

# 1. Introduction

- 1.1 High Peak Borough Council adopted their Local Plan in April 2016, setting out the spatial strategy, development requirements, site allocations and development management policies for the period 2011 to 2031. The current Planning Obligations Supplementary Planning Document (SPD) was adopted in December 2005 and precedes the Local Plan, therefore in need of an update to take account of changes within the legislative and policy framework.
- 1.2 As part of the initial work undertaken, a series of stakeholder engagement was carried out with key service areas across the Council and the County Council to gain a more detailed understanding of current processes, key issues and potential opportunities that could be addressed through the SPD.
- 1.3 This Issues and Options document is the next stage in the review process leading to production of an updated Developer Contributions SPD for the Borough. It identifies key planning obligations that that could be sought to mitigate against the impacts of development and sets out a number of options for consideration and inclusion within the SPD, including the recommended approach to be taken where relevant. Where appropriate, a preferred option has also been given based on stakeholder engagement/senior officer discussions and desktop research. The next steps in this process will be refining these options and developing a draft SPD document.
- 1.4 Once adopted, the SPD will help ensure that that development proposals make a positive contribution to sustainable development by providing social, economic and environmental benefits to the community as a whole that is in line with current local plan policies. In addition, it will also help to increase understanding of the Developer Contributions process and provide greater transparency in how they are applied, thereby enabling developers to take potential costs of proposed development into account at the earliest opportunity.

## **Purpose of the Supplementary Planning Document**

- 1.5 Supplementary Planning Documents (SPDs), whilst not part of the development plan itself, are documents which add further detail to the policies in a Local Plan. They are capable of being a material consideration in planning decisions and can be used to provide further guidance for development on specific sites or on particular issues, such as developer contributions. Once finalised this document will therefore sit alongside the High Peak Local Plan.
- 1.6 The main purpose of this SPD will be to set out the Council's approach to the use of Section 106 (S106) agreements used to secure developer contributions from new

developments. This will assist stakeholders in the development process, including planning officers, developers, service providers, Councillors and members of the public. More specifically, it will:

- Outline the mechanisms for securing developer contributions and explain the relevant legislative and planning policy context within which contributions are sought.
- Explain what is expected of applicants and what the applicant can expect from the Council in relation to securing S106 planning agreements.
- Ensure the developer contributions process is fair, transparent, and applied consistently.

## **S106 Planning obligations**

- 1.7 Developer contributions or planning obligations can be secured via Section 106 (S106), which are legal agreements between the developer and/or landowner, the local planning authority, and other service or infrastructure providers linked to a proposal or mitigation scheme. They are legally binding and enforceable.
- 1.8 Developer contributions via S106 can be provided on or off-site via financial contributions; affordable housing provision; or the direct delivery of facilities.
- 1.9 As set out in the [Community Infrastructure Levy \(CIL\) Regulations 2010](#) and paragraph 57 of the NPPF, S106 obligations should only be used to secure infrastructure where all of the following tests are met:
  - necessary to make a development acceptable in planning terms;
  - directly related to a development; and
  - fairly and reasonably related in scale and kind to the development.

## **2. General approach to developer contributions**

- 2.1 The following section provides a summary of the approach to developer contributions, that will be outlined as an introductory section of the SPD. The specific areas set out in this document are the most common types of developer contributions that are required; however, other infrastructure requirements not identified may also be considered necessary in certain circumstances where appropriate evidence is apparent to mitigate development impact.

### **Trigger points**

- 2.2 Trigger points are the stages within the development process at which payment of a contribution or provision of infrastructure becomes necessary; examples include: 'prior to commencement', 'prior to occupation' or 'upon completion'. During the

negotiation stage of the S106 agreement, the triggers points for each obligation will be discussed between the developer, the Council and the County Council and any other infrastructure providers involved in the S106 agreement.

- 2.3 Infrastructure providers should suggest trigger points when submitting their requests for contributions which will aid the Council when drafting the S106 agreement. Trigger points should be both clear and reasonable, with the aim of securing the full delivery of both the development and necessary infrastructure when and where it is needed to mitigate the impacts of development. The Council will aim to ensure that trigger points are viable to the specific stage of the delivery of the development. By outlining specific guidance on trigger points, developer contributions can be monitored more consistently as expectations set are clear and consistent.

## **Indexation**

- 2.4 At present the approach to indexation applies two different methods across various agreements. Both the Retail Price Index (RPI), published by the Office of National Statistics (ONS) and the Construction Materials Price Index (CMPI), published by the Department of Business, Energy and Industrial Strategy (BEIS) are currently used in S106 agreements.
- 2.5 To ensure the real value of developer contributions is maintained up to the date of payment, given there can be delays in the planning process or for development to commence/complete, the principal sum should be index linked to ensure that inflation and fluctuations in market prices are reflected. The SPD should also state that contributions will be index linked from committee resolution to the trigger point and contributions should not be less than the amount originally agreed if the indexation decreases.

### ***Option to apply consistent methodology (as updated from current approach)***

- 2.6 As noted above, both the RPI and CMP index are applied at present; it is recommended that a consistent approach is endorsed, unless exceptional circumstances apply. As the CMPI reflects the cost of construction materials and therefore directly relates to development costs, this is considered to be more accurate than the general RPI if the contribution is to be used to fund infrastructure.

## **Prioritisation of contributions**

- 2.7 The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts arising from a development through a planning condition. Planning obligations may only constitute a reason for granting

planning permission if they meet all of the tests that they are necessary to make the development acceptable in planning terms.

- 2.8 There may be instances where contributions are not viable. Where sufficient developer contributions cannot be made to mitigate the impact of a development, and the contributions are considered necessary in order to make the development acceptable in planning terms, the Council may decide to refuse the application. In these cases, viability considerations will be irrelevant.
- 2.9 However, some developments may not be able to make contributions towards all of the infrastructure that is required but remain desirable for other reasons. Where such viability constraints exist, the Council could consider including a contributions priority table within the SPD. However, the relative importance of an obligation will depend on the development being considered and will require a judgement to be made by the Council when considering that planning application (e.g. a large-scale residential development will have different infrastructure priorities as opposed to a large-scale commercial development proposal).

#### ***Proposed option 1***

- 2.10 A statement of recognition to make it clear that it is the Council's discretion to decide what the priority is for contributions, should there be a viability issue preventing all requests from being fulfilled. The Council will base this decision on priorities in the Local Plan, Corporate Plan and other supporting Council strategies. There may also be requirements for sub-areas in the Borough, which will set specific priorities, and these will also be reflected through regular update of the [Infrastructure Delivery Plan \(IDP\)](#), which sets out current provision of infrastructure across the Borough and infrastructure requirements over the plan period to deliver growth. Specifically, it outlines what infrastructure is needed, when it is needed, who is responsible for providing it, how much it will cost and how it will be funded. The IDP should be seen as an evolving document and will support the SPD by providing regular review and update of infrastructure requirements. Regular review of the IDP and therefore priority of projects can be more reactive to changes in budget, requirement and policy.
- 2.11 Additionally, the type of development proposed will influence which contributions are most important or relevant, for example a large residential development could identify education and affordable housing as priorities, whereas a retail development might prioritise highways/junctions, public realm and biodiversity etc.

