

# NORFOLK COUNTY COUNCIL

## INFRASTRUCTURE, SERVICE AND AMENITY REQUIREMENTS FOR NEW DEVELOPMENT

### Planning Obligations Standards For Education, Library, Fire Hydrant and Social Service Provision

**June 2007**

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**Infrastructure, Service and Amenity Requirements for New  
Development  
Norfolk County Council Standards – June 2007**

**1. Background - Housing Growth 2001 - 2021**

- 1.1. The emerging Regional Spatial Strategy (RSS) identifies 72,600 new dwellings in Norfolk in the period 2001 to 2021. This level of growth will inevitably place additional burdens on existing infrastructure and services throughout the County. Given the scale of the planned housing growth and the long time horizon involved it is important to ensure that the necessary improvements to the County's infrastructure and services are properly met where possible through developer contributions.
- 1.2. It is important to recognise not only the impact arising from individual developments but also the cumulative impact of these developments, particularly in the context of the County's highways and transport infrastructure. Similarly there will be a cumulative impact on other County services such as the provision of schools and libraries.

**2. Introduction**

- 2.1. The purpose of this document is to set out clearly the standard requirements the County Council may seek in association with new development. These standards apply to the following services:
- Children's Services;
  - Library;
  - Fire Service;
  - Adult Social Services.
  - Public Rights of Way
- 2.2. At this stage no equivalent standards have been produced for highway and transport provision. It is anticipated that there will be separate charges levied and that these will be produced in consultation with the District Councils.
- 2.3. Other requirements will also be sought by the District Council for affordable housing, play space, open space etc. In addition other service providers, such as the Police and the various Health bodies may seek developer contributions towards improvements to their services. Any such requirements must be:
- Necessary to make the proposed development acceptable in planning terms;
  - Relevant to planning;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects.

- 2.4. The County Council will provide a detailed justification/explanation of any contributions it seeks. The list of Standard Charges below illustrates the range of facilities that may be expected from developers as a consequence of the development. Developers will be expected to enter into a S.106 legal agreement with the local planning authority regarding the contributions sought.
- 2.5. These Standard Charges have been prepared in accordance with the revised Planning Obligations Circular 5/05 published on 18 July 2005.
- 2.6. The Standard Charges are based on April 2007 prices and will be revised on a regular basis taking into account:
- Inflation;
  - changes in national guidance/standards; and
  - any other material considerations.

### **Dealing with Outline Schemes**

- 2.7. Given that many proposals for housing come forward as outline schemes, where the precise level of housing is not known, the County Council has prepared a Best Practice Note dealing with such schemes. The Best Practice Note (November 2006) is set out in accompanying Appendix and addresses the key issues associated with Outline schemes in terms of:
1. The need to cap development to reasonable levels;
  2. The need to provide a formulaic approach;
  3. The need to review demographic multipliers;
  4. The need to provide adequate land for schools;
  5. The need for build costs to be made flexible over time.

### **Dealing with Major Urban Regeneration Sites**

- 2.8. The County Council recognises that there will be occasions when not all the infrastructure and services requirements made necessary by the development will be able to be provided by the developer. This is likely to be the case on major urban regeneration sites where there may be exceptional costs associated with site clearance and possibly decontamination.
- 2.9. In such circumstances it may be appropriate for the local authority and other public sector agencies to assist and facilitate in the development coming forward in line with paragraph B10 of Circular 5/05 (Planning Obligations). This may involve a reduction in the level of contributions normally sought. This would in practice mean the County Council or other service providers needing to fund in part the infrastructure and services needed.
- 2.10. However, in such circumstances the County Council would need clear evidence that:

- The economics of the site do not allow for all contributions to be met. The County Council acknowledges that there may be instances when such evidence/information is provided from the applicant in confidence to the District Council. In these circumstances the County Council would expect the District Council to scrutinise the evidence rigorously. The County Council would want assurance from the District Council that they are satisfied with the evidence provided to them as reason for waiving any contribution sought; and
- The development is in the wider public interest i.e. will provide a wide range of community benefits such as the removal of derelict land and will provide local services (e.g. schools and healthcare provision) accessible to the community as a whole.

Cabinet approval would be needed before the County Council could agree to reduce its infrastructure and service requirements. The County Council recognises that it is the District Council who will determine the application and ultimately decide the content of the S106 agreement.

