



# **Gloucestershire County Council**

## **Local Development Guide**

### **Infrastructure to Support New Development**

**July 2025**

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## Section 1: About this Document

### 1.1 Introduction

1. Gloucestershire County Council's (GCC) Local Development Guide provides information on the types of infrastructure that may be necessary to mitigate the impacts of development.
2. This guidance document is intended to aid, and improve transparency and consistency in, decision-making; and to provide guidelines to inform the preparation of Local Plan documents, Infrastructure Delivery Plans, Infrastructure Funding Statements and Supplementary Planning Documents, as well as being a material consideration in the determination of planning applications.
3. In determining planning applications, the purposes of this Local Development Guide are:
  - To provide information to Local Planning Authorities (LPA), (in Gloucestershire this includes the District, Borough and City councils), developers and all stakeholders on the types of infrastructure which Gloucestershire County Council is responsible for and may seek funding towards where it is necessary to mitigate the impact of new development; and
  - To help decide where developer obligations such as Section 106 (S106) contributions and/or Community Infrastructure Levy (CIL) payments may be necessary to mitigate the impacts of a development and make it acceptable in planning terms.
4. The Guide is not prescriptive, as each development proposal will be considered on its own merits, and any developer obligations sought will need to meet the relevant tests set out at CIL Regulations 122(2) (see Section 2.7 of this document on Planning Obligations for more).
5. Most new developments benefit from the presence of existing infrastructure. GCC is responsible for providing and maintaining infrastructure that local people and businesses rely on every day such as roads, sustainable transport measures, schools and community facilities, and services like libraries.
6. It is reasonable to expect that new development should mitigate its impact on this existing infrastructure and support the aspiration for the county to be carbon net zero by 2045.
7. A fundamental aspect of achieving sustainable development is providing infrastructure in the right place and at the right time. The local plan-led system delivered by the LPAs is key to securing growth through development while ensuring the delivery of necessary supporting infrastructure provision and service provision in a timely manner. The LDG supports this process and is used to identifying the types of infrastructure that needs to be considered to support development that is not plan-led.
8. Identifying infrastructure priorities and expectations early-on in the planning process brings a greater degree of consistency and certainty, to assist developers in their negotiations with landowners, and ensure the viability of developments. This will also

reduce delays at planning application stage and enables development and infrastructure to be more promptly delivered.

9. GCC is not a planning authority, except when it comes to matters of Minerals and Waste, and development works undertaken by GCC for its own purposes. GCC does however, have the responsibility to provide a wide range of infrastructures and services across Gloucestershire. GCC will work proactively with all groups involved in plan preparation to integrate infrastructure priorities into emerging proposals. GCC through its role as an infrastructure provider, has a significant role to play in achieving Sustainable Development, in partnership with the LPAs.
10. The LPAs produce Infrastructure Delivery Plans (IDPs) as part of the Local Plan process. IDPs identify the necessary infrastructure to support growth identified in their Local Plans. GCC strives to work positively with the LPAs to identify future infrastructure requirements, its cost, and timing of provision and potential funding mechanisms through their IDPs. Whilst GCC may explore other funding sources, developer contributions remain the primary mechanism to mitigate impacts on infrastructure and services caused by development.
11. For groups involved in neighbourhood planning, this Local Development Guide should enhance understanding of the relationship between infrastructure and growth.
12. This guidance applies to the following GCC services:
  - Highways and Transport
  - Flood Management
  - Education
  - Libraries & Archives
  - Public Health
  - Adult Social Care
  - Fire and Rescue
  - Waste and Recycling
  - Broadband
  - Monitoring
13. The Highways and Transport Infrastructure and Services that are required from new development will continue to be negotiated on a site-by-site basis directly with the Highways Authority (see Section 3.1 for further details).
14. In a similar vein, Flood and Water Management and Sustainable Drainage Systems (SuDS) will continue to be negotiated on a site-by-site basis directly with the Lead Local Flood Authority (LLFA) (see Section 3.2 for further details).
15. For all other inquiries to GCC see para 20.
16. Additional information about other infrastructure and service requirements provided and managed by Gloucestershire's District, Borough and City councils (for example affordable housing, green space or public open space provision) should be sought directly from the appropriate LPA.
17. Other services such as the Police, and the National Health Service (NHS) may seek developer contributions towards improvements to their infrastructure to mitigate the impacts of development. Such contributions must also comply with the necessary tests and other requirements of Regulation 122 of the CIL Regulations.

## 1.2 Status of the Local Development Guide

18. The Gloucestershire Local Development Guide is not a statutory planning document. It identifies the mitigation needed to offset the impacts of new development on existing GCC infrastructure and services. It provides the framework within which GCC will prepare its consultation responses to planning applications and, if necessary, object to planning applications where mitigation measures and infrastructure requirements in respect of its service areas are not adequately covered. The LPA has responsibility for weighing up the planning balance when determining applications and ultimately determining the nature, scale and final mix of all planning obligations secured.
19. This document will be regularly reviewed to keep the information up to date, to take account of changes in legislation, guidance, changes in costs or any other material considerations.

## 1.3 How to Contact Us?

20. If you have any queries about the information contained in this document, or to discuss a potential development please contact:

For Highways and Transport matters [devcoord@gloucestershire.gov.uk](mailto:devcoord@gloucestershire.gov.uk)

For Flood Risk Management [frm@gloucestershire.gov.uk](mailto:frm@gloucestershire.gov.uk)

For all other enquiries [StrategicPlanning@gloucestershire.gov.uk](mailto:StrategicPlanning@gloucestershire.gov.uk)

## Section 2: Infrastructure and Services GCC will Seek Funding Towards

21. GCC should be consulted by the LPA at the application stage on planning applications likely to have an impact on GCC infrastructure and services.
22. GCC will provide a justification of any financial contributions it seeks to mitigate the impact of development. This guide illustrates the range of contributions which may be required from developers as a consequence of new development. GCC will require developers to enter into a S106 agreement regarding the contributions sought or will require a planning condition to deliver the on-site infrastructure requirements.
23. Developer contributions, (whether through CIL or S106), awarded to GCC will be spent in accordance with the agreed priorities and with details of the expenditure recorded and reported to the Charging Authority.
24. Where contributions are sought through S106 planning obligations, the decision on the type and scale of infrastructure and services deemed necessary for developer contributions will always be made on a case-by-case basis, by the LPA, in accordance with the CIL Regulations. This will occur following the careful consideration of demonstrable need, the policy requirements of the development plan and other reasonable material factors that may inform decision makers as to the appropriate provision of infrastructure. Assessments should measure the degree of adverse impacts that might result from new development balanced against potential benefits or opportunities. In all cases the reasonableness and proportionate nature of any subsequent contributions must be in accordance with the legal tests and guidance that govern their use.
25. The following section of the guide outlines the types of infrastructure and services that GCC is likely to require to support new development. Applicants should also check with the relevant LPA regarding their planning policy requirements for infrastructure and services provision which are not county council functions.

### 2.1 Highways and Transport

26. GCC is the local Highway Authority, and its duties and responsibilities are regulated by the Highways Act 1980. GCC has a duty to manage the local highway network. Highways are routes that are maintained at the public expense and may include roads, cycle paths and Public Rights of Way (PROW). National Highways has a duty to manage the Strategic Road Network (SRN) which includes all Motorways and Trunk Roads.
27. Nearly all types of development create a level of new or re-directed travel demand, for all modes of transport. The NPPF makes several references to how transport issues are to be considered from the earliest stages of plan-making and the preparation of development proposals to promote sustainable transport and minimise adverse impacts on the highway network.
28. The LPAs in Gloucestershire seek the advice of the Highways Authority on most transport related matters, including highway safety, identifying solutions to accommodate increased transport demands, ensuring the development is inclusive,

offers a genuine choice of active and sustainable transport modes, and ongoing maintenance issues.

29. Those involved in promoting new development are expected to demonstrate that any impacts on the transport network does not result in a harmful impact on highway safety or has a severe impact on its operation.
30. Developers will be required to assess and demonstrate how sites can be accessed by all users walking, wheeling<sup>1</sup>, and inclusive accessibility to public transport<sup>2</sup> and that the infrastructure and services available for people travelling by these modes will ensure sustainable and active modes of transport are a realistic choice and trip lengths are minimised. To do this developers should use the toolkit provided by Active Travel England <https://www.gov.uk/government/publications/active-travel-england-planning-application-assessment-toolkit> to evidence availability and quality of active and sustainable transport for all development where daily trips rates (all modes) exceed 100.
31. Developers may be required to provide transport related works to address the transport impacts and needs of development or shortfalls in relation to the quality or availability of sustainable transport options. Mitigation measures for development may take the form of:
  - Improvements to streets to support walking for all, for example, crossings and seating
  - Measures to deliver LTN 1/20 compliant cycle access to enable cycling for all between the site and key daily services and facilities<sup>3</sup>
  - Public transport service provision in accordance with LTN 1/24 and facilities including bus stops and interchange hubs to the most recent standards including those with regard to inclusion, accessibility and personal safety<sup>4</sup>
  - Measures to mitigate highway safety impacts
  - Measures to accommodate the needs of electric vehicles
  - travel planning<sup>5</sup>
  - contributions to help mitigate the integrity of the highway asset resulting from increased heavy good vehicle usage.
  - Measures to address highway capacity impacts where these are severe
32. Development proposals are also expected to demonstrate that mitigation measures can be cost effectively delivered and that the reliability and safety of the transport network for people travelling by all modes of transport will not be severely impacted.
33. Demonstrating the deliverability of a transport mitigation package is of key importance to GCC. Therefore, where existing local transport infrastructure is insufficient, GCC will require that developers provide necessary transport

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<sup>1</sup> DfT's guidance on "Cycle infrastructure design (LTN 1/20)" can be found at:  
<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

<sup>2</sup> UK Government's Department for Transport guidance on "Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" can be found at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf)

<sup>3</sup> DfT's guidance on "Cycle infrastructure design (LTN 1/20)" can be found at:  
<https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120>

<sup>4</sup> DfT's guidance on "Bus user priority (LTN 1/24)" can be found at:  
<https://www.gov.uk/government/publications/bus-user-priority-ltn-124>

<sup>5</sup> Detailed information on Travel plans, transport assessments and statements can be found using the following links:  
[www.gov.uk/guidance/travel-plans-transport-assessments-and-statements](https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements) &  
<https://www.goucestershire.gov.uk/transport/travel-plan-guide/>

infrastructure to mitigate any significant impact / address any significant weakness of the proposed development on highway and transport grounds.

