

# Supplementary Planning Document on Developer Contributions

May 1  
**2022**

This Supplementary Planning Document sets out the over-arching principles for securing developer contributions through planning obligations to mitigate impacts arising from new development in Rotherham Metropolitan Borough Council.

Prepared by  
Professor  
Stephen Walker  
in liaison with  
RMBC planning  
officers

# Supplementary Planning Document on Developer Contributions

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## FOREWORD

The Council is keen to ensure the delivery of new development as set out in its spatial plan for the borough, as set out in its Core Strategy [2014] and Sites and Policies Local Plan Document [2018]. However, this objective must be supported by measures to ensure that development is sustainable.

This Supplementary Planning Document [SPD] specifically covers the following policy and service areas:

- Education Provision [i.e., School Places];
- Library Provision and Library Space;
- Biodiversity Net Gain plus 10%;
- The Value of Amenity Trees;
- Green Infrastructure, Green Spaces, Outdoor Sport and Recreational Provision;
- Transport and Related Infrastructure;
- Community Access Plans and other Management or Operational Plans; and
- Local Primary Health Care Provision [e.g., medical centres].

Planning obligations are used as part of the planning application process to address specific planning issues and impacts arising from a development proposal. They are normally agreed between the Council, landowners and developers in a legal agreement called a Section 106 [S106] agreement and are intended to make acceptable a development that would otherwise be unacceptable in planning terms.

Planning obligations can be used to regulate the nature of development, to address the impacts of development, and to contribute towards needs associated with a proposal. They help to ensure that new development is sustainable and assists in meeting the objectives of the Council's policies and strategies, including Rotherham's Core Strategy [2014] and its Sites and Policies Local Plan Document [2018].

This Supplementary Planning Document [SPD] provides further detail and explanation of the Council's policies on planning obligations and of the procedure for agreeing planning obligations following the adoption of Rotherham's Community Infrastructure Levy [CIL]. Please note that this document does not establish new policy but provides guidance relating to policies in Rotherham's statutory Local Plan [Rotherham's Core Strategy and its Sites & Policies Document]. This SPD does not form part of Rotherham's Local Plan rather it is a material consideration dependent on the circumstances of individual applications.

The Hearing for the Rotherham's Community Infrastructure Levy [CIL] Charging Schedule Examination in Public took place in early 2016 and was effective 3<sup>rd</sup> July 2017. CIL is a non-negotiable charge for funding local infrastructure to support the development of an area through a tariff system applied to new developments, based on infrastructure needs and development viability. In line with policy changes announced by central Government in September 2019, the Council's CIL123 List of targeted infrastructure or types of projects intended to be funded by CIL was rescinded.

Since its adoption, Rotherham's CIL has been applied in tandem with the Borough's planning obligations' requirements which had been scaled back in accordance with relevant legislation and national guidance.

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As such, the Council's S106 policy requirements have been focused on dealing with matters<sup>1</sup> that are both directly related to the specific sites, and that are not addressed by CIL. In the future, with greater discretion there may be situations where the pooling of resources is needed with developer contributions being made from both S106 and CIL receipts, as well as other funding sources if and when these become available.

## Planning Law and National Guidance

Changes in national guidance and its incorporation into planning law<sup>2</sup> means that securing developer contributions using S106 obligations demands three specific tests **must be met** in the decision to grant planning permission. Such obligations must be:

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

In this regard, the purpose of this SPD is to set out the methodology and the evidence base supporting the Council's approach in seeking and securing developer contributions, whether for sport and recreation or the other policy areas that are included in this SPD.

## Tailored to Local Circumstances

The planning obligations necessary for each development will vary depending on the specific requirements arising from the individual scheme. A set of "standard" S106 planning obligations are generally used as a starting point, to provide certainty and to speed-up the planning and decision-making process. Different obligations are "standard" for different sizes and types of development, with obligations added to or taken away from the list, as necessitated by the nature or location of the development.

Most obligations described as "standard" apply to the majority of major developments [1,000 sq. m of commercial or mixed-use space or a residential-led development for which the site is capable of delivering an uplift of 10 residential units or more, or sites no smaller than 0.5 hectares]. The contribution amount or in-kind provision required for each obligation is calculated using the methodologies shown in this SPD. These methodologies/ formulas are applied to proposed residential unit or employee uplift. If the uplift in employees is not known, the proposed floor-space for each use class shall be applied in combination with average employment densities. Standard Heads of Terms document is presently being prepared; applicants shall need to contact the Planning Policy Team, who will provide a file or a relevant internet link.

Members of the public and interested parties have the opportunity to make comments on any particular planning proposal during the consultation period of an application. Comments may relate to particular impacts or other issues arising from a development that could be addressed through planning obligations. Specific planning applications may be searched and commented on through the Council's website: <http://Rotherham.gov.uk/planning/>

The Council also undertakes consultations on documents which help to inform the use of planning obligations as well as on specific projects funded through S106 voluntary legal agreements. In this regard, the Council is aware of recently published guidance from The Planning Inspectorate.<sup>3</sup>

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<sup>1</sup> The provision of affordable housing is not based on mitigating development impacts but is sought on the basis that it is a positive planning goal as set out in National guidance and the Council's statutory Local Plan.

<sup>2</sup> See CIL Regulation 122, MHCLG, 2018

<sup>3</sup> See Planning Inspectorate's newly release guidance: Planning Obligations: New Practice Guidance, 21<sup>st</sup> April 2022

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The SPD is available in PDF and RTF on the Council's website. Should you wish to receive a copy in a different format such as large print, or in another language, please contact RMBC [Telephone: **01709 823869**; Email: **planning.policy@rotherham.gov.uk**] and where possible we will meet requests.

## Developer Contributions and Viability

The planning and housing policies in a Council's adopted local plans must not render new development unviable; such a position is in accordance with national guidance. The evidence recently presented as part of the Council's evidence base serves to refresh and satisfy this principle that the policies in its Adopted local plans do not render new development unviable.

A key element in carrying out the Refresh Appraisal study was to anticipate the likely costs arising from developer contributions comprising:

- **Community Infrastructure Levy** [CIL] – which was effective from 3 July 2017, and whose rates are annually updated in accordance with national guidance; and
- **Planning Obligations** [S106 legal agreements] – which can only be sought and secured from new development growth if it can be shown to be necessary to *“make an otherwise unacceptable planning application acceptable in planning terms”* [NPPF, 2021].

Of course, it is also important to stress that the provision and delivery of affordable housing is typically sought and secured using a planning obligation. But this is done on the principle that it is a positive planning objective as set out in NPPF and can only be sought and secured in accordance with the Council's statutory local plan Core Strategy CS7 Housing Mix and Affordability<sup>4</sup>.

The initial sum allotted for these two policy costs was set at £8,890/dwelling unit. This was based on a previous sum of £7,000/dwelling unit [which had been applied in an earlier study in 2012] but rebased to take account of the rise in all-tender price index published by the Building Cost Information Service [BCIS, RICS, 2018] over the intervening period. Of the above sum of £8,890/dwelling unit<sup>5</sup>, a sum of £3,000/dwelling unit was specifically reserved for the CIL by PBA consultants in their whole plan viability assessment that underpinned the formally adopted CIL rates in July 2017.

Such an approach was justified on the basis that it was prudent to allow for mitigation, even though in practice such requirements shall only be sought based on site-specific conditions and that these must be tailored to local circumstances, in accordance with the nexus policy tests expressed in national guidance and secured through policies in the Council's statutory local plan.

It is important to stress, that by allowing for the above costs, these do not “crowd-out” the developer's profit in a development appraisal, since a developer's profit is a key input in carrying out a residual land value, which is the appropriate appraisal methodology in judging if a site is viable against the site's benchmark land value.

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<sup>4</sup> See Rotherham local plan, Core Strategy 2013-2028, Adopted September 2014, pp. 76-79,

<sup>5</sup> Please be aware that this sum shall be updated to current prices [i.e., 2022] in the forthcoming Refresh Viability Study.

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To stress the importance of the last paragraph, applicants need to be aware that other programmed, systemic changes shall need to be explicitly taken to account in their development appraisals. For example, well-publicised changes being made to Building Regulations<sup>6</sup>, which are planned to be introduced in June 2022, shall need to be explicitly recognised in development appraisals, so that such costs are amortised in a site's land value, and, thus do not crowd-out a developer's assumed level of profit. Paying a too higher a price for a site is not a tenable and acceptable defence in a claim that a site's development is unviable.

The costs allotted to S106 and CIL were judged to be reasonable and not excessive relative to the overall outturn value [i.e., gross development value] and other costs arising from building out the sites as appraised and published in the Refresh Appraisal study report by the Council in 2019.

Since that date, national guidance has changed, particularly affecting the appraisal methodology regarding the setting of the benchmark land value. In addition, since that date the base sales' prices for residential development has outpaced their underlying build costs. Overall, this has improved viability as well as coinciding with housebuilders booking growing levels of profits which have, in many cases, exceeded the input rates of profits used in carrying out viability appraisals. Further evidence on this key matter is located on pages 16-20 of this SPD.

## **Planning obligations, S106 agreements and unilateral undertakings**

Planning obligations are specific requirements to be fulfilled by developers to ensure that impacts arising from a new development are addressed. For example, where a road is damaged in the process of development or a community facility is lost as a result of a new development, S106 planning obligations can be used to offset these negative effects through requiring provision of or funds towards repairs or re-provision of facilities. Planning obligations are also used to ensure that a development accords with adopted planning policies and is socially, economically and environmentally sustainable, for example by ensuring that local residents have appropriate provision of school places or at local doctors' surgeries.

Planning obligations may be contained in a S106 agreement [where the Council is a principal party to the deed document] or in a unilateral undertaking [where the Council is not]. Planning obligations of either type are individual, scheme-specific, legal documents used to address issues directly arising from development proposals to ensure that an otherwise unacceptable planning proposal is acceptable in planning terms. An agreement or a unilateral undertaking can contain a number of planning covenants or obligations.

## **Obligations required in Rotherham**

Planning obligations are always drawn up and negotiated based on the attributes of the individual site and development proposed. Obligations can include either direct provision of a service or facility, contributions towards a provision made by the Council, or both. Obligations reflect the priorities and objectives set out in Rotherham's Core Strategy, Sites & Policies Document Local Plan

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<sup>6</sup> The Department for Levelling Up, Housing and Communities (DLUHC) has announced some significant changes to the Building Regulations in England. Such changes relate to Part L – Conservation of Fuel and Power and Part F - Ventilation of the Building Regulations, along with the introduction of the new Part O – Overheating and Part S – Infrastructure for charging electric vehicles.

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and its Supplementary Planning Documents, although other matters may be considered if they are directly relevant to the proposal.

Applicants for development proposals will usually be expected to enter into a S106 agreement with the Council on all schemes including one or more of the following:

- Residential schemes comprising ten or more dwellings and/or where the site is larger than 0.5 hectares;
- Hotels, hostels & student housing of 1,000m<sup>2</sup> gross external floor-space or more;
- Commercial/employment developments [defined by the Sites & Policy Document Local Plan as any activities or uses that generate employment] of 1,000m<sup>2</sup> gross external floor-space or more;
- Mixed use developments of 1,000m<sup>2</sup> gross external floor-space or more [this can include residential developments of less than 10 units, combined with an office, retail or other mixed-use element]; and
- Other developments where necessary to ensure they are acceptable in planning terms.

This comprises all types of development meeting these thresholds<sup>7</sup>, so long as it requires planning permission, including:

- New development (on vacant land or involving demolition);
- Increases in usable floor-space on an existing permitted development (as part of refurbishment, demolition and rebuild or extension);
- Intensification of use;
- Bringing back into use of a long term vacant or significantly underused building; and
- Changes of use with and without a change in floor-space.

Contributions charged will be calculated based on proposed uplifts in residential units, their gross floor areas [m<sup>2</sup>] and/or employees<sup>8</sup>.

Applicants are encouraged to contact the following Officer regarding this Supplementary Planning Document.

## Contact

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

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<sup>7</sup> The Council is aware that Vacant Building Credit as well as permitted development rights can change how S106 policy requirements are assessed.

<sup>8</sup> Applicants shall need to refer to HCA [known as Homes England] *Employment Density Guide*, 3<sup>rd</sup> Edition, November 2015 [and subsequent updated editions]; especially see Chapter 4 which displays employment density metrics for different Use Classes [p.29].

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## Principles in Seeking and Securing Developer Contributions

### Preamble

The **aims** of this Supplementary Planning Document [SPD] on Developer Contributions are to:

- Provide a clear framework which clarifies the Council's strategic approach to negotiations and mitigating development impacts arising from new development;
- Provide a systematic basis for officers negotiating Section 106 Planning obligations.
- Give specific advice to developers when contributions shall be required and how they shall be calculated.
- Ensure that the true and full costs of development are internalised so that spill-over costs are not imposed on others that are not party to the decisions regarding new development.

The **objectives** of this SPD are to provide:

- Transparency: By setting out the circumstances where the Council may impose planning obligations and, where possible, how it should calculate its requests.
- Consistency: By ensuring that negative effects of development are mitigated or minimised in a way that is fair and reasonable.
- Speed: By the SPD -
  1. Providing a high level of clarity for everyone involved;
  2. Reducing unnecessary negotiation; and
  3. Increasing the speed of planning decisions.
- Certainty: The SPD shall make clear what is expected of all applicants [e.g., developers and landowners], the Council and third parties.

A good starting point for applicants, officers and others is to consult relevant national guidance<sup>9</sup> especially:

- *National Planning Policy Framework* [NPPF, MHCLG, 20121];
- *National Planning Practice Guidance for Viability* [NPPGV, MHCLG, 2019];
- *Planning Obligations: New Practice Guidance*, [The Planning Inspectorate, 2022];
- *Department for Education guidance securing developer contributions for education* [DfE, April 2019];
- Two excellent and recent publications from *The Planning Advisory Service* setting out best practice guidance on developer contributions [PAS, February 2020]; and *Sport England's Advice Note* on CIL and Planning Obligations [Sport England, November 2018 version]; and
- With respect to *Biodiversity Net Gain*, it is recommended that applicants directly consult *Biodiversity Net Gain, Good Practice Principles for Development: A practical guide* [2019] prepared by members and a consortium of ecological experts of CIEEM, IEMA, and CIRIA.

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<sup>9</sup> These are regularly updated by central government; so, there is a need to regularly consult the relevant government department for such announcements.

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## Legal Basis

The legal basis for concluding planning obligations is contained in Section 106 of the Town and Country Planning Act, 1990 [and subsequent amendments]. This permits a planning obligation to restrict the development or use of land; requires specified operations or activities to be carried out on land; and requires specified sums to be paid to the local planning authority. Planning obligations “run with the land” and are enforceable against the original covenantor and successors in title. Obligations can be positive, asking the developer to provide a benefit, or can prevent the developer harming or removing a valued asset. Additionally, Section 106 [2] allows *inter alia* for payments of money to be made, either of a specific amount or by reference to a formula, and for periodic payments to be made indefinitely or for a specified period, unlike planning conditions.

## Current Local Policy Context

Rotherham’s Core Strategy policy CS32: Infrastructure Delivery and Developer Contributions provides the overarching infrastructure delivery policy. It states *inter alia*:

*“...Development will be required to contribute to funding all or part of the items of infrastructure listed in the Infrastructure Delivery Schedule, through a combination of mechanisms such as a Community Infrastructure Levy (CIL) and **S106 Planning obligations**. The Infrastructure Delivery Schedule is indicative and final requirements will be assessed based on the specific requirements stemming from each development, taking account of capacity and legislation concerning developer contributions.*

*It is acknowledged that in some instances there may be a need for negotiation and prioritisation of the overall **developer contribution requirements** (based on what is needed to **make the development acceptable** and what the development can afford to contribute). Any negotiation will need to take account of all policy requirements stemming from this plan, including requirements such as affordable housing and renewable energy generation.” [My emphasis]*

Importantly, there are an array of other important policies in the Core Strategy that specifically cite the need for developers to mitigate for site-specific enabling infrastructure [and for other site-specific impacts stemming from development]. The policy areas that this over-arching SPD on Developer Contributions covers are as follows:

- Educational provision [school places];
- Green Infrastructure, Green Spaces, Outdoor Sport and Recreational Provision
- Transport and related infrastructure
- Biodiversity Net Gain
- The Value of Amenity Trees
- Libraries’ Provision and Library Space
- Community Access Plans and Other Management or Operational Plans
- Local Primary Health Care Facilities.

## Objectives

Over the years, national guidance has made the use of Section 106 legal agreements more permissive<sup>10</sup> embracing a wider range of policy areas. This more supportive policy environment has enabled more planning authorities to use planning obligations in a broader array of policy areas,

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<sup>10</sup> This is demonstrated by making a simple comparison of the changes in the “tone in policy” as exemplified in Circular 1/1997, Circular 05/2005 and NPPF 2021 and NPPG on Planning Obligations [2020].

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which not only covers physical infrastructure, but to provide compensation for the loss of, or impact on, any amenity or resource present on a site prior to development, which can embrace such things as the provision of open space, woodlands, structural landscaping, on-site and off-site nearby.

At the heart of the planning obligation system is the notion of reasonableness and that developer contributions can only be sought to deal with planning matters that must be in scale and in kind. In this respect, current guidance embraces the principle of a nexus between the needs arising from development and what is sought by the planning authority. Specifically, the terms of a planning obligation must pass all these five policy tests such that planning obligations should be:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development;
3. Fairly and reasonably related in scale and kind to the development;
4. Reasonable in all other respects; and
5. Relevant to planning.

Since the planning authority has adopted a Community Infrastructure Levy, then the **last two policy tests [i.e., 4 and 5] do not apply** in respect of judging the appropriateness of seeking and securing mitigation measures arising from new [housing] growth using planning obligations in Rotherham.

### Seeking Reasonable Benefits

National guidance stresses that obligations have a positive role in the planning system, remedying genuine planning problems and enhancing the quality of development. Where new development shall generate a need for measures to safeguard the environment, it may be reasonable for developers to meet or contribute towards the cost of providing such measures. The planning authority recognises that establishing the relationship between a particular planning benefit and an individual development is a matter of planning judgement, always exercised in the light of local circumstances. In this regard, the planning authority has an adopted Local Plan containing a raft of policies with the objective of achieving such outcomes in all development situations.

The planning authority recognises that it shall always seek to use planning conditions wherever possible, but there are circumstances where planning obligations can and shall be used. Thus, where a development, if implemented:

- Generates a need for particular facilities;
- Have a damaging or deleterious impact on the environment or local amenity; or
- Would adversely affect the delivery of national and local policies,

and these matters cannot be resolved through planning conditions, it is reasonable for planning obligations to be sought.

Importantly, though a planning authority can only seek requirements if it has appropriate policies in its adopted Local Plan, this limitation is not applicable to developers. As developers are not constrained in this manner, the key test involves assessing the extent to which what they might be offering is material to the planning situation. Issues of validity and materiality have been tested in

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the courts, and judgements reveal that the connectivity between what is being offered in mitigating impacts is low. Thus, the planning authority is keenly aware that a measured assessment must be conducted to ensure that such a nexus or connection exists to ensure fairness and reasonableness in the making of planning decisions for all applicants.

### **The relationship between Community Infrastructure Levy [CIL] and Planning Obligations**

The planning authority is also aware that the relationship between the way it seeks and administers the use of planning obligations in the presence of the council's Community Infrastructure Levy has recently changed as a result of changes in national guidance regarding both fiscal instruments. Specifically, for CIL, the CIL 123 Regulation has been abolished; while for S106 agreements, the restriction on the pooling of up to 5 agreements relating to the provision of off-site requirements was also rescinded in September 2019 [NPPF, MHCLG, September 2019].

In respect of both instruments, permitted development rights and vacant building credit may reduce the requirements to pay CIL and seek contributions in the form of affordable housing provision secured through planning obligations. The Council shall require that applicants provide fully referenced evidence in respect of any claims for such relief whether in respect of permitted development rights, vacant building credit or both.

These changes to the operation of CIL and planning obligations have potentially generated a degree of overlap, which previously had been largely avoided or at least minimised. The Council is therefore aware that it needs to clarify the role to be played by both of these fiscal instruments. For CIL the Council, along with its Infrastructure Delivery Plan [June 2021] and Infrastructure Funding Statement [January 2022]<sup>11</sup>, intends to identify and prioritise those projects that are to be funded in whole or in part by CIL. The Council intends to identify a hierarchy where projects are listed in priority and once delivered be replaced by the next in the priority list. The policy areas to be identified will embrace largely, but not exclusively:

- Transport/active travel/ highway improvements;
- Blue infrastructure projects;
- Green infrastructure projects;
- Educational provision;
- Health and other community facilities contributions.

The Council has generated a spending protocol regarding the income received from its Community Infrastructure Levy fee rates. This is located at:

<https://modern.gov.rotherham.gov.uk/ieListDocuments.aspx?Cid=1103&Mid=15358&Ver=4>

As expected, **CIL** shall be **primarily used** on projects to **unlock existing deficiencies**. Whereas, S106 contributions shall be targeted to meet the needs arising from new demands stemming from new residential and/or commercial development. It is permissible for a number of developers to contribute jointly to a new or improved facility, which will be of benefit for the local community at

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<sup>11</sup> See also [Community Infrastructure Levy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/community-infrastructure-levy#monitoring-and-reporting-on-cil-and-planning-obligations): [www.gov.uk/guidance/community-infrastructure-levy#monitoring-and-reporting-on-cil-and-planning-obligations](https://www.gov.uk/guidance/community-infrastructure-levy#monitoring-and-reporting-on-cil-and-planning-obligations)

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large. Necessarily, there are more restrictions on how S106 contributions are typically used based on the nexus principle which ties the developers' contributions either directly physically, but increasingly in terms of functionality. The latter could involve the provision of park and ride schemes that are at a distance from the sites that have contributed to its provision. Equally, this same principle can justify, for example, greenways, access to cycle and pedestrian tracks linking a new development to the immediate as well as wider surroundings and countryside.

The Council is conscious of the fact that CIL receipts can be spent with greater discretion and freedom than S106 contributions. However, there will be situations where it is logical to collaborate and pool such receipts to ensure full and early provision. These occasions will be discussed at an early stage in the application decision-making process so that all opportunities can be explored in an open dialogue with all interested parties, which could also include organisations with special focus or expertise [e.g., Rotherham Commissioning Clinical Group; The Woodland Trust; The Community Forest; Rotherham Library Services; Canal and Waterways Trust].

