



Mansfield
District Council

Mansfield District Council

Mansfield District Council Draft Planning Obligations Supplementary Planning Document (SPD)

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Part 1 – Background and procedure

1 Introduction

Purpose of the supplementary planning document (SPD)

- 1.1 Mansfield District Council (the district council) is committed to delivering sustainable communities that are safe, healthy and inclusive. To help achieve this, the district council expects new development to provide or contribute directly towards the provision of necessary infrastructure and affordable housing to mitigate the impact of such development.
- 1.2 The purpose of this supplementary planning document (SPD) is to expand on the district council's approach to planning obligations which is set out in policy IN1 (which is reproduced in section 2) of the Adopted Mansfield District Local Plan 2013 – 2033.¹ It provides detailed information about the cases where infrastructure maybe sought through both planning obligations and section 278 highway agreements. This includes both the types of infrastructure and how any financial obligations will be calculated.
- 1.3 The strategy fits in with the overall aims of the National Planning Policy Framework 2019 (NPPF)² and the planning practice guidance³ by supporting sustainable and viable development. By promoting a consistent and transparent approach to likely obligations, developers and landowners will be able to take into account the potential costs of a proposed development at the earliest stage. They can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how proposed development in their area will be accommodated.
- 1.4 The government is currently reviewing the planning system, including the approach to planning obligations. Any changes that are made will be reflected within this SPD or any superseding document.

District council objectives

- 1.5 The district council's aspirations are set out in its strategic plan, "Making Mansfield: Towards 2030"⁴. The overall vision for the district is to:

"Grow an ambitious, vibrant and confident place"

¹ <https://www.mansfield.gov.uk/local-plan/adopted-local-plan-2013-2033>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <https://www.gov.uk/guidance/planning-obligations>

⁴ <https://www.mansfield.gov.uk/downloads/file/1347/making-mansfield-towards-2030>

- 1.6 To ensure delivery of the vision, the district council will focus on the following four cross cutting themes:
- A plan for growth;
 - A plan for place;
 - A plan for wellbeing; and
 - A plan for aspiration
- 1.7 In addition, the local plan sets out a vision for the district up to 2033. This and other related documents can be viewed at www.mansfield.gov.uk/local-plan/adopted-local-plan-2013-2033
- 1.8 The provision of a mechanism for supporting the district council's responsibilities for securing planning obligations, along with those of the county council and other infrastructure partners will help to ensure that the vision and themes of the strategic plan and local plan are achieved.

Scope of this document

- 1.9 To help deliver sustainable communities, this SPD sets out the scope and scale of planning obligations which may be applicable to different types of development and outlines the district council's general approach to securing them. It should be viewed as a general guide as development proposals will continue to be assessed on a case-by-case basis. The SPD includes:
- An explanation of planning conditions and planning obligations used to secure contributions for infrastructure. It also sets out guidance on the circumstances when contributions or works may be secured through these methods;
 - Explanation of procedure when negotiating and securing planning obligations;
 - Guidance on the process of and material that should be submitted by applicants with planning applications;
 - Information on and the use of the Mansfield District Infrastructure Delivery Plan 2018 (IDP); and
 - An outline as to how the district council will assess development viability including viability review mechanisms on applications that do not meet policy requirements in full.

Infrastructure covered by the SPD

- 1.10 This SPD covers the administrative area of Mansfield District Council. The services for which the district council may seek planning obligations are:
- Affordable housing;
 - Biodiversity net gain;
 - Green infrastructure, including on-site and off-site community open space, playing pitches and allotments; and
 - Public realm / public art.
- 1.11 In addition, the Nottingham and Nottinghamshire Clinical Commissioning Group (N&N CCG) may seek contributions toward health infrastructure. Details about the approach to seeking such provision is included in section 8 of this SPD.
- 1.12 Nottinghamshire county council may seek planning obligations for:
- Education
 - Green Spaces;
 - Libraries;
 - Transport;
 - Waste Management; and
 - Minerals and Waste Development
- 1.13 Further information about all these requirements can be found in sections 4 – 10.
- 1.14 This SPD should be read alongside the Mansfield District Affordable Housing SPD and other SPDs that may be produced by the district council along with Nottinghamshire county council's Planning Obligations Strategy⁵

Status and use of the SPD

- 1.15 In accordance with relevant legislation, this will be subject to consultation and formal adoption by the district council. It will supplement the various policies within the Mansfield District Local Plan 2013-2033 that was adopted on 8 September 2020, and forms a material consideration in the determination of planning applications. It should be taken into account during the preparation of proposals for residential and non-residential development and when negotiating site acquisitions and undertaking development feasibility.

