children's playspace, necessary to make the development acceptable in planning terms.

Recreational provision can be delivered either on- or off-site as outlined in the SPD, although the Council's clear preference is for on-site provision wherever practicable. In virtually all cases, it will be for the developer to supply and install new open space and playspace, except where a financial contribution to off-site works has, exceptionally, been agreed instead.

What is South Norfolk Council's approach towards the adoption and maintenance of recreational open space?

Historically community assets such as open space and play areas have, in many cases, been taken on and managed by South Norfolk Council but has now changed. A Community Assets Strategy for the Council was agreed at Cabinet in January 2017 which sets out how South Norfolk's recreational open spaces and other community assets will be managed in the period up to 2021. The Community Assets Strategy comes fully into effect on the date that this SPD is adopted.

The Community Assets Strategy makes clear that, barring exceptional circumstances, after the adoption date of this SPD the Council will accept no further transfer of infrastructure secured through a Section 106 agreement. This means that the Council will no longer take on ownership or maintenance of any type of recreational open space provided as part of planning applications determined following the adoption of this SPD.

What are the future options for the adoption and maintenance of recreational open space within new residential developments?

Following the adoption of this SPD, the Council's expectation is that the developer of new residential schemes will need to make arrangements for the adoption and long-term management and maintenance of recreational open space. This responsibility will need to be taken on by either the relevant parish/town council (preferred), community association or a designated management company and this will be specified and secured through a Section 106 legal agreement at the planning application stage.

The Council will continue to plan for recreation provision on new residential developments, including type, layout, location and ensure that the area of recreational open space is operational and functional in accordance with S106 trigger points/planning conditions, has been issued with a post installation safety inspection and all legal issues have been completed before the area is transferred to either the parish/town council, community association or management company.

What are the potential benefits of a parish/town council taking on these areas?

There can be considerable benefits to parish councils adopting areas of recreational open space:

- 1) The parish council will have control of such areas in perpetuity, and so can decide how best (in consultation with local residents) they are managed, operated and improved, rather than by a more "remote" district council or management company;
- 2) Parish residents may feel a greater sense of "ownership" of areas that are owned and managed by the parish council, and some may feel more amenable to volunteer time and effort to, for example, cut the grass or hedges and/or re-paint benches and fences;
- 3) There might be opportunities for parish councils to identify more easily infrastructure projects to spend any CIL income on – without community assets, it can sometimes be difficult for parish councils to identify infrastructure projects to spend what can sometimes be relatively small sums of CIL money on;
- 4) There may be opportunities for parish councils to apply for funding sources (such as the Heritage Lottery Fund) to secure improvements to open space and play space which might not be available to private management companies;
- 5) There could be economies of scale in terms of maintenance, especially if the parish council already maintains other existing cemeteries, open space areas, play areas and/or sports pitches. It may also be possible for a parish council to sub-contract some maintenance to another nearby parish council to undertake if the second parish council already has a practised maintenance operation (for example, it may own a ride-on lawnmower);
- 6) Having areas of recreational open space under parish control may be of assistance if the parish council is considering preparing a Neighbourhood Plan by way of flexible future use and maybe expansion of community resources.

What will happen if a parish/town council decides to take on these areas and what financial contributions will they receive?

Before the area is transferred to the parish/town council, South Norfolk Council will ensure that the playspaces and facilities are operational and functional in accordance with the agreed S106 trigger points/planning condition, and that the relevant areas have been issued with a post installation inspection to the RoSPA standard of safety and all legal papers and outstanding issues have been completed.

The parish/town council will receive a commuted sum to cover maintenance for a 10-year period, as detailed in Chapter 7 of the SPD. After the 10-year period has ended, the parish/town council will become financially responsible for the future management and maintenance of the area in perpetuity, and would need to ensure that this will be funded appropriately. In most cases, these costs are likely to be paid for through parish precepts. It will not be possible for a parish/town council to take on

maintenance for the first 10-year period and then to “hand over” the infrastructure to South Norfolk Council.

Adoption by the parish/town council will only be finalised once all concerned parties have agreed the commuted sum, maintenance contributions and agreed management plan.

Regardless of who assumes liability for the future management and maintenance the developer retains responsibility for the area for a one-year period after construction, to ensure maintenance of the equipment, that any defects are rectified and the general tidiness of the area. This does not stop adoption by parish/town council. This one-year period is recommended by South Norfolk Council, but parish/town councils may wish to negotiate their own arrangements with the developer.

If the parish/town council take on areas of recreational open space, what are their legal obligations?

As with any landowner owning land accessible to the public, the parish/town council would need to have Public Liability insurance in place, and would need to take all reasonable endeavours to ensure that key risks are assessed and mitigated regularly (i.e. play equipment is not in a dangerous state, trees are in good health etc). Those parish/town councils which already own/manage public land are likely to be familiar with these requirements.

In addition to these general requirements, there may of course also be specific legal requirements set out in the Section 106 legal agreement.

How to find out more information?

For more information please contact Planning or Technical Advisor through www.south-norfolk.gov.uk.

Helpful websites include:

- The National Association of Local Councils - <http://www.nalc.gov.uk/>
- Norfolk Association of Local Councils - <http://www.norfolkalc.gov.uk/>
- Norfolk County Council – www.norfolk.gov.uk
- South Norfolk Council – www.south-norfolk.gov.uk
- Anglian Water – www.anglianwater.co.uk
- Parish Council responsibilities - <http://www.localgov.co.uk/Parish-council-responsibilities/29135>

APPENDIX 5 – GLOSSARY

Activity zone

An equipped area within the designated children's playspace which must measure a minimum of 400m², as set out within this SPD.

Children's playspace

A designated public space or facility that children might legitimately use for play and informal recreation. These areas will include both equipped and unequipped play areas. Children's playspace is based on ability rather than age however it would typically be expected to cater for children aged up to approximately 11 years of age.

Community Assets

In terms of the South Norfolk Council Community Assets Strategy the terms refers to those assets that the Council manages which provide, in the main, public amenity value and are 'non-commercial' e.g. open space, play areas and commons but also footways, lights and other non-commercial assets.

Community Infrastructure Levy (CIL)

A financial levy on new development (as detailed in the adopted CIL Charging Schedule) to fund specific items contained with the CIL Regulation 123 list to ensure that when land is developed, it comes with the necessary infrastructure to support it, such as schools, public transport and leisure facilities. Local authorities can set their own CIL charge and the priorities for what CIL money should be spent on.

CIL Charging Schedule

A document which sets out the CIL charges which will apply to different types of development within a local authority area. A charging schedule may specify a number of different **CIL Charging Zones**.

CIL Regulation 123 List

A list of those items or types of infrastructure that the Council intends to fund, in whole or part, through CIL (as per regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)). The South Norfolk Council CIL website is at <http://www.south-norfolk.gov.uk/community-infrastructure-levy>

Development Management Policies Document

The Development Management Policies Document (adopted October 2015) is part of the South Norfolk Local Plan. It contains policies which are used to assess planning applications and guide development proposals to ensure the delivery of high quality sustainable developments across South Norfolk. See <http://www.south-norfolk.gov.uk/development-management-policies-document>

Fields in Trust (FiT)

Operating name of the National Playing Fields Association, who recommend benchmark standards for the quantity, quality and accessibility of open space, sport and recreation, including outdoor facilities for sport and play. <http://www.fieldsintrust.org/>

Greater Norwich Growth Board (GNGB)

Broadland District Council, Norwich City Council, South Norfolk Council, Norfolk County Council and the New Anglia Enterprise Partnership (LEP) work together through the Greater Norwich Growth Board to deliver homes and jobs in the Greater Norwich area. The Greater Norwich Growth Board provides strategic direction, monitoring and co-ordination of the Greater Norwich City Deal and the wider annual Growth Programme for the Greater Norwich area. <http://www.greaternorwichgrowth.org.uk/>

Greater Norwich Infrastructure Plan (GNIP)

Helps to co-ordinate and manage the delivery of strategic infrastructure in the Greater Norwich area to support growth, a high quality of life and enhanced natural environment. This includes enhancements to public transport corridors to move them towards fully fledged bus rapid transit, elements of the green infrastructure network and extensions to cycle routes. See <http://www.greaternorwichgrowth.org.uk/delivery/greater-norwich-infrastructure-plan/>

Green Infrastructure (GI)

Green spaces and interconnecting green corridors including natural green spaces colonised by plants and animals and dominated by natural processes. Green infrastructure can also comprise man-made managed green spaces, such as those used for outdoor recreation and sport including public and private open space, allotments and parks as well as their many interconnections such as footpaths, cycleways, green corridors and waterways.

Informal Outdoor Recreation Space

Areas of informal recreation space which may take a number of different forms including natural green space, allotments, informal recreation areas, woodland and trails. Green infrastructure may contribute to the informal recreation space required by this SPD in accordance with the details set out within this SPD.

Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk

The Joint Core Strategy (JCS) was prepared by the three Councils of Broadland, Norwich and South Norfolk Council, working together with Norfolk County Council as the Greater Norwich Development Partnership. The JCS was adopted in 2011 (amendments adopted 2014). It sets out the long term vision and objectives for the Greater Norwich area to 2026, identifying broad locations for new housing and employment growth. See <http://www.south-norfolk.gov.uk/joint-core-strategy>

Management Company

(Also referred as a Maintenance Company) A body established – usually by the developer of the site – to take on responsibility for the long term management and maintenance of the recreational open space, including financial responsibility. Management companies often include residents of the local development.

National Playing Fields Association (NPFA)

See Fields in Trust above.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (March 2012), replaces nearly all of the former Planning Policy Statements and Guidance Notes and sets out the Government's planning policies for England and how these should be applied. See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Norwich Policy Area (NPA)

Part of the District which is centred on and strongly influenced by the presences of Norwich as a centre for employment, shopping and entertainment, generally comprising the fringe and first ring of large villages around the city of Norwich, but extending to Long Stratton and Wymondham.

Occupancy

The number of people typically considered to be resident within a single dwelling. The number of people depends upon the number of bedrooms.

Older Children and Adult's Recreation Space

Recreational space typically aimed at children aged 11 and above. This recreation space may take a number of different forms including formal/ informal playing pitches and courts, trim trails, kick-about areas, MUGAs and skate parks.

Planning Condition

A planning condition can be imposed on the grant of planning permission. A planning condition can require additional approvals for specific aspects of the development (such as the colour of materials) or might restrict the use of the site (e.g. limiting opening hours). Some conditions are informative (or restrictive) only but others require the submission of further details to the Council for approval and these types of conditions need to be discharged by the local authority

Planning Practice Guidance (PPG)

The Planning Practice Guidance (PPG) is a web-based resource which brings together planning guidance on various topics. <https://www.gov.uk/government/collections/planning-practice-guidance>

Pre-application advice service

South Norfolk Council offers a pre-application advice service to give information to potential applicants on the likely outcome of a planning application. For domestic enquiries this is a free service but there are a range of charged options for larger developments and more details can be found on the Council's website at <https://www.south-norfolk.gov.uk/do-i-need-planning-permission>

Section 106 Agreement

These relate to site specific infrastructure requirements which are negotiable and paid directly to the relevant infrastructure provider. S106 contributions are shown in the S106 legal agreement.

Site Specific Allocations and Policies document

The Site Specific Allocations and Policies Document (adopted October 2015) is part of the South Norfolk Local Plan. Guided by the Joint Core Strategy it designates land across the district to deliver housing, employment, recreation, open spaces and community uses. See <http://www.south-norfolk.gov.uk/site-specific-allocations-and-policies-document>

Six Acre Standard

Guidance produced by Fields in Trust which is based on a broad recommendation of 2.4 hectares of outdoor playing space per 1,000 population.

Supplementary Planning Document (SPD)

A document which compliments and defines further details of a policy contained in a Local Plan document.

Supplementary Planning Guidance (SPG)

The predecessor of SPDs (see above).

Sustainable Drainage Systems – SuDS

Sustainable drainage systems (SuDS) are drainage solutions that provide an alternative to the direct channelling of surface water through networks of pipes and sewers to nearby watercourses. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

South Norfolk Council
Community Assets Strategy 2016



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1. Introduction

The Community Asset Strategy is the Council's corporate land and property strategy that sets out how the council will manage all aspects of community assets. This Strategy involves more sustainable and progressive management regimes, encouraging greater community involvement with attendant benefits to health and wellbeing, enhanced biodiversity and opportunities for increasing local devolvement. Given the likely future funding challenges a key aim is to create a more sustainable approach to our asset management and minimising future liabilities given the challenging financial environment we are facing whilst ensuring open spaces and other community assets remain part of the South Norfolk landscape.

South Norfolk Council holds a variety of land and property assets within its portfolio. These can broadly be divided into three main asset groups:

- **Operational Assets** – Used by the Council or partners to deliver direct services such as leisure centres, waste services, Council offices. These are often subject to a separate Asset Management Plan or programme of works.
- **Investment Assets** – Assets held solely for the purpose of generating rental/investment income/capital. These are often subject to a separate Asset Management Plan or programme of works.
- **Community Assets** – assets held or managed by the Council that play a vital role in the community with regards to delivering the Council's corporate objectives.

For the purposes of this Strategy, community assets are defined as:

- Common Land – registered commons subject to Schemes of Regulation
- 'Commons' – none registered 'Public Open Space'
- Parks, countryside areas and public open space land
- Trees and planting
- Easements and rights e.g.
 - Easements/rights of access, drainage
 - Grazing rights, agricultural tenancies
 - Leases/licenses commented with or 'over' community assets
- Community infrastructure assets:
 - Roadways, street and community lighting, pathways, car park areas
 - Playgrounds and Play equipment
 - Public toilets
 - Benches
 - Signage
 - Safety equipment (lakes and ponds)

Community assets may be held or "managed" historically by the Council on behalf of the community in a number of different ways:

- Freehold ownership

- Assets owned by third parties or with no defined owner over which the council has statutory or management responsibilities (for examples Common Land)
- Assets held by the Council under Lease/license/agreement for community benefit
- Assets held by others into which the Council has an input via various mechanisms, management, financial, advisory

2. Corporate Vision and Priorities

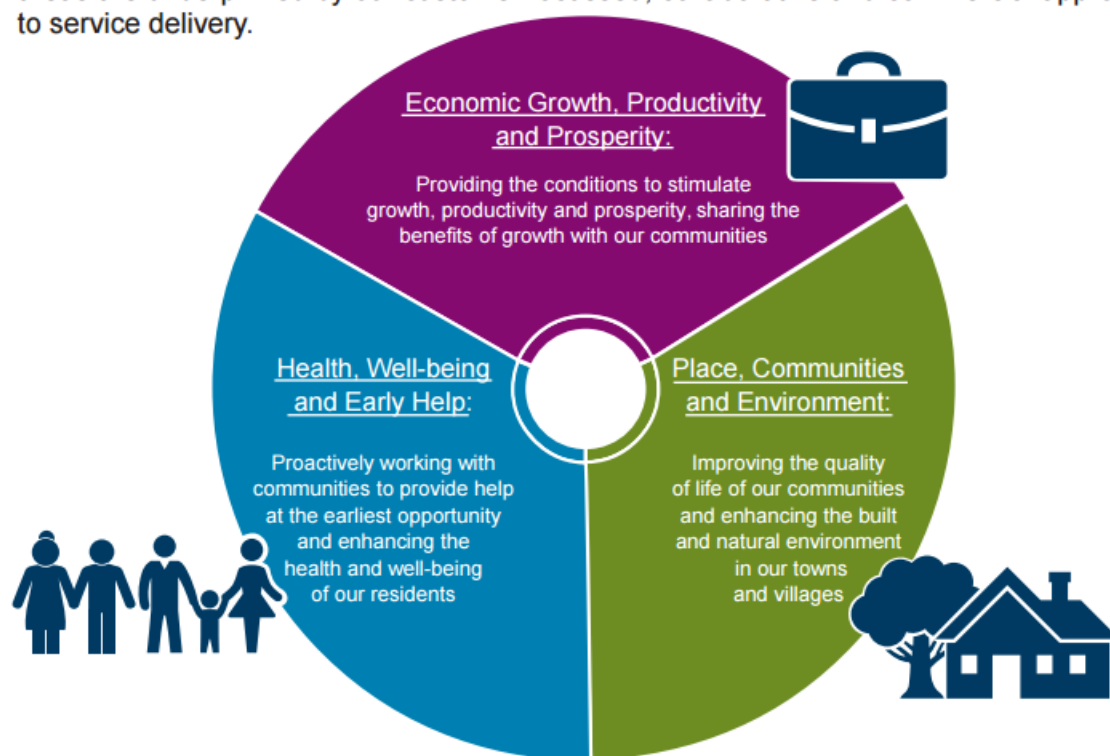
Community assets will be managed and maintained by the Council to enable the delivery of the Council's corporate vision, objectives, priorities and Business Plans as follows:

Corporate Vision, 2016 to 2020:

“To retain and improve the quality of life and prosperity of South Norfolk, for now and future generations, to make it one of the best places to live and work in the country”

Corporate Priorities:

We have three corporate priority areas where we focus our resources and efforts. These areas are underpinned by our customer focussed, collaborative and commercial approach to service delivery.