#### ***Proposed option 2***

- 2.12 Table one below sets out 'critical infrastructure' and 'desirable infrastructure' as outlined within the IDP. These have been categorised into sub priority groups to demonstrate how contributions could be prioritised; however, it may be necessary to

re-examine these categories following discussions with stakeholders and when considering any additional evidence in specific or exceptional circumstances. By updating the IDP, further consideration can be given to the validity of these categories, as currently some of the contributions could fall within either category; namely public transport, walking and cycling and leisure facilities (recreation).

Table 1: Example of priority contributions based on the IDP (2014)

Category	Contribution type	Priority Sub-category
Critical infrastructure as identified in the IDP  (necessary to make development acceptable in planning terms)	Highways Education Flood risk and drainage Waste management	Priority 1a
	Health / expansion of GP surgeries Affordable Housing Public transport, walking and cycling Leisure facilities	Priority 1b
Desirable infrastructure as identified in the IDP  (policy priority to improve existing levels of capacity and generally delivers place making benefits)	Open space, sports and recreation Measures in Green Infrastructure Strategy Sustainable travel – i.e public transport, bus stops, walking and cycling etc.	Priority 2a
	Public realm Playing pitches Community and cultural, libraries etc. Emergency services	Priority 2b

### **Proposed option 3**

- 2.13 The SPD could outline a ranking scale for infrastructure projects and types, defining categories that are i) critical, ii) essential, iii) a policy priority or iv) desirable; these categories could link in with the IDP and be updated regularly. [Runnymede Council](#) have implemented a similar process and an example of this infrastructure priority matrix is outlined in table two below. The types of infrastructure to be included within each priority category below are only intended to be indicative at this stage and would therefore likely to require further discussion and agreement from key stakeholders.

Table 2: Example ranking scale for infrastructure and types

Prioritisation level	Description
Critical	Infrastructure which must happen to enable growth. Without critical infrastructure development cannot proceed and the Local Plan cannot be delivered.
Essential	Infrastructure required to mitigate impacts arising from the operation of development. Lack of delivery is unlikely to

	prevent development in the short-term but failure to invest could result in delays to development in medium-long term as infrastructure capacity becomes constrained.
Policy priority	Infrastructure supporting wider strategic or site-specific objectives as set out in Local Plan policies, but lack of delivery would not necessarily prevent development.
Desirable	Infrastructure required for sustainable growth but unlikely to prevent development in short to medium term.

***Sub-option (as a proposed add-on to the options above)***

- 2.14 Depending on the proposed prioritisation option that is taken forward, the SPD could also consider a further step of evaluation within the process that will assess planning obligations and/or contributions according to their value. This would add a further level of consideration within the contributions prioritisation system to enable the Council to consider the most effective way to spend contributions based on their value, particularly where viability is an issue (e.g. for some development proposals, the council may consider that contributions below £10,000 may have a more meaningful impact when spent on green infrastructure or open space and recreation or towards a specific scheme or project identified in the IDP). This assessment would therefore be supported by the infrastructure requirements needed to make a development proposal acceptable in planning terms and should relate back to the wider policy and priorities for required infrastructure, supported by the IDP.

**Viability**

- 2.15 At present, the Council does not have a formal protocol in place to deal with viability issues that arise. Therefore, a consistent approach to this is recommended and one that ensures the Council does not bear the costs of having viability assessed independently.

***Requirement for viability measures within the SPD***

- 2.16 It is acknowledged that there may be occasions where, as a result of economic viability, the development is unable to meet the full developer contribution requirements, and applicants must demonstrate whether particular circumstances justify the need for a viability assessment. In addition, the time lag between calculating contributions and real costs of delivering a project can have implications on viability.
- 2.17 As outlined in national guidance, where a viability assessment is submitted to accompany a planning application, this should be based upon and refer back to the viability assessment that informed the local plan, and the applicant should provide evidence of what has changed since then. Any viability assessment should reflect the government's recommended approach to defining [key inputs](#) as set out in NPPG, which also states that the price paid for land is no longer an input into viability assessments nor a relevant justification for failing to accord with relevant policies in

the Local Plan. The SPD will clearly state the steps that developers/applicants must take when submitting a viability assessment, including:

- The requirement to engage with the Council as early as possible in relation to viability issues.
- The Council could also seek to test the development viability by seeking other viability enhancements such as deferring or phasing contribution payments to assist developers when necessary if it is agreed that viability is considered to be marginal.
- To substantiate a claim the Council will require a full financial appraisal through an informed and independent assessment of viability signed by an appropriately qualified and independent valuer or financial professional and that all costs incurred in undertaking such an assessment being paid for by the developer. The Council also reserves the right to appoint a suitably qualified person to undertake the review if required.

2.18 The guidance will also refer to Derbyshire County Council's Developer Contributions Protocol document with regard to their approach to viability.

## Monitoring

2.19 The [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations 2019](#) allow fees for monitoring obligations to be sought from developers where:

- the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

2.20 National guidance also states that fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation, or could be a fixed monetary amount per obligation in the agreement (for example, for in-kind contributions). Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive.

2.21 Therefore, the Council could request a fee to cover the cost of monitoring and administration of developer contributions to cover:

- The maintenance and development of the planning obligations monitoring database system to assist in the co-ordination of obligation preparation, raising invoices, calculation of staged payments, collection, monitoring and review.
- The monitoring of trigger points and development progress.
- Recovery of planning obligations that have not been fulfilled, including any necessary enforcement or legal action.
- Liaison between council service departments and with Derbyshire County Council.

- Preparing the annual Infrastructure Funding Statement, which is a statutory requirement under the CIL regulations.

2.22 The most common approaches applied are:

- Option 1 - Apply a standard charge for monitoring, based on net additional dwellings.
- Option 2 - Apply a standard charge based on a cost per S106 head of term and/or trigger point. This could also be applied to non-financial contributions.
- Option 3 - Apply a charge based on a percentage of the total value of financial contributions secured in the Section 106 agreement (with a maximum cap). This approach seems to be applied to older SPDs with many local authorities updating their approach to monitoring fees based on option 1 or 2.

2.23 Appendix two includes examples of different approaches to monitoring fees implemented by other Councils to demonstrate the various methods that can be used. The County Council's monitoring cost is based on the cumulative number of triggers to be monitored for obligations based on officer time (ie. £70 for 2 hours at Grade 12 level), although this is a lower fee than the average across other Councils noted in the appendix.

***Preferred option***

2.24 Where the Council uses S106 legal agreements to mitigate development proposals, it is important that they are monitored to ensure trigger points are adhered to. The Council currently absorb the cost of monitoring S106 agreements. However, like other Councils, it is reasonable to expect the developers who benefit from the planning permission to meet these costs.