⁵ <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

- 1.16 The SPD will be kept under review and updated as required. This is to ensure that the document remains fit for purpose and to reflect any change in legislation, national / local policy or guidance. This is also to take account of any amendments that may occur regarding the calculation of planning obligations e.g. changes to viability that may affect the amount per dwelling that can be secured.

Structure of the SPD

- 1.17 In addition to this introduction, there are a number of further sections:
- Section 2 sets out the statutory and policy context to planning obligations;
 - Section 3 sets out the procedure for securing planning obligations;
 - Sections 4 – 10 set out the various types of infrastructure for which obligations may be sought; including how financial contributions will be calculated; and
 - There is one appendix that provides more detail about quality standards for green infrastructure.

Question 1 – Do you agree with the purpose of the SPD and what it will seek to achieve in terms of infrastructure delivery in the district? (Please give the reason(s) for your answer)

Question 2 - Are there any other types of infrastructure for which you think obligations should be sought? (Please give the reason(s) for your answer)

2 Statutory and policy context

Statutory and national planning policy

- 2.1 The statutory framework for planning obligations is set out in section 106 of the Town and Country Planning Act 1990 (as amended) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)⁶. The 2019 amendments to the CIL regulations have removed the previous restriction on pooling no more than five planning obligations towards a single piece of infrastructure. Subject to meeting the three tests set out in CIL regulation 122 Part 11 “Limitation on the use of planning obligations”, section 106 planning obligations can be used to contribute towards the same piece of infrastructure regardless of how many planning obligations have already done so. This will allow the district council to seek section 106 planning obligations to better fund infrastructure to help support and bring forward housing and employment

⁶ <https://www.legislation.gov.uk/ukpga/1990/8/section/106>

growth regardless of how many planning obligations have previously contributed towards an item of infrastructure.

- 2.2 The National Planning Policy Framework 2021 (NPPF) at paragraph 34 states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). However, the NPPF indicates that such requirements should not undermine the deliverability of the plan.

Mechanisms for securing infrastructure

- 2.3 The main ways of securing planning obligations (either individually or collectively) are through the use of:
- Planning obligations;
 - Planning conditions; and
 - A community infrastructure levy (CIL)

Planning obligations (section 106 agreements)

- 2.4 Planning obligations are legal agreements entered into to mitigate the impacts of a development proposal. Paragraph 55 of the NPPF states “*local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations*”. Planning obligations legally must only be sought where they meet all of the following tests⁷:
- Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development; and
 - Fairly and reasonably related in scale and kind to the proposed development.”
- 2.5 Further guidance on the use of planning obligations is set out in the planning practice guidance⁸.

⁷ Paragraph 56 National Planning Policy Framework. Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010)

⁸ <https://www.gov.uk/guidance/planning-obligations>

- 2.6 Section 106 of the Town and Country Planning Act 1990 provides that any person interested in the land in the area of a local planning authority may by agreement or otherwise enter into a 'planning obligation'. They can be used for:
- Restricting the development or use of the land in any specified way;
 - Requiring specified operations or activities to be carried out in, on, under or over the land;
 - Requiring the land to be used in any specified way; or
 - Requiring a sum or sums to be paid to the local planning authority on a specified date or dates or periodically.
- 2.7 In most cases, all parties with an interest in the application site are required to sign the section 106 agreement. This is because the obligations contained in section 106 agreements run with the land and automatically bind successors in title, i.e. those that may later buy the land or any part of it. The planning obligations take effect as local land charges and are registrable as such in the public register maintained by the district council. The entry will be apparent to any prospective purchaser who carries out a local land charges search.
- 2.8 As a local planning authority, the district council is responsible for setting the level of any financial obligations and how they will be secured for district council functions, together with the enforcement of any on or off site measures within the applicant's control. Where infrastructure is sought and secured for infrastructure that will be administered by Nottinghamshire county council, they will be party to the negotiations of obligations and have responsibility for their enforcement. Where financial obligations for health infrastructure is sought and secured, this will be paid to the district council who will transfer it to the Clinical Commissioning Group.
- 2.9 It should be noted that the district council will seek planning obligations from all development proposals, which meet or exceed the threshold stated in paragraph 3.24 and where there is a justified need for an obligation to mitigate any adverse impacts of development proposals. This will include those that are solely for affordable housing as these can also generate the need for infrastructure.