3. Community Asset Strategy - Summary

The Community Asset Strategy provides an overarching framework which defines how the Council will actively manage open spaces, commons and other community property to the maximum benefit of the Council and the community. The Strategy fully supports the corporate vision and priorities and can be summarised by the following fundamental principles:

- The introduction of more innovative sustainable management regimes including where appropriate “community divestment initiatives” supporting biodiversity and healthy living.
- An efficient and effective community asset and customer focused service making the most of our assets for the benefit of the community at least cost.
- Improving and increasing partnership work to deliver asset management:
 - Formulation of innovative delivery structures
 - Delivery of community development mechanisms.
 - Practical support as part of the Council’s ‘Early Help’ approach and the Health and Wellbeing strategy
 - Securing additional ‘government’, agency partnership and/or third party funding

<p>The Community Asset Strategy is intended to improve the future contributions made by community assets to the Council’s vision and priorities.</p>

Guiding Principles

- To improve and increase the contribution made by community assets to the community and in particular the agenda for Health and Wellbeing given the Council’s vision and priorities
- To identify opportunities for income generation and low impact infrastructure initiatives
- To improve the contribution made by community assets to biodiversity
- To contribute to the Council’s Health and Well-being Strategy working with schools, adult educational programmes and through the delivery of Early Help projects
- To increase diversification opportunities through potential promotion of community based initiatives involving other areas of community interest:

For example:

- Sculpture/art in appropriate settings
 - Theatrical and musical events
 - Local craft markets
 - Community allotments
 - Community planting schemes
- To improve where appropriate opportunities for external funding contributions (Government agencies, partner agencies, private investment) towards community asset maintenance and improvement

- To promote community participation in asset management and maintenance through various mechanisms including:
 - Development of engagement initiatives enabling responsibility and involvement of public sector partners and community groups
 - Development of “divestment” initiatives where appropriate enabling public sector partners, community groups to take over Council management and maintenance responsibilities
 - Promotion of volunteer days assisting in community asset improvements and maintenance

These guiding principles will be formulated into specific objectives and works programme as opportunities are identified within available resources.

4. Portfolio of Community Assets

These are assets of community benefit held or managed by the Council on behalf of the community which may have reservations, restrictions as to use and their disposal.

Asset	Number	Acreage	Maintenance Budget 2016/17
Commons and Parish lands	35	288.4	£20,000
Commons (Grants paid)			£26,000
Countryside sites	8	102.6	£30,000
Amenity land	103	73.6	£20,000
Cemeteries	2	3.7	£4,000
Street/footway lighting	1,063	N/A	£29,000
Play equipment (including inspection)	62	N/A	£97,000
Heritage sites	1	N/A	£2,500
Grounds maintenance services		N/A	£244,604
<i>Note – Data taken from South Norfolk Asset Management Plan and Programme 2014-17.</i>			

A number of community assets have been identified as surplus under the Council’s existing asset management plan and programme 2014/17. These assets will be reviewed during 2017/18 against the overarching vision and priorities of the Council and the approach determined by the Community Asset Strategy.

This Strategy has strong links with the following plans and strategies:

- South Norfolk Corporate Plan 2016/20
- South Norfolk Business Plan 2016/17
- South Norfolk Local Plan (2011 – 2026)
- South Norfolk Capital Strategy 2014/17
- South Norfolk Capital Programme
- Economic Growth Strategy (2016 – 2021)
- Tree Management Strategy
- South Norfolk Alliance, Your sustainable Community Strategy for South Norfolk (2008 – 2018)

Council Management Plans to be produced subject to approval of the Community Asset Strategy:

- Tree Maintenance Plan Proposed implementation 2017/18
- Community/Street Lighting Management Plan Proposed implementation 2017/18
- Playgrounds/Play Equipment Management Plan Proposed implementation 2017/18
- Public Open Spaces management Plan Proposed implementation 2017/18
- Common Land and a Registered Commons Management Strategy

The Community Asset Strategy and associated Management Plans will have due regard to:

- Legislative and regulatory provisions/recommendations
- Codes of best practice
- Associated financial and regulatory constraints

5. Scheme for managing Community Assets

The Council will review, prepare and update the following strategies and management plans to reflect the Council's vision and objectives within this Strategy in relation to the following topical assets:

A. Introduction of Commons Land (Regulated Commons) Management Strategy

Outcomes:

- A strategic approach to commons management.
- Clear definition of the Council's management responsibilities
- Clear definition of owner, partner and owner responsibilities
- Enhancement of divestment opportunities

B. Tree Maintenance and Management Plan

This will include existing contracted survey and maintenance arrangements and the preparation and implementation of a robust, sustainable and risk based management and works regime.

Outcomes:

- Robust sustainable risk based survey and management strategy
- Identification of opportunities for active woodland management techniques enhancing woodland health, biodiversity, increased community access
- Identification of opportunities for increased involvement of services regarding survey and maintenance followed by potential to provide contracted services externally

C. Community/Street Lighting Management Plan

This will include the preparation of a robust, sustainable and risk based management plan.

Outcomes:

- A robust risk-based maintenance and survey regime and decision making based on future sustainable management
- The ability to introduce new technologies to reduce future maintenance and electricity costs.

D. Playgrounds/Play Equipment Management Plan

To include the preparation of a management plan which will detail the Council's standards and policy for existing and new play areas and equipment as part of developments.

Outcomes:

- Provision of challenging and safe play environments providing long term benefits to residents' health and wellbeing.
- The affordable enhancement of existing play equipment infrastructure by a robust quality plan of equipment replacement and installation
- Affordable quality planting schemes adjacent to play equipment providing enhancement to the environment and educational/community involvement opportunities

E. Public Open Spaces Management Plan

The preparation of management plans which detail standards and policy for public open/communal space as part of the planning policy development process.

Outcomes:

- The affordable enhancement of existing public open space management regimes to provide maintainable, consistent quality environments in keeping with their location which is affordable
- Affordable quality planting schemes providing enhancement to the environment and educational/community involvement opportunities
- Increased opportunities for community divestment

6. Divestment Strategy

South Norfolk's community assets represent valuable and in some instances landscapes and environments which deserve careful and proactive management so as to ensure their protection and availability for the use and enjoyment of the community.

The Council promotes community involvement and where appropriate 'divestment' enabling other organisations and groups to undertake the future management, improvement and maintenance of community assets. Given ongoing resource constraints it is important that the Council actively promotes alternative management approaches.

Any divestment partnership arrangement must be appropriate taking into account the following fundamental principles:

- Many Community Assets have legal encumbrances in the form of statute, covenants, restrictions and reservations which restrict opportunities for disposal.
- The Council in divesting of a community asset must where applicable ensure adequate and legally enforceable protection of that asset in the form of covenants and reservations. Generally such protection is more legally robust when an asset is disposed of under lease or license as opposed to freehold sale.
- Any disposal of public open space must comply with legislative provisions.
- The divestment partnership mechanism chosen must:
 - I. Enable the recipient organisation/group to meet current and future objectives and plans.
 - II. Ensure that the asset remains protected for the benefit of the community.
 - III. Provide identifiable advantages in terms of community benefit, management and financial terms as compared with retention by the Council.
 - I. Ensure local community involvement in the divestment process ***with the principle that the local Parish or Town Council have 'first refusal' albeit that the Council will make a decision based on the overall interests of the Council.***
 - IV. Comply with the Council's statutory, legal and fiduciary duties.

A community asset will only be considered as 'surplus' and therefore available for unencumbered freehold sale in the following circumstances:

- II. The Council has undertaken a robust review and identified that the asset concerned provides no current or future identifiable community need.
- III. Unencumbered freehold sale is considered to be in the public interest and accords with the Council's legislative and fiduciary duties.
- IV. There is no financial benefit from retention having regards to:
 - The financial and other resources required in continued ownership.
 - There are no current/future development opportunities/considerations.
 - The financial consideration achieved through sale represents 'best value' taking into account:
 - The provisions of Section 123 of the Local Government Act 1972.
 - The cost of future maintenance and management of asset if retained.
- V. Disposal complies with legislative provisions.
- VI. Public or community consultation in accordance with legislative provisions has been undertaken.
- VII. ***That the local Parish or Town Council have 'first refusal' albeit the Council will make a decision based on the overall interests of the Council.***

7. Acquisition Strategy

The Council may acquire community assets in exceptional circumstances:

- There is an identified community need or benefit from acquisition
- Acquisition will add value to an existing community asset
- Acquisition offers protection to an existing or proposed community asset

All acquisitions will be assessed through a robust business case with particular reference to costs, benefits, impacts and risks of the asset and how it relates to the Council's corporate objectives. Acquisitions can be undertaken through negotiation, auction, Compulsory Purchase Order (CPO) Acquisitions will be undertaken in accordance with Council policy and Rules of Governance.

The Community Infrastructure Levy introduced under the Planning Act 2008 is a charge on almost all forms of development providing contributions towards the infrastructure needed to support growth in an area. It is intended for general infrastructure contributions whereas S106 is intended for site specific mitigation. The Council adopted CIL charging in 2014. CIL general provisions are:

- Must be spent on infrastructure to support development of the area.
- CIL can be spent on the provision, improvement, replacement, etc of infrastructure; it does not have to be used to fund capital investment.
- Infrastructure can include sporting recreational facilities and open spaces.
- CIL cannot be used to fund anything that is not required to support the development of the area.

After 1 April 2017 the Council will accept no further transfer of S106 infrastructure. The Council's expectation being that the developer is expected to make arrangements for the adoption of open spaces, street lighting, SUDs etc. as part of the development management process and to arrange long term robust management and maintenance strategies to cover all future responsibilities. ***Parish or Town Council's will, as now, be able to negotiate with the developer to adopt infrastructure although the Council cannot dictate who ultimately adopts.***

8. Tree Management Strategy

The 2014 Tree Management Strategy covered trees, hedgerows, high hedges. The strategy has the following key objectives:

- Identify and adopt a standard framework for managing and maintaining tree stock.
- Reduce risk from hazardous trees.
- Ensure efficient use of resources.
- Control and monitor tree maintenance.
- Ensure trees continue to enhance the character of the district.
- Replace trees where there is a requirement under TPO, conservation area and where there is need.

The Natural Environment and Rural Communities Act 2006 created a duty for local authorities to conserve biodiversity. This Council's vision is to continue to protect and enhance our natural environment.

Currently tree surveys and maintenance is undertaken by contractor upon an annual basis as well as works remedial works being undertaken directly by the Council's depot. In order for the Council to meet its tree management objectives, during 2016/17 a Tree Management and Maintenance Plan will be prepared incorporating:

- A risk based approach.
- Inspections and surveys carried out by suitably trained arborists under a tendered contractual approach providing the following information:
 - An effective computer based record system whereby all relevant trees are GIS identified and recorded.
 - A risk based assessment approach taking into account zoning.
- Future inspection regime and frequency based upon risk.
- Schedule of works both maintenance and improvement based upon survey information.

The introduction of the Tree Management and Maintenance Plan will enable the Council to:

- To adopt a more robust approach as compared with existing annual arrangements.
- Develop closer links in order to maintain compliance with the Council's policies regarding Tree Preservation Orders and consent to works.
- Prepare annual and cyclical maintenance plans that are risk based and financially costed.
- Provide better control as regards allocating contractor, in house staff and maintenance resources against priorities.
- Identify future opportunities for improvement programmes.
- Provide greater control as regards biodiversity.
- Assist in creating opportunities for government and third party funding.
- Assist in creating opportunities for greater partnership working with Parish/Town Councils and local volunteer groups.

9. Footway Lighting Management Plan

Footway lighting within the South Norfolk area falls under the following responsibilities:

- Street lighting directly maintained by Norfolk County Council as Highway Authority.
- Street lighting maintained by the Highway Agency e.g. the A11 and A47.
- Street lighting maintained/owned directly by Parish Councils:
 - Hethersett, Long Stratton, Pulham, Roydon, Scole, Wortwell, Hingham, Dickleburgh, Cringleford, Ashwellthorpe.
- Street lighting within Parish and Town Council areas managed by this Council and some owned by Saffron Housing Association but maintained by the Council.

As at 2016, the Council maintains circa. 1,061 street lights on behalf of Parish/Town Councils and Saffron Housing. The Council will in future review the provision of footway lighting in line with the general principles of this strategy and the future approach and policies of the Council.

10. Playgrounds and Play Equipment Management Plan

The Council manages some 62 equipped playgrounds across the district. Various policies and strategies currently relate to playgrounds. They will be subject to review, where appropriate, in tandem with the relevant planning policies:

1. The South Norfolk Recreational Open Space Requirements for Residential Areas 1994 states:

- Children's play space - required for all developments where overall density of estate is greater than 16 dwellings/ha.
- Minimum open space required – 400 sq m for 15-24 dwellings, 1000 sq m for 25-50 dwellings plus 17.5 sq m per dwelling over 50.
- Where developers wish the District Council to assume ownership of open spaces, a contribution for maintenance in the form a 10 year commuted lump sum **has been** required. The appropriate Town or Parish Council will, **in the first instance**, be asked **if they wish to** assume ownership. It should be noted that only a small proportion of new playgrounds are taken by Parish Councils.

2. A Play Strategy for South Norfolk (2007 to 2012)

3. European Standards for Play Areas EN 1176/1177

4. ROSPA Play Safety Standards

5. Currently safety inspection of play equipment is undertaken under an ESPO Framework contract upon an annual basis. This contract is currently being reviewed.

6. ROSPA currently undertakes an annual inspection of all playgrounds.

The following work programme is planned for 2016/17 and beyond:

- Preparation of a playground and play equipment management plan incorporating:
 - Proposed standards for future play equipment.
 - Proposed standards for playground provision.
- Review of risk based inspection regime.
- Preparation of annual programme of planned/cyclical maintenance work in addition to responsive maintenance regime which currently exists.

11. Public Open Space Management Plan

The Council owns or manages a variety of public open spaces and countryside sites. Currently cyclical maintenance such as grounds maintenance (Grass cutting, hedge trimming, litter removal, waste bins) is undertaken by the depot. In addition ad hoc inspection regimes and responses to maintenance problems identify additional work to be undertaken by the depot or by private contractors (depending upon the scope of the works).