### **Pooling of Contributions**

- 2.11. The developer contributions below may be pooled by the County Council and used to provide improved infrastructure and services across a wider area. Where contributions are pooled the County Council will seek to extend the time limit within which the money collected needs to be spent. Where contributions are pooled these will be monitored to ensure it is properly collected and spent in line with the advice set out in Circular 5/05 (Planning Obligations) (see Monitoring Section 8 below).

### **3. Education Provision**

- 3.1. The County Council has a statutory responsibility for Education provision in the County for children between the ages 5 and 16 years. The Learning and Skills Council (LSC) has a responsibility in conjunction with the County Council to provide post – 16 education to those students requiring a school place. In addition the County Council has a statutory responsibility to provide pre-school places (e.g. Play Group and/or Nursery provision) for children aged three and over. Contributions for pre-school provision may be required either for existing schools or purpose built new facilities on a separate site. Existing playgroups and nurseries (including private facilities) will be taken into account.
- 3.2. In order to assess the number of new children likely to arise from a new development the County Council has undertaken an analysis of recent development in the County which has resulted in the use of the following pupil generation figures<sup>1</sup> (based on 100 dwellings):-

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<sup>1</sup> The County Council on a regular basis reviews these pupil generation figures.

**Table 1**

<b>Age range</b>	<b>No. years cohorts</b>	<b>Type of school</b>	<b>Multiplier (no. of Children)</b>
3 - 5	2	Pre - School	8.4
5 - 11	7	Primary	25.4
11 - 16	5	High	14.0
16 - 18	2	Sixth Form	2.8
<b>Total</b>			<b>50.6</b>

3.3. The above multipliers are applicable for all residential developments although the following allowances are made:

- No children are assumed on development comprising 1-bed accommodation (i.e. no contributions are sought);
- For flats, apartments and maisonettes the above multipliers are discounted by a factor of 50% reflecting the fact that fewer children are likely to arise from these types of dwellings.

#### **Catchment Schools**

3.4. In urban areas where there is a greater concentration of schools, the County Council will expect pupils generated from any new development in the first instance to attend the catchment school. However, if the catchment school is at full capacity, the County Council may consider the next nearest school with places providing:

1. the school lies within the statutory maximum distance a child would be expected to travel (i.e. 2 miles for the age range 5 – 8 and 3 miles for the age-range 8 plus.);
2. there will be no adverse impact on the pupils effected in terms of splitting peer groups (i.e. classmates) or siblings;
3. existing and planned investment in local schools is not compromised;
4. the route to the school is adequate and safe. Where there is inadequate access the County Council may seek developer contributions towards safe routes to school;
5. The developer addresses the impact of those children having to commute further to school e.g. through the provision of cycle storage and/or contributions towards safe routes to school (see 4 above).

#### **Types of Requirements Sought**

3.5. Developer contributions will usually be required for:

- (a) Extending and/or improving existing schools and pre-school provision that serve the development; and/or
- (b) The building of a new school or pre-school facility where there is a

significant housing proposal (see new school costs below).

When building a new school the County Council will consider the wider community use of both the school buildings and playing fields.

3.6. It should be noted that existing spare capacity will not automatically be credited to developers, except where there is:

- A significant existing spare capacity at the recipient school; and
- This spare capacity is unlikely to be taken up by other development permitted, likely to be permitted or identified in the emerging Local Development Framework (LDF) in the catchment area.

This approach is in line with advice set out in Circular 5/05 (Paragraph 22).

3.7. It should be noted that temporary mobile classrooms will not be counted towards the net capacity of the school. Therefore those schools where there are temporary mobile classrooms present will normally be considered as being at, or over capacity, and as such developer contributions will be sought.

#### **(a) Extension Costs & New Build Costs**

3.8. The costs for both extension and new build works (i.e. new classrooms) are based on the capital cost per pupil. These costs are derived from a “basic need multiplier” produced by the Department for Education and Skills (DfES) on an annual basis. The DfES multipliers are based on building cost information received by the DfES from LEAs across the country as whole. The figures take into account regional variations in prices.

3.9. The DfES provide a range of “basic need multipliers” which take into account the different school age ranges (see below). Up until April 2006 these multipliers were produced on an annual basis by the DfES. However, it is understood that the DfES will now only be up-dating their multipliers once every 2 – 3 years. Therefore in order to maintain the value of these multipliers in real terms, the June 2006 multipliers have been updated in line with the increase in the Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service All-Tender index. These costs have been translated into the cost per dwelling (see Table 2 below) and assume that there is no long-term spare capacity at the recipient school (i.e. a worst case scenario).