**Table 1: Policy Areas and Developer Contributions**

Rotherham Metropolitan Borough Council		Potential Funding Sources					
Core Strategy & Sites & Policies Local Plan References	Policy areas	CIL [CS32]		S106 [CS32]		Other Sources [e.g., S278; grants; bids; loans; private finance]	
		Scale of Development <sup>12</sup>					
		Major	Minor	Major	Minor	Major	Minor
CS7 & CS2	Affordable Housing <sup>1</sup>	No	No	Yes	Yes	Yes	Yes
CS29	Education <sup>2</sup>	Yes	No	Yes	No	Yes	Yes
CS15 & CS16	Highways <sup>3</sup>	Yes	No	Yes	Yes	Yes	Yes
CS19	Green Infrastructure <sup>4</sup>	No	No	Yes	No	Yes	No
CS22	Green Open Space <sup>5</sup>	No	No	Yes	No	Yes	No
CS14	Accessible Places & Managing Travel Demand <sup>6</sup>	No	No	Yes	Yes	No	No
CS29	Community and Social Facilities <sup>7</sup>	No	No	Yes	No	Yes	No
CS25	Inland Waterways & Flood Risk <sup>8</sup>	Yes	Yes	Yes	Yes	Yes	No
CS20	Biodiversity & Geodiversity <sup>9</sup>	No	No	Yes	Yes	Yes	Yes
CS10	Improving Skills & Employment Opportunities <sup>10</sup>	No	No	Yes	No	Yes	No

**Notes**

1	<b>Affordable Housing</b> is typically delivered on site for developments of <b>10 or more dwellings and/or where the site is larger than 0.5 hectares</b> . In some circumstances a commuted sum is agreed to provide AH units off-site within the borough with the agreement of both parties.
2	<b>School places</b> are sought from developments with <b>1 or more units</b> . Large, strategic allocations are likely to require a new school to be provided, including land, construction, and equipment to specified standards prescribed by Department for Education.
3	<b>Highways</b> cover a range of requirements. Offsite requirements triggered by new development will be provided via S106 contributions, S278 or S38 agreements. More strategic highway projects will be funded from CIL contributions and other funding sources. These latter projects shall be identified in the Council's Infrastructure Delivery Plan.
4	This shall significantly alter the status quo regarding provision, enhancement and maintenance of both <b>green infrastructure and green spaces</b> [see note 5].

<sup>12</sup> For a definition of Major/Minor Development: access [https://www.legislation.gov.uk/uksi/2015/595/pdfs/ukxi\\_20150595\\_en.pdf](https://www.legislation.gov.uk/uksi/2015/595/pdfs/ukxi_20150595_en.pdf)

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5	On-site <b>open space</b> is prescribed for sites with 36 or more dwellings as specified by SP37
6	<b>Sustainable travel and improvement measures and contributions</b> in association with South Yorkshire Mayoral Combined Authority. Historically this had been set at a discounted price of £500/dwelling; presently it is £1,200.. Currently, the planning authority seeks to support an array of <b>active and sustainable travel</b> opportunities within the borough and links to access amenities in the wider locale.
7	These largely related to the provision of space and resources required in <b>libraries, community or parish/town council halls.</b>
8	This relates to improvement and management of key <b>inland waterways and canals</b> , as well as measures to reduce <b>strategic flood risk</b> in association with the relevant water and other utility companies.
9	All new development shall be required to deliver <b>BNG plus 10%</b> in accordance with the Environment Act. 2021.
10	Major and/strategic new development can contribute to <b>local training and employment initiatives</b> in association with Council and other trade and education providers.

## Developer Contributions and Viability

It is prescient to stress that the Planning Authority's position on seeking and securing developer contributions is in accordance with current national guidance which, amongst other things, states:

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."*

[Paragraph 57, p.16, NPPF, MHCLG, February, 2019]

A key focus for the Planning Authority is to ensure that viability is being maintained over the property cycle and with respect to changes in local market conditions [i.e., local house prices and build costs] and critical changes in any of the relevant national guidance.

To this end, Rotherham commissioned and published a Refresh Appraisal Study in 2019 to support the Planning Authority's extant planning and housing policies in its adopted Local Plans.

A key element in carrying out the Refresh Appraisal Study was to anticipate the likely costs arising from developer contributions comprising:

- **Community Infrastructure Levy [CIL]** – which was originally effective from July 2017, and whose rates are annually updated in accordance with national guidance; and
- **Planning Obligations [S106 legal agreements]** – which can only be sought and secured from new housing growth if it can be shown to be necessary to *"make an otherwise unacceptable planning application acceptable in planning terms"* [NPPF, 2021].

Of course, it is also important to stress that the provision and delivery of affordable housing is typically sought and secured using a planning obligation. But this is done on the principle that it is a

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positive planning objective as set out in NPPF and can only be sought and secured in accordance with the Council's statutory local plan Core Strategy CS7 Housing Mix and Affordability<sup>13</sup>.

The initial sum allotted for these two policy costs was set at £8,890/dwelling unit. This was based on a previous sum of £7,000/dwelling unit [which had been applied in an earlier study in 2012] but rebased to take account of the rise in all-tender price index published by the Building Cost Information Service [BCIS, RICS, 2018] over the intervening period. Of the above sum of £8,890/dwelling unit, a sum of £3,000/dwelling unit was reserved for the Community Infrastructure Levy [CIL] by PBA consultants in their whole plan viability assessment that informed the setting of CIL rates in July 2017.

Such an approach was justified on the basis that it was **prudent to allow for mitigation**, even though in practice such requirements can only be sought based on site-specific conditions and that these must be tailored to local circumstances, in accordance with the nexus policy test expressed in national guidance and reinforced by policies in the Council's statutory local plan.

It is important to stress, that by allowing for the above **developer contribution costs**, these **do not "crowd-out" the developer's profit** in a development appraisal, since a developer's profit is a key input in carrying out a residual land value, which is the appropriate appraisal methodology in judging if a site is viable against the site's benchmark land value.

In assessing if sites in the Council's adopted local plan continue to be viable, the Refresh Appraisal Study, comprising 27 sites that were a representative cross section of allocated housing sites in the local plan, tested **full policy compliant schemes** that included the equivalent of **£8,890/dwelling unit for developer contributions** as well as the **full provision and delivery of affordable housing** in accordance with the Council's policy of 25% of a site's total capacity [in both numbers and gross floorspace (m<sup>2</sup>) terms].

Tables 2a and 2b, below, present a summary of the amounts allotted for both CIL and S106 across the 27 Refresh study sites.

**Table 2a: Refresh Study – Number of sites and the capacity of the 27 sites, including developer contributions] £/unit]**

Number of Sites	Total Site Area [hectares]	Total Site Capacity [number of dwellings]	Total Floorspace [m <sup>2</sup> ]	Developer Contributions [S106 + CIL] £/unit]
27	115	3,294	313,196	£8,890

**Table 2b: Refresh Study – Costs allotted to S106 and CIL across the 27 study sites**

Average CIL rate [£/m <sup>2</sup> ]	Average S106 [£/m <sup>2</sup> ]	Average S106 costs [£/hectare]	Average CIL costs [£/hectare]	Total CIL [£]	Total S106 [£]	Total CIL+S106
£28.33	£75.84	£216,995.49	£60,793.4	£7,720,976	£21,562,684	£29,283,660

**Nb.** The above relates to full policy compliant schemes where the AH dwellings are exempt from CIL.

<sup>13</sup> See Rotherham local plan, Core Strategy 2013-2028, Adopted September 2014, pp. 76-79,

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The figures in Tables 2a and 2b reveal that around £0.278m per hectare had been included in the appraisals to cover CIL fees and mitigation measures secured using planning obligations [S106]. If the latter are not required, then in accordance with the appraisal methodology the residual land value estimates shall be higher [and vice versa].

Tables 3a and 3b, below, present the same information for a sample of the sites in the Refresh Appraisal Study [RMBC, 2019].

<b>Table 3a: Refresh Study – Sample of Sites: site capacity metrics &amp; S106 and CIL rates [£/m<sup>2</sup>]</b>						
Local Plan Site Label	Site Typology	Total Site Area [hectares]	Site Capacity [number of dwellings]	Total Floorspace [m <sup>2</sup> ]	CIL Rate [£/m <sup>2</sup> ]	S106 [£/m <sup>2</sup> ]
H34	Greenfield [GF]	20.02	450	45,450	55	£46.8
H16	GF	10.494	291	28,227	30	£69.1
H88	GF	6.44	175	16,975	15	£80.4
H04	GF	2.96	90	8,370	15	£84.3
H64	GF	0.91	22	2,398	55	£40.3
H87	GF	0.59	19	1,843	15	£80.4
H75	Brownfield [BF]	7.96	271	26,287	30	£69.1
H30	BF	3.04	97	9,409	30	£69.1
H83	BF	1.04	30	2,910	30	£69.1
H25	BF	0.63	38	2,660	30	£104.5

The figures in Tables 3a and 3b provide site-specific metrics and sums allotted to CIL and S106 costs that had been included in separate site-based viability appraisals. In respect of CIL fee rates, zonal rates are shown dependent on the sites' location varying from £15/m<sup>2</sup> to £55/m<sup>2</sup>; the higher CIL rates reduce the amounts available for mitigation measures through S106, holding the unit costs constant at £8.890/dwelling unit.

<b>Table 3b: Refresh Study - Sample of Sites: Overall Costs allotted to S106 and CIL, &amp; % of GDV</b>						
Local Plan Site Label	Total CIL [£]	Total S106 [£]	Total CIL & S106 [£]	Total CIL & S106 [£/unit]	Gross Development Value [GDV] of the Scheme	CIL + S106 as a % of GDV of Scheme
H34	£1,874,812.5	£2,125,687.5	£4,000,500	£8,890	£119,710,887	3.34%
H16	£635,107.5	£1,951,882.5	£2,586,990	£8,890	£58,644,923	4.41%
H88	£190,968.8	£1,364,781.3	£1,555,750	£8,890	£41,114,037	3.78%
H04	£94,162.5	£705,937.5	£800,100	£8,890	£20,463,463	3.91%
H64	£98,917.5	£96,662.5	£195,580	£8,890	£6,281,138	3.11%
H87	£20,733.8	£148,176.3	£168,910	£8,890	£4,463,810	3.78%

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H75	£591,457.5	£1,817,732.5	£2,409,190	£8,890	£58,054,516	4.15%
H30	£211,702.5	£650,627.5	£862,330	£8,890	£24,015,283	3.59%
H83	£65,475	£201,225	£266,700	£8,890	£6,460,040	4.13%
H25	£59,850	£277,970	£337,820	£8,890	£4,840,906	6.98%

The last two columns in Table 3b reveal the overall gross development value of the schemes, which is inclusive of providing 25% affordable housing. Crucially the final column displays the proportion of the GDV being allotted to developer contributions [S106 and CIL], for which, apart from one site [H25], the proportion varies between 3.34% and 4.41% of GDV.

The costs allotted to S106 and CIL are clearly reasonable and not viewed as being excessive relative to the GDV and other costs arising from building out the sites as appraised and published in the Refresh Appraisal Study report by RMBC in 2019.

### What is the position of Viability in 2022?

Since the publication of Rotherham's Refresh Appraisal Study [in 2019], national guidance has changed, particularly affecting the appraisal methodology regarding the setting of the benchmark land value. In addition, since that date changes in new build house prices have outpaced build costs. Overall, this has improved viability as well as coinciding with housebuilders booking growing levels of profits which have, in many cases, exceeded the input rates of capital profits assumed in carrying out development viability appraisals.

### Updating the Viability Appraisal Inputs to current prices [i.e., 2<sup>nd</sup> Quarter 2022 prices]

The methodology for rebasing the original viability appraisals shall involve updating the following variable inputs:

- New Build House Prices;
- Build Prices [i.e., Costs];
- Developer Contributions' Allowance; and
- Benchmark Land Value.

*A priori*, **New House Prices** and **Build Prices**<sup>14</sup> are the two most powerful variables in affecting the residual land value estimate, for which the latter is used in assessing whether a site's development is viable by comparing that sum against the site's benchmark land value.

Preliminary research shows the following pattern of changes affecting viability in Rotherham as of January 2022. Such changes embrace the following:

- **Rotherham: New Build House Prices:** The key variable in the viability appraisal has risen substantially since the Refresh Appraisal study, which drew on data for December 2018. Office for National Statistics [ONS] reveals that **average new build prices** in Rotherham have risen by **over 32%** to close to £264,000 from just over £199,000 [see Table 4a].

<sup>14</sup> See Ratcliffe et al [2009], p.422.

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Table 4a: Rotherham – Average New Build House Prices		
Updated - Datum Point	Average New Build Prices	£
1 <sup>st</sup> December 2018	Accessed 11 <sup>th</sup> December 2018	£199,0752.51
1 <sup>st</sup> September 2021	Accessed 28 <sup>th</sup> January 2022	£263,817.80
	<b>% Growth in Average New Build House Prices</b>	<b>32.52%</b>
<b>Source:</b> ONS, New House Price Index, January 2022.		

- **Rotherham: Build Prices [Costs]<sup>15</sup>:** The original inputs for build prices were drawn from BCIS covering the datum point December 2018. These shall be adjusted upwards to reflect the current build prices sourced from BCIS for 1<sup>st</sup> or 2<sup>nd</sup> Quarter 2022. The growth in build prices for Rotherham is set out in Table 4b, which show that **median prices** have **grown** by nearly **12% points**, while the **lower quartile prices** have **grown** by over **13% points** over a 40month period to mid-January 2022.

Table 4b: Rotherham - BCIS Average Build Prices				
Updated - Datum Point	Mixed Housing	Median [£/m <sup>2</sup> ]	Lower Quartile [LQ] [£/m <sup>2</sup> ]	% Difference between LQ and Median Prices
1 <sup>st</sup> September 2018	Accessed 11 <sup>th</sup> December 2018	£1,059.00	£942.00	12.42%
15 <sup>th</sup> January 2022	Accessed 28 <sup>th</sup> January 2022	£1,182.00	£1,066.00	10.88%
	<b>% Growth in Average Build Prices</b>	<b>11.61%</b>	<b>13.16%</b>	
<b>Source:</b> Building Cost Information Service, RICS, accessed 28th January 2022				
<b>Notes:</b> <b>Median New Build Prices</b> are applied to sites with a capacity of <b>up to 50</b> dwelling units; while <b>Lower Quartile New Build Prices</b> are applied to sites with a capacity of <b>more than 50</b> dwelling units. This is based on the understanding that the larger housebuilders can achieve significant economies of scale over small and medium-sized housebuilders.				

- **Developer Contributions' Allowance:** To maintain consistency with earlier Viability Appraisal studies, specific provision was made for developer contributions [i.e., CIL and S106 agreements]. This was felt to be prudent and fair in that new housing growth often triggers the need to mitigate impacts directly arising on-site and off-site with regard to the proper functioning of local neighbourhoods, particularly in terms of school places, local library provision, capacity of local health surgeries, provision of green open spaces, sporting and recreational facilities, and active transport support, and commuted sums necessary to cover ongoing management and maintenance of the infrastructure to be provided, including the need to consider a dowry to fund initial establishment associated management and maintenance in the early stage of delivery.

In the 2012 study, £7,000 per unit was allotted to support and deliver such requirements that arise and that which can be sought and secured in accordance with the Council's local plan

<sup>15</sup> Though described as Build Costs, the data is in fact Build Prices. The latter represents the price tendered by the contractor to their client. The build price includes preliminaries and the contractor's rate of profit. Once these two elements are extracted from the build price, the resultant sum is the base build cost!

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policies. As this is an explicit cost to be borne along with other legitimate “costs”, **these do not crowd-out the developer’s profit**, but are amortised in the site’s land valuation estimate [i.e., it lowers a site’s worth].

In July 2017, the Council introduced its CIL fee rates. As a result, in the 2019 Refresh Appraisal Study, a slice of the developer contributions was explicitly reserved for CIL with the residual sum being made exclusively available to support planning obligations [S106 agreements]. The Refresh Appraisal Study rebased the **£7,000 unit** to reflect underlying changes in build costs, resulting in it being raised in real terms to **£8,890/unit** [December 2018].

Over the last 4 financial years, the CIL fee rates have been uprated by the Council in accordance with the BCIS CIL Indexation. The initial rates were set at an index of 283. This was uprated in July 2018 by applying the index of 320. The most recent uprating took place in January 2022 when the index applied was 332. The **overall rise** in the CIL fee rates across the Borough’s residential zones and applicable use classes is **17.3%points**. Accordingly, as of January 2022, the amount **allotted to developer contributions** as a whole is now equivalent to **£10,429.26 per dwelling unit** [up from £8,890/unit back in 2018].

**Table 5: Rotherham MBC CIL Base Charge Rates and Indexation**

Rotherham MBC	BCIS Index	283	332	% Change from Base Year to 2022
CIL Rate [£/m <sup>2</sup> ]	Charge Area	CIL Base Charge [April 2017]	CIL Rates for 2022	
Residential Zone 1 [High]	Broom, Moorgate, Whiston, Wickersley, Bramley & Ravenfield	£55.00	£64.52	17.3%
Residential Zone 2 [Medium]	Rural North West, the Dearne and South Rotherham	£30.00	£35.19	17.3%
Residential Zone 3 [Low]	Rest of Rotherham Urban Area [part]	£15.00	£17.60	17.3%
Residential Zone 4	Bassingthorpe Farm Strategic Allocation	£15.00	£17.60	17.3%
Retirement Living <sup>1</sup>	Borough-wide	£20.00	£23.46	17.3%
Supermarkets <sup>2</sup>	Borough-wide	£60.00	£70.39	17.3%
Retail Warehouses/ Retail Parks <sup>3</sup>	Borough-wide	£30.00	£35.19	17.3%
All Other Uses	Borough-wide	£0.00	£0.00	0.0%

**Footnotes:** (1) **Retirement Living** are residential units which are sold with an age restriction typically over 50s/55s with design features and support services available to enable self-care and independent living. For the purposes of the CIL charge, this type of development has been excluded from the residential use category. (2) **Supermarkets** are shops above 370 square metres gross internal floorspace where weekly and daily food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit. (3) **Retail Warehouses/Retail Parks** are stores above 1,100 square metres gross internal floorspace (this includes any mezzanine floorspace) selling comparison goods such as bulky goods, furniture, other household and gardening products, clothing, footwear, and recreational goods.

It must be stressed that the CIL fees, as non-negotiable charges, shall be paid against the relevant content and mix of housing types. However, in respect of the sums for the S106 costs, these shall only be triggered if these are found to be necessary to make an otherwise unacceptable application acceptable in planning terms; additionally, such requirements shall

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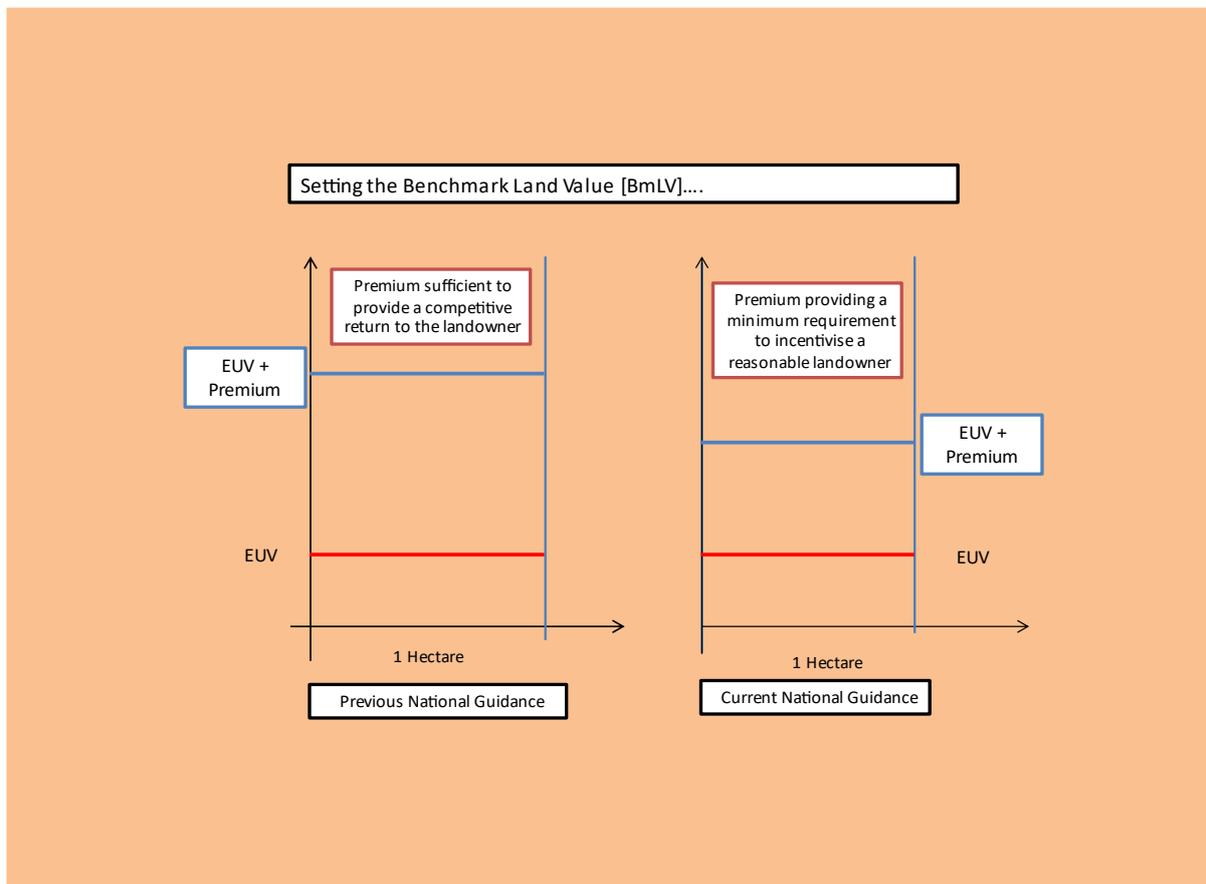
always be tailored to local circumstances in respect of the site and the planning policies in the Council's adopted local plans<sup>16</sup>.

Of course, there could be situations where the policy requirements are found to be higher than allowed in the appraisals. In this situation, such extra costs shall be amortised on a lower residual land value and in some circumstances, this can prejudice a site's viability.

## ▪ Changes in National Guidance: Benchmark Land Value [BmLV]

A site's BmLV is based on its Existing Use Value plus a premium as prescribed in national guidance. In September 2019 [some months after the start, completion, and publication of the Refresh Appraisal Study], national guidance changed the basis of determining a site's BmLV from a competitive return to a minimum requirement [MHCLG, 2019].

**Chart 1: Benchmark Land Value [BmLV] Determination**



This change has a material impact on the assessment of a site's viability position particularly as it lowers the premium and hence the BmLV. In our view, the premium on the EUV is likely to be significantly lower relative to those allowed in the 2019 Refresh Appraisal Study.

Existing Use Value plus a premium approach to determining a site's BmLV reflects the need to ensure that development is sustainable by taking into account site-specific circumstances and

<sup>16</sup> If the land has not been purchased, then the residual land value shall be higher; if the land has been bought, then such savings will be recorded in a higher level of capital profit for the developer.

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complying with policy requirement, and should reflect the value of the landowners' existing interest [**excluding any "hope value" arising from a grant of consent**] and the need to provide a relevant incentive for the landowner to forgo future benefits and release the land for alternative development.

In all cases, land or site value should reflect a site's characteristics, conditions, and planning status designation. A site's future use [as determined by a calculation of its residual land value] should embrace relevant planning policy requirements, including affordable housing, planning obligations and the appropriate Community Infrastructure Levy [CIL] rates. Such an approach significantly reduces inflated land values arising from the granting of planning permission, based on assumptions which do not adequately reflect planning policy and would likely make these unviable. This approach is in accordance with the internal logic of the appraisal methodology used in conducting development viability as well as current national guidance.

