

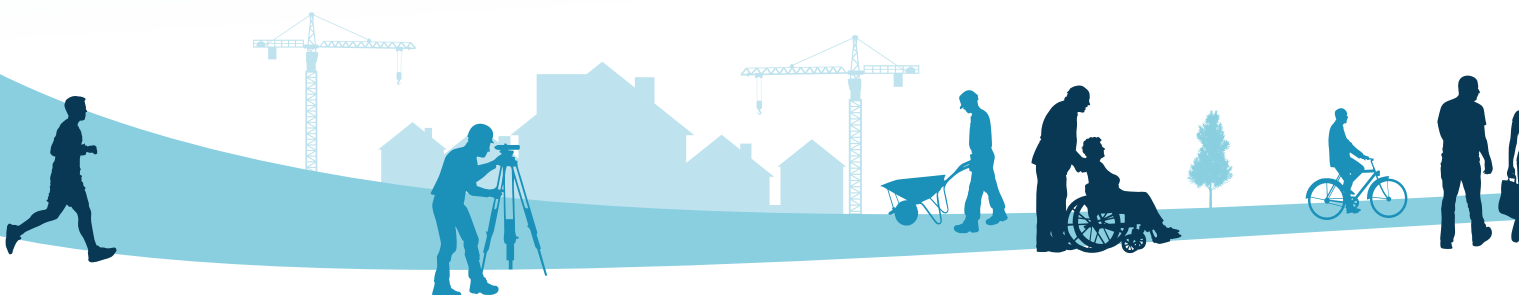
# Developer Contributions Strategy

Adopted  
April 2024



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## Foreword



Over the coming years, Nottinghamshire will continue to increase its supply of land for new housing and employment development to meet the demand for new homes and jobs in our county. However, this must be accompanied by firm investment in our essential infrastructure and services to ensure sustainable growth.

Nottinghamshire County Council is a provider of infrastructure in our county for services such as transport, education, libraries and waste. These services are vital for local communities to prosper and are essential for creating high quality places to live and work. Where a new development is planned, it is critical the developers contribute towards the delivery of such infrastructure, whether it be new schools, upgraded highways, public transport provision or a new recycling centre.

The County Council works in partnership with its district and borough planning authorities to ensure infrastructure needs are properly identified through the planning process and that the demand for services generated by new developments can be accommodated. Accordingly, our strategy provides a comprehensive and up-to-date account of the County Council's expectations as to how developers will need to contribute financially towards infrastructure associated with their development. This may include developers directly providing the facilities themselves.

In Nottinghamshire, several district and borough councils charge the Community Infrastructure Levy. The levy is used to fund strategic infrastructure projects intended to benefit the wider area. However, this document focusses primarily on our approach to securing contributions through planning obligations (Section 106 Agreements) that are agreed on a site-by-site basis and remain necessary to offset the impact of development at a localised level.

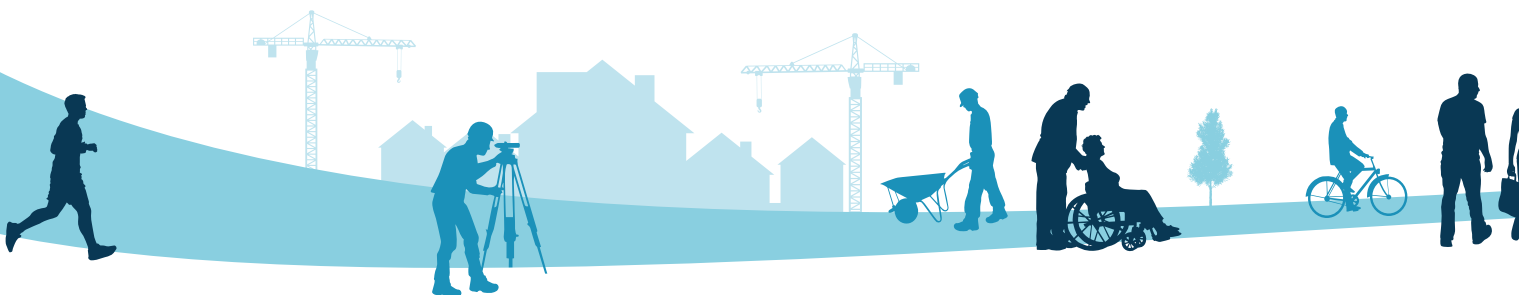
Our strategy provides assurances to developers that they will make a fair contribution to the infrastructure needed to support growth. It also enables local residents to understand how development in their area will be accommodated. This document establishes the framework to secure the necessary infrastructure to support sustainable growth in Nottinghamshire and provides a key point of reference for district and borough councils when making plans and assessing development proposals.

Councillor Keith Girling



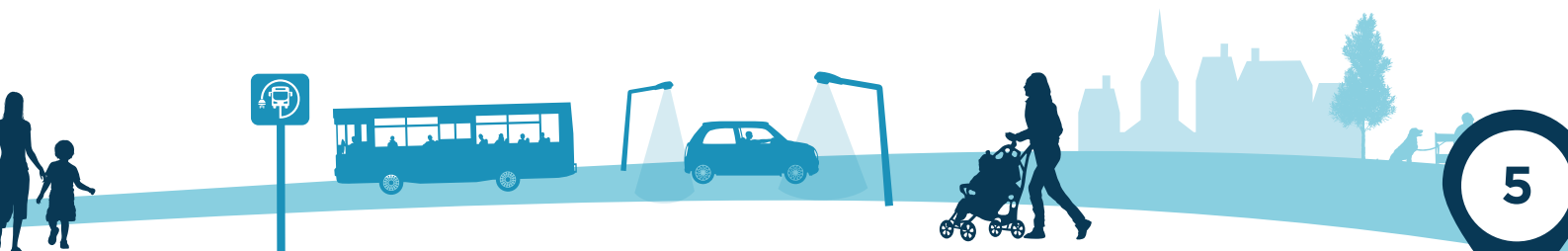
# Introduction to the Developer Contributions Strategy

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# Introduction to the Developer Contributions Strategy

- 1.1** The Nottinghamshire County Council Developer Contributions Strategy sets out the scope and range of contributions which Nottinghamshire County Council may seek towards infrastructure provision when consulted on planning applications. Its aim is to support sustainable development by ensuring that the necessary infrastructure is in place to support new development and to mitigate any adverse impacts on local services.
- 1.2** The Strategy is intended to be used as a guide to help inform prospective developers and other interested parties of the potential infrastructure requirements associated with new development, and to assist Local Planning Authorities in determining planning applications and formulating policies within their Local Plans. Although the Strategy does not have the statutory status of the development plan, the County Council encourages the District / Borough Councils to endorse the aims of the Strategy in promoting sustainable development and to use it as a consideration in determining planning applications.
- 1.3** The Strategy supports the aims of the National Planning Policy Framework (NPPF) by supporting sustainable and viable development. It promotes a consistent and transparent approach to planning obligations by enabling developers and landowners to account for the potential costs of a proposed development at the earliest stage and by providing assurance that they are making a fair contribution to the infrastructure needed to support growth.
- 1.4** The content of the Strategy relates to the following County Council delivered services:
- **Education**
  - **Green Spaces**
  - **Highways and Transport**
  - **Libraries**
  - **Minerals & Waste Planning**
  - **Waste Management and Recycling**
- 1.5** The Strategy only covers those obligations relating to county council functions and does not cover services provided by lower tier authorities (i.e. district / borough councils), such as affordable housing or open space, or contributions sought by other infrastructure providers, such as the NHS or the Police (further information on these matters can be found in the relevant district/borough council's developer contributions documentation). It should also be noted that the range of obligations identified in this strategy is not exhaustive and, where necessary and justified, contributions towards other services may be sought.
- 1.6** The County Council is also responsible for promoting health initiatives to improve the general health of Nottinghamshire residents. Local Planning Authorities and prospective developers should consider the impact of development proposals on health and wellbeing using the guidance in the [Nottinghamshire Spatial Planning and Health Framework 2019-2022](#).
- 1.7** This Strategy was formally adopted on the 7th December 2021 by the Council's Economic Development & Asset Management Committee following a period of public consultation. As before, officers will continue to update the Strategy as required to reflect changes to national policy guidance and to update figures for calculating contributions, as new information becomes available. Where changes are made notification of this will be given to Local Planning Authorities within the Nottinghamshire administrative area and where significant changes are intended, these will be subject to re-consultation prior to adoption by the County Council.
- 1.8** This document should be read in conjunction with, and is intended to support, relevant Local Plan Policies and any Supplementary Planning Documents produced by the County Council and District / Borough Councils in their capacity as Local Planning Authorities.



# The Role of Developer Contributions in Funding Infrastructure

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# The Role of Developer Contributions in Funding Infrastructure

**2.1** Planning law and policy supports the principle that developers should contribute to the cost of services, infrastructure, or resources necessary to support their development.

**2.2** Section 106 of the 1990 Town and Country Planning Act provides for developer contributions in the form of planning obligations. Planning obligations are legally enforceable obligations secured through the means of a legal deed (known as a Section 106 Agreement), usually attached to a grant of planning permission. They are used to mitigate any adverse impacts to make a development acceptable in planning terms. Planning obligations can be provided by means of a financial payment or as a physical contribution, where the developer directly provides the matters necessary to fulfil the obligation (e.g. land), or a combination of both.

**2.3** Section 106 planning obligations run with the land in the same way that a planning permission does. This means that, once the permission is implemented, they are enforceable against successors in title. These legal agreements are registrable as a local land charge and form part of the planning register, available for public inspection. Where a planning permission expires or is revoked, the planning obligation can be removed from the register.

**2.4** Regulation 122 of the Community Infrastructure Levy Regulations (as amended) and paragraphs 55 - 58 of the NPPF set out information on the use of planning conditions and obligations and the tests which should be applied. The NPPF encourages Local Planning Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, planning obligations should only be used where it is not possible to address unacceptable impacts

through a planning condition. Planning obligations should only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

**2.5** Developer contributions may also be secured through the Community Infrastructure Levy (CIL), which is a per square metre charge levied on development of new floorspace. CIL is intended to help fund major infrastructure to support the development of a wider area, rather than to make individual planning applications acceptable in planning terms.

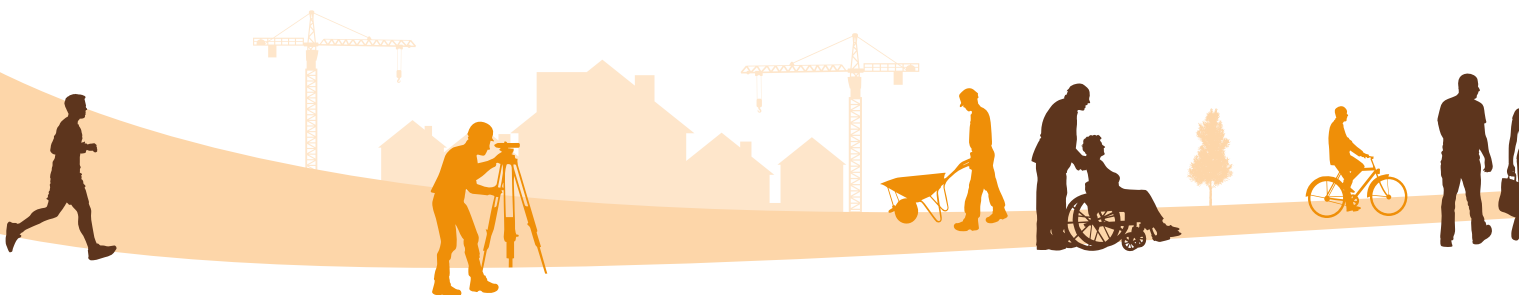
**2.6** CIL only applies in areas where the Local Planning Authority has an approved charging schedule in place. In Nottinghamshire, this includes Bassetlaw District Council, Gedling Borough Council, Newark and Sherwood District Council and Rushcliffe Borough Council. In these Districts / Boroughs, developers and landowners may be liable to pay the Community Infrastructure Levy and enter into a Section 106 Agreement to secure planning obligations. However, they will not be charged through both mechanisms to fund the same piece of infrastructure.

**2.7** Where a Community Infrastructure Levy is in place, Local Planning Authorities are required to report on the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly by the Levy through its Infrastructure Funding Statement. As part of the infrastructure planning and delivery process, the County Council works with CIL Charging Authorities in the production and review of their future infrastructure spending priorities.



# The County Council's Approach to Planning Obligations

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# The County Council's Approach to Planning Obligations

**3.1** In Nottinghamshire, the District / Borough Councils are the relevant Local Planning Authority with responsibility for determining planning applications for new housing and employment uses. In determining these applications, they will assess the reasonableness of planning obligations sought, taking account of consultation responses and relevant planning policies.

**3.2** The County Council is a statutory consultee on planning applications submitted to the Local Planning Authority, with responsibility for the delivery and operation of much of the large scale infrastructure required to support development such as highways, transport, schools, libraries, and waste management. The County Council will work closely with the District / Borough Councils, as well as applicants, to identify the contributions necessary to support sustainable development and mitigate the impact of development.

**3.3** The County Council's Planning Policy Team within its Place Department provides a single point of contact for developers and Local Planning Authorities regarding planning obligations related to the County Council's services. The team will consult with internal services and provide a coordinated response (other than as Local Highway Authority and Local Lead Flood Authority) on planning applications and informal pre-application enquires that are sent to the County Council for comment. It will also lead on the Council's response to consultations on Local Plans, Neighbourhood Plans and Supplementary Planning Documents (SPDs), in order to provide the framework for seeking future contributions towards County Council services. It can be contacted via [planning.policy@nottscc.gov.uk](mailto:planning.policy@nottscc.gov.uk) or 0300 500 80 80.