Currently a need has been identified for:

- A reviewed cyclical grounds maintenance strategy ***with engagement with the local parish/town council.***
- An open space strategy defining the Councils intentions with regards to:
 - Quality standards with regards to landscaping and planting schemes.
 - Assessment of current biodiversity and proposed improvement strategy.
 - Programmes of improvement.
 - Proposals regarding greater public and community use of open spaces.
 - Proposals regarding divestment and greater community involvement.
 - Enhanced opportunities for increased community volunteer schemes.
 - Opportunities for increased government and third party funding.

The Public Open Space Management Plan proposed for 2016 onwards is intended to address these issues and provide a clear strategic direction and affordable 'improvement approach' which accords with South Norfolk Council's vision and priorities.

12. Common Land – (Regulated Commons) Management Strategy

The Council manages five registered Commons; they are Mulbarton, Swardeston, Hales Green, Smockmill, and Flordon. These Commons are privately owned land (Save for one which has no identifiable owner), over which there are “rights in common” which include:

- Defined rights to graze certain stock.
- Rights of access to everyone to roam including walking, picnicing, running etc.
- Certain specific rights of access benefiting property adjoining the Common.

The Commons Act 1899 as amended by the Commons Act 2006 introduced Local Authority Schemes of Management which gave powers to District Council to make schemes for regulation and management, including the making of byelaws. In addition Local authorities produce “Management Plans” which are non statutory guidelines setting out how the common land will be managed.

It is the view of DEFRA that where common land is subject to a scheme of regulation the Commons Act 1899 the effect of the scheme is that the local authority becomes responsible for managing the land. Such schemes usually include a clause requiring the LA to keep the common free from encroachment.

Virtually all works to a common (including changing the surface, structures) require Secretary of State approval under S38 of the Commons Act 2006. The purpose of this formal application process being:

- Stock of common land is not diminished.
- Works take place only when they maintain or improve the condition of the common, or exceptionally where they confer some wider public benefit.
- Applications are assessed taking into account the interests of the neighbourhood and public interest.

All registered common land is subject to Part 3 of the 2006 Act which makes it unlawful to construct any works which would restrict or prevent access to the land, or to resurface the land without the consent of the Secretary of State. This means it is unlawful to erect a fence (except those temporarily installed and removed for animal husbandry) or a building/structure. Such work is not an offence but any person may ask the courts to require the works to be removed.

Where works are undertaken and no action is taken it may be possible to show factual possession and in such cases the fact that such works are unlawful does not, in itself undermine a claim to adverse possession. As a general rule encroachments/works resulting in a successful claim for adverse possession are more likely to be established if there are rights that the landowner could have granted, then after 20 years the right can be established and no one can object.

It should however be noted that a successful adverse possession claim does not change the designation of the common land involved.

Responsibility for enforcement against encroachment/unlawful works lies with the landowner, local community and any person (including the local authority, Parish Council) may seek enforcement action by application to the County Court.

Of note is the view of DEFRA relating to proposals to construct/improve driveways across common land. Whilst consent to works is required by the landowner and under S38 of the 2006 Act such applications may be consistent with continued use of common land even where the driveway is entirely for private use, because construction will not prevent public access, or access for commoners animals.

The legal position regarding common land and encroachment/unlawful works can be complex depending upon the nature of the breach and its impact upon the environment and access being available to all.

Any potential encroachment/works in order to be fully complaint would require:

- Formal consent of the landowner such consent being in accordance with the management scheme introduced by the local authority.
- Formal approval by the Secretary of State to the works under S 38 of the 2006 Act.

Alternatively unlawful encroachment/works could be legitimised by a successful claim for adverse possession after a period of some 20 years or by an unsuccessful enforcement action through the County Court.

A number of the Commons have been the subject of numerous historic encroachments and unlawful works as well as a number of more recent issues.

The majority of historic encroachment/works including works undertaken by the Council have not been the subject of objections by either the landowner or public users/graziers. Indeed, Council works have often been in direct response to users/residents concerns and the desire to improve the amenities and use of the common land.

Under the Community Asset Strategy this Council will define its future management style and strategy with regards to common land.

From initial assessment there would appear to be little to be gained from pursuing historic cases of encroachment/unlawful works especially where works have been supported by the community, landowner and users.

However recent/current cases (for example those occurring within say the last 3 years) could be considered for action in order to ensure that the Council manages common land in accordance with its obligations and safeguards the land for the benefit of all. Such action would take two forms depending upon a pragmatic and reasonable assessment of case circumstances:-

- I. For encroachment/unlawful works which are not considered to detriment the common land and access rights (examples – access to property where similar access exists, signs, boundary fences) the parties involved are advised:
 - To seek formal consent from the landowner.
 - To formally apply under S38 for Secretary of State consent to work.
- II. Works considered to be of detriment to the common land and users (examples – encroachment by owners moving boundary fences, unlawful structures, signs, car parking areas not considered appropriate) are formally pursued by the council ideally with a successful outcome not involving litigation.

A key element of this enforcement approach will be providing adjoining residents, owners and key partners such as the Parish Council with clear written advice covering:

- The legal position regarding Common Land regarding encroachment and authorisation of works.
- A clear statement from this Council of its management responsibilities with regards to the Common.
- A clear statement from this Council with regards to its expectations of others regarding areas of maintenance where contributions are expected from primary users.

In addition the Council will on an ongoing basis review existing Management Plans in conjunction with partners in order to provide a uniform approach regarding:

- Identifying a clear programme of works to include:
 - Cyclical maintenance to be carried out annually.
 - Cyclical maintenance to be carried out bi- annually or at a determined frequency.
 - Responsive maintenance tasks (one offs).
- A clear programme of works will enable the following improvements to be made regarding Commons management and maintenance:
 - A prioritised financially based programme set against available finances.
 - Division of programme responsibilities between South Norfolk Council, land owners, Parish or Town Councils, and third sector or volunteer groups.

In the future the Council is keen to engage landowners/users/residents with regards to Community Asset transfer. One mechanism for this defined in the 2006 Act is Commons Councils individually established through an order made by the Secretary of State. The powers of a Commons Council could exceed those available to the local authority (albeit the local authority is likely to be a member) depending upon the powers conferred by the Secretary of State.

It is understood that a Commons Council or similar collective body may be more likely to be successful in securing third party funding.

Appendix C – Representations Received on First Draft of Recreation Space SPD and Council's Responses

No.	Name of respondent/ Organisation	Para No/ Section	Comment	Response	Action
1.	Sally Minns (Sally Minns & Associates)		It is disappointing that there is no consideration of children with disabilities and wheelchair accessible play equipment which is essential for inclusive development	Play areas in South Norfolk have historically been designed with disabled access and wheelchair accessible play in mind. We require wheelchair accessible gates, suitable width pathways and suitably designed equipment. There are mentions of DDA compliance in Appendix 3 but recognise that this has now been replaced by the Equality Act 2010. There is a need to update the document to reflect this.	Amend Appendix 3 to reference the Equality Act 2010 and the need to ensure that suitable consideration is given to the needs of children with disabilities. The relevant section in Appendix 3 has been expanded and includes references for further guidance.
			Maintenance payments should be for a minimum of a generation ie 20 years	South Norfolk Council has traditionally always required 10-year maintenance payments. Consideration has been given to increasing this to 15-20 years but it has been found that there is limited appetite for this	None

				amongst developers, so there are no plans to change this requirement at the moment.	
2.	Hilary Elias (Costessey Town Council – Clerk)		<p>From original letter sent on 3 July 2017:</p> <p>Proposal 1: Costessey Town Council requests that South Norfolk Council immediately reconsider their recent decision regarding the adoption of s106 infrastructure (see local example 1 for details).</p>	<p>The Council's decision to no longer accept the transfer of assets was made as part of our Community Assets Strategy which was agreed at Cabinet on 9 January 2017, following extensive consultation with all parish/town Councils, developers and others with an interest in development. Some reservations were noted as part of the consultation but overall it was considered that the Council could no longer sustain the future legacy arising from continuing to adopt such assets. It is intended that this part of the Community Assets Strategy will come into force upon adoption of this SPD.</p>	None

			<p>Where residents of developments are directly paying to a private company to provide “public” services it is unreasonable that they are not afforded a discount to their Council Tax payments that, for the majority of existing households, cover the provision of public services. Residents of new developments are effectively subsidising existing public services that other households are benefiting from and are not required to pay for privately!</p> <p>Privatising the maintenance of public facilities by default, is a mistake that will result in a higher average cost per household for the provision of public amenities in South Norfolk.</p>	<p>It would not be lawful for the Council to offer a discount on Council Tax payments to residents of developments who are also paying maintenance charges to private companies. Residents should be fully aware of this charge when purchasing the property</p> <p>Parish councils will have the option of taking on new recreation areas themselves through the hierarchy of offering open space</p>	<p>None</p> <p>Details of the “cascade” approach to taking on land has been included in Chapter 6.</p>
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			The residents of South Norfolk will be worse-off as a result of this decision!		
			Proposal 2: Costessey Town Council proposes that where South Norfolk Council approves the transfer of s106 assets to a private management company, South Norfolk Council then has an obligation to ensure that the developer markets its properties with realistic information regarding the on-going maintenance costs. (see local example 2 for details)	It is the responsibility of the developer to ensure that new properties are marketed in an open and honest way, including information regarding the on-going maintenance costs, and for the purchaser to investigate this (through their solicitor). It is not a planning matter, however, so South Norfolk Council cannot require this. These responsibilities could be noted in the SPD, however.	The expectations of the developer/management company and purchasers have been clarified and the responsibilities of conveyancers highlighted.
			Proposal 3: Costessey Town Council proposes that where South Norfolk Council declines the adoption of s106 assets, the adoption of such assets must be offered to Parish/Town Councils (together with a minimum 10 year commuted maintenance sum) prior to such assets being transferred to a private management company. As a result of the requirement upon the	South Norfolk Council cannot insist that the developer offers the adoption of S106 assets to the Parish or Town Council prior to such assets being transferred to a private management company. However, the SPD could be written in such a way that suggests that the developer should offer such assets to	Amend the SPD to say that although South Norfolk Council cannot insist that a developer offers the adoption of S106 assets to the Parish or Town Council prior to such assets being transferred to a private management company it would be good practice for

			<p>developer to pay a commuted sum, it is clearly in their financial interest to transfer assets to a private company, instead of to Parish/Town Councils (who may be able to provide the maintenance in a significantly more cost-effective manner). (see local example 3 for details)</p>	<p>the relevant Town or Parish Council before going down the Management Company route</p>	<p>developers to approach the relevant Town or Parish Council prior to going down the Management Company route. The hierarchy for adoption is set out in Chapter 6.</p>
			<p>Costessey Town Council respectfully requests that South Norfolk Council members research the implications and consequences of its previous resolution, and revisit the decision regarding the adoption of s106 infrastructure with a view to helping residents of the new developments in Costessey who would, we are sure, be very grateful for a change in policy.</p>	<p>The Council's decision to no longer accept the transfer of assets was made as part of our Community Assets Strategy which was agreed at Cabinet on 9 January 2017, following extensive consultation with all parish/town Councils, developers and others with an interest in development. Some reservations were noted as part of the consultation but overall it was considered that the Council could no longer sustain the future legacy arising from continuing to adopt such assets. It is intended that this part of the Community Assets Strategy</p>	<p>None</p>

				will come into force upon adoption of this SPD.	
		Page 11	Formal Costessey Town Council response: Family Housing: 5.5 – Approve recommendations	Comments noted	This section has been removed as it did not relate to public open space.
		Page 12	Non-family Housing: 5.7 & 5.8 – Approve recommendations	Comments noted	None
		Page 12	Children’s Playspace: 5.10 “Adequate Fencing will need to be provided”. This should <u>not</u> include knee high wooden fencing of the type which is prevalent at Queens Hills, as it affords no protection to young children from passing traffic or from running away from the area and does not keep dogs out of the play areas.	Comment noted. More detailed design requirements for fencing and gates etc can be found in Appendix 3 of the document.	Detailed design advice has been set out in Appendix 3 and this reflects best practice guidance.
		Page 13	Minimum Requirements for Children’s Playspace: Approve National Playing Fields Association standards	Comments noted	None
		Page 19	Options for adoption 9.2: Costessey TC is against this strategy, which it considers to be on a par with the leasehold system criticised recently in the news and would like South Norfolk to reconsider it. CTC has had a spate of complaints about “absentee” management companies	South Norfolk Council has limited powers to direct how management companies look after open space, but the SPD will contain some information on this	The expectations of developer/management company have been clarified throughout.

			<p>whereby a national housebuilder engages a national management company to look after a development. This management company is based far away from the development site and appears to do very little in the way of maintenance. The management fees rise exponentially year on year and no redress/appeal process is afforded to the residents, who are often only told about the management fee just before completion of the house sale, when it is too late to pull out of the sale without losing a large sum of money. The standard of maintenance can be poor and residents' complaints about dangerous equipment, poor workmanship or forgotten areas are often ignored. If residents fall behind with their payments then the management company has been known to withhold the services so that an area falls into disrepair – again with no redress for those residents who continue to pay</p>		
		Page 19	Options for adoption 9.4: Agree with SNC's assurance	Comments noted	None

		Page 20	Maintenance 10.1: Costessey TC is against this strategy – see 9.2 above	Comments noted	None
		Page 20	Maintenance 10.2: Will SNC continue to publish guidelines for Town & Parish Councils and will it revise them if inflation rises above the 2.5% inflation rate quoted? Please advise	The SPD sets out some basic guidance for parish councils (in Appendix 4). However, the Council cannot dictate the maintenance figures themselves through the grant of planning permission – these are typically agreed annually by the board of the management company (which will almost always have representation from the local residents).	The SPD has been amended to make clear that installation and maintenance figures are 2017-based, and will normally need to be increased by RPI inflation, although each case will be assessed on an individual basis
		Page 20	Maintenance 10.4: Approve recommendations	Comments noted	None
		Page 21	SuDS 11.1: Approve recommendations	Comments noted	None
		Page 21	SuDS 11.2: Approve recommendations. HOWEVER, it seems presumptuous of SNC to state that “it is likely that Anglian Water will be taking on maintenance responsibilities for SuDS features in the future”. CTC’s understanding is that Anglian Water are reluctant to take these on (as per the northern	<p>The Council understands that Anglian Water may well take on some (but perhaps not all) SuDS features – the wording will be adjusted appropriately</p> <p>It is beyond the scope of the SPD to cover whether</p>	The SuDS chapter (Chapter 8) has been adjusted to indicate that Anglian Water may not take on maintenance responsibilities for all SuDS features

			lagoon at Queen's Hills) which means that management companies will again be brought in to maintain them. Is there any form of enforcement/redress to ensure that management companies fulfil their obligations without charging residents extortionate fees?	management company fees are "extortionate" (this is a property/legal matter), but local residents will normally, at the very least, be represented on the board of the management company and so can express views on fee levels	None
		Page 26:	Appendix 3 Location: Approve recommendations and 10 guidelines	Comments noted	None
		Page 27	Appendix 3 Layout: Approve recommendations. How will be preparations and drainage installations be monitored and enforced?	Preparations and drainage installations and other similar requirements will be monitored and enforced by South Norfolk Council.	None
		Page 27	Appendix 3 Construction: Approve wet pour as bark/shredded rubber etc is difficult to inspect for foreign materials	Comments noted	None
		Page 28	Appendix 3 Road Safety: Approve recommendation. What traffic calming measures are envisaged given that Central Government is driving to remove speed tables to improve air quality?	Norfolk County Council Highways will advise on the most appropriate traffic calming measures to be used in individual developments and it is not intended to specify detailed requirements in the SPD	None

