

Executive Summary

The provision of new homes, employment, community and recreational facilities are essential to support the current and future needs of the District's residents. The process of planning for this new development provides an opportunity to secure new services, infrastructure, community benefits and environmental enhancements.

Furthermore, where new development is acceptable in principle, but the proposal could result in impacts which cannot be controlled through the use of planning conditions, planning obligations can be used to mitigate the impacts and make the development acceptable in planning terms. Planning obligations can require a developer to either deliver new provision or contribute towards services, facilities or infrastructure by way of physical works or financial contributions.

This Supplementary Planning Document (SPD) sets out how the District Council will use its powers as the Local Planning Authority to ensure that new development contributes to the necessary provision of services, facilities and infrastructure needed to support the District's future residents and communities.

It should be noted that an SPD is not a policy document and this SPD does not seek to increase the reach of infrastructure requirements or change the council's planning requirements as set out in the adopted Local Plan. It however pulls together the most up to date information regarding costs and requirements as set out in the Blaby Core Strategy and Delivery Development Plan Document and seeks to update the SPD adopted published by the Council in 2010.

1. Introduction

Purpose of the document

- 1.1 The purpose of this Planning Obligations and Developer Contributions Supplementary Planning Document (SPD) is to set out the Council's approach to seeking Section 106 planning obligations in the absence of a Community Infrastructure Levy (CIL) Charging Schedule within the District.
- 1.2 Once adopted, this document will replace Blaby District Council's Planning Obligations and Developer Contributions Supplementary Planning Document (2010) and the associated supporting evidence base for open space, sport and recreation. Although it does not form part of the development plan, it will be a material consideration in decision-making.
- 1.3 This SPD does not cover every possible circumstance and/or obligation that may need to be taken into account. The document does not stand alone and should be read in conjunction with Blaby District's adopted development plan and Leicestershire County Council's most up to date Planning Obligations Policy¹ and other SPDs that may be prepared by the Council from time to time.
- 1.4 The guidance set out within this SPD must also comply with national legislation. Since the introduction of the Community Infrastructure Levy Regulations in 2010, the Government have set out a series of reforms. This document reflects national legislation at the time of writing. Any future changes to national legislation may therefore supersede the guidance set out within this document.
- 1.5 It is expected that this SPD will remain in force until such time as a new Local Plan is adopted. At that point the planning obligations needed to support development will be set out within relevant updated Local Plan policies reflecting the Government's intention to abolish the use of SPDs and replace these with Supplementary Plans which will be used for area based guidance only.

¹ [Developer contributions | Leicestershire County Council](#)

What are Planning Obligations?

- 1.6 When determining a planning application for new development, the District Council weighs a broad range of considerations to assess whether a development would be acceptable in planning terms. One of those considerations is whether the development would generate a need for new or improved infrastructure², services or facilities. Planning obligations are one mechanism for ensuring that any such need is met. Other mechanisms include Government grants for infrastructure, as seen at the Lubbesthorpe development.
- 1.7 A planning obligation is a legally enforceable commitment secured by either a deed of agreement or a unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended). They run with the land to which planning permission has been granted and assist in mitigating the impact of development to make it acceptable in planning terms.
- 1.8 Planning obligations can be secured to support the delivery of a wide range of infrastructure, such as the provision of affordable housing, improvements to open space or increased capacity in local services such as schools. The new or improved facilities may either be provided directly by the developers, or via a financial contribution paid to the District and / or County Council, who will enable the necessary investment to be made.

What is Community Infrastructure Levy?

- 1.9 The Community Infrastructure Levy (CIL) came into force on 6 April 2010. It is a planning charge which can be levied by local authorities on new development in their area. It is intended to be a tool for local authorities to use to help deliver necessary infrastructure needed to support development.
- 1.10 The CIL levy only applies in areas where a local authority has consulted on and approved a charging schedule, which sets out its levy rates. The Council has previously explored adopting CIL but at the time of writing, the Council does not have an adopted CIL charging schedule in line with the currently adopted Core Strategy Feb 2013. Should the Council adopt a charging schedule in the future, this document will be updated accordingly.

² Infrastructure here means that which can be funded through planning obligations, such as highways, education, open space, health and waste. Utilities such as water, gas, and electricity are not funded through planning obligations.

2. Policy Framework

Legislative Context

- 2.1 Section 106 of the Town and Country Planning Act 1990 provides the mechanism for planning obligations to be secured from development. The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) set out additional legislation on the use of planning obligations.
- 2.2 CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 2.3 Developer contributions will reflect additional or gap funding needs arising directly from the impact of the proposed development and are not intended to provide general funding or unrelated off-site infrastructure.
- 2.4 The 2019 amendments³ to the CIL Regulations removed the previous restriction on pooling more than 5 planning obligations towards a single piece of infrastructure. This means that, subject to meeting the above 3 CIL regulation tests, charging authorities can now utilise an unrestricted number of planning obligations to pay for a piece of infrastructure. However, financial developer contributions secured, received and spent must be published annually in an Infrastructure Funding Statement.

National Planning Policy

- 2.5 The National Planning Policy Framework (NPPF) states that local planning authorities should consider whether otherwise unacceptable development proposals could be made acceptable through the use of conditions or planning obligations. It goes on to comment that the use of planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 2.6 Where up-to-date policies have set out the contributions expected from development the NPPF states that planning applications that comply with them should be assumed to be viable. It is then up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight given to a viability assessment is a matter for the decision-maker. The NPPF requires that all viability assessments,

³ The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019

including any undertaken at the plan-making stage, should reflect the approach in national guidance and be made publicly available.

