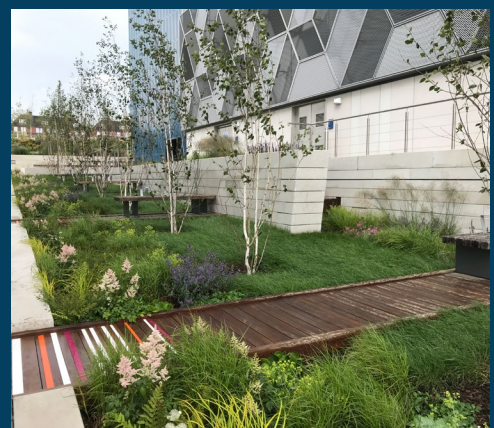


Planning Obligations Supplementary Planning Document

September 2021



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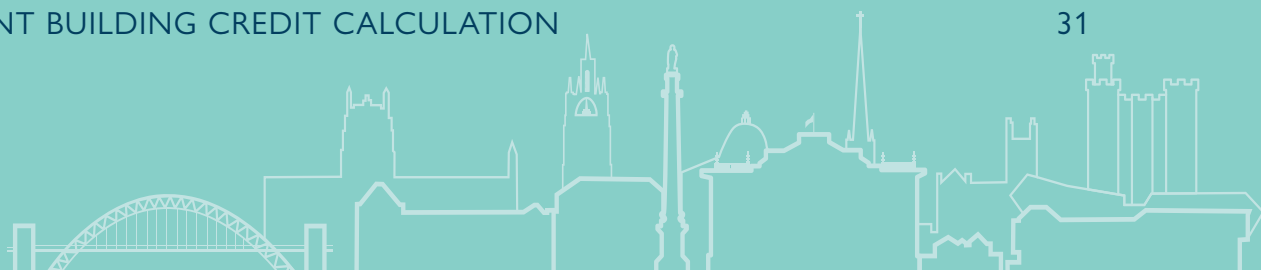
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1.0 INTRODUCTION AND BACKGROUND

- 1.1 The role of Planning Obligations is to assist in mitigating the impact of development to make it acceptable in planning terms and ensure delivery of a sustainable form of development. Planning obligations are secured in conjunction with a related planning permission under section 106 of the Town and Country Planning Act 1990 (as amended) and accordingly are often known as Section 106 agreements (s106). The agreement is signed before a planning permission is issued by all those with an interest in the land affected by the development. Where a developer submits a planning obligation voluntarily ahead of the determination of an application to which it relates, this is known as a “Unilateral Undertaking”.
- 1.2 Within Newcastle upon Tyne, planning obligations are used to secure a range of new or improved infrastructure associated with new development, such as affordable housing, green infrastructure and open space enhancements, sports provision, ecological enhancement works, new and extended schools, flood management measures and transport improvements. Securing these measures as part of a planning permission ensures that development mitigates its impact to comply with the City’s Local Plan policies.
- 1.3 This supplementary planning document (SPD) sets out Newcastle City Council’s requirements for planning obligations, including when they will be sought, for what purposes, how it complies with national and Local Plan policy, as well as with procedural matters relating to their drafting and enforcement. It also identifies likely types of development to which the obligation applies, thresholds over which the obligation are sought and, where possible, the basis on which the level of obligation is calculated. It specifically covers the following obligation types:
- Affordable Housing
 - Highways and Transportation
 - Open Space
 - Children’s Play Facilities
 - Outdoor Sport
 - Green Infrastructure
 - Allotments
 - Local Employment Training and Opportunities
 - Education
 - Other site-specific obligations
- 1.4 This SPD provides clarity to developers, development management planners, stakeholders and local neighbourhoods regarding the basis on which site-specific planning obligations are sought in order to make a development acceptable in planning terms.
- 1.5 In addition to section 106 agreements, developers may also be asked to contribute towards infrastructure costs separately by way of the Newcastle upon Tyne Community Infrastructure Levy or through other agreements, such as under Section 278 of the Highways Act 1980 to carry out works within the adopted highway required to service a development. For this reason, this SPD should be read in conjunction with separate Council guidance, including that relating to the Community Infrastructure Levy, flood management and other highway related agreements, such as Section 38 and 278 Highways Act Agreements.
- 1.6 As well as planning obligation requirements set out in the Local Plan for planned infrastructure to support strategic sites, large scale windfall (or development sites beyond the plan period) will be assessed for infrastructure needs, mitigation and developer contributions. This may result in changes to the Council’s annual Infrastructure Funding Statement, developer mechanisms and planning obligation requirements in order to ensure sustainable development and infrastructure delivery.
- 1.7 This SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.



- 2.1 The legislative framework for planning obligations is set out in Section 106 of the Town & Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act. Further legislation is set out in Regulations 122 and 121A of the Community Infrastructure Levy (CIL) Regulations 2019. The National Planning Policy Framework (NPPF) sets out government planning policies for England and how these should be applied. Further guidance is also available in national Planning Practice Guidance (PPG) document. The NPPF states that a council’s development plan “should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan”.
- 2.2 This SPD has a role in supplementing Local Plan policies that require planning obligations (as tested at Local Plan examination) and clarifying the up to date plan policy costs and would supersede the current Planning Obligations SPD.
- 2.3 Planning obligations must only be sought where they meet all of the following tests:
- necessary to make that development acceptable in planning terms;
 - directly related to the development, and
 - fairly and reasonably related in scale and kind to the development.

Proposals for development that may require the provision of planning obligations should meet the above tests and be made in accordance with Newcastle upon Tyne Local Plan, namely the Core Strategy and Urban Core Plan (CSUCP) for Gateshead and Newcastle upon Tyne (2015) and the Development and Allocations Plan (DAP) (2020).

2.4 Given the broad range of issues a planning obligation may be required to cover, the consideration of a number of planning policies contained in the above Local Plans will apply. The requirements for a developer to enter a planning obligation will therefore be considered in accordance with, but not restricted to, the following development plan policies:

CORE STRATEGY AND URBAN CORE PLAN

- CS1 Sustainable Growth
- CS2 Urban Core
- CS3 Neighbourhood Areas
- CS4 Rural and Village Areas
- CS5 Employment and Economic Growth Priorities
- CS9 Existing Communities
- CS10 Delivering New Homes
- CS11 Providing a Range and Choice of Housing
- CS13 Transport
- C16 Climate Change
- CS17 Flood Risk and Water Management
- CS18 Green Infrastructure
- UC8 Freight and Servicing
- UC10 Car Parking
- UC17 Public Art
- Sub Areas and Sites, including NC1- NC2, C1-C2, D1-D3, QO1, AOC1, NN1- 4
- NV1-3, KEA1
- DEL1 Infrastructure and Developer Contributions

DEVELOPMENT AND ALLOCATIONS PLAN

- DM1 Employment Sites
- DM6 Accessible and Adaptable Housing
- DM7 Space Standards
- DM8 Specialist Residential Accommodation
- DM9 Campus for Ageing and Vitality (CAV) Site
- DM10 Pedestrian and Cycle Movement
- DM11 Public Transport
- DM12 Parking and Servicing
- DM14 Mitigation and Highway Management
- DM20 Design
- DM24 Environmental and Health Impacts of Development
- DM26 Flood Risk and Water Management
- DM27 Protecting and Enhancing Green Infrastructure
- DM28 Trees and Landscaping
- DM29 Protecting and Enhancing Geodiversity, Biodiversity and Habitats
- DM30 Protecting and Providing for Open Space, Sports and Recreational Buildings and Land
- DM32 Minerals Extraction and Reclamation
- DM34 Recycling and Refuse Storage Provision
- DM35 Telecommunications and Digital Infrastructure