**Table 2**

<b>Sector</b>	<b>Basic Need Multiplier Cost Per Pupil (April 2007) (£)</b>	<b>Standard Charge per dwelling (providing there is no spare capacity at the local school) (April 2007) (£)</b>
Nursery (3-5)	5,388	453
Primary Sector (5-11)	10,777	2,737
High School Sector (11-16)	16,466	2,305

Sixth Form (16-18)	17,677	495
<b>Total</b>		<b>5,990</b>

Therefore the total cost per dwelling for education (extension and new build) is £5,990 assuming there is no spare capacity at the recipient school.

### **(b) New School Costs**

- 3.10. Developer contributions towards a new school will be sought when:
- the existing catchment area school cannot be expanded any further (i.e. insufficient land area);
  - the proposed residential development is of such a scale that a new school can be justified. For the purposes of a new primary school the typical threshold needed to sustain a new school is between 500 – 1,000 new dwellings. For a High school the level is considerably higher 5,000 – 6,000 new dwellings;
  - If the scale of proposed development falls below the critical threshold to deliver a 100% developer funded school the LEA will seek a pro-rata contribution towards the new build costs where appropriate.
- 3.11. The build cost associated with a 210 place (1-form entry) primary school is likely to be between £4 - £5 million. The County Council would expect the free transfer of a suitable site (approximately 1 hectare). The exact cost and land requirement will depend on the scale of development proposed.
- 3.12. The build cost associated with an 800-place high school (11 – 18) are in the region of £20 million and would require a site of 5.5 – 6.5 hectares.

### **Education/Children's Services Contributions arising from Affordable Housing**

- 3.13. The approach set out below applies to both housing schemes where affordable housing forms a component part of a larger market housing development and to those schemes which are 100% affordable housing.
- 3.14. The County Council's approach is that it will seek, for the most part, education contributions on the whole housing site including any component of the proposal which may be developed for affordable housing. The reasons for seeking such contributions are:
- Affordable housing may involve a variety of tenure types, for example rented, shared equity or cheaper market housing, and these tenures are as likely, if not more so, to be occupied by families containing children as market housing; and
  - Those families moving into a new affordable development will almost

certainly have vacated a home elsewhere, which could in turn be occupied by another family containing children. This means the new development could lead in net terms to more families in the area and more children attending local schools.

3.15. However, the County Council does accept that there may be some instances where new affordable housing will not lead to additional children in the area, for example:

1. Where the families being housed are from a shared household (i.e. sharing with a family member). Therefore once they move to the new affordable home the original home reverts back to a single household; or
2. The family being housed live in a nearby bed and breakfast, hostel or other such accommodation provided by the Local Housing Authority thereby not freeing-up any housing stock; or
3. Where there is an occupancy condition precluding children (i.e. accommodation for the elderly).

3.16. Even in these circumstances (1 and 2) there may still be some justification for the County Council to seek education contributions if the family containing children move between school catchment areas (i.e. leading to children transferring schools and placing greater pressure on the recipient school). Therefore it will only be in very exceptional cases that no education contribution, or reduced contributions, are sought in connection with affordable housing proposals. In such cases it will be up to the applicant together with the Local Housing Authority to clearly demonstrate to the County Council that the affordable housing proposed will not lead to a net increase in the number of children in the respective school catchment area.

3.17. The County Council recognises that ultimately it will be up to the determining authority to decide on whether or not it is acceptable to seek education and other contributions on affordable housing schemes.

3.18. **Affordable Housing – Claw Back provision**

The County Council recognises that there is an issue surrounding the payment of education contributions for the affordable housing element of a new development. The practical solution would be for a legal agreement to allow for an element of claw-back by the applicant where it can be demonstrated that:

- a child occupying the affordable house was a pupil at Local Recipient School immediately before the dwellings was occupied; and
- The provisos set out above are satisfied.

The detailed wording of such a claw-back clause will be a matter for respective solicitors to agree, although the principle should be acceptable, as this is consistent with the current Government guidance. The County Council will monitor the implementation of this approach and review the situation when the standards are revised next year.