Local Planning Policy

- 2.7 The statutory Development Plan for the District currently comprises:
- The Blaby District Local Plan Core Strategy (2013);
 - The Blaby District Local Plan Delivery DPD (2019);
 - The Leicestershire Minerals and Waste Local Plan (2019); and
 - The Blaby Neighbourhood Plan 2018.
 - The Fosse Villages Neighbourhood Plan 2021.
 - The Leicester Forest East Neighbourhood Plan 2022
 - The Cosby Neighbourhood Plan 2023
 - The Glenfield Neighbourhood Plan 2023
- 2.8 The Blaby District Local Plan Core Strategy and Delivery DPD set out the spatial development framework for the District. It contains both strategic and development management-based policies and includes housing and employment land allocations.
- 2.9 Local Plan Core Strategy Policy CS12 – Planning Obligations and Developer Contributions states that planning obligations and developer contributions will be sought and guided by the Council's latest Supplementary Planning Document on Planning Obligations and Developer Contributions, and other evidence of need.
- 2.10 To help support the delivery of the Local Plan, Leicestershire County Council (LCC) provides and maintains a number of key types of infrastructure necessary to facilitate the delivery of new development. These include:
- Adult Social Care and Health;
 - Household Waste Recycling Centres and Waste Management;
 - Education;
 - Highways and Transportation;
 - Library Services; and
 - Public Health.

It is therefore important that attention is also paid to LCC's most up-to-date planning obligations policy.

3. Approach to securing planning obligations

Summary

- 3.1 There will be consultation with other public bodies responsible for infrastructure provision. Leicestershire County Council for example is key provider of services and infrastructure.
- 3.2 The nature of planning obligations means that each obligation needs to be considered individually, having regard to each site's specific circumstances. It is however, possible to identify common issues that are likely to arise from development proposals. In line with the Council's adopted Local Plan documents, planning obligations are likely to be requested for the following:
- **Affordable Housing:** Blaby District Local Plan Core Strategy Policy CS7 sets a requirement for a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more dwellings. Where it can be demonstrated that this requirement would make a development unviable, a reduced percentage of affordable units and/or a revised tenure split will be negotiated. Affordable housing must be provided on site unless it is agreed that significant material considerations demonstrate otherwise.
 - **Open space, sport and recreation:** Blaby District Local Plan Delivery DPD Policy CS15 sets out updated standards to ensure that all residents have access to sufficient, high quality, accessible open space, sport and recreation facilities. The provision standards set out within the policy are per 1000 population for each typology. Facilities must be provided on site unless it is agreed that significant material considerations demonstrate otherwise.
 - **Infrastructure and facilities to support growth:** Blaby District Local Plan Core Strategy Policy CS11 states that new developments must be supported by the required physical, social and environmental infrastructure at the appropriate time. To achieve this, the Council will work in partnership with relevant infrastructure and service providers to ensure that new developments provide the necessary infrastructure, services and facilities.

Appendix D of the Blaby District Local Plan Core Strategy sets out the Infrastructure Plan. This states that in most cases contributions towards the following infrastructure will be sought:

- Education
 - Health care (primary care)
 - Green Infrastructure
 - Transport
 - Police / emergency services
 - Civic waste
 - Green Travel Packs
 - Libraries
- **Other contributions:** The Blaby District Local Plan Core Strategy's Infrastructure Plan is not exhaustive and is based on a snapshot in time. There may be instances where a development would result in a material increase in need for other types of infrastructure. In these cases the District Council will negotiate with a developer on a case by case basis, having regard to site-specific circumstances and viability.
- 3.3 The provision of infrastructure and facilities, required by a planning obligation, will be expected to be provided on-site. There may however, be circumstances where on-site provision may not be practical or appropriate. In such cases the District Council will seek financial contributions towards the provision (including maintenance) of infrastructure / facilities at an appropriate alternative location.
- 3.4 Further details of the types of contributions, and the developments they will be sought on are set out within Section 4.

Sub-division of Sites

- 3.5 Developing sites incrementally or sub-dividing a site to avoid contributions will not be acceptable. The needs generated by a site as a whole should be used as the basis on which to seek contributions. This will ensure that the necessary contributions are divided fairly, between different developers (if applicable) and will also ensure that the services and facilities that are required to mitigate the development can be delivered in a comprehensive manner.
- 3.6 Blaby District Council will take a pragmatic approach towards the phasing and delivery of facilities, services and contributions to take account of site constraints, and encourage early engagement and collaboration between parties. Where a housing site is developed in phases or through multiple applications, and where the sport, recreation or open space provision is required on-site within the allocation, this provision is required to be masterplanned, co-ordinated and delivered, on an allocation-wide basis, by the promoters, landowners and/or developers working together. In these

circumstances, a single site for sport and recreation facilities such as playing pitches, or a strategic open space, the provision of which is to serve all of the allocation, may be required. The proposals for open space provision on-site or off-site should similarly be coordinated and delivered on an allocation-wide basis by the landowners/developers working together to ensure that the provision fits within the overall policies of the current adopted Blaby District Local Plan. If the required on-site provision is not delivered in the first/early phases of a housing site allocation, then these first/early phases planning permission will only be granted if the land required for sport, recreation or open space has been legally secured to ensure delivery of the required future provision.

Development Sites Within a Close Geographical Area

- 3.7 Combining numbers from multiple developments in a close geographical area is unlikely to be feasible for open space provision. However, where there are separate housing allocations or developments in a close geographical area, for example around a village, that taken together generate a need for a whole facility or piece of infrastructure, for example a school or GP surgery, contributions may need to be made from all of them. This can ensure the provision of new facilities can meet the anticipated demand of cumulative growth. Such a facility may need to be located on land on one of these housing development sites. Through early engagement with the District Council and the masterplanning of such sites, opportunities should be sought to secure delivery into the most appropriate site, or on new unallocated sites, or on sites with an existing service provision and available space. Developers will be expected to work with the District Council to identify a solution which is acceptable and deliverable. Separate housing allocations or developments which are within a close geographical area will only be granted planning permission once an approach to deliver the required infrastructure or facility to meet the needs of future site occupants has been identified.

Pre-Application Discussions

- 3.8 Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated. Applicants are therefore encouraged to engage with the District Council at the earliest opportunity, regarding any development proposal which may require the use of a planning obligation. It is the Council's strong preference that negotiations occur and agreement on Heads of Terms is achieved, prior to the submission of a larger scale and / or more complex planning application.