3.0 NEWCASTLE UPON TYNE COMMUNITY INFRASTRUCTURE LEVY

- 3.1 In November 2016 the City adopted a community infrastructure levy (CIL) payable for the development of dwellings, student accommodation, hotels, retail, supermarkets and retail warehouse developments in identified areas of the city. Outside of these identified zones a zero-levy charge applies. Details of the charging zones and charging schedule can be found on the Council's website.
- 3.2 The updated 2019 amendments to the CIL Regulations removed the previous restriction on pooling more than five planning obligations towards a single piece of infrastructure. This means that, subject to meeting the three tests set out in CIL regulation 122, charging authorities can use funds from both the levy and section 106 planning obligations to pay for the same piece of infrastructure, regardless of how many planning obligations have already contributed towards an item of infrastructure.
- 3.3 The Community Infrastructure Regulations 2019 require that the Council publish annual Infrastructure Funding Statements (IFS) that should set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, by the levy or planning obligations. This will not dictate how funds must be spent, but will set out the local authority's intentions. The IFS for Newcastle can be viewed on the Council's website.
- 3.4 Applicants are advised to check the CIL charging schedule and Regulation 121A list in the IFS upon entering into a land transaction and submitting a planning application in order to clarify any CIL liabilities for the development type and any relevant exclusions incurring a planning obligation cost to the development scheme.

4.0 THRESHOLDS

- 4.1 Where financial contributions are sought, planning obligations will normally only be sought on developments comprising the creation of 10 or more residential units and major commercial developments, as defined in the Town and Country Planning (Development Management Procedure) Order 2015.

5.0 CITY COUNCIL APPROACH TO LOCATION OF PROVISION THROUGH OBLIGATIONS

- 5.1 Wherever possible provision should be made on-site for facilities required through a planning obligation. However, there will be cases where this is neither practicable nor appropriate. In these instances, the Council will require financial contributions or physical works towards the provision of necessary measures to mitigate the impact of the development. The City Council will consider the issue of whether facilities are to be provided on or off-site, and the level of such facilities or scope of works on a case-by-case basis in order to comply with Local Plan policy and deliver a sustainable form of development.
- 5.2 Negotiation over the level of contribution sought from a developer will take account of the economic viability of the development, including any abnormal costs and other planning objectives that may affect the viability of the proposal. However, infrastructure costs incurred to meet Local Plan policies and deliver a sustainable form of development are to be expected, so that the site contributes towards relevant planning objectives.

- 5.3 In cases where a number of developments are proposed in close proximity to each other and the cumulative effect will result in the need for a specific mitigating measure, the Council may pool contributions or obligations from each of the developments, in order to fund the necessary measure in an equitable way. In some cases, a specific contribution framework will be developed and adopted by the Council to ensure delivery of infrastructure required and the impacts.
- 5.4 Where amendments to planning permissions or changes to the form of development on a site are proposed which would result in an alteration in the scale of development, then the need to secure revised infrastructure contributions will be necessary. Development schemes should also not be broken down into smaller applications, as the cumulative impact over the specified threshold trigger will need to be assessed and mitigated for the entire scheme.

6.0 DRAFTING OF AGREEMENTS

- 6.1 Planning obligations will normally be drafted by the City Council's Legal Services Team, or by solicitors acting on the City Council's behalf. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement. An undertaking to cover costs associated with drafting of an agreement will be required to be secured ahead of any drafting work being undertaken.

7.0 TRANSFER OF LAND

- 7.1 Occasionally obligations may require land to be transferred to the Council, usually in respect of highways, public realm, landscaping scheme or community facilities obligations. In such cases, developers will be required to pay the Council's legal costs in respect of the land transfer.

8.0 FINANCIAL CONTRIBUTIONS

- 8.1 Financial contributions will be payable at specific stages in the development process, usually on commencement or prior to first occupation of the development. However, there may also be cases in large-scale development where contributions can be phased, in order to match the proportional impact of each phase of the development. For this reason, trigger dates for the payment of financial contributions will be included in an agreement.
- 8.2 Following receipt by the City Council, financial contributions are held in interest bearing accounts and are individually identifiable due to each contribution being allocated a unique finance code. Contributions remaining unspent at the end of a reasonable time period specified in the obligation can be returned to the payee, in accordance with the terms of the agreement, normally with any interest accrued by the Council.
- 8.3 All financial contributions contained in this SPD are index linked from the date of the obligation to the date when the contribution is received. The exception is where commuted maintenance payments are required and in these instances the payment is index linked from the point at which the maintenance costs are agreed. The indexation will be in accordance with the retail price index.

9.0 MONITORING AND REPORTING OF OBLIGATIONS

- 9.1 Monitoring of obligations is undertaken by the City Council's Planning Obligations Officer to ensure all obligations are complied with on the part of both the developer and the Council. For this reason, developers entering into agreements are required to pay a monitoring fee in order to cover the Council's costs incurred in the monitoring of the obligations. The fee will depend on the nature and complexity of the obligation being monitored. All obligations that include the long-term management and maintenance of features, such as sustainable urban drainage schemes, will incur an additional monitoring charge.
- 9.2 The Council enforces obligations through the relevant legal channels once all other reasonable approaches to remedying a failure to comply with the obligations have been exhausted. In such cases, the Council will seek to retrieve its legal costs in taking action against the party that is in breach of its obligations.
- 9.3 The Council's annual IFS will report on planning obligation monies received and spent. In addition, bi-annual reports on the monitoring of agreements is presented to the Planning Committee.

10.0 VIABILITY

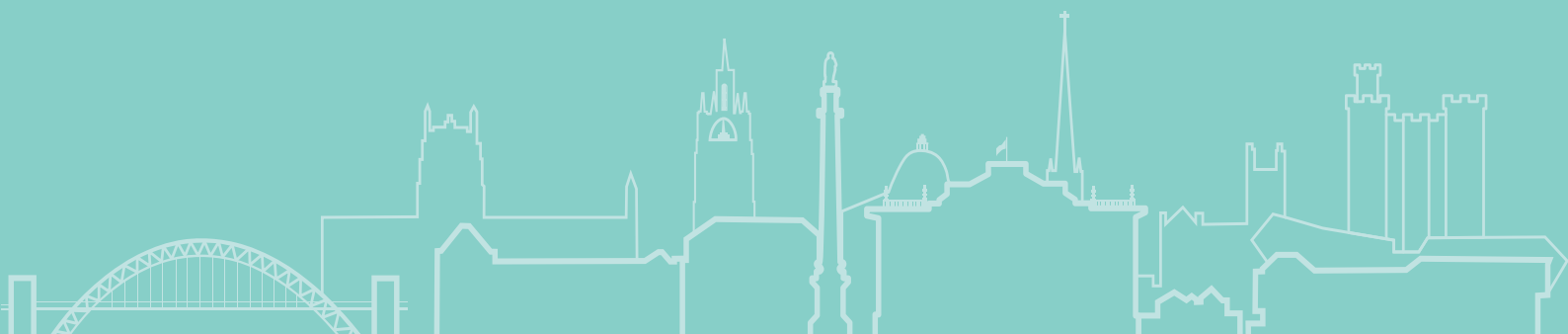
- 10.1 The NPPF states that "where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable". It goes on to advise that "the weight to be given to a viability assessment is a matter for the decision maker, 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".
- 10.2 The Council has an up to date local plan, having approved its 5-year review of the CSUCP on 16 March 2020. Updated viability guidance and evidence is published periodically on the Council's Planning Policy webpages and is indexed linked where possible.
- 10.3 Viability of development types in the city have been tested to support the Local Plan (CSUCP, DAP) and CIL charging schedule. Where proposals for development accords with all relevant policies, then no viability assessment will be required to accompany the application. However, it is recognised that in parts of the city where there is low demand, viability and delivery can be challenging. Where development does not accord with development plan policies that require a financial contribution to mitigate its impacts, the applicant will be required to justify the reasons for the non-compliance and, if necessary, provide a viability assessment based on the Council's relevant assumption inputs, evidencing:
- i. further information on constraints and/or infrastructure costs;
 - ii. exceptional site-specific circumstances and demonstrable costs; and/or
 - iii. economic changes compared to the viability outcomes in the baseline or site specific viability evidence supporting the Local Plan
- 10.4 Where a site viability assessment is submitted by an applicant for an allocated site in the Local Plan for the use proposed, then indexed viability assumptions from the published assumptions in the Local Plan viability report or site-specific data should be used. Variation from those assumptions should be justified. Viability assessment documents will be made publicly available