		Page 28	Appendix 3 pp28-29 – Fencing and gates – Standard of gates approved. HOWEVER – outward opening gates are a concern as children could “escape” onto roads etc. CTC had previously been informed, when it requested inward opening gates that outward opening gates were safer for children to escape if they were being bullied. There was no mention of it being part of a dog policy	Comments noted	None
		Page 30	Appendix 4 – Note on adoption & Maintenance. Pooled CIL monies are currently earmarked for upgrading equipment on existing play areas	Comments noted	None
		Page 31	Appendix 4 – Community Assets Strategy. CTC is not in agreement with SNC’s decision – see 9.2 above	Comments noted (see response to Section 9.2 above)	None
		Page 31-33	Appendix 4 – Potential Benefits – Approve recommendations	Comment noted	None
3.	James Mann (Breckland Council)		Thank for allowing us the opportunity to consult on the draft guidelines for recreation provision in new residential developments SPD. At this time we have no comments to make but still request to be included in future consultations	Comments noted	None
4.	Naomi Chamberlain		Much of the document is fine. However we would wish to see more	Comments noted. It is agreed that it would be a	The role of Green Infrastructure and the

	(Norfolk County Council – Infrastructure and Economic Growth Team)		<p>emphasis placed as to looking outside of the 'red line' with regard to connectivity.</p> <p>When discussing the policy background in section2, the document refers to JCS Objectives 9 and 11 and Policy 1. These all refer to green infrastructure, green networks, walking and cycling etc. The emphasis of these objectives and policies is clearly focused on <i>connectivity</i>, not simply the provision of (potentially isolated) open space. The JCS reflects the current national definition of green infrastructure which specifically states that Green Infrastructure <i>"is not simply an alternative description for conventional open space"</i> (https://www.gov.uk/guidance/natural-environment#para027).</p> <p>Recreation provision in South Norfolk should be seen in this context, specifically as being part of a wider coherent green infrastructure network delivering multiple functions. The JCS provides fully-evidenced GI corridors with the intention that new</p>	<p>good idea to add an additional section to the SPD referring to green infrastructure. Highlighting connectivity and links with the wider GI network. Consider adding a new section to the document following 'Ecology and Biodiversity'.</p>	<p>connectivity between existing GI corridors has been expanded. The benefits of GI to the whole District have been highlighted and links to existing trails and PROW have been promoted.</p>
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			<p>developments could contribute to enhancing these corridors, partially through the appropriate siting and design of their areas for recreation provision. By not making this link explicit, and indeed by not referring to the GI corridors, the SPD is failing to guide the delivery of Policy 1 of the JCS in an appropriate manner.</p> <p>We would hope the SPD could make specific reference to the potential for recreation space to contribute to the Green Infrastructure Corridors within the JCS in the context of connectivity. We would also hope to see encouragement to link recreation space to the existing Public Rights of Way (PRoW) network (in accordance with paragraph 75 of the NPPF). This would enable people to make better lifestyle choices with the benefits to society that brings, and to contribute to enhanced ecological networks.</p>		
5.	Debra Yeomans (Chedgrave Parish		The Councillors felt that there should be some provision for Parish Councils to be consulted on; the local area, the layout, location and	Parish Councils have an opportunity to comment on the area, layout, location and equipment provision for proposed new recreation	None

	Council – Clerk)		equipment provision for any proposed new recreation area.	areas at the planning application stage	
6.	Lee Sutton (Norfolk Playing Fields Association – Chairman)	Appendix 1, page 24	<p>Translation of the National Playing Fields Association (Fields in Trust) reflects benchmarks published in 2008 by Fields in Trust in the report <i>‘Planning and Design in Outdoor Sport and Play’</i>. Updated guidance by Fields in Trust was published in October 2015 in the report <i>‘Guidance for Outdoor and Play: Beyond the Six Acre Standard’</i> and includes benchmarks for skate parks and multi-use games areas.</p> <p>Strongly recommend the SPD reflects the 2015 Fields in Trust benchmarks.</p>	The Council are revising the overall approach to open space standards in the SPD document based on comments received to the consultation. This will include ensuring that the SPD reflects the latest 2015 Fields in Trust benchmarks. There will be a second public consultation on the SPD.	Amend the SPD to ensure that the latest 2015 Fields in Trust benchmarks are used, unless explained why. See Appendix 1.
		Appendix 2, page 25	<p>Summary of open space provision for new residential areas do not reflect the Fields in Trust updated guidance, for example the updated guidance for 10 dwellings recommends a locally equipped play area, whereas under the draft there is no provision for this, such provision begins at 15 dwellings.</p> <p>Strongly recommend the SPD reflects the 2015 Fields in Trust benchmarks.</p>	Comments noted, however the Council have no plans to require open space provision on sites of less than 15 dwellings. This seems to be comparable to other local authorities, many of whom have much higher thresholds.	None

		Page 29	<p>There is no stated requirement that signage provides an accurate location of the play area. The lack of this information has the potential to impact on accurate conveyance of the location to emergency services.</p> <p>The association strongly recommends the postcode of the play area, together with the Eastings and Northings is displayed on the sign to aid the response of emergency services to the play area/playing field in the event of incident.</p>	Comments noted and agreed	The postcode of the play area, together with Eastings and Northings, should be displayed on the sign to aid the response of emergency services to the play area/playing field in the event of an incident.
		Page 26	Under location, of the 10 guidelines, <i>Accessible</i> does not state the Fields in Trust accessibility distances, that for example a locally equipped play area should be within 400m, that is a 5-minute walk. It does say at 1) 'best practice requires children's play areas to be located within specified walking distances'.	Comments noted. As these are guidelines the Council do not wish to be overly prescriptive regarding exact distances but agree there could be some benefit in including the Fields in Trust accessibility distances as an example.	Amend 1) of the 10 guidelines on page 26 to include Fields in Trust accessibility distances as an example.
			The association recommends that the distance of existing recreational facilities is taken in to account when determining provision. Existing facilities that are within Fields in Trust guidelines that meet the draft SPD	Comments noted	None

			<p>guidance at 2) 'accessible without having to cross main roads, railway tracks or waterways' should be improved and supported by developers as an alternative to providing facilities at a new location.</p> <p>A) to help maintain existing facilities, B) to expand existing facilities and C) to encourage community through bringing families from new and established developments together.</p>		
			<p>The association is disappointed that the draft guidelines offer very little in design guidance to ensure that recreational space, in particular formal play and sport provision, is accessible to those with disabilities. The draft guidance refers to outdated legislation on pages 27 and 28, DDA, that is the Disability Discrimination Act. The Equality Act 2010 places a duty on public bodies, including local authorities, to have a due regard to advance the equality of opportunity, (section 149(1)(b)). This involves the considering of the need to:</p> <ul style="list-style-type: none"> - Remove or minimise disadvantages suffered by people due to their protected characteristics; 	<p>Play areas in South Norfolk have historically been designed with disabled access and wheelchair accessible play in mind. We require wheelchair accessible gates, suitable width pathways and suitably designed equipment. There are mentions of DDA compliance in Appendix 3 but recognise that this has now been replaced by the Equality Act 2010. There is a need to update the document to reflect this.</p>	<p>Amend Appendix 3 to reference the Equality Act 2010 and the need to ensure that suitable consideration is given to the needs of children with disabilities.</p>

			<ul style="list-style-type: none"> - Meet the needs of people with protected characteristics; and - Encourage people with protected characteristics to participate in public life or in other activities where their participation is low. <p>The association strongly recommends that the draft guidance is amended to include a section within the design guidance on disability access and inclusive play.</p> <p>The association further recommends that new provision <u>must</u> include inclusive play equipment that is accessible. In promoting inclusive play, to future proof recreational facilities and meet the public duty.</p>		
7.	Sonya Blythe (Cringleford Parish Council – Clerk)		Cringleford Parish Council is extremely disappointed by this retrograde step which seems to be SNC shredding its responsibilities and assuming that other, smaller, authorities will have the resources to manage it in your place. Could you advise me whether you propose to provide resources to manage this please.	The Council's decision to no longer accept the transfer of assets was made as part of our Community Assets Strategy which was agreed at Cabinet on 9 January 2017, following extensive consultation with all parish/town councils, developers and others with an interest in development.	None

				<p>Some reservations were noted as part of the consultation but overall it was considered that the Council could no longer sustain the future legacy arising from continuing to adopt such assets. It is intended that this part of the Community Assets Strategy will come into force upon adoption of this SPD.</p> <p>Where a parish council takes on the responsibility for maintaining open/play space, South Norfolk Council will not be providing extra resources to manage this as these will come through the 10-year commuted sum maintenance payment, agreed between the Parish Council and the developer. After the 10-year period is up then the Parish Council will have to fund further costs themselves.</p>	
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				In cases where the maintenance responsibility lies with a management company, the costs will be paid for by an annual levy on the homeowners in the new development	
8.	Trevor Gurney (Wymondham Town Council – Clerk)		The above guidelines have now been discussed by the Town Council's Leisure and Environment Committee and I write to advise that the contents have been noted and each development and proposal will be considered on its own merits	Comments noted	None
9.	Julian Halls (Member of Public and Town Councillor)		What happens if the management company appointed to run these areas, if one is appointed, goes bust?	South Norfolk Council has few powers to direct how management companies look after open space – this is not a planning matter. Section 106 agreements require the key principles of the maintenance to be agreed, however	The main expectations of the developer/management company have been clarified throughout.
			Why is there a presumption that either a management company or a parish Council take these over, with only rare exceptions after October	The Council's decision to no longer accept the transfer of assets was made as part of our Community Assets	None

			(see also section 9 and Appendix 4). This is not a consultation, more of an instruction as to what is going to happen	Strategy which was agreed at Cabinet on 9 January 2017, following extensive consultation with all parish/town Councils, developers and others with an interest in development. Some reservations were noted as part of the consultation but overall it was considered that the Council could no longer sustain the future legacy arising from continuing to adopt such assets. It is intended that this part of the Community Assets Strategy will come into force upon adoption of this SPD.	
			As this document acknowledges, CIL will be reviewed in the autumn statement so why are we doing this at this stage when it could all change?	Strategic recreational space is provided and paid for through CIL but more local open space provision required as part of new developments tends to be secured through S106 agreement and this is the primary focus of this SPD.	None.

		1.7	Talks about a legal agreement to manage these areas but who is going to prepare and pay for the legal costs involved here? This needs to be specified	Normally each side meets its own legal costs, but the position can be complicated – the Council can advise (in general terms) on a case-by-case basis	None
		3.7	Correctly says areas have to directly relate to the area of the development (legal requirement). This is not the same as specified in the Community Assets Strategy	The Community Assets Strategy is an adopted document and amendments are outside the scope of this SPD consultation. Comments will be passed to the relevant team in the Council to be actioned as appropriate	No changes; comment passed to internal Council colleague for information
		Section 5	Simply identifies other standards and includes them as South Norfolk recommended standards yet as this is all passing to Parishes and management companies anyway, who is going to enforce these?	The SPD provides guidelines for recreational provision in new residential developments and uses nationally recognised standards for provision. South Norfolk Council will continue to oversee the provision of open space and play facilities up to the point of adoption. It then becomes more a property matter – so long as the main terms of the S106 agreement are met	None

				in an ongoing manner, it will be for the directors of a management company (which normally includes local residents) to ensure that the actions taken are appropriate	
			Several of the 'standards' are written in such a way as to all things to all people which one has to say will simply encourage those who wish to, to 'cherry pick' the standards they wish to use, noise and distance are but two key aspects	Precise and unvarying standards are not always helpful (particular circumstances can vary); overall "reasonableness" is the key	None
			The document refers at several points to the Community Assets Strategy (CAS) as being a key linked document. This requires correction and amendment	The Community Assets Strategy is an important related document in respect of this SPD so the Council do not consider that any correction/amendment is needed.	None
			<p>Comments on the Community Assets Strategy:</p> <p>I note that this item has been approved by Cabinet in Jan 2017 but it has some fundamental flaws and contradictions:</p> <ul style="list-style-type: none"> • The document is full of phrases and terms which are unclear e.g. 	<p>The Community Assets Strategy is an adopted document and amendments are outside the scope of this SPD consultation.</p> <p>Comments will be passed to the relevant team in the</p>	No changes; but comments on CAS passed to internal colleagues

			<p>what does 'sustainable' means in this context, what are 'community divestment initiatives' and 'low impact initiatives'</p> <ul style="list-style-type: none"> • The proposed robust lighting management plan given the recent changes imposed by County is out of date • The document is poorly written and not correctly indexed. In section 6 the roman numbering is all over the place as the section is marked i, ii, iii, and i again, then jumps to iv. Section 10 should be marked 10.1, 10.2 • The legal interpretation of CIL is incorrect and is not the same as given in the guidelines for Rec provision, as referred to above the word 'directly' is omitted. 	Council to be actioned as appropriate	
10.	C. Cook (Thurlton Parish Council – Clerk)	5.10 – 5.22	This Parish Council would not be willing to take on ownership or tenancy of a new recreational area where there are already existing facilities in the village/area and access to same covers the requirements of the guidelines (see sections 5.10 to 5.22).	Comments noted. However, Development Management Policy 3.15 (<i>Outdoor plan facilities and recreation space</i>) allows some flexibility – for example, contributions could be made to enhancing existing facilities instead of providing	None

			The problem as we see it, as occurred on the original planning application for the Beccles Rd development in Thurlton, is that Parish Councils are confronted with a plan for a recreation area with play equipment when the planning application arrives. This takes no account of location and extent of existing facilities.	new facilities in some cases where there is adequate quantitative open/play space	
		7.1	There should be consultation with Parish Councils by developers and/or SNC at the pre-application stage regarding the provision of recreational facilities.	South Norfolk Council currently does not consult parish/town councils at the pre-application stage due to the confidentiality of such discussions	None
		Section 6	According to the guidelines we also therefore support the suggestion that a Parish Council may therefore be entitled to some contribution to the refurbish/maintenance of our current facilities	Comments noted	None
11.	Louise Oliver (Natural England)		<p>We welcome the development of this SPD and offer the following advice on the draft document:</p> <p>The scope of the draft SPG is quite narrow and Natural England recommends that it should be</p>	Comments noted. It is agreed that it would be a good idea to add an additional section to the SPD referring to green infrastructure. Highlighting connectivity and links with	An additional chapter, Ecology & Biodiversity, has been included to address this important dual function of recreational open space.