Unilateral Undertakings

- 3.9 A Unilateral Undertaking is a simplified version of a Section 106 planning agreement that is signed by developer and any other party with a legal

interest in the development site and is submitted to the Council. Unlike a Section 106 Agreement, the Council is not required to enter into a Unilateral Undertaking. They consist solely of the payment of financial contributions, to be paid at agreed stages, but usually on the granting of planning permission and / or prior to or at different stages of development completion. This approach allows applicants for small schemes to reduce legal costs and avoid potential delays often associated with S106 legal agreements.

Viability

- 3.10 One of the key objectives of this SPD is to indicate the likely level of planning obligations that can be expected from proposed development, in advance of any planning application being submitted. Applicants can then factor these requirements into potential scheme costs at an early stage. The National Planning Practice Guidance (NPPG) clearly states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Where a disagreement arises about financial viability and the planning obligations sought, the applicant will be expected to provide the Council with clear and transparent evidence to support their case. In most instances this will involve the Council reaching an understanding based on a detailed open book financial appraisal, undertaken by an independent assessor with the cost borne by the applicant.
- 3.11 Where there are significant financial issues arising for other public bodies responsible for providing infrastructure (including Leicestershire County Council), the Council will expect that body to be actively involved in this assessment process. The Council will require this evidence to be submitted in a timely manner, prior to the determination of the planning application.
- 3.12 Section 106A of the Town and Country Planning Act allows planning obligations to be modified or discharged in certain circumstances where the developer and planning authority wish to do so. Therefore any requests will be considered and dealt with proactively on a case by case basis by the District Council, to avoid any unnecessary delays in the starting of development.

Timing of Payments

- 3.13 The timing of financial payments under planning obligations will vary depending on their purpose and the time they become necessary to ameliorate the impact of development. Usually, the payment of a financial contribution will be in response to development trigger points to ensure that requirements are met as development continues.

- 3.14 The trigger points for payments of financial contributions will be set out within the signed Section 106 Agreement. It is the responsibility of the developer to make payments prior to the implementation of planning permission or in accordance with the agreed trigger points.
- 3.15 The applicant should note all the corresponding triggers or payment dates for all of the planning obligations included within the S106 Agreement, prior to signing. The Council will send out reminder letters where an invoice has been raised and no payment received within the specified terms of the invoice. Non-payment within three weeks of receipt of the reminder letter will result in the Council pursuing appropriate action, which may include legal action, to ensure prompt payment of outstanding amounts. Unpaid amounts will also be subject to interest charges and indexation if applicable.
- 3.16 Upon receipt of the financial contribution, it will be held in a specific account by the Council before being transferred to the relevant internal departments or third parties (e.g. other public sector body, external service providers etc.) responsible for spending the contribution. The S106 Agreement will include a clause detailing how and when any unspent financial contributions will be refunded.

Indexation

- 3.17 Financial contributions are based upon the costs of infrastructure. Contributions will therefore be indexed (i.e. index-linked to inflation) to ensure they retain their original 'real value'. The base date and appropriate index for the planning obligation(s) to be applied will be set out in the legal agreement. Where a formula has been set for the calculation levels, any cost figures used will be updated regularly to take account of inflation.

Fees

- 3.18 Applicants will be liable for all legal fees for the processing, preparation and conclusion of legal agreements. Typical costs to be recovered include the legal costs of negotiating obligations, preparing, drafting, and sealing S106 agreements and Deed of Variations. This would also include the costs associated with obtaining independent advice, if necessary, to validate specific aspects of the application.
- 3.19 Financial contributions payable to Leicestershire County Council (i.e. those relating to highways, education and libraries etc.) will be subject to the County Council's own procedures. Applicants are therefore advised to refer to [Leicestershire County Council's most up to date Planning Obligations Policy⁴](https://www.leicestershire.gov.uk/environment-and-planning/planning/developer-contributions)

⁴ <https://www.leicestershire.gov.uk/environment-and-planning/planning/developer-contributions>

Monitoring and Enforcement

- 3.20 The monitoring of developer contributions payable to the Council will be undertaken to ensure that all obligations entered into are complied with. In line with national planning guidance, the Council will collect and maintain data to inform annual infrastructure funding statements. [The funding statements will be published at least annually \(www.blaby.gov.uk\)](#) and will comply with the government's expected data format⁵.
- 3.21 Local planning authorities are expected to use all the funding they received through planning obligations in accordance with the terms of the individual planning obligations agreement. National planning guidance states this will ensure that new developments are acceptable in planning terms, and they benefit local communities and support the provision of local infrastructure.
- 3.22 National planning guidance also states that authorities can charge a monitoring fee through Section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of the planning obligation. Such fees are to be proportionate and reasonable, reflecting the actual cost of monitoring and a cap may be set to ensure that any fees are not excessive.
- 3.23 The District Council's monitoring fee is a percentage of secured financial contributions and reflects regulation 61, as amended by the 2014 Regulations and as set out in the Community Infrastructure Levy Guidance. Where there is no financial contribution secured the District Council will charge a flat rate of £360 per non-financial obligation. This figure of £360 has been adjusted inline with inflation from the District Council's previous Planning Obligation and Developer Contribution SPD and will also be adjusted annually in accordance with inflation and published on the Council's website.
- 3.24 Therefore, the District Council will charge 5% of the value of each type of financial contribution, or £360 (see website for updates) per non-financial contribution, whichever is greater, payable to the District Council. For large scale developments of more than 500 dwellings, a negotiated monitoring cost fee is likely to be sought which reflects the costs and time associated with the monitoring.

⁵ At the time of writing, National Planning Practice Guidance states that this data should include details of the development and site, what infrastructure is to be provided including any information on affordable housing, and any trigger points or deadlines for contributions. Local authorities are also required to record when developer contributions are received and when contributions have been spent or transferred to other parties.

4. Planning Obligation Guidance by Typology

- 4.1 This section gives specific advice for various types of infrastructure commonly required by the Council to support new development. It does not necessarily cover every circumstance and / or planning obligation that may be needed to make a new development acceptable in planning terms.

Affordable Housing

- 4.2 The National Planning Policy Framework (NPPF) defines affordable housing as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers), and which complies with one or more of the definitions set out in Annex 2 of the NPPF.