34. GCC requests to be fully involved at the earliest possible stage of plan making and development proposals to avoid unnecessary delays and help facilitate the best possible transport solutions. GCC's suite of highway traffic models<sup>6</sup> are available to assist in assessing the impact (Local and Strategic) of land use proposals or scheme mitigation proposals. Details of how to access the suite of models and associated access charges can be provided by contacting GCC's Highways Development Management Team [devcoord@gloucestershire.gov.uk](mailto:devcoord@gloucestershire.gov.uk)
35. Where a transport mitigation package is required, GCC will look favourably upon proposed measures that will seek to limit the number of additional car journeys generated by the development. Proposals that deliver modal shift are encouraged. Other important outcomes include assisting access for efficient local deliveries of goods and services incorporating for community social care providers and preventing the degradation of key local environmental indicators such as noise and air pollution.
36. Travel Plans, along with Delivery and Servicing Plans, will be required where appropriate to promote sustainable modes of transport. Developers are to identify and incentivise sustainable transport mitigation measures ahead of delivering any required work including necessary highway capacity or safety measures. The package of works will be secured through a combination of planning conditions and/or S106 planning obligations or via provisions within the Highways Act 1980<sup>7</sup>.
37. Developer contributions sought through S106 planning obligations must solely assist in addressing the impacts of development and delivering access by all modes to new development on the local transport network. They cannot be used as an alternative funding stream for addressing pre-existing infrastructure issues, unless in doing so it can be justified as a demonstrable mitigation measure. However, there may be circumstances where proposed mitigation aligns with pre-identified infrastructure priorities set out within the adopted and emerging Gloucestershire Local Transport Plan<sup>8</sup>.
38. All new infrastructure concerned with the local highway must be designed in accordance with either national guidance set out in the Design Manual for Roads and Bridges (DMRB)<sup>9</sup> or relevant local guidance, which is presently contained within Gloucestershire's Technical Specification for New Streets 2nd Edition February 2020<sup>10</sup>. For all transport-related mitigation proposals, appropriate audits must be undertaken covering road safety, inclusive mobility, walking, cycling and quality, before any final designs can be approved.

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<sup>6</sup> For more on the suit of models please visit the page on Third Party Model Access Protocol on Gloucestershire County Council's website, available at: <https://www.gloucestershire.gov.uk/planning-and-environment/planning-policy-old-menu/third-party-model-access-protocol/>

<sup>7</sup> GCC's "Travel Plan Guide for Developers" states "Travel Plans will be required for new development in accordance with the thresholds in the DfT's Guidance on Transport Assessment. Where a development is deemed to require a travel plan, a legal agreement or unilateral undertaking will be the mechanism used to secure the development of the travel plan and any contributions required to support its implementation." Available at: [https://www.gloucestershire.gov.uk/media/4ztku4ia/mfgs\\_appendix\\_e\\_-\\_travel\\_plan\\_guide\\_for\\_developers-47304.pdf](https://www.gloucestershire.gov.uk/media/4ztku4ia/mfgs_appendix_e_-_travel_plan_guide_for_developers-47304.pdf)

<sup>8</sup> Gloucestershire County Council, March 2021. Local Transport Plan 2020-2041 (LTP4) available at: [www.gloucestershire.gov.uk/transport](http://www.gloucestershire.gov.uk/transport)

<sup>9</sup> Standards for Highways. Available at: <https://www.standardsforhighways.co.uk/>

<sup>10</sup> Gloucestershire County Council, 2020. Technical Specification for New Streets. 2nd Edition. Available at: <https://www.gloucestershire.gov.uk/media/xf5anpm/technical-specification-for-new-streets-2nd-edition.pdf>

39. Where the county council forward fund strategic infrastructure, the county council will work in partnership with LPAs to develop funding apportionment methodologies through CIL and S106, that capture all development sites that will be unlocked by the relevant infrastructure. This will enable transparent, easily understood Section 106 funding requirements, which recover the county council's forward funding and any interest payments. We recognise that strengthening the local planning policy position to support this may be necessary where developments are likely to be consented after the infrastructure is completed and we will work with LPAs to make sure this is in place at an appropriate time, to give the county council the necessary confidence to invest.
40. The county council has developed a funding apportionment methodology to guide developers and planning officers concerning the apportionment of Section 106 costs associated with the road infrastructure to unlock the JCS growth areas and other sites around Cheltenham. This includes the M5 Junction 10 south facing roads, the A4019 improvements and the West Cheltenham Link Road; this guidance is included in the Local Development Guide Supplementary Guidance Note: M5 Junction 10 Scheme - Developer Funding.

## 2.2 Flood Risk Management

41. As Lead Local Flood Authority (LLFA), GCC must develop, maintain, apply and monitor a strategy for local flood risk management in its area in accordance with the Flood Risk Regulations 2009 and the Flood and Water Management Act 2010<sup>11</sup>.
42. Surface Water Management Plans (SWMP) identify areas that are more vulnerable to surface water flooding and identify measures to reduce the flooding, recognising that it is not economically viable to mitigate flooding altogether<sup>12</sup>.
43. The NPPF in paragraphs 170-182 sets out government's expectations for planning and the management of flood risk, including sustainable drainage systems (SuDS<sup>13</sup>).
44. SuDS covers a range of flood mitigation infrastructure (see Table 2.1 in SuDS Design and Maintenance Guide for SuDS hierarchy)<sup>14</sup>. SuDS are a requirement of the NPPF for major developments and all developments in a flood risk area. Most LPAs also require their inclusion in new developments to ensure local policy compliance to meet water quantity, water quality and amenity/biodiversity requirements.
45. GCC is a statutory consultee for SuDS on major developments, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015. As the Lead Local Flood Authority (LLFA), GCC will have to be consulted on major developments for matters of flood risk and drainage. A major development is classed as one that is: 10 dwellings or more; site area greater than 1 hectare; Floor space greater than 0.1 hectare. Consultation on minor

<sup>11</sup> Flood and Water Management Act 2010, available at: <https://www.legislation.gov.uk/ukpga/2010/29/contents>

<sup>12</sup> <https://www.goucestershire.gov.uk/plans-policies-procedures-and-manuals/surface-water-management-plans/>

<sup>13</sup> Ministry of Housing, Communities and Local Government, August 2022. Guidance: Flood risk and coastal change. Available at: <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

<sup>14</sup> Gloucestershire SuDS Design and Maintenance Guide, 2015. Available at: [https://www.goucestershire.gov.uk/media/ym2endrp/goucestershire\\_suds\\_design\\_and\\_maintenance\\_guide\\_-dec\\_2015-compressed-63334.pdf](https://www.goucestershire.gov.uk/media/ym2endrp/goucestershire_suds_design_and_maintenance_guide_-dec_2015-compressed-63334.pdf)

developments for these matters rests with LPAs (district and borough councils). For major developments, SuDS infrastructure should be properly planned and integrated into new development<sup>15</sup>. Appropriate sustainable drainage measures will be an important material consideration with planning proposals including ongoing maintenance of SuDS. Compliance with existing national SuDS standards will be a key factor for all proposed drainage systems<sup>16</sup>.

46. Site-specific SuDS and flood alleviation measures will be secured through GCC's role as the LLFA, and statutory consultee on major developments. Where flood alleviation is required to support growth more generally, or flood alleviation measures are required to mitigate the impact of existing flood risk from ordinary watercourses, surface and ground water sources, GCC will look to solutions from other funding sources including S106 and CIL. Where needed, the LLFA will consult with the Environment Agency (EA) regarding risk to developments from main river fluvial risk and seek funding along with the regular remit of LLFA.
47. GCC has published<sup>17</sup> several reports as Information for Developers including those on:
  - Surface water drainage and major planning applications
  - Gloucestershire SuDS design and maintenance guide
  - Strategic Flood Risk Assessment (SFRA)
  - GCC Local Flood Risk Management Strategy (LFRMS)
  - Land drainage consent
48. Part of our statutory consultee role is to scrutinise Flood Risk Assessments (FRAs), i.e. we look at whether the development is at risk of flooding (pre-existing flood risk in an area) as well as if the development has any impact on flood risk. As LLFA, GCC will only give advice to the LPA based on what the officers review at the time of consultation; we have no remit during or post development (long-term maintenance, building control/planning enforcement etc). As a statutory consultee LLFA would comment where officers believe groundwater to be a contributing factor to a site's flood risk. This would be considering factors such as geology or soil composition when assessing or verifying infiltration, among others. Drainage sites are reviewed as part of drainage strategy. Wiers are considered where appropriate.
49. The impact of flood may be across a large area that is across different LPAs or counties. To address such cross-boundary issues, the LLFA will consider where there may be a downstream impact on Gloucestershire communities, or where a Gloucestershire development may affect neighbouring communities, in collaboration with neighbouring authorities. Cumulative impacts of applications within catchments are not within LLFA's remit as statutory consultee, but the LLFA retains an overview in partnership with other Risk Management Authorities (or RMAs) such as Water and Sewerage Companies (WaSCs).

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<sup>15</sup> For more visit: <https://www.goucestershire.gov.uk/planning-and-environment/flood-risk-management/flooding-information/information-for-developers/>

<sup>16</sup> In March 2015, the Department for the Environment, Foods and Rural Affairs (DEFRA) published English non-statutory SuDS standards: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>.

The CIRIA SuDS Manual (2015) provides technical advice for the planning, design, construction, management and maintenance of SuDS <https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

<sup>17</sup> Gloucestershire County Council, Flood Risk Management: Information for Developers.  
<https://www.goucestershire.gov.uk/planning-and-environment/flood-risk-management/flooding-information/information-for-developers/>

## 2.3 Education

50. GCC is the local authority with responsibility under the Education Act (1996) to ensure there are sufficient school places available in the locality to accommodate pupils. GCC publishes a School Places Strategy for Primary and Secondary schools<sup>18</sup>.
51. Where there is housing growth, GCC's Education Place Planning team will be consulted to assess whether there are sufficient places in an appropriate school place planning area to meet the demand for school places arising from new housing developments. GCC will assess the need for education and associated infrastructure relating to pre-school, primary and secondary (including post 16) provision, as well as special educational needs (in accordance with government guidance).
52. If additional places are required to accommodate pupils arising from the development, developer contributions will be requested to provide new schools and land, or expansions to existing schools, depending on the size of the housing development being provided. The NPPF sets out the importance of education facilities. At paragraph 100 of the NPPF it states:

*"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They 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 schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."*
53. The PPG also provides advice on how LPAs should prepare plans to take account of education requirements. At ID: 23b-008-20190315 it sets out that plans should support the efficient and timely creation, expansion, and alteration of high-quality schools. This should include contributions based on known pupil yields. It continues that requirements should include all school phases from 0-19 and special educational needs. It also explains how local planning authorities should account for development viability when planning for schools within housing developments, including an initial assumption that both land and construction costs will be provided.
54. Department for Education (DfE) Guidance "Securing Developer Contributions for Education" (August 2023)<sup>19</sup> (hereon referred to as DfE Guidance) is intended to help local authorities secure developer contributions for education infrastructure to mitigate the impact of development. The guidance promotes good practice on

<sup>18</sup> Gloucestershire school places strategy and projects. Available at: <https://www.goucestershire.gov.uk/education-and-learning/school-planning-and-projects/goucestershire-school-places-strategy-and-projects/>

<sup>19</sup> Department for Education, August 2023. Securing developer contributions for education. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1176845/Securing\\_Developer\\_Contributions\\_for\\_Education.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1176845/Securing_Developer_Contributions_for_Education.pdf)

evidencing these impacts, engaging with local planning authorities, and delivering expanded or new facilities with funding from housing development. This document should be read alongside of the NPPF, PPG and other DfE Guidance relevant to school place planning.