2.25 Based on the background research carried out, it is recommended that the Council apply a standard monitoring fee per obligation trigger (Option 2), which is in line with the County Council's overall approach. The fee would be based upon the occurrence of triggers for compliance of a planning obligation rather than each obligation individually. The exact amount to charge per obligation trigger is an area of work that is still undergoing further research and engagement with stakeholders. Appendix two highlights that the monitoring fees charged by other councils varies widely. The rationale for applying this approach is based on officer time taken to effectively monitor these trigger points and carry out the tasks outlined in paragraph 2.21, which need to be done regardless of the scale and size of the development. Similarly, applying a percentage fee could result in a disproportionate monitoring fee that is not reflective of officer monitoring time. As there is currently no dedicated monitoring officer/resource within the Council there will be a need to provide an estimate on associated costs to robustly justify the level of monitoring fees requested.

2.26 In addition it is recommended that the SPD states that monitoring fees are payable upon the completion of a S106 agreement, to enable the council to cover the costs of monitoring the commencement of development. The fee should be periodically



reviewed to ensure the administrative costs associated with monitoring and managing developer contributions are covered.

### 3. Potential contributions that could be sought within the SPD

#### Affordable Housing

High Peak Local Plan Policies	Other relevant Strategies and guidance
<ul style="list-style-type: none"> <li>▪ H3 New Housing Development</li> <li>▪ H4 Affordable Housing</li> <li>▪ H5 Rural Exception Sites</li> <li>▪ H6 Gypsies, Travellers and Travelling Show People</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strategic Housing Market Assessment 2014 or successor documents</li> <li>▪ Chapel en-le Frith Neighbourhood Plan (and any future Neighbourhood Plans produced).</li> </ul>

#### ***Key policies and strategies***

- 3.1 To support the Government's objective of significantly boosting the supply of housing, the NPPF emphasises the importance of meeting the needs of groups with specific housing requirements. Paragraph 63 notes that where there is a need for affordable housing, planning policies should specify the type of affordable housing required and expect it to be met on site unless:
- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - the agreed approach contributes to the objective of creating mixed and balanced communities.
- 3.2 The Council's overall approach to affordable housing is set out in Policy H4 and the supporting text. This policy states that residential developments of 25 dwellings or more should provide 30% affordable housing and for sites of 5-24 dwellings (0.16 hectares or more) should provide 20% affordable housing. Since the Local Plan was adopted the NPPF update in 2018 stated that affordable housing should not be sought for residential developments that are not major developments, other than designated rural areas. In light of the ministerial statement, High Peak requirement for affordable housing is therefore applicable to sites of 10 or more dwellings, 20% provision expected on proposed sites of 10-24 homes. Where affordable housing is below the requirement, applicants will need to provide evidence by way of a financial appraisal. Affordable housing should be provided on site, unless in exceptional circumstances when off-site of commuted sums may be considered. The Council will aim to negotiate financial provision towards affordable housing on alternative suitable sites if there are any shortfalls in provision within the thresholds outlined.

#### ***Interpretation of policy to inform guidance***

- 3.3 The affordable housing requirement within the Borough is clear and provides for 20-30% of affordable housing target, dependent on the size of development. The Council's preference is for affordable housing to be provided on site, but where this is

not possible, the Council currently relies on the 2007 Housing Needs in High Peak SPD to calculate commuted sums, which is now outdated, but is based on an 'equivalent value' approach and therefore will be superseded once the SPD is adopted.

### ***Proposed options***

- 3.4 A review of approaches to collecting affordable housing contributions has been taken, which includes assessment of example uses in other local authorities to help inform the preferred method. There are commonly four main approaches used, which are summarised below, and a more detailed review is provided in appendix one.

Table 4: Methods for calculating affordable housing contributions

<b>Type</b>	<b>Description</b>
Cost based	Applied either as a straightforward correlation between the cost of developing the affordable units and the commuted sum payable.
Residual value based	This is the residual value of a scheme with 100% market housing minus the residual value of scheme including affordable housing = commuted sum.
Gross development Value (GDV) based	This is applied by establishing the Open Market Value of the equivalent affordable scheme minus value of affordable scheme as paid by the Registered Provider (RP) = commuted sum, or Calculating the GDV of whole scheme and multiplying by the percentage of affordable dwellings minus RP price paid = commuted sum
Development area based	Expressed as the affordable percentage of each market unit multiplied by the build cost.

### ***Preferred options***

- 3.5 There is a need to look at the potential options outlined above in more detail and receive further input from the Council's housing department before determining a preferred option. If possible, it would also be useful to mock test some of the approaches above to provide an indication of the likely levels of payments in lieu that would be generated.

### **Vacant building credit (VBC)**

- 3.6 To support the use of brownfield land, the NPPF makes provision for vacant buildings being reused or redeveloped to reduce affordable housing contributions. To ensure that this financial credit is applied appropriately, it is recommended that the SPD sets

out the relevant criteria that development proposals must meet as this has been flagged as a current issue in terms incorporating VBC when calculating affordable housing contributions and also doesn't seem to be widely understood by developers. Table 5 provides a summary of this criteria in line with the NPPF and the government's National Planning Practice Guidance.

Table 5: Vacant Building Credit (VBC) Criteria

Criteria	Basis	Evidence required
Is the site brownfield?	Paragraph 64 of the NPPF  (to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, affordable housing contribution due should be reduced by a proportionate amount."	Satisfactory evidence that the definition of 'previously developed land' as set out in the NPPF glossary applies to the site.
The building(s) has not been abandoned	NPPG Paragraph: 029 Reference ID: 23b-029-20190901	The VBC applies where the building has not been abandoned. When deciding whether a use has been abandoned, the Council will consider: <ul style="list-style-type: none"> <li>▪ The condition of the property</li> <li>▪ The period of non-use</li> <li>▪ Whether there is an intervening use</li> <li>▪ Any evidence regarding the owner's intention.</li> </ul>
The building has not been made vacant for the purposes of redevelopment	NPPG Paragraph: 029 Reference ID: 23b-029-20190901	Applicants will need to demonstrate through formal records (e.g., Rates and/or council tax) that the building has been in continuous lawful use.