### Summary

The balance of changes in the above variable inputs used in calculating a site's worth and judging whether it is viable can only be confirmed by re-running all twenty-seven development appraisals for the sites included in the Refresh Appraisal Study where these sites do not have any grant of planning permission.

This research shall be conducted over the summer of 2022.

Based upon our understanding of the internal logic of the appraisal methodology, **the results are expected to demonstrate an improvement in the position of viability in Rotherham**. If this is found to be the case, then the resultant [emerging] evidence shall serve and provide a strong base for the Council's adopted Local Plans and its array of planning and housing policies.

Further, it is expected to provide further confidence to planning officers in their dealings with prospective applicants, especially if or when viability concerns are raised.<sup>17</sup>

### Underlying Principles for Securing Developer Contributions

National guidance provides definitive confirmation of the legitimacy of using planning obligations to help deliver sustainable, resilient, and high-quality development. In this respect individual local planning authorities are at the forefront of attempts to secure a range of benefits [e.g., affordable housing; countryside benefits; open space; play spaces and equipment; up-cycling and biodiversity; energy efficiency; woodlands; cycling and pedestrian paths; highways and sustainable transport mechanisms; etc.] linked to the development of new residential and mixed-use developments in their localities.

The crucial ingredients in a successful pursuit of these policy initiatives are as follows:

- **Approved policies in the Local Plan** which set out the basic objectives and principles for negotiation for different land uses covering the provision/delivery, management, maintenance and protection of facilities, amenities and assets secured by planning obligations [and other mechanisms];

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<sup>17</sup> Indeed, Rotherham has recently adopted Supplementary Planning Document 9 covering Development Viability in July 2021. Applicants need to be aware of the viability review mechanisms that are triggered in contesting a scheme's viability.

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- **The presence of materially relevant policy framework**, such as a Supplementary Planning Document<sup>18</sup>, which is a document that simply seeks to amplify and clarify a planning authority's approaches in particular policy areas such as affordable housing, or greenway strategies or broader nature conservation strategies;
- **The ability to secure and manage the benefits** arising from developer contributions, especially over the long term, and where appropriate involving other responsible third parties [e.g., parish and town councils; charitable bodies]; and
- **A clear structure for the negotiation process**, which also brings together a range of relevant skills and other professionals [other than planning officers], for example affordable housing, design, ecology, transport, conservation expertise] at an early stage in the planning process.

**Table 6: Recent Examples of Infrastructure Types secured through Developer Contributions [i.e. S106] in Rotherham Metropolitan Borough Council in the last 10 Years**

Specific Types of Infrastructure	Strategic [Off-site]	Local [On-site & Off-site]	Examples
Highways	Link road	Off-site Improvements	Junctions and roundabouts
		Off-site traffic management measures	Safety signage measures Provision of new bus stops. Provision and financing of new bus services for a specified period of time.
Transport/Travel		Sustainable Travel and Transport Contributions	Travel card at £500 per household in association with SYPTE
Air Quality Corridors & other measures		Off-site financial contributions	Financial contribution of £2k/pa for 20 years [equivalent to £40k]
Education	New schools [e.g., at Waverley new community]	Off-site financial contributions for additional school places/classrooms	Development and site-specific
Libraries	New library [e.g., at Waverley new community]	Off-site contributions to existing provision	Development and site-specific
Social and Community	New community hall [e.g., at Waverley new community]	Off-site contributions to existing provision	Development and site-specific
Public Art		On-site and Off-site contributions	Development and site-specific
Health	New health care centre [e.g., at Waverley new community]	Off-site contributions to existing facilities	Development and site-specific
Flood risk and defences		On-site flood defence measures; Off-site contributions	Provision of flood detention basin and maintenance bond [with a specified financial sum].
Public Open & Green Space		On-site provision; Off-site financial contributions	On-site provision in accordance with planning policy [SP37] unless there are sound planning reasons for off-site provision to be provided. Off-site provisions based on specified cost formula.

<sup>18</sup> It is important that these have the status of being of a material consideration in the decision-making process of granting planning permission [i.e., that it has undergone public scrutiny and been adopted by the planning authority].

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		Management & maintenance mechanisms	Financial contributions: in the form of a commuted sum
<b>Sport and Recreation</b>		On-site provision; Off-site provision	Contributions for provision of land and facilities
<b>Green Infrastructure</b>	Trans-Pennine Trail		Financial contributions or on-site provision as appropriate
		Habitat Management	Financial contributions or on-site provision as appropriate
		Habitat Survey	Financial contributions
		Tree Planting	Financial contributions or on-site provision as appropriate
<b>Affordable Housing</b>		On-site direct provision; Off-site provision	Largely on-site direct provision; otherwise In-lieu financial commuted sums for off-site provision.

In all of the above, Rotherham Metropolitan Borough Council is very well placed to seek developer contributions across a wide area of policies that are expressly covered in its adopted Core Strategy Local Plan [June 2014] and its Sites and Policies Local Plan [June 2018]. As an illustration, the information displayed in Table 6, above, shows the kinds of benefits that have been sought and secured through planning obligations voluntarily entered into with developers in Rotherham over the last decade.

The production of an over-arching SPD on Developer Contributions shall augment and complement other SPDs<sup>19</sup>, in particular *SPD 8 Affordable Housing* [RMBC, 2021a] and *SPD 9 Development Viability* [RMBC, 2021b].

It is important that applicants understand that the Council shall normally adopt a strategic or integrated approach, proposing planning obligations for types of development or sites in the Local Plan area. As such, the presence of an approved policy in the Local plan is an important pre-requisite for successful delivery of its objectives. Securing developer contributions, apart from affordable housing, are sought to mitigate impacts arising from new development based on objective triggers or thresholds, such as site capacity, capacity levels in service areas such as education, doctors' surgeries, and library provision; play and open spaces; highways and traffic movements or measures to protect and maintain existing facilities.

Finally, having a clear and up-to-date policy framework is essential and allows developers to ascertain the relevant priorities and specific requirements for a particular site or area prior to submitting a planning application.

### Benefits of Master Planning and Master Plans

On some occasions, the use of site level development briefs or "master plans", strengthens the hand of a planning authority in negotiations. These can be prepared by planning authorities or jointly with developers and may also usefully involve third parties such as the Wildlife and Woodland Trusts, other responsible bodies and local groups. Such "master plans/development briefs" can usefully

<sup>19</sup> See Annex 1 for a list of these documents

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identify the existing assets of value/ importance/status and can be incorporated in schemes to enhance the final scheme to the satisfaction of all participating parties. In its *Sites and Policies Local Plan* Rotherham has prescribed a clear approach framework in the use and requirements for master planning for many of its major allocated housing sites [see for example Appendix 2 of the *Sites and Policies Local Plan*, June 2018].

### **Mechanisms for seeking and securing Developer Contribution using Planning Obligations**

Securing benefits involve not only their initial provision, but for many policy areas there is a need to secure longer-term management too. Indeed, there is little value in securing the provision of benefits [e.g., woodlands; greenways] if, through the lack of resources for future management, the benefit is reduced. Continuing constraints on local authority finance make it difficult, indeed impossible, for local authorities to take on extra long-term management costs. As a result, planning authorities are legitimately seeking financial contributions from developers to cover a range of management costs [over and above the costs of establishing the benefit], which can take a number of forms, for example:

- **To establish the benefit**, such as planting trees, providing play equipment, early management works for a nature reserve, or travel passes; in such circumstances the commuted payment might provide for up to **five years** of management or support.
- **Short to medium-term management** on a similar basis to that established for open spaces in housing developments in urban areas; this may commonly be for **10 to 15 years**.
- **Longer -term management**, where a commuted sum is contributed which is capable of yielding sufficient annual interest to pay management costs in perpetuity, but which may last between 20- to 40 years<sup>20</sup>.
- **For management in perpetuity**, the contribution of a sum which, when invested, yields sufficient interest to pay for managements costs; this is equivalent to a **full endowment**, however, this option is an exception rather than typical.

It is important for planning authorities to understand how **third-party partners** such as a trust, a community interest company or a local organisation have specific priorities and have set ways and terms in which they operate. For example, the **Woodland Trust's** approach is that projects and acquisitions should be of national or of local significance, under threat of damage or degradation, and be able to demonstrate clear public benefit by allowing open access. For the Woodland Trust to be involved in potential schemes arising from new development, involving them at the design stage, in conjunction with developers and the planning authority, leads to providing optimum results, for example from planting schemes. In some cases, it prefers land to be given as a gift in perpetuity, or at least a long-term lease of 199 years or more. To support and deliver long-term management, a commuted sum is normally sought and secured.

This new SPD shall provide clarity in respect of the policies set out in the Local Plan and to ensure that the site development guidelines are met with regard to the specific on-site and off-site planning and housing policy requirements by securing the means through legal agreements [e.g., S106; S278; S38]. These will complement the Council's CIL payments' regime operating across the planning

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<sup>20</sup> The Woodland Trust typically requires this kind of mechanism if they are to become party to a planning obligation.

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authority in Rotherham to ensure that the cumulative impacts arising from development are satisfactorily delivered while ensuring that these requirements do not render development unviable.

The next sections set out the specific approaches for individual policy areas.

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## Educational Provision [School Places]

Policy Signpost	NPPF/National Guidance	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Educational Provision	NPPG Developer Contributions required to support School Provision <sup>21</sup>	CS29	SP11 SP64

### Preamble

It is important that the impacts of new development on the provision of school education in Rotherham are adequately mitigated. The Council believes there is great value in explaining its methodology to all stakeholders particularly focusing on the process and reasons for the collection of developer contributions for educational provision in Rotherham. In this regard the Council has a good appreciation for and understanding of:

1. The education needs arising from new development, based on an **up-to-date pupil product yield factor**;
2. The **capacity of existing schools** that will serve new developments, taking account of pupil migration across planning areas and local authority boundaries; and
3. The **extent to which developer contributions are required** and the degree of certainty that these shall be secured at the appropriate time.

### Current Provision of Educational Provision<sup>22</sup>

Rotherham is served by a mix of types of school, including Local Authority Maintained, Academies and Free Schools, and RMBC retains the statutory responsibility for ensuring sufficiency of places at any of these. There are currently 95 primary schools, 15 secondary schools, 1 through school [primary to secondary], 6 special schools and 2 pupil referral units [supporting pupils with social, emotional and mental health needs] in the Borough.

Since 2012, to meet growth, Rotherham has provided 2,633 additional school places in its infants, junior, primary and secondary schools, as well as rebuilding two schools [i.e., at Oakwood High School and Wath Victoria Primary School].

The *2020 Infrastructure Delivery Study* [RMBC, 2021d] has recently identified capacity issues across Rotherham schools' estate in the following catchment areas and schools:

*“additional **primary school places** are likely to be required through extensions to the following schools: Greasbrough Academy/Thornhill Primary; Listerdale Junior Academy; Treeton Primary; Wales Primary; Wath Victoria; Whiston Worrygoose Infant & Junior/Whiston Infant & Junior or neighbouring primary school; Whiston Infant & Junior / Sitwell Infant & Junior; Thorpe Hesley Primary; and Ravenfield Primary; as well as a need for additional places in the broad areas of Dinnington, Anston and Laughton Common, Aston, Aughton and Swallownest, and Maltby”*  
[ibid, pp.31-32, RMBC, 2021d]

<sup>21</sup> See also Department for Education, *Securing Developer Contributions for Education*, April 2019.

<sup>22</sup> See in particular paragraph 3.4, pp.30-35 in Rotherham's *Infrastructure Delivery Study Update 2020*, a report Prepared by HYAS, Richard Wood Associates & FORE, published March 2021.

# Supplementary Planning Document on Developer Contributions

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*“There are some highly popular **secondary schools** that are stretched at present and any future requirement will need to be carefully planned in advance of the requirement, these include locations around Bramley/Wickersley, Wales and Brampton. It is clear to see that the majority of locations move into a deficit position once the growth envisaged within the current Local Plan are factored in, with specific future needs identified as extensions to: Wingfield; Wickersley Academy; Maltby Academy; Aston Academy; Wales High School; Brinsworth Academy; Rawmarsh Community; Oakwood High; Thrybergh Academy; and St Pius X”.*

[ibid, pp.34-35, RMBC, 2021d]

It is evidently clear that future new housing growth shall trigger the need for such new housing schemes to mitigate the needs arising in respect of additional school places in the locations cited above.

**The Council has ongoing procedures that monitor the schools’ capacities and where existing deficiencies are identified shall seek funding<sup>23</sup> to increase capacity, including drawing on income from the Community Infrastructure Levy if available.**

## **Current Approach to Seeking and Securing Developer Contributions: Principles**

In seeking developer contributions towards educational provision, the Council’s approach is transparent in setting out the principles it applies in assessing the needs arising from new development. These include the following:

- Developer contributions are **sought on all new** housing developments.
- **Dwellings with 3 bedrooms** are assessed on a **standard baseline cost per pupil** provided by Department for Education [DfE] assessment of costs sourced through the Building Cost Information Service [BCIS]. Developer contributions shall be based on current costs at the time of the application.
- **Dwellings with 2 bedrooms** qualify for a **25% discount** from the standard baseline cost per pupil.
- **Flats, Apartments, Bungalows** qualify for a **50% discount** from the standard baseline cost per pupil
- **Dwellings with 4 or more bedrooms** attract a **25% uplift** on the standard baseline cost per pupil.
- The **pupil product yield [PPY]** is **updated** on a **regular basis**, drawing evidence from local surveys of new local housing developments. Currently the Council applies a **PPY of 0.03** for **both primary and secondary schools** in Rotherham. The planning authority shall be guided by **DfE pupil yield guidance<sup>24</sup>**.
- Educational developer contributions from new developments will be **allotted to the nearest schools** within local catchment areas established by the Council.<sup>25</sup> Such catchment areas are used by DfE for School Capacity Annual Returns that are prepared by RMBC [Children & Young People’s Services].
- Developer Contributions shall be allotted to the **nearest schools** with the proviso that preference shall be given **to expand only good and outstanding schools** wherever possible. This is in line with DfE requirements to add capacity to successful and popular schools. However, **flexibility** may be required if **Heads/Governing Bodies decline to expand** or that the **DfE instruct RMBC** to look at alternative options that might lead to directing the S106 contributions to the next nearest qualifying school[s].

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<sup>23</sup> Funding from the Department for Education as well as the Council’s own mainstream funding

<sup>24</sup> The authority is aware that new guidance is currently being prepared by DfE [January 2022].

<sup>25</sup> See the catchment area map located in the Appendices to this SPD.

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- The Council utilises its School Organisation Plan to assess the **minimum surplus capacity** of schools. Currently, the **capacity threshold is set at 95%**, which **allows for fluctuations in local demand and parental choice**. As such, applicants will be informed by the Council if developer contributions for educational provision will be required.
- The **Council draws on DfE benchmarking costs** for the provision of primary and secondary schools, including places for pupils with Education Health and Care Plans<sup>26</sup>, as the cost base input for the provision of school places, locally adjusted<sup>27</sup>.
- The Council annually assesses the **minimum surplus capacity** of schools. Currently, the **capacity threshold is set at 95%**, which **allows for fluctuations in local demand and parental choice**. As such, applicants will be informed by the Council if developer contributions for educational provision will be required.
- Since the national change from Statements of Education Need to Education Health and Care Plans [EHCP] there has been a considerable rise in the number of pupils who are now the subject of an EHCP. Rotherham has projected this profile to continue to increase in future years, again in line with the national trend. Rotherham's SEN strategy is based on a model of providing SEN places within mainstream education. There is, however, direct SEN provision provided in this Borough by the Council and other private educational institutions seek to also provide places for particular groups of people.
- In situations where **additional school places arise**, developers shall be required to **make a financial contribution**. Such payments **may be paid in tranches** dependent on the scale of the development and the rate of delivery of new homes.
- In situations where an **entirely new school** is required, developer contributions **"in kind"** are typical, which includes **land and/or constructing the school**, including **appropriate equipment to meet standard provision as specified by DfE**.
- The Council shall provide **advice and guidance**, including drawing on **national guidance** with regard to the size and suitability of school sites, including checklists, exemplar layouts and facility specifications.
- The Council shall require that such developer contributions are secured through a **planning obligation**, which not only includes the required contributions, but a **number of standard clauses** covering such matters as design, issues regarding the suitability of land to support the development and long-stop clause in the event of non-delivery. [Please see additional commentary in the section below.]

As a matter of good practice, the Council's guidance, and approaches towards securing developer contributions for education are regularly reviewed, taking into account updates to National Planning Policy Framework and National Planning Practice Guidance, specific guidance provided by the Department for Education, and the DfE's emerging national methodology for the calculation of pupil yields from new housing development.

### **Additional requisite clauses in planning obligations**

In the delivery of new schools, the Council shall require developers to commit to a high-quality design and performance which will be achieved through the Council's planning and building control procedures, ensuring compliance with national standards which includes the Department for Education's building bulletins, output specification and other relevant national design standards and local guidance.<sup>28</sup>

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<sup>26</sup> Rotherham's strategy is based on a model of provision involving both mainstream schools and where appropriate separate special schools [SEN] [e.g., at SEN schools at Newman School the former Rother Valley College in Dinnington and at Hellaby Industrial Estate.

<sup>27</sup> The source for the base build costs per pupil is from National School Delivery Cost Benchmarking, Primary, Secondary & SEN Schools, **Infrastructure & Projects Authority**, June 2019. These shall be subject to review on a regular basis.

<sup>28</sup> See Department for Education's latest *School Design and Construction Guidance*

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As an integral part of the delivery process of new schools, the Council shall include a clause in any planning obligation with developers that requires all design disputes to be referred to an independent expert or design panel, or appraised by the Council in accordance with national planning policy and accepted Good Practice. The Council shall always attempt to embrace a collaborative approach with respective parties to the obligation that embraces good practice and demonstrates transparency in its approach.

Additionally, the Council shall include a mechanism to intervene in situations where delivery of new schools falls through by including longstop clauses to ensure that the land for schools is transferred early enough for it to intervene and provide the school at the right time. In these situations, the planning obligation shall require financial contributions to be made in lieu of the “in kind” provision of the school by the developer, making use of review mechanisms<sup>29</sup> where necessary to respond to changing circumstances.

## An illustration of Educational Developer Contributions

This section provides an illustration of developer contributions where there is a need to provide:

- a. Additional school places in the local Primary and Secondary schools; and
- b. A new Primary school.

### a. Additional school places

The following information [see Tables 7 & 8 overleaf] is presented to illustrate the Council’s methodology in specifying the developer’s educational contributions arising. Importantly, all the key variables and their inputs are revealed so as to understand the costs of providing individual school places in Primary and Secondary Schools in Rotherham. Applicants are advised to contact planning officers at the earliest opportunity.

The cost per pupil for each category of dwelling is a product of:

$$\text{Cost per Pupil} = \text{Base Costs} \times \text{RMBC LCA Factor} \times \text{PPY} \times \text{No of Year Groups.}$$

- Cost per Pupil = The cost [£/pupil] of the area of space prescribed by Department for Education
- Base Costs = sourced from Department for Education provided by Build Cost Information Service [BCIS]
- RMBC LCA Factor = this is the local cost adjustment factor for Rotherham applied by BCIS data sets
- PPY = Pupil Product Yield
- Number of Year Groups = typically 7 in Primary Schools and 5 in Secondary Schools.

Importantly, the Cost per Pupil is adjusted by applying a discount, an uprate, or an exemption according to dwelling size. Overleaf, there are examples of the requisite developer contributions for three quite differently sized schemes based on standard baseline costs for 2019. These shall be adjusted by applying changes reported in the BCIS Tender Price Index.

<sup>29</sup> These shall be explicitly set out as an obligation in the legal agreement

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<b>Table 7: RMBC Educational Contributions Arising from New Development -Primary School</b>		
	<b>Cost per pupil [£]</b>	
<b>Primary School</b>	<b>New School</b>	<b>Re-build &amp; Extension</b>
Department for Education Base Costs <sup>30</sup> per Pupil [2019] [£]	£16,874	£11,855
Rotherham Local Cost Adjustment Factor	0.91	0.91
Pupil Product Yield	0.03	0.03
Number of Year Groups	7	7
3-bedroom Houses [£/unit]	<b>£3,224.62</b>	<b>£2,265.49</b>
2-bedroom Houses [£/unit]: discounted by 25%	<b>£2,418.47</b>	<b>£1,699.12</b>
Flats, Apartments and Bungalows [£/unit]: discounted by 50%	<b>£1,612.31</b>	<b>£1,132.75</b>
Homes with 4 or more bedrooms [£/unit]: up-rated by 25%	<b>£4,030.78</b>	<b>£2,831.86</b>
Exempted Dwellings: 1-bedroom units and specialist homes for older people or the disabled [£/unit]: discounted by 100%	<b>£0.00</b>	<b>£0.00</b>

<b>Table 8: RMBC Educational Contributions Arising from New Development- Secondary School</b>		
	<b>Cost per pupil [£]</b>	
<b>Secondary School</b>	<b>New School</b>	<b>Re-build &amp; Extension</b>
Department for Education Base Costs per Pupil [2019] [£]	£17,818	£15,239
Rotherham Local Cost Adjustment Factor	0.91	0.91
Pupil Product Yield	0.03	0.03
Number of Year Groups	5	5
3-bedroom Houses [£/unit]	<b>£2,432.16</b>	<b>£2,080.12</b>
2-bedroom Houses [£/unit]: discounted by 25%	<b>£1,824.12</b>	<b>£1,560.09</b>
Flats, Apartments and Bungalows [£/unit]: discounted by 50%	<b>£1,216.08</b>	<b>£1,040.06</b>
Homes with 4 or more bedrooms [£/unit]: up-rated by 25%	<b>£3,040.20</b>	<b>£2,600.15</b>
Exempt Dwellings: 1-bedroom units and specialist homes for older people or the disabled [£/unit]: discounted by 100%	<b>£0.00</b>	<b>£0.00</b>

- i. **For a scheme comprising 9 dwellings**, and a housing mix of 2, 2-bedroom houses, 4, 3-bedroom houses, 1, 4-bedroom house and 2 flats, but this scheme is exempt from providing any affordable housing, the developer contributions are set out in Table 9 below.

<b>Table 9: Developer Contributions arising from a 9 dwellings' scheme [illustrative only]</b>			
<b>Developer Contributions</b>	<b>Re-build &amp; Extension</b>		
	<b>Number of Dwellings</b>	<b>Secondary</b>	<b>Primary</b>
<b>Whole Scheme</b>	<b>9</b>	<b>£16,352.67</b>	<b>£17,372.18</b>
2-bedroom houses	2	£3,120.19	£3,398.24
3-bedroom houses	4	£8,320.49	£9,061.96
4-bedroom houses	1	£2,831.86	£2,831.86

<sup>30</sup> The base costs per pupil represent the cost of providing an area per place, which includes allowances for external works, furniture and equipment and professional fees. These, however, exclude ICT equipment, site abnormal costs, site acquisition costs, VAT, and the effect of regional variation in build prices. A local cost adjustment factor is applied for Rotherham.

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Flats	2	£2,080.12	£2,080.12
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The figures in Table B reveals that for a 9 dwellings' scheme additional places in a local Secondary school triggers a contribution of just under £16,500 is required; the equivalent sum for the additional places in a Local Primary school is just under £17,500.

