

Developer Contributions

Supplementary Planning Document

Consultation Draft

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1. Introduction

Purpose of the document

- 1.1 The delivery of the new Oadby & Wigston Local Plan 2020-2041 (OWLPR) is underpinned by an Infrastructure Delivery Plan (IDP) which sets out the physical (cycle paths), social (primary schools) and environmental (open space) infrastructure needs associated with the plan. The policies in the plan establish the overall approach to securing planning obligations (often referred to as S106 contributions) for a range of infrastructure and are an important source of funding to ensure that the infrastructure needs of the borough are met.
- 1.2 This Developer Contributions Supplementary Planning Document (SPD) seeks to provide further guidance and clarity on how planning obligations will be negotiated in the Borough and will act as a starting point for discussions to establish what obligations will be levied and where financial contributions are required, how they will be calculated. While there are a variety of sources of funding for infrastructure, funding from planning obligations is important to the delivery of infrastructure. Each year the authority produces an annual Infrastructure Funding Statement (IFS) showing how much money the authority has received from S106 obligations, what areas it is allocated to and how monies from previous years has been spent. The recent IFS's show that the majority of S106 contributions that the Council seeks go towards the provision and maintenance of open space, sport and recreation.
- 1.3 Developer contributions are required to mitigate the impacts of development and make a proposal acceptable in planning terms. Contributions are often secured through a section 106 agreement, which allows the Local Planning Authority (in this case Oadby & Wigston Borough Council) to enter into a legal agreement with a developer to secure a commitment related to planning approval where it is necessary to mitigate the impact of development. This could relate to how development is carried out or to secure the direct provision of infrastructure on-site. If on-site delivery is not possible, a financial contribution in lieu of on-site provision can be secured via S106 agreements. To be lawful, S106 agreements have to meet certain tests set out in the Community Infrastructure Levy regulations (these are set out below).
- 1.4 Contributions levied through legal agreements will set out specifically what funding should be secured and for what purpose that funding should be spent. Once agreed, funding must be spent in accordance with the agreement. However, S106 agreements can be varied where both the developer and the local planning authority agree via a section 73 planning application, or where a new planning application is submitted and approved that would allow the renegotiation of the original S106 agreement.
- 1.5 Once finalised and published, this document will replace Oadby and Wigston Borough Council's Developer Contributions SPD (2019) and its supporting evidence.
- 1.6 This guidance does not present every possible circumstance and / or obligation that may be sought or taken into account, although it does provide a clear indication of the Borough Council's essential requirements from new developments in respect of planning obligation requirements and costs that will be sought at an early stage in the development process. The Borough Council will seek to engage with the applicant and / or developer on all qualifying applications at an early stage so that appropriate provision when formulating costs and undertaking financial appraisals can be made and taken into account.

- 1.7 In accordance with the National Planning Practice Guidance¹ (NPPG), qualifying sites where contributions should be sought are those considered to be major development. Major development is currently defined as developments where 10 or more dwellings will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more. The most up to date threshold set out in Government guidance will be used.
- 1.8 Since the introduction of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations), applicants and / or developers are expected to contribute towards the provision of infrastructure on qualifying developments through any or a combination of the following mechanisms;
- Paying a Levy through CIL (if adopted at a local level);
 - S106 obligations;
 - Unilateral undertakings;
 - Planning conditions; and,
 - S278 highway contributions.
- 1.9 The CIL Regulations mean that since 6 April 2015, the use of Section 106 planning obligations has become more restricted. All service providers are only able to seek planning obligations that satisfy the three tests as per CIL Regulation 122(2) (as amended by the 2011 and 2019 Regulations)² and deliver a specific infrastructure project or type of infrastructure. Changes were made to the Community Infrastructure Levy Regulations through the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 which came into force on 1 September 2019.
- 1.10 The guidance in this document is therefore provided within the parameters of the existing CIL Regulations and National Planning Policy and Guidance, together with the Council's Local Plan policies. The guidance set out within this SPD must always primarily seek to accord with the appropriate nationally set, statutory, legislation. Should Government make future changes to the Regulations that impact upon the way the Council seeks developer contributions in the Borough, the Council must always refer to nationally set policy.

What are Planning Obligations?

- 1.11 Planning obligations are used to mitigate the impacts of a development proposal and must be secured by either a planning agreement made under planning legislation (Section 106 of the Town and Country Planning Act 1990 (as amended)) or a unilateral undertaking. Planning obligations should only be used where it is not possible to address unacceptable impact of the new development through a planning condition (NPPF).
- 1.12 CIL Regulation 122(2) (as amended by the 2011 and 2019 Regulations) states that planning obligations should only be sought where they meet the following test to show they are:
- necessary to make the development acceptable in planning terms;

¹ National Planning Practice Guidance (Planning obligations, Paragraph: 023 Reference ID: 23b-023-20190901)

² <https://www.legislation.gov.uk/ukxi/2010/948/regulation/122>

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

What is Community Infrastructure Levy (CIL)?

- 1.13 The Community Infrastructure Levy (CIL) came into force on 6 April 2010, and it is a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. Development would be liable for a charge under CIL if a Local Planning Authority has chosen to set a charge in its area. Once adopted, CIL is a fixed, non-negotiable, enforceable charge placed upon all qualifying new developments in the relevant administrative area.
- 1.14 The Council has assessed the option of developing a Community Infrastructure Levy charging schedule. Assessments have deemed that negotiating planning obligations through the use of Section 106 Agreements are currently the most appropriate and viable method for delivering infrastructure in the Borough of Oadby and Wigston. The Council will continue to assess the viability of adopting a Community Infrastructure Levy charging schedule and will update the Developer Contributions Supplementary Planning Document accordingly, should circumstances change.

Relationship between CIL and Planning Obligations

- 1.15 The Government currently intends CIL to provide infrastructure to support development, rather than to specifically make individual development proposals acceptable in planning terms. Government guidance indicates that site specific mitigation will still be sought through the negotiation and use of planning obligations. The 2019 amendments to the regulations removed the previous limitations on the pooling of more than five planning obligations towards the provision of a single piece of infrastructure. Therefore, subject to meeting the three tests mentioned above, authorities can use funds from both the CIL and S106 planning obligations towards the same piece of infrastructure without limitations of any previous obligations.

Planning Conditions

- 1.16 As set out within National Planning Practice Guidance (NPPG), *'when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls'*.
- 1.17 As set out in the NPPF, planning conditions are attached to individual planning permissions where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning conditions tend to set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. They may also require further details to be submitted at a specific stage in order to make a proposal acceptable.

Section 38 and Section 278 Agreements

- 1.18 Where a development requires works to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and Leicestershire County Council (the Highways Authority) under Section 38 of the Highways Act 1980 or Section 278 of the Highways Act 1980. Examples of such works could include the construction of a new access; junction improvements on the highway; or safety related works such as traffic calming or improved facilities for pedestrians and cyclists. However, should CIL be charged in an area, the CIL Regulations prohibit CIL being spent on a highway scheme where a Section 38 or Section 278 agreement has already been entered into.

2. Policy Framework

National Level

- 2.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990 (as amended); the Community Infrastructure Levy Regulations 2010 (as amended). The Council will also have regard to the Policy and guidance set out within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 2.2 The National Planning Practice Guidance on Planning Obligations in paragraph 004 is clear that *“it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Whilst standardised or formulaic evidence may have informed the identification of needs and costs and the setting of plan policies, the decision maker must still ensure that each planning obligation sought meets the statutory testes set out in regulation 122. This means that if a formulaic approach to developer contributions is adopted, the levy can be used to address the cumulative impact of infrastructure in an area, while planning obligations will be appropriate for funding a project that is directly related to that specific development.”*
- 2.3 While the Council recognises the advice set out in the NPPG, this SPD has been prepared to be clear to applicants about the starting point from which the Council will establish the required financial contributions, based upon the policy requirements set out in the Local Plan. Therefore, where formula based approaches are included in the SPD, they should be considered as a starting point to understand the likely costs of mitigating development and be used to inform how S106 agreements will be established. In recognition of the position of the NPPG, the Council will give careful consideration to the weight to be given to formulaic approaches highlighted in the SPD and considers the advice set out in the SPD to be a reasonable starting point in negotiations.
- 2.4 The NPPG also sets out the clear expectation that viability assessments should be made publicly available other than in exceptional circumstances. It also states that an ‘existing use value plus’ (EUV+) approach should be taken to land value assumptions in viability assessments. This is based on the existing use value of the land plus a suitable premium for the landowner.