on the Council website as part of the supporting planning application documents and included in a report to the Planning Committee.

- 10.5 When reviewing viability assessments and planning obligations where approved schemes have stalled due to economic circumstances, National Planning Practice Guidance (PPG) provides further guidance and guide templates on how to undertake viability appraisals of development and the different forms of viability evidence.
- 10.6 Where developer contributions are reduced on viability grounds, then overage clauses will be applied to ensure appropriate payment of financial contributions to comply with development plan policies are secured if and when economic circumstances change in the future
- 10.7 When establishing benchmark land valuation, in compliance with the PPG, it will be assumed that the implications of abnormal costs, policy compliance and site specific infrastructure will have been taken into account at site valuation. Where land values have been transacted at the height of the market, this will not normally be accepted as the relevant benchmark value in a viability appraisal, in accordance with advice set out in the PPG.
- 10.8 The published viability assumptions and infrastructure costs are reviewed as part of plan making periodically and subject to appropriate consultation. Whilst the principles of how to undertake a viability assessment are contained in this document and PPG, the up to date assumption input data and Council's procedures for viability appraisals is available (and maintained) on the council's website ('Guidance Note for Developers on Viability Appraisal in Newcastle upon Tyne').



Planning Obligations



11.0 AFFORDABLE HOUSING OBLIGATIONS

Policy Background

- 11.1 The NPPF requires local planning authorities to significantly boost the supply of housing, to meet their full, objectively assessed needs for market and affordable housing. Paragraph 64 of NPPF sets out that major housing development should expect at least 10% of the homes to be available for affordable home ownership. This requirement is subject to specific exemptions (see Table 1 below). CSUCP Policy CS11(5) specifies that in all developments of 15 or more dwellings 15% of the dwellings should be affordable housing, subject to development viability. In addition, the PPG advises that in the case of Build-to-rent developments 20% affordable rented provision should be secured on-site.
- 11.2 On 24 May 2021 the Government published a ministerial statement making changes to national policy on affordable homes with the introduction of First Homes on 28 June 2021. This has the effect of revising the tenure mix for the first 25% of the Local Plan affordable housing requirement to be provided as First Homes via developer contributions. Note the national transitional arrangements in the PPG will apply. Table 1: Thresholds Triggers and Tenure Split for affordable housing has been updated accordingly. Local options for the First Homes requirement will be considered as the evidence base is updated and further changes to the guidance may be made at that stage.

Housing Mix and Threshold

- 11.3 The residential mix of affordable homes secured as part of a planning obligation will be required to reflect the national planning definition, with a greater proportion of the affordable housing requirement provided through affordable home ownership (normally 10%). However, the Council's Strategic Housing Market Assessment (2017) evidence also supports the need for provision of affordable housing in the form of social or affordable rented homes. For this reason, in developments of 10 or more dwellings, developers will still be expected to provide for 10% affordable home ownership with the remaining requirement provided as social or affordable rented homes. PPG advice is that the 25% (of the local plan policy requirement) expected to be provided as a First Homes contribution can make up or contribute to the 10% of the overall number of homes in affordable home ownership products delivered on major developments. Table 1 below sets out the threshold and tenure mix of affordable housing to be delivered through a planning obligation. Exemptions will apply and the expected housing mix may not always represent the preferred provision, with the exact mix determined on a case by case basis, having regard to national policy and local evidence of housing need.
- 11.4 Policy CS11 states that development viability will be considered when undertaking site-specific negotiations on the required level of affordable housing to be provided. NPPF (paragraph 57) states that 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 supporting text to Policy CS11 also makes allowance for the affordable housing provision to be made off-site, where necessary.

Size of Scheme	Total Affordable Housing Requirement	Tenure Split		
		First Homes (Minimum)	Affordable Home Ownership (in addition to First Homes) (Total 10% Minimum)	Social or Affordable Rent
1 - 9 units	0	0	0	0
10 - 14 units	10% (1 unit)	2.5% (1 unit)	0	0
15 units or more	15%	3.75%	6.25%	5%

Table 1: Thresholds Triggers and Tenure Split for affordable housing

Worked Example:

A scheme of 30 dwellings would normally include:

10% of scheme = 2 First Homes (rounded up) & 1 Other Affordable Home Ownership units

5% of scheme = 2 (rounded up*) Social or Affordable Rent units

Total affordable dwellings = 5 units

*Any requirement will be rounded up or down where the calculation is less than 1 unit.

Type of Scheme	CSUCP CS11 (5) 15% Requirement? (Yes/No)	NPPF Affordable Home Ownership Requirement? (Yes/No)	PPG Requirement?
General Needs (Use Class C3)	Y	Y	N/A
Purpose-built Student Accommodation	N	N	N/A
Built to Rent (Use class C3)	Y	N	Private Affordable Rent @ 20%
Affordable Housing Scheme (Use class C3)	Y	N	N/A
Specialist Accommodation / Independent Living (Use class C3)	Y	N	N/A
Self-Build	Y	N	N/A

Table 2: Affordable Housing and Types of Accommodation (Requirements and Exemptions)

- 11.5 The requirements to provide affordable housing as part of a development will not be required for purpose-built accommodation for students and self-build. In addition, developments comprised wholly of affordable units (any categories) or specialist accommodation for specific needs will be exempt from providing 10% affordable home ownership tenure. Build-to-rent schemes will be required to provide affordable private rented accommodation on-site, in accordance with PPG advice. Table 2 above clarifies exemptions that apply to different types of residential accommodation.
- 11.6 As part of the planning application, the affordable units to be delivered must be identified on a site plan and should be designed to appear tenure blind and distributed within the layout and residential mix of a scheme. As such, affordable dwellings should be built to the same quality and design as equivalent open market dwellings. Dwellings should be provided in small clusters pepper-potted across the development wherever possible. The size of affordable units should take into account the range of sizes across the scheme and reflect housing needs. The planning obligation will secure the retention of the identified units as affordable housing, the form of tenure, rental agreement and tenancy qualification criteria on rental accommodation.