- ii. **For a scheme comprising 16 dwellings** [with 25% of these being affordable housing], with a housing mix of 4, 2-bedroom houses, 4, 3-bedroom houses, 4, 4-bedroom house and 4 flats, the developer contributions are set out in Table 10 below.

<b>Table 10: Developer Contributions arising from a 16 dwellings' scheme [illustrative only]</b>			
Developer Contributions	Re-build & Extension		
	Number of Dwellings	Secondary	Primary
<b>Whole Scheme</b>	<b>16</b>	<b>£30,881.90</b>	<b>£31,716.87</b>
2-bedroom houses	4	£6,240.37	£6,796.47
3-bedroom houses	4	£8,320.49	£9,061.96
4-bedroom houses	4	£12,160.79	£11,327.45
Flats	4	£4,160.25	£4,530.98

The figures in Table 10 reveals that for a 16 dwellings' scheme additional places in a local Secondary school triggers a contribution of just under £31,000; the equivalent sum for the additional places in a Local Primary school is just under £32,000.

- iii. **For a scheme comprising 100 dwellings** [with 25% of these being affordable housing], the housing mix of the whole scheme comprising 35, 3-bedroom houses; 20, 2-bedroom houses; 25, 4-bedroom houses, and 20 flats, the developer contributions are set out in Table 11 below.

<b>Table 11: Developer Contributions arising from a 100 dwellings' scheme [illustrative only]</b>			
Developer Contributions	Re-build & Extension		
	Number of Dwellings	Secondary	Primary
<b>Whole Scheme</b>	<b>100</b>	<b>£189,811.27</b>	<b>£206,726.01</b>
2-bedroom houses	20	£31,201.85	£33,982.36
3-bedroom houses	35	£72,804.32	£79,292.17
4-bedroom houses	25	£65,003.86	£70,796.58
Flats	20	£20,801.24	£22,654.91

The figures in Table 11 reveals that for a 100 dwellings' scheme additional places in a local Secondary school triggers a contribution of just under £190,000; the equivalent sum for the additional places in a Local Primary school is just under £207,000.

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In specific circumstances the planning authority, with the agreement of the applicants, shall pool developer contributions from a number of developments, in order that additional school places can be delivered in local schools in accordance with the standard size of new classrooms<sup>31</sup>.

### **b. A New Primary School**

In situations where the scale of new housing development triggers the need for an entirely new school, the size and scale of it must deliver a viable facility that is in accordance with both local and national guidance. As an illustration a new Primary School with a capacity of seven-year groups with two forms per year group, and each form comprising 30 pupils the developer contribution is the product of the baseline costs per pupil [DfE] £16,874 x 7 x 2 x 30 = **£7,087,080**.

Crucially, the base cost per pupil simply represents the cost of providing an area per place, which **includes** allowances for external works, furniture and equipment and professional fees. These, however, **exclude** ICT equipment, site abnormal costs, site acquisition costs, VAT. At the time of release of funding the baseline cost will increase/decrease by the BCIS [inflation factor]. The calculation is also adjusted for regional variations in build prices; for Rotherham this adjustment factor is currently equivalent to 0.91 [2022].<sup>32</sup>

In these situations, it is expected that the land required for the new school is gifted by the developer, and that other requisite costs are scrutinised by the Council's advisers in order that the school delivered provides a viable and important facility that fully meets the needs arising from the new development.

### **Contacts:**

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

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<sup>31</sup> DfE [2019] *Securing Developer Contributions for Education*, Department for Education, November. DfE [2015] *Advice on standards for school premises for local authorities, proprietors, school leaders, school staff and governing bodies*, Department for Education, March. DfE [2014] *Area guidelines for mainstream schools* Building Bulletin 103, Department for Education, June.

<sup>32</sup> The local cost adjustment factor shall be annually adjusted in accordance with guidance.

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## Library Provision and Library Space

Policy Signpost	NPPF/National Guidance	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Sustainable Development & Community Facilities	See Paragraph 8a, p.5. 2021	See CS29 & CS32	See SP62 & SP64

### Preamble

As recommended by the *International Federation of Library Associations and Institutions*, the Council has adopted standards that relate library service provision to population numbers. This approach emulates other planning policy areas, especially in the provision of new school places or additional capacity to accommodate new housing growth in local primary health centres and doctors' surgeries.

### Current Library Service Provision<sup>33</sup>

The Library Service in Rotherham is delivered through its existing library buildings in fifteen locations across the borough [see the list below]. The scope of this provision means that around 98% of the borough's population has access to a library within a perimeter of 3.2 kilometres [or 2 miles] of their home.

1. Riverside Library and Neighbourhood Hub
2. Rawmarsh Library and Neighbourhood Hub
3. Mowbray Gardens Library and Neighbourhood Hub
4. Maltby Library and Neighbourhood Hub
5. Kiveton Park Library and Neighbourhood Hub
6. Kimberworth Library and Neighbourhood Hub
7. Greasbrough Library and Neighbourhood Hub
8. Dinnington Library and Neighbourhood Hub
9. Brinsworth Community Library<sup>34</sup> and Neighbourhood Hub
10. Aston Library and Neighbourhood Hub
11. Swinton Library and Neighbourhood Hub
12. Thorpe Hesley Library and Neighbourhood Hub
13. Thurcroft Library and Neighbourhood Hub
14. Wath Library and Neighbourhood Hub
15. Wickersley Library and Neighbourhood Hub

In addition to the above provision, the Council has a mobile library service involving:

- **Book Link** which is a small mobile library which makes regular visits to sheltered accommodation units, residential and nursing homes, across the Borough of Rotherham; and

<sup>33</sup> See especially RMBC {2021d} *Infrastructure Delivery Study Update 2020*, a report Prepared by HYAS, Rochard Wood Associates & FORE, Published March 2021. <https://www.rotherham.gov.uk/downloads/file/2396/rotherham-2020-infrastructure-delivery-study-march-2021>

<sup>34</sup> The library at Brinsworth is community managed through Brinsworth Parish Council with support from Rotherham Metropolitan Borough Council

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- **Home Library Service** which is a free service catering for those residents who cannot get to a local branch library due to ill health or disability.

In **November 2020**, the Council adopted a **new Library Strategy** covering the period 2021-2026. This newly adopted strategy is focused on delivering improvements to public IT and self-service facilities, café and toilet facilities, and improved décor, furniture and signage. Other planned improvements include:

- Co-location of Kiveton Park Library with Children and Young People's Services;
- Relocation of Thurcroft Library to Gordon Bennett Memorial Hall; and
- Relocation of Swinton Library to the former customer service centre as part of the wider redevelopment of Swinton centre.

Crucially, and to support the growth envisaged by the Local Plan, the following projects and interventions have been identified:

- Relocation of the Central Library from Riverside House to within Rotherham Town Centre as part of the Market's redevelopment.
- Redevelopment of Greasbrough Library;
- Extension/Improvements to Dinnington Library;
- Redevelopment of Wath Library;
- Relocation of Thorpe Hesley to a larger more central site; and
- New library provision to serve Waverley New Community.

To deliver the above, the Library Service in Rotherham currently has an active capital programme amounting to £1.8million budget [2021-2022] which is supporting refurbishment and upgrading of a number of its local libraries. The following **six projects [as of March 2022]** have been recently delivered:

- **Wath Library** has undergone extensive refurbishment, including upgraded IT facilities;
- **Kimberworth** and **Mowbray Garden Libraries** are being decorated, updated shelving and furniture, including improved welcoming outside space;
- **Dinnington, Greasbrough** and **Wickersley Libraries** have undergone internal redecoration, with all three libraries receiving upgraded IT facilities.

### **Need Arising from New Housing Growth: Principles**

Where appropriate the delivery of additional library services' capacity arising from new housing growth, residential developers shall be required to make fair and proportionate contributions towards the costs of providing and stocking a new or improved permanent building, including any necessary land acquisition.

Where the best means for the delivery of library services to a new development is a **mobile library**, residential developers shall be required to provide a suitable parking area with good links to the local transportation network and access to a power supply. Consideration will also need to be given to proximity of appropriate rest facilities] and/or a proportionate financial contribution towards the costs of providing and stocking an extra vehicle and existing services.

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## Standard Provision

The applied average standard is 32m<sup>2</sup> per 1,000 population, varying from 30m<sup>2</sup> to 35m<sup>2</sup>. Where a library is unable to meet these standards due to new residential development, a reasonable contribution will be requested towards the service based on the adopted floorspace standards, the library building cost per square metre [£/m<sup>2</sup>] and the additional population arising from the proposed residential development.

Where the existing capacity of a library is unable to serve new development, the contribution shall be calculated as follows:

- **Additional Population x Cost per Head of Improvements to Library Services**

The needs of the library service shall have to be assessed individually and in context. Occasionally, more than one feasible way of meeting those needs within our standards will be identified. For example, improvement of the mobile library service in combination with an enhancement of facilities at the major library in the nearest settlement [which is based on the Council's settlement hierarchy, (see Core Strategy CS1: *Delivering Rotherham's Spatial Strategy*, RMBC, September 2014, especially Table 3 and Map 2)] could be an acceptable alternative to development of a neighbourhood library, on-site or nearby, for about the same overall cost. Therefore, where the library needs of a particular development proposal may be satisfied equally well by one or more alternatives, residential developers shall be required to contribute towards the most appropriate solution identified by the Council's Library Services in the Department of Culture and Leisure.

## Calculating Developer Contributions

Two methodologies are used for calculating library infrastructure contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality.

Library infrastructure contributions are determined by the population adjustment resulting in a square-metre demand for library services. The square-metre (SQM) demand is multiplied by a cost multiplier which determines the total contributions:

- **Developer Contributions = extra library space required x Cost Multiplier.**

The **extra library space** is the space in square metres per 1,000 population.

The square-metre demand for library floorspace varies across the Borough and parishes based on available library infrastructure and the settlement population in each particular locality.

The **local floorspace demand [LFD]** figure varies between 30 and 35 square metres per 1,000 people and is generated with each individual calculation relating to a proposed residential development:

- **Square Metre Demand = [Adjusted Population x LFD] / 1,000**

The **adjusted population** is the sum of the occupancy for the net dwelling increase for all dwellings **irrespective of tenure or mix**.

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The basis of the **cost multiplier** shall comprise **four separate elements** as displayed in Table 12 below:

<b>Table 12: Explanation of the components comprising the Standard Charge Figures for Public Libraries</b>				
A	B	C	D	SUM
Median cost of building public libraries as of March 2022 with local cost adjustment factor, inclusive of preliminaries and contractor's overheads and profit	15% added for external works, including car and cycle parking, hardstanding, landscaping, security, and signage.	15% of A and B added for design costs	88% of A +B for fitting-out costs, including initial book stock etc and IT	Total Sum [£/m <sup>2</sup> ]
<b>Exclusions:</b> Any land costs or exceptional site-factors are additional to this calculation of £/m <sup>2</sup> .				

The figures in Table 13 reveal the basis of the costs of delivering additional Library space triggered by new residential development in Rotherham; the figures for its neighbouring Councils, the region and nationally are supplied for comparative and illustrative purposes only.

<b>Table 13: Regionally Adjusted Standard Charge Figures for New Build Public Libraries: Cost Multipliers per Person</b>							
	BCIS, 2 <sup>nd</sup> Quarter 2022	A	B	C	D	TOTAL SUM	
Area/ Region/ Authority	Cost Adjustment Factor	Base Line Building Prices [Median] [£/m <sup>2</sup> ]	Plus 15% of A for External Works [£/m <sup>2</sup> ]	Design Costs at 15% of A+B [£/m <sup>2</sup> ]	Fit-out Costs at 88% of A+B [£/m <sup>2</sup> ]	Total Building Costs and Fit-out Costs [£/m <sup>2</sup> ]	Costs /Person [£] in New Housing assuming 30m <sup>2</sup> /per 1000 persons
National	1.00	£2,756	£413.40	£475.41	£2,789.07	£6,433.88	£193.02
Yorkshire & Humber	0.93	£2,563	£384.45	£442.12	£2,593.76	£5,983.32	£179.50
South Yorkshire	0.93	£2,563	£384.45	£442.12	£2,593.76	£5,983.32	£179.50
Barnsley	0.89	£2,453	£367.95	£423.14	£2,482.44	£5,726.53	£171.80
Doncaster	1.00	£2,756	£413.40	£475.41	£2,789.07	£6,433.88	£193.02
Sheffield	0.97	£2,673	£400.95	£461.09	£2,705.08	£6,240.12	£187.20
<b>Rotherham</b>	<b>0.89</b>	<b>£2,453</b>	<b>£367.95</b>	<b>£423.14</b>	<b>£2,482.44</b>	<b>£5,726.53</b>	<b>£171.80</b>
<b>Exclusions:</b> Any land costs or exceptional site-factors are additional to this calculation of £/m <sup>2</sup> .							
Source: Adapted and updated to 2022 figures from <i>Public Libraries, Archives and New Development: A Standard Charge Approach</i> [published May 2010].							

For **Rotherham**, the **Cost Multiplier** for providing additional floorspace in **new build public libraries** is currently **£5,726.53/m<sup>2</sup> or £171.80 per additional person** living in new housing.

Of course, most new housing growth is accommodated carrying out modifications and upgrading of existing public libraries, in this respect the figures in Table 14 displays the Cost Multipliers to be applied for a variety of project types covering horizontal and vertical extensions as well as rehabilitation/conversion schemes.

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Table 14: Public Library Cost Multipliers per Person: All types of schemes in Rotherham						
BCIS Cost Adjustment Factor [Rotherham = 0.89]	A	B	C	D	TOTAL SUM	BCIS, 2 <sup>nd</sup> Quarter 2022
<b>Public Libraries</b>	<b>Build Prices [£/m<sup>2</sup>]</b>	<b>Plus 15% of A for External Works [£/m<sup>2</sup>]</b>	<b>Design Costs at 15% of A+B [£/m<sup>2</sup>]</b>	<b>Fit-out Costs* at 88% of A+B [£/m<sup>2</sup>]</b>	<b>Total BC and Fit-out Costs [£/m<sup>2</sup>]</b>	<b>Costs /Person [£] in New Housing assuming 30m<sup>2</sup>/per 1000 persons</b>
New Build	£2,452.84	£367.93	£423.11	£2,482.27	£5,726.15	<b>£171.78</b>
Horizontal Extension	£2,999.30	£449.90	£517.38	£3,035.29	£7,001.87	<b>£210.06</b>
Vertical Extension	£719.12	£107.87	£124.05	£727.75	£1,678.79	<b>£50.36</b>
Rehabilitation/Conversion	£1,243.33	£186.50	£214.47	£1,258.25	£2,902.55	<b>£87.08</b>
<b>Exclusions:</b> Any land costs or exceptional site-factors are additional to this calculation of £/m <sup>2</sup> .						
* This includes IT facilities and additional Book Stocks						

The above figures shall be **annually updated** by reference to **median average building prices** sourced from Royal Institute of Chartered Surveyors' Building Cost Information Service having applied the local cost adjustment factor for Rotherham.

In all of the above circumstances, all financial contributions shall be paid to the local planning authority who shall arrange to release such funds in liaison with the Council's Library Service, in order that the financial contributions can be co-ordinated, and in some cases pooled with other developers' financial contributions, so that the needs arising from new housing growth locally can be delivered at the appropriate scale and with maximum effect.

Such developer contributions shall contribute towards expansion, increased opening hours, stock acquisition and improved facilities to mitigate the impacts of increasing numbers of users of the library services and facilities directly arising from new development in Rotherham.

The **Local Planning Authority** shall **require** the **Library Service** to **provide an audit trail** and **written reports of the funds received from developer contributions** as part of the Council's regular [i.e., annually] monitoring and review procedures covering developer contributions.

### Contacts

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

# Supplementary Planning Document on Developer Contributions

## Biodiversity Net Gain [BNG] plus 10% [Interim Guidance<sup>35</sup>]

Policy Signpost	NPPF/National Guidance	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Biodiversity Net Gain	Paragraphs 137; 174-175; & 179-180.	CS20: Biodiversity & Geodiversity	See SP: 31-46.

### Preamble

This interim guidance should be followed by planning applicants and their ecological consultants who are working on new development projects within Rotherham in order to ensure that biodiversity net gain (BNG) is delivered. This guidance has been prepared to ensure that evidence submitted to support planning applications is consistent.

This interim guidance emulates similar documents prepared by Wakefield Metropolitan Borough and Leeds City Councils. This guidance does not provide guidance on how to use the biodiversity metric. The metric calculations and associated evidence must be prepared by a professional or suitably qualified/experienced ecologist. Basic guidance on how to use the Defra biodiversity metric 3.0 is available at the Natural England publications website. Further advice and support are also available by accessing *Biodiversity Net Gain, Good Practice Principles for Development – A practical guide* [2019]) published by CIEEM, IEMA, and CIRIA.

The use of the metric and the provision of BNG are additional to the legal obligations and planning policies to properly assess and mitigate/compensate impacts on protected/priority species as part of development management. It is also separate from other considerations such as open space standards and green infrastructure, although it may be inherently linked.

### Local Context

In Rotherham, Core Strategy CS20 [*Biodiversity and Geodiversity*] of the Local Plan requires all major and minor development to demonstrate BNG where possible. Once all the Regulations and a national prescribed framework are in place, policy will require all [major and minor new development] applications to demonstrate BNG in a quantifiable way through the use of a biodiversity impact assessment calculator [i.e., Metric 3.0].

The Council's approach to securing Biodiversity Net Gain is based on existing planning policy set out in the National Planning Policy Framework [NPPF, July 2021] and policies held in the adopted Local Plan. The guidance in this interim guidance note sets out how applicants can demonstrate compliance with existing policy requirements.

The key sections of the NPPF that are relevant to biodiversity are:

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<sup>35</sup> The Council is presently preparing a separate SPD on BNG plus 10% which shall coincide and mirror the transitional period for the formal introduction of national guidance undergoing testing and consultation April 2022]

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- a) **Section 8:** Promoting Healthy and Safe Communities;
- b) **Section 15:** Conserving and Enhancing the Natural Environment.

These sections contain important policy requirements; the following paragraphs are notable:

- a) **Paragraph 8c** sets out that sustainable development has an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- b) **Paragraph 137** provides advice on how Green Belts may be used to enhance landscapes, visual amenity, and biodiversity; or to improve damaged and derelict land.
- c) **Paragraph 174** states that through planning policy and planning decisions, the natural environment should be enhanced by ‘minimising impacts on and providing net gains for biodiversity’ (criterion d).
- d) **Paragraph 175** advises that development plans should ‘plan for the enhancement of natural capital’.
- e) **Paragraph 179** provides specific advice on habitats and biodiversity. In particular criterion b states that development plans should ‘identify and pursue opportunities for securing measurable net gains for biodiversity’.
- f) **Paragraph 180** establishes the principles that Local Authorities should use to determine planning applications where biodiversity and geodiversity are material considerations. This policy establishes the mitigation hierarchy and, at criterion d, encourages securing measurable net gains for biodiversity in development proposals.

Defra consulted on BNG in December 2018 and released a beta version of their Biodiversity Metric 2.0 at the end of July 2019. On the basis of these consultations a revised version has been released in the form of bio-diversity Metric 3.0 [including a separate, truncated version for small-scale developments]. All planning applications should therefore use the Defra Biodiversity Metric 3.0 [or subsequent revisions] to measure their level of BNG to ensure a consistent approach and all applicants are treated transparently and fairly.

The BNG process embeds the mitigation hierarchy. All methods of avoidance and on-site mitigation must be fully explored and proven to the Council that they cannot be satisfactorily achieved on-site before any off-site compensation will be considered. It must also be recognised that not all habitats can be re-created, such as ancient woodland, which are considered to be irreplaceable. Development proposals must clearly demonstrate that an overall BNG will be achieved. The level of net gain should be at least 10% in line with the requirements set out in the Environment Act [November 2021] and any forthcoming Regulations to implement the requirements of the Act. During the first months of 2022, consultation on the wording and format of the Regulations was consulted on.

## Evidence Requirements

For all major and minor scale planning applications, a BNG Strategy [e.g., as part of a submitted Preliminary Ecological Appraisal Report [PEAR]] must be submitted to provide full details of the assessment process, the assumptions and professional judgements made and the following specific evidence:

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- Habitat Baseline Plan;
- Proposed Habitats Plan;
- Bio-diversity Metric [3.0];
- Project Implementation and Construction; and
- Management and Monitoring.

## **Habitat Baseline Plan**

Produced using the information from the Preliminary Ecological Appraisal Report [PEAR]; clearly showing the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). A label for each habitat parcel shall be needed for more complex sites. A separate plan for linear habitats may also need to be provided.

## **Proposed Habitats Plan**

Taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans [if they are available]; clearly showing habitat types being retained, enhanced, and created, and the area of each habitat type [in hectares]; it must be colour-coded so that each habitat type is easily identifiable. Other proposed biodiversity enhancements [including for priority species] and protected species mitigation areas should also be shown on this plan.

## **Bio-diversity Metric 3.0**

The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. A completed and accessible Excel spreadsheet must be submitted [i.e., not a reproduced copy]. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in the report. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric. A minimum level of 10% BNG overall shall be expected.

A detailed justification of how the *Biodiversity Net Gain, Good Practice Principles for Development – A practical guide*, prepared by CIEEM, CIRIA, IEMA, 2019 has been embraced and applied in preparing this interim guidance.

## **Project Implementation and Construction**

Information about how the design concept will be delivered on the ground, including drawings, for example detailed landscape planting schedules, management proposals and/or a construction handover checklist or timetable. This is particularly relevant where the developer is implementing BNG delivery on-site and/or off-site by themselves [e.g., on their own land].

## **Management and Monitoring**

Information about the required aftercare maintenance and long-term habitat management of created and enhanced features, how management will be implemented for a minimum period of 30 years and what monitoring will be implemented during and after construction to ensure that all on and/or off-site BNG is delivered to the required condition.

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## Outline applications

Outline applications often do not have a fixed layout, but usually include some form of parameters plan or illustrative masterplan, which can be used as a basis for the proposed habitats plan. At the outline stage we are trying to determine if, in principle, the application has the capacity to comply with the Local Plan CS20 [*Biodiversity and Geo-diversity*] or if there are issues that need to be addressed. Landscape plans for outline applications are often not developed in any detail until the reserved matters stage however, the project team [e.g., applicant, agent, ecological consultant, and landscape architect] will need to work together to determine what areas may be available for bio-diversity enhancements and agree a basic package of enhancements, which could realistically be delivered within the site framework. It is also important that other land uses within the development are considered at this stage [e.g., the requirement for allotments, pitches, play areas etc.], which will have implications for land use budgets. The provision of bio-diversity features within the built environment [e.g., green roofs, living walls] should also be fully considered.

At outline stage, it may be necessary to make some assumptions in order to fulfil the requirements of the metric. For example, the metric could be based on a worst-case scenario [e.g., assume all on-site habitats are in good condition or the built development areas could be categorised as “Urban – Suburban/ mosaic of developed/ natural surfaces”] in order to ensure that subsequent reserved matters applications can also apply the metric, once the details of the scheme are available. Where a development is taking place over a series of phases, it may be possible for later phases to set the baseline at a higher level of habitat condition to discount the need for the multipliers if the habitat has already been created and has met the target condition.