Local Level

- 2.5 The statutory Development Plan for the Borough comprises of the Oadby and Wigston Local Plan. The Local Plan contains both strategic and development management based policies for the Borough, and includes allocations, including those for housing and employment land. The Local Plan’s Spatial Strategy sets out how the Council will deliver its Objectively Assessed Need (OAN) for both housing and employment, as established by the Leicester and Leicestershire Housing and Economic Needs Assessment. Other key planning policy and supporting evidence base documents include:
 - Supplementary Planning Documents (SPDs). SPDs expand upon and / or provide further detail in relation to policies contained within Development Plan Documents.
 - The Infrastructure Delivery Plan (IDP). The IDP is a ‘live’ document adjusted over time and contains projects required to support Local Plan Policy including that related to Infrastructure and Developer Contributions.

- A number of other evidence based documents, enabling the effective delivery of infrastructure in the Borough.

2.6 The Council's Local Development Scheme (LDS)³ sets out the latest programme for the preparation of all of the key local planning policy documents.

³ A copy of the Council's most up to date LDS can be viewed on the Council's website at https://www.oadby-wigston.gov.uk/pages/local_development_scheme

3. Procedures

General Approach

- 3.1 Once adopted, this Developer Contributions SPD will comprise the Council's approach to seeking developer contributions from qualifying new developments in the Borough. It also sets out details of how external service providers will also have the opportunity to seek planning obligations in accordance with the Regulations from new qualifying development.

Planning Obligations

- 3.2 Planning obligations for infrastructure on major development will be secured via a S106 Agreement to mitigate the direct impacts of the proposal, provided the obligations sought satisfy the statutory tests as set out in the CIL Regulation 122(2).
- 3.3 In order to ensure that developer contribution requests via Section 106 Agreements satisfy the three statutory tests, all planning obligation requests sought by signatory and non-signatory providers will be submitted in a timely manner and subsequently discussed at the Council's internal Section 106 Working Group that meets on a regular basis. It is important to note that all submitted planning obligation requests sought by signatory and non-signatory providers to be included within the relevant Section 106 Agreement must be accompanied by a completed 'CIL Compliance Checklist Form', as included in Appendix 1 of this SPD.
- 3.4 Should it be necessary, the Council's Section 106 Working Group may request further evidence to ensure that the Council is satisfied that the planning obligation(s) sought by signatory or non-signatory service providers comply with the three statutory CIL tests, as per CIL regulation 122(2). In such circumstances, the designated Case Officer for the relevant planning application will liaise directly with the relevant agency, before it is determined by the Council whether an obligation satisfies the three tests and can therefore be put forward for inclusion within the Section 106 Agreement.
- 3.5 The Council and all other key agencies will use planning obligations to:
- Secure general planning requirements that are necessary to allow the development to be permitted and where this cannot be achieved by way of planning conditions;
 - Ensure that there is satisfactory infrastructure to allow the development to proceed and that the infrastructure provided will be maintained for a prolonged period; and
 - Offset relevant adverse impacts from the development where the proposal might otherwise have been refused because of those adverse impacts.

Pre-Application Discussions

- 3.6 For all new developments, applicants and / or developers are encouraged to engage with the Council at the earliest opportunity. It is the Council's strong preference, particularly when applications and associated planning obligations of a larger scale and / or more complex, that negotiations occur and agreement on Heads of Terms is achieved, prior to the submission of a planning application. Pre-application discussions can help to resolve potential problems and issues which may otherwise delay the determination of a planning application once validated.

Unilateral Undertakings

- 3.7 In cases where a planning obligation is only required to deal with financial contributions, an alternative option available is to make a Unilateral Undertaking. A Unilateral Undertaking is a simplified version of a Section 106 planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. They can assist in ensuring that planning permissions are granted speedily, which benefits both the applicants and the Council.
- 3.8 A Unilateral Undertaking will 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 the legal costs and avoid potential delays often associated with S106 legal agreements.

Cross Boundary Applications

- 3.9 Where an application site falls partly within another neighbouring local planning authority area, the Council will, as far as possible, seek to coordinate proportionate planning obligation requirements with that authority. However, should an agreement not be reached, the Council will seek obligations from the portion of the site that falls within the Council's administrative boundary, only.

Viability

- 3.10 One of the key objectives of this SPD is to alert applicants of the likely level of planning obligations that can be expected from proposed developments, well in advance of any planning application being submitted. Applicants and / or developers can then factor these requirements into potential scheme costs at an early stage.
- 3.11 In accordance with the National Planning Practice Guidance (NPPG), the Council will ensure that when seeking planning obligations, the combined total impact will not threaten the overall viability of the sites and scale of development identified in the Development Plan. However, in paragraph 007 of the National Planning Practice Guidance on Viability it is clear that *"Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies."*
- 3.12 The Local Plan is underpinned by a viability appraisal. The appraisal made some assumptions about a level of planning obligations that can be achieved per dwelling. It showed that greenfield sites have higher levels of viability than brownfield sites. The appraisal shows that the Council must continue to engage with site promoters in regard of viability matters and may have to consider potentially accepting a lower level of affordable housing or a lower provision of policy requirements in areas where viability is challenging. The Council will take a pragmatic approach to supporting the delivery of development and will consider viability matters on a case-by-case basis as necessary.
- 3.13 In the event of a disagreement arising about the financial viability and the level of planning obligations sought for a scheme, the applicant would be expected to provide the Council with clear, transparent, and robust evidence to support their case. In most instances, this would involve the

Council reaching an understanding based upon the submission of a detailed open-book financial appraisal undertaken by an independent assessor. Should there be any dispute as to the conclusions of the applicants financial appraisal, the Council will undertake an independent review of the assessment, at the cost of the applicant. For situations where there are significant financial contribution requests from other public bodies responsible for providing infrastructure (including Leicestershire County Council), the Borough Council will expect that body to be actively involved in this assessment process and its conclusions. In all cases, the Council will require this evidence to be submitted and agreed in a timely manner, prior to the determination of the planning application in question.

- 3.14 If deemed appropriate by the Council, S106 Agreements can take account of the viability lifecycle of a development. Should exceptional circumstances warrant its inclusion, a developer may be requested to set out their 'predicted profitability levels' for the lifecycle of the development proposal. In such circumstances and on the basis of an agreed open book appraisal prior to the determination of an application, it can be a requirement of the initial S106 Agreement for there to be a second viability appraisal (and subsequent amended S106 Agreement) at some point during the course of the development, for example, after three years. If the results of the second viability appraisal show:
- That the predicted profitability levels have increased, then the Council will have a right to an overage, i.e. a further payment/provision of infrastructure or affordable housing to that already secured in the S106 Agreement;
 - That the predicted profitability levels have stayed the same, then there will be nothing further to do with the S106 Agreement;
 - That the predicted profitability levels have decreased, then the Council will negotiate further with the applicant concerning planning obligations.
- 3.15 All costs incurred by the Council in financial appraisals and viability assessments are to be met in full by the applicant, developer, and / or landowner(s) specified on the S106 Agreement.

Security and Timing of Payments

- 3.16 Financial contributions (apart from fixed legal costs and standard administrative fees which are usually paid prior to the completion of the agreement) will need to be paid prior to the commencement of the development that has planning permission or in accordance with the agreed programme of staged payments, as per the 'triggers' set out within the signed Section 106 Agreement.
- 3.17 The applicant should make a note of all of the corresponding triggers or payment dates for all of the planning obligations included within the S106 Agreement, prior to the signing of that legally binding contract. Generally, financial contributions will be required to be paid in full upon commencement of the development, or when the first dwelling is complete, or when the impacts of the development that the contribution is intended to address occur, whichever is the sooner.
- 3.18 There may be circumstances where contributions are paid in phases with triggers at appropriate stages of the development. S106 Agreements will include set trigger points for when payments of financial contributions become due, as well as outline the timescales for spending them.