		<p>widened to include the delivery of green infrastructure in new residential developments in the district. It should provide guidance on how the requirement set out in Development Management Policies will be applied. The requirement for appropriate mitigation measures was identified through the Habitats Regulations Assessment (HRA) process, undertaken for the Joint Core Strategy (JCS), the Site Allocations DPD and DMDPD, which concluded that impacts on Natural 2000 (N2K) sites were considered unlikely but could not be ruled out entirely and hence mitigation was deemed necessary.</p> <p>A good example of an SPD which covers recreational provision, with similar circumstances to South Norfolk Council, is Broadland District Council's <i>Recreational Provision in Residential Development SPD (adopted April 2016)</i>. We endorse the approach taken in Broadlands SPD as it recognises that mitigation measures in the form of recreation provision are required in order to</p>	<p>the wider GI network. Consider adding a new section to the document following 'Ecology and Biodiversity'.</p>	
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			conclude that increased visitor pressure from residential development within the district will not have an adverse effect on the integrity of N2K sites. The SPD refers to policies in JCS and DMDPD. It also makes reference to the Greater Norwich Green Infrastructure Study and Delivery Plan which underpin the JCS. We strongly recommend that SNC amend their draft SPD accordingly.		
		SEA Screening Report	<p>As far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), there are unlikely to be environmental effects from the proposed SPD.</p> <p>Please note that Natural England reserves the right to provide further comments on the environmental assessment of the play beyond this SEA screening stage should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.</p>	Comments noted	None

12.	Natalie Beal (Broads Authority)		As SNDC are aware we are intending to have regard to policies and relevant documents relating to play and open space of our constituent district councils. As such, for any future development in the Broads part of South Norfolk which triggers the need for open space and play, this SPD will be of relevance	Comments noted	None
		6.4	Suggest reference is given to Section 10 on maintenance. At the start of the document you state the Council will not take on responsibility of maintenance and management and it is section 10 where this is discussed in detail. The commuted sum section relating to maintenance sits with none of the qualification elsewhere in the document.	The SPD states clearly that South Norfolk Council will no longer being taking on the maintenance responsibilities of open space and play areas. Chapter 6 has detailed information on the preferred hierarchy of options.	Following revisions, the structure of the SPD has been updated and this has been clarified throughout.
		App.3 Page 26 (Design)	<ul style="list-style-type: none"> Request that reference is made to lighting to require schemes to be designed to minimise light pollution. The Broads Authority Executive Area has some areas of very good dark skies which we intend to protect through our Local Plan. Our constituent districts can assist with that aim 	Comment noted. Consideration to be given to whether the requirement for schemes to be designed to minimise light pollution can be included in Appendix 3	Consider including the requirement for schemes to be designed to minimise light pollution in Appendix 3

		“	<ul style="list-style-type: none"> There is no mention of cycle or scooter parking. Children and parents may cycle or scoot to the park and somewhere safe to leave their scooters or cycles would be welcomed 	Comments noted. Add recommendation to provide cycle and scooter parking to Appendix 3.	Add recommendation to provide cycle and scooter parking to Appendix 3.
		“	<ul style="list-style-type: none"> In the signage section, there could be merits in referring to no smoking signs. We are aware of the campaign in Norwich which might be something that could be captured in this SPD 	Comments noted. Discussion is ongoing regarding the South Norfolk Council approach to this issue so it is not considered possible to include it in the SPD at the current time. This will be considered for inclusion in future reviews of the SPD.	None
		“	<ul style="list-style-type: none"> Under safety and security, there does not seem to be reference to loitering of those not using the play area. Is this something that needs to be addressed when designed new play areas? 	Comments noted, but no amendments to the document are considered necessary – natural surveillance should help counter this risk somewhat, but lawful use of open space cannot be prevented	None
13.	Anne Phillips (Mulbarton Parish Council – Clerk)		Although the request asks for a ‘section by section’ approach we feel that an overall comment should be taken into consideration. It is clear that SNDC has already agreed its	The Council’s decision to no longer accept the transfer of assets was made as part of our Community Assets Strategy which was agreed	None

			<p>strategy of divesting itself of these responsibilities. As such, we are not sure what we are being consulted on. It is interesting, we think, that what SNDC is doing is not something that it is legally required to do. It is, we presume, a decision that SNDC Councillors have taken. Perhaps they would like to reconsider???</p> <p>There is a genuine issue of what can be expected of a volunteer based organisation. It also somewhat annoys us how such documents that are really about cost-shunting are presented as a community involvement opportunity</p>	<p>at Cabinet on 9 January 2017, following extensive consultation with all parish/town Councils, developers and others with an interest in development. Some reservations were noted as part of the consultation but overall it was considered that the Council could no longer sustain the future legacy arising from continuing to adopt such assets. It is intended that this part of the Community Assets Strategy will come into force upon adoption of this SPD.</p>	
		Section 2	<p>Says that it should be read in conjunction with the Neighbourhood Plan – we don't think it addresses this in detail</p>	<p>It is not the intention of the SPD to set out the detail of policies in individual Neighbourhood Plans. Section 2 is designed to set the policy context and presents the key policy for open space provision from the Council's Development Management policies document. Further information on other policies</p>	None

				can be found on the South Norfolk Council website	
		Section 3	Mentions the fact that we will get 25% of any CIL due to our Neighbourhood Plan but the rest of the “pot” is shared by the Greater Norwich CIL pot. We have never approved of this approach	The approach of Parish Councils getting 25% of CIL if they have a Neighbourhood Plan is set out in legislation. The remainder stays with the local authority, which in the case of South Norfolk is the Greater Norwich authorities who have a combined infrastructure delivery plan and have agreed to pool CIL to deliver key strategic infrastructure projects. This decision has already been taken and is therefore outside the scope of this SPD.	None
		Section 9	Says it “could” be offered to PCs and yet in the following sections it says “it will” – also Appendix 4 repeats this.	Comment noted. Need to ensure consistent wording throughout the document	Various minor changes made to ensure consistent wording used throughout the document
		Section 11	Mentions Sustainable Drainage systems and places the responsibility on Anglian Water – have we proof that AW have accepted this burden?	The Council understands that Anglian Water may well take on some (but perhaps not all) SuDS features – the	References to the adoption of SuDS by Anglian Water have

				wording will be adjusted appropriately	been amended as appropriate.
			Should we accept that we will take over this problem? Are we equipped /manned up to carry this extra workload? Given that we struggle to manage what we have got and the fact that SNC have effectively walked away from the management of our Common we feel we are not able to take on and manage this extra burden.	Comments noted – if the parish council does not wish to take on the maintenance of new open and/or playspace, it does not have to; it would then pass to a management company	None
			We note that SNC expect the owners on the new developments to carry any financial burden associated with the cost of maintaining the “open spaces” as part of the “deal”. Not sure how this would work	The cost of management companies to maintain open spaces as part of new housing will be borne by the residents of the new development through a charge per house, or (after 10 years) through the parish precept (if maintenance is taken on by the parish council)	None
			The financial incentives, as proposed, have a number of assumptions built into the costings. Is there historical data to support this? Whose figures are they based on? SNC or	Comments noted and agreed. The Council have revisited the figures and approach used in the original document in the light	The figures and approach in the document have be re-worked, with evidence (see Appendix 1)

			contractors? Are they based on similar areas or larger areas, which might have lesser unit costs given the larger scale of activities. SNC have used an inflation rate of 2.5% - based on what? Given the uncertainties on the wider political field it may be meaningless	of comments received to the consultation and are mindful that updated figures will need to be fully evidenced and justified	
			We think SNC have overestimated the potential benefits to the Parish Councils for taking on the responsibilities. The majority of the benefits already exist e.g. No2 "the areas will be open and available for every resident in the parish to use". What's new about this? No 4 talks about CIL and what we could spend our money on? In fact items 2,3,4,5,6, and 7 are irrelevant as far as we are concerned	Comments noted. The Council feels that it is of benefit to have a section that explains the potential benefits of a Town or Parish Council taking on such areas and do not propose to make any changes to the document	None
			What if they transfer areas to a "management company"? What if the developer goes bust, who pays the company? What if the management company goes bust – do SNC take over responsibility? Who would be responsible for the day to day management of this company and who would decide if the work was	South Norfolk Council has limited powers to direct how management companies look after open space, so long as it is reasonable and in line with the requirements of the S106 legal agreement. However, the directors of a management	Expectations of the developers/ management companies have been clearly set out throughout the SPD.

			being carried out to a satisfactory standard? Who would mediate in the case of a dispute? SNC?	company (which normally includes local residents) have a duty to comply with relevant property laws	
			SNC say “in addition to these general requirements, there may of course also be specific legal requirements set out in the Section 106 agreements?” Further clarification required	It is difficult to provide further clarification as the type of specific legal requirements which may be set out in Section 106 agreements will vary from site to site depending on circumstance	None
			SNC quote ‘As with any landowner (are we getting it Freehold?) owning land accessible to the public, the PC would need to have public liability insurance in place – more cost? Something they do not refer to in their estimated costs for maintaining the “sites”. Nowhere in the document do SNC say the land and its freehold will be transferred to the PC and having been “bitten” by the Meadows experience, whereby we bought the land with a grant and SNC have the freehold for the top end and we maintain it under “licence” and at our cost we feel that we should avoid this offer.	If the Parish Council were to take on responsibility for these areas then they would be getting the land freehold and therefore as suggested in the document they would need to have appropriate insurance in place. It would be the responsibility of the Parish Council to arrange and finance this.	None

			<p>We feel that there are no upsides and too many uncertainties in this offer. However other Parish Councils may think differently. SNC's decision earlier this year to divest itself of new responsibilities for owning and managing open space, common land and parks is understandable given the current financial pressures on all district councils. However, despite being sympathetic to the difficulties, the overly positive light in which cost-saving matters are presented is unhelpful in fostering partnerships with parish and town councils</p>	Comments noted	None
			<p>Should Mulbarton receive more developments in the future it represents a significant financial choice for the Parish Council about whether to accept the responsibility for more open space. Investment from the District Council is already well below what is realistically required to manage open space properly. For example, the District Council budget of £20,000 spread across 35 common and parish lands is inadequate, serving to underline the role parishes like Mulbarton take in absorbing costs and management</p>	Comments noted	None

			responsibilities that would otherwise fall to the District Council.		
14.	Philip Raiswell (Sport England)		Sport England do not support the use of national standards such as the NPFA open space standard, in determining future provision for sport. We believe that levels of future provision should be determined through a robust local assessment of existing and future needs. Such a study was carried out in South Norfolk as part of the GNDP Playing Pitch Strategy (2015) and this study should be used to inform decisions regarding future needs for outdoor sport.	Noted, but the Playing Pitch Assessment does inform the needs for outdoor sports in South Norfolk. Most of the formal recreation space (football pitches etc) falls under CIL rather than on-site S106 agreements (in the Council's Regulation 123 list). See paragraphs 3.5 and 3.6 of the SPD	Appendix 1 has been re-worked to make clear typical formal sports costs
			With regard to the proposed new adoption arrangements (from October 2017), it will be important to monitor the effectiveness of the new proposals for the management and maintenance of new areas of open space, particularly where this involves the setting up of a management company by the developer.	Comments noted and it is agreed that monitoring will be particularly important.	None
		5.20	We support the flexible approach to new provision, which could involve on-site provision, off-site provision or	Noted – an amendment will be made to reflect this point	The SPD has been updated and includes reference to the

			enhancements to existing off-site facilities. The South Norfolk PPS should be used to inform which of these options is most suitable for the particular proposal being assessed, as some areas will have a quantitative deficit, whilst quality will be the key issue in other areas. The guidance should be revised to indicate that the PPS should be used to help inform this decision.		Playing Pitch Strategy in Chapter 3.
		10.2	With regards to the proposed maintenance costs, these could be challenged, therefore SNDC should be prepared to justify how the figure has been calculated	Comments noted and agreed. The Council has revisited the figures used in the original document in the light of comments received to the consultation and are mindful that updated figures will need to be fully evidenced and justified	The figures and approach in the document have been re-worked and a second public consultation will be undertaken. The updated figures are fully evidenced and justified.
			There is little in the document about the quality of new facilities to be provided. For outdoor sport, new pitches should be provided to Sport England guidelines contained within our publication 'Natural Turf for Sport' (2011). For larger on-site schemes that provide multiple pitches ancillary	Most of the formal recreation space (football pitches etc) falls under CIL rather than on-site S106 agreements (in the Council's Regulation 123 list).	Changes made in Chapter 3 to make reference to Sport England standards for formal recreation facilities.

			facilities will need to be provided such as changing rooms, toilets, car parking and storage facilities. It would be helpful if the guidance included reference to the need for new facilities to meet these qualitative standards.		
15.	Catherine Moore (Poringland Parish Council – Clerk)	5.15	Play facilities only go up to age 12 years and then open space is considered adequate for older children and teenagers. Councillors wish to see paragraph 5.15 strengthened with emphasis that developers <i>must</i> provide facilities rather than <i>should</i> . The requirement for provision for older children and adults should be strengthened with the emphasis on providing facilities rather than open space. Councillors felt that the word <i>can</i> should be replaced with <i>will</i> wherever possible.	Comments noted. It is not intended to strengthen the overall emphasis because the need to provide facilities and the type of facilities provided will vary on a site by site basis depending upon the development proposed and the existing facilities in the settlement however the developer will be required to provide the appropriate combination of recreation open space in accordance with the requirements of this SPD.	None
16.	Barbara Cattermole (Stoke Holy Cross Parish Council – Clerk)		Councillors fear that this would be another demand on Parish resources giving them more responsibility to maintain play areas without sufficient funds to implement it well	Comments noted. If taking on these areas the Parish Council would receive a 10-year commuted sum maintenance payment to fund this (to be agreed	None

				between the Parish Council and the developer) . After the 10-year period is up, further financial costs would fall to the Parish Council to cover (probably through the parish precept).	
			If a management committee adopts the open spaces, will standards of maintenance be prescribed by SNC/developer/parish? So that for example grass is cut twice monthly in the growing season as is the current regime in play areas owned by the Parish Council	If a management company adopts open space then they will be responsible for setting the standards of maintenance and these cannot be prescribed by South Norfolk Council or the Parish Council. However, the Directors of any management company will have a degree of control on this	None
			Would agreements with the PC/management committee be written into the property purchase deeds? How would Parishes collect the revenue?	<p>If open spaces are taken on by a management company then there will be a charge payable per property and this will be a legal agreement written into the property deeds.</p> <p>If the open spaces are taken on by the Parish Council</p>	None

				then there is no ongoing charge payable directly by property owners, as the developers will pay the Parish Council a 10-year commuted sum maintenance payment. After this time, further costs must be borne by the Parish (probably through the parish precept)	
			What plans would be in plan after 10 years?	If taking these areas on the Parish Council would receive a 10-year commuted sum maintenance payment to fund this. After the 10-year period is up further financial costs fall to the Parish Council	None
			Norfolk is a rural county and this draft consultation is a complex subject and could have been conducted more appropriately by having officers available to discuss this with Parish Councils, to give more details of the liabilities they would impose on Parish Councils if they were to adopt the new play areas	Commented noted. Unfortunately, the Council does not have the resources to visit all parish/town Councils individually but will try to give assistance/guidance to any parish/town council who specifically requests it.	Further guidance may be given to interested Parish Council's if this is considered to be appropriate/ required.