## 4. Library and Information Service

4.1. The County Council has a statutory responsibility to provide a comprehensive and efficient library service. New housing development will put a strain on existing library provision, which may require the following developer funding towards the provision of:

- A new library building, fixtures and stock. The provision of a new library is only likely to be sought on major new housing sites/allocations of 3,000 dwellings or more. However, each case will depend on an assessment of the particular requirements in that area and the impact a new facility may have on the public library service standards;
- The up grading of an existing library, such as, an extension and/or improvement to the existing internal floorspace to maximise the lending capacity of the library or the provision of additional library stock. Such contributions are likely to be sought for most development proposals within a reasonable distance of an existing library facility;
- A mobile service - This would apply to small-scale developments in rural areas i.e. where there is no local library (building).

4.2. The following costs per dwelling will be sought:

Type of Library Provision	Standard Charge per dwelling (£)
A new library and stock	To be negotiated
Up-grading of an existing library and stock	300
Mobile service	150
Providing extra public capacity in current libraries	50

## 5. Adult Social Services

### (a) Affordable Housing

5.1. Affordable housing is a key issue for people of all ages and disabilities who use Norfolk County Council services and this must be accessible and integrated, taking account of access to public transport in terms of location within a site.

A proportion of affordable and market housing should be built to “homes for life” standards to meet changing needs.

### (b) Residential Care Homes

5.2. An increasing proportion of the population is over 65 (25%) or disabled in some way. This places pressure on care services such as sheltered housing, housing with care and care homes, social care equipment budgets and demonstration services for equipment and assistive technology which serves the public at large.

- 5.3. Therefore on larger housing proposals, and on smaller sites where the cumulative effect on services is similar to a larger site, the County Council may ask for a contribution to develop care services for example:
- to upgrade, expand or convert care homes to housing with care;
  - to provide new housing with care to meet the needs of new residents to be near their extended family;
  - To expand the capacity of services providing equipment, including demonstration services.

This will not be a fixed charge but will be negotiated on a site by site basis, and in the case of care homes or housing with care may be based on land contribution. The justification to seek such contributions will be derived from local social care commissioning plans, which will be developed in partnership with district councils and health services, under the Local Strategic Partnership and the Community Strategy. Any contributions sought will need to fully meet the policy tests set out in Circular 5/05.

- 5.4. The County Council would support the district council in seeking contributions towards developing new or existing sheltered housing in the community to meet changing needs.

## **6. Fire Services**

- 6.1. Developers will be expected to provide fire hydrants to the relevant water main. Normally one hydrant will be needed for every 50 dwellings. The minimum cost of a hydrant to fit an 80 – 150 mm main is £610. Therefore the Standard Charge per house towards a fire hydrant is £12.20.
- 6.2. Given that the provision of a fire hydrant will in most cases be on site, the County Council would expect that they are delivered through a planning condition. The fire hydrants ought to be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, in order to avoid any excessive costs to the developer. The location of the hydrant must be agreed with the Norfolk Fire Service prior to installation. The developer will be expected to initiate the installation of the hydrant through contact with the Water Company and will incur all costs associated with the hydrant and its installation.

The Planning condition should indicate that:

“The fire hydrant/s served by mains water supply shall be provided prior to any dwellings being occupied and to the satisfaction of the Norfolk Fire Service. The developer will incur the full cost of the hydrant/s and its installation by the Water company.”

- 6.3. Developers may also be asked to contribute towards additional off-site facilities made necessary by the proposed development. For any off-site requirements the County Council would expect these to be dealt with through a S106

agreement.

- 6.4. The delivery of fire hydrants should therefore be dealt through the use of planning condition rather than within a S106 agreement.

## 7. Other Potential Contributions to the County Council

- 7.1. **Public Rights of Way** - Norfolk County Council has a duty to sign and maintain 3,750 km Public Rights of Way (PROW). New development may directly effect routes through for example:

- Requiring those that exist to be moved or adopted; or
- Creating the need for new ones; or
- Requiring existing ones to be improved.

Where detached ways are proposed it is in the public benefit that they be dedicated as public rights of way. Increased use will be made of off-site routes requiring enhanced maintenance incurring cost to this authority.

- 7.2. Therefore where proposed development is likely to have an impact on PROW, the County Council will seek to negotiate a contribution which is consistent with the tests set out in Circular 5/05.

- 7.3. **Biodiversity** – The County Council, in partnership with the respective District Council, may seek contributions towards improving areas of open space and/or the creation of new habitats in order to maintain, enhance, restore or add to biodiversity interests, where they relate to new housing development. Such contributions towards biodiversity interests will assist local authorities discharge their responsibilities under the Section 40 of the Natural Environment and Rural Communities Act (2006).