- 3.19 The Council will be notified by the developer once a development has commenced. From then on, the Council will monitor the site throughout the year and notify the developer when a contribution is due in accordance with the triggers set out in the related S106 Agreement.
- 3.20 The Council will calculate the total financial contribution payable, including any interest and/or indexation due, and will invoice the developer.
- 3.21 The invoice issued will be subject to the Council's standard payment terms. 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 provider etc.) responsible for spending the contribution.
- 3.22 A S106 Agreement may include a clause detailing how and when any unspent funds will be returned. In the case of a unilateral undertaking, there cannot be any requirement on the Council to return any unspent monies in such circumstances. All receipts and spending of financial contributions will be recorded and monitored by the Council's Senior Management Team, via the Council's Section 106 Working Group.
- 3.23 An appropriate mechanism is needed to ensure that any facilities that are funded by developer contributions remain in use and are useable for their intended community benefit for at least 15 years. As such, any funds secured towards the provision of extensions to; improvements of; or, development of new facilities will be subject of an agreement with the relevant service delivery provider(s). All service delivery providers that benefit under these circumstances would be required to repay funds (on a pro rata basis) if the facility does not continue for 15 years after completion. For example, if a facility ceases after 5 years of having been completed, 10 years' worth of contributions will be returned to the developer, with interest.
- 3.24 Please note that financial contributions payable to Leicestershire County Council (i.e. those relating to highways, education, biodiversity net gain, relevant administrative and / or monitoring fees etc) will be subject to the County Councils own process. Applicants or developers are advised to refer to Leicestershire County Council's Planning Obligations Policy (available online) or to contact the Leicestershire County Council's Development Contributions Officer for further information. For further details, please refer to the Leicestershire County Council Services section of this document.

Fees

- 3.25 The Council's legal costs of preparing legal agreements will be covered by the applicant or developer. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. The Council will therefore require the applicant or developer to provide a 'cost undertaking' to pay for the Council's reasonable fees, even in the event that the agreement is not completed. Standard Unilateral Undertakings will be subject to an administration charge covering the Council's legal costs and if necessary, the transfer of money to third parties.

Monitoring and Enforcement

- 3.26 The Council monitors all of its own Planning Obligations (as well as non-signatories) and will work with developers to ensure that financial contributions and non-financial obligations are delivered on-time. To cover the Council's costs in monitoring planning obligations, the monitoring fees outlined in Table 1 will be applied to all legal agreements that incorporate monetary or non-monetary planning

obligations to be paid to or to be to the benefit of the Borough Council. This includes Deed of Variation legal agreements.

Table 1. Monitoring Fees

Number of dwellings (net additional units)	Estimated number of hours monitoring at £100.00 per hour	Monitoring fee (£) to be paid to OWBC
0 - 9	Nil	Not applicable.
10 - 24	0 – 5 hours	£500.00
25 - 49	5 – 10 hours	£1,000.00
50 - 99	10 – 15 hours	£1,500.00
100 - 249	15 – 20 hours	£2,000.00
250 - 499	20 -25 hours	£2,500.00
500 - 749	25 - 30 hours	£3,000.00
750 - 999	35 - 40 hours	£4,000.00
1000 and over	40 - 50 hours	£5,000.00

- 3.26 For all other non-domestic new development(s) where monetary or non-monetary planning obligations are to be sought by the Borough Council as per their inclusion within the relevant legal agreement, a standard monitoring fee of £250.00 per planning obligation will be applied.
- 3.27 Where there is evidence of non-compliance with a Planning Obligation (such as the non-payment of financial contributions, failure to comply with an obligation, or failure to notify the Council of an event as required), the Council will seek to recover all reasonable administration and enforcement costs incurred. This could include, for example, costs incurred during site visits, the recovery of any unpaid monies and/or correspondence. If it is clear to the Council's Section 106 Working Group that obligations within an agreement are not being complied with, the Council's Senior Management Team will instruct the Council's Legal Team to take appropriate action to secure compliance.

Indexation

- 3.28 Financial contributions are generally based upon the costs of providing infrastructure. Financial contributions, including monitoring fees, will therefore be indexed (i.e. index-linked to inflation) to ensure that they retain their original 'real value'. The base date on which to calculate indexation will be from Quarter 2 2024, as this is the time period when the costings in this document date. Exact details will be set out in the legal agreement.
- 3.29 Where a formula has been used for the calculating a contribution, any cost figures used will be updated regularly to take account of inflation (Building Cost Information Service, BCIS). The cost figures are the sums required at the time of negotiation. The County Council may also adjust payments, but these might be subject to different measures of inflation.

4. Specific Planning Obligations Guidance by Typology

- 4.1 This section gives specific advice for various types of infrastructure commonly required by the Council to support new development. As stated previously, this document does not cover every circumstance and / or planning obligation that may be needed to make a new development acceptable in planning terms. However, in all cases the Council will ensure that the infrastructure sought complies with the three statutory tests as contained within CIL Regulation 122 (2):

'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'.*

- 4.2 The Council will give consideration to the cumulative impact of a proposal, particularly if a proposed new development is likely to come forward in staged phases or if it is adjacent to or near another proposed new development. Applicants are always encouraged to engage with the Council at the soonest of opportunities to understand what the likely infrastructure requirements for a proposed scheme may be and how these will be sought.
- 4.3 All submitted planning obligation requests sought by signatory or non-signatory providers to be included within the relevant Section 106 Agreement must be robustly justified and accompanied by a completed 'Community Infrastructure Levy (CIL) Compliance Checklist Form', as included in Appendix 1 of this SPD.

Affordable Housing

- 4.4 As with most areas within the UK, the Borough of Oadby and Wigston has an affordable housing need. The Local Plan, together with its supporting evidence, recognises the need for affordable homes, and aims to ensure that the Council is well placed to maximise investment by registered providers and to respond to opportunities as they arise. In addition, the provision of affordable homes is a priority for the Council as it recognises the important role that such provision plays in providing homes for all within its local communities.
- 4.5 The NPPF defines affordable housing⁴ 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.

Local Requirement and Thresholds

- 4.6 Chapter 6 of the Local Plan deals with Housing. The Local Plan Policy covering Affordable Housing gives a full explanation of the Council's requirements. In summary, affordable housing will be required at the following minimum targets which have been informed by the Council's current

⁴ Annex 2 of the National Planning Policy Framework (NPPF) – Affordable Housing definition:
https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf

Whole Plan Viability Assessment. As portions of new homes cannot be delivered, and to ensure needs are fully met it should be noted that all decimals will be rounded up to the nearest whole number of affordable dwellings required from each qualifying development scheme:

- 20% on Greenfield Sites (allocations); and,
- 10% on brownfield sites

- 4.7 In accordance with the NPPF, to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount⁵. For further guidance on qualifying developments, applicants are advised to refer to relevant advice within National Planning Practice Guidance (NPPG).
- 4.8 All development sites that provide affordable homes, will require ‘tenure blind’ provision, meaning there should be no discernible difference between affordable housing tenures and / or market housing. Affordable housing should not be clustered, but instead be well integrated around the neighbourhood and sensitively located with the aim of achieving sustainable communities that are intermixed. The Council will be flexible and pragmatic on this clustering approach when considering certain site constraints or scheme densities if there is robust and justified reasoning for doing so. Applicants are encouraged to engage in pre-application or early discussions with the Council as part of a full planning application to reach agreement over the most appropriate approach for a scheme.
- 4.9 In the event that the Council accepts that there are exceptional circumstances that merit the payment of a commuted sum in lieu of on-site affordable housing provision, it will be calculated on the basis of the mix of tenures and sizes that the Council considers would have been appropriate for the site. The sum payable to the Council will be of a value similar to the cost of the Council providing the required new affordable homes off-site. Off-site costs, will either be equivalent to the Council buying equivalent market stock or purchasing land and building equivalent new stock. If required, the commuted payment will be calculated by an independent viability assessor, at the cost of the applicant.

Housing Choices

Housing Mix

- 4.10 Further detail on the Council’s approach to Housing Choices is set out in the Local Plan. In summary, the Council will expect all residential development to positively contribute towards delivering a mix of housing size, types, tenure and deliver a range of flexible accommodation choices that can adapt to the local needs of the community, whilst having regard to the nature of the development site and existing housing mix within the immediate area.