**3.4** The Highways Authority and Flood Risk Management Teams will respond separately to consultation requests on a case by case basis. The approach to planning obligations and conditions relating to responsibilities as Local Highway Authority are explained in Chapter 5.

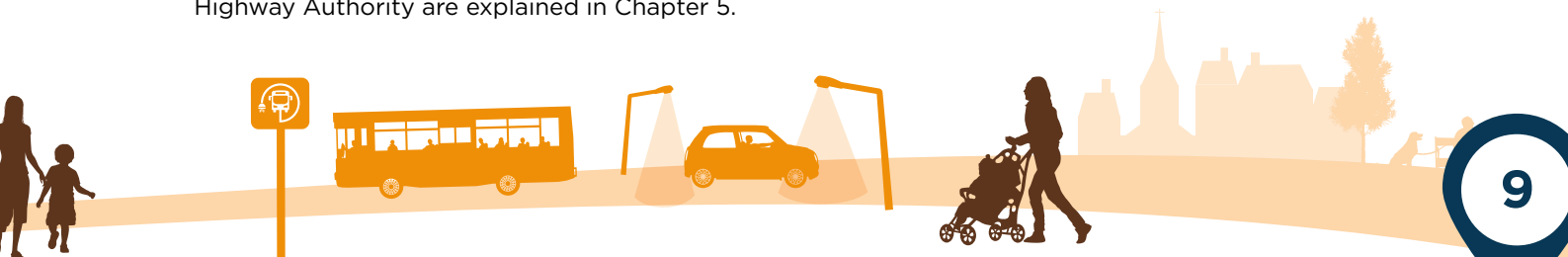
## Planning Applications

**3.5** The County Council will normally only seek planning obligations from 'major' developments which are defined as follows (unless these differ from locally adopted policies):

- Residential development for 10 dwellings or more where the provisions of the Planning Practice Guidance are met (see paragraph 2.4 above);
- Residential development on a site in excess of 0.5 hectares where the phasing of developments will add up to 10 dwellings or more;
- Non-residential development of 1,000 square metres or more gross internal floor space;
- Non-residential development on a site of at least 1 hectare.

**3.6** The County Council requests that District / Borough Councils consult the County Council on planning applications for any development that meets the above criteria and that, where any subsequent amendments are made to the proposal which affect its obligation requirements, the County Council must be re-consulted. The County Council will also provide in-principle responses to pre-application consultations, setting out its probable contribution requirements, where requested by the District / Borough Council.

**3.7** The County Council will not seek a contribution as a per dwelling payment as a matter of course. Services will assess the impact of each individual proposal on a site by site basis to identify what contributions are necessary to make the development acceptable in planning terms. Where contributions are sought, the Council will provide evidence and reasoned justification for the request based on planning policies, in order to demonstrate compliance with the three statutory tests set out in the CIL

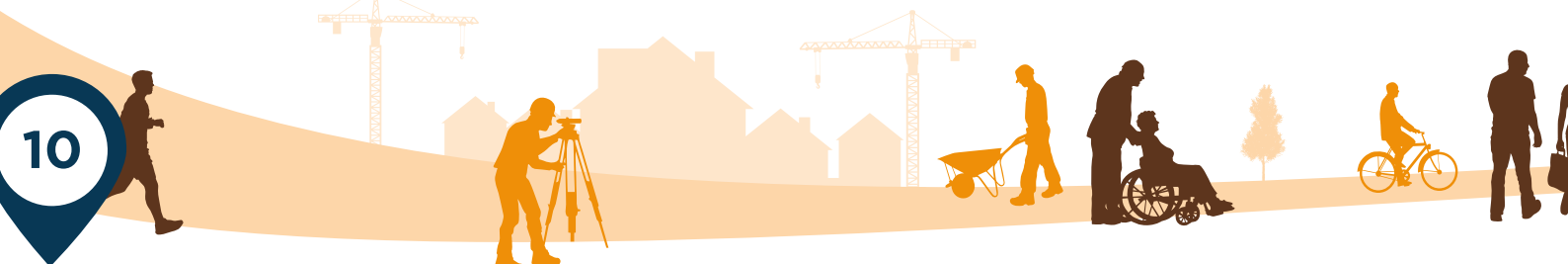


Regulations and NPPF (see para 2.4 above). The Council will also provide an indication of how the requested contributions would be spent, though it is often not practicable to provide specific project details as these will be subject to feasibility studies which are not always available at the time of consultation.

- 3.8** The County Council will not negotiate directly over the level of contribution requested unless asked to do so as part of a tripartite discussion including the relevant Local Planning Authority. On occasions that the County Council is approached directly by a landowner, developer or agent requesting information on developer contribution requirements, the County Council may provide the advice but copy correspondence will be sent to the relevant Local Planning Authority. Where a developer is making a speculative enquiry prior to submission of an application, they will be encouraged to seek advice through the relevant District/Borough Council pre-application enquiry process.
- 3.9** In the event that planning applications are refused by the Local Planning Authority, representations pertaining to infrastructure need may be recorded as objections and thereby set out as reasons for refusal. The County Council will assist Local Planning Authorities in defending such reasons for refusal at any subsequent appeal, and where considered appropriate, will submit a Planning Obligations Position Statement to the Inspector setting out the various contributions sought and how these requests comply with the three statutory tests. Clearly, Section106 agreements may be entered into prior to the appeal to overcome the need for the County Council to raise such objections with the appeal inspector.

## Development Viability

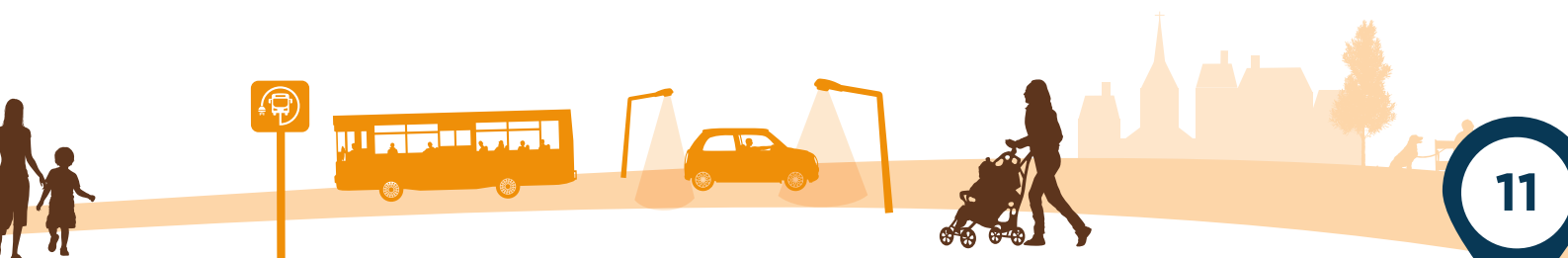
- 3.10** It is acknowledged that planning obligations may have an impact on the overall financial viability of development. In such circumstances, Nottinghamshire County Council, through its Place Department, would encourage open discussions with the developer and the Local Planning Authority (which will include the County Council for Minerals and Waste planning applications) to achieve the most satisfactory outcome, without an undue burden being placed on either the developer or the County Council.
- 3.11** An assessment of the necessary contributions and the amounts should be considered in the financial appraisal of a proposed development at the outset and should be reflected in the negotiated land price. The County Council will work with Local Planning Authorities at the local plan making stage to ensure the required infrastructure and services are factored into the viability assessments to ensure that the allocated sites are deliverable. As stated in the NPPF (Para 58), where up-to-date plan policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
- 3.12** At the point of application, where the County Council has submitted what the District / Borough Council considers to be a CIL compliant request for a contribution but the issue of viability is raised and accepted by the District / Borough Council, the County Council must be consulted. This will allow the County Council to assess its infrastructure priorities and, where requested, provide clarification about what its priorities or proposed distribution would be in the event of a reduced contribution.



- 3.13** The County Council may ask to view copies of viability appraisals which have been submitted to the District / Borough Council, along with any independent review of the appraisals commissioned by the Local Planning Authority. This is to allow the County Council to gain an understanding of the issues faced and, where necessary, brief senior officers and elected members on what the implications of this will be on delivering the infrastructure required to mitigate the impact of development.
- 3.14** Where schemes are showing marginal viability, the County Council will work with developers to help achieve planning obligations by considering the use of flexible trigger points for payment . For example, there may be scope to collect contributions in several instalments or to phase payments later in the development programme.
- 3.15** In circumstances where a Local Planning Authority does not accept the County Council's full request for developer contributions, the County Council may request that a system for reviewing planning obligations is incorporated into an agreement, to enable additional contributions to be paid as the development proceeds, should positive changes in market conditions later allow. The methods for this will differ on a case by case basis and it will be the District / Borough Council who determine whether an overage clause should be included.
- 3.16** In some cases, if the County Council considers a development cannot sustain itself without the contributions requested to mitigate its impact, an objection may be lodged to the application on the grounds that the development is unsustainable.

## Section 106 Agreements

- 3.17** Where a proposed development requires an obligation relating to County Council infrastructure, the County Council should always be a signatory to the section 106 agreement. This ensures that obligations on the developer are directly enforceable by the County Council and that obligations on the County Council are directly enforceable by the signatories of the agreement. This also allows the County Council to agree the terms of the obligations, including the purpose on which monies will be spent and the triggers for payment or transfer of land. It also allows for contributions to be paid directly to the County Council.
- 3.18** Where a legal agreement includes a requirement for monies or a physical contribution to be made to the County Council, the developer will be required to notify the County Council Planning Policy Team in writing of when development commences and when triggers for payment or provision of infrastructure are reached.
- 3.19** In order to ensure that planning obligations provide for the actual costs of the infrastructure for which they are levied, all financial contributions agreed in legal agreements will be index-linked appropriately to reflect increases in build costs between the date that the contribution is calculated and the date that the contributions is paid This will mean that any delays during the planning process do not result in the contribution being underestimated. The indexation which will be used for County Council obligations will be the BCIS All-In Tender Price Index published by the Office for National Statistics contained in the monthly Digest of Statistics (or contained in any official publication) or such other index as may be published in substitution. Where local bus service contributions are secured the County Council will use the CPT Cost



**3.20** The County Council will recharge the developer its reasonable legal costs incurred in agreeing planning obligations for its services. These costs are payable for work carried out regardless of whether agreements are ultimately completed. Legal fees will be recharged on a time expended basis based on an hourly rate of £101. VAT is not payable on the County Council's legal fees as it is recovery of an in-house charge. The County Council will review its legal charges annually and therefore the hourly rate will be subject to future increases.

## Payment of Contributions

**3.21** Section 106 contributions for County Council delivered services should be paid directly by the developers to the County Council. The County Council monitors expenditure to ensure that contributions from planning obligations are spent in accordance with the terms of the Section 106 Agreement. As required by legislation, Nottinghamshire County Council will publish an [Infrastructure Funding Statement \(IFS\)](#), setting out receipts and expenditure of planning obligations during each year, from the financial year 2019/20 onwards.

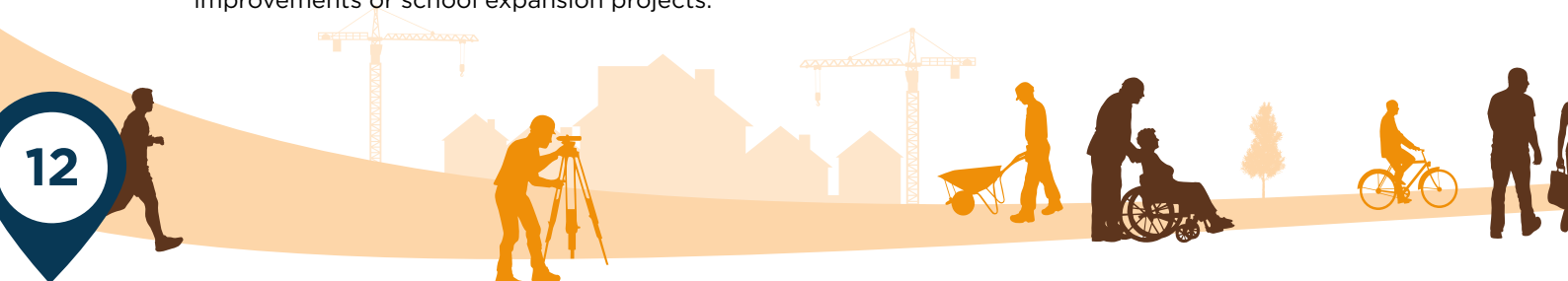
**3.22** Any contributions that are not committed for the stated purpose within the timeframe specified in the S106 Agreement will be returned to the developer pursuant to the terms of the Section 106 Agreement. The timeframe for repayment should be set from the date that the final payment is received (where contributions are collected in instalments). The number of years that the County Council can hold the contribution before triggering the repayment provisions will depend on the service area (see subsequent chapters of this document for further details) but will be a minimum of seven years. This will enable the County Council, where appropriate, to pool contributions from more than one development towards more holistic, strategic infrastructure schemes e.g. junction improvements or school expansion projects.

**3.23** In certain cases, in particular relating to education, there may be occasions where S106 monies will need to be transferred to other organisations, e.g. a School Academy Trust. Where this occurs the County Council will enter into a Grant Agreement with the third party to reflect the provisions in the Section 106 Agreement and which will set out:

- The conditions of the grant;
- The party to whom the monies are to be paid;
- The amount of monies to be transferred and how this will be paid;
- The project for which it will be used to deliver; and
- The clawback period for spending the monies and the process for recovering it in the event that it is not spent in the time period specified.