- 4.2.1 To aid the delivery of affordable housing within the District, the Council has a specific policy within its [adopted Local Plan⁶](#) Core Strategy Policy CS7 – Affordable Housing, and a [Housing Mix and Affordable Housing SPD \(2013\)⁷](#). Applicants should therefore review these policy documents before submitting a planning application which may require the provision of affordable housing.

Site Threshold and Requirements

- 4.2.2 Core Strategy Policy CS7 sets out a requirement of 25% of dwellings to be affordable on developments of 15 dwellings or more. A reduced percentage of affordable units will only be acceptable where it can be demonstrated that the minimum requirements would make the development of a site unviable. In such cases, an open book approach with independent scrutiny of the viability assessment will be required (with the cost borne by the applicant). Supporting the Core Strategy, Policy 7 of the Council's adopted Housing Mix and Affordable Housing Supplementary Planning Document (2013) states that affordable housing on qualifying sites should broadly represent a tenure split of:

- | | |
|-------------------------|-----|
| • Social Rent | 40% |
| • Affordable Rent | 40% |
| • Intermediate Products | 20% |

- 4.2.3 The Government consulted on proposals to introduce First Homes in August 2020. The Government's response to the consultation was published on the 1 April 2021. First Homes were subsequently introduced through a Written Ministerial Statement¹ (WMS) and updates to Planning Practice Guidance

⁶ <https://www.blaby.gov.uk/planning-and-building/local-plan/local-plan-core-strategy/>

⁷ <https://www.blaby.gov.uk/planning-and-building/guidance-and-policies/housing-mix-and-affordable-housing/>

(PPG) in May 2021 and further updates to PPG on 23 December 2021. First Homes are a form of discounted market sale housing. The PPG states that First Homes should comprise the first 25% of affordable housing although there are a number of limited exclusions. However, the Draft Consultation on an updated NPPF (published in August 2024) suggests that the priority for First Homes will be removed. The Council will consider the best mechanism to update its policy to ensure it suitably considers national guidance, including though an update to the existing SPD where appropriate. In advance of updating our guidance we strongly recommend that developers submitting a planning application contact the Council's strategic housing team to discuss the mix of affordable homes on major sites⁸.

4.2.4 The Housing Mix and Affordable Housing SPD states that affordable housing must be fully integrated with market properties in their design, layout and location within the development. Policy 8 of the document states that in the interests of creating sustainable and mixed communities, affordable units should be spread across the development in clusters of no more than 6 dwellings.

4.2.5 The Council requires all affordable homes to be provided as 'tenure blind' (i.e. there should be no discernible difference between affordable housing tenures and / or market housing). Applicants are encouraged to engage in pre-application or early discussions with the Council as part of a full planning application in order to reach an agreement over the most appropriate approach for a scheme.

4.2.6 The Council's Local Plan does not set out detailed policies on affordable housing standards. Applicants are therefore encouraged to consider the most up to date national standards for affordable housing. Many registered providers of affordable housing have limits that reflect national standards and applicants are also encouraged to consider these when designing affordable housing.

Specialist Housing

4.2.7 Policy DM11 of the Local Plan Delivery DPD sets out a requirement that development proposals of 20 dwellings or more must provide at least 5% of dwellings to meet the Building Regulations Standard M4(2) (accessible and adaptable dwellings). Depending on local needs, this requirement may also be provided as affordable housing. Pre-application discussions with the Council will confirm if there is a sufficient level of need within the local area (i.e., settlement or Parish).

⁸ Housing.Strategies@blaby.gov.uk

Off-site Provision and Commuted Sums

- 4.2.8 The delivery of affordable housing will be expected to be provided on site. Provision of affordable housing on an alternative site, or by way of commuted sum, will only be allowed in exceptional circumstances, where it can be robustly justified.
- 4.2.9 Exceptional circumstances could include where it can be proven that offsite provision would better meet identified needs; and/or where it can be proven that on site provision is not financially viable.
- 4.2.10 In the event that the Council accepts there are exceptional circumstances that merit either the payment of a commuted sum or the provision of off-site affordable housing in lieu of on-site affordable housing provision, the basis for the calculation will be the Council's most up to date Housing Mix and Affordable Housing SPD. Where a percentage calculation for off-site affordable housing results in a fraction of affordable housing provision, this will either be rounded up to the nearest whole number, or the fraction will be paid as a financial contribution.

Open Space, Sport and Recreation

- 4.3.1 To ensure the provision of sufficient, high quality and accessible open space, Updated Core Strategy Policy CS15 (set out within the Blaby District Local Plan Delivery DPD) sets out the following quantity (in hectares) and accessibility (in metres) standards per 1000 population⁹:

Parks and Recreation Grounds*	0.23 ha (1280 metres) *
Natural greenspace	2.6 ha (1600 metres)
Informal Open Space	1 ha (800 metres)
Provision for children and young people areas	0.06 ha equipped play (1040 metres)
Allotments and community gardens	0.25 ha (1440 metres)
Cemeteries and churchyards	0.21ha (1200 metres or 15 minutes travel time)
Outdoor Sports Space	Refer to Open Space Audit for guidance on quantity and quality requirements.
Village and community halls	1 village or community hall per 2200 people (800 metres or 10 minutes travel time)

- 4.3.2 The evidence base for the above policy is the Blaby District Open Space Audit (2015). However, the Council has commissioned additional studies to update the evidence and so updates to the Open Space Audit should be used where available.

Threshold for provision

- 4.3.3 Building on the Council's adopted quantity and accessibility standards (see Paragraph 4.3.1.) the following table provides guidance on the typologies of public open space that will normally be requested on residential development proposals of varying sizes.

⁹ Broadly speaking a typical development of around 400 homes will lead to a population increase of around 1000 people within Blaby District.