## Biodiversity metric information

All data submitted with major and minor planning applications shall be in accordance with Rotherham’s data standards [i.e., appropriate standards to be shared with the applicant at pre-application stage]. This shall include the submission of GIS vector data [e.g., Tab files] and specific information regarding habitat condition data to ensure that the metric calculations can be reproduced and independently assessed by the local planning authority. The Biological Records Centre shall be contacted for all appropriate locality data.

<https://www.rotherham.gov.uk/environment-waste/rotherham-biological-records-centre/1>

The Rotherham Biodiversity Action Plan is available from Evidence Base downloads pages in support of the Rotherham Local Plan: <https://www.rotherham.gov.uk/downloads/download/79/evidence-base-downloads>

## Existing Habitats

The metric should relate directly to the information presented in the Preliminary Ecological Appraisal Report and on the Biodiversity Impact Plan. The same habitat descriptions and areas must be used. The Defra **Biodiversity Metric 3.0** uses the UK Habitats Classification System and therefore habitat data must be classified according to this system. Phase 1 habitats can be translated into the new system using online resources. Notes should be added to the comments’ column of the metric for each entry to explain the choice of habitat where necessary. If the quality or status of the habitat is

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in anyway unclear [e.g., due to time of year of surveys or the need for further phase 2 surveys] then the precautionary principle should be applied, and notes added to the relevant entry.

## Proposed Habitats

The key issue here is to be realistic about what habitats it might be possible to create and maintain on the site once the development is complete. It is vital that decisions about habitat creation within a development site are based on the following issues:

- Former land use – i.e., arable land is likely to be high in Nitrogen, Phosphorus and Potassium [with consequent high levels of soil fertility] and it will take a longer time to create a habitat and for it to reach its target condition;
- Long-term maintenance – it may be difficult and/or expensive to maintain certain types of habitats and this often leads to the failure of landscaping schemes in the longer term;
- Viability – for example, the cost and operational logistics of maintaining small areas of complicated habitats may be higher/more difficult; and
- Location - for example, it may be unrealistic to include small areas of isolated wildflower grassland within an urban or sub-urban environment when they are subject to significant levels of disturbance and nutrient enrichment from dog fouling.

## Recommendations for Habitat Creation

On-site in most situations only relatively simple low-maintenance habitats should be targeted within the development site in order to ensure that the proposed habitats are delivered and managed properly to achieve the intended biodiversity value in the long-term. There are several simple and robust habitat types that are relatively easy to create and maintain in the longer term, which will deliver good bio-diversity value with relatively low maintenance requirements. The choice of habitat types will depend on the soils, drainage, and aspect of the site, and will need to be informed by professional judgement [i.e., a qualified ecologist].

## Types of Habitats

Examples of habitat types likely to be deliverable on most development sites include:

- Deciduous plantation woodland;
- Ponds [but these shall depend on geology and drainage];
- Scrub;
- Hedgerows;
- Medium distinctiveness grasslands can be established and managed on some sites, but this is very dependent on the availability of appropriate management skills, the size of the area [and degree of isolation] and the likely levels of disturbance. Using a simple species mix, including robust species such as oxeye daisy, back knapweed, sorrel, and yarrow is most likely to result in success [e.g., tussocky grassland with low-maintenance requirements and flowering lawns containing plants that respond well to regular cutting];
- Scattered native trees; and
- Orchards.

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## Target Condition

The target condition for the habitats to be created or restored should in most cases be moderate. It is very unlikely that grassland habitats, in particular in suburban environments, would reach anything more than moderate condition. We will not accept schemes that target high distinctiveness habitats such as lowland meadows and limestone grasslands unless there is a very sound justification and a strong chance of success in the long-term. This is only likely to be possible where there are existing good quality habitats that can be improved through sympathetic management or where soil conditions are appropriate. Even if the conditions are suitable, these habitats would only be acceptable where appropriate management expertise is demonstrably available to the developers and can be secured in the long-term.

## Other Biodiversity Enhancements

Other biodiversity enhancements, particularly those for priority or locally important species, which are not taken into account as part of the metric, must also be incorporated into development proposals in order to comply with CS20, including wildlife boxes [e.g., bird, bat, insect], hedgehog highways [i.e., gaps under fences and holes through walls], habitat piles and sensitive lighting strategies.

## When the Calculations Show a BNG Net Loss or that BNG cannot be achieved on-site

If this is the case, then the following options **must** be considered:

- a. **Re-design the proposed scheme to avoid a net loss of biodiversity:** The mitigation hierarchy must be adequately demonstrated within the Preliminary Ecological Appraisal Report. It may be possible to re-design a proposed development to avoid a net loss of biodiversity. Any re-design would need to take account of the guidance provided above.
- b. **Provision of compensation on land owned or controlled by the applicant:** If the applicant owns or controls land that could be used to provide off-site measures, then this might be sufficient to compensate the losses caused by a development [with a full justification of the mitigation hierarchy and as long as this approach accords with planning policies in the NPPF and Local Plan] and to provide BNG. In this case the receptor site would also need to be subject to ecological surveys and an assessment using the metric to prove that the land can deliver the required number of bio-diversity units to achieve a net gain overall. The receptor site would then be legally linked to the application through a planning obligation in a Section 106 [S106] agreement.
- c. **Off-site BNG is secured by planning condition:** A planning condition can be used to ensure that the developer enters into an agreement with a delivery provider [a third-party organisation who will create and manage habitats] for off-site BNG [e.g., to achieve the expected target of 10%]. To discharge this condition the developer would need to provide evidence in the form of a certificate from a BNG delivery provider to demonstrate that they have secured the required level of bio-diversity units. This is often the simplest and most effective way of securing the necessary BNG and the preferred method of the Council.
- d. **Off-site net gain secured through a S106 agreement:** In some circumstances developers prefer to enter into Section 106 agreements to secure the delivery of off-site BNG. This is sometimes used on larger schemes where there are more significant off-site requirements that would need

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to be delivered in phases over a number of years. In this way the delivery of off-site BNG can be timed to coincide with the impacts on multi-phase schemes. A delivery provider would still need to be confirmed.

## **Purpose and Location of Off-site BNG**

The main priority for any off-site BNG must be the conservation, restoration and re-creation of priority habitats and ecological networks, particularly as part of the emerging Nature Recovery Network and forthcoming Local Nature Recovery Strategies, and/or in order to meet the aims and objectives of Conservation Target Areas [CTA] and Nature Improvement Areas [NIA]. All off-site BNG projects must be delivered as close to the development site as possible or at least within the Borough.

## **Off-site BNG delivery providers**

There are currently 2 organisations that can deliver off-site BNG in Rotherham/South Yorkshire; the identification of further appropriate and suitable bodies shall be confirmed at a future date:

- a. **The Council**, as major landowner of natural areas and more formal parks within the Borough can perform this role.
- b. **A Local Environment Trust [LET]**: a registered charity who can administer funds on behalf of developers required to invest in biodiversity offsets to achieve net gain in Rotherham/South Yorkshire, usually to discharge planning conditions or obligations. When a developer deposits offsetting funds with a LET, they confer responsibility to them, and the planning condition can be considered as discharged. A local environment trust has the local knowledge and connections necessary to find suitable receptor sites and projects capable of generating the bio-diversity units required by offsetting funds. They also work with local planning authorities to ensure they meet their requirements and the discharge of planning conditions relating to biodiversity net gain. The, Woodland Trust, Canal and Rivers Trust, RSPB, all active within Rotherham Borough, along with the Sheffield & Rotherham Wildlife Trust and the Yorkshire Wildlife Trust are potentially suitable bodies that may, in the future, be able to carry out this role.
- c. **The Environment Bank**: a private company set up specifically to deliver biodiversity offsetting throughout the UK. Its **Habitat Bank** has a good network of contacts but is not specific to Rotherham Borough.

## **Who else can help?**

Our Officers responsible for biodiversity can offer further advice at pre-application stage to ensure that developments comply with the relevant bio-diversity policies and minimise delays during the application process. Approved independent Ecologists and Members of the Chartered Institute of Ecology and Environmental Management [CIEEM] can undertake metric calculations and provide other data services for development projects at a cost and an enquiry should be made to them direct by the applicant.

## **Contacts**

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

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## The Value of Amenity Trees

Policy Signpost	NPPF	RMBC Core Strategy 2014	RMBC Sites & Policies Local Plan 2018
Green Infrastructure	Habitat & Biodiversity [Paragraphs 179-182, pp. 51-52]	CS2; CS19; CS20; CS21; CS22; CS23; & CS32	SP1; SP32; SP33; SP34; SP35; SP37; SP38; SP39; & SP44.

### Preamble

Rotherham’s Local Plan specifies site development guidelines for those sites allocated for new residential and commercial development. An integral aspect of these is to recognise the innate value and benefit arising from existing tree cover and other green infrastructure assets on sites<sup>36</sup>. New development should not only maintain a site’s biodiversity attributes, but there is also a desire to improve it in terms of seeking and securing what are now termed biodiversity net gains [BNG] [see NPPF, 2021]. In this regard, a key focus are amenity trees<sup>37</sup>.

Amenity trees are defined as any that are not grown for their value as a timber or other crop and that provide other benefits or values [Cullen, 2007]. Examples of what constitutes amenity trees include:

- Trees found in parks and other open spaces; and
- Trees lining the sides of streets, railways, rivers, and canals and in gardens.

There are many reasons for wanting and needing to value amenity trees. The focus of this brief section is to consider how to carry out an assessment of valuation of amenity trees triggered by planning and decision-making with regard to permitting new development and the need to calculate any loss of amenity and replacement value arising directly from allowing new development to occur.

One of the accepted methods of calculating the value and benefits of amenity trees<sup>38</sup> is to utilise the Capital Asset Valuation for Amenity Trees [CAVAT].

### Capital Asset Valuation of Amenity Trees [CAVAT]

Section 198 of The Town and Country Planning Act (TCPA) (1990) establishes trees as an amenity<sup>39</sup>. As such it is accepted that amenity trees provide a wide range of **tangible and intangible benefits to society**: these include the “regulating ecosystem services” of cooling local air temperatures, intercepting rainfall and reducing air and water pollution and the socio-cultural ecosystem benefits

<sup>36</sup> To this end Rotherham Planning Authority is in the process of preparing a separate Supplementary Planning Document on Trees and Woodlands.

<sup>37</sup> See the forthcoming Supplementary Planning Documents on Trees, in preparation, 2022

<sup>38</sup> Other methods include: The Helliwell System; The Tree suite of tools; The Council of Tree and Landscape Appraisers’ Methods.

<sup>39</sup> S198 of TCPA 1990 creates the power for local planning authorities to protect trees by legal order; subsequent sections create a legal framework for enforcement at Crown Court, including a potentially unlimited fine for serious offences. Local planning authorities are under no obligation to show that trees are an amenity or that the monetary value of that amenity is potentially substantial, but they are obliged to consider how relevant aspects of the location and characteristics of particular trees influence the level of that potential value. Neither does TCPA reference a methodology for such considerations.

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of helping to make cities safer, more diverse and attractive, and wealthier to its citizens and visitors [see for example FAO, 2016; Rogers et al., 2015].

The ownership of our natural resources such as trees are either being in public ownership [e.g., a local authority tree] or are regulated by various means [e.g., privately owned trees under a Tree Preservation Order]. The inference that can be drawn is that single or multiple beneficiaries can be distinguished in that such benefits accrue to both individuals and society more broadly.

The challenge for amenity tree valuation is that neither the intangible amenity of trees, nor the tangible benefits or services they provide, are market goods; that is, they are not exchanged or traded and there are no market prices that would allow the application of an income or sales-based approach to valuation.

Cullen [2007] argues that each benefit has value. In this regard value can be understood as:

- a. the monetary relationship between different properties that can be derived from trees [i.e., interests, benefits, and rights] and those that buy, sell, or use them; or
- b. the present worth of future benefits.

It is the latter of these two definitions that is usually referred to when considering the benefits and services provided by amenity trees. Thus, value can be ascribed to amenity trees because “someone” anticipates or expects them to provide current and future benefits, to have utility [satisfy desires, needs, wants], or to make a beneficial difference.

At the base of this concept lies utility which can be considered to either generate:

- a sum of money [£] to compensate for amenity tree loss [i.e., the willingness to accept principle]; or
- a sum of money [£] to be paid to prevent a loss of amenity trees [i.e., the willingness to pay principle].

In this respect, the CAVAT methodology explicitly reveals those factors that are taken into account in arriving at an appropriate sum, which both parties [i.e., an applicant and the planning authority] shall accept to be paid/ received as part of informing the decision-making process and the granting of planning permission.

The anticipated cost arising from a calculation of the monetary value of amenity trees which would be secured using a planning obligation [as it involves a financial payment] shall also inform the promoters of new development as to whether these sums should be paid or that these could be avoided if the current proposal is changed to ensure that such mitigation measures are unnecessary.

Any accepted costs derived from the CAVAT methodology will affect the development site’s true worth [i.e., it will lower it] and thus it is essential that applicants engage suitable and qualified consultants [e.g., arboriculturists] in advance of purchasing the development site, to ensure that they do not overpay for the site or that viability is not compromised.

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CAVAT has been successfully used<sup>40</sup> to defend trees from loss due to development as well as secure adequate and appropriate compensation for their removal through private development by application of the CAVAT methodology [either the Full or the Quick Methods]. CAVAT has also been used to trigger alterations to infrastructure development plans allowing for the conservation of mature street trees. As such, CAVAT has been used on a consistent basis by a large number of UK local authorities for urban amenity tree valuation and this methodology provides a satisfactory indication of a “market” price.

A summary of the methodology underpinning CAVAT is set out below. Applicants shall be required to embrace the appropriate CAVAT method tailored to the specific details of the proposed new development.

The **Full CAVAT Method** has seven steps: the first establishes a base value, whilst the further six steps modify this base value to achieve a final valuation.

The steps of the **Full CAVAT Method** are:

- Step 1: Determining the “base” value (size multiplied by a unit value factor [UVF]).
- Step 2: Adjustment to determine the “community tree index (CTI)” value (a value adjustment based on location, in terms of population density).
- Step 3: Adjustment to determine the “location factor (LF)” value (a value adjustment made for the relative accessibility of the tree to the general public).
- Step 4: Adjustment to determine the “functional crown value [part 1]: structural framework” (an adjustment of the value according to crown size).
- Step 5: Adjustment to determine the “functional crown value [part 2]: Leaf cover completeness and condition” (an adjustment of the value according to the functional status (condition) of the present canopy).
- Step 6: Adjustment to determine the “amenity and appropriateness” value (a value adjustment for how well the particular tree species characteristics is suited to its location).
- Step 7: Adjustment to determine the “Full” value (a value adjustment for life expectancy (LE) and leading to the final value for the tree).

The **Quick CAVAT Method** comprises **four steps** as follows:

- Step 1: Determining the “Base” value (size multiplied by the UVF)
- Step 2: Adjustment to determine the “CTI” value (adjustment based on location, in terms of population)
- Step 3: Adjustment to determine the “functional crown” value: a step with two considerations leading to a single adjustment of the value according to crown size and crown condition.
- Step 4: Life Expectancy adjustment to determine the final Quick Method value for the stock as a whole.

The **main differences** in the Quick Method compared to the Full Method are that:

- in Step 1, size is required as in the Full Method, but this is then converted into one of 16 size-bands;

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<sup>40</sup> In the London Boroughs [Barnet and Ealing], The Midlands and in Bristol by the planning authorities.

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- Community accessibility (the LF value adjustment carried out in the Full Method's Step 3) is not considered, as this detail is not collected during routine health and safety inspections of trees.
- in Step 3 (equivalent to the Full Method's Steps 4 and 5), functional crown value is considered in 25% gradations, rather than 10%, to aid the speed of assessment; and to ensure that Step 6 of the Full Method: amenity value adjustment, is not excluded.

The CAVAT method will be used to assess trees protected by a TPO, or those within Council ownership. Other trees will be assessed using the Rotherham Tree Replacement Standard as set out in the Council's Trees SPD. A table demonstrating how trees will be valued under the Rotherham Tree Replacement Standard can be found below:

<b>Removed Tree DBH [Diameter at Breast Height] [cm@1.5m]</b>	<b>Replacement Trees Number</b>	<b>Notes</b>
0 - 7	0	As per Conservation Area legislation, no replacement trees are required for 7DBH and below
8 - 14.9	1	
15 - 19.9	2	
20 - 29.9	4	
30 - 39.9	5	
40 - 49.9	6	
50 - 59.9	8	
60 - 69.9	10	
70 - 79.9	12	
80 - 99.9	15	
100+	20	

Additionally, the following table provides an example of landscaping costs [see overleaf]:

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Section	Trees to be Removed	Value	Replacement Trees as required by sections 1 & 2	Total Number of Trees Required
Section 1 [CAVAT valued]	1 x TPO tree	£10,000	10000/396 = 25 trees	25
Section 2 [RTRS]	4 Other Trees	18	Diameter at Breast Height (DBH)	2
		24	DBH	4
		25	DBH	4
		41	DBH	6
<b>Total</b>				<b>41</b>

Replacement Trees as Required by Section 1 & 2 [RTRS]	Trees to be Removed	Value	Replacement Trees as required by sections 1 & 2	Total Number of Trees Required
Trees that can be planted on site				10
Developer Contribution for Off-Site Tree Planting			31 x £396	£12,276

Applicants shall be required to liaise and agree with the planning authority the most appropriate method to be employed in carrying out the amenity valuation exercise. For more information on the role of trees in development, please see the Council's Trees SPD which has been produced concurrently with this SPD.

### Contacts

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

END

## Outdoor Sport and Recreational Provision, Green Space and Green Infrastructure

Policy Signpost	NPPF	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Outdoor Sport & Recreation	Paragraphs 98-103; pp.28-29	CS1; CS2; CS22	SP10; SP37; SP38; SP39
Green Infrastructure		CS1; CS2, CS19	SP32; SP33
Green Spaces		CS1; CS2; CS22	SP37; SP38; SP39

### The Local Plan Context

The Council is aware that future growth stemming from the sites allocated in its adopted Local Plan documents [RMBC, 2014; and RMBC, 2018]; and any subsequent windfall development proposals, will trigger the need for additional provision in an array of infrastructure including green spaces, infrastructure and outdoor sport and recreational provision. With respect to outdoor sport and recreational provision these have been based on the generation of sports facility strategies, incorporating for example the creation of playing pitch strategies, estimates for the need for Multi-Use Games Areas [MUGA] and need for new or improvements to Local Areas for Play [LAP] located in Rotherham.

The Council also recognises the importance that any obligations sought must be based on a tailored approach to each proposed new development, underpinned by a robust evidence base that justifies the requirement to mitigate the needs arising and how to determine how these are to be met through developer contributions.

### Methodology to seek and secure developer contributions

To secure developer contributions the Council shall base its assessment of the needs arising from new development on the following methodology, which incorporates:

- A robust evidence base/audit for sporting and recreation and recreation provision, in the planning authority's area which is utilised to:
  - Estimate the nature and level of needs for sporting and recreational provision arising from proposed new developments;
  - Establish a plan of action and delivery that incorporates a variety of financing options for sporting and recreational provision, including developer contributions secured through the following mechanisms:
    - S106 planning obligations; and
    - Community Infrastructure Levy receipts.

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In certain circumstances, the Council may draw on its own revenue budgets as well as exploring and securing funding from external sources, including from central government, regional bodies, Sport England. Applicants need to be aware that their proposals will be assessed objectively; a transparent approach is required to aid in determining the scale of contributions arising from specific development schemes<sup>41</sup>.

Maintaining an up-to-date evidence base requires significant resources, therefore in these circumstances the Council will rely on its own local knowledge supplemented by developer studies, prepared in accordance with national and local planning policy guidance and best practice. Prior to preparing a robust evidence base, the developer will scope out the work required to be undertaken with appropriate officers of the Council through its pre-application process.

The Council's contention is that additional sporting and recreational provision shall be primarily secured through negotiated planning obligations. The Council holds the view that future CIL receipts will be prioritised to contribute to the funding of providing additional capacity in service areas where there are extant deficiencies [e.g., in doctors' surgeries; highways; library or school places, and appropriate green space infrastructure to meet identified requirements].

### **Tailored to local circumstance and needs arising**

The scale of new development will dictate how and where additional green spaces, outdoor sporting and recreational provision are to be located. The Council is clearly aware that deliverability of additional sporting and recreational provision shall be tailored to the needs arising from a proposed development. These typically relate to Local Areas for Play that can embrace Neighbourhood Equipped Area for Play [NEAP] and Local Equipped Area for Play [LEAP]. Equally, this may embrace the provision of new or improved sports pitches which shall be informed by the Council's audit of playing provision for outdoor sports, and any further up to date information provided in support of planning applications.

The Council have been able to invest heavily in these kinds of facilities [especially Local Areas for Play] in the last number years [especially helped by The Big Lottery funding and other national initiatives]. Despite new provision and improvements to existing facilities, there are many local facilities and play areas requiring additional maintenance and further improvements to modernise them and in order for them to be literally "fit-for-purpose". The Council shall assess how such facilities and provision in the vicinity of the new residential developments can be supported by developer contributions, particularly if these offer a better opportunity than on-site provision normally provided directly and integral to new development.

The Council's Playing Pitch Strategy, and any further audits undertaken in support of planning applications, underpinned by evidence assessing quality and use, shall be used by the Council to determine the appropriateness of new developments making a contribution to the provision of either new pitches and facilities or improvements to existing assets. The Council shall seek developer

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<sup>41</sup> That is: these are tailored to the merits of each particular application.

## Supplementary Planning Document on Developer Contributions

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contributions that also include provision for ongoing maintenance, management and life-cycle costing based on standard guidance and advice<sup>42</sup>.

Planning obligations shall also be included and sought to specify the arrangements for public access, opening hours and pricing policies, if these are applicable. [See the section on planning obligations sought to secure *Community Access, Management and Operation Plans* for further details, which is located in a separate section of this SPD on pp.64-66].

The Council's Playing Pitch Strategy has identified where **demand exceeds available provision** or where there is potential to expand provision to meet growing demand from participants [e.g., from young boys' and girls' football and young boys' rugby]. Whilst in preparing future planning applications, the applicants will need to verify this information and incorporate this in the guiding principles of all proposals.

In considering the need to secure off-site developer contributions arising from new development, the following factors shall be taken into account:

- Accessibility e.g., public and private transport, walking distance, car parking;
- Size i.e., focus on sites capable of accommodating a number of pitches, changing facilities;
- Quality of the pitches measured against national standard for provision; and
- Availability of other pitches locally.

Where there is existing provision in the vicinity of proposed scheme, the Council shall seek off-site developer contributions to improve provision, however if the scale of development is such that entirely new provision is required this is normally sought to be delivered on-site, otherwise an equivalent in-lieu financial contribution shall be agreed with the developer for off-site provision.

In some circumstances, it may be necessary to pool contributions from different schemes in order to finance the scale of facilities, especially relating to provision of or improvements to, built facilities such as swimming pools, multi-use games' areas, pavilions, changing rooms and public toilets. In these circumstances, it may also be appropriate for some CIL receipts to contribute to the overall funding requirement.