### Open space, sport and recreation

High Peak Local Plan Policies	Other relevant Strategies and guidance
<ul style="list-style-type: none"> <li>▪ C4 Open Space, Sports and Recreation Facilities</li> <li>▪ S5 – S7 Sub-area policies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strategy for Physical Activity and Sport.</li> <li>▪ High Peak Playing Pitch Strategy and Action Plan</li> <li>▪ High Peak Open Space Study</li> <li>▪ High Peak Open Space Standards Paper</li> <li>▪ High Peak Borough Council Parks Strategy 2021-31</li> <li>▪ Emerging Leisure Strategy</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Sport England Toolkit</li> <li>▪ Fields in Trust Benchmarking</li> </ul>
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**Key policy and strategies**

- 3.7 Paragraph 98 of the NPPF highlights the importance of having access to a network of high-quality open spaces and opportunities for sport and activity in supporting healthy lifestyles and communities.
- 3.8 Policy CF4 states that new residential development will be required to provide or contribute towards public open space in line with the standards set out in the Peak Sub-Region Open Space, Sport and Recreation Study. The basis for calculating the level of developer contribution required under the policy is set out below, setting out how much open space provision (in hectares per 1,000 people) is needed to strategically serve the High Peak plan area in the future.
- 3.9 Policy C1 states that the Council will support schemes that “protect, retain or enhance community facilities”, which include sports and physical activity facilities under the Local Plan definition.
- 3.10 A total of 232 sites are identified as open spaces High Peak, which is equivalent to 471 hectares in total. The [Open Space Standards Paper](#) study also identified a number of shortfalls in quality and accessibility standards across the Borough for different types of open space. A summary of the current provision against recommended open space quantity standards is outlined below in table six. This table highlights that Glossopdale is experiencing a shortfall across all types of space, which also has the highest population.

Table 6: Current provision against recommended quantity standards (Open Space Standards Paper, 2017).

Analysis area	Parks and gardens 1.15		Amenity greenspace 0.60		Allotments 0.24	
	(Hectares per 1000 population)					
	Current provision	+/-	Current provision	+/-	Current provision	+/-
Buxton	2.66	+ 1.51	0.46	- 0.14	0.48	+ 0.24
Central	0.55	- 0.60	0.86	+ 0.26	0.24	=
Glossopdale	0.81	- 0.34	0.57	- 0.03	0.22	- 0.02
<b>TOTAL</b>	1.25	+ 0.10	0.63	+ 0.03	0.30	+ 0.06

- 3.11 The 2018 [Playing Pitch Strategy and Action Plan](#) provides an overview of current levels of provision within High Peak across the public, education, voluntary and commercial sectors. This strategy recommends that where developer contributions are applicable, a Section 106 Agreement or equivalent must be completed that should specify, when applied, the amount that will be linked to Sport England’s

Building Cost Information Service (BCIS) from the date of the permission and timing of the contribution/s to be made. Contributions should also be sought towards the first ten years of maintenance on new pitches. It also identifies areas of demand as shortfalls are expected to emerge (mostly football and cricket) across the council area to provide an indication of future need.

**Summary of existing method used**

- 3.12 Currently the existing method of requesting developer contributions is based on the Peak Sub-Region Open Space, Sport and Recreation Study, which recommends the quantity standards for each type of open space or recreation facility and accounts for how much provision is needed. The calculation is based on a standard per dwelling as summarised in the table below, with the total sum for each type of open space added together for the final contribution. As the calculation is quite outdated, an annual increase of 3% is added to account for the average rates of inflation.

Table 7: Financial contribution per dwelling to be sought from new residential development

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>Nature of open space or recreation facility</b>	<b>Provision required in hectares per 1,000 population</b>	<b>Standard per new dwelling (m<sup>2</sup>)</b>	<b>Horticulture schedule of rates per m<sup>2</sup></b>	<b>Contribution per dwelling</b>
Equipped children's play	0.11	2.56	£75	£192
Parks and Gardens	1.15	26.81	£21.30	£571
Outdoor sports facilities	1.05	24.47	£20	£489.40
Allotments	0.22	5.13	£15	£76.95

**Interpretation of policy to inform guidance**

- 3.13 Based on the local plan policy, it may be possible to expand the scope of developer contributions asked for under this topic to reflect future needs as evidenced in the Open Space Strategy, Playing Pitch Strategy and Indoor Sports Facility Strategy. The SPD should also refer to any forthcoming updates to evidence and the IDP, which will be updated regularly. The method in which contributions are calculated could also be reviewed to ensure that commuted sums reflect the costs of delivering infrastructure.
- 3.14 The Council alongside FMG Consulting have followed the Sport England Strategic Outcomes Planning Guidance (SOPG) process and as part of this, have used various demographic profiling and supply and demand modelling (including Sport England FPM) to update latest evidence in preparing the emerging Leisure Strategy for built

facilities. These have then been costed approximately will also be reflected in an up-to-date IDP, once agreed.

**Proposed options**

- Review of commuted sums – a review should be carried out regarding the method used to calculate commuted sums for open space, sports and recreation. This should consider the Sports England Toolkit and other relevant evidence as outlined above. The method used to calculate on ‘per dwelling’ basis appears to have transitioned to a ‘per bedroom’ calculation for most authorities.
- A review of the categories to ensure contributions are effectively collected. Requirement for a comprehensive range of contributions to help deliver open spaces, sports and recreation facilities.
- Maintenance of open spaces, sports and recreation facilities – it is understood that the Council currently does not take responsibility for maintenance or management of new on-site facilities. Therefore, the SPD should provide further detail in relation to Policy CF4, which refers to management to be undertaken by community owned and run trusts. There is also potential to include a fee for maintenance in the S106, as adopted by Burnley Council, who apply and additional £8 per sq m calculated over 15 years. In instances where the Council receives a contribution towards existing off-site facilities and are responsible for maintenance, the SPD could make a requirement for maintenance costs to be included; however, further clarification of how this can best be incorporated is still being explored.

**Preferred option**

3.15 There is a need to look at the potential options outlined above in more detail and get input from officers within the leisure and recreation department to ensure alignment with the Leisure Strategy; however, a preferred approach would be a combination of all three options.

**Biodiversity & Green Infrastructure**

High Peak Local Plan Policies	Other relevant local Strategies and guidance
<ul style="list-style-type: none"> <li>▪ EQ 5 Biodiversity</li> <li>▪ EQ 8 Green Infrastructure</li> <li>▪ EQ 9 Trees, Woodland and Hedgerows</li> </ul>	<ul style="list-style-type: none"> <li>▪ Landscape Impact Assessment 2014</li> <li>▪ Climate Change Plan 2021/22</li> <li>▪ Water in Buxton Supplementary Planning Document</li> <li>▪ Peak Sub-Region Climate Change Strategy 2009</li> <li>▪ Peak District Biodiversity Action Plan</li> <li>▪ The Environment Act 2021</li> <li>▪ Future Local Nature Recovery Strategy / Biodiversity Strategy</li> </ul>

**Key policy and strategies**

3.16 The NPPF specifies the need to protect biodiversity, including designated sites, priority habitats and wider ecological networks. It promotes the conservation, restoration and enhancement of priority habitats and ecological networks and priority

species. In accordance with paragraph 174 of the NPPF, planning polices, and development decisions should minimise the impacts on and provide net gains for biodiversity.