## Management Fees

**3.24** The monitoring of planning obligations is a complex and time consuming process due to the variability of Section 106 Agreements. The County Council is responsible for reviewing draft agreements, monitoring development progress, liaising with Local Planning Authorities, calculating and collecting staged payments, applying indexation, raising invoices and maintaining a monitoring database. In addition, the introduction of mandatory reporting on planning obligations through the production of an annual statement has been introduced through the CIL Regulations. The County Council incurs significant costs, especially in relation to agreements relating to major residential developments with multiple triggers.



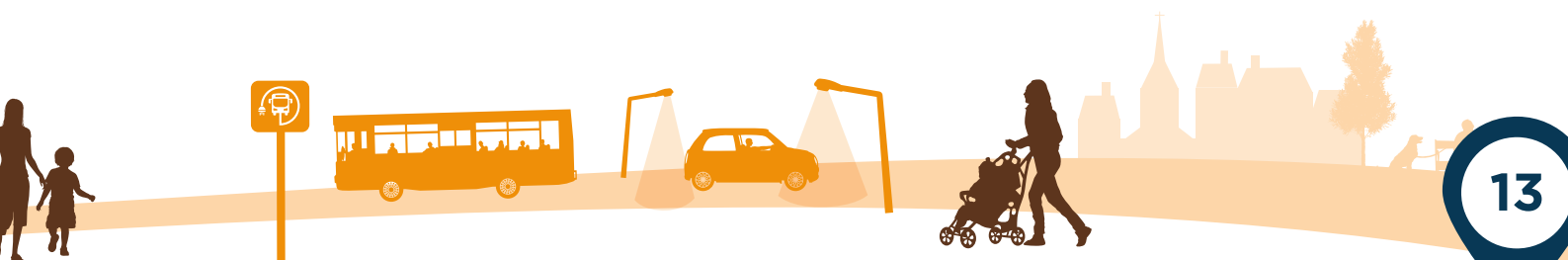
**3.25** Paragraph 2A of Regulation 122 of the CIL Regulations 2010 (as amended) enables local authorities to recover their costs associated with managing obligations provided that they:

- are fairly and reasonably relate in scale and kind to the development; and
- do not exceed the authority's estimate of its cost of monitoring the development over the lifetime of that development

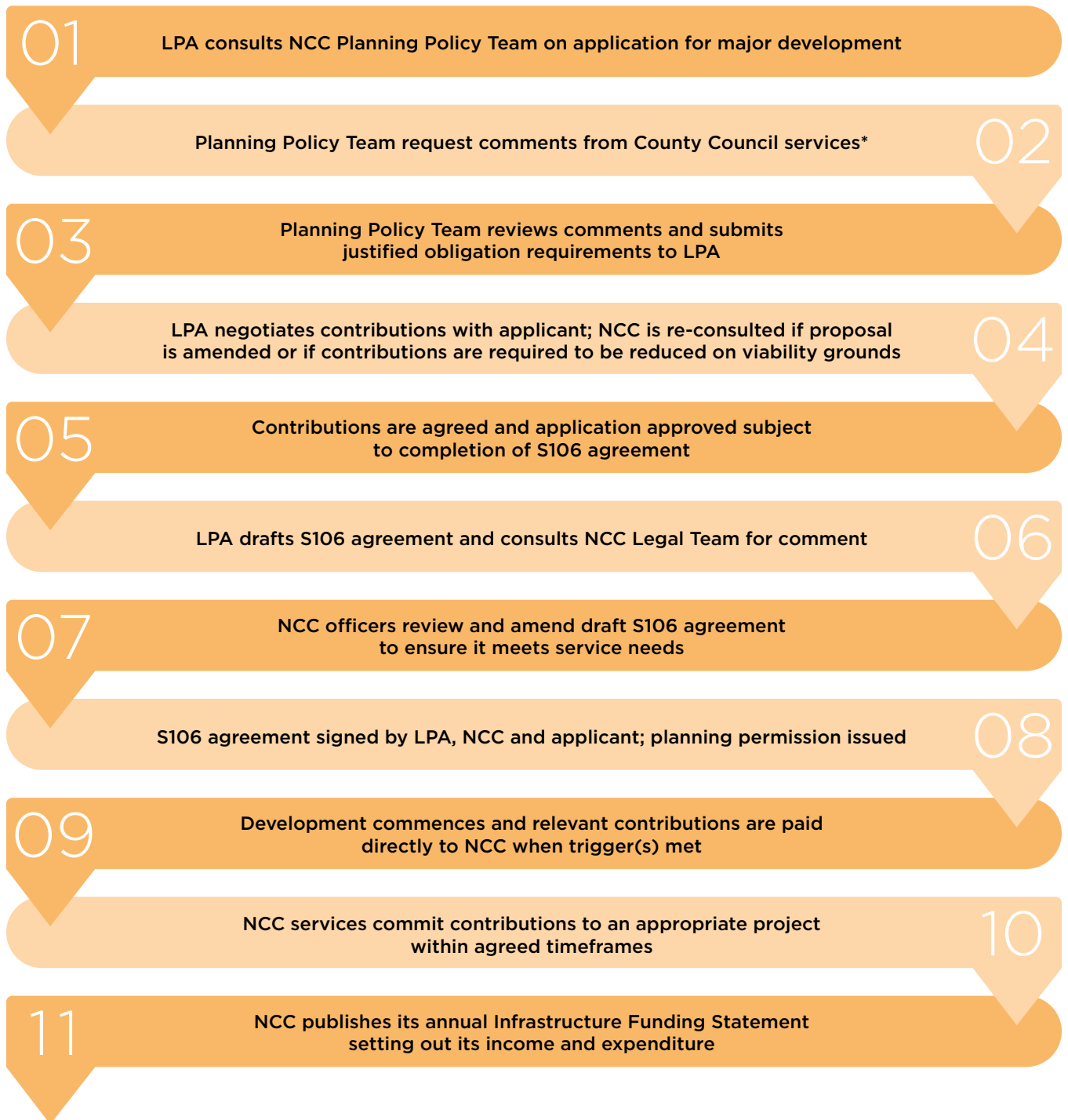
**3.26** To ensure that the cost of recovering developer contributions does not become a burden on the council taxpayer, and in line with CIL Regulation 122 2A, the County Council requires a contribution for their management. The County Council's management fee is a standard charge based on estimated annual monitoring time, relating to the administration, monitoring, management and reporting of each planning obligation. Full payment of the monitoring fee will usually be due prior to occupation of the first unit within the development. However, for larger developments the fee may be phased across the implementation of development.

**3.27** The County Council's management cost is based on the total number of trigger payments to be monitored for County Council obligations x £200.00. This figure is based upon 2 hours of officer time at Salary Band B, which is intended to be a blended officer rate to reflect the variety of work involved with delivering each planning obligation, plus a pro-rata contribution towards the ongoing cost of maintaining and updating the planning obligation management software. The value of the management fee will be capped at £3000 per agreement.

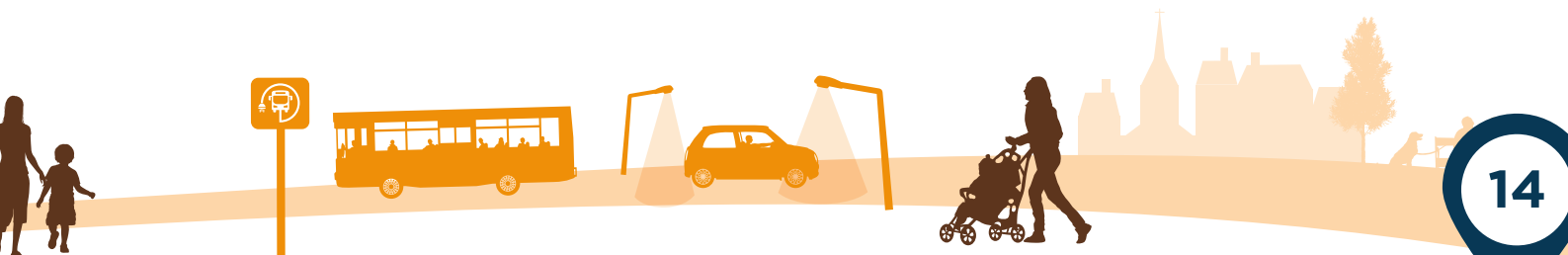
**3.28** It should be noted that this charge is separate from the County Council's legal costs which will remain independently recovered by the Legal Team and any travel plan monitoring fees that are required by the Highway Authority. It is also separate from any fees which are charged by the District / Borough Councils to manage their own planning obligations.



## Planning Obligations Process

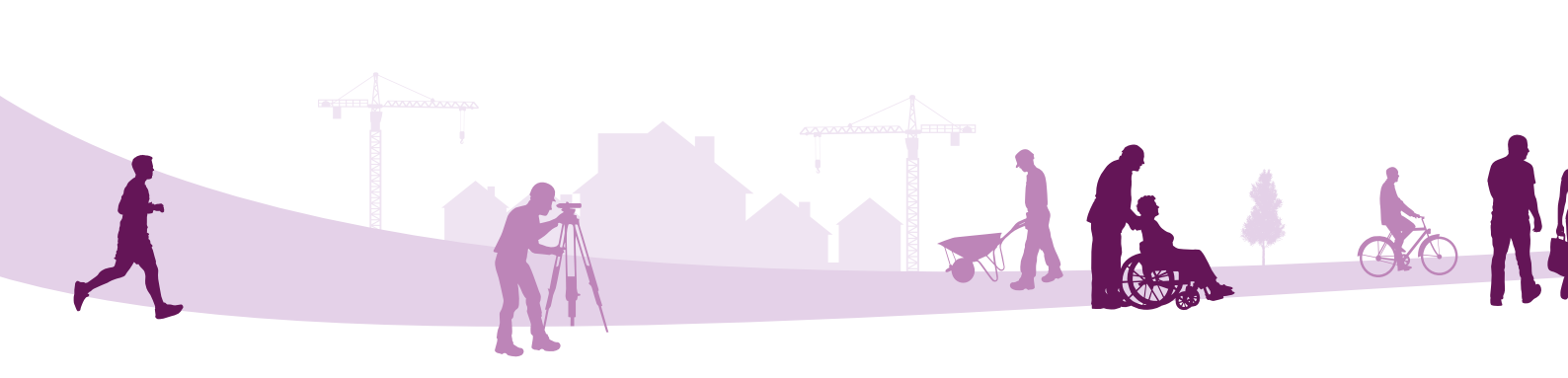


\* excluding Highways Development Control and Flood Risk Management who will respond separately to consultations, potentially including applications that do not meet the 'major development' criteria.



# Education

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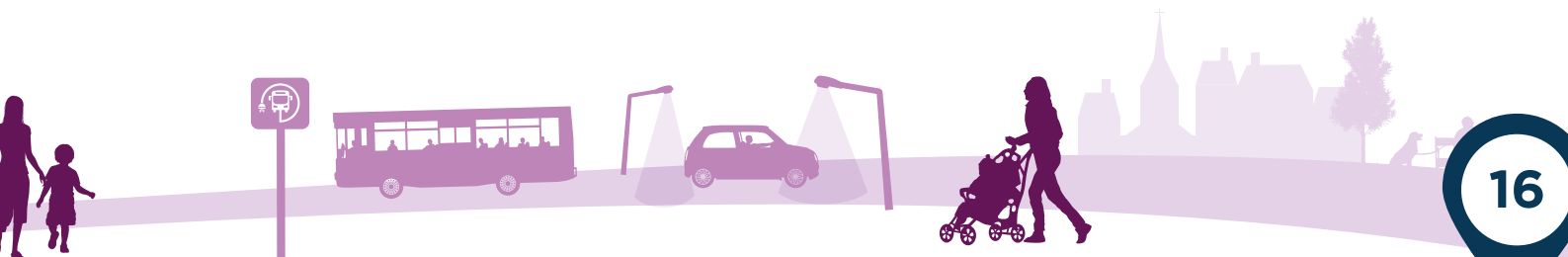


# Education

- 4.1** The Education Act 1996 states that Local Authorities have a duty to secure school places for all children of statutory school age who are resident in the Authority and whose parents want them to be educated in a state-funded school. Whilst subsequent Education Acts have amended various aspects of school organisation, this obligation on the County Council has not changed.
- 4.2** Funding for the provision of additional school places is derived from two sources. The County Council receives a capital grant from the Department for Education (DfE) to meet the demand for places arising from the existing population as a direct result of either rising birth rates or net inward migration. The Council also seeks developer contributions which are required to mitigate the pupil demand from new housing developments on education infrastructure.
- 4.3** This section explains the County Council's approach to seeking and spending developer contributions relating to the delivery of additional primary and secondary school (including sixth form) places, as well as special educational needs and disabilities (SEND) places, associated with new housing developments. The strategy has been developed in accordance with the DfE's guidance of August 2023, Securing Developer Contributions for Education.
- 4.4** The County Council has a statutory duty to ensure a sufficiency of pre-school places for children aged three and four and there is also a duty to ensure places for certain two year olds. The Council does not currently have a protocol for seeking contributions towards expanding existing early years facilities and the majority of extra demand will be met through private facilities. However, where a new school is being commissioned as a consequence of new development, it is County Council policy that a suitably-sized pre-school is included within the provision; further information on this is referred to under provision of new schools.