Off-Site Level of Contribution

- 11.7 The delivery of affordable housing as part of a development is required to create mixed and balanced communities and should normally be secured on the application site. However, in certain circumstances a commuted payment in lieu of on-site provision, for at least part of the requirement may be agreed due to site circumstances, such as:
1. Sites yielding fewer than five affordable homes, which may not provide for management efficiency;
 2. Apartment schemes where service charges can be prohibitively expensive;
 3. Developments in locations which are not, and cannot be made to be, highly accessible to facilities and services. For example, where the need for specialist accommodation would be better located close to a local centre to access facilities;
 4. Locations where the development of market housing is considered beneficial to ensure a balanced tenure mix, such as neighbourhoods of predominantly social rented housing;
 5. Developments in higher value areas where affordable rented and intermediate home ownership products may not be affordable to those in housing need or where the overall level of subsidy would be markedly more beneficial if employed elsewhere, to meet evidenced need identified in the SHMA or at neighbourhood level.
- 11.8 Where off site contributions are requested, the opportunity cost to the developer will be sought and the following calculation will be used:

$$\text{(Open Market Value - Affordable Value) X (Total Dwellings X Affordable \% Required)} \\ = \text{Contribution (£)}$$

The Open Market Value and Affordable Values can be derived for a typical residential and tenure mix from the viability assumptions in the Council's 'Guidance Note for Developers on Viability Appraisal in Newcastle upon Tyne'.

- 11.9 Affordable housing provision and off site payments can be phased, with the first phase to be delivered no later than completion of a third of the overall scheme and remainder to be delivered no later than completion of 90% of the open market units, unless site specific circumstances justify an alternative approach. In addition, vacant building credit may apply in certain circumstances as set in national guidance. Please refer to the example in Appendix 1 for the formulae and calculations that you can expect to be used.



12.0 HIGHWAYS AND TRANSPORT OBLIGATIONS

Policy Background

- 12.1 Policy CS13 of the CSUCP seeks the enhancement and delivery of an integrated transport network to support sustainable development and economic growth through a range of measures including - ensuring development minimises car trips, promoting and enhancing public transport and developing sustainable travel plans, connecting safety to the highway network for pedestrians, cyclists and vehicles and providing cycle and electric vehicle charging infrastructure. Other policies within the CSUCP, such as UC8, UC10, UC11 and UC16 and sub-area and site-specific policies in Chapter 16, identify various transportation and public realm enhancement requirements arising from developments. DAP Policies DM10, DM11, DM12, DM13 and DM14 set out how development should mitigate its impacts upon the city's transport network.

Threshold

- 12.2 Planning obligations will be sought on major developments, as defined in the Town and Country Planning (Development Management Procedure) Order 2015. Most new development will have some impact on the surrounding transport network, where the development would result in significant changes in travel pattern in and around the site to meet the requirements set out in CSUCP Policy CS13 and to facilitate more sustainable modes of transport to meet the requirements set out in DAP policies DM10, DM11 and DM12, planning obligations may be required.

Transport Infrastructure Works

- 12.3 Transportation matters required to be secured through a planning obligation will normally comprise the following matters:

1. **Site Specific Requirements**

Highway infrastructure works will be secured to allow the development to connect safely to and mitigate its effects on the existing transport network. This will normally relate to works to the wider highway network, remote from the site boundary, and where works are often required to be undertaken as part of a wider transportation mitigation strategy. Where works required by a development relate solely to minor intervention to the adopted highway adjacent to the application site, then this can be secured by way of a Grampian planning condition and for which usually the developer will need to enter into a Section 278 highways agreement.

Further information on the Council's approach to Section 278 Agreements can be found in the document - Design and Construction of Roads and Accesses to Adoptable Standards and S38 Agreements are available on the Council's website.

Where public highways are proposed in a development which are not to be adopted by the Council, either by reason of the developer choosing not to offer the highway infrastructure up for adoption, or due to the highway infrastructure not being built to current highway authority design standards, the developer will be required to enter into a long-term management and maintenance plan. This document should set out how on-going management and maintenance of these highways and public access would be secured, including access for service vehicles. This document will form part of an on-going planning obligation on all future landowners.

2. **Highway Maintenance Costs**

Commuted maintenance sums payable to the Council are necessary when



transportation infrastructure associated with a development results in increased Council maintenance liability. Typical circumstances where this may occur are:

- Maintenance costs for construction not required for the safe and satisfactory functioning of the highway (including alterations to existing highway only required to serve the development) with no general benefits;
- Maintenance costs for additional features, such as highway structures, additional street lighting, traffic signals installations, non-essential street furniture/ fencing, street trees, public transport infrastructure and landscaping;
- Inclusion of new or upgrade of existing bus shelters required to serve a development. In these instances, the developer will be expected to pay for a new shelter or upgrade from a stop to a shelter(including any electrical costs), in addition to a commuted sum for the repairs and maintenance of the shelter over a 10- year period. Development requiring shelter relocation, will need to pay for disconnection/ reconnection of electrical supplies, where appropriate and any other costs associated with the relocation of the shelter. If the developer is required to upgrade an existing shelter to a higher specification shelter, then the developer will be required to pay for the upgraded shelter, installation costs and in addition a partial commuted sum to meet the difference in the uplift in maintenance costs.



3. Parking Controls

A Traffic Regulation Order (TRO) is the legal instrument by which a local council can implement traffic management controls on its roads. Under the provisions of the Road Traffic Regulation Act 1984, TROs can be implemented to regulate, restrict or prohibit the use of a road or any part of the width of a road, by vehicular traffic or pedestrians. The introduction or amendment of a TRO is a statutory legal process that can take up to six months.

In Newcastle upon Tyne, the Traffic Regulation Order Consolidation Order, Off Street Parking Places Order, On Street Parking Order and City Centre Controlled Parking Zone effectively control and manage the movement of traffic on the highway.

Development may, by reason of its location, design or impact upon existing highway, require the extension or amendment of on-street parking controls, waiting restrictions, and permit free housing in order to mitigate its impacts on parking conditions and the local highway network. In these circumstances a planning obligation will be required to secure a financial contribution to the Council to secure and implement necessary parking controls associated with a development.

If a development is required to enter into a TRO, the council charges a fee for each legal order. This covers the council's legal and traffic management costs in processing the TRO. The costs of implementing the relevant lining and signs associated with the TRO will vary dependent upon the extent of the changes and will be borne by the developer as part of their S278 agreement.

Further information on Parking and the Legal Orders can be found on the Council's website.

4. Travel Plans



Policy CS13 of the CSUCP requires development that generate significant amounts of movements to provide a travel plan. The long-term management and maintenance of this document will normally be secured through a planning obligation.

A Travel Plan should set out specific objectives to promote sustainable forms of transport and minimise a development's impacts upon the network. The Plan must

set out detail, with an action plan, timescales, targets and responsibilities for its implementation, monitoring and review.

The type and scale of development that will normally trigger the requirement for a Transport Assessment, Travel Plan or Transport Statement can be found in document Transport Assessments, Travel Plans and Parking on the council's website.

A monitoring fee will become payable prior to occupation of the development to cover the Council's costs in approving and on-going monitoring of a travel plan, including working with the developer to identify measures and initiatives to help reduce car use and increase levels of sustainable travel the size of the fee would be dependent on the size and scale of the development.

5. Wider Site Impact Contributions (Cumulative Impacts)

Where an application forms only part of a larger development area or wider strategic land development, it will be appropriate to consider the transport impacts arising from the area, as a whole. This may result in the need for individual developers to contribute toward wider transport interventions required to mitigate their cumulative impacts upon the highway network. For this reason, contributions may also be sought towards off-site defined works within the highway and where necessary delivered over a phased basis.