55. The DfE Guidance draws on existing good practice and is intended to assist in establishing a robust and consistent evidence base, underpinned by the following principles:

- Housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities.
- Evidence of pupil yield from housing development should be based on data from local housing developments<sup>20</sup>.
- Developer contributions towards new school places should provide both funding for construction and freehold land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information.
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

56. Paragraphs 1-16 of the DfE Guidance set out the mechanisms for securing developer contributions. This section of the guidance makes clear that the DfE's Basic Needs Grant, free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of development on education. This approach is also supported in the PPG at Paragraph: 007 Reference ID: 23b-007-20190315:

*"Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools.*

*Funding is reduced however to take account of developer contributions, to avoid double funding of new school places. Government funding and delivery programmes do not replace the requirement for developer contributions in principle.*

*Plan makers and local authorities for education should therefore agree the most appropriate developer funding mechanisms for education, assessing the extent to which developments should be required to mitigate their direct impacts."*

57. GCC will consider additional information that is brought to its attention.

Contributions will be sought in line with current legislation to enable development to go ahead which would otherwise be refused. For education provision, in accordance with the DfE Guidance, this will typically involve S106 obligations to ensure that the direct impacts of a development are mitigated.

58. For the avoidance of doubt, the approach for assessing the impact of a development proposal on local education infrastructure will be as follows:

- GCC will assess all planning applications seeking developments of 10 or more dwellings.

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<sup>20</sup> Department for Education, August 2023. Estimating pupil yield from housing development. Available at: [https://assets.publishing.service.gov.uk/media/64d0f71be5491a00134b5940/Estimating\\_Pupil\\_Yield\\_from\\_Housing\\_Development.pdf](https://assets.publishing.service.gov.uk/media/64d0f71be5491a00134b5940/Estimating_Pupil_Yield_from_Housing_Development.pdf)

- Where the housing mix is identified, 1-bed dwellings will be exempt.
- The relevant Primary and Secondary School Place Planning Area will be identified.
- Any Primary or Secondary schools within adjacent School Place Planning Areas, but within 2 miles for Primary schools or 3 miles for Secondary schools will also be identified and included.
- Where the nearest schools are over 2 miles for Primary and 3 miles for Secondary from the development site, GCC will seek contributions towards school transport provision (see sections “3.3.8 Home to School Transport” and “3.3.9 School Travel Planning” of this guidance).
- Forecast data 3 years from the base year of the current forecast will be used to ascertain capacity, e.g. for the 2024-based forecasts, forecast year 2026/2027 will be used, thus being more reflective of when the development is likely to impact on capacity within schools.
- Developer contributions will not be sought where there is sufficient operating capacity within the School Place Planning Area to accommodate increased demand for school places arising from new development.
- Capacity is deemed to be full when the School Place Planning Area reaches its local operating margin.
- Local operating margin will be assessed on a school place planning area basis, this will be considered at the time of undertaking the education needs requirement as part of the planning process. Local evidence will be provided to justify the local operating margin, this will be in line with DfE Guidance, GCC School Places Strategy, and other related local evidence. Developer contribution will be sought when the School Place Planning Area being considered is over the local operating margin.
- For any undetermined planning applications submitted after April 2023 where GCC has requested S106 developer contributions for education and non-determination appeals, a revised assessment can be provided upon request.

### ***2.3.1 Pupil Product Ratios and Unit Mixes***

59. In assessing education needs, in accordance with the PPG, GCC applies a countywide calculation of the number of pupils expected to occur per 100 new “qualifying” dwellings. This is known as the pupil product ratio (PPR). A “qualifying” dwelling is a house or flat that has no restricted occupancy for age or health reasons and at least two bedrooms. All one-bedroom units are excluded. However, affordable housing has no special consideration as it may involve a variety of tenure types that are as likely, if not more so, to be occupied by families with children and consequently generates pupil numbers.
60. The PPRs are periodically reviewed so that they reflect up to date circumstances. See Appendix B for further information on the adopted PPRs. Applications will be assessed against GCCs latest PPRs.

### ***2.3.2 Costs of Infrastructure Projects***

61. The charges for both extension and new build works (e.g. new classrooms) are derived from a “cost per place” produced by the DfE. The DfE multipliers are based on building cost information received from local authorities across the country. The DfE provide a range of “cost per place” which take into account the different school age ranges. The figures also consider regional variations in prices.

### ***2.3.3 School Capacity***

62. Existing unfilled capacity in the school system will be credited to developers, where there is an unfilled capacity in the School Place Planning Area. When assessing unfilled capacity in the School Place Planning Area, GCC will also consider:

- a. Schools that have been expanded but are filling from their lower year groups
- b. Other housing development granted planning permission in the area
- c. Sites allocated in the Local Plan or emerging deliverable/developable Local Plan site allocations which do not yet have planning permissions
- d. Capacity at local schools taken from the GCC's records at the time of the formal application, based on the most recent pupil forecasts

63. School capacity will be assessed on a site-by-site basis. It will consider a range of factors such as the total number of pupil places, permitted development within the area, numbers on roll that aligns with the DfE expectations allowing for surplus places in case of 'in year' pressure not counted as part of any census date submission, as set out in the 2013 National Audit Office report (on behalf of DfE) Capital Funding for New School Places. A local operating margin will be applied to assess the capacity of the School Place Planning Area in line with GCC's School Places Strategy, local evidence, and DfE Guidance.

64. In line with DfE Guidance, GCC uses a local school place planning area operating margin to accommodate variables which cannot be forecast using its adopted School Places Strategy. The local operating margin capacity will vary between school place planning areas and evidence will be provided to justify the operating margin applied to the school place planning area as part of the impact assessment undertaken in response to the planning application process. The local operating margin is essential to enable the Education Authority to meet its statutory duty with operational flexibility, while enabling parents to have some choice of schools. To avoid confusion, it should be noted that the DfE Guidance states the use of a 2% uplift to pupil forecasts when calculating and allocating funding for Basic Need. But this is different to the local operational margin required for school place planning.

#### ***2.3.4 Early Years Provision***

65. GCC has a lead role in facilitating the local childcare market within the broader framework of shaping Children's Services in partnership with the private, voluntary and independent sectors. A key duty is to ensure there are sufficient flexible childcare places to meet the free entitlement available for local children<sup>21</sup>. Section 6 of the Childcare Act 2006 defines "sufficient childcare" as sufficient to meet the requirements of parents in the area who require childcare to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work.

66. From September 2025 childcare support will be expanded for eligible working families in England with a child from 9 months old up to school age. These changes will have a significant impact on childcare provision in the county. Childcare in Gloucestershire is principally delivered through day nurseries and pre-school playgroups, which provide full and sessional day care. Other local options include child-minders, nursery classes within independent schools, and privately operated nurseries.

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<sup>21</sup> GCC's Childcare Sufficiency Duty Report is available from: <https://www.goucestershire.gov.uk/early-years-service/information-for-providers/early-years-business-marketing-finance-support/childcare-sufficiency-duty-report/>

67. Residential development creates demand for local pre-school childcare places. Where this adversely impacts on the ability of the existing local childcare market to provide a reasonable and flexible offer for parents, GCC will seek developer contributions to resolve this. This funding will be used to increase capacity. Funds may be used to create a new facility, support the expansion of an existing facility – such as an extension or re-location to new, larger premises; increasing opening days/hours; or increasing places through additional or more efficient and adaptable equipment, or training.

68. GCC may reasonably require the provision of land and funding towards the construction of new pre-school childcare facilities. GCC will also follow the DfE Guidance which states at paragraph 23 that:

*“Expanded early years entitlements for children aged nine months to three years old become available from 2024. The take-up of funded childcare entitlements is high, increasing demand for early years provision. All new primary schools are now expected to include a nursery. Developer contributions have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings.”*

69. Reasonable access to early years facilities must be provided for new residents. This means ensuring that people can carry out day-to-day activities (i.e. utilising childcare) within a reasonable walking distance of their home (see paragraph 119 for statutory walking distances).

### **2.3.5 Primary and Secondary Schools**

70. It is the statutory responsibility of GCC to ensure that every child in the county has fair access to local schools and the highest standards of teaching. GCC will assess the impact of new development in terms of the ability of local primary and secondary schools to offer places to children arising from the development.

71. The impact from a proposed new development will be assessed on the schools in the local School Place Planning Area(s) and on any other schools within a 2-mile statutory walking distance for children under 8 years of age and within a 3-mile statutory walking distance for those aged 8 years and over<sup>22</sup>. It may not be possible to expand the nearest school due to factors that could include the educational capacity or governance (e.g. academies) of the school, or site constraints such as the need to mitigate flood risk, archaeology or traffic or highways issues.

72. Where nearby schools have sufficient surplus places, the assessment will identify whether these can be matched up with the anticipated demand. However, where a School Place Planning Area is at, or above, local operating margin it is considered to have no surplus places<sup>23</sup>. Developer contributions may then be sought for capital works to extend, remodel, upgrade and improve capacity.

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<sup>22</sup> Statutory walking distances are set out in the DfE's Statutory Guidance on Home-to-school Travel and Transport, available at: [https://assets.publishing.service.gov.uk/media/659d7ebb0dd0a200138b612a/Travel\\_to\\_school\\_for\\_children\\_of\\_compulsory\\_school\\_age.pdf](https://assets.publishing.service.gov.uk/media/659d7ebb0dd0a200138b612a/Travel_to_school_for_children_of_compulsory_school_age.pdf). This is supported locally through the Gloucestershire Local Transport Plan.