## Mainstream School Provision

- 4.5** The County Council's consideration of whether a developer contribution towards education provision is required will be informed by the projected demand for places compared with the known capacity figures of schools in the relevant pupil planning area. Where a development is proposed in a planning area with insufficient projected capacity, or would result in insufficient projected capacity, a contribution will be required. A contribution is required for every pupil place needed in excess of the projected capacity.
- 4.6** Requests for contributions will only be made for residential developments of 10 dwellings and above and are calculated on the basis of a mix of housing types. However, the County Council will not seek contributions where the development proposed is solely for apartment developments which are unsuitable for families (i.e. one bedroom), or specialist units, such as those that will be restricted to occupation by people aged 55 and over. Where a development is solely for apartments, the contribution will be discounted for the one bed unit element, or any unit which has a condition restricting occupation to those with no dependent children under the age of 18 residing with them.
- 4.7** When assessing the impact of new development on school places, the County Council will take into consideration the cumulative impact of development, including any outstanding applications that remain to be determined at the point the application is received. Where one application does not justify obligations owing to projected spare capacity in the planning area, but a further application would result in capacity being exceeded, the County Council will seek to ensure that obligations are requested and shared between all eligible applications.





### How are contributions calculated?

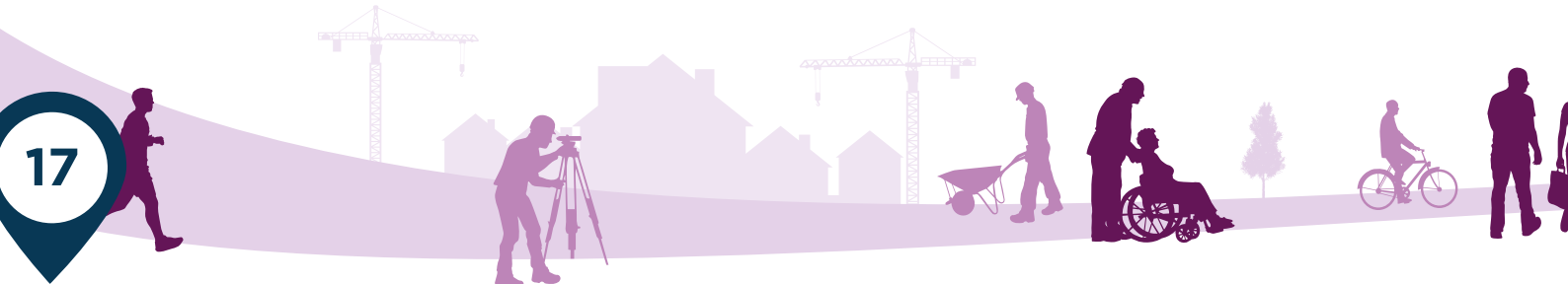
**4.8** The projected demand for places generated by a proposed development is calculated using the formula that for every 100 dwellings built, there will be 21 pupils of primary school age (5-11) and 16 pupils of (statutory) secondary school age (11-16) generated. This has been the adopted formula used by the Council for calculating contributions since the first edition of this Strategy and corresponds with the yields which are used by the County Council to forecast demand for school places in Nottinghamshire, for the purposes of the DfE’s School Capacity Survey (SCAP), with a high rate of accuracy. They are therefore considered to be a good benchmark of pupil demand and are generally accepted to be viable across the county.

**4.9** Local Authorities are now advised by the DfE to include the additional demand for post-sixteen places (16-18) within their pupil yield data and to seek contributions accordingly. Using the formula above, it is assumed that for every 100 dwellings, there will be approximately 3 pupils generated per school year group. There are an additional two year groups in sixth form, however, as staying-on rates in Nottinghamshire average at approximately 50%, the total number of additional places needed is equivalent to just one year group. The need for post-sixteen contributions will only be considered where a development is proposed within a planning area that includes mainstream secondary schools providing sixth form education.

**4.10** The pupil yield factors are converted into a developer contribution requirement using the average cost per pupil place which are published in the DfE School Place Scorecards and adjusted annually for inflation and regional variation. The scorecard differentiates between the average per pupil cost of a new school, permanent expansion, or temporary expansion. The DfE recognises that its scorecard costs are based on a sample of historic projects that were built to former building standards and therefore recommends that the scorecard costs are increased by 10% in order to reflect the costs associated with achieving the sustainability and design standards set out in its updated School Output Specification 2021. As such, the costs used by County Council (Table 1) are based on the latest scorecard cost plus 10%, except for the costs per place for new schools, which have been increased by 30%. The higher uplift for new school projects is justified based on a local sample of new schools built in the region since 2021, which revealed the average cost per place was 30% above the scorecard rate.

**Table 1: Level of Contributions Required 2023/24**

Education Phase	Places generated per 100 dwellings	Cost per place		
		Temporary Expansion	Permanent Expansion	New School Build
Primary	21	£10,405	£22,008	£31,054
Secondary	16	£11,681	£30,270	£37,621
Post 16	3	£11,681	£30,270	£37,621



**4.11** In the majority of cases, contribution requirements will be calculated using the cost per place for permanent expansions. However, where a new school is required, either as a single solution to multiple developments, or where one development is of sufficient size to sustain its own school, contributions will instead be sought based on the cost per place of a new school build, plus the cost of land, where appropriate. Further information on the County Council's approach to the delivery of new schools is described from paragraph 4.22

**4.12** The Council may also request contributions using the cost of a temporary expansion where it is necessary to provide interim provision to accommodate early arrivals from an initial phase of a housing scheme, prior to the delivery of a long term solution (usually a new school). In these cases, contributions towards a temporary expansion could be additional to the expansion/new school requirement but would only apply to the pupil yield arising from the initial phase(s) of development that would come forward before the new provision is available.

#### **How is the need for school places forecasted?**

**4.13** The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its School Capacity (SCAP) Survey process. Information about the methodology is set out below and more detailed information can be found [here](#).

**4.14** For the purposes of assessing demand for school places, the County Council groups mainstream schools and their catchment areas across the County into pupil planning areas.

Forecasts for Nottinghamshire primary planning areas reflect data relating to:

- the local population. This includes GP registration data which is used to identify the population of pre-school children in each planning area. For forecasting purposes, this data is adjusted to reflect the migration of pre-school children between different planning areas<sup>1</sup>
- the children and young people attending our primary schools. This data is taken from the DfE's statutory schools census
- pupils moving between schools during academic years (i.e. an in-year 'cohort flux')
- new housing that has been identified by the relevant planning authority as having a high probability of delivery within the next 5 years
- school reception year places allocated, via the current admissions process, for the start of the next academic year

Forecasts for Nottinghamshire secondary planning areas reflect data relating to:

- the local pupil population already attending linked primary schools.
- the children and young people already attending our secondary schools. This data is taken from the DfE's statutory schools census
- pupils moving between schools during academic years (i.e. an in-year 'cohort flux')
- new housing that has been identified by the relevant planning authority as having a high probability of delivery within the next 7 years
- year 7 school places allocated, via the current admissions process, for the start of the next academic year

<sup>1</sup> Please note that forecasts for individual junior schools are instead based on the local pupil population already attending linked schools, thereby mirroring the methodology used for secondary forecasts.



**4.15** In order to forecast school capacity, the projected demand for places (as described above) is compared with the known capacity figures of schools in the given pupil planning area. When determining a school's capacity, the County Council adheres to the DfE's SCAP guidance. In brief, the capacity of an LA-maintained school is based on an annual assessment that reflects current school buildings and room usage. The capacity of academies and free schools reflects a range of factors, including their funding agreements, Published Admissions Numbers (PANs) and numbers of pupils on roll, although in a small number of cases local knowledge may inform the use of a capacity derived from a detailed net capacity assessment.

**4.16** In a small number of cases, part of a school's capacity is provided by temporary buildings. When considering planning applications and mitigation, NCC will discount this temporary element from the school's overall known capacity, as there is no certainty that these buildings will still be available when a housing development comes forward. Known capacity will therefore differ from that published in the DfE's annual School Capacity (SCAP) survey.

**4.17** The DfE anticipates that Local Authorities will maintain an operating margin of 2% at planning area level to help support parental choice, churn in the pupil population, and the general manageability of the system. The overall known capacity of a planning area is therefore reduced by 2% for the purposes of assessing the impact of development proposals.

**4.18** It should be noted that pupil planning areas are not static; as required by the DfE, the County Council regularly reviews Nottinghamshire's planning areas, to ensure that they continue to enable accurate assessment of current and future pupil demand for school place provision. The DfE will periodically invite Local Authorities to submit requests to change planning areas.

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<sup>2</sup> Offsite highway measures to enhance accessibility to schools from new housing development will be considered separately and not funded through contributions secured to increase school place capacity.



## How are contributions used to increase capacity?

**4.19** Where a financial contribution is required towards the provision of school places, the County Council's response will specify that the contribution is to be used towards increasing capacity within the pupil planning area, rather than any named school. This is to provide the Council with the flexibility to respond to changing circumstances and new information, such as school performance indicators or detailed feasibility work, which is not necessarily available at the time of responding to a planning proposal. This approach also allows the Council to pool contributions towards more holistic projects that meets the needs of more than one development.

Primary and secondary school projects (including sixth form) will increase capacity at an appropriate school within the planning area in which the shortfall was identified. The nature of the project may include:

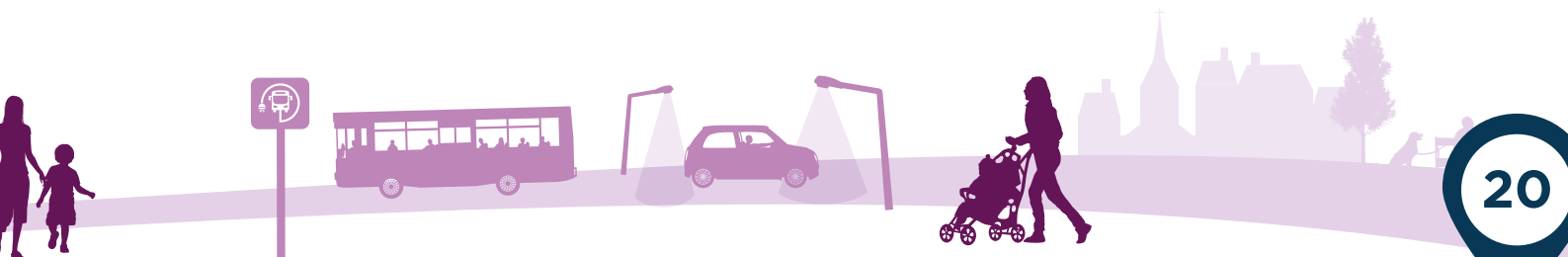
- new schools;
- additional teaching / learning spaces;
- temporary provision required to accommodate early arrivals from a scheme
- new/extended communal spaces e.g. assembly hall, sports hall, dining / catering areas
- internal remodelling to provide additional class places
- new/enhanced specialist teaching / learning spaces
- Other building provision at existing schools including outdoor learning environments and ancillary resources, where this releases additional capacity<sup>2</sup>.

**4.20** A small number of Nottinghamshire planning areas contain a single school, which is usually relatively geographically isolated. In these instances, the Council will request that there is sufficient flexibility within the legal agreement to enable the Council to spend the contribution on another school within a 5-mile radius of the development site, should subsequent feasibility studies demonstrate it to be impossible to increase the capacity at that school.

**4.21** Where monies will be used to deliver additional places at an academy, a Grant Funding Agreement (GFA) will be prepared by the County Council and signed by the Academy Trust. This will set out the level of contribution to be transferred, how this will be paid, what the monies will be used for and the conditions for spend including circumstances which will see monies repaid to the County Council. Further information on this is set out in paragraph 3.23.

## Provision of New Schools

**4.22** There may be a requirement, in some cases, for the provision of a new school. This is likely to be the case if the proposed development is located in an area where all schools have already been expanded to reach their site capacity, or where the development is large enough to sustain its own school. New schools may also be required where a single solution to increased school capacity is necessary to accommodate the demand resulting from several proposed housing sites. The need for a single solution is usually identified at Local Plan stage; in such cases, the County Council will work together with the relevant District / Borough Council to agree an approach to securing land and ensuring that all developments fund provision on an equitable basis, factoring in where one developer provides the land.



**4.23** Where a new school is required to mitigate the impact of development(s), the County Council will require fully serviced land (remediated to a residential standard in accordance with the specification at para 4.27) from the developer(s), plus financial contributions (based on the per pupil costs in Table 1), towards the delivery a new school. The proposed school site should meet the dimensions of the DfE's Building Bulletin 103 (Table 2) and include additional space for onsite drop-off and pick-up provision which is necessary to minimise the impact of vehicular movements on residential amenity. The extent of any drop-off and pick-up provision will be determined on a site-by-site basis considering all relevant factors such as the size of the school and the availability of public transport. Further information on the County Council's expectations with regards to the location of school sites is included within its [New School Guidance for Housing Developers](#), which includes a site suitability checklist. The checklist should be completed as part of any planning application which reserves land for a new school.

**4.24** The County Council will provide the developer with the option of building the new school, subject to it meeting the space standards set out in the DfE's Building Bulletin 103 and the design guidance in its School Output Specification. Where the developer elects to build the school, it would be required to agree the school scheme with the County Council in accordance with the protocol set out in its [New School Guidance for Housing Developers](#). The guidance details what the school scheme should comprise and how this will be agreed with the County Council, together with template clauses for inclusion in S106 Agreements.