6. Other Site-specific Highway and Transportation Measures

Other site-specific highway and transportation measures required to mitigate the impact of a development and which are unable to be delivered on-site may also need to be included in a planning obligation. The council is committed to increase the number of trips made on foot or by cycle. New developments usually generate additional travel journeys. To facilitate this increase in demand and to enable a move towards more sustainable modes of transport, other transportation improvements may be sought.

The following examples is not exhaustive, but gives an indication of the types of obligation that may be required:

- Funding of local transport measures such as walking, cycling and localised public transport improvements, where development creates a specific need for such measures to directly mitigate its impact such as identified in policies UC5, UC7 and DAP Policy DM10. The council's Local Cycling and Walking Plan will be used to help guide decisions;
- Subsidised bus services and/or public transport ticketing, for a minimum of five years from the commencement of bus services on the site;
- Provision of on-site Car Club Services in large-scale residential developments;
- Public Rights of Way Improvement in accordance with local needs and the Rights of Way Improvement Plan;
- Controlled parking zones and managing the operation of new car parks within the Urban Core;
- Public realm improvement;
- Wayfinding measures to encourage walking and cycling; and
- Dedication/reservation of land for future highway schemes.

13.0 GREEN INFRASTRUCTURE, OPEN SPACE, TREES AND BIODIVERSITY

Green Infrastructure

- 13.1 Green Infrastructure is defined in national planning guidance as including a range of spaces and assets that provide environmental and wider benefits. It can include for example parks, playing fields and other types of open space, woodland, allotments, private gardens, sustainable drainage features, green roof and walls, street trees and blue infrastructure.
- 13.2 The NPPF sets out the importance of protecting and enhancing green infrastructure to provide multifunctional benefits. The principle of protecting and enhancing the city's Strategic Green Infrastructure Network and creating, enhancing and managing the networks of biodiversity and green infrastructure is set out in CSUCP CS18. There may be instances where planning obligations may secure part of the local green infrastructure network to comply with DM27. Delivery of the network, opportunity areas and identification of any gaps will be achieved through projects including those identified in the Open Space and Green Infrastructure Strategy.
- 13.3 Provision of green infrastructure will be made on-site in the majority of schemes and should make the most of the multifunctionality of its purposes and uses and where necessary delivered through specific obligations relating to delivering the different types of green infrastructure such as the different open space typologies, street trees, and biodiversity to comply with DAP policies DM28, DM29 and DM30 as set out in the following sections.

Open Space, Outdoor Sports, Built Facilities, Play Space and Allotments

Policy Background

- 13.4 Open space is defined in national planning guidance and the DAP as 'all open space of public value, which offer important opportunities for sport and recreation and can act as a visual amenity'. Open space includes amenity green space, parks and recreation grounds, play space, natural green space, outdoor sport space and allotments.
- 13.5 The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In addition, the provision of sufficient open space, of appropriate quality and accessibility, plays an important role in the sustainability of communities. As such, where development would result in the loss of existing open space or an intensification of use through new development, development will be required to provide open space either on-site, or where this is not feasible, to make a contribution to improve facilities off-site. CSUCP Policy CS18 states that open space will be protected and enhanced in accordance with agreed standards in line with national policy. Open space provision varies across Newcastle, with some areas of the city having deficiencies, whilst other areas have sufficient provision. The existing quantity and access to open space, as well as consideration of quality issues, will form the basis for assessing change of use of open space or proposed new development.
- 13.6 The Newcastle Open Space Assessment (2018) provides an assessment of the quantity, quality and accessibility of open space. It identifies the existing quantitative supply and access to open space by ward across the city. The Open Space Assessment also includes a comprehensive local needs assessment, which sets standards for open space provision and identifies existing and future needs. The open space standards have been adopted in the DAP. The Parks and Recreation ground standard should form the starting point for discussions regarding proposals which affect existing playing fields or for new playing fields provision. The council's Plan for Playing Pitches and Plan for Built Facilities will be used to

help the assessment of planning applications which affect playing fields and built facilities and inform applicants of their requirements to provide or fund playing pitches or new facilities.

- 13.7 Open space which is used primarily for sport or recreation is taken to include any recreational buildings ancillary to and directly associated with the open space and essential to its recreational function.

Trigger for Obligation

- 13.8 New major residential development of 10 residential units or more, as defined in the Town and Country Planning (Development Management Procedure) Order 2015, will be required to either incorporate open space within their development site or if this cannot be achieved, contribute towards meeting local needs off-site. Contributions will be sought based on the assumed number of residents that will be accommodated in the development. Sport England's Playing Pitch Calculator should also be used to estimate sport and recreation needs.

Requirement for Contribution

- 13.9 DAP Policy DM30 – Protecting and Providing for Open Space, Sports and Recreational Buildings and Land - provides open space standards for existing and new open space.
- 13.10 The council recognises that in certain circumstances, existing open spaces may not be required to meet current or future need for open space. The DAP sets out factors which will be considered before any decision to release open space for alternative uses can be taken.
- 13.11 Developers wishing to bring forward alternative uses for open space must provide an assessment which clearly demonstrates that the policy criteria have been met using information provided within the Newcastle Open Space Assessment (2018).
- 13.12 If a development would cause a detrimental impact on or loss of existing open space, sports and recreational buildings, a developer contribution may be sought to provide equivalent or better provision . The following standards as set out in Policy DM30 of the DAP will be used when assessing the loss of and re-provision of existing open space:

Typology	Quantity Standards (ha/1000 population)	Access Standard
Allotments	0.3	720 metres or 15 minutes' walk time
Amenity Green Space (sites >0.15ha)	0.8	600 metres or 12-13 minutes' walk time
Park and Recreation Grounds (public provision only)	0.8	720 metres or 15 minutes' walk time
Play Space (Children)	0.02	600 metres or 12-13 minutes' walk time
Play Space (Youth)	0.02	720 metres or 15 minutes' walk time

Table 3: Open Space Standards for Existing Open Spaces

13.13 The following standards as set out in Policy DM30 of the DAP will be used when assessing new provision of open space:

Typology	Quantity Standards (ha/1000 population)	Access Standard
Allotments	0.3	720 metres or 15 minutes' walk time
Amenity Green Space (sites >0.15ha)	1.0	600 metres or 12-13 minutes' walk time
Park and Recreation Grounds (public provision only)	0.8	720 metres or 15 minutes' walk time
Play Space (Children)	0.02	600 metres or 12-13 minutes' walk time
Play Space (Youth)	0.02	720 metres or 15 minutes' walk time
Natural Green Space	1.0 (to be combined with Amenity Green Space to maximise opportunities for wildlife and are biodiverse)	Accessible Natural Green Space Standard (ANGSt)

Table 4: Open Space Standards for New Provision of Open Spaces

13.14 Where off-site open space is required, new provision will be sought in accordance with the standards above, which will form the starting point for discussion, alongside the council's priorities set out within the Open Space Assessment, Plan for Playing Pitches, Plan for Built Facilities, Green Infrastructure Delivery Framework and Open Space and Green Infrastructure Strategy.

Use of Contributions

13.15 13.15 Financial contributions secured towards open space will be used in compliance with Policies DM30, CS18, UC15 and DM27 to improve local green infrastructure. Contributions will not be used to provide or improve major built sports facilities where this type of infrastructure is included within the CIL list of infrastructure.

13.16 In terms of what the expected levels of contribution could be, the Council has previously assessed costings for the provision of local open space, sports and equipped play for different house types. These are available on page 20, in a table form, to give a guide as to what developments may be liable to pay. These costings will be subject to an indexation to reflect current interest rates. The source for these costings are based on an average household size of 2.3 persons. Sport England's Playing Pitch Calculator may also be used to estimate sport and recreation needs.