Unilateral undertaking

- 2.10 A unilateral undertaking (UU) is a simplified version of a planning agreement, which is relatively straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site. The council is not a party to the document and therefore cannot provide reciprocal obligations. A unilateral undertaking may be suitable where the

obligations consist solely of the payment of financial contributions, of one or more of the types described in this SPD, to be paid prior to commencement of development.

Planning conditions

- 2.11 Planning conditions⁹ are imposed on the grant of planning permission¹⁰ to enhance the quality of development and enable development proposals to proceed where otherwise it would have been necessary to refuse planning permission. Conditions may relate to phasing of development, timing of delivery of infrastructure (including up front delivery before the commencement of development), or the appearance of development - all of which can help to manage the adverse impacts or additional pressures of development.
- 2.12 When imposing planning conditions, local planning authorities are required to ensure that they meet the following criteria¹¹:
- Necessary;
 - Relevant to planning;
 - Relevant to the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.

Section 278 agreements

- 2.13 A section 278 agreement¹² secures modifications to the existing highway network to facilitate or service a proposed development. Such agreements enable the funding or undertaking of alteration or improvement works to the public highway necessary to support the development outside or beyond the development site itself. Section 278 agreements are made between landowners or developers and the highways authority (Nottinghamshire county council)¹³. The developer can carry out the works themselves, or pay the highway authority to do the works. Works covered by section 278 agreements include:

- Roundabouts;

⁹ <https://www.mansfield.gov.uk/planning-permission/planning-conditions-1>

¹⁰ Enabled by Sections 70 and 72 of the Town and Country Planning Act 1990

¹¹ As set out in paragraph 56 of the NPPF

¹² <https://www.legislation.gov.uk/ukpga/1980/66/section/278>

¹³ Further information about the county council's approach to Section 278 agreements is available at <https://www.nottinghamshire.gov.uk/media/2902383/70-off-site-highway-works-junctions-and-s278.pdf>

- Signalised junctions;
- Right turn lanes;
- Safety related works such as traffic calming;
- Street lighting; and
- Improved facilities for pedestrians and cyclists.

Community Infrastructure Levy (CIL)

2.14 The Community Infrastructure Levy (CIL)¹⁴ is a charge that can be levied by local authorities on new development in their area. It is an important tool for authorities to use to help them deliver the infrastructure needed to support development in their area and can operate alongside other methods of securing infrastructure e.g. through section 106 agreements. It takes the form of a charge per square metre of net additional floorspace and applies to most new development (although there are a number of exemptions).

2.15 As set out in the supporting text to local plan policy IN1, the district council will continue to keep under consideration the need to introduce a community infrastructure levy (CIL) charging schedule, having regard to local viability conditions and any future review of the system.

Mansfield district local plan policy

2.16 This SPD specifically relates to Mansfield District Local Plan Policy IN1 (Figure 1 on page 9) - the main policy for securing the delivery of new or improved infrastructure and the main context for the guidance in this document.

2.17 A number of other district local plan policies also provide specific justification for planning obligations and the use of planning conditions that might be required to make a development acceptable in planning terms and are relevant to this SPD. These are set out in figure 2 on page 10.