Requirements of Specific Groups

⁵ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

- 4.11 The Housing Choices Policy includes a requirement that new build homes comply with Part M Building Regulations Standard M4(2) Category 2: Accessible and Adaptable Dwellings (or equivalent replacement standards) and Standard M4(3)(2)(a) Category 3: Wheelchair Adaptable (or equivalent replacement standards).
- 4.12 The development of bungalows, ground floor accommodation, specialist care accommodation, elderly care accommodation and retirement accommodation that meets an identified need and is proposed in appropriate sustainable locations will be expected.
- 4.13 It is expected that all new residential development proposals demonstrate how they contribute to achieving the identified needs of the Borough as set out within Chapter 12 of the Housing and Economic Needs Assessment (2022), as well as the Council's current Housing Strategy. In some cases, the Council may also seek to secure a small number of more specialist housing units which will provide accommodation for those with support needs. These will be sought in areas which are deemed to be appropriate and in discussions with applicants at an early stage.

Internal and external space standards

- 4.14 New dwellings across all tenures will be expected to meet as a minimum, the Government's Nationally Described Space Standards (or any subsequent Government update) for internal floor areas and storage space.

Viability

- 4.15 Further detail of how the Council will assess viability is set out in Section 3 of this SPD.

Commuted Sum Calculations

Air Quality

- 4.16 Promoting sustainable development is a key focus of National Planning Policy and has been addressed by a number of Local Plan policies including those relating to Sustainable Transport and Initiatives; Climate Change; Flood Risk and Sustainable Water management; Preventing Pollution; Renewable and Low Carbon Energy; Active Design and Travel; Car Parking and Electric Vehicle Charging; and, Infrastructure and Developer Contributions.
- 4.17 The Council is aware of the need to consider the effects of development on air quality, and how it can contribute towards improvements to mitigate adverse impacts. The Borough's geographical location means that reducing travel by car and managing traffic congestion is a major challenge. Maximising the opportunity to shift from dependency on cars to more sustainable modes of transport is also identified as a priority for the Council.
- 4.18 The Local Plan seeks to ensure that where it is reasonable to do so, all new development proposals should be designed to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking, cycling and wheeling.
- 4.19 If the Council has a justified reason to be concerned about the potential level of harmful emissions or pollutants that will be created as a result of proposed major development, the Council will expect measures that offset any potential increase and will either seek an appropriate on or off site

mitigating project or a financial contribution towards any of the following types of schemes:

- Dust control during construction;
- Site monitoring/plant emissions;
- Improved access to public transport;
- The provision of on and / or off site facilities for cycling and walking;
- The management of car parking;
- Traffic management;
- Road infrastructure;
- Green Travel Plans;
- On or off-site equipment for the monitoring of air pollution.

4.20 The Council will discuss these concerns with the applicant during the application process.

Community facilities

4.21 Community Facilities (sometimes referred to as Community Assets) are defined as buildings or spaces where community led activities for community benefit are the primary use and the facility is occupied or used primarily by the voluntary and community sector. Community facilities can be located in a wide range of venues and can include purpose-built structures such as:

- Community halls and village halls;
- Places of worship;
- Health centres;
- Schools; and,
- Cultural and heritage assets such as museums, libraries, theatres, post offices, nationally or locally listed buildings, and, public houses.

4.22 These can also include converted houses, flats, shops, scout and / or guide huts and rooms or halls attached to faith buildings.

4.23 To plan for sustainable communities successfully, there should be good access to a choice of social, cultural, youth and sporting facilities. Such opportunities are often provided by community or voluntary organisations and the Council actively encourages a wide range of providers within the area. New development can often have a direct and considerable impact upon these activities, placing additional demand on the existing facilities and often creating a need for new facilities. For a comprehensive assessment of the current level of facilities available and future supply and demand needs for facility provision in the Borough, please refer to the Indoor and Built Facilities Assessment and Strategy (2024).

Contributions and Thresholds

4.24 In accordance with the Community Facilities Policy in the Local Plan, the Council will expect all new major development to contribute towards the provision of new community facilities or the improvement / expansion of existing facilities where there is not enough existing spare capacity to meet the needs generated by the new development. This may include financial contributions and / or the provision of land and buildings to enable new community facilities to be provided, or, for existing facilities to be extended or improved.

- 4.25 Developments may generate the need for a new community facility as a resource to meet the needs of the new community. In this circumstance, a developer would be expected to make a contribution which may take the form of a suitable site and meet the construction costs of a new building to a specification agreed at the time of determining the application.
- 4.26 Adequate provision of local facilities is important in order to meet the additional demands arising from new developments. Off-site financial contributions will be sought and pooled to deliver the following types of projects which increase the capacity and access to community facilities, including:
- Upgrading of current community facilities, to increase their use;
 - New community facilities;
 - Extensions of existing community facilities;
 - Feasibility studies (associated with identified and evidenced CIL compliant capital projects);
 - Professional costs (associated with identified and evidenced CIL compliant capital projects);
 - Refurbishment of community facilities to increase their use and capacity;
 - Provision of facilities for people with disabilities; and
 - Improvement of access to community facilities.
- 4.27 Some of the new development that comes forward in the Borough of Oadby and Wigston is at a smaller scale, yet all qualifying sites will be expected to similarly contribute to community needs generated by additional development, by helping to expand capacity or develop existing levels of provision. At the time of a planning application being received, the Borough Council will engage with the key Officers and refer to the Infrastructure Delivery Plan (IDP) for evidence of required identified infrastructure projects.
- 4.28 Contributions will be sought towards the creation of new and / or enhancement of existing community facilities in the vicinity of new development(s) where the proposed development will have a direct relationship with a community facility scheme identified within the Council's Infrastructure Delivery Plan (IDP).
- 4.29 In exceptional circumstances, contributions arising from non-residential developments may also be sought should it be evident that the scale and type of the development proposed is likely to place an additional demand upon the existing community facilities. For example, specialist residential or day care institutions may be required to provide on-site facilities or off-site contributions as appropriate.
- 4.30 The level of financial contributions sought will reflect the character and context of the projects required, the scale of the new proposed development that requires mitigation, and, will be negotiated on a case-by-case basis. If the Council requires the assistance of an independent party during negotiations, this will be done at the applicants cost.

Community Safety and Policing

- 4.31 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.
- 4.32 In accordance with the High Quality Design and High Quality Materials Policy in the Local Plan, the Council will expect all new developments and major refurbishments to create inclusive places that design out opportunities for anti-social behaviour and crime, as well as create connected places by

ensuring that developments fit well with existing routes by avoiding dead ends and convoluted routes, allow integration with the wider settlement, and, link to existing services and facilities.

- 4.33 The emergency services will be required to robustly demonstrate to the Council through sufficient evidence that there is a need for additional community safety and policing infrastructure in order to make a new development acceptable.
- 4.34 Contributions may be sought from qualifying residential schemes of all new major developments, provided there is a justified need to seek contributions and that the proposed infrastructure scheme(s) to be funded are CIL compliant and in accordance with the Infrastructure and Developer Contributions Policy in the Local Plan. Contributions may also be sought from qualifying non-residential schemes, depending upon the likely impact of the new development. The level of financial contributions sought will reflect the character and context of the works required and will be negotiated on a case-by-case basis.