<sup>23</sup> The Audit Commission recommends authorities plan for a 95% occupancy rate across an area in order to achieve a match between pupils and places, efficient and educationally effective outcomes and to offer diversity and choice to parents.

73. For large-scale schemes where a new school is required, and on strategic allocations, in accordance with the DfE Guidance, the expectation will usually be that land and schools to meet the needs will be provided on-site. GCC will require a contribution to cover the full cost of building a new school, including site infrastructure, playing fields together with the necessary internal equipment to enable it to be opened as an operational school. Where there are multiple new developments that together require a new school, GCC splits the full cost of education infrastructure between developers. All new schools provided in this way will need to meet applicable GCC design standards at the time the development is built. These design standards are broadly based on DfE's "Building Bulletin 103: Area Guidelines for Mainstream Schools" along with local modifications. Please note, design standards may change over the course of the application or project. Contact [StrategicPlanning@gloucestershire.gov.uk](mailto:StrategicPlanning@gloucestershire.gov.uk) for the latest guidance.

74. Where a new school is provided, the land on which it is located should be provided at zero cost to GCC and be capable of future expansion, taking account of minimum site sizes for new schools (starting at 2 Form Entry) outlined in Appendix B. Consequently, whilst a development will only ever be required to contribute towards mitigation proportionate to its impact, there may be a need for additional land.

75. Where it is not possible to access a school place along a safe walking route within statutory distances from a proposed development, GCC will seek a contribution towards funding the provision of home to school transport. This will be determined on a case-by-case basis, in line with the DfE Guidance and the statutory policy for provision of home to school transport.

76. In addition, GCC may use the opportunity of new or reconfigured local schools to help accommodate other community infrastructure. Integrated solutions accord with a number of wider planning objectives<sup>24</sup> Shared uses may include pre-school and after-school childcare; parental support including access to information and family learning opportunities; and community access for life-long learning, sport, arts and ICT. This is done in accordance with standard costs published by DfE that includes all capital items. GCC will not usually be seeking additional costs. On occasions where developers ask for additional improvements, we are flexible in utilising other funding (e.g., community services funding) in addition to the standard education funding.

77. The decision on whether an integrated solution will be pursued cannot be guaranteed by GCC. New schools may be set-up and managed by organisations other than GCC, who have no obligation to deliver shared-use facilities.

### 2.3.6 Special Schools

78. Special schools require more space per pupil than mainstream schools<sup>25</sup>. Developer contributions for special or alternative school places are set at four times the cost of mainstream places. GCC will only seek contributions towards Special Schools from Strategic Sites of 4,000 homes and above.

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<sup>24</sup>The National Planning Policy Framework refers at paragraphs 92 & 93 to the need for an integrated approach to community facilities and shared spaces and services. See also Department for Education *Securing Developer Contributions for Education, 2023* paragraphs 26 to 30 & 37.

<sup>25</sup> Gloucestershire school places strategy and projects. Available at: <https://www.gloucestershire.gov.uk/education-and-learning/school-planning-and-projects/gloucestershire-school-places-strategy-and-projects/>

### **2.3.7 Academies and Free Schools**

79. The expansion of academies and the introduction of free schools have not diminished the responsibility of GCC in ensuring sufficient school places are made available for local communities. Therefore, developers must continue to negotiate directly with GCC and not with individual education establishments when considering school infrastructure requirements from development. An in-principle agreement made with an individual school or group of schools may not accord with GCC's more holistic position and may result in a development proposal being objected to and recommended for refusal.

### **2.3.8 Home to School Transport**

80. The Education Act 1996, (as amended) places a duty on Local Authorities to make suitable travel arrangements free of charge for eligible children to facilitate their attendance at school. Walking distances are defined by S444(5) of the Education Act 1996 at two miles for children aged under eight and three miles for children aged eight years or over.

81. The above statutory distances are measured by the shortest “available” walking route. An “available route” is one which a child, accompanied as necessary, may walk with reasonable safety to school<sup>26</sup>. In excess of these distances GCC is required to fund school transport for eligible pupils. Where development is proposed in locations that may require GCC to provide school transport, developer contributions are sought to fund provision for a period of three years for primary and secondary pupils.

### **2.3.9 School Travel Planning**

82. Where a new development includes a proposal for building new educational or training spaces, schools will be required to minimise congestion, local air quality and CO<sub>2</sub> emissions produced by the education establishment. The design and layout of the development surrounding the education establishment must also encourage active and sustainable modes of travel.

83. Developers will be required to work with the Sustainable Travel Planning Team to produce, implement and monitor a School Travel Plan. This will involve consideration of access to the educational site and the walking and cycling routes to it, including any appropriate crossing facilities. Financial contributions may also be required for off-site works. Monitoring fees will be required to monitor the travel plan.

### **2.3.10 Biodiversity Net Gain and School Planning**

84. Since February 2024, new legislation has come into force in England making Biodiversity Net Gain (BNG) a mandatory condition for planning permission<sup>27</sup>. In respect of education land provided by developers to GCC as part of mitigating impacts on education infrastructure, developers must follow the Biodiversity Gain

<sup>26</sup> Routes are assessed by trained officers, who take into consideration the following for a walking route to school: visibility; width of highway; traffic count; step off points along the route as the route does not need to have a pavement; crossing points as needed.

<sup>27</sup> Department for Environment, Food & Rural Affairs, February 2024. Understanding biodiversity net gain. Available at: <https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

Hierarchy<sup>28</sup> and deliver a minimum of 10% BNG requirements onsite, through an iterative design process. Where it is demonstrably not possible to achieve 10% BNG requirements on site, registered biodiversity off-site units should be sought. As our first preferred option, units should either through offsetting opportunities on other GCC owned land, or through the purchase of units located within the county, through offset providers, such as Gloucestershire Nature and Climate Fund (GNCF), as appropriate<sup>29</sup>. This is as incentivised in the statutory Biodiversity Metric<sup>30</sup>.

### **2.3.11 Land Compliance Requirements for New School Sites**

85. A new school site must be free of contamination, compaction and cleared of any previous land use, especially if the site was largely industrial land. The cost of all archaeological surveys and remedial work will be met by the developer. Design aims for a new school site will include that it is rectangular in shape, on level ground and located on a gyratory road (i.e., not a cul-de-sac) and close to the other community facilities. This information should be part of a validation checklist by LPAs, where school sites are planned, or land is needed. GCC will consider each case to achieve a viable solution.
86. Further information on school design can be found in the Generic Design School output specification 2023<sup>31</sup> and in Building Bulletins 103, 100, 93 and 101<sup>32 33 34</sup>.

## **2.4 Libraries**

87. GCC under the Public Libraries and Museums Act (1964) has a statutory duty to provide a comprehensive and efficient library service. This duty applies not only to the existing population of the county, but also to new residents generated through new development which add to the demand on a specific library which those new residents can be expected to use.
88. Under the Public Libraries & Museums Act, libraries have a duty to offer free access to stock and other resources as may be required by those persons wishing to make use of it. In this regard, residents do not use libraries within a defined period of their lives, and libraries need to be accessible to anyone at any time of their life as and when they need to use the wide range of facilities on offer. GCC cannot be prescriptive about when someone moving into a catchment area of the library may need to use its resources or services, or how often.
89. The current library service is provided through a network of local public library buildings, customer access points, e-resources and a virtual online reference library.

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<sup>28</sup> Ministry of Housing, Communities and Local Government, February 2024. Biodiversity net gain. Available at: <https://www.gov.uk/guidance/biodiversity-net-gain>

<sup>29</sup> For further guidance on this please visit Gloucestershire County Council's website on Biodiversity Net Gain. Available at: <https://www.goucestershire.gov.uk/planning-and-environment/ecology-and-landscape/biodiversity-net-gain/>

<sup>30</sup> For further guidance on this please see report prepared by local planning authorities in February 2024 "Guidance on delivering Biodiversity Net Gain for planning applicants and developers in Gloucestershire". Available at: <https://www.goucestershire.gov.uk/media/p1xls25e/bng-guidance-for-lpa-february-2024.pdf>

<sup>31</sup> Department for Education, December 2023. Employer's requirement's part B: generic design brief. Available at: <https://www.gov.uk/government/publications/employers-requirements-part-b-generic-design-brief>

<sup>32</sup> Department for Education, July 2018. Available at: <https://www.gov.uk/government/publications/area-guidelines-and-net-capacity>

<sup>33</sup> Department for Education, March 2014. Building Bulletin 100: design for fire safety in schools. Available at: <https://www.gov.uk/government/publications/building-bulletin-100-design-for-fire-safety-in-schools>

<sup>34</sup> Department for Education, June 2019. Notes on acoustics, lighting and ventilation in schools. Available at: <https://www.gov.uk/guidance/notes-on-acoustics-lighting-and-ventilation-in-schools#full-publication-update-history>

A modern library service is not just about book stock and information provision, libraries offer free public access to PCs, Wi-Fi and digital equipment. They also provide activities and events aimed at all age groups within their local communities and support job and home seekers, address social isolation and support those wanting to gain new skills.

90. GCC's Library Strategy 2023-2028 outlines the future provision of library services within local communities. This includes "provision of open and accessible library buildings which sit at the heart of our diverse communities".
91. The strategy also contains a commitment to "work with developers to ensure library provision is considered in light of new housing developments ensuring growing communities have access to public library services".
92. Planning applications for 25 dwellings or more are assessed by GCC to determine their likely impact on existing local library services and the scope of resultant mitigation works required. As part of this assessment, qualitative factors are considered, together with the existing physical capacity of the local library which is currently calculated having regard to the national recommended floorspace benchmark of 30 sqm per 1,000 population (as stated in Arts Council England's "Guidance on seeking and securing developer contributions for library and archive provision in England" published in September 2023)<sup>35</sup>.
93. Where GCC identifies that improvement works are required to local library provision to mitigate the impact of increased demand from a new housing development, the county council will usually seek to secure this via a planning obligation, and typically in the form of a financial contribution proportionate to the size of the development. The identified planning obligation must comply with the legal tests set out at Regulation 122(2) of the CIL Regulations 2010 (as amended).
94. Details of the requested planning obligation, including the name of the local library to which it will be directed, will be provided as part of GCC responses to planning application and pre-application advice consultations. In most cases, financial contributions will be requested at a rate of £196 per dwelling and put towards increasing customer access to existing services and expanding lending capacity. Such projects will include (but are not restricted to):
  - Upgrading and/or reconfiguration of existing library facilities and floorspace
  - Capital expenditure on technology to facilitate an extension in opening hours to better manage demand on services
  - Contributing to IT Equipment, furniture and stock
95. In other cases where new development generates a requirement for a planning obligation towards new library floorspace and fit out (e.g. extension to an existing building or construction of a new building), GCC will consider the details, including the financial contribution, on a case-by-case basis. Any such requirement will also be explored in terms of its potential to facilitate shared local facilities.