- 3.17 The Environment Act 2021 supplements existing legislation and policy and introduces new incentives, actions and planning tools to drive further improvements for nature. A key component of the Act is the requirement for development proposals to deliver at least 10% improvement to biodiversity; grants of planning permission are to be accompanied by a condition stipulating biodiversity gain which is to be managed for at least 30 years.
- 3.18 Policy EQ 5 sets out the need for biodiversity to be protected and enhanced to achieve a minimum no net loss and where possible overall net gain. There is strong emphasis in the policy for partnership working to ensure a collaborative approach to ensure a whole systems approach that can identify specific measures and projects that are needed to support and improve biodiversity value.
- 3.19 Policy EQ 8 requires that development proposals as far as possible, contribute towards the creation of new or enhancement of existing green infrastructure, including public and private open space, recreation areas, parks and formal outdoor sports facilities, local nature reserves, wildlife sites, woodlands, allotments, bridleways, cycle ways and local green spaces. There is a strong correlation between policies EQ 5 and EQ 8, which is also supported by the requirement to retain and replace trees, woodland and hedgerows in Policy EQ 9.

***Interpretation of the policy to inform guidance***

- 3.20 There is no direct policy reference to contributions in the policy; however, the reference to biodiversity net gain will be strengthened by the Environment Act, which will require 10% biodiversity net gain on all development by 2023.
- 3.21 It is expected that biodiversity and green infrastructure enhancements will generally be secured through planning conditions; however, there may be some circumstances where it is suitable to ask for specific mitigation or compensation to make a development proposal acceptable given that this is set out in national legislation. Policy EQ 5 seeks to deliver net gains in biodiversity and by engaging with stakeholders to outline key requirements to strengthen biodiversity in the Borough, the IDP can help link objectives, strengthen ecological networks and create corridors to ensure effective land management and biodiversity value. In accordance with the Environment Act, the developer is required to maintain the enhancement for at least 30 years after the completion of works. The habitat should be delivered on-site, however, where this is not possible offsite contributions or statutory biodiversity credits may be applied.

### ***Current approach***

- 3.22 The Council does not currently include any planning obligations under biodiversity and climate change.

### ***Proposed option***

- 3.23 With support of an updated IDP, as outlined above, include the Council's ambition to achieve at least 10% net gain in biodiversity when this cannot be secured via planning conditions. This could include off-site mitigation and enhancement measures for both the direct and indirect impacts of a development scheme. Given the national requirement by autumn 2023 to provide a biodiversity minimum net gain of 10% and the Council's green agenda, the inclusion of this within the SPD will ensure that there is provision made to secure developer contributions for biodiversity net gain where it is not possible to deliver these through development design or planning conditions. The SPD could encourage these measures in advance of them becoming a statutory requirement in 2023.

## **Climate change**

High Peak Local Plan Policies	Other relevant local Strategies and guidance
<ul style="list-style-type: none"><li>▪ EQ 1 Climate Change</li><li>▪ EQ 11 Flood Risk Management</li></ul>	<ul style="list-style-type: none"><li>▪ Climate Change Plan 2021/22</li><li>▪ Water in Buxton Supplementary Planning Document</li><li>▪ Peak Sub-Region Climate Change Study</li><li>▪ Strategic Flood Risk Assessment</li></ul>

### ***Key policies and strategies***

- 3.24 The NPPF outlines the importance of the planning system in shaping places to reduce emissions, support renewable and low carbon energy, improve resilience, support resource efficiency and endorse sustainable design and construction methods. High Peak declared a Climate Emergency in 2019 and began the process of developing an action plan to achieve the goal of achieving Net Zero by 2030. The Climate Change Action Strategy for High Peak outlines the key targets to reach this aim, which includes tackling emissions and improving energy efficiency in buildings as well as increasing public transport use, cycling and walking.
- 3.25 Policy EQ 1 considers the measures necessary for the Council to move to a low carbon future for the Borough, including renewable, low carbon and decentralised energy, sustainable locations for development, waste and water management and sustainable design and construction. The Council seeks to ensure that development proposals foster an approach to mitigate and adapt to climate change. Policy EQ 6 also cross-references the requirement for development to meet environmental performance standards in accordance with EQ 1.



- 3.26 Policy EQ 11 considers flood risk management and appropriate measures that should be taken to ensure that potential development does not increase the risk of flooding, whilst encouraging the use of natural features of the environment to alleviate flooding and the impacts of climate change as far as possible.
- 3.27 The Water in Buxton Supplementary Planning Document provides further guidance to ensure that development preserves the quality of water resources within the Buxton sub-area and supports water efficiency, adding further detail to policies EQ1 and S7. The two key issues that the SPD seeks to address with regard to water quality are protection of mineral water sources and effective management to improve quality and minimise phosphate levels in the River Wye which forms part of the Peak District Dales Special Area of Conservation (SAC). One of the priority areas for the Environment Act is also water quality, which will also strengthen the legislative requirement to ensure that development does not have adverse impact.

#### ***Interpretation of Policy to Inform Guidance***

- 3.28 Although there is no direct reference to developer contributions within the Local Plan policy, there is opportunity to underpin the policy requirements with additional detail and specific elements that can be provided within a S106 agreement. The SPD should also refer to the Council's Climate Change Strategy and thereby ensuring that any potential obligations will be closely aligned to this strategy.
- 3.29 The Water in Buxton SPD has been published to provide further detailed analysis on the issue of water quality in the Buxton area, as well as providing guidance for developers to help manage the issue. The SPD refers to the use of conditions to prevent pollution of water sources; however, there may be a need to refer to this guidance to request developer contributions when where it is not possible to address unacceptable impacts arising from a development through a planning condition.

#### ***Proposed options***

- **Sustainable design and construction** – in order to ensure that new development proposals make the fullest contribution to minimising greenhouse gas emissions, new developments will be encouraged to achieve the highest standards of sustainable design and construction. This could encourage measures such as energy assessments, CO2 reduction, environmental rating etc.
- **Electric Vehicle Charging** - in order to facilitate new technologies and future proof developments the provision of Electric Vehicle Charging Points should be incorporated into the design of major developments.
- **Securing connection to decentralised energy networks** – in accordance with Policy EQ1, opportunities to deliver decentralised energy systems, may be supported by developer contributions, particularly for larger developments
- **Air quality** – where a site has a particular impact on or exposure to potential air quality issues, measures to ensure appropriate monitoring and/or delivery of specific

mitigation may be required via S106. Larger developments may be required to submit an Air Quality Neutral (AQN) assessment. Developers must fully mitigate the air quality impacts of the new development by providing mitigation measures or offset the additional emissions by making a financial contribution. If a financial or in-kind contribution is deemed necessary, on a case-by case basis a project or sum will be identified and agreed to mitigate the effect on air quality from development.