			The consultation documents were difficult to locate, rather lengthy and imprecise	Comments noted. The consultation documents were designed to be as easy to understand and locate as possible given the technical nature of the content, but the revised draft has been simplified in places	Various amendments have been made to the revised draft to add clarity and simplicity
17.	Jack Green (Waveney District Council)		Waveney District Council does not have any comments to make on the document at this time. However, the Council is supportive of the document and the aspirations set out within it to help facilitate quality development that will benefit communities in the long term.	Comments noted	None
18.	Tina Eagle (Tasburgh Parish Council – Clerk)	Section 3	A tightening up of the regulations is required	These are national regulations and South Norfolk Council have limited influence over these	None
		Section 5.13	Consideration is to be given to alternative ways of assessing developers' liability e.g. financial return per acre	Comments noted. A revised approach to assessing the need is identified, but "profit per acre" cannot be used as a general approach – a single, broadly consistent approach, must be used (accepting that each site is	None

				different in its characteristics)	
		Section 10.2	At this moment in time the Parish Council would not be in a position to accept the financial responsibility for any long-term maintenance but may reconsider if long term funding were made available. The Parish Council would not wish to make any firm decisions that would impact on future Parish Councils	Comments noted	None
19.	Jake Lambert (Bidwells)		Whilst we can understand why the Council has sought to update its previous Recreational Open Space Requirements for Residential Areas SPG (1994), we are concerned that the financial burdens that the application of the proposed replacement SPD will put upon certain developments could seem to be unfair and unreasonably related to such developments in contrary to the Governments tests for planning obligations	Comments noted. The Council have revisited the figures and approach used in the document in the light of comments received to the consultation and accept that some of the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided. The overall scale of the costs is not dissimilar to under the existing SPG, accepting that each case will be different
			Set out a practical application of the proposed SPD requirements for a single house and a 200 house development (assuming that a commuted sum is paid to a public	Comments noted. The Council have revisited the figures used in the document in light of the comments received to the	The figures and approach in the document have been re-worked based on responses received to

		<p>authority and not a management company).</p> <p>a) For off-site (in lieu) payments (para 6.4) the SPD would require a figure of £121.50 per sqm for installation of equipped play space and a maintenance figure of £29.10 per sqm per annum, which SNC would require for 10 years.</p> <p>So, for off-site (in lieu) provision per dwelling (£60sqm) taking account of the schedule in the SPD's Appendix 1, it would require a 'per dwelling in lieu' payment for laying out of children's play space only of £121.50 x 6.25m = £759.38 PLUS a maintenance figure of £29.10 x 6.25m x 10 years = £1,818.75 per dwelling</p> <p>For 200 dwellings, the total in lieu payment would be £363,750 + whatever SNC would charge for off-site children's and older children's space (if applicable) this is not made clear in the SPD.</p>	<p>consultation and accepts that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.</p>	<p>the consultation and a second public consultation will be undertaken. This includes example costs for schemes of different sizes.</p>
		<p>b) For on-site provision, the SPD suggest that the equipped play</p>	<p>Comments noted. The Council have revisited the</p>	<p>The figures and approach in the</p>

			<p>space annual maintenance cost is £270 sqm (para 10.2), non equipped maintenance is £21, older children recreation maintenance cost is £17 and sports pitches £25 per sqm per year.</p> <p>So, for the on-site provision per dwelling (60 sqm), the SPD suggests that the annual maintenance charge for on-site equipped play space is £270 sqm and will apply to 6.25 sqm = £1687.50; and £21 for 11.25 sqm = £236.25 and £17 for 42.5 sqm = £722.50. This results in an annual maintenance charge of £2,646.25 per dwelling. For 10 years = £2,646.25 x 10 years = £26,462.50.</p> <p>So, for a 200-dwelling site, the total area of on-site open space would be 200 dwellings x 60sqm = 12,000 sqm, with a commuted maintenance cost of 200 units x £26,462.50 = £5,292,500</p> <p>In our view, maintenance costs at this level seem extremely onerous, which is applied in this way is going to put</p>	<p>figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.</p>	<p>document have been re-assessed, with appropriate evidence provided.</p>
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			considerable pressure on scheme viability, taking into account CIL and other on-site S106 obligations.		
			Also, the SPD does not clearly explain why the on-site equipped play space annual maintenance cost per sqm is £270 per sqm (para 10.2) where the off site is £29.10 (para 6.4). Even if the on-site annual maintenance cost for equipped play space was the same as off-site/in lieu at £29.10 sqm (rather than £270) then the sums would be $-\text{£}181.75 + \text{£}236.25 + \text{£}722.50 =$ annual maintenance charge of £1,140.50 per dwelling/60sqm. (For 10 years = £11,405 per dwelling). For 200 dwellings = £2,281,000. This still seems a very large commuted sum cost for open space maintenance and I would question whether SNC could demonstrate that the cost is fair and reasonably related to the development proposed.	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.
			I also draw your attention to the NPPF para 153: which states that... <i>"Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or part</i>	Comments noted. The scale of the costs for delivering and maintaining recreation and play space will be re-worked to ensure that they	The figures in the document have been re-worked, taking into account responses

		<p><i>to respond flexibly to changing circumstances. Any additional development plan documents should only be used where clearly justified.</i></p> <p><i>Supplementary planning documents should be used where they can help applicants to make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.</i></p> <p>This is further amplified in the NPPG section on planning obligations PARA 0003 which states that <i>... "Supplementary planning documents should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy".</i></p> <p>We would therefore suggest that as currently proposed, the SPD would unnecessarily add to the financial burdens on development; is proposing rates/charges that should be established through development</p>	<p>are comparable to the current (SPG) approach; it is not the intention of the SPD to significantly increase the costs to developers</p>	<p>received to the consultation</p> <p>The SPD has been updated to reflect that viability considerations may sometimes need to be taken into account when assessing the amount of recreation/play space being sought</p>
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			<p>plan policy and tested at examination; and would lead to a failure of the tests for CIL/S106, particularly the fairness and reasonably related tests. In light of this, we believe that the Council's current approach is potentially flawed and furthermore, is proposing requirements that should be included in a DPD with the intention of submitting it to scrutiny by an Inspector and tested at examination. We, therefore, request that the Council reconsiders its approach.</p>		
			<p>Finally, I wish to draw your attention to Appendix 1 of Norwich City Council's Open Space and Play SPD (2015). Norwich's SPD provides examples to demonstrate how the installation/maintenance costs for recreational spaces can vary depending upon the balance between hardworks and softworks. Therefore the Norwich SPD does not recommend a tariff approach to charging for recreational space based on a typical unit cost per square metre.</p>	Comments noted	<p>The figures and approach in the document have been re-assessed, with appropriate evidence provided.</p>

20.	Graham Minshull		<p>I have been asked by a member of the public to raise the following issues:</p> <p>Entire play space i.e. the entire 400sqm (based on the up to 25 dwellings scenario) or only the equipped element of that area i.e. 36% of that area would be equipped and the rest would be a casual/informal area as per the second table of Appendix 1. The figures should clearly in this section also set out the installation/annual maintenance costs for the proportion of the area that is casual/informal</p>	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.
		Para 6.4	<p>Where is the £29.10 per sqm figure derived? This appears on the high side. Is this to include maintenance and re-provision after 10 years? Even if it is, the figure appears high.</p>	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accepts that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.

		Para 6.4 and para 10.2	Why is there a difference in annual maintenance costs for equipped playspace in these two sections ie £29.10/sqm in para 6.4 and £270/sqm in para 10.2	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.
		Section 6	Section 6 probably needs to also cover the calculations for the contribution in lieu of on-site provision of recreational space – it only currently covers children’s play space. Equally if section 6 allows for a contribution in lieu of on-site provision of play space, this should probably be referenced in the table at Appendix 2.	Agreed that Section 6 should also cover calculations for the contribution in lieu of on-site provision of recreational space in addition to children’s playspace	Chapter 4 has been amended to include calculations for the contribution in lieu of on-site provision of recreational space in addition to children’s playspace
			Also generally, should the figures quoted for off-site provision be caveated “subject to viability”?	Comment noted and agreed.	The SPD has been updated and recognises that some viability flexibility may be employed by the Council
21.	Michael Haslam		We believe that your document is fundamentally flawed because it does	Comments noted. The SPD will be re-worked, including	The figures and approach in the

	(on behalf of Norfolk Homes)		not comply with national guidance set out in paragraph 153 of the NPPF and para 0003 of the Local Plan chapter of the Planning Policy Guidance (PPG). Further, paragraph 028 of the Local Plan chapter of the PPG clarifies that the role of an SPD is to build upon and provide more detailed advice or guidance on the policies in the Local Plan, not add unnecessarily to the financial burdens on development. The draft document goes further than this in specifying the calculations of (high) contributions to be made. We believe that you should instead be consulting on a DPD with the intention of submitting it to scrutiny by an Inspector.	adjusting the figures, to make clearer that it is not intended to add additional financial requirements to developers when compared to the current SPG approach	document have been re-assessed, with appropriate evidence provided.
			Using the figures set out in your para 6.4 and applying the standards set out in Appendix 1, which provide for 60sqm (17.5sqm + 42.5 sqm) of open space per dwelling, we calculate that using your figure of £121.5 per sqm the costs of laying out (in lieu of on site open space) are £7,290/dw. On a site of 200 dwellings this will give rise to a lump sum of £1,458million. In addition, the 10 year maintenance	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.

			<p>sum, using your figure of £29.10 per sqm, will be £1,746 per dwelling x 10 years = £17,460 per dwelling. On a site of 200 dwellings, this will give rise to a lump sum of £3,492 million.</p> <p>By any standards these figures and also the figures in para 10.2 are simply unrealistic and unachievable and very substantially above current market rates and the figures adopted by other Districts in Norfolk as set out below:</p> <ul style="list-style-type: none"> • SNC propose £24,750/dw all-in or £17,460dw adoption lump sum maintenance • GYBC have £1,400/dw all in or £265dw maintenance (but BCI indexation of 62% equates to £429dw maintenance today) • Breckland DC have £510dw maintenance (using their £8.50sqm @60 sqm/dw) • Broadland DC has £977dw maintenance (but even this is too high!) 		
			Turning now to non-financial matters the requirements in paras 7.3, 7.4 and 9.4 are excessive, unreasonable	Paragraph 7.3 refers to the need to provide drawings as part of the application which	None

			<p>and unnecessary particularly as the Council is not going to adopt any new open space</p>	<p>clearly show the location of the recreation provision.</p> <p>Paragraph 7.4 refers to the submission of a full method statement with full details of construction</p> <p>Paragraph 9.4 states that South Norfolk will ensure that certain standards are met before open space/play facilities are adopted.</p> <p>None of the requirements in these paragraphs are considered excessive. The aim of the SPD is to provide guidelines to developers and the level of detail required can be discussed with the Council</p>	
			<p>Para 11.2 suggest that Anglian Water will be taking on maintenance liability for SUDS, that is not our understanding following various discussions undertaken between ourselves and AW</p>	<p>Noted. There is some suggestion that this will happen, but the wording will be softened</p>	<p>Para 11.2 has been re-written to make clear that Anglian Water <i>may</i> take on <i>some</i> SuDS features</p>

			Notwithstanding our view that the consultation document is fundamentally flawed, we believe that an inevitable consequence of the cost figures set out in your document will be that the option of transferring the open space to a parish council with the accompanying maintenance contribution will be unviable (viability is required to be taken into account by paragraph 173 of the NPPF). Therefore, developers will use private companies to set up and manage new open space and we do not believe that this is in the long term public interest.	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided. The overall scale of the costs is not dissimilar to under the existing SPG, accepting that each case will be different
22.	Charlotte Jarvis (Norfolk County Council – Historic Environment Service)		Thank you for consulting us about these draft guidelines. However, the guidelines do not relate to the historic environment and therefore we do not wish to make any recommendations	Comments noted	None
23	Nick Sandford (Woodland Trust)	Page 27	Under 'layout' we welcome the commitment to retaining existing trees and hedgerows so as to enhance the play experience. We would also like to see a commitment	Comments noted and the importance of retaining existing trees and hedgerows and planting new	Appendix 2 has been amended to read: 'It will not normally be acceptable to feel healthy mature trees to

			<p>to planting new trees wherever possible, particularly when creating new play and recreational spaces where they can be designed in from the start.</p> <p>Native species should be chosen where possible, so as to attract wildlife. Trees can be useful in recreational and play areas as they provide shade in the summer months and can also have a beneficial impact on air quality in urban areas by absorbing pollutants through their leaves. In areas prone to surface water flooding, trees in the right place can trap water in their leaves and slow down the rate at which it reaches the drainage system.</p>	trees where possible is accepted.	facilitate a playground layout. New trees should be planted where possible to enhance the provision of play and recreational spaces. Native species should be chosen to attract wildlife.”
24.	Lindsey Wright (Persimmon Homes)		<p>Previously land has been adopted, in line with the Open Space Standards for Residential Areas (1994) with developers required to contribute towards the future maintenance cost of the play area and older children/adult recreation area. Originally secured in the form of a commuted lump sum maintenance payment based on 10 years costs.</p>	Comments noted. The Council have revisited the figures used in the document in the light of comments received to the consultation and accept that the figures in the original draft are not correct. New figures will be published in a second consultation draft of the document.	The figures and approach in the document have been re-assessed, with appropriate evidence provided.

			<p>The SPD introduces a new costing mechanism. Whilst the premise of the ten year annual maintenance payment is retained (although is substantially higher in cost), a one-off installation cost is also required.</p> <p>Paragraph 6.4 suggests: <i>'This is broken down into two aspects: £29.10 sq metre annually for a ten year period and one off installation costs of £121.50 per sq metre'.</i></p> <p>Para 10.2 offers a 'guide' to the annual maintenance cost (per sq. metre) and suggests that 'the commuted sum/maintenance contribution paid to the adopting body in advance base on rates calculated as at April 2017', however illustrate no detail or evidence of what is included in the SPD to support this calculation.</p> <p>Paragraph 6.4 states that: <i>'At April 2017 the average cost to construct and maintain a play space is £150.60 per sq. metre'.</i></p>		
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			<p>We are of the view that when considered against existing available data, these figures are disproportionately high. When compared against that of the previous payment standards which would be calculated on the 'assumed cost of acquiring and laying out such an area based on notional agricultural land value as improved to become playing fields (ie drained, seeded and including potential agents and other fees etc). Evidence of maintenance companies suggests this figure in actual maintenance and laying out costs are much lower. The Council should not simply base judgements on income, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p> <p>To achieve sustainable development, economic, social and environmental gains, including positive gains to the built and natural environment, should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to</p>		
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			<p>sustainable solutions, however penalising the provision of much-needed home could result in further under-delivery of homes as a consequence.</p> <p>The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and therefore planning should operate to encourage and not act as an impediment to sustainable growth.</p> <p>For a site of 200 dwellings, where the requirement is 60sqm/dw:</p> <p>The Annual Maintenance Cost would be: $\text{£}29.50 \text{ sqm/per annum} \times 60\text{sqm/dw}$ $= \text{£}1,746/\text{dw pa}$ $\text{£}1,746 \times 10 \text{ years} = \text{£}17,460/\text{dw}$ $\text{£}17,460/\text{dw} \times 200\text{dw} = \text{£}3,492\text{m}$</p> <p>The Installation Cost would be: $\text{£}121.50\text{sqm} \times 60\text{sqm/dw} =$ $\text{£}7,290/\text{dw}$ $\text{£}7,290 \times 200\text{dw} = \text{£}1,458\text{m}$</p>		
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			<p>Total cost to a scheme of 200 dwellings = £4,950,000</p> <p>The NPPF requires that planning policies for the needs and new provision of open space, sports and recreation facilities and opportunities, are be based on robust and up-to-date assessments. The assessment should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessment should be used to determine what open space, sports and recreational provision is required. In this case, taking a standardised 'one size fits all' is contrary to the intentions.</p> <p>Paragraph 6.4 concludes: <i>'These figures apply to the physical layout of equipped areas and not the wider site'.</i></p> <p>No clarification is offered to suggest which of the provided recreation space is included in this calculation, and whether this 'guide' is solely for</p>		
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			<p>play space or all type of the recreational space.</p> <p>In contrast to the original document, the new SPD does not include any caveat specifying that the use of the money needs to be specified. In the interests of transparency this is an essential practice and should be reinstated.</p> <p>Additionally the new document omits any mention that 'any agreement would require the money to be returned to the developer with interest if not spent within five years' originally 4.1. Again, this practice should be reinstated as an incentive for efficient delivery.</p> <p>Faced with the elevated and unreasoned costs, the viability of potential sites could be thrown into question and development could potentially become less appealing. The NPPF seeks to achieve a significant increase in housing delivery. Paragraph 173 of the NPPF states that pursuing sustainable development requires careful</p>		
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			<p>attention to viability and costs of plan-making.</p> <p>The Local Planning Authority should make sure they have undertaken a thorough assessment of the impact of the SPD on the viability and therefore the deliverability of development before proceeding with adoption.</p> <p>It is recommended that the Council use this opportunity to recognise that the SPD has been produced without adequate supporting evidence. The recommended costs have been suggested without the appropriate consideration.</p> <p>The Council should not adopt the SPD in its current form. It should be acknowledged that the draft guidelines do not provide sufficient evidence detailed from where judgements were made.</p> <p>It is recommended that the Council review the suggested approach with a fresh assessment, including the provision of sufficient supporting evidence.</p>		
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			We are of the view that when considered against existing available data, the annual maintenance cost suggested is disproportionately high, conflicting with the aims and intension of the NPPF.		
25.	Kate Parsons (Historic England)		As a statutory consultee, our role is to ensure that the conservation of the historic environment is fully integrated into planning policy and that any policy documents make provision for a positive strategy for the preservation and enjoyment of the historic environment. I can advise that Historic England supports the production of updated guidance on recreational provision in new residential developments. We have the following comments to make	Comments noted	None
			Although the SPD is intended to be separate from other guidance and policies with respect to design, the inclusion of such issues here is useful and helps to create a positive and robust strategy for the conservation of the historic environment in line with paragraph 126 of the NPPF. Although the SPD relates to new	Comment noted. Agree that the guidance would be strengthened by the inclusion of a reference to the need to have regard to the setting of heritage assets and the wider historic environment or landscape	Add reference to the need to have regard to the setting of heritage assets and the wider historic environment or landscape to Appendix 3.