Table 1: Open space requirements by number of units per site

Typology of Provision	1-19 dwellings	20-49 dwellings	50-99 dwellings	100-199 dwellings	200+ dwellings
Parks and Recreation Grounds	Off-site	Off-site	Off-site	Off-site	On-site
Natural Greenspace	Off-site	Off-site	Off-site	On-site	On-site
Informal Open Space	Off-site	On-site	On-site	On-site	On-site
Provision for children and young people	Off-site	Off-site	On-site (LAP)	On-site (LEAP)	On-site (NEAP)
Allotments and community gardens	Off-site	Off-site	Off-site	Off-site	On-site

4.3.4 The requirements set out in Table 1 have been informed by the Council's most up to date evidence on open space. This is based on consideration of what is both practically deliverable on sites of varying residential capacities and also the potential recreational value of new areas of public open space. For example, with the exception of play spaces, it is considered that open spaces of less than 0.15 ha site area are of limited recreational value and are expensive to manage and maintain. The Council would therefore not pursue an onsite open space contribution for such open spaces.

4.3.5 Council will usually expect public open space which can be provided on site to be located as such. However exceptionally there may be valid reasons to allow for offsite provision. This could include for example where the provision of a specific type of space may not be appropriate in that location, for example allotments on remediated land.

Types of development eligible for on-site provision

- 4.3.6 Table 2 details the types of housing that are considered eligible for making contributions towards open space to meet the needs of future occupants. Occupiers of permanent mobile homes are considered by the Council to be permanent residents of the district and therefore expected to contribute to additional open space provision.

Table 2: Open space requirements by residential typologies

Category	Housing & flats	Independent housing for the elderly	Permanent mobile homes
Parks and Recreation Grounds	✓	✓	✓
Natural Greenspace	✓	✓	✓
Informal Open Space	✓	✓	✓
Provision for children and young people	✓ (on 2 bed or more units)	×	✓ (on 2 bed or more units)
Allotments and community gardens	✓	✓	✓

- 4.3.7 2011 Census data for the District indicates that the average occupancy level for 1 bed units is less than 2 occupants. Open space provision for children and young people will therefore not normally be sought on such units as they may not generate additional demand for this typology. This will be reviewed and updated as necessary when new Census data is available.

Open space requirements

- 4.3.8 Subject to the information set out in Tables 1 & 2, the required amount of open space shall be provided on-site unless significant material considerations indicate otherwise. Off-site provision / contributions will only be considered where on-site provision is not feasible / impractical or where better provision could be provided off site. It may be relevant to include an element

of optionality in the provision of facilities on and off-site; for example, where there are doubts as to the deliverability of an off-site solution that would otherwise deliver greater planning benefits. In such circumstances, trigger points can be used to ensure that in the event a preferable off-site solution is no longer feasible, on-site facilities are provided.

4.3.9 At the time of writing, the Council is not looking to adopt or maintain additional public open space. The Council's preference is therefore for public open space to be maintained by either a private management company or the relevant town or parish council (where they are willing and able to do so with a maintenance contribution). However, exceptionally, the Council may consider on a site-by-site basis, the adoption of public open space on large development sites. Responsibility for future ownership and management would be assigned through the delivery mechanism.

4.3.10 When determining the amount of open space required, the Council will consider the quantity, accessibility and quality of existing open space within the parish area and where a development site is close to a parish boundary, consideration will be given to existing open space within the neighbouring parish. The following section provides further guidance on the requirements the Council will seek.

Quantity

4.3.11 The following series of tables set out how the adopted Local Plan's quantity requirements for each open space typology will be applied to dwellings of various sizes. The requirements should be provided on-site, unless further provision can be provided in the local area or on-site provision is not feasible.

4.3.12 In the case of outline planning applications where no detail is available for calculating open space provision, the s106 agreement should include the following wording:

"In the event that at the time of an application for approval of Reserved Matters an off-site open space contribution is required [in addition to or], in lieu of the full provision or part provision of on-site open space contribution, the off-site open space contribution will be negotiated having regard to the requirements set . The off-site open space contribution will be subject to indexation from the date of this legal agreement or the date of [outline planning permission], [the approval of Reserved Matters] whichever is earlier."

Table 3: Allotments and community gardens requirement by dwelling size

Allotments and Community Gardens			
Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	2.5	1.3	3.25
2 bed dwelling	2.5	1.8	4.5
3 bed dwelling	2.5	2.4	6
4 bed dwelling	2.5	3	7.5
5+ bed dwelling	2.5	3.4	8.5

Table 4: Informal open space requirement by dwelling size

Informal Open Space			
Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	10	1.3	13
2 bed dwelling	10	1.8	18
3 bed dwelling	10	2.4	24
4 bed dwelling	10	3	30
5+ bed dwelling	10	3.4	34

Table 5: Parks and recreation grounds by dwelling size

Parks and Recreation Grounds			
Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	2.3	1.3	2.99
2 bed dwelling	2.3	1.8	4.14
3 bed dwelling	2.3	2.4	5.52
4 bed dwelling	2.3	3	6.9
5+ bed dwelling	2.3	3.4	7.82

Table 6: Provision for children and young people requirement by dwelling size

Provision for Children and Young People¹⁰			
Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	No requirement	1.3	No requirement
2 bed dwelling	0.6	1.8	1.08
3 bed dwelling	0.6	2.4	1.44
4 bed dwelling	0.6	3	1.8
5+ bed dwelling	0.6	3.4	2.04

¹⁰ No requirement is likely to be sought for 1 bed dwellings. The 2011 Census data shows that such dwellings, on average, have less than 2 occupants.

Table 7: Natural greenspace requirement by dwelling size

Natural Greenspace			
Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	26	1.3	33.8
2 bed dwelling	26	1.8	46.8
3 bed dwelling	26	2.4	62.4
4 bed dwelling	26	3	78
5+ bed dwelling	26	3.4	88.4

Accessibility

4.3.13 Open spaces that are likely to be used on a frequent basis need to be within easy walking distance and have safe access. To ensure that all residents have suitable access to each open space typology, updated Core Strategy Policy C15 – Open space, sport and recreation also sets out the series of desirable access standards (in walking distance) to various typologies of open space.

Table 8: Accessibility standards

Desirable access standards in walking distance	
Allotments and Community Gardens	1,440 metres
Informal Open Space	800 metres
Parks and Recreation Grounds*	1,280 metres*
Provision for Children and Young People	1,040 metres
Natural Greenspace	1,600 metres

*This standard applies to all parishes with a population of 6000 or more

4.3.14 The above accessibility standards will be used in conjunction with the quantity standards (set out in Tables 3-7) to ensure that proposals for residential development provide a sufficient amount of accessible on-site open space or make a suitable contribution to off-site provision (which could be the provision of additional space or upgrades to existing).