- **Flood risk** – a Section106 Agreement may be identified as the most effective mechanism to ensure mitigation of flood risk and drainage issues and may include measures such as the provision of Sustainable Drainage Systems (SuDS). S106 may be sought on all proposals where the development requires off-site management of water to ensure no increase in flood risk elsewhere or off-site works to reduce the overall flood risk to an acceptable level, to the satisfaction of the Environment Agency (or other relevant authority).
- **Water quality** – Pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourse, which can also be managed by SuDs. There is also concern that septic tanks could affect the groundwater quality so in accordance with the Water in Buxton SPD, contributions towards upgrades to public sewage treatment systems could be required.
- **Water efficiency** – Cross referencing the Water in Buxton SPD, which refers to the potential to reduce the amount of water discharged to wastewater by 20%, by achieving 110 litres per person per day in residential development, with specific measures outlined in the SPD.
- **Carbon off-setting** – mitigation measures that could be included to development proposals include tree planting schemes, community energy projects, retrofitting initiatives.
- **Provision of cycling and walking links and cycle parking** – in order to promote more sustainable transport modes, such as walking and cycling, developments that generate significant demand for travel could provide features such as cycle path links and cycle storage facilities.

### ***Preferred option***

- 3.30 The requirement to move towards a low carbon future and the need to mitigate and adopt to climate change is a key theme within national and local policy. The preferred approach would be to adapt a range of options outlined above to ensure a greater level of climate resilience.

### **Retail and Town Centres**

- 3.31 The NPPF acknowledges the importance of town centres and the key role they play at the heart of local communities. It is therefore noted that planning policies should take a positive approach to their growth, management and adaptation. The NPPF also outlines the preference for locating main town centre uses in town centres rather than edge, or out of centre locations. In accordance with this, policy CF 1 of the Local Plan also notes that developer contributions may be sought to mitigate identified impacts of town centre uses of 200 sq m or more outside of defined centres.

### ***Proposed options***

- The SPD should include a section on the provision of town centre improvements associated with new developments, which will also link to regular update of the IDP.
- The SPD should outline further detail on contributions for developments that have a detrimental impact on town centres (e.g retail proposals outside the town centre). Further engagement is needed on what such contributions could be used on (e.g specific town centre improvement projects etc).

### **Health**

- 3.32 The NPPF has a chapter dedicated to promoting healthy and safe communities and paragraph 96 states that planning authorities should work with delivery partners to plan for required public service infrastructure facilities.
- 3.33 Facilitating health and well-being is a key theme incorporated throughout the Local Plan. Policy CF 3 Local Infrastructure Provision, outlines the requirement to provide for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups
- 3.34 The Central Sub-Area Strategy also identifies the importance of supporting enhancements and provision of new healthcare facilities in the area to meet the needs of community and support growth. In addition, a key priority within the corporate plan 2019 -2023 is to ensure effective health provision.

### ***Interpretation of the policy to inform guidance***

- 3.35 The long-term growth of the Borough set out within the Local Plan, will inevitably lead to increased pressure on primary healthcare infrastructure and will require specific interventions that can be provided within a S106 agreement.

### ***Current approach***

- 3.36 Currently the Council have no set policy or formula for negotiating developer contributions towards health but it is understood that the NHS/ Clinical Commissioning Group (CCG) are consulted during the planning application stage, although responses received tend to be ad hoc.

### ***Proposed option***

- 3.37 The SPD should include a section on the provision of health to refine this process and ensure formal protocols are in place. Anticipating future need and increasing patient numbers is challenging; therefore, the Council should continue to work collaboratively with the CCG/ NHS to support the use of developer contributions to

implement primary healthcare infrastructure, particularly for large strategic sites. It is also important that the IDP is up to date to provide clarity on future funding requirements. The Derbyshire Developers Contribution Protocol document should also be referenced (Public Health and Adult Social Care).

## **Training and Employment**

- 3.38 Local Plan Policy CF 3 refers to the commitment to facilitate improvement to the capacity of education, training and learning across the Borough to help improve skills and employment opportunity. Policy S4 also highlights the importance of improving workforce skills by encouraging the provision of new training facilities on employment sites. Policy E1 New Employment Development recognises the importance of a skilled workforce to increase employment opportunities and states that agreements should be made where appropriate for developers to contribute towards training programmes, employment support and employment access schemes.

### ***Interpretation of policy to inform guidance***

- 3.39 In compliance with the above, policy is supportive of the inclusion of requirements within the SPD to help increase opportunities for local employment and training.

### ***Proposed options***

- **Training and employment opportunities** - Major developments over a certain threshold may be required to provide direct provision of employment and training initiatives. This provision would be for local people living within the Borough and directly relate to the employment needs of the development with the aim to maximise opportunities to develop local skills, business performance and expand employment provision. This could be managed through a Training and Employment Management Plan that would promote training and employment opportunities at all stages of the development to meet specific needs identified locally.
- **Local procurement opportunities** – The SPD could seek opportunities to ensure that local businesses benefit from the construction and end use of developments. Through this, developers will be expected to work with the Council to promote and advertise tender opportunities and would be encouraged to achieve procurement of construction contracts and goods and services from companies and organisations within the Borough.
- **Financial contribution** - Where appropriate, seek a financial contribution for training co-ordination.

### ***Preferred option***

- 3.40 Depending on the size and nature of development proposals, the Council should seek a combination of the options outlined above. The threshold for requiring such obligations will require further consideration and engagement with Council stakeholders.

## Highways

- 3.41 Chapter nine of the NPPF requires the planning system to promote sustainable travel. It also states that transport issues should be considered from the earliest stages of plan making and development proposals. When assessing development proposals, it should be ensured that any significant impacts from the development on the transport network, or on highway safety can be cost effectively mitigated to an acceptable degree. Developments that generate a significant amount of movement should be required to provide a travel plan.
- 3.42 Derbyshire County Council are responsible for collecting contributions in relation to highways and guidance is set out in the Developer Contributions Protocol document so this will be explained within the SPD. The majority of highways improvements and modifications are secured by planning conditions, in consultation with the highways department. Developer contributions sought through a Section 106 agreement may be to allow the Highway Authority to use developer funding to carry out improvements to the highway network to accommodate the development. This mechanism can also allow the Highway Authority to seek contributions towards Travel Planning, Public Transport services, sustainable travel and pedestrian and cycle infrastructure, provided that the NPPF planning tests are met. Active and sustainable travel have also been considered under the Climate Change topic.

## Education

- 3.43 The NPPF notes the importance of having a sufficient choice of school places available to meet the needs of existing and new communities. Paragraph 95 states that local planning authorities should:
- a) Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- a. Policy CF 3 acknowledges the requirement for new development to consider existing capacity of existing infrastructure, which includes education facilities. The County Council is the Local Education Authority and has the statutory duty for the provision of education. The SPD will therefore not set out the County Council's education infrastructure contributions policy, but will sign-post to the Developer Contributions Protocol Document, which is updated annually and signed off by the Council. Some key aspects will be highlighted, such as the potential need for forward funding by the County Council in advance of receiving money from the planning obligation. Where the delivery of a project is critical and already built in advance of requesting S106,

further explanation of this potential requirement will be helpful for developers to understand that advance funding was in place.