- 7.4. **Historic Environment** – Developers will usually be required to meet the costs of protecting or examining and recording archaeological remains or historic buildings through planning conditions or legal agreement.

## 8. Monitoring of Contributions

- 8.1. The County Council will closely monitor the contributions collected and ensure that any monies collected and spent is in accordance with the advice contained in Circular 5/05.

## 9. Summary of Developer Requirements

- 9.1. The table below summarises the maximum costs per dwelling for education, library and fire hydrant provision. At this stage the table excludes highway and transport requirements:

Infrastructure/Service Area	Cost per Dwelling (£)
Education <sup>2</sup>	5,990
Libraries	300

<sup>2</sup> The education figure assumes extension and new build associated with an existing school and does not reflect the construction costs of a new school.

Adult Social Services	To be negotiated
Fire Hydrant	12.20
Highways and Transport	To be agreed
Other Items (relating to Public Rights of Way, Historic Environment and Biodiversity)	To be negotiated
<b>Total</b>	<b>6,302.20</b>

## Planning Obligations - Best Practice Note

November 2006

1. Issues on Major Housing Sites – Outline Scheme
  - 1.1. The key issue facing the County Council relates to an **increase in housing** arising from increased densities. While the S106 agreements allow for an increase in housing by ensuring that each additional dwelling over and above a given level contributes on a pro-rata basis (i.e. an uplift clause), it does not allow for additional land. With a modest increase in housing of between 10% - 15% it is considered possible that a pro-rata increase in contributions would cover any additional build costs. However, the level of increase which could come forward (40% plus) on some sites (i.e. reflecting Government aspirations for higher housing densities) may require in some instances a larger school and would need additional land to that agreed in the S106.
  - 1.2. Other issues include Demographic Multipliers - S106 are negotiated on the basis of demographic multipliers produced by the Department of Planning and Transportation, which are from time to time updated. For example it was previously anticipated that 20 primary pupils and 8 high school pupils would arise for every 100 new houses. These figures have now risen to 25.4 and 14 respectively. Therefore it is possible on those S106s agreed prior to the increase in the pupil multiplier that more children will arise from the development than previously thought.
  - 1.3. Increase in Build Costs – Estimates of build costs may rise over and above those allowed for through index -linking. The S106 relies on the RICS Building Cost index.
2. **General S106 Issues and Way Forward on Outline Schemes**
  - 2.1. The above issues are particularly relevant on large-scale outline housing schemes. Such schemes will increase in number over the next 15 years, as the County has to accommodate its share of Regional housing growth.
  - 2.2. The following “best practice” actions are considered appropriate:
    - **Capping the Level of Development** - All S106 relating to outline schemes should have an upper limit/cap placed on them through condition. This cap will need to be agreed between the District the County and the developer and be soundly based on the effective delivery of infrastructure and service (e.g. for education and highway provision);
    - **A More Formulaic Approach** - The S106 ought to have a clear mechanism for the calculation of education contributions broadly as follows: –  

$$\text{Contributions (£)} = \text{Number of dwellings (N)} \times \text{pupil product (P)} \times \text{Costs per child place based on the Department for}$$

Education and Skills multipliers (see the attached appendix for the County Council's approach for dealing with outline schemes – with regard to education provision);

- **Demographic Multipliers**– these multipliers will be reviewed annually and where necessary updated in the County Council's Planning Obligations Standards. The County Council's demographers are currently reviewing existing multipliers. Any new multipliers will need to be fed into the County Council's Planning Obligations Standards (which are reviewed annually). The County Council will ensure that the most up to date multipliers are used;
- **Additional Land for a School** – in responding to District Council LDF consultations on site specific proposals the County Council will seek where appropriate additional school land to that required (i.e. contingency site) in order to serve the development in the event that housing numbers increase substantially. The site could potentially be reverted back to the developer if higher densities do not emerge. However, consideration would need to be made to the potential impact of any further housing on local infrastructure and services. In some instances it may be prudent to earmark any “contingency” site for other uses such as open space rather than simply handing the site back to the developer;
- **Build Costs for Schools** - where a new school is needed the valuation will need to be robust and time limited to say three years after the agreement is signed. Thereafter the S106 should allow the costs to be re-negotiated