			residential developments, there is still the potential for it to impact upon the wider historic environment or the setting of designated heritage assets. The guidance would therefore be strengthened by the inclusion of a reference to the need to have regard to the setting of heritage assets and that of the wider historic environment or landscape.		
			The requirement of the draft SPD to provide details such as layout of hard and soft works and landscaping, contours and proposed site drainage, materials, lighting, safety surfacing and equipment at an early stage is welcomed as it encourages detailed design to be thought through and fully assessed as part of an application. This will help conserve or enhance the historic environment.	Comments noted	None
		+	The focus on maintenance is a welcome inclusion as continued up-keep can help secure the longevity of open recreational spaces which when degraded can have an adverse effect on the character and quality of the public realm or surrounding landscape.	Comments noted	None

**GUIDELINES FOR RECREATION
PROVISION IN NEW RESIDENTIAL
DEVELOPMENTS
SUPPLEMENTARY PLANNING
DOCUMENT (Draft)**

**Strategic Environmental Assessment
Screening Report**

**May 2017
(Revised March 2018)**



1. Introduction

- 1.1 South Norfolk Council is preparing a Supplementary Planning Document (SPD) entitled 'Guidelines for Recreation Provision in New Residential Developments'.
- 1.2 The purpose of the SPD is to supplement the Council's adopted Development Management Policy DM 3.15 '*Outdoor play facilities and recreational space*'. The SPD will not set new policy requirements but it will provide clear guidelines to developers as to the local requirements of South Norfolk Council when submitting planning applications for new housing developments and will also give information regarding the Council's approach to the adoption and maintenance of play facilities and recreational spaces. In effect, the SPD will update the existing Supplementary Planning Guidance document on Open Space Requirements for Residential Areas (https://www.south-norfolk.gov.uk/sites/default/files/Recreational_Open_Space_Requirements_for_Residential_Areas_3.pdf).
- 1.3 The purpose of this screening report is to test whether the SPD requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

2. Legislative Background

- 2.1 Under regulations 16 and 17 of the Planning and Compulsory Purchase Act 2004 local authorities were required to undertake a Sustainability Appraisal for each Supplementary Planning Document (SPD) they prepared. Regulations 2 (5) and (6) of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009, removed previous requirements for local planning authorities to produce Sustainability Appraisal for SPDs. The explanatory memo which accompanied the 2009 Regulations states that "*Local Planning Authorities will still need to screen their SPDs to ensure the legal requirements for sustainability appraisal are met where there are impacts that have not been covered in the appraisal of the parent DPD or where an assessment is required by the SEA Directive*" (paragraph 8.29). As this SPD relies on the parent policy DM3.15 in the Council's Development Management Policies Document it has already undergone a full Sustainability Appraisal and Habitat Regulations Assessment.
- 2.2 SEA is a requirement of European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, also known as the SEA Directive. The Directive was transposed into UK law by The Environmental Assessment of Plans and Programmes Regulations 2004, often known as the SEA Regulations. Detailed guidance on these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (September 2005).

- 2.3 The objective of Strategic Environmental Assessment (SEA) is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- 2.5 Under Regulation 5(6) of the SEA Regulations (2004) a SEA need not be carried out for a plan or programme which determines the use of small areas at a local level and/or for minor modifications to a plan or programme, unless the plan or programme or modification is determined to have significant environmental effects. Regulation 5 (9) explains that to assist in this determination local authorities are required to undertake a screening process, based on a set of criteria specified in the Regulations, to assess whether the plan is likely to have significant environmental effects. Before making its determination, a local authority is required to consult on the screening process with the three statutory bodies (Historic England, Natural England and the Environment Agency). Once an authority has determined that there are unlikely to be significant environmental effects (and accordingly does not require an environmental assessment) it must prepare a statement setting out the reasons for the determination.
- 2.6 Government guidance on SEA (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) states that SPDs *“may in exceptional circumstances require environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan”*.

3. SEA Screening Methodology

- 3.1 Using the criteria, detailed in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004, for determining the likely significance of effects on the environment, the following assessment has been made regarding whether the SPD is likely to have significant environmental effects:

1. The characteristics of plans and programmes, having regard, in particular to:		
Criteria	Potential effects of the SPD	Likely Significant Effect
a) The degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The SPD will provide guidance on how to apply Policy DM 3.15 '<i>Outdoor play facilities and recreational space</i>' from the Council's adopted Development Management Policies Document. It does not set new policy. The policy framework is set in the Local Plan, which has already been subject to SA/SEA.</p> <p>The SPD will also be the mechanism for the implementation of a new regime for the adoption and management of open space/play areas as agreed in the Council's Community Assets Strategy but is not the document that sets this policy</p>	No
b) The degree to which the plan influences other plans and programmes including those in a hierarchy	<p>The SPD sits in a hierarchy of documents underneath the Local Plan, providing detail on how to apply policy DM 3.15 from the Council's adopted Development Management Document, which has already been subject to SA/SEA. The SPD does not form part of the Local Plan and will not influence any other plans and programmes in the Local Plan.</p> <p>The SPD will also be the mechanism for the implementation of a new regime for the adoption and management of open space/play areas as agreed in the Council's Community</p>	No

	Assets Strategy but is not the document that sets this policy	
c) The relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD will promote sustainable development in accordance with national and local planning policy. It will ensure the provision of new open spaces of the right type and in the right location to meet the needs of people living in new housing developments. For larger scheme the provision of open spaces will be integrated into the development to increase its sustainability. This should have positive impacts with regard to sustainable development	No
d) Environmental problems relevant to the plan or programme	The SPD will not lead to any environmental problems. A Sustainability Appraisal including social, economic and environmental effects has already been undertaken on the policies and proposals of the Local Plan. The provision of open space on new developments in accordance with local needs will have a positive environmental effect and the SPD recognises the importance of enhancing ecology and biodiversity through development	No
e) The relevance of the plan for the implementation of European Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	The SPD has no relevance to the implementation of European Community legislation on the environment	No

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:		
Criteria	Potential effects of the SPD	Likely Significant Effect
a) The probability, duration, frequency and reversibility of the effects	The SPD should have positive effects through the delivery of good quality open spaces integrated with housing provision. There will be no adverse environmental effects, indeed local environments are likely to be improved somewhat, with the integration of ecology and biodiversity improvements. The effects of open space provision will be long term because the SPD requires formal recreation sites to be maintained in perpetuity	No
b) The cumulative nature of the effects	In the longer term, there should be some cumulative positive social and environmental effects through providing new recreational open space as part of new housing developments, in terms of building communities, encouraging healthy lifestyles and wellbeing, along with the integration of ecology and biodiversity	No
c) The transboundary nature of the effects	The SPD applies only to development within the administrative area of South Norfolk Council and will not impact on neighbouring authorities who have their own policies for addressing open space provision	No
d) The risk to human health or the environment (for example, due to accidents)	There are no significant or likely negative impacts to health or to the environment envisaged. The SPD seeks to ensure that all persons will have access to good quality open spaces, which is likely to make a positive contribution to	No

	health and wellbeing. The risk of accidents will be minimised by ensuring that all open spaces provided comply with prevailing health and safety legislation	
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD relates to the administrative area of South Norfolk Council. South Norfolk has an area of 909 sq. km and a population of 124,012 at the 2011 Census. The SPD only relates to recreation provision related to new housing developments so will not impact on the wider population of the district	No
f) The value and vulnerability of the area to be affected due to: i) Special nature characteristics or cultural heritage ii) exceeded environmental quality standards iii) intensive land use	The area to which the SPD applies does not have any special characteristics which will be harmed by the guidance in the SPD. Open space proposals will still need to meet planning requirements and accord with any special character of an area in terms of natural characteristics or cultural heritage	No
g) The effects on areas or landscapes which have a recognised national, community or international protection status	As the SPD only applies to recreation provision in new residential developments it is not envisaged that there will be any effects on areas or landscapes which have a recognised national, community or international protection status	No

4. Initial conclusion (April 2017)

- 4.1 As stated above, a plan or programme which determines the use of small areas at a local level and/or for minor modifications to a plan or programme will only require SEA in exceptional circumstances, and if the plan or programme or modification is determined to have potentially significant environmental effects. The Development Management Policies Document (under which the SPD sits) was subject to a process of Sustainability Appraisal. The intended Guidelines for Recreation Provision in New Residential Developments SPD will help determine the use of small areas at a local level (i.e. in relation to some new housing

developments) and is considered unlikely to have significant environmental effects.

- 4.2 In accordance with Part 2 (9) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Council, as the competent authority, considers that the intended Guidelines for Recreation Provision in New Residential Developments SPD (Draft) is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.

5. Consultation

- 5.1 Consultation on this SEA Screening Report ran from 11 April to on 12 May 2017. Amongst the consultees were the three statutory consultees (Environment Agency, Historic England and Natural England).
- 5.2 Two consultation responses were received. **Natural England's** response was brief and simply said that "*Our view is that the SPD does not require an SEA*". **Historic England's** response stated that they could not provide detailed advice, but they referred the Council to Historic England's Advice Note on Sustainability Appraisal and Strategic Environmental Assessment.
- 5.3 Neither response therefore disagreed with the Council's initial conclusion that SEA of the SPD is not necessary.

6. Final conclusion (May 2017)

- 6.1 In accordance with Part 2 (9) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Council, as the competent authority, considers that the intended Guidelines for Recreation Provision in New Residential Developments SPD (Draft) is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.

7. Revised conclusion (March 2018)

- 7.1 In the light of preparing the revised draft SPD for a further round of public consultation in 2018, the Council considers that no changes of substance in relation to the matters listed in Table 2 has arisen.
- 7.2 In accordance with Part 2 (9) of the Environmental Assessment of Plans and Programmes Regulations 2004, the Council, as the competent authority, considers that the intended Guidelines for Recreation Provision in New Residential Developments SPD (Draft) is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.

**Cabinet
30 April 2018**

Agenda Item 8

Waveney Local Plan

Duty to Cooperate – Statement of Common Ground on Housing Market Area, Functional Economic Area and Objectively Assessed Needs

**Report of the John Walchester (Interim Joint Spatial Planning Manager)
Cabinet Member: John Fuller, The Economy and External Affairs**

**CONTACT
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1. Introduction

- 1.1** Under the Localism Act 2011, Local Planning Authorities need to demonstrate that they have met the requirements of the Duty to Cooperate, set out in section 110 of the Act. The Duty requires authorities to demonstrate that they have engaged actively, constructively and on an ongoing basis, on strategic, cross-boundary issues. Waveney District Council has produced a short Statement of Common Ground for the emerging Waveney Local Plan to demonstrate that the Duty has been covered in respect of defining the Housing Market and Functional Economic Areas and establishing the Objectively Assessed Needs for housing and employment land.
- 1.2** This report seeks the endorsement of Cabinet of the Statement of Common Ground, to be signed on behalf of the Council by the Director of Growth and Business Development.

2. Background and Current Position

- 2.1** The '*Waveney Local Plan - Final Draft Plan*' has been published for submission of representations between 29 March and 24 May 2018. This is the final stage before Waveney District Council submits the Local Plan to the Secretary of State for Housing, Communities and Local Government for Examination. As part of the evidence base for the Waveney Local Plan, Housing Market and Functional Economic Areas have been defined, and the Objectively Assessed Needs for housing and economic land have been established. This evidence suggests that Waveney forms a Housing Market and a Functional Economic Area, with some overlap with the off-shore industry in Great Yarmouth as part of the latter. Similarly, evidence for the Greater Norwich Local Plan indicates that the Housing Market and Functional Economic Areas of Greater Norwich do not overlap materially with Waveney district, with only a very small number of South Norfolk parishes close to Beccles arguably drawing more influence from Lowestoft than from Norwich. At present the authorities are also able to accommodate the needs for housing and economic growth within these Housing Market and Functional Economic Areas.

3. Proposals

- 3.1** Based on the above, Waveney have produced a '*Duty to Cooperate – Statement of Common Ground on Housing Market Area, Functional Economic Area and Objectively Assessed Needs*', in order to demonstrate that these key issues have been actively discussed and agreed with adjoining local planning authorities, attached as Appendix A. It is proposed that South Norfolk, as an adjoining authority, is a signatory to this statement.

4. Risks and implications arising

- 4.1** The Statement of Common Ground confirms that Waveney represents both an appropriate Housing Market and Functional Economic Area for the purposes of producing the Waveney Local Plan, and that there is no requirement for the housing and economic needs of that area to be met in adjoining Plan areas, and vice versa. Consequently, it is not considered that signing the Statement has any specific risks or adverse implications.

5. Recommendation

- 5.1** That Cabinet agree that the Director of Growth and Business Development signs the '*Waveney Local Plan: Duty to Cooperate-Statement of Common Ground on Housing Market Area, Functional Economic Area and Objectively Assessed Needs*' (Appendix A) on behalf of South Norfolk Council

Waveney Local Plan

Duty to Cooperate – Statement of Common Ground on Housing Market Area, Functional Economic Area and Objectively Assessed Needs.

Introduction

- 1.1 Section 110 of the Localism Act sets out the duty to cooperate. The duty applies to all Local Planning Authorities, National Park Authorities and County Councils in England and to a number of other prescribed public bodies. The duty to cooperate requires these bodies to engage constructively, actively and on an ongoing basis on strategic cross boundary planning issues. Local Planning Authorities have to demonstrate how they have met the requirements of the duty.
- 1.2 Housing and employment needs are defined by the National Planning Policy Framework as potential strategic cross boundary planning issues.
- 1.3 This Statement of Common Ground sets out the agreed position of the signatory parties with respect to the housing market area and functional economic area, together with associated objectively assessed needs relevant to the Waveney Local Plan.
- 1.4 The signatory parties to this Statement of Common Ground are:
 - Waveney District Council
 - The Broads Authority
 - Great Yarmouth Borough Council
 - South Norfolk District Council
 - Suffolk Coastal District Council
 - Mid Suffolk District Council

Housing Market Area

Background

- 1.5 The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Part 1¹ concludes that the Waveney District in isolation could form a reasonable housing market area. The study identifies that the District has high levels of self-containment with respect to commuting, and reasonably high levels of self containment with respect to migration. The study concludes that Borough of Ipswich, together with Suffolk Coastal, Mid Suffolk and Babergh Districts form a strong Ipswich centred housing market area. It further states *“it would not appear sensible or pragmatic to conclude that Waveney should form part of the Ipswich HMA.”*
- 1.6 The Great Yarmouth Strategic Housing Market Assessment² concludes that the Great Yarmouth Borough forms its own housing market area. This approach was found to be sound at the examination into the Great Yarmouth Core Strategy. The Inspector’s Report³ into the Great Yarmouth Core Strategy stated *“The Council’s Strategic Housing Market Appraisal (SHMA), of 2007 and updated in 2013, concludes that, having regard to a range of factors including commuting flows the Borough’s housing market aligns with the borough boundary. I have seen or heard nothing to suggest that this is not a soundly-based assumption.”*
- 1.7 The Central Norfolk Strategic Housing Market Assessment⁴ identifies a Central Norfolk Strategic Housing Market Area comprising the entire Districts of South Norfolk, Broadland and the City of Norwich together with parts of Breckland and North Norfolk.
- 1.8 All studies referred to above assume that need arising from the Broads area is part of the overall District needs. The Central Norfolk Strategic Housing Markets Assessment identifies a component objectively assessed need for the Broads area. It gives a total amount for the entire Broads area as well as splitting the figure down to the area covered by the Broads in each of the six Districts.
- 1.9 The Norfolk Strategic Planning Framework⁵ confirms housing market areas for Central Norfolk (Norwich, South Norfolk, Broadland, Breckland and North Norfolk), Great Yarmouth and Kings Lynn and West Norfolk.