**4.25** It is County Council policy that no new schools smaller than a 210-place primary will be planned. In cases where developments will not fund a 210-place primary or the future demand for places is unlikely to materialise in the area, creative solutions will be required. It is also County Council policy that wherever a new primary school is being commissioned, a suitably-sized pre-school is a pre-requisite element of the provision. Normally, a 26 place pre-school will be required for a 1.0 or 1.5 FE setting, or a 39 place pre-school for a 2.0 FE setting. Larger pre-schools will be considered for new schools bigger than 2.0 FE. In order to calculate the cost of providing pre-school provision within a new school site, the Council will use the same per pupil cost as it uses for new primary schools, as recommended by the DfE.

**4.26** Due to the inherent uncertainty in predicting future school capacity at the planning application stage, the County Council may seek flexibility within the terms of the planning obligation to enable the need for a new school to be reviewed once the development has commenced or an agreed number of properties occupied, taking account of local school capacity and place availability within the planning area at that time. A review mechanism could allow the planning obligation to be reduced or redistributed as necessary, for example to support an expansion of an existing primary school or to facilitate the expansion of secondary school facilities, where this could not be secured as part of the original development consent but later becomes necessary to mitigate the development, due to changes in pupil demand. The need for such flexibility would be considered case-by-case and be subject to approval of the LPA.



**Table 2: School Land Requirements for Primary School with Nursery**

School Size			Min. site size (hectares)	Max. site size (hectares)
Forms of Entry (FE)	Primary Places	Nursery Places		
1.0	210	26	0.92	1.14
1.5	315	26	1.27	1.58
2.0	420	39	1.62	2.03
2.5	525	39	1.97	2.47
3.0	630	52	2.32	2.90

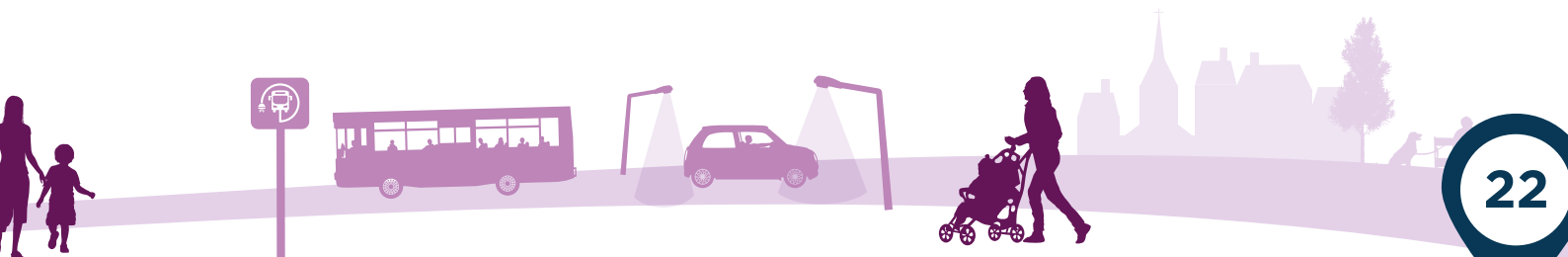
**4.27** The following sets out the serviced site requirements where land is being provided for a new school as would be specified in the Section 106 Agreement:

- (a) a level site remediated to a residential standard and the full site investigation report, together with the remediation strategy agreed by the Council in consultation with the County Council and any signed off validation report that is required to confirm the remediation strategy has been successfully implemented to the Council's and County Council's satisfaction;
- (b) with the benefit of any collateral warranties for groundworks assigned to the County Council;
- (c) without the presence of ordnance or protected species with all necessary access and rights of access (including free and uninterrupted construction access and to enable the secure passage of people on opening);
- (d) with any necessary stopping up and diversion orders in respect of public rights of way;
- (e) where the Primary School Site forms part of a larger existing or proposed school site then the boundaries must be contiguous without any ransom strip or other title defect or issue;
- (f) provision of gas, electricity, water, foul sewerage, telecommunications and broadband internet and any other Services (all Services to be of sufficient size and capacity for the use of the Primary School Land for the purposes of the Primary School and to be delivered to a point of connection to be agreed with the County Council being at least to the boundary

*of the Primary School Land) or infrastructure appropriate (to adoptable standard where applicable) to the extent and capacity necessary so that the land and Services are adequate for use as a Primary School; [(including a sprinkler installation)] )*

- (g) finished site levels as agreed with the County Council as suitable to enable the use of the Primary School Site for its intended purpose; and
- (h) with surface water drainage to accommodate the 1 in 30 year design flow with attenuation up to 1 in 100 year plus climate change provided within the overall development site and where the utility is to be adopted with an executed agreement (if required) with the relevant body transferred with confirmation that the infrastructure will be adopted without further payment to the relevant body.

**4.28** The delivery of a new school will be achieved through the free school presumption process, which aims to appoint a multi-academy trust to run the school. This approach requires the approval of the Regional Schools Commissioner acting on behalf of the Secretary of State. Further information about this process is available here. When building a new school, the Council will consider the wider community use of both the school buildings and playing fields.



## Special Educational Needs and Disabilities (SEND) Provision

**4.29** The DfE advise Local Authorities to seek developer contributions for expansions required to provision for pupils with special educational needs and disabilities (SEND), commensurate with the need arising from the development. At January 2024, the proportion of the Nottinghamshire pupil population that required a specialist placement was 1.3%<sup>3</sup>. This is applied to the pupil yield product referred to in Table 1 to give an all-age SEND yield of **0.52 pupils per 100 dwellings**. That is to say, of the 40 pupils expected to be generated for every 100 dwellings (across all education phases), 0.52 pupils would require a place in a non-mainstream setting. When calculating pupil generation, the Council rounds to the nearest whole place; therefore, the minimum development size necessary to trigger a contribution towards a SEND place is 100 dwellings.

**4.30** The need for a SEND contribution will be based on projected demand for places at special schools and will be determined independently of the mainstream school analysis described above. The special school projection data will be based on forecasted demand across Nottinghamshire as a whole, rather than the capacity within a given planning area. This is because the pattern of provision across the County often involves pupils travelling a significant distance in order to access the most appropriate setting to suit their needs. Special schools in Nottinghamshire are generally operating at or above capacity, with some pupils travelling further afield into neighbouring authorities.

**4.31** The DfE advise that the cost of a SEND place should be set at four times the cost of a mainstream place due to the additional space associated with provision of specialist facilities and equipment. The level of contribution per place is therefore calculated by averaging the cost per place of expanding mainstream provision across primary and secondary (see Table 1) and multiplying this by four, which is **£104,556 per place (i.e. £26,139 x 4)**. If a SEND contribution is required in addition to a mainstream contribution, the overall requirement will be adjusted to avoid double counting pupils. For example, if a 100 dwelling development is required to contribute towards a SEND place as well as primary school places, then the primary element would be calculated on the balance of 20 places, rather than 21 places.

**4.32** Where a financial contribution is required towards the provision of SEND places, the County Council's response will specify that the contribution is to be used towards expanding SEND facilities within Nottinghamshire, rather than any named school. The contribution may be used towards a new special school or expansion to an existing special school; it may also be used to fund the provision of new/expanded SEND unit attached to a mainstream school.

<sup>3</sup> Specialist placement refers to LA and non-LA maintained special schools, independent and other LA special schools and Education Other Than at School (EOTAS).



## Payment of Education Contributions

**4.33** Any contributions to be paid to the County Council will be index-linked from the date that the contribution is calculated to the date that the contribution is paid using the BCIS All-In Tender Price Index. This will ensure that the contribution keeps pace with inflation and that any delays during the planning process do not result in the contribution being underestimated.

**4.34** The Council will request that any planning obligation is held for a minimum of 10 years from the date of final payment to allow enough time for the contribution to be spent and, where appropriate, pooled with other contributions towards larger school projects that are designed to meet the needs of several developments within an area. This approach is recommended by the DfE's August 2023 Guidance, Securing Developer Contributions for Education.

**4.35** The Council will request that any planning obligation is held for a minimum of 10 years from the date of final payment to allow enough time for the contribution to be spent and, where appropriate, pooled with other contributions towards larger school projects that are designed to meet the needs of several developments within an area. This approach is recommended by the DfE's August 2023 Guidance, [Securing Developer Contributions for Education](#).

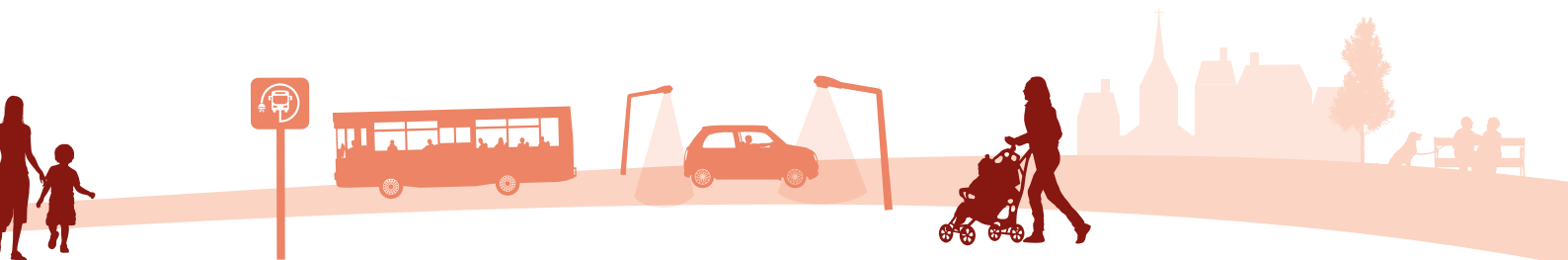
**Table 3: Payment Trigger Points**

Development Size	Trigger Schedule
Developments of 100 or less dwellings (Small Project)	50% prior to the Occupation of the first dwelling and the remaining 50% prior to Occupation of 50% of the dwellings or within 2 years of occupation of first dwelling, whichever is the sooner.
Developments of over 100 or up to and including 300 dwellings (Medium Project)	50% prior to the Occupation of the first dwelling and the remaining 50% prior to Occupation of 50% of the dwellings or within 3 years of occupation of first dwelling, whichever is the sooner.
Developments of 300 dwellings and over (Large Project)	Triggers will reflect the complexity of the agreed solution which could include a new school. However, it can be assumed as with small and medium projects that an initial payment will be required prior to occupation of the first dwelling.



# Transport

05



# Transport

**5.1** In order to minimise impacts of new development on highway safety, help mitigate the increase in demand on the transport network, and to deliver opportunities for sustainable travel that benefits health and wellbeing, the County Council may request that developers provide improvements to local transport facilities. A hierarchical approach to these improvements will be taken to ensure that new development provides (in order of preference):

- 1) Area wide travel demand management i.e. travel planning measures to reduce travel by private car and incentives to use public transport and encourage walking and cycling.
- 2) New and improved pedestrian routes, cycling facilities, and public transport services and infrastructure, both within the development and to connect with neighbouring areas.
- 3) Optimisation of the existing highway network to prioritise public transport and active travel.
- 4) Major highway capacity enhancements to deal with residual car demand.

**5.2** As required by government guidance, the County Council will only expect the Local Planning Authority to require a developer to contribute towards the improvement of the transport network where the requirement for it is a direct consequence of the development proceeding and where the proposed mitigation is proportionate to the impact of that development.

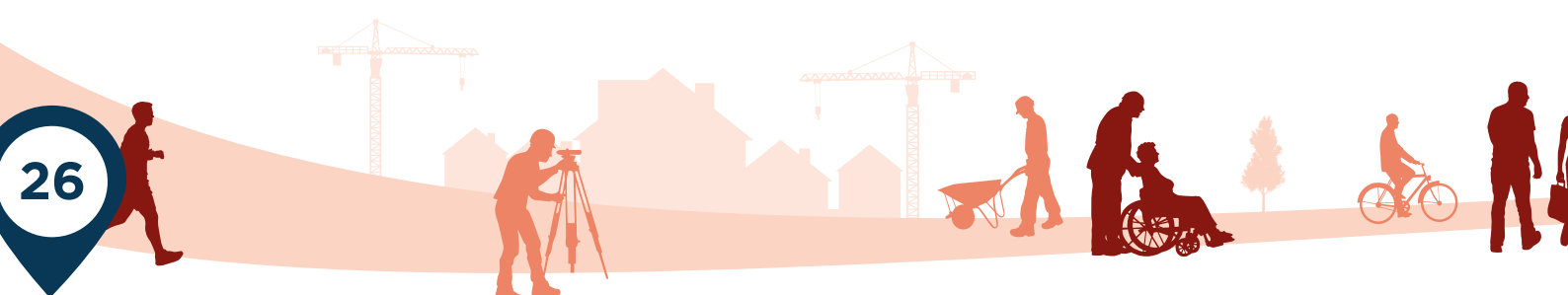
**5.3** All planning applications that propose development that would generate significant amounts of movement must be supported by a Transport Statement or Transport Assessment prepared in accordance with current Government and County Council guidance. Information on the thresholds for these requirements is set out in the Council's [Road Network Policy](#).

## Highways

**5.4** As the Local Highway Authority (LHA), the County Council will view the highway elements of any relevant planning application with a view as to their sustainability, connectivity, and acceptability in mitigating any adverse effects on the local highway network. Where the proposals made by an applicant do not adequately mitigate the adverse effects on the highway network, or where the LHA consider the development has failed to take up opportunities to promote sustainable transport and improve air quality through enhancements to walking and cycling facilities, and improvements to public transport measures, the County Council will seek opportunities for transport improvements funded by the developer through a planning condition or obligation.