Health and Wellbeing

- 4.35 Improving public health and wellbeing is one of the principle overarching objectives for any growing community and delivering wellbeing for all is included as one of the Council's key objectives for the Borough of Oadby and Wigston. Therefore, the Improving Health and Wellbeing Policy, together with the Sustainable Transport and Initiatives Policy and Active Design and Travel Policy in the Local Plan seek to meet this objective by increasing levels of walking and cycling, encouraging more active lifestyles, reducing harmful transport emissions and by improving access to local healthcare provision.
- 4.36 To ensure this objective is deliverable, the Council will consult and continue to work closely in partnership with NHS Leicester, and the Leicestershire and Rutland Integrated Care Board (LLR ICB) on future development plans in order to continually assess long term health planning within the Borough.
- 4.37 Where it can be clearly demonstrated that there is not existing spare capacity to serve the population of a new residential development, developers will be expected to contribute towards the provision of additional health care infrastructure to meet that need. This may include financial contributions and / or the provision of land and buildings, or, the upgrading or extension of existing facilities that will serve that development and therefore enable the greater accessibility to CIL compliant health infrastructure facilities that will serve the new development's population.
- 4.38 For all qualifying residential developments, where appropriate infrastructure schemes have been identified, financial or in-kind contributions may be sought towards the delivery of new, improved, and / or, the extension of existing healthcare facilities.
- 4.39 Many primary care practices are run as independent businesses and therefore, an appropriate mechanism is needed to ensure that any healthcare facilities that are funded by developer contributions remain in community use for at least 15 years. As such, any funds secured towards the provision of extensions / improvements or new facilities will be subject of an agreement with the individual practices.

Leicestershire County Council Services

- 4.40 Leicestershire County Council (LCC) is legally entitled to be a signatory to all Section 106 Agreements that are negotiated in the Borough of Oadby and Wigston, as well as enforce all relevant planning obligations as part of those relevant agreements.
- 4.41 The County Council is responsible for the delivery of a number of crucial services throughout the County of Leicestershire. Where the County Council has a justified reason to seek contributions towards CIL compliant infrastructure projects, requests for planning obligations towards services may be submitted. Examples of such services include, but are not limited to:
- Schools
 - Roads and transportation
 - Social care
 - Libraries
 - Waste management facilities
- 4.42 The County Council's Leicestershire Planning Obligation Policy sets out the approach for seeking planning obligations in Leicestershire. This document explains the level and types of infrastructure which may be sought to address the impacts of a new development.

Open Space, Sport and Recreational Facilities (Incorporating Green and Blue Infrastructure)

- 4.43 Proposals for all new major developments will be expected to contribute towards open space, sport and recreation facilities in accordance with all relevant Local Plan Policy. Proposals for new residential development should contribute to the provision and / or enhancement of open space in areas where there is a deficiency in provision, or poor quality of open spaces. This provision could be either on or off-site depending on the scale and nature of development and the level and quality of existing facilities in the local area.
- 4.44 On-site provision of open space should provide at least the requirements as set out below in Table 2 and off-site contributions towards open space provision should be consistent with the Council's approach, as set out further in this section of the SPD.
- 4.45 The previous requirements on locally based open space have been very successful in providing the appropriate levels of open space within the Borough. The Council is taking into account recommendations to continually provide open space typologies as set out in the Open Space and Recreational Facilities Study (2024) produced for the Council by Knight Kavanagh & Page Ltd (KKP). While the standard of some open space typologies remain the same as those adopted in the previous version of this document, some have increased in line with national minimal benchmarks.
- 4.46 The Council's Open Space and Recreational Facilities Study (2024) identifies where differing typologies are deficient and / or in surplus supply. The report informs where on or off-site developer contributions are required and are to be focused to meet identified deficiencies and to deliver relevant infrastructure projects, as highlighted in the Council's Playing Pitch Strategy and IDP. All areas of open space, sports and recreational facilities will be protected, retained and enhanced, including those set out within the Local Plan.
- 4.47 As illustrated below in Table 2, the Borough's formula for seeking open space contributions will be sought from all new major to address open space quantity and access requirements moving forward.

Table 2. Typologies of open spaces in the Borough

Typology of Open Space	Local Quantity Requirement (sqm per 1,000 population)	1 bedroom dwelling (sqm)	2 bedroom dwelling (sqm)	3 bedroom dwelling (sqm)	4 bedroom or more dwelling (sqm)
<p>Outdoor Sports Space These include seasonal and fixed sports spaces that are openly accessible to the public including sports pitches for cricket, football and rugby. They also include fixed sports spaces such as tennis courts and bowling greens. These facilities are often located within Parks or Recreation Grounds, and as such, many of the facilities, especially sports pitches are multifunctional. This means they can be used for sport one day, and for the rest of the week function as a space to walk and play.</p>	16,000	20.16	29.92	42.24	53.12
<p>Children and Young People's Space Provision for children and young people includes areas designated primarily for play and social interaction such as ball courts, skateboard areas and teenage shelters. Provision for young people generally include equipped play areas catering to a wider range of ages.</p>	3,000	3.78	5.61	7.92	9.96
<p>Parks and Gardens This typology covers urban parks, country parks and formal gardens (including designed landscapes), which provide accessible and high-quality opportunities for informal recreation and community events. Within the category there are generally two distinct types of sites, those that are significant in size often with recreational facilities and a mix of uses that attract people from further out, and parks and gardens that are much smaller in size.</p>	8,000	10.08	14.96	21.12	26.56
<p>Allotments Allotments provide space for people to have opportunities at growing their own produce and contribute to the long-term promotion of sustainability, health and social interaction.</p>	5,000	6.30	9.35	13.20	16.60
<p>Amenity greenspace Sites considered under this typology are those offering opportunities for informal activities close to home, work or enhancement of the appearance of residential and other areas. It includes informal recreation spaces and other incidental spaces.</p>	6,000	7.56	11.22	15.84	19.92
<p>Natural and semi-natural greenspace The natural and semi-natural greenspace typology can include woodland (coniferous, deciduous, mixed) and scrub, grassland (e.g., down-land, meadow), heath or moor, wetlands (e.g., marsh, fen), wastelands (including disturbed ground), and bare rock habitats (e.g., quarries) and commons.</p>	18,000	22.68	33.66	47.52	59.76

Open Space Quantity Requirements

4.48 The open space quantity per new dwelling is calculated using the following formulae and will be kept up to date each time this SPD is reviewed. Since 2019, national benchmarks of open space requirements have changed. In addition, the Council is now seeking contributions per dwelling by the number of bedrooms provided to better account for the need of the expected new population. Rather than using average persons per household of the associated LSOA, using expected population increase specific to the new development will mean that the contributions sought are better related to the proposed site.

4.49 The figures outlined in Table 2 have been determined using the following calculation:

$$A / B \times C$$

Where:

A – Local quantity required in square metres (as outlined in the Open Space and Recreational Facilities Study and Table 2)

B – 1,000

C – Average number of people in a dwelling

4.50 The figure for C changes depending on the number of bedrooms provided by the new dwelling. The average number of people in a dwelling has been calculated using Borough wide average data from the 2021 Census and is outlined in Table 3 below.

Table 3. Average number of people per dwelling based on bedrooms provided (Census 2021)

Number of bedrooms provided in dwelling	Average number of people living in the dwelling (Borough wide average)
1 bedroom	1.26
2 bedrooms	1.87
3 bedrooms	2.64
4 or more bedrooms	3.32

4.51 Below is an example of the calculation used in practice to determine the need for the Outdoor Open Space typology by number of bedrooms provided in a dwelling. The same calculation has been applied to all typologies, the below example focuses on the Outdoor Open Space typology for demonstrative purposes.

Calculation for a 1 bedroom dwelling where 16,000 is the local quantity required in square metres and 1.26 is the average number of people per dwelling:

$$16,000 \text{ sqm} / 1,000 \times 1.26 = 20.16$$

= **20.16** square metres of Outdoor Sports Space required per 1 bedroom dwelling.

Calculation for a 2 bedroom dwelling where 16,000 is the local quantity required in square metres and 1.87 is the average number of people per dwelling:

$$16,000 \text{ sqm} / 1,000 \times 1.87 = 29.92$$

= 29.92 square metres of Outdoor Sports Space required per 2 bedroom dwelling.

Calculation for a 3 bedroom dwelling where 16,000 is the local quantity required in square metres and 2.64 is the average number of people per dwelling:

$$16,000 \text{ sqm} / 1,000 \times 2.64 = 42.24$$

= 42.24 square metres of Outdoor Sports Space required per 3 bedroom dwelling.

Calculation for a 4 or more bedroom dwelling where 16,000 is the local quantity required in square metres and 3.32 is the average number of people per dwelling:

$$16,000 \text{ sqm} / 1,000 \times 3.32 = 53.12$$

= 53.12 square metres of Outdoor Sports Space required per 4 or more bedroom dwelling.