Mansfield Local Plan Infrastructure Delivery Plan 2018 (IDP)

2.18 The infrastructure delivery plan (IDP) has been prepared in consultation with the relevant infrastructure providers and adjacent local authorities. It identifies the infrastructure requirements for the Mansfield district, which will be necessary to support the planned growth proposed within the adopted local plan. The infrastructure requirements are set out in appendix 9 of the local plan, are set out based on the following geographic areas of the district:

¹⁴ <https://www.gov.uk/guidance/community-infrastructure-levy>

- District wide;
- Mansfield urban area;
- Pleasley;
- Mansfield Woodhouse;
- Forest Town;
- Warsop; and
- Church Warsop and Meden Vale.

2.19 In addition to the infrastructure requirements, the IDP sets out:

- Existing infrastructure provision;
- Existing infrastructure capacity;
- The additional demands that planned growth will place on existing infrastructure; and
- Infrastructure delivery costs and responsibilities

2.20 The IDP will be updated on a regular basis; this process includes consulting with Warsop Parish Council, organisations such as public transport providers, emergency services, utility companies, business associations, the development industry, and other providers of services such as the highway authority, education and social services. The district council also liaises with neighbouring local authorities in relation to cross boundary matters.

Figure 1 – Mansfield District Local Plan Policy IN1 – Infrastructure Delivery

Policy IN1 - Infrastructure delivery

1. All development proposals will be expected to:
 - a. meet all reasonable costs associated with new infrastructure required as a consequence of the proposal;
 - b. where appropriate, contribute to the delivery of necessary related infrastructure to enable the cumulative infrastructure impacts of developments to be managed, including identified transport infrastructure requirements;
 - c. provide for the future maintenance of facilities delivered as a result of the development; and
 - d. where appropriate and necessary, enter into clawback agreements.
2. When determining the nature and scale of any planning obligations sought, account will be taken of any evidence of viability, specific site conditions, priorities in the Infrastructure Delivery Plan and other material considerations.
3. Where appropriate, developer contributions will be pooled to allow the provision of strategic infrastructure that will serve more than one scheme.

Figure 2 – Local Plan policies providing justification for planning obligations

H1	Housing allocations
H4	Affordable housing
E2	Sites allocated as new employment areas
RT2	Mansfield town centre strategy
RT4	Mansfield town centre improvements
RT5	Accessing Mansfield town centre
SUE1	Pleasley Hill Farm
SUE2	Land off Jubilee Way
IN2	Green infrastructure
IN4	New community open space and outdoor sports provision; and
IN8	Protecting and improving the sustainable transport network

Question 3 – Do you have any comments on the various mechanisms for securing infrastructure within the Mansfield district? (Please give the reason(s) for your answer)

3 Procedure for securing planning obligations

- 3.1 This section provides guidance on the processes the district council will use to negotiate and agree planning obligations and outlines its approach to the assessment of development financial viability.
- 3.2 The process is set out to provide clarity to parties involved in the development process and is designed to ensure that applications are progressed without unnecessary delay.

Negotiating and completing planning obligations

- 3.3 The completion of planning obligations is critical on schemes where such obligations are required to make the development acceptable in planning terms. In line with the planning practice guidance¹⁵, and to provide certainty to all parties, planning permission will not be granted until the necessary planning obligations are in place. Any queries about the planning obligations sought as part of a development; be they from the applicant / agent or the body / organisation seeking the obligation, should be directed to the case officer who is dealing with the planning application.