**5.5** The majority of highways improvements and modifications will be secured by planning condition, which require the developer to commission or carry out specified highway works. In such cases, the developer will be required to enter into an agreement with the Highway Authority pursuant to Section 278 of the Highways Act 1980 to secure the provision of the specified highway works.

**5.6** Improvement works undertaken through s278 are usually carried out in advance of development or prior to part of the development being brought into use and may include but not limited to any of the following: improvements to footways, cycling facilities, public transport infrastructure, minor highway realignments, roundabouts, traffic signals, right-turning lanes, passing bays, together with signage, lighting, drainage, and other works. Where the highway network is widened or there is additional highway infrastructure delivered via a Section 278 agreement a commuted sum will be included as part of the agreement towards the cost of future maintenance of the works.



**5.7** Pooled financial contributions towards highway capacity enhancements will usually only be sought in relation to larger scale strategic transportation schemes, which are necessary to mitigate the cumulative impact of more than one development and where it is not appropriate for any one development to deliver the infrastructure in its entirety. These enhancements will usually have been identified through the Local Plan process and would appear in the associated Infrastructure Delivery Plan. In such circumstances, the County Council will seek a proportionate contribution through a S106 Agreement and will be responsible for delivering the identified infrastructure.

## Walking and Cycling

**5.8** The Government's Cycling and Walking Plan ([Gear Change: A Bold Vision for Cycling and Walking](#)) clearly states that new developments should be easily and safely accessible and navigable by foot and bike and should contribute towards the improvement of existing cycling and walking provision. When considering the highway and transport elements of a development proposal, priority should be given firstly to facilitating pedestrian and cycle movements, both within the proposed development site and to link the proposed development with the neighbouring area and local facilities. To help deliver this aim, the Government is proposing to establish a new body, Active Travel England, which will review major planning applications to confirm they include adequate cycling and walking provision.

**5.9** The County Council also places a high priority on planning effectively for the impact of new developments so that the required investment in walking and cycling infrastructure is provided by developers to enable trips to be made safely and easily, and to mitigate the additional demand on local infrastructure. Nottinghamshire's strategic cycling network has been identified through the development of the D2N2 Local Cycling & Walking

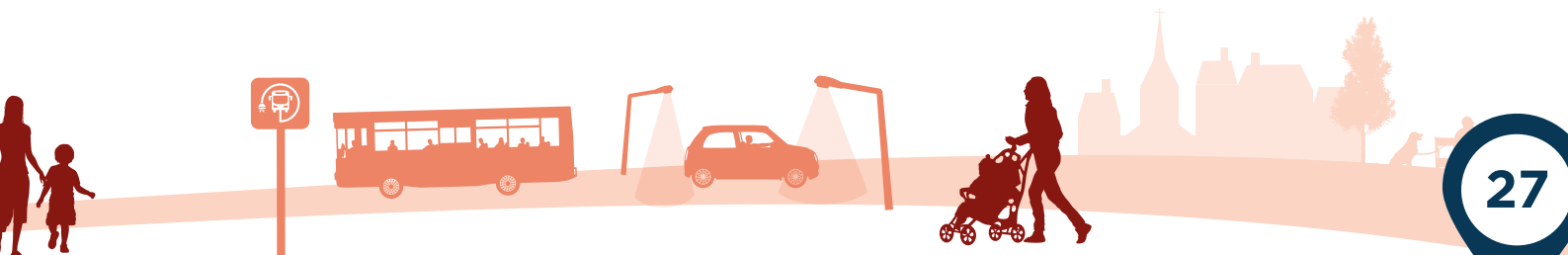
Infrastructure Plan (LCWIP). All planning proposals should consider how the new development would link to local jobs, training and services via the strategic cycling network and include infrastructure improvements to enable cyclists to do so. The Council may require that planning permissions include planning obligations and/or conditions (as appropriate) to ensure provision of high quality cycling and walking facilities:

- within the proposed development site
- on existing highway networks to link developments into the wider strategic cycle networks
- to proposed strategic cycle networks that link developments to local jobs, education, shops, and other local facilities.

**5.10** Any new cycling infrastructure provided as part of, or to mitigate, new developments must be in line with Government's strategy 'Gear Change: A Bold Vision for Cycling and Walking' and design guidance '[Local Transport Note 1/20: Cycle Infrastructure Design](#)'.

## Public Rights of Way (PROW)

**5.11** Public Rights of Way (PROW) are public highways and are afforded the same level of protection and control by the County Council as the LHA, as the major highway network. They form part of the sustainable transport network that has links to healthy living, reducing carbon footprints, green infrastructure, and safe non-motorised routes to local facilities. The NPPF (Para 100) states that planning policies and decisions should protect and enhance PROW including taking opportunities to provide better facilities for non-motorised users. It is therefore important to ensure that new development is appropriately linked to the PROW network and that the PROW network is of an appropriate design to encourage effective and safe use by the additional population arising from the development.



**5.12** The increased use of the PROW network as a result of new development will have a detrimental effect on the quality of the routes and the way that the public will use them. The change in use from a rural path to one of an urban nature will dramatically change the type of use from rural walking for pleasure on potentially uneven ground, to walking to work, school, shops and other local services and facilities, with additional accessibility for cycles, pushchairs, wheelchairs, mobility scooters etc.

**5.13** The County Council encourages the LPA to consider the wider implications of development to ensure that the best use is made of the PROW network in connection with the other highway routes. The County Council may request that planning obligations and/or conditions are included to ensure that the infrastructure meets with the future use of those routes (appropriate surfacing, location, amenity, safe routes etc) if affected by the development.

**5.14** Within a development boundary, the upgrades required for the anticipated increased use of the network can be delivered through planning conditions. Improvements to routes outside the development will require planning obligations and will need to link to the changes made within the development. The criteria for determining the need for an obligation will include an assessment of the surrounding ROW and the extent to which they are likely to be used by the residents to access local facilities both inside and outside of the development, to include:

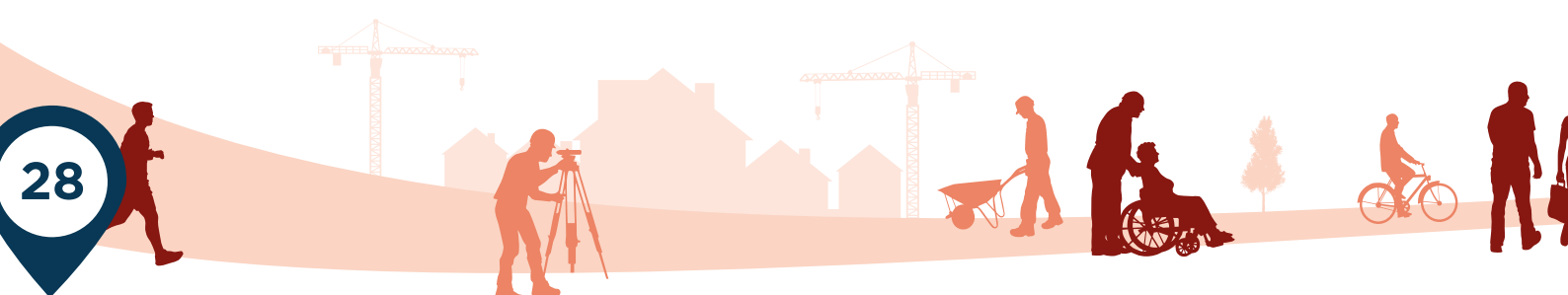
- the number of houses proposed
- existing highway and access infrastructure
- strategic links to services
- existing latent and future use and
- type of access in the environs of the proposed development.

If ROW are included in the Travel Plan to support sustainable travel, consideration will be given to whether these routes have been upgraded to match the expected and promoted use. The ROW team will work with the Highways Development Control Team to ensure that there is a consistency of approach to highway infrastructure and non-motorised users (NMUs).

**5.15** When determining the need for planning conditions and/or obligations, the County Council will use the following specification as a guide:

- All RoW paths within an urban or residential area should be tarmacked to a minimum of 2m in width with a verge either side.
- Where a path continues out of the development into a similar environment the upgrade should match the surface to the next adopted highway (tarmacked) link.
- Where a path connects to a lesser environment (countryside or natural surface), this should be upgraded to a compacted crushed stone surface (assuming that permission can be gained).
- If the path is a bridleway then the width should be a minimum of 3m with a verge of 1m either side and should be crushed stone or, where equestrian use is very infrequent or nonexistent, it may be tarmacked if the location and gradient allows.

**5.16** All costs for improvements / installations of surfacing will be calculated based on internal contract prices in addition to quotations from contractors to carry out the works. Contribution requirements will be calculated on a case-by-case basis through the planning application process.



Below is a table with example costings, the prices quoted are for illustration purposes only and are subject to change:

Surfacing Type	£ per linear metre*
Tarmac 2m wide	£140
Tarmac 3m wide	£210
Compacted crushed stone 2m wide	£110
Compacted crushed stone 3m wide	£165

\* Provided as an example but does not include any potential traffic management or welfare costs

**5.17** Where these routes are currently only footpath and the intention is to allow cyclists then a further requirement to upgrade the legal status needs to be factored in (including potential legal costs and a commuted sum for maintenance) or a management agreement to accept the increased liability and maintenance required as use is permissive.

## Public Transport

**5.18** The County Council places a high priority on planning effectively for the impact of new developments on the local public transport network. Investment is required to help ensure that public transport use is maintained and increased, including the provision of local bus services and associated infrastructure to mitigate the impact of new developments.

**5.19** **The National Bus Strategy** published in Spring 2021 includes a requirement that Local Transport Authorities work in partnership with local bus operators to set the daytime, evening and Sunday service levels that different communities need through Bus Service Improvement Plans to create an integrated network. This requirement is included as part of the assessment for new developments. NCC work in partnership with developers and transport providers to connect sites to centres of employment, education, health, shopping and leisure. This will assist in ensuring the

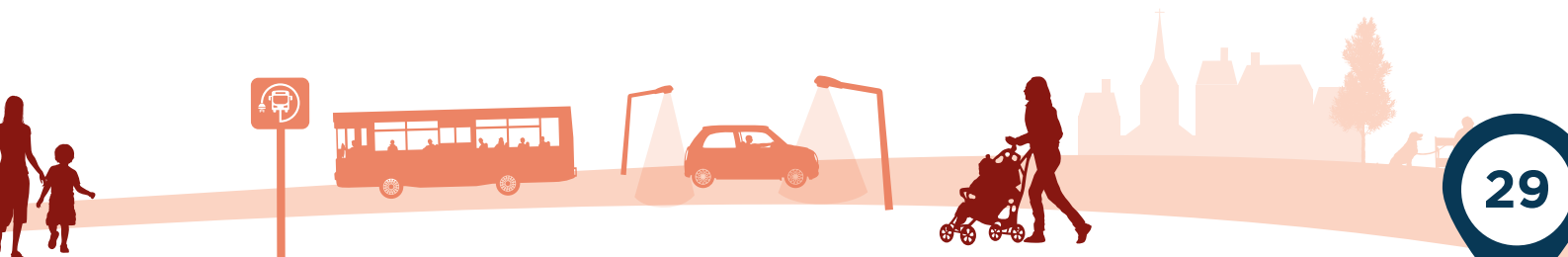
development is acceptable in planning terms and meet government objectives in the NPPF for sustainable transport to complement walking and cycling.

## Bus Infrastructure

**5.20** Developers should ensure that the highway design of their development site takes account of the public transport access. Part 3 of the Council's Highway Design Guide includes general design guidance and standards including access. The County Council also recommends developers follow the design principles outlined in best practice guidance, including the guide produced by Stagecoach: **Bus Services & New Residential Developments - General Highways and Urban Design advice to applicants and Highways Authorities**'.

**5.21** The County Council may seek contributions from any residential development of 10 dwellings or more, or employment and retail developments of over 1,000 sqm, towards the provision of local bus stop facilities including the following as appropriate:

- Real time bus stop pole & display including associated electrical connections
- Bus shelter (polycarbonate or wooden dependant on location)
- Solar/electrical lighting in bus shelter
- Raised boarding kerb
- Lowered accessibility kerb
- Enforceable bus stop clearway
- Other public transport related infrastructure i.e. bus lanes / gates, Automatic Vehicle Location Traffic Light Priority, and camera enforcement as part of highways improvements



The above list is not exhaustive and can include other Highway measures to improve accessibility and bus service reliability and punctuality.

**5.22** The need for contributions will include an evaluation of the nearest bus stops to the proposed development site and the potential for that infrastructure to be improved to promote the use of sustainable transport. Any requests for contributions towards bus stop improvements will be relative to the size of the development proposed and its potential impact on the usage of the available infrastructure.

**5.23** The Nottinghamshire Highway Design Guidance states that the maximum walking distance to a served bus stop in urban areas should be 400m and desirably no more than 250m; and in rural areas the walking distance should not be more than 800m and desirably 400m. Should the nearest bus stop infrastructure be further away than the distances in the guidance, the Council will request that new bus stops are installed within the relevant distances via developer contributions or, where appropriate, planning conditions i.e. for stops within new development sites.

**5.24** Further information on the indicative costs for calculating contributions is available in Appendix 1 of the Council's [Public Transport Planning Obligations Funding Guidance](#).