## 2.4.1 Community-run Libraries

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<sup>35</sup> Arts Council England, September 2023. Guidance on seeking and securing developer contributions for library and archive provision in England. Available from: <https://www.artscouncil.org.uk/research-and-data/guidance-seeking-and-securing-developer-contributions-library-and-archive-provision-england>

96. In addition to GCC-operated public libraries, there are several community-run libraries which operate across Gloucestershire. These are library services run by local communities pursuant to service level agreements with GCC (in its role as Library Authority for the county).
97. GCC may factor in this local provision on a case-by-case basis when determining the anticipated impact of new development upon existing libraries services, and when requesting planning obligations from the local planning authority.

## 2.5 Waste and Recycling

98. GCC as a Waste Disposal Authority, has a statutory duty under the Environmental Protection Act (1990) to provide facilities at which residents may deposit their household waste. Each facility must be situated either within the area of the authority or be reasonably accessible to persons resident in this area.
99. GCC operates five Household Waste & Recycling Centres (HWRCs) across the county. The service has been benchmarked against other comparable authorities, and provision is lower in Gloucestershire than in many other parts of the UK. The recycling rate of households in the county is estimated at a little over 50%, which is less than GCC's long-term target of 60%. GCC manages recyclable waste through an efficient booking system which residents can use to dispose of segregated waste.
100. Housing growth will place further pressures on existing facilities and will require a combination of new or improved facilities to meet future demand. Contributions may be sought to deal with the cumulative impact of a series of both small and large developments. Applicants will need to demonstrate the availability of access to HWRCs arising from development, and to comply with other GCC guidance on the provision of space for waste and recycling materials on a household scale<sup>36</sup>.
101. GCC will look to source capital and grant monies where possible. Developer contributions, either through future CIL arrangements or S106 agreements may also be sought to fund the HWRCs or to site a facility, where it is justified, because of new development. However, any significant increase in population over time will lead to pressure on waste management infrastructures. This additional pressure will need to be mitigated to ensure waste is disposed of in an appropriate manner.

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<sup>36</sup> Gloucestershire County Council. Interim Gloucestershire Resources and Waste Strategy 2022-25. Available at: <https://www.goucestershirerecycles.com/media/zr3ptvpw/goucestershire-joint-resources-and-waste-strategy-final.pdf>

## Section 3: Further Advice

### 3.1 Garden Communities

102. Garden Communities are new strategic developments of 1500 or more dwellings<sup>37</sup>. The creation of a new community brings opportunities to plan innovative, resilient, well-connected, and inclusive places. Garden Communities provide scope to embrace new and forward-thinking approaches to the delivery of different interrelated land uses and associated infrastructure, services, and facilities through an innovative and flexible approach to their design. Garden Communities should be holistically planned to deliver meaningful enhancements to the natural environment, such as improved habitat connectivity and biodiversity net-gains, and offer a mix of types, tenures, and affordability of high-quality, net zero carbon housing and locally accessible work and education opportunities, which meet the needs of all residents, in beautiful, healthy and sociable communities.

103. Garden Communities are founded on 11 key principles, to deliver a self-contained community:

- Land value capture for the benefit of the community
- Strong vision, leadership and community engagement
- Community ownership of land and long-term stewardship of assets
- Mixed-tenure homes and housing types that are genuinely affordable
- A wide range of local jobs within easy commuting distance of homes
- Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food
- Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience
- Strong cultural, recreational, and shopping facilities in walkable, vibrant, sociable neighbourhoods
- Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport

104. These principles translate into comprehensively master-planned and delivered sites, in line with local planning policies, and development and implementation of long-term management arrangements, placing residents and communities at the heart of local decision making. Focusing on community development with Garden Communities is particularly important given that they are new settlements. New residents may not enjoy the level of established social networks that would normally be in place in existing settlements.

105. GCC welcomes the opportunity to be a partner in the shaping and delivery of Garden communities. This includes working together with LPAs on the timely provision of infrastructure such as transport and highways, community and social infrastructure including early years and youth activities, education facilities, libraries, health and social care, flood alleviation and sustainable drainage measures, waste

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<sup>37</sup> Ministry of Housing Communities and Local Government, August 2018. Garden Communities Prospectus. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/805688/Garden\\_Communities\\_Prospectus.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805688/Garden_Communities_Prospectus.pdf)

recycling and disposal, emergency services and the availability of reliable, fast mobile and fixed broadband provision.

106. The comprehensive planning and delivery of infrastructure, services and facilities to enable growth through new Garden Communities is essential to their long-term success. GCC will seek to engage with the LPA and developers early to identify the needs and requirements of its operational and strategic services and work throughout the development planning process to secure the timely delivery of infrastructure.

107. GCC encourages developers to submit information mapping the growth, phasing and delivery of the Garden Community, with information about how the community is anticipated to evolve over time, to allow GCC to take a consistent and co-ordinated approach to infrastructure planning within Garden Communities from the outset of development proposals and provide a foundation for more detailed discussions as proposals evolve.

### 3.2 Digital Connectivity

108. The availability, reliability and speed of wireless mobile and fixed broadband provision is a key consideration when buying a house and improving the provision of digital connectivity is an on-going infrastructure priority for Gloucestershire.

109. GCC expects Fibre to the Premises (FTTP) as the de facto technical solution with the necessary ducting delivered at the outset of any new housing or employment development.

110. Planning applications should be accompanied by connectivity assessment, or similar proof, that provide evidence of full fibre broadband connectivity of the site.

111. Planning conditions should be considered to ensure that where providers are able or have agreed to deliver broadband connectivity, development should be designed to connect to this service and make it available to occupiers. If no provider has agreed to provide connectivity, the development should incorporate additional dedicated telecommunications ducting to enable the provision of broadband in future.

112. In contributing to digital connectivity, LPAs should give due consideration to:

- Engaging with developers at a pre-application stage with a view to ascertaining what provision developers are making in the provision of digital infrastructure with their applications.
- Notifying any interested fibre network providers at the pre-application stage of residential and commercial planning applications<sup>38</sup>.
- Identifying ways in which council-owned infrastructure and assets could be utilised to extend or encourage digital infrastructure deployment e.g. access to ducting.

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<sup>38</sup> Under non-disclosure agreements where required

- Implementing wayleave policy<sup>39</sup> that only seek to cover costs and work with landowners to improve connectivity.
- Where possible local authorities identify ways in which Council owned infrastructure and assets could be utilised to improve mobile coverage (access to street furniture assets/buildings/fire towers).

### 3.3 Health and Wellbeing

113. GCC in its Public Health role welcomes early engagement with LPAs and developers to influence the design and make-up of development to encourage healthier living. The link between planning and health has been long established. The built and natural environments have a profound influence on mental and physical health and wellbeing. Taking a place-based approach to planning recognises the role of spatial planning in addressing wider health determinants across people's life course, including the impact of economic, social and environmental factors on health<sup>40</sup>. Further links to planning and health are found in the core planning principles and the policies of the NPPF.

114. Ensuring that area-specific health inequalities are understood in the planning stage, is fundamental to securing inclusive growth which has the potential to deliver increasing prosperity, greater equity, and opportunities for all. Putting health at the forefront of spatial planning will improve environments, create places in which it is easier for people to be physically active in their daily routines, be socially active in communities and enjoy local green and blue spaces and the nature this sustains - all of which foster, and support improved physical and mental health. LPAs should satisfy themselves that population health and wellbeing, health infrastructure and health equity are embedded in local plans and across all place-making and planning decision making.

115. LPAs, as determining authorities, are encouraged to engage with all the relevant health care and social care partners; commissioning bodies; as well as GCC on relevant planning applications. It will ultimately be up to the respective LPA to decide upon seeking any developer funding to specific health care projects such as contributions towards new doctor's surgery / medical facility. Public health organisations, health service organisations, commissioners and providers, and local communities should refer to the PPG to help them work effectively with LPAs to promote healthy communities and support appropriate health infrastructure.

116. The Office for Health Improvement and Disparities (OHID), Active Travel England and Sport England have produced an update of the Active Design guidance. This guidance will support plan policies, and structure and assist with developing master plans, pre-application discussions and wider public health, climate, and biodiversity discussions. The National Design Guide<sup>41</sup> and the National Model Design Code and Guidance Notes for Design Codes illustrate how well-designed places that are healthy, greener, enduring, and successful can be achieved in practice.

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<sup>39</sup> Department for Science, Innovation and Technology; Department for Digital, Culture, Media & Sport, March 2023. Guidance on access agreements. Available at: <https://www.gov.uk/guidance/guidance-on-access-agreements>

<sup>40</sup> Ministry of Housing, Communities and Local Government, August 2022. Healthy and safe communities: Guidance on promoting healthy and safe communities. Available at: <https://www.gov.uk/guidance/health-and-wellbeing>

<sup>41</sup> Ministry of Housing, Communities & Local Government, 2021. National Design Guide: Planning practice guidance for beautiful, enduring and successful places. Available at:

[https://assets.publishing.service.gov.uk/media/602cef1d8fa8f5038595091b/National\\_design\\_guide.pdf](https://assets.publishing.service.gov.uk/media/602cef1d8fa8f5038595091b/National_design_guide.pdf)

117. GCC encourages LPAs to engage with relevant organisations when carrying out their planning function. In the case of health and wellbeing, the key contacts include GCC Public Health, the Gloucestershire Integrated Care Board, and Integrated Locality Partnerships which bring together health and social care partners at a local level. Engagement with these organisations will help ensure that local strategies to improve health and wellbeing, and the provision of the required health infrastructure (NPPF s.8 Promoting healthy and safe communities) are supported and considered in local and strategic, local and neighbourhood plan making and when determining planning applications.

118. The PPG recognises that, in relation to planning applications, Health Impact Assessments (HIAs) (including rapid HIAs) may be a useful tool to identify where significant impacts on the health of local people are expected. GCC Public Health and Communities Team would advocate their use as a key tool to identify and optimise the health and wellbeing impacts of planning<sup>42</sup>.