4.3.15 As previously stated within this guidance, an area may have a good supply of existing open space and a proposed development may fall within the above walking distances. This does not necessarily mean that additional provision / contributions are not required. The existing open space(s) may be well used but be poor quality / require improvement.

Quality

4.3.16 The quality and design of open spaces can be a crucial factor in its level of use and enjoyment. Well-designed spaces can encourage increases in resident's daily activity levels, as well as greatly contributing to the natural and biodiversity value of the District. They can also enhance the sale value of the associated dwellings.

Delivering well designed open spaces

4.3.17 A key element of good quality open spaces is their ability to be multifunctional. Open space can provide numerous functions such as providing space for informal recreation and relaxation, habitats for wildlife and improve air quality. Well-designed open space can therefore provide attractive landscapes and improve resident's health and wellbeing.

4.3.18 To help ensure that new and existing areas of open space become and remain important and valued local resources, they should be designed and well-maintained so that they are accessible to all members of the community. They should also provide safe and secure environments for all of those using them.

4.3.19 For informal open spaces, a minimum size site of 0.15ha is recommended. This should be capable of supporting informal recreation, include high quality planting which helps to increase the biodiversity value, and be easily maintained. These objectives can be secured through a well-designed landscaping scheme, which also considers ways in which such spaces can connect to surrounding areas of open space and biodiversity value.

4.3.20 For parks and recreation grounds, national guidance relevant to this typology is provided in the 'Green Flag' quality standard for parks. For natural green

spaces, the shape and size of the space provided should allow for meaningful and safe recreation.

- 4.3.21 In urban environments, protecting, creating and enhancing natural and semi-natural features is a win-win approach to delivering positive outcomes for both people and wildlife. All new and improved open space should therefore be designed and maintained to benefit both local residents and the local/wider environment.

Delivering well designed play spaces

- 4.3.22 The provision of open space for children and young people within the District will be guided by the Fields in Trust (and any successor organisation) recommendations. These requirements are set out in Table 9 below.

Table 9: Children and young people open space requirements

Equipped provision type	Age group	Minimum size of activity area	Minimum buffer zone
Local Area for Play (LAP)	Children	LAP - 100 sq m active playable space (need not be equipped).	5m separation between the activity playable space and the nearest dwelling.
Local Equipped Area for Play (LEAP)	Pre-teens	LEAP - 400 sq m activity zone area.	20m separation between activity zone and the habitable room façade of the nearest dwelling.
Neighbourhood Equipped Area for Play (NEAP) including a MUGA	Older pre-teens and teens	NEAP - 1000 sq m activity zone divided into two parts: one containing a range of playground equipment and the other a hard surface MUGA of at least 465 sq m.	30m separation between the activity zone and the boundary of the nearest dwelling.

- 4.3.23 Where new on-site, or improvements to existing, play space is required applicants are encouraged to consider [Design for Play: a guide to creating successful play spaces](https://www.playengland.org.uk/designforplay) (<https://www.playengland.org.uk/designforplay>) or any updated or successor document). The document provides non-statutory guidance and aims to support good practice in innovative design and improvement of public play space.

Design for Play: A guide to creating successful play spaces

The 10 principles for designing successful play space

Successful play spaces...

- Are 'bespoke'
- Are well located
- Make use of natural elements
- Provide a wide range of play experiences
- Are accessible to both disabled and non-disabled children
- Meet community needs
- Allow children of different ages to play together
- Build in opportunities to experience risk and challenge
- Are sustainable and appropriately maintained
- Allow for change and evolution.

4.3.24 The design of play space is encouraged to fit its surroundings and enhance the local environment, through incorporating play into the overall landscape masterplan for new development. This could include opportunities for natural play, where appropriate (e.g., grassy mounds, planting, logs and boulders can all help to make a more attractive and playable setting for equipment). Planting can also help to attract birds and other wildlife. In urban areas with little or no green space, creating a more natural appearance can help soften the urban landscape.

4.3.25 When drawing up masterplans for residential development, which require the provision of on-site open space, applicants are encouraged to contact the Council (preferably at pre-application stage) to discuss how accessible and multi-functional open space can best be delivered.

Calculation of off-site contributions

4.3.26 As noted earlier the Council will usually expect Public Open Space to be provided on site. Where an off-site contribution has been deemed to be acceptable, a financial contribution will be negotiated to cover the cost of providing necessary provision and its management for a 20 year period. Each case will be considered individually. Where provision is not appropriate on site, a contribution based on the cost of provision elsewhere will be made having regard to local needs and the typology of the provision and will be negotiated having regard to the most up to date costings such as those set

out in the most recent Spon's Architects' and Builders' Price Book data. Up to date costings are available on the Council's website.

4.3.27 It should not be assumed that open space will be adopted by the local authority. They may be managed by a Management Company (ManCo) or a Parish Council.

4.3.28 Where there is insufficient certainty regarding the bedroom numbers per unit, the s106 Agreement at the outline planning application stage will state the figures and indexation to be used and when they will be used. This will ensure that any future changes to the development proposal will contribute the necessary amount of commuted sums towards open space.

Active Travel Infrastructure

4.3.29 Local Cycling and Walking Infrastructure Plans (LCWIPs) have been prepared by both the District Council and County Council. These LCWIPs set out ambitious plans to significantly enhance local walking and cycling provision and provide benefits in respect of public health, climate change and accessibility by boosting transport choice, especially for shorter journeys.

4.3.30 Where new development site is proposed which aligns with proposed routes, the Council will seek to work with developers to ensure that the scheme does not prejudice the delivery of new infrastructure, and where appropriate, contributes towards its delivery including through the provision of routes through the site and the enhancement of routes surrounding the site to enhance local connectivity.

Household and Municipal Waste

4.3.31 As set out in Local Plan Policy CS23 the Council will work with its partners, including Leicestershire County Council as the Waste Disposal Authority, in order to research and develop coordinated services and appropriate infrastructure for waste collection, treatment, transfer and disposal.