Delivering Well Designed Open Spaces

- 4.52 In accordance with the Open Space, Sport and Recreation Facilities Policy in the Local Plan, good landscaping and design as part of any area of open space, sport or recreation area can significantly enhance the experience of those using the facility, as well as encouraging activity in peoples everyday lives. Sport England 'Active Design' principles are also relevant. Street furniture should be well integrated, allowing for those of all ages to have the space to pause and relax. Appropriate landscaping can also contribute to the nature and biodiversity value of the Borough if new facilities are designed sensitively.
- 4.53 It should be noted that for developments situated within the town centre boundary of Wigston and district centre boundaries of Oadby and / or South Wigston, contributions sought for Open Space, Sport and Recreation Facilities (incorporating Green and Blue Infrastructure) will be sought at the same rates per typology (as set out above), but will be directed towards relevant, CIL compliant Public Realm schemes that have been identified within the Council's Infrastructure Delivery Plan (IDP). This is because the town and district centres are confined urban areas, with a lack of physical space to provide large expanses of open space.
- 4.54 Landscaping schemes should be considered as part of the overall design of the area of play and open space to ensure planning becomes an integral part of the scheme. A range of plant species should be chosen to provide interest throughout the year. Consideration should be given to providing a mix of colour, texture and smell. Planting should be designed so as to provide adequate shelter, but also allow good surveillance of the facility from neighbouring pedestrian routes and buildings. For all open space being delivered, details of planting schemes should be submitted to the Borough Council for approval prior to development commencing.

Play and Sporting Equipment

- 4.55 The design of all signage, street furniture (and other associated public realm) and play equipment within open spaces should be well-integrated throughout the open space it sits and should cater for the needs of the community for generations. These and other hard landscaping features and materials should be sourced by the applicant or developer, with details submitted to and approved

by the Borough Council prior to development commencing. The Council's Public Realm Strategy guidance provides a useful insight into the detail of the requirements, but in the first instance, developers are also encouraged to liaise directly with the Case Officer.

- 4.56 Any play equipment and associated landscaping must comply with the relevant regulations current at the time of installation and to provide an exciting, challenging and safe environment for the appropriate age group it is intended for. The Borough Council must agree the design and equipment which should be robust, of the highest quality materials and easy to maintain.
- 4.57 Generally, post completion of an open space scheme, the area will be entered into a minimum 12 month initial period of maintenance during which time the developer will be responsible for all maintenance including inspection of play equipment, litter and graffiti removal etc to the Borough Council's standard. What happens after his period will be set out within the relevant legal agreement. Any defects during the initial period should be remedied at the expense of the developer. A risk assessment for the open space scheme will be required to be submitted to the Council.
- 4.58 The Borough Council will be guided by the Fields in Trust, formerly National Playing Fields Association (NPFA), requirements for equipped play provision, as included in Table 4 below.

Table 4. LAPs, LEAPs and NEAPs

Equipped provision type	Age group	Minimum size and type of activity area	Buffer zones
Local Area for Play (LAP)	Young children	A minimum activity zone of 100m ² (0.1 hectare) with a relatively small number of play items	A 5-metre separation between activity zone and nearest property containing a dwelling
Local Equipment Area for Play (LEAP)	Children who are beginning to play independently	A minimum activity zone of 400m ² (0.4 hectares) equipped with at least 3 distinct play items and leaving ample room for active games	A 20-meter separation between activity zone and the habitable room façade of dwelling
Neighbourhood Equipped Area for Play (NEAP)	Older children but potentially with play opportunities for younger children as well	A minimum activity zone of 1000m ² (1 hectare) divided into two sections. One for play equipment (a minimum of 8 diverse play experiences, including at least 5 distinct items of varying difficulties) and an area of 465m ² dedicated to hard surfaces	A 30-meter separation between activity zone and the boundary of the nearest property containing a dwelling

Level of Contributions

- 4.59 All schemes that necessitate open space provision will require the land owner to maintain the area in good order in perpetuity. If the land owner wishes to gift the open space provision to the Council,

they will need to pay for the maintenance costs incurred by the scheme for the first 20 years of its life. Any contributions will be in the form of a commuted sum payment, which relate to the size and context of the site, calculated using the formula and tables set out below.

- 4.60 In line with the Community Infrastructure Levy Regulations (2010), the provision of open space must fairly relate to the scale of development and specifically relate to the growth that each new development creates. The Council's method for calculating contributions takes into account the existing provision and future need for open space and a detailed breakdown of this calculation is included below.

Summary of Provision of Open Space by Ward and Typology

- 4.61 Contributions for each typology of open space will only be sought when there is an identified under supply of that typology of open space in the ward where the new development is taking place. Should there be sufficient supply of a typology of open space, then that typology will be discounted from any calculations.

Unit Costs for Off-site Financial Contributions

- 4.62 The costs of provision have been established by and are based upon the Borough Council's information relating to providing and maintaining relevant typologies of open spaces, as well as best practice guidance on the infrastructure required of those spaces.
- 4.63 The costs included in the Council's previously published Developer Contributions Supplementary Planning Document (2019) had not been reviewed since Quarter 2 in 2018. Since that time, BCIS All-In Tender Price Index has risen by approximately 20.25 per cent from 326 (Q2, 2018) to 392 (Q2, 2024). Therefore, the increase in contributions to be sought from new development in the Borough will now be based upon up to date costs, together with the BCIS All-In Tender Price Index Rate, to ensure the costs included fairly reflect the local and national picture and the changes in requirements for the typologies.
- 4.64 Table 5 below details capital and maintenance costs for the typologies illustrated in Table 2. These have been identified to ensure that a comprehensive approach to identifying costs is taken to delivery quality open spaces in the Borough of Oadby and Wigston in circumstances where off-site developer contributions are being sought from qualifying developments. Each of the typologies have been given a letter reference, which corresponds with Table 5 and the calculation formula.
- 4.65 Allotments will be dealt with on a case-by-case basis, and therefore are not included in the calculations. The costings for the provision of LEAPs has been used for assuming the average cost of delivering Children and Young People's Space. Full breakdowns for the cost of LAPs and NEAPs are provided in Appendix 2.
- A. Outdoor Sports Space
 - B. Children and Young People's Space
 - C. Parks and Gardens
 - D. Amenity Green Space
 - E. Natural and Semi-natural Greenspace
 - F. Maintenance of Outdoor Sports Space
 - G. Maintenance of Children and Young People's Space
 - H. Maintenance of Parks and Gardens

- I. Maintenance of Amenity Green Space
- J. Maintenance of Natural and Semi-natural Greenspace

Table 5. Off-site Financial Contribution Unit Costs

A - Outdoor Sports Space Requirement – Cost per hectare for establishment Please note that should land drainage measures be deemed appropriate, then the cost for doing this would need to be calculated on a site-by-site basis.	2024 (Q2)
1 Football pitch including cultivation (7200m ²)	£13,544.00
1 Multi Use Games Area (MUGA) (800m ²)	£101,583.00
1 Supply and install youth shelter Inc. hard standing	£14,729.58
Grass surround (2,000m ²)	£4,666.00
Supply and install Litter Bin x 3	£1,691.36
Total per hectare	£136,204.60
Cost per m²	£13.61

B - Provision for Children and Young People Requirement – establishment of 400m² Local Equipped Areas of Play (LEAP standard)	2024 (Q2)
LEAP Standard 400m ² Play Space equipped with formal play structures with 3 distinct play items, fostering physical, creative, intellectual, social, and solitary play. Leaving ample room for active games, like tag. Designed for children aged 4-12 years old.	£60,949.80
Dog proof fencing and gates 100lm	£14,391.00
Supply and install Litter Bin x 2	£1,127.56
Supply and install Dog Bin x 1	£323.38
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Supply and install (OWBC) Bench x 2	£2,200.98
Total for 400m²	£81,559.73
Cost per m²	£203.90