### 3.4 Adult Social Care

119. GCC is responsible for commissioning adult social care on behalf of its residents. The District, Borough and City councils are the local housing authorities. The strategic and legislative framework for social care and for housing duties is set nationally.

120. Adult social care provides a variety of services aimed at delivering care and support through local authorities and partner organisations<sup>43</sup>. It is primarily concerned with older people, those with learning disabilities and/or physical disabilities, mental health problems, drug and alcohol dependency problems and informal carers.

121. GCC commissions services to support people to live independently in their homes for as long as possible, with the support of our District, Borough and City Councils. This means that housing needs to be “future proofed” in terms of being readily adaptable as a design principle.

122. Gloucestershire’s “Housing with Care” Strategy further supports this to ensure that existing local provision should not be exacerbated by new residential development, that new homes and neighbourhoods are designed for residents to live independent and healthy lives; that homes are adaptable and digital technologies adopted wherever possible to support residents to live independently; and to ensure access to high quality specialist and supported accommodation for those who need it<sup>44</sup>. GCC encourages a proportion of affordable and market housing to be built to Accessible and Adaptable Standards as set out in the Building Regulations Standards (M4(2)) and Wheelchair User Dwelling Standards as set out in the above Standards (M4(3)), which would assist in meeting the populations changing needs. This will be identified in the Gloucestershire Local Housing Needs Assessment and development plans.

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<sup>42</sup> Public Health England, October 2020. Health Impact Assessment in spatial planning: A guide for local authority public health and planning teams. Available at:

[https://assets.publishing.service.gov.uk/media/5f93024ad3bf7f35f184eb24/HIA\\_in\\_Planning\\_Guide\\_Sept2020.pdf](https://assets.publishing.service.gov.uk/media/5f93024ad3bf7f35f184eb24/HIA_in_Planning_Guide_Sept2020.pdf)

<sup>43</sup> For Gloucestershire (after April 2013) partner organisations will include: Clinical Commissioning Groups CCG's responsible for commissioning most local health-related services; the specialist mental health services provider – 2gether Foundation Trust; and Gloucestershire Care Services – the core local provider of community and social care services.

<sup>44</sup> One Gloucestershire, 2020. Housing With Care Strategy. Available at:

[https://www.goucestershire.gov.uk/media/h1hjb2kw/housing-with-care-report\\_17feb\\_21.pdf](https://www.goucestershire.gov.uk/media/h1hjb2kw/housing-with-care-report_17feb_21.pdf)

123. Adult social care traditionally includes residential care homes, day centres, equipment and home adaptions, meals services and home care. However, this may extend to other measures such as: funding for gym membership; art therapy; life coaching; personal assistants; emotional support counselling; well-being and life-skills classes. It also covers the services made available to informal carers.

124. Gloucestershire is a generally healthy county, however, the proportion of its population greater than 65 is already greater than averages of England and Wales<sup>45</sup>, and this is set to increase at a faster rate compared with the rest of the nation<sup>46</sup>. This circumstance will lead to more people living with long-term conditions and chronic diseases that need extra support and caring for. It will also generate a significant demand for more formal and informal carers within Gloucestershire. Developing adaptive, intelligent homes that cater for the health and wellbeing of future generations of older, frail, and disabled people is part of the solution to meet this increasing demand<sup>47</sup>. To support the delivery of home-based care provided by both formal and informal carers new housing needs to be appropriately designed with consideration given to the relevant infrastructure<sup>48</sup>.

125. Modern adult social care services are strongly focused on supporting adults to live fulfilling and independent lives for as long as possible to delay the need for residential or nursing care. Where illness or surgery has occurred, services are geared towards getting people back to an optimal way of living, through “reablement” to support them to attain lost skills; or by making good use of technology to assist in independent living and / or to monitor their condition<sup>49</sup>.

126. GCC encourages “designed-in” solutions with new housing as a means of expanding service capacity. Designed-in solutions may include, but are not limited to:

- increasing the number of Category M4(2) and Category M4 (3) homes being developed. With calls for local authorities to prepare for the Government mandate to increase M4(2) and M4(3) category homes GCC encourages developers to work towards increasing the availability of such homes on new developments
- installing, or enabling the future conversion, to assistive technology in homes and community facilities linked to the development<sup>50</sup>.
- incorporating cost effective design features, that is good for everyone and supports inclusive living, in all new housing development across all tenures<sup>51</sup>.
- developing, or contributing to the development of, specialist housing to meet the needs of Gloucestershire residents in line with the recommendations of the Market

<sup>45</sup> Data taken from the 2021 Census shows the proportion of Gloucestershire's population 65+ stands at 21.70% compared to England and Wales average of 18.40%. See: <https://www.goucestershire.gov.uk/media/2a5l0qy/demography-and-migration-briefing-v3-1.pdf>

<sup>46</sup> Data as headlined within Your Health, Your Care – The 5-year Action Plan for Health & Social Care prepared by Gloucestershire County Council and the Gloucestershire Health Community in March 2012.

<sup>47</sup> Institute for Mechanical Engineers, 2018. Healthy Homes: Accommodating an Ageing Population. Available at: [https://www.housinglin.org.uk/\\_assets/Resources/Housing/OtherOrganisation/IMechE-Healthy-Homes-Report.pdf](https://www.housinglin.org.uk/_assets/Resources/Housing/OtherOrganisation/IMechE-Healthy-Homes-Report.pdf)

<sup>48</sup> Government Office for Science, no date. Policy Implication 4.1. Available at: [https://foresightprojects.blog.gov.uk/wp-content/uploads/sites/191/2017/05/04-HousingAndNeighbourhoods\\_AW.pdf](https://foresightprojects.blog.gov.uk/wp-content/uploads/sites/191/2017/05/04-HousingAndNeighbourhoods_AW.pdf)

<sup>49</sup> These form part of the two overarching principles from the adult element of Your Health, Your Care – The 5-year Action Plan for Health & Social Care.

<sup>50</sup> Assistive Technology is an umbrella term that includes assistive, adaptive, and rehabilitative devices for people with disabilities and also includes the process used in selecting, locating, and using them. AT promotes greater independence by enabling people to perform tasks that they were formerly unable to accomplish, or had great difficulty accomplishing, by providing enhancements to, or changing methods of interacting with, the technology needed to accomplish such tasks.

<sup>51</sup> Centre for Ageing Better, October 2021. Designing homes for everyone. Available at: <https://ageing-better.org.uk/blogs/designing-homes-for-everyone>

Position Statement (presently the Market Position Statement is being updated and funding on projects maybe sought as per future needs outlined in the document) and the Gloucestershire Housing with Care Strategy and District Profiles<sup>52</sup>.

127. GCC considers this a reasonable and proportionate approach to assisting Gloucestershire's LPAs with local housing need<sup>53</sup>. GCC will support the LPA in seeking contributions towards:

- Housing with Care / Extra Care Housing Provision for elderly
- Sheltered Accommodation for the elderly
- Supported Living (housing with care) for working age adults with special needs

### 3.5 Fire and Rescue

128. GCC is the local Fire and Rescue Authority (FRA). It is responsible for providing the services of extinguishing fires, protecting life and property, rescuing people from road traffic accidents, undertaking urban search and rescue and dealing with industrial incidents<sup>54</sup>. Gloucestershire Fire & Rescue Service (GFRS) carries out the functions of the Gloucestershire FRA.

129. It is essential that new development is provided with effective fire and rescue infrastructure. In most cases this can be achieved through the provision of fire hydrants affixed to water mains and the carrying out of other appropriate engineering works to ensure the correct and consistent volume and pressure for the water supply. At least one hydrant is required for every 50 dwellings to provide adequate firefighting water supply, depending on site layout and existing provision in the locality. The cost of provision of a fire hydrant fitted on no less than 90 mm mains would be the current cost levied by the water authority or other supplier dependent on who the developer engages.

130. Fire hydrants may also be sought in respect of commercial development and the cost would be the current cost levied by the water authority or other supplier dependent on who the developer engages. The number of hydrants required will need to be assessed on a site-by-site basis, in line with the Building Regulations Approved Document B Volume 2 Sections 15 & 16, British Standards 9990 and the "National guidance document on the provision of water for firefighting".

131. Fire hydrants should be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, to avoid any excessive costs to the developer. The location of hydrant(s) must be agreed with the GFRS through consultation prior to installation. The developer will be expected to initiate the installation of hydrant(s) through contact with the relevant Water Companies (Severn Trent and Thames Water) and will be expected to meet all costs associated with a hydrant and its installation.

132. The preference of GCC is for this matter to be dealt with through planning conditions. The reason for encouraging the use of a planning condition is to ensure

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<sup>52</sup> Gloucestershire County Council. Gloucestershire market position statements. Available at: <https://www.goucestershire.gov.uk/business-property-and-economy/support-and-advice/goucestershire-market-position-statements/>

<sup>53</sup> The NPPF sets out the policy framework for assessing and influencing the requirement for new homes. The considers the need for different types of housing for different groups in the community such as (amongst others) older people and people with disabilities.

<sup>54</sup> The Fire and Rescue Service Act 2004 and Fire and Rescue Services (Emergencies) (England) Order 2007

adequate water infrastructure provision is made on site for GFRS to tackle any property fire.

133. The provision of sprinklers or other automatic fire suppression systems is encouraged where local fire risk could demonstrably be heightened. This is a matter controlled through Building Regulations and not the planning system. This may include new residential neighbourhoods where groups of more vulnerable residents are anticipated to live and, or congregate (e.g. residential care homes, supporting living accommodation, community centres, day facilities and schools etc.). A risk-cost-benefit analysis may be applicable to determine the reasonableness of any requirement for this level of fire and rescue infrastructure<sup>55</sup>.