### **Green Space & Outdoor Sport & Recreation**

As part of preparing its Local Plan, Rotherham has drawn on surveys and studies that carefully assessed the current provision and quality of green space and how new development shall be required to mitigate any needs arising either by providing on-site capacity or at off-site locations that have been prioritised by the council in its adopted Local Plans. Such evidence base, *inter alia*, includes:

- Green Space Audit [2005];
- Playing Pitch Strategy [2009];
- Green Space Strategy [2010];
- Yorkshire & Humber Green Infrastructure Mapping Project [2010].
- South Yorkshire Green Infrastructure Strategy [2011];

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<sup>42</sup> Especially from Sport England's Facility Costs and Design Guidance [current edition]

## Supplementary Planning Document on Developer Contributions

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- Landscape & Visual Impact Assessment [2015];
- Green Space Review [2017];
- Natural Capital Mapping [2022].

The Council<sup>43</sup> anticipates a refresh of its Playing Pitch Strategy based on an appropriate evidence base and prepared in accordance with the most up-to-date guidance when sufficient resource become available to conduct the preparation of this Strategy.

The Council also takes guidance from responsible bodies [e.g., Sport England; The Woodland Trust; The local Wildlife Trust] with a special interest in the provision of built as well as green infrastructure and space whether for active or passive enjoyment that covers sport, recreation, cycling and walking; as well as providing access to local natural habitats, copses and woodlands, and parks and historic monuments.

**Sites and Policies SP37** specifically sets out the trigger mechanism for the provision of **new and improvements to existing green space**.

*“Residential development schemes of **36 dwellings or more** shall provide 55 square metres of Green Space per dwelling on site to ensure that all new homes are:*

- Within 280 metres of a Green Space; and*
- ideally within 840 metres of a Neighbourhood Green Space [as defined in the Rotherham Green Space Strategy 2010]; and*
- Within 400 metres of an equipped play area.*

*The exception to this will be where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space or the overall development scheme. In these circumstances, then evidence shall be provided with the planning application to justify any lower level of Green Space provision on-site or off-site contributions. This shall take into account the nature of the proposed development, and the particular characteristics of the site and the wider local area.”*

[Source: RMBC, *Sites and Policies Local Plan*, June 2018.p.101; **my emphasis**]

Ordinarily, these shall be secured through a planning condition, however all off-site requirements or in lieu provision shall be, by necessity, secured through a planning obligation.

**Sites and Policies SP37** sets out the trigger mechanisms for the **provision of outdoor sport and recreation** that draws heavily on authoritative Sport England and other guidance, design, and costing advice.

The Council shall rely on agreed **standards of provision** based on a variety of well-respected guidance including:

- **Sport England** facilities modelling and cost estimates regarding the provision of sporting and recreational facilities, especially direct provision, management, maintenance, and life-cycle costing.

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<sup>43</sup> At the time of preparing this SPD in April 2022

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- **Planning and Design for Outdoor Sport and Play [PAD]** produced by Fields in Trust<sup>44</sup>, This guidance has been used by the Council in conducting its audit of its existing provision which is then employed to calculate the type of facilities and off-site contributions arising from new developments.
- **Neighbourhood Equipped Areas for Play [NEAP]:** require the provision of a minimum area of 1.000m<sup>2</sup>, with 465m<sup>2</sup> of the area laid out for kick-about area; such provision shall include a minimum of nine play experiences.
- **Local Equipped Areas for Play [LEAP]:** require the provision of a minimum area of 400m<sup>2</sup> of outdoor play area, with a buffer zone to be provided of at least 20m in depth that should contain varied planting, giving an overall area of 3,600m<sup>2</sup>; such provision shall include a minimum of six play experiences.

Additional information is presented in Table 15 below. It is important to note that the Council is currently preparing the Green Space Supplementary Planning Document. This particular SPD will be made available for consultation purposes in due course and its preparation may lead to further refinements to the content of Table 15 'Expected quantity and age range requirements per number of residential units'.

## Play Spaces General Guidance

The following criteria shall apply in the siting and provision of play spaces:

- Play spaces need to be provided at a scale that mirrors the scale of the development i.e., larger numbers of new properties demand larger numbers of equipped and informal play opportunities.
- All play equipment and fall attenuation (safer surfacing) must be designed and installed to meet the requirements of BS: EN1176 and BS: EN1177
- The safety of places where children play is improved by natural surveillance from residential properties and should not be placed out of sight.

## Equipped Play and Play Spaces

Equipment and play space can be provided in a cluster or spread throughout the site but if spread must include an equivalent play value

The provision of play spaces and its equipment is tailored to the age range of the local population it is intended to serve. The Council adopts three main age groups as follows:

- Children that play under adult supervision or 'Toddler Play'
- Children who have started to play independently or 'Junior Play'
- Children or teenagers who play with others or 'Teen Play'

Play Value is a numerical and therefore comparative figure based on various play elements such as swinging, balancing, rotating, climbing, sliding, co-operative play (e.g., see-saw or voice tubes).

Buffer distances should be considered within designs with increased buffers for larger play spaces or older children.

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<sup>44</sup> This replaced the Six Acre standard, which served as the standard set by The National Playing Field Association & Play England.

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Capacity of provision is a function of size and the number of pieces of equipment proportionate to the size of new developments; these are set out in the Table 15 below.

Table 15: Expected quantity and age range requirements per number of residential units								
	Minimum requirement <sup>45</sup>	26 to 36 units	36 to 50 units	51 to 99 units	100 to 199 units	200 to 349 units	350 to 499 units	500+ units
LAP Play Space	<ul style="list-style-type: none"> <li>Positioned near a well-used pedestrian route.</li> <li>Well-drained, reasonably flat site surface with grass or a hard surface</li> <li>Recommended minimum activity zone: 100m<sup>2</sup></li> <li>Buffer zone of 5m minimum depth separates activity zone and nearest dwelling</li> <li>May have a 600mm guard rail to indicate the perimeter</li> <li>Requires a sign indicating the area is for children's play and dogs are not welcome</li> <li>No minimum level of play equipment</li> </ul>	x			x	x	x	x
Small Toddler Play	<ul style="list-style-type: none"> <li>To be confirmed in the forthcoming Green Spaces SPD</li> </ul>		x	x	x			
Large Toddler Play	<ul style="list-style-type: none"> <li>To be confirmed in the forthcoming Green Spaces SPD</li> </ul>					x	x	x
Small Junior Play	<ul style="list-style-type: none"> <li>To be confirmed in the forthcoming Green Spaces SPD</li> </ul>			x				
Medium Junior Play (LEAP)	<p>Positioned by pedestrian route that is well-used; well-drained, reasonably flat site surfaced with grass or a hard surface, along with appropriate surfacing for play equipment or structures. Recommended minimum activity zone is 400m<sup>2</sup></p> <ul style="list-style-type: none"> <li>Play equipment is an integral part of the LEAP</li> <li>Buffer zone of 10m minimum depth separates activity zone and the boundary of nearest property, 20m minimum separates activity zone and habitable room facade of nearest dwelling</li> <li>Stimulating, challenging play experience with provision for a minimum number of six play experiences is recommended.</li> <li>Adequate space for active play; boundaries should be recognisable by landscaping; fencing may be necessary if the site adjoins one or more roads</li> <li>Seating and litter bins provided. Requires a sign indicating the area is for children's play and dogs are not welcome, contact details of facility operator.</li> <li>Expect to provide 6 pieces of equipment which provide differing play experiences.</li> </ul>				x	x		
Large Junior Play (NEAP)	<ul style="list-style-type: none"> <li>Positioned by a pedestrian route that is well used</li> <li>Well-drained, reasonably flat site surfaced with grass or a hard surface, along with appropriate surfacing for play equipment or structures</li> <li>Recommended minimum activity zone is 1000m<sup>2</sup> m, comprising an area for play equipment and a hard-surfaced area of at least 465m<sup>2</sup></li> <li>Buffer zone of 30m minimum depth separates activity zone and the boundary of the nearest property</li> </ul>						x	x

<sup>45</sup> See for example: A Guide to the Design, Specification & Construction of Multi-Use Games Areas, prepared by Sport England

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	<ul style="list-style-type: none"> <li>Stimulating, challenging play experience with provision for a minimum number of nine play experiences is recommended</li> <li>Adequate space for active play Boundaries should be recognisable by landscaping, fencing, may be necessary if the site adjoins one or more roads</li> <li>Seating and litter bins provided Requires a sign indicating the area is for children's play and dogs are not welcome, contact details of facility operator and location of the nearest telephone</li> <li>Convenient and secure parking facilities for bicycles should be provided</li> <li>Expect to provide 9 pieces of equipment which provide differing play experiences</li> </ul>								
Teen Play -MUGA	<ul style="list-style-type: none"> <li>At least 684.5 sqm (18.5m x 37m)</li> <li>Marked out for at least pitch or court 3 sports</li> <li>At least 2 entrances/exits</li> </ul>							x	x
Teen Play- Skate Park	<ul style="list-style-type: none"> <li>Bowl or precast block type construction</li> <li>At least 300sqm</li> </ul>								x
Teen Shelter	<ul style="list-style-type: none"> <li>Minimum capacity 8 teens</li> </ul>							x	x

### Public Open Space [POS]

Policy SP37 requires 55sqm of POS per residential unit for sites of 36 dwellings or more.

It is expected for the POS to be counted towards this total it must be capable of being used for formal or informal recreation. As a general rule areas below 0.2hectares are not large enough to provide a recreational function and should be discounted especially where they are adjacent to roads.

Engineering infrastructure such as Sustainable Drainage Systems [SuDS] should not be considered to be public open space although they can provide a visual amenity if well designed. In this case 20% of the space would be considered to count towards the open space requirement.

Buffer zones that have no formal access and areas of predominantly amenity landscaping and grass verges **shall not be included** in the public open space calculation. However, linear green spaces which form recreational links between areas **shall normally be counted** as part of the POS.

In all cases there must be at least one POS within a development which can be used for active or informal recreation which is over 0.2hectares and does not form a linear feature.

### Sport

Where a sports pitch or other outdoor sports playing surface is lost through new development a contribution for off-site replacement or betterment of alternative sports facilities within the local area will be expected to be provided at the value for providing the specific play surface type published by Sport England plus 20% for contingencies and fees where demand exists.

Demand for sports could be either existing, latent, or driven by the new development itself. This demand may be shown through a borough wide Playing Pitch Strategy [PPS] or through a more localised pitch strategy provided by a suitably experienced consultancy provided by the developer where the Local authority cannot provide a suitable PPS.

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## Allotments

The Allotments Act 1908 and its amendments provides for the needs of the public wishing to rent allotment gardens. Allotments by their nature are not publicly accessible, as plots are allotted to individuals. Allotments cannot therefore be included in the POS requirements but may be required in developments over 500 homes or where a number of developments within a locale are in excess of this where current demand already outstrips supply or is likely to do so within 10 years.

It is expected that 200sqm of allotment land be made available per 50 residential units and this land should form a block with secure fencing and at least 0.5m of good quality uncontaminated soil for growing crops.

## Provision of Outdoor Sport and Recreational Facilities: An illustration

To illustrate the design and cost base in the provision of play, sport, and recreational facilities the following examples [see Table 16] are drawn from Sport England's *Cost and Design Guidance*:

Table 16: Sport England: Facility Costs, [based at 2Q, 2020 (as of 27 <sup>th</sup> May) for England <sup>46</sup> ]		
Facility Type/ Detail	Area [m <sup>2</sup> ]	Capital Costs [£]
<b>Artificial Grass Pitches</b>		
U9/U10 Football/Training (23mm Sand Filled, Fenced, Sports Lighting) (61 x 43)	2,623	£400,000
U9/U10 Football/Training (40-50mm 3G, Fenced, Sports Lighting) (61 x 43)	2,623	£420,000
U9/U10 Football /Training (60-65mm 3G, Fenced, Sports Lighting) (61 x 43)	2,363	£430,000
Rugby League (65mm 3G, Fenced, Sports Lighting) (122 x 74)	9,028	£1.250,000
<b>Macadam Outdoor Surfaces</b>		
Multi-Use Games Area: Macadam, Fenced, Sports Lighting (36.60 x 21.35)	782	£160,000
<b>Natural Turf Surfaces</b>		
Cricket Natural Turf Pitch, with 8 pitch square and 2 winter sport pitches (125.6 x 164.4)	20,649	£295,000
<i>Source:</i> Extracts from Sport England, Facility Costs, 2Q, 2020; the Planning Authority shall apply current prices at the time of applications.		

These costs also **include** provision for external costs and specific fees. Importantly, these same costs **exclude** costs triggered by abnormal site conditions, extraordinary long service connections, site acquisition, drainage attenuations costs in relation to natural turf pitches, local cost adjustment factor, VAT and inflation arising in the future [from 2Q, 2020].

Additionally, to ensure that the provision of facilities secured through developer contributions is properly maintained so as to provide continuing provision over the life of the assets, the Council shall also draw on Sport England's assessment of life-cycle cost methodology [see for example, *Life Cycle Costings: Natural Turf Pitches*, Sport England, 2012; and *Life Cycle Costings: Sports Halls; Swimming Pools & Changing Rooms*, Sport England, 2012].

## Green Infrastructure

These particular policies areas necessarily overlap. The extant Local Plans for Rotherham have identified the importance of green infrastructure corridors<sup>47</sup> and their associated assets and that the

<sup>46</sup> The local cost adjustment factor for Rotherham derived from BCIS shall apply at 0.91 of England base.

<sup>47</sup> See in particular Table 9: Strategic and Local Green Infrastructure Corridors, paragraph 5.6.8; p. 116, RMBC Core Strategy, Adopted June 2014.

## Supplementary Planning Document on Developer Contributions

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growth of Rotherham expounded in these plans stress the need for new development to support, provide and improve the existing assets, which can embrace a variety of provision and facilities for both active and passive enjoyment of the borough for its citizens.

The policy status is signposted in both the Core Strategy and the Sites and Policies Local Plans [dated 2014 and 2018 respectively]. These recognise national guidance which has been tailored to local circumstance and priorities prescribed in Rotherham's local plan documents. In this respect:

*“The multi-functional nature of Green Infrastructure means that a number of development plan policies can support its implementation.”*

[See paragraph 5.6.5, *Core Strategy*, RMBC 2014.]

The delivery of these objectives will depend upon the pace and delivery of new housing growth and other developments. However, the plans are clear in that developer contribution shall be sought and secured in order to mitigate any needs arising so that the overall quality and capacity is at least commensurate.

The Council has drawn on a variety of authoritative sources of evidence, studies and surveys which provides a suitable basis and assessment upon which individual sites can be evaluated in terms of their impact on the provision, management, maintenance, and improvement to the current stock of assets that comprise Rotherham's green spaces, green infrastructure, including active and passive facilities for residents and visitors to use and enjoy. The Council is an active partner in sub-regional partnerships which link Rotherham to its immediate neighbours; and it collaborates with the private sector, other public bodies, responsible agencies [e.g., Woodland Trust] and of course national, regional, and city-region agencies and government departments whenever possible to enhance the experience of its residents and visitors.

In particular CS19 and CS22 stress that green space provision and green infrastructure shall be:

*“...designed as an integral part of new development to create a safe and accessible environment that softens the impact of development on the landscape, provides linkages between assets and other facilities (such as schools and residential areas), buffering and protecting sensitive sites (including SSSIs) and addressing deficiencies in the network”.*

[See paragraph 5.16.3, *Core Strategy*, RMBC 2014]

Green Infrastructure can cover a wide range of assets and local benefits. The Core Strategy Local Plan specifically states the following:

- *“Managed and natural green spaces (including woodlands, gardens, allotments, recreational space (e.g., playing pitches), formal parks and amenity areas)*
- *Green corridors and assets (including footpaths, bridleways and cycle paths, disused railway*
- *lines, cycle lanes within the road network, greenways, waterways, street trees and other features that enhance links between habitats, places, and tourist activities)*
- *Nature conservation sites, habitat creation schemes, heritage assets including veteran trees and ecosystems*
- *Individual or distinctive features of the landscape from green/ brown roofs to ancient woodland*

## Supplementary Planning Document on Developer Contributions

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- *Flood risk management measures (such as storage that compensates for loss of flood plain,*
- *landscape intervention which slows the flow of water and sustainable urban drainage systems)*
- *Managed landscapes of trees and associated habitats (which help to regulate temperatures, fix carbon, provide places for recreation close to urban centres, and may enhance landscape character)*
- *Designated and non-designated landscape”*

[See paragraph 5.6.3, p.115, *Core Strategy*, RMBC 2014]

Ordinarily, these shall be secured through a planning condition, however all off-site requirements or in lieu provision shall be secured through a planning obligation. The latter shall be negotiated in accordance Local Plan policies and the tailored to the specific needs arising from all sites identified in the Council’s *Sites and Policies Local Plan* [RMBC, 2018].

### **Contacts**

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

# Supplementary Planning Document on Developer Contributions

## Developer Contributions: Transport and related Service Provision

Policy Signpost	NPPF	RMBC Core Strategy 2014	RMBC Sites & Policies Local Plan 2018
Transport and Related Service Provision	Promoting Sustainable Transport & Travel [paragraphs 104-109, pp.30-31]	CS14; CS15; CS16; CS17; CS 18	SP26; SP27; SP 28; SP29; SP56

### Transport Contributions

#### Preamble

The requirements for transport are based on periodic assessment of the capacity and future growth impacts of the Local Plan on the authority's transport and related infrastructures. These are informed and shaped by the Council's local plan transport policies, and in the following sections the justification, methodology, scale and type of contributions are set out below.

Parts of the Rotherham's transport network are congested and in some locations are subject to poor performance. Development projected in the RMBC will generate additional traffic, cumulatively causing unacceptable network performance deterioration, as shown by assessments relating to its Local Plan growth strategies reflected in its Core Strategy and Sites & Policies Local Plans [2014; & 2018] and the recently adopted Supplementary Planning Document 12: Transport Assessments, Travel Plans and Parking Standards [2021].

Rotherham's Transport Infrastructure Spending Programme is annually reviewed and updated, especially in response to external funding opportunities and successful bidding rounds. As such these will directly support the Council's adopted Local Plan by improving network performance and mitigating development impacts where they arise.

Traffic emanating from local plan developments will travel to areas of Rotherham's transport network already suffering from congestion. New developments shall be required to ensure that measures are included within their development to encourage travel by sustainable modes and where appropriate provide an effective Travel Plan to mitigate their impact on the transport network. Appropriate mitigation through planning obligations will be required where necessary in order to make development acceptable in planning terms.

Traffic generated from new developments in Rotherham including cumulative impacts, will be reduced by projects contained within the Council's Infrastructure delivery programme via dedicated improvements using planning obligations and other developer contributions.

Such developer contributions are assessed as being proportionate to the amount of development traffic routing to areas and schemes comprising Rotherham's network and its surroundings, and as such, are reasonably related in scale. These developer contributions shall typically be allocated to fund schemes along network routes most used by development generated traffic.

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## **Rotherham's Core Strategy and Infrastructure Delivery Plan [Transport]**

Rotherham's Transport Package<sup>48</sup> of schemes is focused on addressing issues relating to the performance of the transport network by investment in the following deliverable packages:

- Improvements to infrastructure;
- Information systems;
- Active travel; and
- All services across all modes of transport.

The phased delivery of the Council's Transport Strategy is not only a key priority, it is also an important factor in supporting the economic growth within Rotherham and its sub-region, and is thus fully supported by the:

- South Yorkshire Mayoral Combined Authority;
- South Yorkshire Local Enterprise Partnership (LEP);
- Chamber of Commerce; and
- Members of Parliament.

Subject to funding availability and the capacity to develop and construct the packages of schemes, the Council's Transport Strategy will be delivered over a number of years linked with the development growth set out in the Council's Core Strategy, Sites & Policies Documents and its Infrastructure Delivery Strategy.

The Council's strategic approach focuses, in particular, on the role differing modes of transport have in addressing problems with performance of a transport network. Explicitly, the Council's approach is predicated on a combined and integrated approach, which if delivered will generate increased benefits over schemes that are simply considered on a stand-alone basis [i.e., the sum of the parts is greater than the whole or simply synergistic benefits]. In this regard, pooling different developer contributions and other streams of funding shall always be considered if assessments reveal that greater benefits result.

Failure to deliver these strategies will critically undermine the ability of Rotherham's transport network to accommodate the planned growth set out in the Councils' adopted Local Plan. As such the implementation of the Council's Transport Strategy will:

- a. Support the growth of Rotherham's and its neighbouring authorities' economy by reducing travel times and costs imposed on businesses, transport operators and other network users by the current and forecast traffic congestion on South Yorkshire's transport network.
- b. Improve the transport performance for users of the key highways network, especially to Rotherham Town Centre, industrial and employment estates, and retail centres, thereby helping to better manage traffic conditions.
- c. Improve access to the Strategic Road Network from areas to the north and west of Rotherham [i.e., M1] and from east and south of M18.

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<sup>48</sup> .Rotherham Transport Strategy can be accessed at <https://www.rotherham.gov.uk/downloads/download/363/rotherham-transport-strategy>

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- d. Improve access to national and international hubs, including Doncaster Robin Hood International Airport, Sheffield Railway Station and regional train stations and internal freight hubs for instance at Doncaster (Thorne) and the former Tinsley Marshalling Yard.
- e. Contribute to environmental objectives, particularly through encouraging use of walking, cycling, and public transport modes – known as active travel.

### Policies and Objectives

Key to achieving the Transport Strategy goals is the need to have a transport network in place that will be able to accommodate the future level of growth without imposing unacceptable costs on businesses and other transport users and operators arising from increasing traffic congestion and variable and increasing journey times.

It is apparent that without investment in Rotherham's transport infrastructure and services, Rotherham's and the wider area's ability to grow, accommodate planned development, and remain a key centre in South Yorkshire and the wider sub-region will be significantly constrained. There are forecast to be severe impacts in terms of traffic congestion and access to key services with consequent negative impact on the environment due to reduced air quality, resulting in a decline in the quality of life for residents and a reduction in the overall attractiveness of Rotherham and its environs for residents, businesses, and visitors.

The recently completed *2020 Rotherham Infrastructure Delivery Study* [2021] identifies recent projects and improvements made in a wide range of policy areas. For Transport, Highways, Public Transport and Active Travel these are set out on pp,13-20 on the above report. Importantly it identifies a variety of locations and situations where existing provision and capacity is deficient and under strain. Specifically,

*"There are local areas of delay and congestion, particularly in Rotherham town centre where the network is constrained by the railway bridges, which pose real obstacles to increasing road capacity even by a modest amount. The routes and junctions that experience the greatest delay during parts of the day compared to free flow conditions include the A57 around South Anston (with the growth of employment and housing in the Worksop area further increasing the impact on the existing pinch points), A6123 Aldwarke Lane, Inner Ring Road (particularly Ickles Roundabout), A631 West Bawtry Road towards Rotherway, Manvers Way (with existing congestion impacting on the growth potential of the employment and housing in the Dearne Valley), the A633 corridor and the A6178 towards Sheffield."*

*[see pp.14-15, 2020 Rotherham Infrastructure Delivery Study [RMBC, 2021].]*

Critically, it also identifies locations and aspects of the infrastructure capacity will need to be enhanced as a direct result of the scale of new housing and commercial growth as set out in Rotherham's adopted local plan[s]. To exemplify:

*"..other locations where improvements are likely to be needed to support future growth include: • A6123 Stag Roundabout; • St Annes Roundabout; • A631 junction improvements and route treatments (Worrygoose, Brecks and Wickersley); and • Coach Road and The Whins on the Greasborough corridor All of these are located on the initial KRN described above. Improvements may also be needed in the future on the A57 around South Anston and at the Red Lion Roundabout, although these are primarily a result of housing growth outside the Borough. Issues to be addressed have also been identified in specific locations such as Swinton, Kiveton Park and Dinnington, as well as the need for localised improvements associated with the Bassingthorpe Farm strategic site."*

*[ibid, p.16, RMBC, 2021.]*

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Following the development by the Council of a draft Local Cycling and Walking Infrastructure Plan (LCWIP), investment in active travel modes has been given increasing importance across Rotherham. A key focus has been on the locations where significant areas of new growth are planned, including a clear steer regarding internal site layouts that encourage and promote active modes, and with connections enhanced to existing facilities.