### Bus Services

**5.25** Local transport operators provide bus services that they consider to be commercially viable without financial support. The County Council provides revenue subsidies to provide additional services to ensure communities have access to essential services including for work, education, health, shopping, and leisure purposes. This revenue subsidy, together with other funding sources, enables the Council to maintain a sustainable network. Where new development is proposed, the Council may

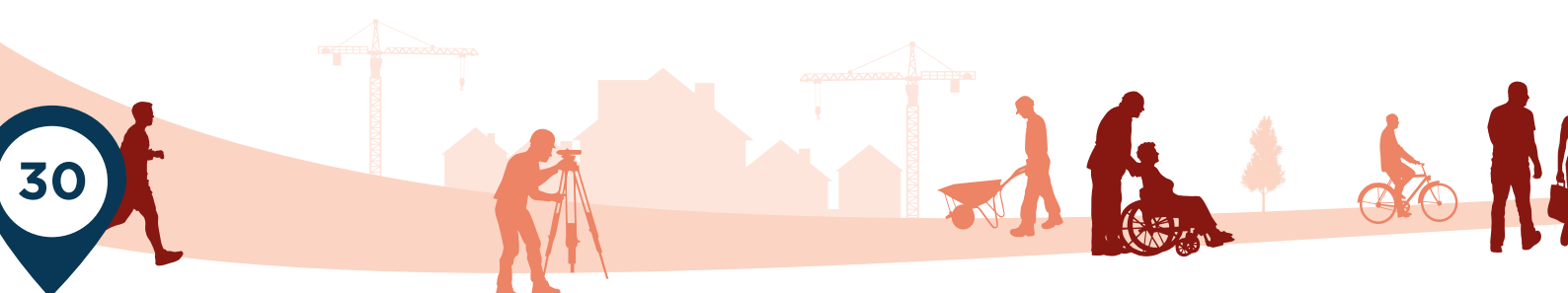
seek contributions to provide socially and economically necessary bus services, including revenue support for services with the aim that they break-even and become commercial in the future.

**5.26** For residential developments in excess of 100 dwellings, and medium-to-large scale employment developments (i.e. typically in excess of 250 employees), the Council will consider whether a bus service contribution is required, in light of the prevailing local bus network and its ability to accommodate demand from the site. Where it is known that several smaller, adjoining development schemes will cumulatively exceed this threshold, consideration may be given to the overall impact of the schemes, with contributions sought for each application on a pro-rata basis.

**5.27** The County Council may seek contributions to fund new routes designed primarily to serve a new development or, where a bus network already exists in the local area, contributions may be sought to extend existing services to meet the additional demand. Where an extension is necessary, the Council will work in partnership with local operators to determine the most appropriate revised service route, capacity, and frequency to ensure that both existing and future bus users can be accommodated.

**5.28** There might be circumstances where a contribution is required for community or demand responsive bus services. This will generally be for smaller sites, including in rural areas, where access to the bus network might not meet Highway Design Guide standards and the provision of a community or demand responsive solution is more cost effective.

**5.29** Nottinghamshire County Council has developed a bus service funding model that it uses to determine the level of bus service contribution that will be required



from a developer. The model uses a number of variables to simulate a range of service solutions, with supporting costs to determine the level of financial support required to enable any new service to become sustainable. This includes the likely demographic profile and occupancy levels for a particular development (to determine demand) and operational factors such as capital costs of vehicles, service frequency and fares yield. Further information on the inputs used to establish the level of bus service contribution required and the typical costs of providing a bus service is available in Appendix 2 of the Council's [Public Transport Planning Obligations Guidance](#).

### School Transport

**5.30** The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006, places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children as they consider necessary to facilitate their attendance at school. Walking distance is defined by S 444(5) of the Education Act 1996 at two miles for under-eights and three miles for those aged eight years and above. In excess of these distances Nottinghamshire County Council generally must fund 'free' school transport. Further information is published in the Council's [Under-16 Home To School Transport Policy](#).

**5.31** Where a development is above the walking distance criteria and would require the County Council to provide free home to school transport, the Council will review the capacity of the existing school transport service and consider whether it is capable of accommodating any additional demand within the relevant school catchment area. Where the existing service does not have capacity to accommodate further pupils and it is anticipated that the Council would need to provide extra resource to meet the demands from the development, a financial contribution may be sought to ensure that the development is acceptable in planning

terms. This contribution will cover the cost of providing new or additional transport based upon a calculation of the number of pupils generated by the development (using the pupil yield factor identified in Table 1) for a period of seven years for primary and five years for secondary. The costs will be calculated on a case-by-case basis but, for illustrative purposes, the average cost of a student pass is £600 per pupil, per annum, and is subject to change.

**5.32** Where the development is below the walking distance criteria but no safe walking/cycling route is available, an appropriate highway contribution to establish a safe walking route from the proposed residential development to either the catchment schools or the school/s where additional places will be provided (and the distance is below the eligible walking distance criteria) may be considered.

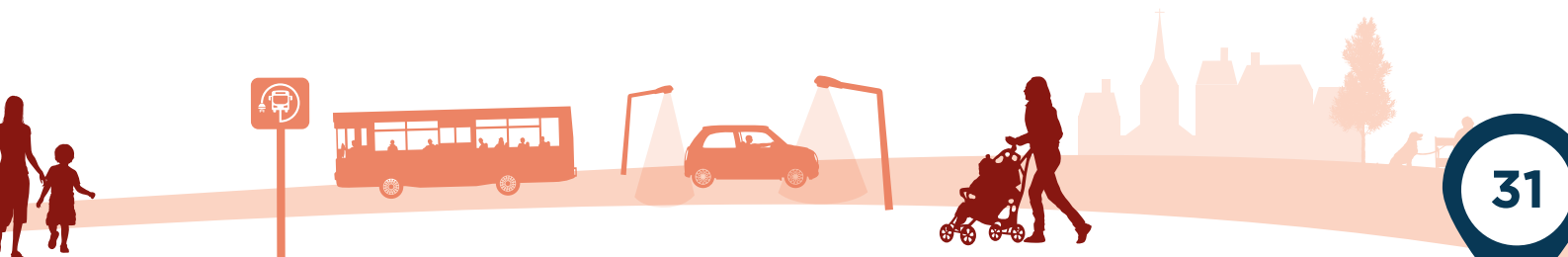
### Sustainable Travel and Ticketing

**5.33** Bus taster tickets are a key element of encouraging modal switch as part of a package of sustainable travel measures offered as part of new planning developments. For new developments the Council will consider requesting public transport 'taster ticket' incentives for bus/tram and occasionally rail to help to achieve the Travel Plan modal share targets.

**5.34** The Policy for Requesting Bus Taster Ticket Contributions forms an Appendix to the [Public Transport Planning Obligations Funding Guidance for Prospective Developers](#).

### Payment Triggers and Clawback

**5.35** Section 106 contributions are usually paid in instalments at key stages during the construction and/or occupation of a development. Payment triggers will vary according to the specific build-out and funding arrangements. It is important that public transport infrastructure and services



are available at the earliest opportunity to encourage new residents to adopt sustainable modes of travel from the outset. Therefore, a typical approach to phasing of payments for a housing development might be as follows:

- Bus Stop infrastructure: Payment before occupation of the first dwelling.
- Bus Service / School Transport: 50% of the total upon completion of 25% of the dwellings; 50% of the total upon completion 75% of the dwellings;
- Bus Taster Tickets: Payment before occupation of the first dwelling.

**5.36** Payments should be made with a minimum 8 year spend deadline to account for any delays with build-out of the development after the payment is made, which might impact on the delivery of the infrastructure or services. If there is significant delays to a development against the indicative build out programme a revised spend deadline will be agreed between the NCC and the LPA/developer.

## Travel Plans

**5.37** The requirement for a travel plan varies depending on the type and scale of development. Thresholds indicating the scale at which a travel plan is considered necessary can be found within Section 1.2 of the [Nottinghamshire Highway Design Guide](#).

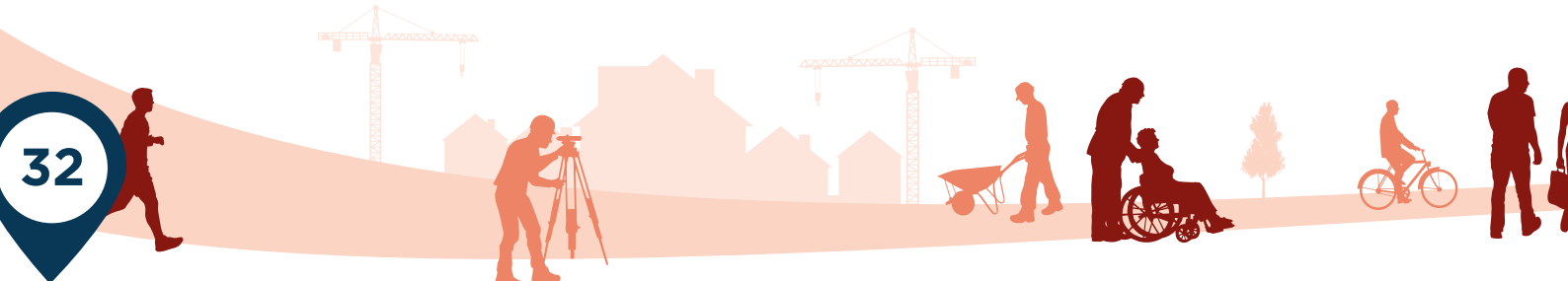
Should the development meet the relevant threshold, the applicant will be required to submit and agree a travel plan with the Local Highway Authority as part of the planning application process. The plan will identify how the developer intends to introduce sustainable travel initiatives with the overarching aim of reducing single car occupancy.

**5.38** Developers will be required to pay a one-off fee to cover likely staff time involved in reviewing its implementation and compliance with targets defined within the plan. Review fees will be calculated on a site by site basis and should be payable through a Section 106 Agreement and index-linked with the Retail Price Index. It should be noted that any review fees requested via the S106 Agreement are intended to solely cover officer time associated with ongoing monitoring and management of the travel plan. The cost of any required updates to the travel plan as well as associated traffic / travel surveys provided as supporting evidence for target monitoring purposes shall be met separately by the developer.

**5.39** The fees payable are calculated based on the expected number of officer hours involved in reviewing the plan and liaising with the travel plan coordinator for a five year period, commencing upon completion of 50% of the development. The table below provides a summary of charges, but these are intended as guidance only. The monitoring fee calculation is reviewed annually and will be listed in the Council's annual charges to services report.

**Table 4: Travel Plan Monitoring Fees**

Development Type	Charge Band	Fee Calculation
Single occupier commercial; single phase of development; up to 200 dwellings	Charge Band A	£1,500 per annum for 5 years (£7,500) [Plus £900 per annum for subsequent years beyond year 5 up to and including the year after the end of construction]
Multi occupancy commercial; multi-phase development, mixed use; over 200 dwellings	Charge Band B	£3,000 per annum for 5 years (£15,000) [Plus £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction]





# Libraries

06



# Libraries

- 6.1** The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”. In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries, under contract with Inspire, a non-profit organisation. These libraries are at the heart of the communities, providing access to books and DVDs; a wide range of information services; the internet; and opportunities for learning and cultural activity.
- 6.2** The County Council has a commitment to maintain and develop a strong libraries network across the County and has a clear vision that its libraries should be:
- modern and attractive;
  - located in highly accessible locations;
  - located in close proximity to, or jointly with, other community facilities, retail centres and services such as health or education;
  - integrated with the design of an overall development;
  - of suitable size and standard for intended users;
  - contain a comprehensive range of stock to meet the needs of the local community.

- 6.3** In order to maintain this statutory responsibility and vision for its libraries network, the County Council may seek developer contributions to mitigate the additional demand on library services generated by new development. Contributions may be sought for any residential development (including student accommodation) of **50 dwellings and above**, and could contribute towards the following:

- Construction of new libraries (including fit-out costs)
- Extensions / alternations to existing libraries
- Increasing stock levels at existing libraries

## Building Capacity

- 6.4** Where new development places demand on the library network above its physical capacity, a new library or an extension to an existing facility may be required. The need for a contribution will be established by comparing the current capacity of the nearest, existing library and population it serves with the number of people expected to be generated by the new development. Where the physical capacity of the library would be exceeded, a contribution will be required.
- 6.5** The capacity of the library is determined based on the Museums, Libraries and Archives (MLA) recommended service requirement of 30m<sup>2</sup> of public library space per 1,000 population. The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area.



**6.6** Where a contribution is required to increase building capacity the cost will be determined at the time of the planning application and will include both building costs (linked to the BCIS Tender Price Index) and fitting-out costs, including furniture and technology, based upon current fitting-out costs of new provision in Nottinghamshire.

## Stock Provision

**6.7** Where a library building is able to accommodate the extra demand created by a new development, but it is known and demonstrable that the stock levels are inadequate to meet the needs of the additional population (based on national standard recommended stock levels), a contribution will be sought towards increasing the stock level at that library to accommodate the additional population generated.