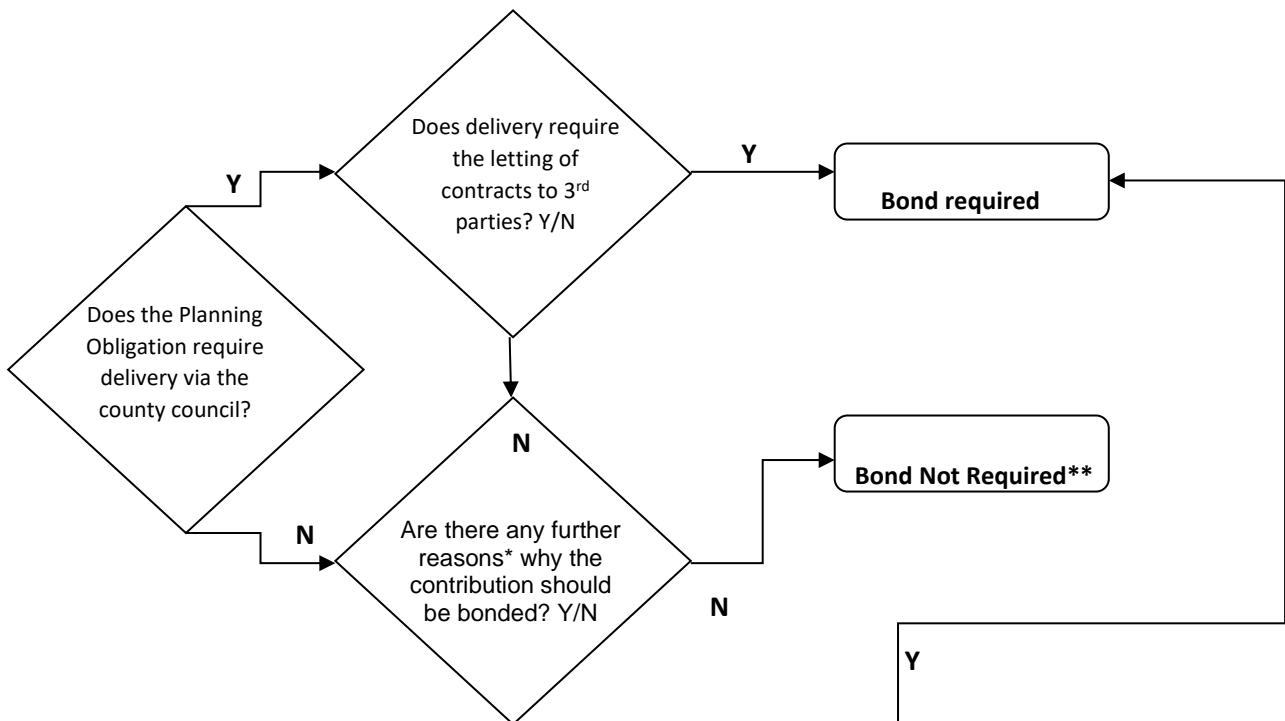
134. There may be circumstances where new development requires expansion of the capacity of local fire services, and developer contributions may be sought through S106 planning obligations. Funding may be sought to expand physical infrastructure and equipment. Where major re-modelling is anticipated, GCC may also look to promote an integrated approach that would facilitate a shared solution in partnership with other local infrastructure services.

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<sup>55</sup> Information and advice on the installation of sprinklers and other automatic fire suppression systems in domestic, residential care and school premises can be found on the Chief Fire Officers Association (CFOA) website.  
<http://www.cfoa.org.uk/10043>

## Appendix A: Approach to Bonds/Sureties in GCC Planning Obligations

The following process flowchart outlines the process for determining whether a bond or other form of surety is required to guarantee third party security in connection with planning obligations. Where a bond is required, it should normally be in place prior to commencement of the development.



\*Such reasons for bonding include:

- Provision of infrastructure in-kind through third party contract
- Risk assessment-based consideration of delivery of infrastructure warrants bonding of contribution, or for an individual component or part of the value of the obligation
- Other factors on a case-by-case basis at GCC's discretion

\*\*Where a bond is not required, consideration should be given to any other assurances which might be required

## Appendix B: Pupil Product Ratios, Cost Multipliers & School Site Sizes

The PPRs for primary, secondary and post 16 were adopted by the county council 1<sup>st</sup> April 2024. These are consistent with the DfE's pupil yield dashboard published in September 2024 and are subject to revision.

- 7 pre-school children per 100 qualifying dwellings
- 30 primary school children per 100 qualifying dwellings
- 14.7 secondary school children (11-15 years) per 100 qualifying dwellings
- 5 post 16 children (16-18 years) per 100 qualifying dwellings

Costs and multipliers are reviewed annually and updated where required. The most up to date costs for education contributions are:

Cost per place	New build	Expansion
Early Years	£24,103	£20,188
Primary	£24,103	£20,188
Secondary 11-16	£29,200	£27,766
Post 16	£29,200	£27,766

### Minimum Site Sizes

#### **Primary schools**

1FE\* (210 places): 1.2ha to 1.5ha

2FE (420 places) 1.8ha to 2.0ha

3F (630 places): 2.6ha to 2.8ha

4FE (840 places): 3.2ha to 3.4ha

\*1Form Entry (FE) is below the size which DfE suggests is viable, so generally a new school will be 2FE. For Primary – minimum sizes, range indicates whether or not Early Years provision is made on-site.

#### **Secondary Schools** (minimum size for 11-16):

5 FE (750 places): 5.8 ha

6 FE (900 places): 6.8 ha

7 FE (1,050 places): 7.7 ha

8 FE (1,200 places): 8.7 ha

9 FE (1,350 places): 9.6 ha

## Appendix C: The Planning and Legal Context for the guide

### National Planning Policy Framework

1. The National Planning Policy Framework (NPPF) sets out the Government's Planning Policies for England. This document has been updated several times since its first adoption in 2012; with the latest major update published in December 2024<sup>56</sup>. The NPPF applies to the preparation of strategic, local and neighbourhood plans, as well as to decisions on planning applications.
2. The NPPF introduced the “presumption in favour of sustainable development” in 2012. The NPPF recognises that there are three pillars of sustainability (social, economic, and environmental). Taken as a whole, the NPPF establishes what sustainable development means in practice. This includes accessible services that reflect current and future needs, and support communities’ health, social and cultural well-being.
3. A key principle of the NPPF is aligning future growth with identifying and coordinating the provision of infrastructure and accessible services to remove uncertainty, improve transparency and reduce delays in the planning process.
4. It is the responsibility of the LPAs to assess the necessity of requested developer contributions, and their combined impact on viability. Further advice on viability can be found in Planning Practice Guidance (PPG)<sup>57</sup>.

### Planning Conditions

5. There are various mechanisms through which developer obligations towards infrastructure and services may be sought. Occasionally, this may be through the power of attaching legally binding “Planning Conditions” to a planning permission.
6. Whilst Planning Conditions are the preferred way to make development acceptable in planning terms, they are not usually appropriate for the purposes of securing financial contributions (see section 2.7 on Planning Obligations for more on financial contributions). They may, however, impose requirements on the developer to cover minor infrastructure requirements, such as local site-related transport improvements, waste or water supply infrastructure or flood risk solutions.
7. Planning conditions should only be used to make otherwise unacceptable development acceptable. Paragraph 57 of the NPPF sets out six tests for applying Planning conditions. They are:
  1. Necessary
  2. Relevant to planning
  3. Relevant to the development to be permitted

<sup>56</sup> Ministry of Housing Communities & Local Government, December 2024. National Planning Policy Framework. Available at: [https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF\\_December\\_2024.pdf](https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf)

<sup>57</sup> Ministry of Housing Communities & Local Government, December 2024. Planning Practice Guidance: Viability. Available at: <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

4. Enforceable
5. Precise
6. Reasonable in all other respects

8. “Grampian conditions” are negatively worded pre-commencement conditions linked to planning permissions that prohibit the commencement of development until a specified action on land offsite (and possibly not controlled by the applicant) has taken place. Such conditions may exceptionally be required by LPAs in consultation with GCC where needed.

## **Planning Obligations**

9. The PPG describes Planning Obligations as “legal obligations entered into to mitigate the impacts of a development proposal”<sup>58</sup>. Planning obligations are legal tools that can be used to secure financial and non-financial contributions to support development and mitigate the impacts of unacceptable development to make it acceptable in planning terms. Planning obligations should only be used where it is not possible to address unacceptable development impacts through a planning condition. There may be a need for a planning obligation to be attached to a planning permission to mitigate the direct impacts of a proposal on local infrastructure.
10. The tests for planning obligations relating to “chargeable development” are set out at CIL Regs 122(2). This states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - Necessary to make the development acceptable in planning terms
  - Directly related to the development
  - Fairly and reasonably related in scale and kind to the development
11. The CIL Regs originally placed legal restrictions on the use of S106 agreements, particularly for infrastructure that might be eligible for funding through CIL (see Sections 2.2 & 2.3 on S106 and CIL). However, following amendments in 2019, planning obligations can now be used for the provision of infrastructure, which is to be funded, wholly or partly, by CIL. Furthermore, following 2019 amendments, the “pooling limit” (of up to 5 separate obligations) for developer contributions has been removed, and the LPAs can now allow pooling of any number of planning obligations to support a particular item of infrastructure. This also allows LPAs to use both CIL and S106 contributions to fund the same piece of infrastructure, so long as a developer is not being asked to pay twice for the same item.
12. GCC will work with the relevant LPAs in line with the three tests set out in the CIL Regs 122(2) to prepare legal agreements for planning obligations to pay for the necessary infrastructure requirements to mitigate impacts from the development.

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<sup>58</sup> Ministry of Housing Communities & Local Government, December 2024. Planning Practice Guidance: Planning obligations. Available at: <https://www.gov.uk/guidance/planning-obligations>

## **Section 106 Developer Obligations (S106)**

13. The Town and Country Planning Act 1990 provides the legal framework for the planning system in England and Wales. Issues that it addresses include the roles and responsibilities of planning authorities, development control, including planning permission, planning, appeals, major infrastructure projects, enforcement, and so on.
14. Section 106 of the Town and Country Planning Act 1990 (as amended) gives its name to a planning obligation, commonly known as a Section 106 Agreement (S106). This section of the Act provides that an LPA or county council may enter into a legally binding agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land. Any person interested in land within the jurisdiction of a local planning authority may, by agreement or otherwise, with the LPA or county council enter into an obligation (S106 as “a planning obligation”), enforceable to the extent mentioned below:
  - a) Restricting the development or use of the land in any specified way;
  - b) Requiring specified operations or activities to be carried out in, on, under or over the land;
  - c) Requiring the land to be used in any specified way; or
  - d) Requiring a sum or sums to be paid to the authority on a specified date or dates or periodically
15. S106 contributions are site specific and may be required to mitigate the impacts of new development and therefore make it acceptable in planning terms.
16. Section 106A of the Town and Country Planning Act 1990 (as amended) provides that a planning obligation may be modified or discharged by agreement with the LPA within a prescribed period or in default of such agreement; and if no period is prescribed, then after a period of five years beginning with the date on which the obligation is entered into. This is intended to help bring forward stalled developments, and to ensure viability where obligations were agreed under more buoyant market conditions. However, such renegotiations must not result in unacceptable development being permitted. When reconsidering planning obligations, GCC will follow the legal tests, planning policy, and the advice set out in the PPG.