1.1 _____

¹ Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Part 1 –(Peter Brett Associates, May 2017) - <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/First-Draft-Local-Plan/Strategic-Housing-Market-Assessment-Part-1.pdf>

² Great Yarmouth Strategic Housing Market Assessment (HDH Planning & Development, November 2013) - <https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1241&p=0>

³ Report On The Examination Into Great Yarmouth Local Plan: Core Strategy 30th November 2015 - <https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1574&p=0>

⁴ Central Norfolk Strategic Housing Market Assessment 2015 (ORS, January 2015) <http://www.greaternorwichgrowth.org.uk/dmsdocument/2160>

⁵ Norfolk Strategic Planning Framework – March 2018 <https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/strategic-member-forum/latest-endorsed-version-of-the-norfolk-strategic-planning-framework.pdf?la=en>

Agreed Position of Parties

- 1.10 At present, the Waveney District forms its own Housing Market Area for the basis of strategic planning. The Waveney Housing Market Area includes the part of the Broads Authority which is within the Waveney District.**
- 1.11 Following the adoption of the Waveney Local Plan, the parties will continue to monitor demographic, housing and travel to work data to test whether the currently defined housing market areas remain appropriate. This will be particularly important with respect to the relationship between Great Yarmouth and Waveney.**

Functional Economic Area

Background

- 1.12 The Ipswich and Waveney Economic Areas Employment Land Needs Assessment⁶ concludes that the Waveney District constitutes its own functional economic area. However, it identifies a strong sub-market link with Great Yarmouth particularly with respect to offshore renewable energy. The study concludes that the Borough of Ipswich, together with Suffolk Coastal, Mid Suffolk and Babergh Districts form a functional economic area.**
- 1.13 The Norfolk Strategic Planning Framework⁵ concludes that the functional economic areas for Norfolk are likely to be the same as the housing market areas.**

Agreed Position of Parties

- 1.14 At present, the Waveney District forms its own Functional Economic Area for the basis of strategic planning. The Waveney Functional Economic Area includes the part of the Broads Authority which is within the Waveney District.**
- 1.15 The parties acknowledge that with respect to the offshore oil and gas, offshore renewables and offshore related engineering sectors that a sub-regional economic area effectively operates across the towns of Great Yarmouth and Lowestoft. This is recognised through the Enterprise Zone designation. The two authorities will continue to work together to plan for and support this sector.**
- 1.16 Following the adoption of the Waveney Local Plan, the parties will continue to monitor demographic, economic and travel to work data to test whether the currently defined functional economic areas remain appropriate. This will be particularly important with respect to the relationship between Great Yarmouth and Waveney.**

1.1 _____

⁶ Ipswich and Waveney Economic Area Employment Land Needs Assessment (NLP, March 2016)
<http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/Background-Studies/Employment-Land-Needs-Assessment-2016.PDF>

Objectively Assessed Need

Background

- 1.17 The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment Part 1¹ concludes that the objectively assessed need for the Waveney Housing Market Area is 374 dwellings per annum over the period 2014-2036 equating to 8228 new homes. The First Draft Waveney Local Plan⁷ identifies more than sufficient land to meet this need. For the Ipswich Housing Market Area the study concludes an objectively assessed need of 1,786 homes per annum over the period 2014-2036 equating to 39,302 new homes. Part 1 of the Suffolk Coastal Issues and Options⁸ and the Ipswich Issues and Options only include options where the full objectively assessed need for Suffolk Coastal and Ipswich are met within the area. The Babergh and Mid-Suffolk Joint Local Plan Consultation Document⁹ does not present any other option than meeting the objectively assessed need for Babergh and Mid-Suffolk in full.
- 1.18 The Great Yarmouth Strategic Housing Market Assessment identified an objectively assessed need for 420 homes per annum for the Borough. The Council's Core Strategy¹⁰ plans to meet this need in full.
- 1.19 The latest version of the Central Norfolk Strategic Housing Market Assessment¹¹ identifies an objectively assessed need for 60,350 dwellings over the plan period. The Greater Norwich Local Plan Growth Options consultation¹² which covers Norwich, South Norfolk and Broadland concludes *"The Norfolk Strategic Framework shows that there is no need for Greater Norwich to provide for unmet need from neighbouring districts. There is no evidence of any overriding reasons that prevent Greater Norwich meeting its own housing need"*.
- 1.20 The Central Norfolk Strategic Housing Market Assessment identifies an objectively assessed need for the Broads Authority of 286 homes over the period 2015-2036. Of this 57 homes are needed in the

1.1 _____

⁷ Waveney Local Plan – First Draft Plan – July 2017 <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/First-Draft-Local-Plan/First-Draft-Local-Plan.pdf>

⁸ Issues and Options for the Suffolk Coastal Local Plan Review (August 2017) <http://www.eastsuffolk.gov.uk/assets/Planning/Suffolk-Coastal-Local-Plan/Local-Plan-Review/Issues-and-Options-Consultation/Issues-and-Options-for-the-SCDC-Local-Plan-Review-document.pdf>

⁹ Babergh and Mid-Suffolk Joint Local Plan Consultation Document (August 2017) <http://www.midsuffolk.gov.uk/assets/Strategic-Planning/JLP-Reg-18-Docs/BMSDC-Joint-Local-Plan-Consultation-Document-August-2017.pdf>

¹⁰ Great Yarmouth Local Plan: Core Strategy 2013-2030 – Adopted December 2015 - <https://www.great-yarmouth.gov.uk/CHttpHandler.ashx?id=1884&p=0>

¹¹ Central Norfolk Strategic Housing Market Assessment 2017 – June 2017 - <https://www.north-norfolk.gov.uk/media/3426/strategic-housing-market-assessment-2017.pdf>

¹² Greater Norwich Local Plan Regulation 18 Consultation - Growth Options 2018 - <https://gnlp.jdi-consult.net/documents/pdfs/Reg.18%20Growth%20Options%20document%20final.pdf>

Waveney part of the Broads. This figure also forms part of the Waveney District objectively assessed need.

- 1.21 The Waveney Employment Land Needs Assessment Update¹³ indicates a need for 43 hectares of new employment land to help meet jobs targets. The First Draft Waveney Local Plan identifies more than sufficient land to meet this need.
- 1.22 The existing and emerging Local Plans for Greater Norwich, Suffolk Coastal, Mid Suffolk and Great Yarmouth do not indicate that employment needs cannot be met within their areas.

Agreed Position of Parties

- 1.23 The emerging Local Plan for Waveney will meet objectively assessed development needs for the Waveney Housing Market Area and the Waveney Functional Economic Area in full. The Broads Authority will meet the objectively assessed need for the Broads Authority's component of the Waveney Housing Market need in full.**
- 1.24 There is no requirement for the Waveney Local Plan to deliver unmet need from neighbouring housing market areas and functional economic areas.**

1.1 _____

¹³ Employment Land Needs Assessment Update 2017 - <http://www.eastsuffolk.gov.uk/assets/Planning/Waveney-Local-Plan/First-Draft-Local-Plan/Employment-Land-Needs-Assessment-Update.pdf>

Signatures

Signature:

Print name:

Position:

Authority: Waveney District Council

Signature:

Print name:

Position:

Authority: Suffolk Coastal

Signature:

Print name:

Position:

Authority: Mid Suffolk

Signature:

Print name:

Position:

Authority: Great Yarmouth

Signature:

Print name:

Position:

Authority: South Norfolk

Signature:

Print name:

Position:

Authority: Broads Authority

Cabinet
Monday 30 April 2018

Agenda Item 9

Investors in People (IiP) 2018

Report of the Chief Executive
Cabinet Member: Cllr John Fuller, Leader of the Council

CONTACT
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1. Introduction

- 1.1 Investors in People (IiP) is an international standard for people management, defining what it takes to lead, support and manage people effectively to achieve sustainable results.
- 1.2 In 2015, IiP launched their new framework with levels of award being Gold, Silver, Standard and introduced the new award of Platinum which is the highest Standard an organisation can achieve.
- 1.3 The IiP Standard is assessed by rigorous methodology and against a performance framework which sets out 27 scales for comparison which can be used to provide benchmarking data year on year and comparisons of performance. Additionally, an organisation receives a report which is used for continuous improvement and identifying gaps and opportunities for future focus
- 1.4 To become IiP accredited, organisations are assessed against three key themes with nine indicators as outlined below

Theme 1 – Leading

- Leading and Inspiring
- Living the organisation's values
- Empowering and involving people

Theme 2 – Supporting

- Managing performance
- Recognising and rewarding high performance
- Structuring work

Theme 3 – Improving

- Building capacity
- Delivering continuous improvement
- Creating sustainable success

- 1.5 To achieve Platinum, all nine indicators must be evidenced at the following levels Developed, Established and Advanced with at least seven out of nine indicators at High Performing. Before being accredited, the initial results are passed through a judicatory panel which critically reviews the assessor's findings to verify the level of award.
- 1.6 SNC was assessed by Investors in People (IiP) on 24 March 2017 and was accredited with the Platinum standard, one of the top 0.05% of organisations in the UK to have achieved the highest level of award.
- 1.7 There are very few companies who have achieved Platinum, research shows that organisations that have achieved Platinum status thus far tend to be the private sector including companies such as Troup Bywaters + Anders (TB+A), McFarlane Telfer Ltd, Evolution Recruitment Solutions Ltd, Search Consultancy, Graham Construction and Brother UK. Organisations who have achieved Gold accreditation are: Lovell, Tarmac, Ford engineering and those with the IiP silver award are Northern Railway, Oxford City Council, Pure Resourcing', Ipswich Building Society.

2.0 2018 Annual Assessment Review

- 2.1 A critical part of IiP is to undertake an annual review to determine the current level of award based on the IiP standard
- 2.2 The annual assessment which involved a series of meetings with different groups including leisure and the depot, took place on 12 and 13 March 2018. This provided an opportunity to discuss updates, changes and challenges over the last 12 months and to understand the focus for future development.
- 2.3 An annual review report is produced to reflect the findings and evidence obtained from the assessment meetings and it has been reaffirmed that we have retained IiP Platinum.
- 2.4 The report has highlighted some exceptional work and standards set by SNC and to quote Clare Laidler the IiP assessor "*Since the last assessment, South Norfolk has continued to focus on strategies to maintain and enhance the services to the community by equipping, enabling and empowering all employees to deliver and continuously improve.*"

2.5 During the annual assessment review, many positive examples were highlighted that demonstrates the council's commitment to continuous improvement including:

- Currently discussing possibility of collaborative working opportunities with a neighbouring authority
- Structural changes becoming the norm, as people leave or as changes in focus update. A noticeable feature of this visit was the ease in which change is accepted and the opportunities change can bring to individuals. It was also apparent that tasks and activities had clearly defined outcomes with tangible benefits.
- Changes in organisational structure, now 2 Directors supporting the organisation with one new Director
- Council is well organised with clear strategies for preparing for General Data Protection Regulations (GDPR) coming into effect from 25.5. 2018.
- Finance Review completed with some good efficiency outcomes and clearer definition of differences in specific skills and preferences – focus also on improving systems
- Managing our aspiring future talent and rising stars (Future Forum) whose development is linked to our organisational development strategy
- Change of management at Depot with some key staffing changes introducing more development opportunities for example, training existing staff to build inhouse capability existing staff becoming HGV drivers.
- Management roles with clearly defined responsibilities with success criteria.
- New people recruited with great care in seeking and nurturing skills and mind-sets
- High focus on learning effective leadership and management for example through buddying system for new starters
- Plans in place to run a further series of coaching programmes
- Customer Services changes undertaken and new structure settled
- Leisure successful in Quest accreditation, success in bid to develop sports facilities in Long Stratton – Wymondham Leisure has achieved excellent results from team led activities such as Swim Schools and Kid's Camp
- Continued and wholehearted investment in Apprenticeships and Graduates
- Demonstrating the continued networking of partnerships which enable and support Council and community priorities
- Introduction of Executive Assistants and Business Managers with changes in role, bringing additional capacity, greater consistency impacting on outcomes and utilisation of skills

3.0 Key Areas for Future Focus

3.1 The annual assessment liP review set out the following areas for future focus:

- Continue to focus on engendering leadership for everyone - role modelling and developing culture through good leadership and development of confidence and talents for everyone in taking responsibility, communicating effectively, including the way they interact and recognise colleagues.
- Continue to work collaboratively with partners
- Coaching to support the development of people's skills and focused line management will ideally provide valuable steering for those taking steps into leadership/developing styles.
- Ensure that where relevant and where possible, SNC uses metrics to inform decisions for change.

3.2 Next Reviews

24 month review	24.3.2019
liP accreditation expiry	23.3.2020

3.3 Recommendations

To note that we have successfully retained the highly prestigious Investors in People Platinum Award with a quote from Clare Laidler stating *"It was great to see you all again and that you are thriving and continuing on your journey. Again, it emphasised how South Norfolk Council stands out a mile from many organisations"*.



CABINET CORE AGENDA 2018

	Decisions: Key, Policy, Operational	Key Decision/Item	Lead Officer	Cabinet Member	Exempt Y/N
30 April	O	Guidelines for Recreation Provision in New Residential Development s – Revised Consultation Draft	S Marjoram	J Fuller	N
	O	South Norfolk Prospectus	D Disney & N Cunningham	J Fuller	N
	O	Statement of Co-operation with Waveney District Council	S Marjoram	J Fuller	N
	O	Investors in People 2018	J Evans	J Fuller	N
	O	Consultation Response to Changes to the NPPF	J Walchester	J Fuller	N
Council AGM 14 May					
11 June	O	Performance, Risk and Capital Budget Position Report for the Financial Year 2017/18	A Mewes/M Fernandez-Graham / E Goddard	B Stone	N
Council 9 July					
23 July	O	Performance, Risk and Capital Budget Position Report for Q1 2018/19	A Mewes/M Fernandez-Graham / E Goddard	B Stone	N
	O	Guidelines for Recreation Provision in New Residential Developments Supplementary Planning Document (SPD)	S Marjoram	J Fuller	N
10 Sept					
Council 17 September					
5 Nov	O	Performance, Risk and Capital Budget Position for Q2 2018/19	A Mewes/M Fernandez-Graham/ E Goddard	B Stone	N
3 Dec	O	Conservation Area Boundaries and Appraisals	C Bennett	L Hornby	N
Council 10 December					

Key decisions are those which result in income, expenditure or savings with a gross full year effect of £100,000 or 10% of the Council's net portfolio budget whichever is the greater which has not been included in the relevant portfolio budget, or are significant (e.g. in environmental, physical, social or economic) in terms of its effect on the communities living or working in an area comprising two or more electoral divisions in the area of the local authority.