	Average Occupancy	Allotments (£90 pp*) (£30/sqm)	Parks and Recreation Grounds (£576 pp*) (£72/sqm)	Play Space (Children) (£34 pp*) (£170/sqm)	Play Space (Youth) (£34 pp*) (£170/sqm)	Amenity / Natural green space (£150 pp*) (£15/sqm)
Flat or house - one bed	1.2	£108	£691	Not required	Not required	£180
Flat - two bed	1.54	£139	£887	Not required	Not required	£231
Flat – more than two bed House – two bed	1.76	£158	£1,014	£60	£60	£264
House - three bed	2.32	£209	£1,336	£79	£79	£348
House - four or more bed	2.95	£266	£1,699	£100	£100	£443
Independent living accommodation (Class C3)	N/A	Not required	Not required	Not required	Not required	£150
Shared accommodation (Class C4) @ 50% Open Space and 50% Sport	N/A	Not required	£288	Not required	Not required	£75

*pp - Costing per person

An average household size for Newcastle upon Tyne of 2.3 persons is assumed based on the latest ONS data. This will be subject to change, when updates are published.

Table 5: Costings for the Provision of Open Space Typologies for Different House Types.

Trees

Policy Background

- 13.17 The NPPF recognises the importance of trees for the multiple benefits they provide; they contribute positively to the character of an area, enhance the visual amenity and appearance of developments, they promote healthy communities, help meet the challenges of climate change and conserve and enhance the natural environment.
- 13.18 The England Tree Strategy (2020) recognises that street trees are a key component of the urban forest and critical in delivering its services. The government therefore sets out a commitment that new streets should be lined with trees. The planting and longevity of street trees requires appropriate skills and resources, from early planning, through effective planting and maintenance.

- 13.19 CSUCP Policy CS18 identifies the need to protect, enhance trees and manage woodland as part of the city's green infrastructure assets. DAP Policy DM28 requires development to retain and protect trees and landscape features, provide compensation for any loss and provide new trees and landscaping. The justification for requiring obligations in respect of new or compensatory tree planting is set out in these policies.
- 13.20 In addition the Council Tree Strategy explains how the City Council can support others in their tree management and encourage additional planting such as through the planning process for new developments. Further guidance will also be provided in the Landscape Trees and Biodiversity SPD.

Trigger for Obligation

- 13.21 Obligations in respect of trees will be required where either:
- New planting is required on public land to mitigate the impact of a development, or
 - Where trees are felled as part of development replacement planting will be required on public land.
- 13.22 All tree and landscape planting required in association with a development on council owned land will need to be undertaken by the Council at the developers expense.

Requirement for Contribution

- 13.23 Where off-site planting is required as part of a development, a s106 contribution to cover that full cost is required.
- 13.24 The contribution covers the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree for a period of five years after the first planting seasons. The level of contribution is as follows:
- Tree in open ground (no tree pit required) £749.00
 - Tree in hard standing (tree pit required) £3,748.00
 - Tree in structure soil cell (tree pit and underground tree crates required) £11,967.00
 - Tree in sustainable urban drainage (SUD) system £15,768.00
- 13.25 The "open ground" figure will apply in the following circumstances:
- Where development results in the loss of Council owned trees in open ground.
 - Where development results in the loss of trees on the development site, and is unable to provide replacement tree planting on site.
- 13.26 In both these cases replacement tree planting should be provided in an appropriate area.
- 13.27 The "hard standing" and "structure soil cell" figure will apply in the following circumstances:
- Where development results in the loss of Council owned trees in areas of hard standing.
 - Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).
 - In the first of these cases the council will locate replacement tree planting in areas of hardstanding as close as reasonably practical to the development site; and in these cases, the Council will implement tree planting in specific locations identified through the planning approval process.

13.28 The “structural soil cell” figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.
- Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).
- Where underground load-bearing soil cells (tree crates) are required to create structurally adequate soil systems that are conducive to the root growth and soil volume requirements of particular trees.

In these cases, the council will locate replacement tree planting in areas of hardstanding as close as reasonably practical to the development site; and in these cases, the Council will implement tree planting in specific locations identified through the planning approval process.

13.29 The tree in “sustainable urban drainage (SUD) system” figure will apply in the following circumstances:

- Where development results in the loss of Council owned trees in areas of hard standing.
- Where new tree planting in hard standing is required to mitigate the impact of development (for example street trees required as part of highway improvements).
- Where tree planting systems are specifically required to bring measurable and sustainable stormwater management benefits to a development in accordance with the NPPF and Local Plan policy.

13.30 In these cases, the council will locate replacement tree planting in areas of hardstanding as close as reasonably practical to the development site; and in these cases the Council will implement tree planting in specific locations identified through the planning approval process.

13.31 Guidance on the number of trees to compensate for loss of existing trees depends upon the size of trees to be lost. This is set out in the following table:

Trunk diameter of tree felled (cm)	No of trees
<15	1
15 - 19.9	2
20 - 29.9	3
30 - 39.9	4
40 - 49.9	5
50 - 59.9	6
60 - 69.9	7
70 - 79.9	8
80+	9

Table 6: Guidance on the number of trees to compensate for loss

Biodiversity

Policy Background

13.32 NPPF requires new development to create, protect and enhance biodiversity. CSUCP Policy CS18 and DAP DM29 support this by ensuring the diversity and richness of the city’s flora and fauna is protected and enhanced. Priority should be given to the avoidance of any impact, if it is not possible to avoid significant impacts, consideration should be

given to the provision of on-site mitigations and/or compensation measures, where impacts remain, the provision of off-site measures involving the creation restoration and/or enhancement of habitats may be required.

Mitigation and Obligations

- 13.33 Planning obligations will be required to secure the management, maintenance and monitoring of ecological measures where mitigation, and enhancement is required to local habitats and ecology, or the provision of alternative habitats to compensate for any loss of habitats, or ecological value, or impact upon priority and protected species and provide measurable net gains in biodiversity secured as part of a development.
- 13.34 Planning obligations will also be used to secure the long-term monitoring and management of ecology mitigation measures which are secured as part of a development to deliver both on-site and off-site biodiversity net gains.

14.0 TRAINING AND EMPLOYMENT MANAGEMENT PROVISION OBLIGATIONS

Policy Background

- 14.1 Securing jobs and training opportunities for Newcastle residents, from investment and regeneration spend, is central to the Council's priority for employment: creating more and better jobs. This brings together people and opportunities to address inequalities and ensure that all residents have a stake in our future.
- 14.2 The use of the planning system gives the Council the opportunity to require that developers and contractors provide new entrant jobs, apprenticeships and work experience placements for our residents, particularly those facing barriers to employment, who are concentrated in the most deprived areas of the city. It is vital to Newcastle's economy that our residents develop skills, knowledge and qualifications to be successful in the labour market, as being in work is the best way of increasing the resilience of individuals and communities.
- 14.3 The justification for requiring obligations in respect of the Training and Employment is set out in NPPF and Policy CS5 of the CSUCP.

Trigger for Obligation

- 14.4 New major developments as defined in the Town and Country Planning (Development Management Procedure) Order 2015.