## **Community Infrastructure Levy (CIL)**

17. The 2008 Planning Act (as amended) introduced a charge on new development that Local Planning Authorities can collect to fund infrastructure to support growth in their area. In 2010 (as amended in 2011 and 2019) government published regulations setting out how this charge was to be set and collected. This charge is called the Community Infrastructure Levy (CIL).
18. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, came into force on 1 September 2019. The key amendments were:
  - Lifting of the pooling restrictions on Section 106
  - The introduction of monitoring fees
  - Allowing the use of both S106 agreements and the CIL to fund the same infrastructure

- Introducing the requirement to produce an Infrastructure Funding Statement

19. CIL allows LPAs to secure support from chargeable development to help deliver new or improved infrastructure and services. CIL is applied on a formulaic basis to generate a pot of money which is spent on infrastructure across the CIL Charging Area. CIL charging LPAs (such as district, borough or city councils) are also known for this purpose as “Charging Authorities”. GCC is not a CIL charging authority.

20. Development is potentially liable for CIL if it creates a net additional floor space of 100 square metres or more, or results in new dwellings<sup>59</sup>. CIL only applies in areas where an LPA has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.

21. In seeking CIL, Charging Authorities should ensure that development makes a reasonable and proportionate contribution towards the cost of infrastructure across the area (see Section 2.7 for three CIL tests for Planning Obligations). Although not an exhaustive list, such infrastructure may include flood defence, open space, recreation and sport, roads and transport facilities, libraries, education, and health facilities. Some developments may be eligible for relief or exemption from CIL. Applications for such relief or exemption must be made to the LPA prior to the commencement of development.

22. Charging Authorities are responsible for setting CIL rates, and are hence, also the Collecting Authority. CIL is charged per square metre on chargeable development and is index linked in accordance with the CIL Regulations 2010 (as amended). When deciding the CIL rates, an appropriate balance must be struck between additional investment to support development, and the potential effect on viability. Achieving this right balance is central to the charge-setting process.

23. A key purpose of CIL is to help meet envisaged gaps in funding for new infrastructure after other sources have been exhausted. Therefore, understanding funding gaps is an essential part of the local plan-making process, particularly in demonstrating how a development plan will be delivered. Consequently, CIL can only be introduced once an up-to-date plan has been prepared, or is sufficiently advanced, to properly understand the infrastructure requirements needed to support growth.

24. In Gloucestershire, five out of six LPAs have adopted a CIL Charging Schedule. Forest of Dean District has not adopted CIL. Please refer to the LPA websites for the most up to date information, the links to these at the time of writing, are set out below:

- Charging schedule for **Cheltenham Borough Council** can be found at: [https://www.cheltenham.gov.uk/info/46/planning\\_policy/1137/community\\_infrastructure\\_levy\\_cil](https://www.cheltenham.gov.uk/info/46/planning_policy/1137/community_infrastructure_levy_cil)
- Charging schedule for **Cotswold District Council** can be found at: <https://cotswold.gov.uk/planning-and-building/community-infrastructure-levy/calculate-your-cil-charge>
- Charging schedule for **Gloucester City Council** can be found at:

<sup>59</sup> Ministry of Housing Communities & Local Government, April 2024. Planning Practice Guidance: Community Infrastructure Levy. Available at: <https://www.gov.uk/guidance/community-infrastructure-levy>

<https://www.goucester.gov.uk/planning-development/planning-policy/community-infrastructure-levy-cil/>

- Charging schedule for **Stroud District Council** can be found at:  
<https://www.stroud.gov.uk/environment/planning-and-building-control/community-infrastructure-levy-cil/liable-development-and-charging-schedule>
- Charging schedule for **Tewkesbury Borough Council** can be found at:  
<https://www.tewkesbury.gov.uk/community-infrastructure-levy>

25. As GCC is responsible for a significant proportion of strategic infrastructure provision, it works positively with LPAs on their IDPs, and on strategic infrastructure analysis, in support of this process. As a consultee, GCC will provide comments on the CIL Charging Schedules (and rates) set by LPAs as required.

26. Setting a CIL charge for an area does not imply that S106 will not be sought by the CIL Charging Authorities. In some cases, even where there is a CIL charge in place, developer contributions through S106 planning obligations may be sought to mitigate the direct impacts on local infrastructure; as well as where the infrastructure is to be provided on-site and is directly related to the development and necessary to make the development acceptable in planning terms.

27. In some cases, contributions from several developments located in an area may be pooled to provide the required infrastructure, or contributions secured from developers towards recovering the cost of large-scale infrastructure, where appropriate, as set out in GCC's LDG Supplementary Guidance Note: M5 Junction 10 Scheme. While CIL can be charged alongside S106 planning obligations, there should be no situation where a developer is paying twice – through CIL and S106 – for the same specific element of infrastructure in relation to the same development.

28. Allowances also need to be made for 15% (or 25% if a neighbourhood development plan is in place) of CIL receipts to be spent on schemes supported by the local community through made Neighbourhood Plans.

29. Each year, GCC produces an Infrastructure Funding Statement (IFS), which provides a summary of all financial planning obligation activity relating to CIL and S106 legal agreements for the previous financial year. The IFS for GCC can be found via [Infrastructure Funding Statement \(IFS\) | Gloucestershire County Council](#)

### Unilateral Undertakings

30. Unilateral Undertakings (UU) are the simplest type of agreement provided by the applicant setting out what they intend to do to mitigate the impact of the development, but they cannot require the LPA or GCC to perform any duties or carry out any legal obligations because they are not a party to the agreement. These agreements can be suitable for small developments where a full planning application has been made, and the dwelling mix is fixed.

31. In cases where developments are more complex, where an outline planning application has been made and the dwelling mix is not confirmed, S106 agreements are typically used where the parties (such as the developer, owner, LPA and GCC) need to enter into obligations including finalising the amounts to be paid when the numbers of dwellings and dwelling mix are confirmed, how the contributions will be used and the return of any unused contributions after an agreed time period.

### **Use of Bonds**

32. The use of bonds to act as a guarantee where larger contributions have been secured through the S106 process (for example towards schools, transport schemes) may be sought from developers by GCC where appropriate. See Appendix A for further details.

### **Phasing of Payments and Claw-back Arrangements**

33. On large scale developments it is usual for planning obligations to be paid in phases for larger infrastructure and for the timescales for repayment to reflect the anticipated phasing of the development.
34. If the planning obligations received are not committed or spent within the agreed timeframe, then the contributions may be returned to the developer as agreed in the S106 Agreement.

### **Legal Charges and Monitoring Charges**

35. Developers will be required to pay GCC's legal fees for drafting and negotiating S106 agreements and a solicitor's undertaking must be issued to GCC's legal team before any legal work is carried out. The planning applicant is responsible for the cost of producing a legal agreement, including the charge GCC makes for its involvement. City, District and Borough Councils may also add their own fees.
36. GCC will seek a charge towards the administration of S106 agreements (i.e., covering monitoring of S106 agreements independently of the LPA's, invoicing, and chasing up any outstanding payments). Monitoring charges are levied to cover the administrative burden on local authorities that S106 monitoring generates.
37. GCC charges a baseline amount of per obligation/trigger (adjusted with inflation) on more complex agreements where there is a need for monitoring.
38. The monitoring fee can either be paid in full when the agreement is completed, or it can be paid in instalments with the first instalment paid on completion of the agreement and the balance paid on commencement of the development.
39. In cases where there is a single payment on completion of the S106 GCC would not make a charge. Monitoring Fees are triggered by events taking place after Commencement of Development.
40. The process by which GCC's Monitoring charges are calculated is on a bespoke/individual basis i.e. on the number of obligations triggered and phased over time, which better relates to the amount of monitoring work required.

41. A charge will generally be levied on each obligation, covering each infrastructure item sought, for example, pre-school, primary school, and secondary school would each be counted as a separate piece of infrastructure and a monitoring charge sought for each.

42. The current fee (for 2024/25) charged per trigger in each obligation is £563 and increases annually. The table below illustrates how this works.

	<b>Number of Triggers</b>	<b>Fee per Trigger per Obligation</b>	<b>Obligation Amount Due</b>
Obligation 1	2	£563.00	£1,126.00
Obligation 2	2	£563.00	£1,126.00
Obligation 3	2	£563.00	£1,126.00
<b>Total Obligations</b>	<b>6</b>	<b>£563.00</b>	<b>£3,378.00</b>

43. GCC will monitor the contributions collected and ensure that any monies are collected and spent in accordance with the respective S106 agreement.

44. In relation to S106 Travel Plan monitoring fees, these will be based on separate cost figures available from the GCC as the Highways Authority.

### **Indexation**

45. Developer contributions will be future proofed against the cost of inflation through indexation. The indexation will run from the date the costing is based up until the date of payment. Each Agreement will outline the specific indexation methodology relevant to the type or service outlined in the S106 Agreement.

### **Viability**

46. Viability is essential to both plan making and decision-making processes and LPAs need to assess site or plan viability in line with the NPPF and PPG. It is the responsibility of the LPA to assess the reasonableness of the level of contributions sought by any individual S106 obligation.

47. The viability of Local Plans and their prospective infrastructure needs are assessed and considered by the LPA during the local plan production stage. Viability in plan making and

decision taking covers a wide range of topics. PPG (Paragraph: 002 Reference ID: 10-002-20190509) states that:

*"It is the responsibility of site promoters to engage in plan making, take into account any costs including their own profit expectations and risks, and ensure that proposals for development are policy compliant. Policy compliant means development which fully complies with up-to-date plan policies. A decision maker can give appropriate weight to emerging policies. The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions*

## Appendix D: List of Acronyms

BNG	Biodiversity Net Gain
CCG	Clinical Commissioning Group
CIL	Community Infrastructure Levy
CIL Regs	Community Infrastructure Levy Regulations (as amended)
DfE	Department for Education
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
FTTP	Fibre to the Premises
FRA	Fire and Rescue Authority
GCC	Gloucestershire County Council
GFRS	Gloucestershire Fire & Rescue Service
HWRC	Household Waste and Recycling Centre
IDP	Infrastructure Delivery Plan
IFS	Infrastructure Funding Statement
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
LTN	Local Transport Note
MLA	Museums, Libraries and Archives Council
NFM	Natural Flood Management
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPR	Pupil Product Ratio
RMA	Risk Management Authority
WaSC	Water and Sewerage Companies
S106	Section 106 of the Town and Country Planning Act 1990 (as amended)
SPD	Supplementary Planning Document
SRN	Strategic Road Network
SuDS	Sustainable Drainage
UU	Unilateral Undertaking