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## Appendix 1

Summary of calculation of commuted sums used by other councils.

Approach	Local Authority	Summary of how this is applied
Cost based approach	Staffordshire Moorlands	<p>The contribution towards development of affordable housing elsewhere will be expected to reflect the provision that would have been required in the facilitating development.</p> <p>The Council will base the calculation of the commuted sum on the amount of the Social Housing Grant necessary to secure an affordable home of an equivalent size and type on another site.</p> <p>The calculation of the level of grant will be at normal grant levels as calculated from the regional Total Cost Indicator (TCI) calculation based on TCI 2002/3 levels, updated by Builders Cost Information Service indices. This provides a transparent way of calculating commuted sums that will realistically lead to the provision of affordable housing off site. Money collected will be kept in a specific housing fund managed by the Council and will only be used to fund affordable housing within the District. If not used within 10 years the contribution will be returned to the developer with accumulated interest.</p>
Gross Development Value (GDV)	Sefton Council	<p>Step A: The applicant must provide details of the different types and sizes of homes within the proposed scheme. The Council, in liaison with the developer, will determine what proportion of each of these house types would be required to be affordable if the Council's affordable housing policy were to be met. The key consideration should be meeting the overall provision of affordable bedspaces [30% outside Bootle] and the ratio between social and intermediate bedspaces of 80:20.</p> <p>Step B: The applicant must provide details of the open market value [OMV] of these identified affordable homes. This should be based on local evidence of similar schemes and supported by a valuation prepared by an RICS Registered Valuer.</p> <p>Step C: The applicant must submit evidence to demonstrate how much an appropriate Registered Provider [RP] would purchase the affordable housing units for on the basis that the dwellings remain affordable units. This can be provided as either a) as a cash price for each affordable unit or</p>

		<p>b) as a % of the OMV for affordable home types [i.e. social and intermediate] the RP would normally pay [i.e. the RP transfer rate].</p> <p>The applicant should calculate the 'cost to developer' if the affordable units were to be provided on site. The cost will be equivalent to the difference between the open market value and the price that the Registered Provider would be prepared to pay.</p> <p>e.g. e.g. If a house is worth £200,000 on the open market and a registered provider would purchase the property for £120,000 then the 'cost to developer' would be £80,000 4 Similarly if the RP would pay 60% of the OMV for a house the developer would bear the remaining 40% of the value, i.e. the 'cost to developer' would be £80,000.</p> <p>Step D: Once the total 'cost to developer' is calculated for the scheme the Council will include an uplift to the financial contribution to reflect the fact if the affordable homes are provided off-site the number of homes in the total scheme actually increases.</p> <p>Total Scheme [TS] = Market Homes [MH] + Affordable Homes [AH]  Market Homes [MH] = 0.7 x Total Scheme [TS]  Affordable Homes [AH] = 0.3 x Total Scheme [TS]</p>
<p>Gross Development Value (GDV)</p>	<p>Allerdale Borough Council – Developer Contributions SPD (2017)</p>	<p>For the purposes of calculating commuted sums payable in lieu of affordable housing on-site, for affordable/social rented units the sum shall be equal to the difference between the open market valuation of the units for which a need has been identified and the purchase price that a Registered Provider would be willing to pay for those units. For intermediate (Low Cost Home Ownership) units the sum shall be equal to the difference between the open market valuation of the units for which a need has been identified and the discounted purchase price at which those units would be offered.</p> <p>With regards to affordable/social rented units, Registered Providers' purchase values typically based on a calculation from rental income, typically over a 30 year period. On average, across the Allerdale Plan Area, these purchase</p>



		<p>values equate to 50% of the open market value.</p> <p>However, the commuted sum sought by the Council will be calculated based on past evidence taking into account recorded purchase values and the level of discount achieved within the locality in which the development site is located (governed by the localities identified in Policy S6 of the Local Plan Part 1). In relation to intermediate units the commuted sum sought will be calculated based on the Council's most current discount schedule for Low Cost Home Ownership units. A worked example is provided in Figure 1.</p> <p>e.g Development of 40 dwellings</p> <p>Affordable/social rented units: = 55% of OMV</p> <p>Intermediate rented units: = 70% OMV</p> <p>Affordable requirement of 20% = 8 units (5 affordable rent; 3 intermediate) Open market value = £175,000 per unit</p> <p>Affordable value (affordable rent) = £96,260 per unit (£175,000 x 55%)</p> <p>Affordable value (intermediate) = £122,500 per unit (£175,000 x 70%)</p> <p>Commuted Sum = (£175,000 x 8) – (£96,260 x 5) – (£122,500 x 3) = £1,400,000 - £481,250 - £367,500 = £551,250</p>
Gross Development Value (GDV)	Stroud Developer contribution SPD (2017)	<p>For simplicity, the Council suggests that financial contributions are calculated on the basis of the values that registered providers of affordable housing normally pay to acquire affordable housing.</p> <p>During the 2009 Lydney appeal in the Forest of Dean, the Inspector accepted that RPs would normally pay around 55% OMV for affordable units. On this basis, commuted sums will be calculated at a rate of 45% OMV of a notional affordable unit in order to reflect the 'developer subsidy' element of affordable housing provision.</p>

		<p>Worked example: A site for 12 units gives rise to an affordable housing component of 3.6 units. Three units are to be provided on site; the remaining 0.6 will be paid as a financial contribution.</p> <p>Open Market Value (OMV) of a two-bedroom open market property = £170,000  55% OMV = £93,500  £170,000 – £93,500 = £76,500  £76,500 x 0.6 = £45,900</p>
Residual value based	Castle Point (2014)	<p>Assumptions:  The Development Viability Assessment identifies that Affordable Homes sell to registered providers at approximately 70% of the market sale value. Therefore, the cost to the developer of on-site provision is approximately 30% of the market sale value. The level of contribution, consistent with the New Local Plan policy, is considered to be 25% in Benfleet, Hadleigh and Thundersley and 15% on Canvey Island. Should a different level of contribution be agreed, having regard to the section that follows, then the calculation should be adjusted accordingly.</p> <p>Calculation  15% or 25% x (30% market share value of total residential development) = financial contribution in lieu of on-site provision</p>
	Rushcliffe Commuted Sum Guidance Note – 2016 – Residual value based	<p>The calculation of the commuted sum should be based upon the gross development value of the proposal (based on local housing market evidence) compared against the combined cost of purchasing the land, construction, planning obligations and a competitive return for the developer.</p> <p>The required sum will be determined according to the difference between the financial return (profit) for the developer of the proposal with the affordable units on-site and the proposal without them. 19. When calculating the commuted sum the gross development value should include any rental incomes, the sale of properties, and any subsidies and grants.</p> <p>The cost of development should include construction costs, site costs (landscaping, roads and infrastructure), planning obligations (including</p>