Means of Securing Training and Employment

- 14.5 Where a development would give rise to the need for a Section 106 agreement, a Training and Employment Management Plan (TEMP) planning obligation should be used. For an example of the wording of such a planning obligation, please refer to the Local Training and Employment Planning Guidance on the Council's website.
- 14.6 It may also be the case that the Council would seek a contribution towards employment and skills training, as part of the S106 agreement, so that we can provide the right support for people to access jobs and further training, which is crucial to promote a growing and inclusive economy. Any such contributions would be discussed at the pre-application or application stage.
- 14.7 If a Section 106 agreement is not required, then a planning condition would be used to achieve the desired provision.
- 14.8 The Local Training and Employment Planning Guidance also provides additional information on target setting and delivery arrangements.

15.0 EDUCATION PROVISION OBLIGATIONS

Policy Background - Planning

- 15.1 The NPPF sets out that the Government attaches importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools; and work with school promoters to identify and resolve key planning issues before applications are submitted.
- 15.2 The National Planning Practice Guidance (PPG) on Planning Obligations states that:
- “Plans should support the efficient and timely creation, expansion and alteration of high- quality schools. Plans should set out the contributions expected from development. This should include contributions needed for education, based on known pupil yields from all homes where children live, along with other types of infrastructure including affordable housing”.*
- 15.3 The NPPF also sets out that decision makers should consider existing or planned/ committed school capacity and whether it is sufficient to accommodate proposed development within the relevant school place planning areas. Developer contributions towards additional capacity should be sought, if required. This should include all school phases age 0-19 years, special educational needs (which could involve greater travel distances) and both temporary and permanent needs.

Policy Background - Education

- 15.4 Department for Education (DfE) guidance ‘Securing Developer Contributions for Education’ (November 2019), referenced in the PPG, stipulates that local authority capital funding for school places does not negate the responsibility for housing developers to mitigate the impact of development on education provision. For this reason, developers will be expected to contribute to provision (both temporary and permanent places), unless there is clear evidence of sufficient (and appropriate) capacity available in schools in the local area to accommodate the numbers of additional pupils generated through housing growth. Such contributions may be sought for: pupils receiving primary and secondary education up to the age of 19 and expansions required to sixth form facilities; Special Educational Needs

and Disabilities (SEND) provision. It also specifies that all new primary schools are expected to include a nursery, which developer contributions as a result of housing growth have a role to play in funding.

- 15.5 The PPG also makes clear that where additional school places have been forward-funded (in advance of developer contributions being received), developer contributions will remain necessary as mitigation for the additional demand created by a new development.
- 15.6 The CSUCP plans for new development in locations that make best use of existing infrastructure capacity. However, some future housing sites may be in areas where there is limited spare capacity within existing local schools, or where they are expected to hit a trigger point where expansions to existing schools or new school provision will be required to accommodate the increase in pupils generated by the new development.
- 15.7 In addition to s106 developer contributions, the adopted CIL provides another mechanism to fund the provision of education facilities.

Current Position and Future Need

- 15.8 Annual pupil projections are undertaken by the Council, using live birth, health and pre-school data, and take into consideration recent admission trends within and across the six School Planning Areas in Newcastle. Developers are strongly advised to liaise with the Council at pre-application stage, before submitting an application for residential development, to ensure assessment of any potential need for education contributions is undertaken. A developer will only be expected to provide a needs assessment where agreement on need and any required mitigation cannot be agreed with the Council. If a needs assessment is required, developers must take into account any known future demand already placed upon new school places created in the surrounding area.

Requirement for Contributions

- 15.9 Developers are required to contribute by means of a s106 planning obligation towards the necessary costs of mainstream nursery and primary age school accommodation (including special needs) where more than 10 dwellings are being delivered and at least 1 pupil place is expected to be generated. Contributions are only required from the CSUCP strategic allocation sites (i.e. those allocated in the following Core Strategy policies - AOC1, NN1-4, NV1-3). Planning obligation contributions may also be sought from residential developments in the outer west of the city which would primarily generate additional demand for places in schools which are being delivered to support the strategic allocation sites specified in the above policies. Developers are recommended to consult the planning authority as early as possible to determine if a contribution may be required.
- 15.10 Elsewhere in the City, the CIL remains the main mechanism for funding further development related primary school age places and is identified in the CIL infrastructure list contained in the Council's IFS (Regulation 121 A).
- 15.11 Following strategic planning for secondary school places, two new secondary/ high schools are being delivered by the Department for Education through the 'Free Schools Program'. This is expected to meet the city's future requirements; therefore, no further contributions towards secondary school provision is sought at the present time. However, this position will be kept under review with any change reported through the Council's annual Infrastructure Funding Statement.
- 15.12 Pupil yields in the City underpin developer contribution modelling and have been incorporated into Local Plan viability assessments, which has been tested at Local Plan and CIL examinations and are monitored to ensure their continuing validity. For example, in Newcastle Great Park there was an average household size of 3.14 and over 400 primary age children in residence per thousand households. This indicated a justified need for

changes to the pupil yield for larger dwellings.

- 15.13 The Government now expects local authorities to obtain developer contributions for nursery places. Therefore, the pupil yield models for primary provision have been revised proportionally to account for the additional year groups this covers.
- 15.14 To provide additional SEND pupil places arising from a development, Table 7 identifies a pupil yield calculation for the proportion of the total pupil population in Newcastle who have an Education, Health and Care (EHC) Plan or a statement of need. In Newcastle this currently equates to 1,436 (3.2%) of the total pupil population in the City's schools. However, this proportion is subject to regular updates through the DfEs 'Special Education Needs in England' report. For this reason, column 2 of Table 7 and any resultant changes to the ratio should be used to calculate SEND pupil yield arising from new housing developments.

Property Size	Pupil Yield for Primary Age Mainstream pupils	Pupil Yield for Primary-Age SEND pupils
2 bed flat	0.03	0.0010
3+ bed flat	0.11	0.0035
2 bed house	0.19	0.0060
3 bed house	0.30	0.0096
4+ bed house	0.40	0.0128

Table 7: Pupil yield by dwelling size for primary age years

Level of Contribution

- 15.15 The level of education contributions required will be based on estimated pupil yield for the proposed housing mix, multiplied by an average cost per pupil place. The most recent indicative cost per primary school pupil place is set out in Table 8 and will be subject to updates to the national data. This reflects typical school costs for new schools and extensions, informed by national averages in the DfEs school place scorecards (adjusted for regional cost weighting and inflation) and justified by local cost data for recent and planned school builds and expansions in the city.

	Mainstream Primary School Contribution - New Build	Mainstream Primary School Contribution - Permanent Expansion
Cost per pupil	£20,745	£17,467
Furniture/fittings contribution per pupil	£914	£914
Total Contribution per primary school pupil	£21,659	£18,381

All stated costs are subject to indexation

Table 8: Pupil yield by dwelling size for primary age years

- 15.16 Where a location for a new school provision is established arising from a development, site investigations and site constraints would need to be considered, with any site abnormal and actual costs being taken into account, as necessary, to ensure the ground is suitable for school use. Land required for the construction of a new school or expansion and associated open spaces, should also be provided at no cost to the local authority as part of a s106 agreement or other mechanism wherever possible.

Cost Per Pupil Place in Newcastle

- 15.17 DfE recommends that education contributions arising from development should be calculated by multiplying the pupil yield by the cost per pupil in the Local Authorities School Places Scorecard. The costs for England in 2019 are set out below. These figures are subject to regular updates to ensure accuracy of localised costs (see website link below).
- 15.18 In addition to capital costs, a charge of £914 for every pupil place will be secured for ICT, furniture, and equipment. These development costs are not included in the DfEs school place scorecard figure. The contribution is based on recent school delivery in the city at Great Park.
- 15.19 DfE recommends that developer contributions for SEND school places are set at four times the cost of mainstream places, consistent with the space standards in Building Bulletin 104 and National School Delivery Cost Benchmarking report for the costs of delivering SEND school places.