4.3.32 Effective household waste management is important in developing sustainable communities to ensure that waste production is reduced and recycling is increased. As a waste collection authority, Blaby District Council is responsible for the collection of household waste. Residential waste is currently collected in two wheeled bins. One for refuse and one for recycling. The Council also offers a paid for garden waste collection.

4.3.33 Policy CS12 of the Core Strategy requires that where requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that developers will contribute toward their provision (and in some cases maintenance). One of the demands on a growing community is the need to be able to deal with

household waste management and in major developments of 10 or more dwellings, the Council will seek and encourage, developers to make contributions appropriate to provide suitable facilities for recycling and waste collection, for example wheelie bins. Where a development would produce extra demand on local waste management beyond the capacity of existing provision, planning obligations may be sought to meet the needs arising to make the development acceptable.

4.3.34 The current cost of providing a two wheeled bin in Blaby is £24.50 per bin. To cover the cost of bins for recycling and refuse £49.00 per household will be sought on all major schemes. Costs will increase periodically, and any changes to the cost of two wheeled bins will be highlighted on the Council's website.

4.3.35 Contributions for Household Waste and Recycling receptacles will be spent on the purchase of receptacles for new homes. Spending will be reported as a specific item in the Infrastructure Funding Statement.

Sustainable Drainage Systems (SuDS)

4.3.36 The primary function of SuDS is to ensure that flood risk is not increased on-site, as a result of new development. The use of SuDS is therefore encouraged, where appropriate, to enhance natural forms of drainage.

4.3.37 On-site provision of SuDS will not normally be counted towards the open space typology requirements set out within Updated Core Strategy Policy CS15. However, where SuDS have been designed to be multi-functional (i.e. have clear public access, basins are permanently wet in the interests of biodiversity etc.) and form part of a wider landscaping scheme (of at least 0.15 ha) consideration may be given to including it within the open space requirements. It will be up to the applicant to demonstrate to the satisfaction of the Council that the proposed SuDS would be multi-functional and forms part of the wider public open space provision.

Biodiversity Net Gain (BNG)

4.3.38 Under the Environment Act 2021, all planning permissions granted in England (bar a few exemptions) will have to deliver a 10% Biodiversity Net Gain (BNG) on site. The National Planning Policy Framework also refers to BNG being sought through planning policies and decisions. The Planning Practice Guidance states that, in appropriate circumstances, planning conditions or obligations can be used to require that a planning permission provides for works that will measurably increase biodiversity. However, there are limits to the functions of open spaces particularly in the context of BNG. Nonetheless, open space land and other amenity land can provide wildlife habitat and if it

can be demonstrated by the applicant that the land can be multi-functional then land for BNG can also be counted as open space.

- 4.3.39 The Council will encourage developers to firstly minimise biodiversity losses by retaining the most important existing habitats as part of any new development scheme. However, where losses occur as part of any scheme the Council will work positively with developers seeking to replace losses on site. Where this is not possible, we would encourage offsetting on land immediately adjoining the site or nearby such that communities affected by any loss could benefit from new habitat creation where this is an option for the developer. Where there are no demonstrable opportunities to offset losses in the local community offsetting elsewhere will be accommodated.
- 4.3.40 Blaby District Local Plan Core Strategy Policy CS19 – Biodiversity and geo-diversity states that the Council will work with partners to ensure the creation and designation of new wildlife sites and enhance existing sites. The policy also looks to improve linkages between existing sites and natural habitats to further help biodiversity.
- 4.3.41 When considering development proposals of an appropriate scale and type, the Council will seek to ensure that opportunities are explored and delivered to build in biodiversity features as part of the design. This includes re-development proposals for previously developed land, as such land can provide significant biodiversity habitat.
- 4.3.42 In exceptional cases, where no alternative sites are available and development is needed, Policy CS19 states that compensatory measures should be sought which could include the provision of replacement habitats and / or the use of planning obligations to help mitigate the harmful aspects of the development. This will be carried out on a site-by-site basis.

Cemeteries

- 4.3.43 Updated Core Strategy Policy CS15 sets out a requirement for 0.21 ha of cemetery and churchyard space to be provided per 1000 population. The policy also sets out an accessibility standard of 1200 metres or 15-minute driving time. It should be noted that these standards and requirements are in relation to cemeteries and churchyards functioning as open spaces rather than their primary function as burial sites.

Table 10: Cemeteries and churchyards requirement by dwelling size

Cemeteries and churchyards

Dwelling Size	Quantity standard (m²) per person	Occupancy rate (based on 2011 Census data)	Total requirement (m²) per dwelling
1 bed dwelling	2.1	1.3	2.73
2 bed dwelling	2.1	1.8	3.78
3 bed dwelling	2.1	2.4	5.04
4 bed dwelling	2.1	3	6.3
5+ bed dwelling	2.1	3.4	7.14

4.3.44 New residential developments will be expected to contribute to the provision of new, or the expansion of existing cemeteries and churchyards. Contributions to such provision will only be sought where the need generated by the development cannot be met by existing sites.

4.3.45 Any financial contributions sought for land acquisition, laying out, and future management and maintenance of a cemetery or churchyard will be negotiated on a site-by-site basis. The contributions sought will be dependent upon site circumstances and commensurate to the need generated by the development.

Sports

4.3.46 Updated Blaby District Local Plan Core Strategy Policy CS15 (set out within the Local Plan Delivery DPD) states that for guidance on quantity and quality requirements, reference should be made to the most up to date Open Space Audit. The Council has commissioned a Playing Pitch Strategy to assess existing outdoor sports provision within the District to help identify gaps and potential priorities for future investment. The Council's Health and Leisure team should be consulted in relation to identifying the need for additional and improvements to sports facilities.

4.3.47 In line with Sport England best practice, minimum quality standards (per x amount of population) are not set out within this document. Requirements for additional outdoor sports facilities will be based on more detailed assessment of local use and demand, as detailed within the Council's most up to date Playing Pitch Strategy.

Sports Clubs

4.3.48 Sports clubs and voluntary organisations play an important role in providing opportunities for local communities to participate in sports within the district.