Rotherham's Rights of Way Improvement Plan<sup>49</sup> [ROWIP] covers the period 2019 – 2024 and sets out how RMBC will develop, promote and protect a Borough-wide network of rights of way that meet the present and likely future needs of the public for the purposes of open-air recreation, exercise and access to local services

RMBC is looking to develop further packages<sup>50</sup> of active travel improvements on holistic corridor-wide basis as growth takes place, in particular covering:

- Rotherham to Wickersley;
- Rotherham to Whiston;
- Rotherham to Thrybergh;
- Rotherham to Thorpe Hesley;
- Rotherham to Greasborough;
- Rotherham to AMID;
- Dearne Valley;
- Maltby to Hellaby; and
- There is also an identified need to develop further cycle connections to, from and within, the Bassingthorpe Farm strategic site.

## **Approach to S106 Developer Contributions for Transport and Related Services**

### **Preamble**

All development proposals must be in accordance with the requirements and policies set out in its Core Strategy, and in particular the following core strategies: CS14; CS15; CS16; CS17; CS18 and CS32.

All mitigation measures shall be underpinned by the results of transport assessments. The results of the assessments will provide the basis for identifying the appropriate planning obligations, and thus developer contributions, towards the transport infrastructure delivery projects.

In addition to bespoke transport infrastructure costs towards the Council's infrastructure delivery projects, developer contributions will be sought to reduce the impact of developments through "smarter choices" measures or to support and monitor measures of the developments' Travel Plan and South Yorkshire Mayoral Combined Authority [SYMCA] local bus annual season tickets.

Where provision for on-site facilities is required, the Council has a number of mechanisms that they shall consider [i.e., tailored to the specific requirements of each development] in the form of:

- Planning conditions;
- A Section 38 or Section 278 Agreement under the Highways Act 1980; and
- Through a Section 106 legal agreement.

### **General Approach**

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<sup>49</sup> <https://www.rotherham.gov.uk/downloads/file/380/rights-of-way-improvement-plan-20>

<sup>50</sup> Recent projects have been funded through the Transforming Cities Fund [TCF] programme.

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The level of development proposed for Rotherham in its adopted Local Plan will have an impact on the immediate, local, and wider transport networks. The nature of the existing transport network means that a development site(s) can cause a significant impact by adding to problems which occur at pinch points. Such congestion is caused by trips with trip origins and/or destinations across Rotherham's network and beyond.

## Contributions Methodology

The approach contained in seeking and securing transport related developer contributions allows for:

- a. Calculation of the numbers of trips that each proposed development site will generate.
- b. Assessment of the way in which those trips will route on the network and identifying the proportion of development-generated trips with origins or destinations within the South Yorkshire Transport Network Area.
- c. Assessment of the way in which those trips with origins and destinations within Rotherham Transport Network Area will route.
- d. Schemes will be identified based on the impact development will generate within South Yorkshire Transport Network Area and Rotherham's Transport Network.
- e. Apportionment of the costs of mitigating infrastructure requirements against each development allocation.
- f. Delivery of a transparent method for financially contributing toward the mitigation of the impacts of planned development on the performance of Rotherham's Transport Network.

In summary, the above approach quantifies the number of trips generated by planned development. The model applies a distribution factor based on census data which is bespoke to each site to quantify the proportion of trips which will use South Yorkshire's Transport Network and a distribution factor for Rotherham's Transport Network on a site-by-site basis. This allows the costs of the strategy schemes to be fairly and reasonably apportioned against each of the planned development sites based on their proportional impact.

In concluding this section, the methodology is as follows:

- a. Confirm the total costs of Rotherham's core Transport Strategy measures, excluding any committed funding, including any Local Enterprise Partnership Strategic Economic Plan funding.
- b. The Council development management process will quantify the developer contributions toward a specific programme or projects on a case-by-case basis.

## Community Infrastructure Levy and other Developer Contributions

With the rescinding of Regulation 123 of CIL Regulations 2010 [as amended] in September 2019, the charging authority for Rotherham is able to seek planning obligations which can be pooled with a variety of funding streams including, for example, the Housing Infrastructure Fund, the Transforming Cities Fund [TCF] programme [for active travel and public transport improvements], or CIL receipts to fund a range of local funding infrastructure, including transport. Importantly, the Council is clearly aware that it has greater discretion in the way that it can allocate and spend CIL receipts compared to developer contributions. The latter is based on a nexus that ties the funding stream with mitigating actions that stem directly from the needs arising from new developments.

## Necessary to make the development acceptable in planning terms

In order to deliver sustainable housing and economic, commercial growth, it is necessary to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment, which in particular seeks to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon businesses and other

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network users. If these issues are not addressed, then they could adversely impact on the performance of the local economy and the local environment, in terms of air quality, noise, severance etc.

Encouragement of sustainable travel will be achieved by seeking developer contributions from new housing growth to fund a variety of actions. The Council shall use S106 legal agreements to seek and secure mitigating measures arising from new growth, for example, in the form of Travel Plans, which are currently priced at £1,200 per dwelling, and shall fund a range of measures, but not limited to:

- Provision of a subsidised public transport ticket;
- A discount voucher for a pedal cycle;
- Cycle hire scheme;
- Regular Dr Bike visits to the site or convenient nearby location;
- Individual or family cycle training;
- Provision of an enhanced bus service [particularly for larger development];
- Membership of a car club [where available];
- Provision of a car-share group;
- Mechanisms to deliver real time public transport information;
- Personal journey planning;
- Improvements to infrastructure which, when provided, will improve pedestrian accessibility, in particular to services and facilities.

The Council's 2020 Infrastructure Delivery programme has set out a comprehensive approach to mitigate the severe adverse impacts on transport network performance of Rotherham Local Plan's planned growth, support for its economy, reducing the impact of transport on sensitive environments and improvement in the quality of life for its residents, businesses, and visitors.

In order to make development acceptable it is considered necessary and appropriate that developers should contribute towards those elements of the Council's transport and other related infrastructure projects/programmes made necessary by their development, in accordance with policies set out in the Council's Core Strategy [RMBC, 2014] and articulated for specific sites in its Sites and Policies document [RMBC, 2018].

## **Directly related to the development**

It has been identified that traffic generated by development proposals has a direct impact on the area covered by the Council's transport and related infrastructure delivery programme. The methodology on which the contribution is calculated is directly related to the level of impact, therefore it is considered that the monies sought as a contribution towards the Council's infrastructure delivery programme are directly related to the development in terms of the site proposals being the generator of trips.

## **Fairly and reasonable related in scale and kind to the development**

Based upon development sites likely to come forward, which are allocated within the Council's Sites & Policies Document [2018], the impact of new trips on the transport network has been assessed. This methodology forms the basis on which other future site contributions towards the infrastructure delivery programme and schemes will be calculated.

It is the Council's intention to apply this methodology for calculating the cost that the impact of all future developments will have on the infrastructure delivery programme of schemes within the authority's area unless:

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- a. The impact of the development is not directly related to the Council's Infrastructure Delivery programme; or
- b. Is mitigated by site-specific measures; or
- c. The developer can demonstrate that the contribution cannot be made on viability grounds. Contesting viability requires applicants to follow the procedures set out in the Council's recently adopted *Supplementary Planning Document on Contesting Viability* [RMBC, 2021].

It is therefore considered that this consistent approach now and, in the future, when seeking transport contributions from developers is fairly and reasonably related in scale and kind to specific development proposals.

### **Contact**

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

# Supplementary Planning Document on Developer Contributions

## Developer Contributions in relation to Community Access Plans and other management or operational plans

Policy Signpost	NPPF, July2021	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Accessing & Protecting Community Facilities	Achieving Well-designed Places [Section 12, pp.38-40] Promoting Healthy & Safe Communities [Section 8, pp.27-28]	CS29	SP62 & SP64

### Preamble

The purpose of a management or operational plan is to set out arrangements for:

- How, after a development is built and occupied, a provision made as part of a development will be managed, accessed, or used; and
- How arrangements agreed as part of a planning permission<sup>51</sup> will be upheld and continued.

Applicants are also advised to consult the Council's *Supplementary Planning Document 10: Community Facilities* [2021] as it sets out guidance on how the Council will implement policies seeking to secure new community facility provision as part of new developments and protect against the loss of community facilities. Importantly, it sets out the Council's approach and the information or evidence that an applicant is expected to provide.

### Objectives

This is to ensure that the original purpose of a provision or arrangement made during the planning process of a development is preserved. Management plans covering different provisions and arrangements can be prepared and provided separately, or in one overarching management plan for ease of reference.

Management and operation plans are most commonly required and secured through planning obligations either in relation to:

- Community access and/or management of open space, community facilities, play space or other publicly accessible provisions made as part of a development; or
- Construction, delivery and/or servicing of a development.

Community access and management plans are required where a publicly accessible facility is included as part of a development. This will have to be:

- Formulated in consultation with local residents; and
- Submitted to and approved in writing by the Council, prior to the occupation of the development.

The **access and management plan** should set out the following arrangements [including details and justifications where necessary, such as on pricing/access]:

<sup>51</sup> Of course, the Council shall seek to use planning conditions, however, there are situations and circumstances when planning obligations are necessary and most appropriate.

## Supplementary Planning Document on Developer Contributions

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- Arrangements for ongoing consultation with residents and other local stakeholders [should normally include at least one public meeting per annum following the occupation of the new development];
- Date by which the facility has to/is allowed to be completed, opened, or made available to the public [usually upon occupation of the development];
- Proposed arrangements for liaison between the facility, the development, residents and/or the Council;
- Times at which the facility will be open to the public if there is a gate or door which can prevent public access;
- Arrangements for times when the facility is closed;
- Other community access arrangements [e.g., location of entrances etc];
- Pricing policy [e.g., rents at which a community meeting room which can be hired is made available];
- How and by whom a facility will be managed [including making arrangements for cleaning, hiring etc.];
- Where [on what websites, publications etc. e.g., Council website] and how a facility will be advertised [e.g., length of advertisement period];
- How it is anticipated that a facility will be occupied (e.g., target local community groups) and what types of activities will be likely to take place [including implications for noise, transport etc.];
- How a facility will complement existing services or activity in the locality;
- How a facility will be staffed [on-site/off-site, by whom, at what times etc.];
- Arrangements for how any changes in the above arrangements will be managed; and
- Arrangements for the regular review of the plan at certain intervals [usually 6 months, 3 years, 5 years, and 7 years after inception].

There should be some flexibility provided within the plan to allow for changes to be made to it in response to the plan reviews and consultation arrangements mentioned above, to ensure that it continues to be delivered against agreed provisions.

Management plans relating to construction logistics, delivery or servicing may be required for developments where there may be an impact on roads, to demonstrate how any potential impacts will be mitigated. These plans should be secured in line with Council guidance and be co-ordinated with travel plans. Details discussed could include:

- Delivery hours;
- Delivery frequency;
- Service bay location;
- Service bay operation (including swept path analysis); and
- Type/size of servicing vehicles.

For major developments, delivery and servicing plans should contain details for refuse and recycling, indicating locations for collection vehicles to wait and locations of refuse and recycling bin stores. Applications for larger residential developments must demonstrate that delivery and servicing would not impact negatively on refuse collection arrangements.

Other types of management and operation plans not related to community access or management of a publicly accessible facility can cover:

- Restrictions on the use of land;
- Waste;

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- Flood management; or
- Accessibility and inclusion.

## **Other community obligations**

Beside the more common above-mentioned types of community obligations, other areas for which contributions or provisions may be required, depending on the nature of the individual proposal, could relate to community safety, health impact assessments or public art.

Planning obligations relating to **community safety** can be sought to implement measures which can help to minimise potential crime and the fear of crime. This could be achieved with the help of direct, physical measures, such as improved street lighting or streetscape works which design out crime. Alternatively, community safety could be improved with the help of more indirect measures to improve community cohesion and integration, such as planning decisions around landscape and streetscape. Improved community cohesion helps to reduce some crimes such as hate crimes, graffiti, and criminal damage.

The impacts on the health and wellbeing of communities of major development proposals must be assessed through a **Health Impact Assessment** [see SP55 + SPD page 7]. SP 55 states that this will be required for developments over 50 units, or 1,000m<sup>2</sup> and developments where potential health issues are identified. The purpose of such an assessment is to promote health, reduce health inequalities and mitigate any identified impacts of the development on the wider determinants of health, which include their relationship with housing, employment, etc. and what can be done to improve these. These assessments can be required through planning obligations.

Rotherham Council may seek the provision of **public art** as a part of new development where this can be appropriately provided, in accordance with SP55 criterion d and paragraph 4.3.23, stating that opportunities for the integration of high-quality public art into the public realm should be considered when making planning decisions.

Art provided as part of a development should be:

- Accessible to the public;
- Integrated within public open space where this is being provided [using features such as decorative lighting, water features or paving];
- Discussed with the Council at an early stage, before subsequent submission to the Council for approval; and
- Where possible, involve artists, local residents and other groups at an early stage in the design process.

Provision of art on construction hoardings is also strongly encouraged. It provides visual interest, softens the impact of a development site on the local area, deters fly-posting and presents a further opportunity to engage with the community, young people and involve local artists.

## **Contact**

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

**END**

# Supplementary Planning Document on Developer Contributions

## Provision of Local Primary Health Care Services

Policy Signpost	NPPF/National Guidance	RMBC Core Strategy, 2014	RMBC Sites & Policies Document, 2018
Local Primary Health Care Provision	Section 8; Paragraphs 92 -97 And 8b); 20c); 34	CS29 <sup>52</sup> & CS32 <sup>53</sup>	SP64 & SP55 SPD5 Equal & Healthy Communities SPD 10 Community Facilities

### Preamble and Local Context

Drawing directly on the Rotherham's 2020 *Infrastructure Delivery Study*<sup>54</sup>, prepared by a consortium of consultants [HYAS, Richard Wood & FORE] and published March 2021, this report provides an excellent explanation of the current provision of local primary health care capacity in Rotherham Metropolitan Borough Council area. In particular it cites that

*"[a]cross the area covered by Rotherham CCG, there are **29 general practices** sited in **over 50 premises** ranging from rural branch surgeries, to large single or multiple practices in fully maintained buildings. The practices provide primary healthcare services to around **265,000 registered patients**.*

*More people are now living with long term conditions such as diabetes and heart disease or suffer with mental health issues and may **need to access their local health services more often**. To meet these needs, practices have begun working together and with community, mental health, social care, pharmacy, hospital and voluntary services in their local areas in primary care networks.*

*Primary care networks build on the core of current primary care services and enable greater provision of proactive, personalised, coordinated and more integrated health and social care. Clinicians describe this as a change from reactively providing appointments, to care more proactively for the people and communities they serve.*

***Primary care networks are based on GP registered lists**, typically serving natural communities of around **30,000 to 50,000**.*

*The creation of these networks has resulted in many more additional roles in general practice, and a greater number of services being delivered in the community as opposed to hospital-based care. This is a very positive step for patients as it allows care to be delivered closer to home, and by clinicians they know and trust. Conversely, it has **compounded the existing issue of capacity within primary care**. The CCG Estates*

<sup>52</sup> See CS29 Paragraph 5.7.31

<sup>53</sup> See C32 Paragraph 5.8.1

<sup>54</sup> This study has drawn heavily on RCCG [2018; 2020] *Rotherham Primary Care Estates Strategy*, Rotherham Clinical Commissioning Group, November 2018, amended 2020]

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*Strategy commissioned in 2018 indicated that **only 7 of the 29 practices technically have sufficient floor space to meet the needs of their patient list size**, however in reality that floor space may not be practically usable, and **only two practices are deemed to have adequate space within which to operate**. The primary care estate is a mix of NHS owned and leased property, privately owned and leased property, and privately owned property. As a commissioning organisation, **the CCG has indicated that it does not have the power or capital funds to expand or improve the primary care estate without outside funding support**.*

***Any increase in patient population creates further pressure on existing services. As primary care funding is provided per capita at the point of patient registration, the CCG has identified that it will not be possible to plan to meet the increasing demand created by developments without external funding contributions to infrastructure costs.***

[See: 2020 Rotherham Infrastructure Delivery Study, March 2021, pp.35-37, Section 3.4: Health; **emboldened text** my emphasis]

### **Local Primary Health Care Services' Capacity: arising needs from New Housing Growth**

Where new development creates a need for new or improved infrastructure, contributions from developers shall be sought to make the development acceptable in planning terms<sup>55</sup>. New development should also make best use of infrastructure demand management. In some cases, the cumulative impact of individual applications may be considered when assessing infrastructure requirements, taking account of other planning obligations such as the provision of affordable housing as required by the planning authority's adopted local plan policies.

Developer contributions from a particular development shall be fairly and reasonably related in scale and kind to mitigate the cumulative impact from the relevant scheme; and, if necessary, address any immediate unacceptable short-term problems.

It is clear from Local Plan policy that health care is identified as a legitimate contribution from developers in accordance with the policy tests of seeking and securing planning obligations [i.e., S106 legal agreements].

### **Local Plan Context**

#### **Policy CS 29 Community & Social Facilities**

*"The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. The Council will seek to enable provision through a variety of local authority, private sector and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible."* [Source: Core Strategy, Adopted September 2014, p.162.]

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<sup>55</sup> This is in accordance with NPPF, 2021

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There is a need for the provision of a wide range of community facilities<sup>56</sup>, the demand for which will vary in response to the demographic and economic changes in society and the needs of different groups in the community. These facilities are a vital element in the creation of growing, sustainable and attractive communities.

Planned housing growth and resulting population growth shall need to be supported by adequate infrastructure provision, including community and social facilities. It is also recognised that some existing facilities are in need of upgrading and that some parts of the borough may already be deficient in provision.

Policy CS29 supports the retention and enhancement of existing facilities, as well as the provision of new facilities which enhance quality of life and serve the needs of Rotherham's communities. In particular the provision of community facilities is supported in areas of housing growth where existing facilities may not meet the needs of the new population, and in locations where there is an identified deficit of community and social facilities.

The Council recognises that it is only one of a number of agencies involved in the provision and operation of community facilities and services. In this regard, the Council shall promote co-operation and partnership between the public, private and voluntary sectors, and in particular support the co-location of community and social facilities wherever possible. This can help ensure the efficient use of land whilst also addressing one of the constraints of development viability.

### New Housing: Future Growth

The planning authority's *Sites & Policies Local Plan* has allocated sites to accommodate future housing growth of over 10,700 new dwellings over the plan period. These are distributed across the borough in the following urban centres and other principal settlements as displayed in Table 1.

Table 1: Location of planned new housing growth over the Local Plan period		
Settlements	Number of sites	Indicative dwelling capacities
Rotherham Urban Area	35	2,953
Dinnington, Anston & Laughton Common	8	1,026
Wath-upon-Dearne, Brampton Brierlow & West Melton	5	776
Bramley, Wickersley & Ravenfield Common	5	571
Waverley New Community	1	2,500 <sup>57</sup>
Maltby & Hellaby	6	757
Aston, Aughton & Swallownest	6	553
Swinton & Kilnhurst	5	451
Wales & Kiveton Park	3	382
Cartcliffe, Treeton & Orgreave	3	228

<sup>56</sup> These includes public services, community centres and public halls, arts and cultural facilities, policing, fire and ambulance services, health and education facilities, public houses, public toilets, youth centres, nurseries, libraries, leisure centres, social care facilities including day centres, places of worship and services provided by the community and voluntary sector [e.g., scout and guide premises are important to the local community and provide a focus for a range of social, cultural and other activities].

<sup>57</sup> This is to be delivered in the plan period. The total planned is c. 3,900 dwellings.

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Thorpe Hesley	3	216
Thurcroft	3	244
Harthill	2	87
Total	85	10,744

Given the scale and spatial distribution of such planned new housing growth, the Council recognises that the needs arising from this new housing shall be sought and secured using developer contributions to deliver the provision of additional local primary health care services. This is in accordance with both national guidance and the policies in the Council's adopted statutory local plan [i.e., Core Strategy Policy CS29].

As a result of evidence cited in the Council's recently updated *Infrastructure Delivery Study*<sup>58</sup> [2021], the Council recognises that in some settlements local surgeries/medical centres are already operating above capacity, citing the following in particular:

- Dinnington & Anston;
- Bramley & Wickersley; and
- Maltby & Hellaby.

It also cited the need for **new** local health centres in the Waverley New Community and at Bassingthorpe Farm<sup>59</sup>, the latter being a strategic housing allocation in the adopted local plan.

In the settlements cited above, **such existing deficiencies cannot be sought or secured through the use of S106 planning obligations**, and alternative funding mechanisms are required. In this regard the Council, with its partners, is already striving to secure funding for two capital projects [via HM Treasury] for a new doctors' practice in Waverley and to support the expansion of the Medical Centre in Broom Lane, which is located on the edge of Rotherham town centre.

However, it remains the case **that only the needs arising from any new housing growth can be sought and secured using a S106 planning obligation**. For example, in Dinnington & Anston, it estimated that a new health centre to accommodate doctors' surgeries is around £3.5million, of which the new housing growth of 1026 dwellings, housing about 2,436 persons, shall be required to make a contribution, but other income and funding sources shall have to be sought to cover the shortfall associated with existing deficiencies.

In summary, developer contributions in scale and kind can be supported without rendering development unviable. Potential contributions to primary health care shall be assessed in the same way as other policy requirements on a scheme-by-scheme basis applying a transparent and standardised methodology. The next section shall set this in detail and with illustrative examples.

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<sup>58</sup> See in particular Section 3.4: Health, pp-35-37 and Section 4.1.4, p.53

<sup>59</sup> At Waverley, over 1500 dwellings have already been built. While at Bassingthorpe Farm, no new housing has yet started.

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## **Local Primary Health Care Provision: activities to be accommodated**

As the mix and range of services to be delivered from primary and community care buildings can change over time, it is important that the accommodation is flexible and adaptable. Strategies to promote flexibility and adaptability include:

- use generic patient/client contact spaces;
- limit the number of specialist spaces;
- standardise room sizes and position of built-in equipment;
- consider future engineering service requirements at the outset;
- consider flexible and adaptable forms of construction;
- develop a modular approach to planning and construction;
- provide space for future expansion, if relevant.

Most primary and community care services involve one or more of the following activities:

- counselling;
- consultation;
- examination;
- diagnosis;
- treatment; and
- physical therapy.

These activities can be delivered from the following generic patient/client contact spaces:

- interview room;
- consulting/examination room;
- treatment room (that is, with mechanical ventilation);
- examination/physical therapy room;
- group room.