Type of Provision for Primary Age	
Gross Internal Floor Area (GIFA) Per Pupil Place (m ²)	6
Gross Cost per m ²	£3,303
Contribution Per Pupil (£) (subject to indexation)	£79,272

Table 9: Primary SEND School Place

- 15.20 Contributions will be sought toward SEND provision from all residential developments which will yield additional demand for primary school places. Contributions will be calculated by multiplying the current proportion of pupils with an Education, Health and Care Plan in Newcastle schools (3.2% as of January 2019) with the estimated primary yields for a development and multiplying the resulting costs by four.

Operation and Assessment of Contributions

- 15.21 In the CSUCP strategic allocation site areas, where education contribution can be sought through a planning obligation, the applicant may be required to undertake a needs assessment if a position cannot be agreed with the Council on generated pupil yield from the development and a contribution and/or on-site provision to mitigate for this. The assessment should be based on the current and any projected pupil/ school capacities forecast in appropriate local schools (as available at the time of developer discussions and application determination).
- 15.22 Where, as part of a wider development, a new school opens and is below its full capacity, this does not represent an available surplus for other developments to utilise when undertaking their own educational needs assessment. The school capacity can only be factored into a needs assessment where the development delivering the new school will not be completed or generate enough pupils to fill the school.

Contribution Funding

- 15.23 Education contribution funding will secure the capital costs of accommodating school pupils. This could fund the capital build, access and associated site curtilage costs for an expansion or new build. In line with DfE guidance, developer contributions could also be used to provide temporary solutions to meet education needs where it may not be possible to open a permanent new school at the point of need. However, the permanent provision of additional school places will still have to be funded to mitigate the impact of a development.

- 15.24 With regard to SEND contributions, the local authority will identify projects and ensure that planning obligations allow the flexibility to direct funds appropriately to meet the expected increase in need. While it may be appropriate to pool contributions towards a new classroom in a special school, contributions could also be utilised for school building alterations that increase a mainstream school's capacity to cater for children with special needs.
- 15.25 In setting the terms of any s106 agreement, the trigger point for the payment, or provision and opening of the additional school places, would need to ensure that the necessary school provision is available when required, thus ensuring sufficiency of local school places. The timing of new school provision will need to strike an appropriate balance between place-making objectives, education needs and parental preference.

Contribution Example

- 15.26 For a development of 100 homes consisting of 20 x 2 bed dwellings, 40 x 3-bedroom dwellings and 40 x 4-bedroom dwellings, the contributions toward a new build primary school, plus resulting primary special education payments would be calculated as follows:

Mainstream New Build Primary School Contribution

Pupil Yield (using table 7)

$$20 \times 0.19 = 3.8 \text{ pupils}$$

$$40 \times 0.3 = 12 \text{ pupils}$$

$$40 \times 0.4 = 16 \text{ pupils}$$

$$3.8 + 12 + 16 = 31.8 \text{ additional pupils from the development}$$

Mainstream Per Pupil Cost (using table 8)

$$£20,745 \times 31.8 = £659,691$$

$$£940 \times 31.8 = £29,065$$

Total Mainstream Primary School Contribution

$$£659,691 + £29,065 = £688,756$$

SEND Primary School Contribution

Pupil Yield (using table 7 and mainstream pupil yield)

$$(3.8 \times 0.0060) + (12 \times 0.0096) + (16 \times 0.0128) = 0.34 \text{ SEND pupils}$$

SEND contribution (using table 8 and above yield)

$$0.34 \times £79,272 = £26,952$$

Total School Contribution

$$£659,691 + £26,065 = £688,756$$

16.0 OTHER SITE-SPECIFIC MEASURES OBLIGATIONS

- 16.1 Other site-specific measures are those obligations required to mitigate the impact of a particular development that may be required to comply with Local Plan policies. This is not an exhaustive list but gives an indication of the types which may be sought:
- Provision of additional primary health care capacity to comply with CS14. Population growth from a development will increase the demand to access healthcare services. Existing GP practices may be able to absorb some additional demand but where population growth is projected to increase patient list sizes to the point that practices

cannot continue to provide a high standard of care, contributions will be sought to provide additional capacity. Mitigation will be through the provision of new clinical floorspace to meet the evidenced shortfall, either through the extension of an existing practice or the development of a new facility. Land may also be sought within a development, where appropriate. The digitisation of some patient consultation services means that contributions may also be used to provide for increased capacity and efficiency of this type of healthcare provision. The Council will consider the need for contributions from individual applications through consultation with Newcastle Gateshead Clinical Commissioning Group (CCG) and in due course the statutory integrated care systems which will replace them. It is strongly advised that pre-application engagement is sought with the CCG/ ICS to establish the need for mitigation and how additional capacity will be provided.

- Offsite accessible and adaptable contributions may be sought to comply with DAP Policy DM6 where Building Regulation M4(2) measures including step-free access is not feasible for site specific reasons such as vulnerability to flooding, sloping topography, stair accessed apartments or other circumstances. The costs of a unit designed to Building Regulation M4(2) standard is £2,000 (subject to indexation).
- Secure the long-term management and maintenance of areas of open space, trees and landscaping as part of a development, both to protect public access to the space and its multi-function and visual amenity value as part of local green infrastructure to comply with Policies DM27 and DM28.
- Planning obligations may secure public access to land, routes and buildings required to secure public benefits arising from a development and facilitate the multi-functional benefits of green infrastructure networks in accordance with Policy DM27.
- Funding for measures formally identified as Neighbourhood Partnership priorities or through Neighbourhood Plans that will be adversely impacted on by a development proposal, and which could legitimately be covered by planning obligations.
- Provision of site-specific management and maintenance of sustainable urban drainage schemes (SUDs) for developments. A separate long-term monitoring fee will be required to support the local lead flood authorities on-going monitoring of the SUDs on the site to comply with Policies CS17 and DM26 (ii and iii).
- Where air quality assessments identify measures for air quality improvements secure provision of on and off-site air quality mitigation measures to comply with Policy CS14 and DAP Policy DM24.
- Measures that support the protection and enhancement of the historic environment to comply with Policy CS15 and DAP Policy DM15.
- The delivery and long-term maintenance of climate change mitigation measures associated with a development to meet the Council's objective of being a carbon neutral city by 2030, for example, through the development and connection to district energy supply networks in accordance with Policy CS16.
- Securing the installation and maintenance of public art projects and installations in accordance with Policies CS15 and UC17.

16.2 This is not an exhaustive list, but an indication of the types of measures which may be sought in particular cases. Individual cases where planning obligations will be identified as part of pre-application discussions and/or during the determination of the application on a case by case basis, or through a site wide masterplan or local development framework document.

APPENDIX 1: Vacant Building Credit Calculation

The Vacant Building Credit is calculated as follows:

$$R = A \times B \times C$$

Where:

R is the residual required number of affordable homes (after applying Vacant Building Credit)

A is the total number of unit proposed

B is the standard policy requirement for affordable homes, expressed as a percentage (10% on developments of 10-14 units & 15% on developments of 15 or more units)

C is the net additional floorspace, again expressed as a percentage of the total floorspace proposed

So a scheme of 100 units where the net increase in floorspace only accounted for one-third of the total floorspace proposed would have a requirement for $100 \times 15\% \times 33.3\% = 5$ units.

Should you require any further assistance or clarification,
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