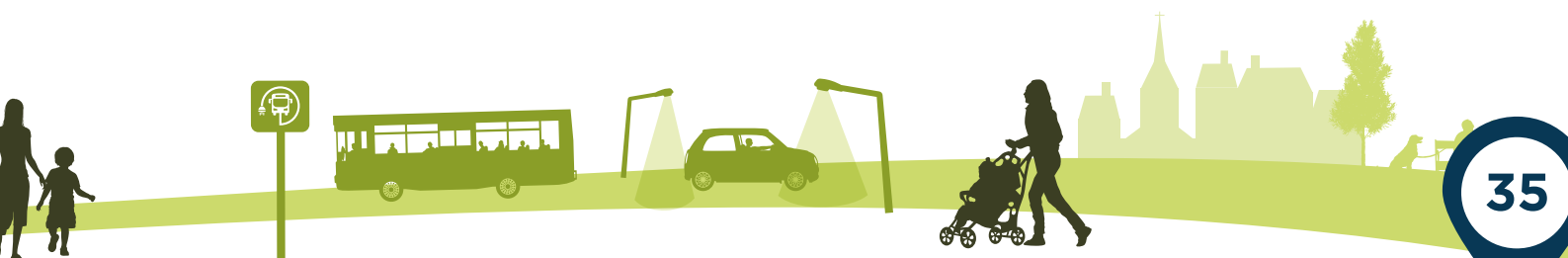
**6.8** The National Library Standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £12.67 per stock item (based on the average price for all types of stock in 2022 obtained from Publishers Weekly trade information), the contribution towards the additional stock is calculated as follows:

*Number of dwellings x 2.3  
(average household size<sup>4</sup>)  
= population generated*

*Population generated x 1.532  
(items per person) x £12.67 (cost per item)*

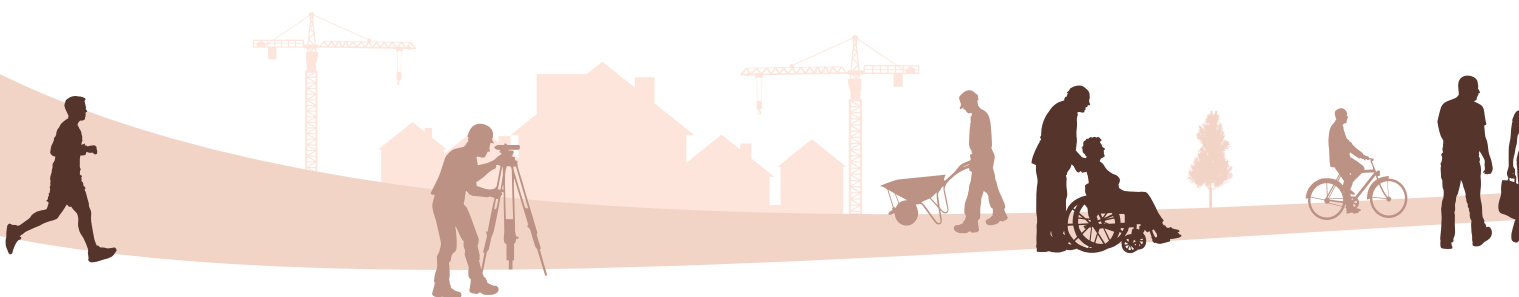
**= £44.64 per dwelling**

<sup>4</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/bulletins/populationandhouseholdestimatesfortheunitedkingdom/2011-03-21>



# Waste Management

07



# Waste Management

**7.1** In its statutory role as a Waste Disposal Authority, Nottinghamshire County Council has a statutory duty under the Environmental Protection Act 1990 to offer facilities to local residents where they may deposit their household waste. The County Council operates a network of twelve recycling centres across the county where householders can take household items and garden waste for recycling. However, several of these centres are now at or close to capacity and will not be able to accommodate the additional demand generated by the level of expected housing growth in their catchment area. It may therefore be necessary to seek developer contributions towards the construction of a new or expanded recycling centre.

**7.2** New housing development will generate significant levels of additional waste, with each household in Nottinghamshire on average depositing 250kg of waste at the County's recycling centres each year. Furthermore, the increase in site usage will place additional pressures on the site that will influence the need to upgrade recycling centres, including:

- an increase in queuing times for users and congestion in the area;
- an increase in vehicles needing to access the sites to remove waste, which can mean public access to the sites is further restricted whilst the waste is removed;
- the site no longer being acceptable with regards to public usability such as not being split level for ease of disposing of waste and therefore can present accessibility and health and safety issues with the public having to use steps and ramps to access skips.

**7.3** Where a residential development of **50 dwellings or more** is proposed in the catchment area of a recycling centre that is at or close to capacity, it may be necessary to seek developer contributions to support the construction of a new or expanded site. In order to ensure a fair and proportionate contribution request is made the following

model has been developed that calculates a contribution per household. The contribution per household will vary based upon the expected housing in the district / borough as well as land purchase or lease costs associated with delivering the new or expanded recycling centre.

The 'per household contribution' will be determined as follows:

A = Contribution per household

B = Capital costs associated with construction of new or extended site

C = Saleable assets of old site where appropriate

D = Land lease costs per annum

E = Length of lease in years

F = Existing households in the catchment area/ borough/district

G = Expected additional housing as set out in relevant Local Plan/s.

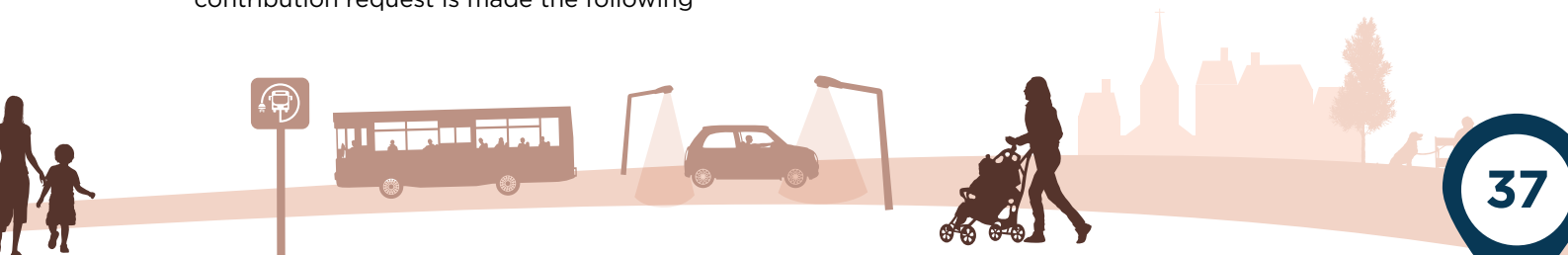
$$A = (B - C + (D * E)) / (F + G)$$

## Example

A proposed development of 2,000 dwellings is required to contribute towards the development of a new recycling centre. The capital costs for a new site are £5,000,000 and the existing site has £500,000 of saleable assets. The new site will be on a lease of 25 years at a cost of £50,000 per annum. The current catchment of the area is 40,000 houses with the Local Plan setting out a further 5,000 new homes over the coming years. The developer contribution sought would be £255,560 based on a 'per house contribution' of £127.78

$$i.e. (5,000,000 - 500,000 + (50,000 * 25)) / (40,000 + 5,000) = £127.78 \text{ per household}$$

**7.4** In cases where a new site is required it may be possible for a developer to gift land that is deemed to be in a suitable location for the construction of a new recycling centre. Any agreement of land to be used can contribute to part or all of what would otherwise be a financial contribution. The provision of land as a contribution will be considered case by case.



# Green Spaces



# Green Spaces

**8.1** Nottinghamshire County Council is responsible for the ownership and management of almost 1900 hectares of green space across the County, comprising disused railway lines, old gravel workings, restored colliery tips, surfaced tracks and trails, and woodland. The majority of these sites are publicly accessible and, together with their associated infrastructure, contribute significantly to the health and wellbeing of local communities, as well as providing important habitats for wildlife. The green spaces network also makes places more attractive to live and contributes to an uplift in property prices locally.

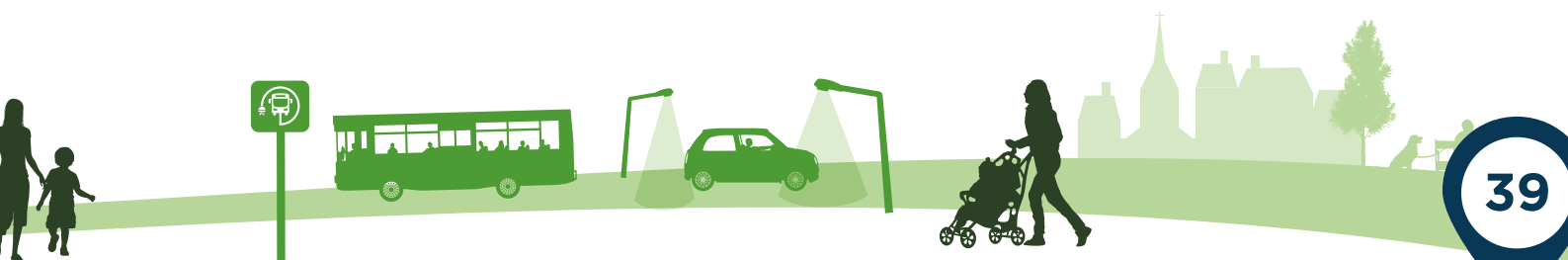
**8.2** The County Council will occasionally seek financial contributions towards the maintenance or enhancement of green spaces under its ownership where development adjacent to or in the vicinity of such sites is likely to increase costs on the authority due to:

- additional wear and tear on site infrastructure caused by additional usage of the site;
- a change in the intensity of management caused by additional usage of the site;
- a requirement for tree safety works or improvements to site access and security due to the proximity of the development;
- a requirement for additional drainage provision due to the proximity of the development.

**8.3** The contributions sought may include either maintenance costs associated with the ongoing upkeep of the site (based on a set period, for example 10 years) or capital costs towards upgrading the site facilities, or a combination of both. The type of mitigation measures that the County Council may seek could include, but is not limited to, any of the following:

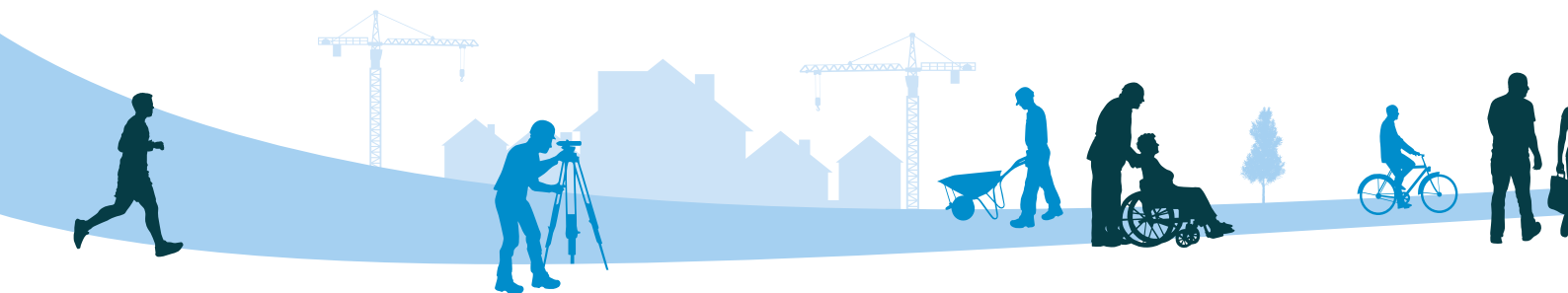
- Upkeep/upgrade of drainage, paths and access infrastructure, boundaries and security;
- Tree and vegetation maintenance;
- Waste bins;
- Signage and interpretation;
- Habitat protection, enhancement , restoration and creation (off and on site);
- Landscaping - on site or strategic landscaping solutions;
- Site management

**8.4** Additional information on the location and types of designated green space sites throughout Nottinghamshire can be accessed via the County Council's [Green Spaces Webpage](#).



# Minerals & Waste Development

9





# Minerals & Waste Development

**9.1** The County Council is the responsible planning authority for determining planning applications relating to minerals and waste developments in the County. Any proposal for a mineral or waste development could give rise to issues relating to public amenity, highways, flood risk, landscape character and archaeological and ecological impact.

**9.2** In the majority of cases, the impact of mineral and waste development will be mitigated through the use of planning conditions. However, these can only relate to matters within the development site boundary and so any mitigation required outside of the site will need to be mitigated through a planning obligation i.e. legal agreement. This section describes the measures which the County Council may seek through legal agreements associated with planning permission in order to mitigate the impact of new minerals and waste development on local communities and the local environment. The need for planning obligations will depend on the site-specific circumstances and will be determined on a case-by-case basis.

**9.3** Any minerals development may trigger the need for mitigation measures, including both extraction and associated processing. The type of measures for which provision will be required through a legal agreement may include any of the following:

- Highway improvement and reinstatement works, lorry routing arrangements, off-site highway safety works;
- Off-site provision of landscaping, screening, noise attenuation measures, flood mitigation measures etc.;
- Off-site monitoring of noise, dust, blasting impact;
- Financial guarantees for site restoration;
- Provision for extended aftercare;
- Long term management of restored sites;

- Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains;
- Off-site provision for habitat protection, enhancement, restoration and creation;
- Off-site safeguarding protected species and species of local biodiversity interest;
- Public access;
- Associated community facilities and projects;
- Transfer of land ownership and associated management provisions.

**9.4** Any waste management development may trigger the need for mitigation measures and the type of measures for which provision will be required through a legal agreement may include any of the measures listed above (9.3), plus provision of leachate and landfill gas controls and extended restoration provisions associated with landfill sites, where appropriate.

**9.5** Further guidance is available in the Nottinghamshire Waste Local Plan and Nottinghamshire Minerals Local Plan available through the County Council website.

**9.3** A requirement that development results in at least 10% net gain in biodiversity came into force in 2024. Development applications determined by the County Council such as mineral and waste development will be subject to this requirement. Biodiversity gains will generally be expected to be delivered on site but off site provision may be required if onsite provision has not met the required target percentage uplift. It may be necessary for a S106 obligation to be entered into in order to secure long term management of significant onsite enhancements or to secure and fund off site provision using a recognised land manager. The County Council will publish a supplementary planning document which will offer further local guidance to applicants, incorporating reference to planning obligations as necessary.





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County Council**



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