		<p>affordable housing), professional fees, finance, sales and profit. Abnormal cost which are unique to the development should not be included within the cost of development as these costs should be reflected in the land value and absorbed by the landowner.</p> <p>The calculation of the commuted sum will be informed by:</p> <ul style="list-style-type: none"> <li>a) the particular circumstances of the site;</li> <li>b) the residential scheme proposed;</li> <li>c) current construction and finance costs;</li> <li>d) current house prices and land values; and</li> <li>e) current national and local policy requirements, including Community Infrastructure Levy (when adopted) and affordable housing requirements</li> </ul>
Development area based	Rutland District Council	<p>Equivalent value principle is used.</p> <p>Calculation is based on 35% (the affordable housing requirement) of the average cost per sqm of a market home up a maximum of 85sqm. "Developers will be charged per square metre based on the average size of market homes on the site, up to a maximum of 85m<sup>2</sup>. The use of a square metre rate up to 85m<sup>2</sup> means that developments of modest market homes will not be penalised. The same size was used in the modelling for developers" contributions for other services and is also within the Homes and Communities Agency's range for a 5 person home.</p>

## Appendix 2

### Approach to monitoring fees used by other councils

Local Authority	Fee / justification																												
South Oxfordshire	<p>South Oxfordshire council recovers the cost of the administration and monitoring of each agreement through Section 106 monitoring fees, which should be paid upon completion of the S106 agreement, as costs are incurred immediately. Costs are set out below and can also be viewed <a href="#">here</a>.</p> <table border="1"> <thead> <tr> <th></th> <th colspan="3">Site size</th> </tr> <tr> <th>Admin / monitoring fee required</th> <th>Under 40 dwellings</th> <th>40 – 399 dwellings</th> <th>400+ dwellings</th> </tr> </thead> <tbody> <tr> <td>Recording (per agreement)</td> <td>£78</td> <td>£1571</td> <td>£392</td> </tr> <tr> <td>Reporting (per agreement)</td> <td>£392</td> <td>£1,177</td> <td>£3,140</td> </tr> <tr> <td>Financial Monitoring (per financial obligation)</td> <td>£157</td> <td>£257</td> <td>£628</td> </tr> <tr> <td>Affordable housing monitoring fee</td> <td>£61</td> <td>£90</td> <td>£2 per unit</td> </tr> <tr> <td>On-site provision of open space</td> <td>£400</td> <td>£800</td> <td>£800+</td> </tr> </tbody> </table>		Site size			Admin / monitoring fee required	Under 40 dwellings	40 – 399 dwellings	400+ dwellings	Recording (per agreement)	£78	£1571	£392	Reporting (per agreement)	£392	£1,177	£3,140	Financial Monitoring (per financial obligation)	£157	£257	£628	Affordable housing monitoring fee	£61	£90	£2 per unit	On-site provision of open space	£400	£800	£800+
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Havant Borough Council	<p>Havant borough council charges a fee to monitor all planning obligations as set out in the CIL Regulations and this is decided at a cost per head of term contained within the obligation and is in addition to the legal charge for drafting and checking the obligation.</p> <p>£753.80 per non-financial head of term (outside the scope of VAT)                      5% of cost per financial head of term (outside the scope of VAT)                      Monitoring fee is capped at a maximum of £10,833 per application.                      This cap only applies to major applications without long term ecological management which may be subject to separate negotiation.</p> <p>Further information on Havant's monitoring fees can be found in the <a href="#">Developer Contributions Guide</a>.</p>																												
East Suffolk Council	<p>From 1 April 2021 East Suffolk Council will charge a monitoring fee of £408 per obligation trigger towards administration costs. The fee is based upon the occurrence of triggers for compliance of a planning obligation rather than each obligation individually. The monitoring fee is to be paid at completion of the s106 legal deed, to enable the council to cover the costs of monitoring the commencement of development. The fee will be periodically reviewed to ensure the administrative costs associated with monitoring and managing</p>																												

	<p>developer contributions are covered by the fee.</p> <p>Where RAMS Habitats Mitigation payments are paid in advance of the planning permission and are not included within a s106 agreement, these obligations will not be subject to the monitoring fee.</p>
Bedford Borough Council	Bedford Council charge £102.50 inc VAT to discharge each S106 contribution.
Maidstone Borough Council	<p>Maidstone apply the following S106 monitoring fees:</p> <ul style="list-style-type: none"> <li>For all non- residential development and for residential developments of under 40 units, the monitoring fee for s106 legal agreements with one planning obligation (for example, the provision of affordable housing) is £1000 and then £500 for each additional planning obligation.</li> <li>For residential development of 40 or more units, there will be a fee of £1500 for a s106 agreement incorporating one obligation and £750 for each additional planning obligation.</li> </ul>
Mid Sussex District Council	<p>The 2021/2022 fees for monitoring planning obligations are as follows:</p> <ul style="list-style-type: none"> <li>For developments up to 15 dwellings - £150 per obligation</li> <li>For larger developments between 16 and 100 dwellings, and including commercial developments - £450 per obligation</li> <li>For very large developments over 100 dwellings - £500 per obligation. Where an obligation is based on triggers, the fee will be £500 per trigger.</li> </ul> <p>On all developments there will be a £300 fee levied for each approval required either by Mid Sussex District Council or West Sussex County Council as set out in the planning obligation. For example, a management plan.</p> <p>There may be an additional fee for site inspections where land is being transferred to the District Council.</p>
Braintree District Council	Braintree District Council set monitoring fees at £400 per trigger for S106 agreements as of 1st April 2020. Monitoring fees are reviewed annually.
South Holland District Council	<p>South Holland operate a three-tier cascade system for monitoring fees.</p> <ul style="list-style-type: none"> <li>Minor developments monitoring fee: A minor development is classified as 'less than 10 residential units and where the gross floor space to be built is up to 1,000 square metres, or where the site area is less than 1 hectare'. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of less than 0.5 hectares is classed as a minor development.</li> <li>The fee for monitoring minor developments under Section 106 is £1,500</li> </ul>

	<ul style="list-style-type: none"> <li>• Small scale major developments monitoring fee - Small scale major developments are classified as '10 to 199 residential units (inclusive) and where the gross floor space to be built is 1,000 to 9,999 square metres, or where the site area is 1 hectare and less than 2 hectares'. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of between 0.5 hectares and less than 4 hectares is classed as a small-scale major development.</li> </ul> <p>The fee for monitoring small scale major developments under Section 106 is £2,500</p> <ul style="list-style-type: none"> <li>• Large scale major developments monitoring fee - Large scale major developments are classified as '200 or more residential units and where the gross floor space to be built is 10,000 square metres or more, or where the site area is 2 hectares or more. Where the number of dwellings to be constructed or floor area proposed is not given in the application, a site area of 4 hectares or more is classed as a large-scale major development.</li> </ul> <p>The fee for monitoring large scale major developments under Section 106 is £3,500</p>
Gedling Borough Council	Trigger Monitoring Charge (£315) X No. of Obligation Triggers requiring monitoring