The Council and its partners, particularly the Rotherham Clinical Commissioning Group {CCG}, shall draw on the expert advice and guidance provided by the NHS, especially their Health Building Notes [HBN] and associated technical standards in determining the specification of new and expanded facilities.

The HBN 11-01 also prescribes the **sizes and spaces needed to provide complementary and support services** typically required in providing and delivering primary health in local surgeries and health centres. Such additional space requirements typically accommodate space for Staff, Support and Public and Facilities Management spaces. Chapter Seven of HBN 11-01 demonstrates a range of ways in terms of designs and layouts to accommodate all activities. It is recommended that applicants consult the guidance as well as liaising with both the CCG and the planning authority in terms of their preferences and requirements for local provision.

Standardise room sizes and position of built-in equipment: it is recommended that room sizes and dimensions should be standardised wherever possible. This may mean sizing-up to some extent, but this results in rooms that can be adapted [for alternative use] more easily. Ergonomic analysis suggests the following room sizes provide a good fit for most generic rooms in primary and community care buildings comprising a mix of floorspace areas of 8 m<sup>2</sup>; 12 m<sup>2</sup>; 16 m<sup>2</sup>; and 32 m<sup>2</sup>.

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HBN 11-01 presents a variety of floor layouts and room configurations to illustrate options for the provision of new, expanded or refurbished primary health care centres.

## Standardised Methodology

Specifically, Health Building Notes, HBN 11-01<sup>60</sup>, sets out the methodology to determine the size and types of facilities and space required to deliver a standard provision of primary care [i.e., in a health centre or a doctors' surgery]. HBN 11-01, in chapter 4, explains in some detail the sizing of development required to deliver primary health care locally.

Operational Assumptions: To enable patient/client contact spaces to be quantified, assumptions about the following operational issues are required:

- number of weeks the building will be open per year;
- opening hours per week;
- average duration of each appointment by service and room type; and
- average room utilisation rate.

The room utilisation rate allows for non-attendees, unplanned activity and the complexity of scheduling a variety of staff. A utilisation rate of at least 60% is typically expected. Also, the impact on room requirements of using a higher utilisation rate should be investigated and is always recommended; thus, liaison with both the local CCG and the planning authority is advised.

The figures below illustrate how a notional catchment population of 10,000 persons generates a specific number of consulting and/or examination [in Table 2], and treatment rooms [in Table 3] applying the criteria tied to NHS operational standards.

**Table 2: Calculating number of Consulting/Examination rooms required for general medical services:**

<b>Catchment population:</b>	<b>10,000</b>
Access rate:	5,260 per 1000 population
Anticipated annual contacts:	$10 \times 5,260 = 52,600$
Assume 100% patients use C/E room: Patients accessing a C/E room:	52,600
Patients per week:	$52,600/50 = 1052$
Appointment duration:	15 minutes
Patient appointment time per week:	$1,052 \times 15/60 = 263$ hours per week
Assume building operational:	60 hours per week
Assumes room utilisation:	60%
Rooms available:	36 hours per week
<b>Number of Consulting/Examination rooms required:</b>	<b><math>263/36 = 7.3</math>, say 8</b>

**Table 3: Calculating number of Treatment rooms required for general medical services:**

<b>Catchment population:</b>	<b>10,000</b>
Access rate:	5,260 per 1000 population
Anticipated annual contacts:	$10 \times 5,260 = 52,600$

<sup>60</sup> Primary and community care. Health Building Note 11-01: *Facilities for primary and community care services*, HMSO, September 2009.

## Supplementary Planning Document on Developer Contributions

Assume 20% patients use a treatment room: Patients accessing a treatment room:	$52,600 \times 0.2 = 10,520$
Assume open 50 weeks a year: Patients per week:	$10,520/50 = 210$
Appointment duration:	20 minutes
Patient appointment time per week:	$210 \times 20/60 = 70$ hours per week
Assume building operational:	60 hours per week
Assumes room utilisation:	60%
Rooms available:	36 hours per week
<b>Number of Treatment rooms required:</b>	<b><math>70/36 = \text{say } 2</math></b>

In addition to Consulting/Examination/Treatment room space, there also a requirement to provide of other space for interviews, examination/physical therapy; and group work, as well as for facilities management and public/welcoming/reception areas.

The impact of providing the above space is to **raise the overall space required by a factor of two** on the space specifically **targeted for Consulting, Examining and Treatment**. Applying standard size of rooms of 16m<sup>2</sup>, means that the space requirements to serve a population of 10,000 persons is 320m<sup>2</sup> or 0.032m<sup>2</sup> per person or 0.076m<sup>2</sup> per dwelling.

The figures in Table 4 simply illustrates the space requirements generated by new housing developments [from 10 to 3,000 dwellings] and the new population living in such residential schemes, where figures from OPCS covering average household size in Rotherham of 2.3741 persons per household generates the additional number of persons arising from new housing growth for schemes ranging from 10 to 3,000 new dwellings.

Importantly, for the **larger schemes**, outside space to accommodate car parking for patient, staff and emergency vehicles **shall need to be added** to the above floorspace specifications.

Table 4: Provision of New and Expanded Local Primary Health Care							
Illustrative	Site Capacity: New Housing Growth						
Number of New Dwellings	10	25	50	150	400	1000	3000
Average Household Size <sup>61</sup>	2.3741	2.3741	2.3741	2.3741	2.3741	2.3741	2.3741
Additional Persons	24	59	119	356	950	2374	7122
Consulting/Treatment/Examination Space [m <sup>2</sup> ]	0.38	0.95	1.90	5.70	15.19	37.99	113.96
Support & Circulatory Space [m <sup>2</sup> ]	0.38	0.95	1.90	5.70	15.19	37.99	113.96
<b>Total Space [m<sup>2</sup>]</b>	<b>0.76</b>	<b>1.90</b>	<b>3.80</b>	<b>11.40</b>	<b>30.39</b>	<b>75.97</b>	<b>227.91</b>

The needs arising from providing additional local primary health care shall be tailored to the scale and location of new housing growth in Rotherham.

<sup>61</sup> Source: OPCS [2019] for Rotherham.

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Drawing on case examples sourced from BCIS, and whose data is summarised in Annex A, shows that the **overall costs** of providing new facilities and the expansion in the provision of existing local primary health care centre comprise the following elements:

- A. **Baseline build prices** relating to shell and core costs [i.e., median prices];
- B. **Design fees and external costs** [15% of A].
- C. **Fixtures, fittings and digital services** [30% of the sum of A + B].

Figures in Table 5 present the baseline build prices sourced from BCIS showing the median prices [£/m<sup>2</sup>] nationally which are then rebased by applying Rotherham's local cost adjustment factor of 0.89<sup>62</sup>.

Table 5: Health Centres, Clinics, Group Practice Surgeries		
	National	Rotherham
Local Cost Adjustment Factor	1	0.89
BCIS, Build Prices*, 1st Quarter 2022**	Median Build Prices [£/m <sup>2</sup> ]	Median Build Prices [£/m <sup>2</sup> ]
Generally: New Build	£2,318	£2,063.02
Public: New Build	£2,843	£2,530.27
Private: New Build	£1,983	£1,764.87
Horizontal extension	£2,005	£1,784.45
Vertical extension	£3,200	£2,848
Fitting-out new building	£490	£436.10
Rehabilitation/Conversion	£1,344	£1,196.16

The figures in Table 6 present the overall costs [£/m<sup>2</sup>] when provision for design fees and fitting-out costs and digital services are taken into account for new surgeries as well as expanding or refurbishing existing facilities. **Annex A** presents a summary of the overall costs of delivering new local primary health care, which is sourced from the Analysis section of BCIS, covering the period 2010 to 2020, with data being rebased to 1<sup>st</sup> Quarter, 2022. It also reveals the typical size of new building accommodating local primary health care services.

Where relevant, land plot costs shall need to be added.

Table 6: Provision of Health Centres, Clinics, Group Practice Surgeries				
Rotherham	A	B	C	A + B + C
BCIS, Build Prices, 1st Quarter 2022**	Median Build Prices* [£/m <sup>2</sup> ]	Design Fees [15% of A]	Fixtures, fittings & Digital Services [30% of A+B] ***	Total [£/m <sup>2</sup> ]
Generally: New Build	£2,063.02	£309.45	£711.74	<b>£3,084.21</b>

<sup>62</sup> This means that outturn costs for providing local primary health care space in Rotherham is 11% points lower than national levels.

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<b>Public: New Build</b>	£2,530.27	£379.54	£872.94	<b>£3,782.75</b>
<b>Private: New Build</b>	£1,764.87	£264.73	£608.88	<b>£2,638.48</b>
<b>Horizontal extension</b>	£1,784.45	£267.67	£615.64	<b>£2,667.75</b>
<b>Vertical extension</b>	£2,848.00	£427.20	£982.56	<b>£4,257.76</b>
<b>Rehabilitation/Conversion</b>	£1,196.16	£179.42	£412.68	<b>£1,788.26</b>
* These <b>include</b> preliminaries and the contractor's Overheads and Profit. Importantly, these <b>exclude</b> External Costs, Professional Fees, Doctors' IT systems and Land Costs				
** Updated on 29th March 2022				
*** See Annex A for this % uplift.				
Source: Building Cost Information Services, RICS.				

As a matter of good practice, the Council's guidance and approaches towards securing developer contributions for local primary health care are regularly reviewed, taking into account updates to National Planning Policy Framework, National Planning Practice Guidance, and specific guidance provided by the National Health Service.

The planning authority shall rebase the above data with reference to BCIS Tender Price index on an annual basis.

Finally, combining the figures in Table 4 covering the additional space requirements with the overall costs [£/m<sup>2</sup>] in Table 6, which the kinds of schemes involved in providing and expanding local primary health care space. The sums regarding developer contributions are displayed in Table 7 below.

<b>Table 7: Overall Costs Arising from New Housing Growth: Local Primary Health Care Provision</b>								
	From Table 4							
Rotherham [rebased]	Dwellings	10	25	50	100	400	1000	3000
Scheme Type [£/m <sup>2</sup> ]	Additional Space [m <sup>2</sup> ]	0.76	1.90	3.80	11.40	30.39	75.97	227.91
Generally: New Build	£3,084.21	£2,344	£5,860	£11,720	£35,160	£93,729	£234,307	£702,922
Public: New Build	£3,782.75	£2,875	£7,187	£14,374	£43,123	£114,958	£287,376	£862,127
Private: New Build	£2,638.48	£2,005	£5,013	£10,026	£30,079	£80,183	£200,445	£601,336
Horizontal extension	£2,667.75	£2,027	£5,069	£10,137	£30,412	£81,073	£202,669	£608,007
Vertical extension	£4,257.76	£3,236	£8,090	£16,179	£48,538	£129,393	£323,462	£970,386
Rehabilitation/Conversion	£1,788.26	£1,359	£3,398	£6,795	£20,386	£54,345	£135,854	£407,562
	From Table 6							
Source: Building Cost Information Services, RICS.								

Applying the above metrics [as presented in Tables 2 to 6] the developer contributions triggered by new housing growth is illustrated in Table 7. It is clear that small-scale new housing schemes shall only be accruing relatively limited lines of revenue. Of course, the larger schemes shall accrue

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substantial sums if it is confirmed that this scale of new housing growth cannot be accommodated by extant provision.

The above sums shall be sought and secured in accordance with current guidance and in partnership with the local CCG. The planning authority shall release funds to it in accordance with the terms of the S106 legal agreements entered into with applicants. Such funds shall be released to the local CCG for schemes and that the CCG shall provide an audit trail relating to its delivery and spending, normally on an annual basis until such funds have been exhausted in accordance with the legal agreement.

The local planning authority shall work with local partners, especially the local CCG, to develop a strategic framework so that such developer contributions shall be:

- Sought and secured by the local planning authority on behalf of the local CCG;
- Pooled and held by the local planning;
- Released to the CCG to support the expansion of provision in Rotherham's settlement groups [as identified in its adopted local plan];
- Targeted to existing facilities nearest to the location where new housing growth occurs.

### **Additional Requisite Clauses in Planning Obligations**

In the delivery of new local primary health care facilities, the Council shall require developers to commit to a high-quality design and performance which will be achieved through the Council's planning and building control procedures, ensuring compliance with national standards which includes the NHS's building bulletins, output specification and other relevant national design standards and local guidance.<sup>63</sup>

As an integral part of the delivery process of new and expanded surgeries, the Council shall include a clause in any planning obligation with developers that requires all design disputes to be referred to an independent expert or design panel or appraised by the Council in accordance with national planning policy and accepted Good Practice. The Council shall always attempt to embrace a collaborative approach with respective parties to the obligation that embraces good practice and demonstrates transparency in its approach.

Additionally, the Council shall include a mechanism to intervene in situations where delivery of new surgeries falls through by including longstop clauses to ensure that the land for surgery practices is transferred early enough for it to intervene and provide the surgeries at the right time. In these situations, the planning obligation shall require financial contributions to be made in lieu of the "in kind" provision of the new surgery by the developer, making use of review mechanisms<sup>64</sup> where necessary to respond to changing circumstances.

### **Regular Reviews and Updates**

As a matter of good practice, the Council's guidance and approaches towards securing developer contributions for local primary health care shall be regularly reviewed, taking into account updates to National Planning Policy Framework, National Planning Practice Guidance, and specific guidance provided by the National Health Service. Additionally, the planning authority shall rebase the above data with reference to BCIS Tender Price index on an annual basis.

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<sup>63</sup> See Health Building Notes, NHS Guidance.

<sup>64</sup> These shall be explicitly set out as an obligation in the legal agreement

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Ordinarily, parties to a S106 legal agreement can be released from their obligations after five years. However, with regards to the provision of local primary health care services, the local planning authority and its local partners may from time-to-time require that this period be extended. Therefore, the local planning authority shall require applicants to agree to a minimum of 10 years. which shall include a regular monitoring, reporting and review mechanism agreed with all signatories to the legal agreement.

See Annex A overleaf.

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## Annex A: Costs of Building New Local Primary Health Care Facilities

New Health Centres, Clinics, Group Practice Surgeries: 2010 to 2020							
Location	Date of Work	Build Costs Rebased **	Costs [£/m <sup>2</sup> ]	Gross Floor space [m <sup>2</sup> ]	Overall Contract Value [£]	Add-Ons* over Build Costs [as a %]	Overall Contract Value [£/m <sup>2</sup> ]
West Midlands	14 February 2020	£3,653,668	£1,878	1946	£4,789,734	31.09%	<b>£2,461.32</b>
Widnes, Cheshire	21 August 2019	£2,546,210	£1,906	1336	£3,378,516	32.69%	<b>£2,528.83</b>
West Midlands	09 July 2019	£3,452,682	£1,952	1769	£4,427,931	28.25%	<b>£2,503.07</b>
Preston, Lancashire	14 August 2017	£1,341,271	£2,079	645	£1,562,613	16.50%	<b>£2,422.66</b>
Wales	31 March 2017	£5,265,674	£3,637	1448	£7,119,170	35.20%	<b>£4,916.55</b>
Harlow Essex	04 May 2016	£5,500,938	£2,379	2312	£8,000,816	45.44%	<b>£3,460.56</b>
Halifax, Yorkshire	01 Nov 2014	£5,401,274	£2,701	2000	£7,005,294	29.70%	<b>£3,502.65</b>
Chipping Norton, Oxon	17 June 2013	£3,983,090	£1,974	2018	£4,742,547	19.07%	<b>£2,350.12</b>
Baildon, West Yorkshire	07 June 2013	£1,246,084	£1,593	782	£1,610,137	29.22%	<b>£2,059.00</b>
Okehampton, Devon	31 October 2012	£1,042,223	£2,056	507	£1,411,041	35.39%	<b>£2,783.12</b>
Edinburgh, Lothian	22 October 2012	£3,151,553	£3,069	1027	£4,152,294	31.75%	<b>£4,043.13</b>
Chard, Somerset	01 July 2012	£1,210,789	£1,985	610	£1,546,657	27.74%	<b>£2,535.50</b>
Mainslee, Shropshire	12 March 2012	£2,401,550	£1,835	1309	£3,156,345	31.43%	<b>£2,411.26</b>
West Glamorgan	14 April 2011	£2,581,492	£2,683	962	£3,040,141	17.77%	<b>£3,160.23</b>
Poole, Dorset	23 March 2011	£1,163,515	£2,491	467	£2,080,771	78.83%	<b>£4,455.61</b>
Newcastle Upon Tyne	01 February 2011	£2,147,854	£1,652	1300	£2,870,543	33.65%	<b>£2,208.11</b>
Dipton, Durham	01 May 2010	£747,030	£2,134	350	£1,037,262	38.85%	<b>£2,963.61</b>
Eastbourne, East Sussex	26 April 2010	£1,971,133	£2,322	849	£2,533,308	28.52%	<b>£2,983.87</b>
Mid Glamorgan	05 March 2010	£2,196,858	£1,886	1165	£3,165,355	44.09%	<b>£2,717.04</b>
Newcastle Upon Tyne	16 March 2010	£2,463,185	£2,131	1156	£3,370,318	36.83%	<b>£2,915.50</b>
Basingstoke, Hampshire	16 March 2010	£2,147,854	£1,652	1300	£2,819,177	31.26%	<b>£2,168.60</b>
	<b>MEDIAN</b>	<b>£2,401,550</b>	<b>£2,056</b>	<b>1165</b>	<b>£3,156,345</b>	<b>31.43%</b>	<b>£2,717.04</b>
	<b>MEAN</b>	<b>£2,637,158</b>	<b>£2,184</b>	<b>1201</b>	<b>£3,498,923</b>	<b>33.39%</b>	<b>£2,921.25</b>
	<b>STDEV</b>	<b>£1,443,484</b>	<b>£501</b>	<b>562</b>	<b>£1,949,139</b>	<b>12.72%</b>	<b>£764.44</b>
	<b>MIN</b>	<b>£747,030</b>	<b>£1,593</b>	<b>350</b>	<b>£1,037,262</b>	<b>16.50%</b>	<b>£2,059.00</b>
	<b>MAX</b>	<b>£5,500,938</b>	<b>£3,637</b>	<b>2312</b>	<b>£8,000,816</b>	<b>78.83%</b>	<b>£4,916.55</b>
Source: BCIS, Analysis: New Health Centres, Clinics, Group Practice Surgeries, RICS, March 2022							
* These cover External Cost, Fit Out and IT, Fees and Contingencies							
** These include Preliminaries and the Contractor's Overheads and Profits; Rebased to 1Q 2022 Prices							

### Contact

Planning Policy Team

Telephone: 01709 823869

Email: [planning.policy@rotherham.gov.uk](mailto:planning.policy@rotherham.gov.uk)

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## **Annex 1: Rotherham Metropolitan Borough Council: List of Planning Guidance prepared and adopted**

### **Supplementary Planning Documents & additional Planning Guidance**

Supplementary Planning Documents, good practice and other guidance documents are produced by the Council to provide further information and advice to the public, applicants and developers on the implementation of specific planning policies. These will be taken into account when determining planning applications.

### **Planning Application Requirements**

The Council's current validation of planning applications policy provides a national and local list of requirements for plans and documents required in support of a planning application.

### **Supplementary Planning Document No. 1 - Rotherham Town Centre (Adopted July 2016)**

This sets out a vision for transforming Rotherham town centre. It provides guidance for proposed development within and on the edge of the town centre. The document is in two parts: the Supplementary Planning Document and an accompanying map.

### **Supplementary Planning Document No. 2 - Air Quality and Emissions (Adopted June 2020)**

This identifies when air quality assessments will be required, how these should be undertaken, and provides guidance on mitigation measures to offset potential effects of pollution upon health and the local environment.

### **Supplementary Planning Document No. 3 - Development in The Green Belt (Adopted June 2020)**

This provides guidance relevant to proposals which involve development within the Green Belt.

### **Supplementary Planning Document No. 4 - Householder Design Guide (Adopted June 2020)**

This sets out detailed advice and guidance on domestic household extensions.

### **Supplementary Planning Document No.5 - Equal and Healthy Communities (Adopted June 2020)**

This provides guidance on how equality, health and wellbeing should be considered in the design of development. It also includes restrictions on the location of new hot food takeaways within 800 metres of schools and colleges. [Nb. Equal and Healthy Communities Checklist is available to download in both PDF and Microsoft Word format.]

### **Supplementary Planning Document No. 6 - Shop Front Design Guide (Adopted June 2020)**

This provides guidance for retail and commercial units wishing to install or replace a shop front.

### **Supplementary Planning Document No. 7 - Town Centre Uses and Developments (Adopted June 2020)**

This sets out guidance to assist applicants when submitting planning applications for main town centre uses which require sequential and/or impact test assessments. It also sets out how policies relating to development within Primary and Secondary Shopping Frontages will be implemented.

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## **Supplementary Planning Document No. 8 - Affordable Housing**

This sets out additional guidance to assist developers on the delivery of affordable housing. It clarifies the Council's approach and how it will seek to ensure appropriate provision of affordable housing in new developments. It also sets out how viability issues will be considered.

## **Supplementary Planning Document No. 9 - Development Viability**

This guidance sets out overarching principles that the Council, as the local planning authority, shall apply in evaluating development viability as part of the planning application decision-making process.

It details the approach applicants shall follow if they contest viability, the evidence that must be presented, and the format in which this must be provided.

A Microsoft Excel spreadsheet is available to download to assist in providing information to the Council. The spreadsheet contains the formulae used in the Viability Review Mechanisms.

## **Supplementary Planning Document No. 10 - Community Facilities**

This sets out guidance on how the Council will implement policies seeking to secure new community facility provision as part of new developments and protect against the loss of community facilities.

It sets out the Council's approach and the information or evidence that an applicant is expected to provide.

## **Supplementary Planning Document No. 11 - Natural Environment**

This provides guidance to support developers in considering the natural environment, particularly wildlife habitats and species, and geology, within development proposals. It includes general principles, detailed advice regarding specific habitats and species, and ecological survey requirements.

## **Supplementary Planning Document No. 12 - Transport Assessments, Travel Plans and Parking Standards**

This provides a guide for developers and applicants about the general principles applicable to parking and sustainable transport and how these are considered through the planning process. It sets out a methodology for preparing transport assessment, provides advice and guidance on the formulation of travel plans for all types of developments, and sets out parking standards for new developments.

## **South Yorkshire Residential Design Guide**

This guidance is intended for use by residential developers and their design professionals, consultants and agents in formulating designs and making applications for planning permission for residential development.

## **Flood Risk and Drainage**

All Councils must consider flood risk when making decisions on planning applications. This allows us to limit risks for new and existing developments. The Council's Flood Risk Toolkit provides guidance on managing flood risk within the borough. Guidance for developers is also available from the Environment Agency.

The South Yorkshire Interim Local Guidance for Sustainable Drainage Systems provides minimum recommended standards for the development of sustainable drainage systems.

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## **Contaminated Land**

The Council has adopted guidance from the local Pollution Advisory Council, which now forms part of the decision-making process for planning applications. The guidance requires a contamination assessment to be submitted for most developments on contaminated land.

## **Landscape**

The Landscape Design Guide sets out design considerations which need to be addressed in the design and implementation of landscape schemes for small scale non-contentious development schemes.

**END**