C - Parks & Gardens Requirement – establishment of 1 hectare	2024 (Q2)
Hard surface/pathways 800, x 1.2m = 960 linear m	£82,621.09
Establishment of grass 9,000m ²	£11,428.00
Plant trees - 10 heavy standards	£2,031.67
Plant trees - 50 whips	£143.96
Shrub planting 100m ²	£2,632.70
Supply and install OWBC Benches x 3	£3,301.46
Supply and install Litter Bin x 3	£1,691.36
Supply and install Dog Bin x 1	£1,293.49
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Total per hectare	£107,710.74
Cost per m²	£10.77

D - Amenity Greenspace - establishment of 1 hectare	2024 (Q2)
Establishment of grass 9,000m ²	£11,428.00
Plant trees - 10 heavy standards	£2,031.67
Plant trees - 50 whips	£143.96
Shrub planting 100m ²	£2,632.70
Supply and install (OWBC) Bench x 1	£1,100.49
Supply and install Litter Bin x 1	£563.78
Supply and install Dog Bin x 1	£323.38
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Total per hectare	£20,790.99
Cost per m ²	£2.08

E - Natural and Semi-Natural Greenspace - establishment of 1 hectare	2024 (Q2)
Establishment of grass 9,000m ²	£11,428.00
Plant trees - 10 heavy standards	£20,316.70
Plant trees - 50 whips	£1,439.61
Shrub planting 100m ²	£5,265.40
Soft surface/pathways 800, x 1.2m = 960 linear m	£41,310.55
Supply and install Litter Bin x 2	£1,127.56
Supply and install Dog Bin x 2	£646.76
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Total per hectare	£81,534.58
Cost per m ²	£8.15

F - Maintenance of Outdoor Sports Space Requirement – cost per hectare	2024 (Q2)
Cutting of pitch	£507.92
Additional maintenance (e.g. Fertilizer, harrow etc)	£1,015.83
Multi Use Games Area (MUGA)	£847.00
Teenage shelter	£85.13
Grass surround – cutting	£338.61
Litter collection and emptying (3 bins)	£609.50
Weekly litter picking	£677.20
Sweeping of hard surfaces	£423.26
Total per annum	£4,504.01
Total over 20 years	£90,080.16
Total per m ² over 20 years	£9.01

G - Maintenance of 400m² Local Equipped Areas of Play (LEAP)	2024 (Q2)
Grass cutting	£847.00
Risk Assessment Annual	£253.96
Quarterly Check	£253.96
Weekly inspection of LEAP	£1,015.83
Maintenance of equipment – 5 pieces at £250 each	£1,269.60
Fence / bench / bin maintenance / signs	£253.96
Litter / Dog bin collection and emptying (3 bins total)	£609.50
Weekly litter picking	£338.61
Signage maintenance	£128.35
Total per annum (400m ²)	£4,970.77
Total over 20 years (400m ²)	£99,415.30
Total per m ² over 20 years	£248.54

H – Maintenance of Parks and Recreation Grounds Space Requirement – cost per hectare	2024 (Q2)
Hard surface cleaning	£169.31
Grass cutting - 7,000 gang	£474.06
Grass cutting - 2,000 pedestrian	£2,708.89
Litter / Dog bin collection and emptying (4 bins)	£812.67
Weekly litter picking	£677.34
Sweeping of hard surfaces	£423.00
Shrub bed maintenance	£635.00
Bench / bin maintenance	£203.17
Signage maintenance	£128.35
Total per annum	£6,231.79
Total over 20 years	£124,635.80
Total per m ² over 20 years	£12.46

I - Amenity Greenspace - establishment of 1 hectare	2024 (Q2)
Grass cutting	£3,182.95
soft surface maintenance	£253.97
Litter / Dog bin collection and emptying (2 bins)	£406.33
Weekly litter picking	£677.34
Shrub bed maintenance	£635.00
Bench / bin maintenance	£203.17
Signage maintenance	£128.35
Total per annum	£5,487.11
Total over 20 years	£109,742.10
Total per m ² over 20 years	£10.97

J - Natural and Semi-Natural Greenspace - establishment of 1 hectare	2024 (Q2)
Grass cutting	£1,591.48
soft surface maintenance	£253.97
Litter / Dog bin collection and emptying (4 bins)	£812.66
Weekly litter picking	£677.34
Shrub bed maintenance	£3,175.00
Bench / bin maintenance	£203.17
Signage maintenance	£128.35
Total per annum	£6,841.96
Total over 20 years	£136,839.20
Total per m ² over 20 years	£13.68

Calculation of Financial Contribution in Lieu of On-site Provision

4.66 For qualifying new major developments, developers / applicants will be required to contribute all typologies of open space. All developments must provide all open space provision on-site as it starting point, however if it cannot physically, off-site will be required. The following formula indicates how financial contributions in lieu of on-site open space are calculated. If an element of open space is provided on site, this is discounted from the overall sum.

4.67 The categories of financial contributions listed A-E are capital costs per dwelling (bedroom number related) based on the formula:

Number of proposed dwellings x total square metre area of open space required per dwelling x area cost per square metre for instillation.

4.68 The categories of financial contributions listed F-J are maintenance related costs per dwelling (bedroom number related) based on the formula:

Number of proposed dwellings x total square metre area of open space required per dwelling x area cost per square metre for maintenance.

4.69 Total financial contributions required per dwelling where no on site provision is proposed = A + B + C + D + E + F + G + H + I + J. The maximum sum required is **£2,993.03** per 1 bedroom dwelling, **£4,442.04** per 2 bedroom dwelling, **£6,271.11** per 3 bedroom dwelling and **£7,886.39** per 4 or more bedroom dwelling.

4.70 This contribution reflects the capital and revenue costs to deliver and maintain open space infrastructure, based upon the Borough's estimated population, total number of dwellings and the required open space per dwelling⁶, per typology.

⁶ For the purposes of clarity, when calculating the number of bedrooms, all habitable rooms capable of future conversion into a bedroom will be accounted for.

Table 6 Off-site Contribution Values per Typology for Open Space, per Dwelling

Open Space Typology	Cost per one bedroom dwelling	Cost per two bedroom dwelling	Cost per three bedroom dwelling	Cost per four or more bedroom dwelling
A - Outdoor Sports Space	£274.38	£407.21	£574.89	£722.96
B - Children and Young People's Space	£770.74	£1,143.88	£1,614.89	£2,030.84
C - Parks and Gardens	£108.56	£161.12	£227.46	£286.05
D - Amenity greenspace	£15.72	£23.34	£32.95	£41.43
E - Natural and semi-natural greenspace	£184.84	£274.33	£387.29	£487.04
F - Maintenance of Outdoor Sports Space	£181.64	£269.58	£380.58	£478.61
G - Maintenance of 400m2 Local Equipped Areas of Play (LEAP)	£939.48	£1,394.31	£1,968.44	£2,475.46
H - Maintenance of Parks and Gardens	£125.60	£186.40	£263.16	£330.94
I - Maintenance of Amenity Greenspace	£82.93	£123.08	£173.76	£218.52
J - Maintenance of Natural and Semi-Natural Greenspace	£309.13	£458.79	£647.70	£814.53
TOTAL	£2,993.03	£4,442.04	£6,271.11	£7,886.39

Table 7 Off-site Contribution Values per Typology for Open Space, per Dwelling combined

Open Space Typology	Cost per one bedroom dwelling	Cost per two bedroom dwelling	Cost per three bedroom dwelling	Cost per four or more bedroom dwelling
A + F	£456.02	£676.79	£955.47	£1,201.57
B + G	£1,710.22	£2,538.19	£3,583.32	£4,506.30
C + H	£234.16	£347.52	£490.62	£616.99
D + I	£98.66	£146.42	£206.71	£259.96
E + J	£493.97	£733.11	£1,034.99	£1,301.57
TOTAL	£2,993.03	£4,442.04	£6,271.11	£7,886.39

Maintenance of Open Space

- 4.71 The on-site delivery of categories F-J are for the developer to organise. The Council expects the quality and quantity of maintenance to be appropriate and proportionate to the type, size and mix of open space for longevity of access to high quality spaces.