New development can have an impact on the demand for such provision. Where sports clubs and voluntary / not for profit organisations provide public access to their facilities, contributions may be sought to help ensure that sports facilities can accommodate potential additional demand resulting from new development.

- 4.3.49 Contributions may be sought for improvements / expansion / new provision of either playing pitches or accompanying sports related ancillary facilities which help to encourage greater community use (for example improved changing facilities). Funding for sports clubs would only be considered where a community use agreement is in place, and where it can demonstrate that they either have a long-term lease (minimum 25 years as recommended by Sport England) or own the land. The level of contribution will be negotiated on a site-by-site basis and will be informed by the latest Sport England guidance. While there is no strict definition of ancillary facilities, it will need to be demonstrated to the satisfaction of the Council that the ancillary facility will support the existing sports use as well as encourage greater community use.

4.4 Infrastructure and Facilities

Community Facilities

- 4.4.1 Adequate provision of, and capacity in, community facilities is important in order to meet the additional demands arising from new development. New facilities (such as community halls) will be needed where there is a lack of provision and / or capacity as a result of new development.
- 4.4.2 Successful and sustainable communities should provide spaces which local communities can access for social, cultural and sporting activities. Community halls can offer a flexible multi-purpose venue for a diverse range of community groups.
- 4.4.3 The updated Blaby District Local Plan Core Strategy Policy CS15 – Open space, sport and recreation sets out a requirement for 1 village or community hall per 2,200 people. The Council's accessibility standard is 800m walking distance or 10-minute drive time for such facilities.
- 4.4.4 Financial contributions to increase the capacity / functionality of existing community halls may be sought where new development would result in capacity issues. Funding may be used to support refurbishments (but not maintenance), new facilities or extensions to existing facilities.

- 4.4.5 At the time of writing the Council does not have an up-to-date assessment of community halls. Financial contributions for such facilities may be sought in the future if it can be supported by future evidence and justification.
- 4.4.6 The following are not provided by Blaby District Council and so discussion will need to be had with the relevant provider in order to determine the required contributions.

Leicestershire County Council (LCC) Infrastructure

Civic Amenity and Waste Collection

- 4.4.7 LCC, as the Waste Disposal Authority, has a statutory duty to offer facilities to local residents where they may deposit their household waste. These are known locally as Recycling and Household Waste Sites.
- 4.4.8 Contributions may be sought where new development would result in capacity issues at existing Recycling and Household Waste Sites. For more information applicants should refer to LCC's most up to date Planning Obligations Policy.

Highways and Transportation

- 4.4.9 LCC is the local highway authority and is responsible for the management and maintenance of the adopted highway network within the District. LCC also produces the Local Transport Plan, is responsible for traffic management and road safety and has responsibilities in relation to public transport and public rights of way.
- 4.4.10 LCC provide their own guidance¹¹ about the obligations which they may seek. Their Planning Obligations Policy states that to 'achieve sustainable development, the County Council will likely seek off-site public transport, cycling and walking measures in the general area within which the development lies'.
- 4.4.11 Where new development is proposed, the District Council will work with LCC to explore and maximise opportunities for enhanced walking and cycling within the District. Links to neighbouring authorities, particularly Leicester City, will also be explored.
- 4.4.12 All highways and transportation related contributions will be negotiated on a case-by-case basis. Applicants should therefore refer to LCC's most up to date planning obligations guidance for further information relating to wider transport infrastructure improvements and integrated transport measures.

¹¹ [Leicestershire County Council Developer Contributions webpage](#)

Education

- 4.4.13 Under the Education Act 2006, LCC has a statutory responsibility to ensure there are sufficient school and childcare places available for local children and young people living within the county of school age. It is important that these places are available within a reasonable travel distance for all those of school age occupying new residential development.
- 4.4.14 LCC is a provider of community schools, voluntary controlled schools and community special schools. As a result of legislative change there are now many academies in Leicestershire which to a large degree operate independently of the Local Authority. This change has resulted in LCC becoming more of a commissioner rather than a provider of new schools.
- 4.4.15 At the time of writing, LCC's Planning Obligations Policy (2019) document states that the County Council will seek contributions from housing developers to meet the cost of new school places arising as a consequence of new development. Applicants should therefore review LCC's most up to date policy position on planning obligations for the provision of education (which includes primary, secondary, pre-school and special needs education).

Community safety and Primary Health Care

Community Safety

- 4.4.16 The East Midlands Ambulance Service NHS Trust (EMAS), Leicestershire Fire and Rescue Service and Leicestershire Police may request developer contributions from qualifying developments to meet the additional costs to deliver their respective emergency service provision.
- 4.4.17 When emergency service providers make a request for developer contributions, they will need to provide the District Council with sufficient justification that new development directly results in an increased need for infrastructure funding.

Primary Health Care

- 4.4.18 NHS Leicester, Leicestershire & Rutland Integrated Care Board (ICB) plan and manage healthcare services within the District. On large sites or where a deficit in existing provision is identified, the Council will work closely with the ICB to ensure that health care needs are adequately planned for.
- 4.4.19 Where financial contributions are requested for healthcare infrastructure, the ICB will need to provide the District Council with details of how the requested

money will be spent. This information should clearly illustrate how the request meets the CIL Regulations.

4.4.20 The level of financial contributions will be negotiated on a case-by-case basis. This will take into account the nature of the development and the projected increase in demand on healthcare services. The provision of any on-site primary healthcare facilities or financial contributions towards such facilities should also clearly set out the future management arrangements for the onsite provision to ensure that there is certainty over the ongoing delivery of the service. The NHS and its partners will need to work closely with the District Council in the formulation of appropriate mitigation measures. The process for engagement between the District Council and the ICB will be as follows:

- Assess the level and type of demand generated by the proposal.
- Work with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- Identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- Identify the appropriate form of developer contributions.

Other contributions

4.4.21 The list of infrastructure and facilities outlined within this section is not exhaustive. There may be instances where a development may result in a material increase in the need for other types of infrastructure. In such cases the District Council will negotiate with the developer on a case-by-case basis.