Public Realm

- 4.72 Public realm relates to both the publicly and privately owned spaces between buildings and structures that are part of the built and/or natural environment that are open and freely accessed by the public. Public realm also provides the context and setting for existing and new development. It includes hard and soft surfacing materials, street furniture (including public art, lighting, benches, litter bins), traffic and pedestrian signage, way finding, trees, and landscaping. For a full definition of public realm see the Borough Council's Public Realm Strategy guidance.
- 4.73 Public realm can play an important role in enhancing the quality and character of the built and natural environment, enriching the area and improving the spaces within which people live their lives. Proposals for all new major developments will be expected to contribute towards public realm in accordance with the Public Realm Policy of the Local Plan. Other relevant policies in the Local Plan include Improving Health and Wellbeing; High Quality Design and High Quality Materials; Cultural and Historic Environment Assets; Active Design and Travel; Development in Conservation Areas; Landscape and Character; and, Infrastructure and Developer Contributions.
- 4.74 One of the core principles of the NPPF is to provide healthy, inclusive and safe places which deliver high quality public spaces and encourage active and continual use for all. It also advocates planning policies and decisions to be aimed at improving health, social and cultural well-being for all sections of the community.
- 4.75 Policy 23: Public Realm, in the Local Plan states that *'all proposals for new development must incorporate high quality public realm on-site and / or contribute towards public realm improvements off-site, physically or by way of monetary developer contribution. All proposals that propose new public realm or impact upon the existing public realm must ensure that the pedestrian is prioritised over other modes of transport and that materials and design are of the highest standards and quality'*.

Level of Contributions

- 4.76 Contributions will be sought towards the creation and / or enhancement of the public realm in the vicinity of all major new developments where the proposed scheme(s) will have a direct relationship with an identified public realm improvement project included within the Council's Infrastructure Delivery Plan, which is a 'live' document and therefore updated regularly.
- 4.77 The scale of the contributions sought will reflect the character and scope of the works required and will therefore be negotiated on a case-by-case basis.

Waste and Recycling

- 4.78 New development will need investment to ensure waste collection service to the customer meet the requirements set out in Part H6 (1) of the Building Regulation 2010 where 'adequate provision shall be made for the storage of solid waste'.

4.79 To meet these requirements, the Council will request one black bin and one blue recycling bin per dwelling to the sum of £50 each at the cost of the developer.

Appendix 1 – Community Infrastructure Levy (CIL) Compliance Checklist Form

1. For all Section 106 Legal Agreements, this form is to be completed by all signatory and non-signatory providers to demonstrate that the three CIL Tests as detailed below have been met and that asking for each Planning Obligation is justified.
2. The three CIL Tests, as per Regulation 122(2), that must be satisfied are:
 - Is the obligation necessary to make the development acceptable in planning terms?
 - Is the obligation directly related to the development?
 - Is the obligation fairly and reasonably related in scale and kind to the development?
3. A separate form must be completed for each individual Planning Obligation sought.
4. This form should be completed and returned to Oadby and Wigston Borough Council when seeking a Planning Obligation from a qualifying development within the Borough. Upon receipt of the form, Oadby and Wigston Borough Council's Section 106 Working Group and the Council's Senior Leadership Team (SLT) must be satisfied that the CIL Tests have been met and that adequate justification has been given.
5. For any Planning Obligation where Oadby and Wigston Borough Council is not satisfied that all three CIL Tests have been met or where the justification is insufficient, the Case Officer will work with the relevant service provider to see if the request can be made CIL compliant.
6. In the event that a Planning Obligation sought is deemed to not comply with all three of the CIL Tests and evidence cannot be provided to make the obligation compliant, the Council will not be able to include the Planning Obligation in the relevant Section 106 Agreement in relation to the new development proposal.

SECTION 1	To be Completed by the Applicant / Developer
Site Address:	
Planning Application Number:	
Organisation Name:	
Obligation Title:	
CIL Test	Justification for Meeting the CIL Test
Is the obligation necessary to make the development acceptable in planning terms?	Yes/No: Justification for Meeting CIL Test:
Is the obligation directly related to the development?	Yes/No: Justification for Meeting CIL Test:
Is the obligation fairly and reasonably related in scale and kind to the development?	Yes/No: Justification for Meeting CIL Test:
SECTION 2	To be Completed by Oadby and Wigston Borough Council Only. (All approved obligations sought must be agreed and signed off by Oadby and Wigston Borough Council's section 106 working group and senior management team)
OWBC S106 Working Group	
Name:	
Job Title:	
Initials:	
Date:	
OWBC Senior Management Team (SMT)	
Name:	
Job Title:	
Initials:	
Date:	

Appendix 2 – Costs for LAPs, LEAPs and NEAPs

Provision for Children and Young People Requirement - establishment of Local Area for Play (LAP)	2024 (Q2)
LAP standard minimum activity zone of 100m ² (small-scale with a relatively small number of play items designed for those age 6 and below).	£60,949.80
Dog proof fencing and gates 25lm	£3,597.75
Supply and install (OWBC) Bench x1	£1,100.49
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Supply and install Litter Bin x 1	£563.78
Supply and install Dog Bin x 1	£323.38
Total for 100m ²	£69,102.21
Cost per m ²	£691.02

Provision for Children and Young People Requirement – establishment of Local Equipped Areas of Play (LEAP standard)	2024 (Q2)
LEAP Standard 400m ² Play Space equipped with formal play structures with 3 distinct play items, fostering physical, creative, intellectual, social, and solitary play. Leaving ample room for active games, like tag. Designed for children aged 4-12 years old.	£60,949.80
Dog proof fencing and gates 100lm	£14,391.00
Supply and install Litter Bin x 2	£1,127.56
Supply and install Dog Bin x 1	£323.38
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Supply and install (OWBC) Bench x 2	£2,200.98
Total for 400m ²	£81,559.73
Cost per m ²	£203.90

Provision for Children and Young People Requirement - establishment of Neighbourhood Equipped Area for Play (NEAP)	2024 (Q2)
NEAP standard minimum 1000m ² . Teen-focused provisions include kickabout/basketball areas, opportunities for wheeled play like skateboarding and roller skating. Designed for older children but inclusive of younger users.	£203,843.35
Dog proof fencing and gates 250lm	£35,977.50
Supply and install (OWBC) Bench x 3	£3,301.47
Supply and install Litter Bin x 3	£1,691.34
Supply and install Dog Bin x 1	£323.38
Secure bicycle parking	Case-by-case basis
Appropriate signage (generally 900mm by 450mm)	£2,567.01
Total for 1000m ²	£247,704.05
Cost per m ²	£247.70

Maintenance of Local Area for Play (LAP)	2024 (Q2)
Fence / bench / bin maintenance / signs	£253.96
Litter / Dog bin collection and emptying (2 bins)	£406.33
Weekly litter picking	£338.61
Maintenance of equipment	1269.6
Grass cutting	£847.00
Risk Assessment Annual	£253.96
Quarterly Check	£253.96
Weekly inspection of LAP	£1,015.83
Signage maintenance	£128.35
Total per annum (100m ²)	£4,767.60
Total over 20 years (100m ²)	£95,352.00
Total per m ² over 20 years	£953.52

Maintenance of Local Equipped Areas of Play (LEAP)	2024 (Q2)
Grass cutting	£847.00
Risk Assessment Annual	£253.96
Quarterly Check	£253.96
Weekly inspection of LEAP	£1,015.83
Maintenance of equipment – 5 pieces at £250 each	£1,269.60
Fence / bench / bin maintenance / signs	£253.96
Litter / Dog bin collection and emptying (3 bins total)	£609.50
Weekly litter picking	£338.61
Signage maintenance	£128.35
Total per annum (400m ²)	£4,970.77
Total over 20 years (400m ²)	£99,415.30
Total per m ² over 20 years	£248.54

Maintenance of Neighbourhood Equipped Area for Play (NEAP)	2024 (Q2)
Maintenance of equipment	£3,470.26
Risk Assessment Annual	£253.96
Quarterly Check	£253.96
Weekly inspection of NEAP	£1,015.83
Grass cutting	£1,694.00
Fence / bench / bin maintenance / signs	£253.96
Litter / Dog bin collection and emptying (4 bins total)	£812.66
Weekly litter picking	£846.53
Signage maintenance	£128.35
Bike storage maintenance	Case-by-case basis
Total per annum (1000m ²)	£8,729.50
Total over 20 years (1000m ²)	£174,590.00
Total per m ² over 20 years	£174.59