¹⁵ <https://www.gov.uk/guidance/planning-obligations>

Pre-application advice

- 3.4 The district council offers a pre-application advice service.¹⁶ Entering into pre-application discussions offers the opportunity to clarify the relevant planning policies and material considerations, issues to be resolved and requirements for supporting documentation. Entering into such discussions prior to the purchase of land will enable developers to better anticipate the financial implications of planning obligations on development proposals. This will be important from the applicant's perspective because the Planning Practice Guidance: Viability¹⁷ states, "*The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan. Landowners and site purchasers should consider this when agreeing land transactions.*" If an applicant over-pays for a site because they have not appropriately taken into consideration the planning policies when agreeing a land price, this is not a valid viability argument for subsequently seeking to reduce or remove the planning policy obligations.
- 3.5 In addition to the above, pre-application discussions can minimise delays in determining planning applications. Developers and landowners are therefore advised to enter into discussions with the district council and other infrastructure providers as early as possible in the application process.
- 3.6 When a request for pre-application advice is submitted, the district council will seek comments from consultees about the principle of development, including seeking initial information about the contributions that may be sought to mitigate the impact of the proposal. The starting point for any negotiations will be that development proposals should accord with adopted local plan policies, including affordable housing requirements at a policy compliant tenure split. As part of this, developers and landowners should have regard to this SPD, the Affordable Housing SPD and the county council's Planning Obligations Strategy to provide information to support discussions.
- 3.7 It is important to note that information about planning obligations, which is received from consultees at the pre-application stage, may be subject to change and will be finalised once a formal application is submitted. This will be fed back to the applicant / agent as part of the district council's wider response to the applicant.

¹⁶ <https://www.mansfield.gov.uk/planning-permission/pre-application-advice-1>

¹⁷ <https://www.gov.uk/guidance/viability>

- 3.8 It should also be noted that at this stage it might not be possible for some consultee's e.g. county highways to provide specific information about planning obligations. These will only become apparent as a scheme moves forward through the application process.
- 3.9 Where development sites adjoin each other the impacts on infrastructure may be considered cumulatively however this will be determined on a case-by-case basis.

Application submission

- 3.10 Planning applications must be submitted with the appropriate documentation in accordance with the local list requirements.¹⁸ In accordance with the district council's Local Scheme of Validation for Planning Applications¹⁹. Where it is anticipated that a planning obligation is required, it is expected that applicants will submit a Planning Obligation Heads of Terms. In cases that relate solely to the payment of financial contributions, a planning obligation by way of a unilateral undertaking may be suitable. Further information about the process for preparing legal agreements can be found in paragraphs 3.40 – 3.44.
- 3.11 If viability is likely to be an issue, this should be raised by the applicant early in the planning application process. Where a viability assessment is submitted as part of the application, this should be in line with the requirements of both paragraph 58 of the NPPF and the planning practice guidance²⁰. In accordance with this guidance, when submitting a viability argument, it will be for the applicant to demonstrate what has changed since the local plan was approved (and the planning obligations established). Any viability assessment submitted will be made publicly available on the planning application file.
- 3.12 If material changes are made to an application after submission that could affect scheme viability, a revised assessment is required which could delay determination. This highlights the importance of engaging with the district council in pre-application discussions. If it has not been possible to determine the application within the timescale originally envisaged, it may be necessary to submit an updated viability assessment to reflect current market conditions.
- 3.13 Where a viability assessment is submitted, the district council will get this independently reviewed and the applicant will be required to pay the district council's costs for having this work undertaken. The person or organisation

¹⁸ <https://www.mansfield.gov.uk/downloads/download/216/apply-for-planning-permission>

¹⁹ <https://www.mansfield.gov.uk/downloads/download/216/apply-for-planning-permission>

²⁰ <https://www.gov.uk/guidance/viability#viability-and-decision-taking>

used for the independent review will be at the discretion of the council. Cleared payment from the applicant will be required upfront and prior to the instruction of the viability assessor. Further information about the district council's approach to viability can be found in paragraphs 3.28 – 3.35.

- 3.14 Applicants should provide up to date evidence of title to the application site, details of their legal representative and an agreement / undertaking to pay the district council's legal costs in connection with the planning obligation. If the district council has instructed external solicitors to prepare and complete its section 106 agreements and / or approve draft unilateral undertakings then an undertaking will be required to meet the external solicitor's costs. Payment may be required in advance or in stages and is payable irrespective of whether permission is subsequently granted and the legal agreement proceeds to completion.

Application assessment

- 3.15 The investigation and negotiation on any necessary conditions or obligations form part of the consideration of a valid planning application. This process is undertaken without prejudice to the determination of the application.
- 3.16 The case officer assigned to determine the planning application will manage the negotiation process in conjunction with the district council's Legal Services team if legal assistance is required. This includes consultation with internal departments and external bodies, in particular the county council, to determine the obligations necessary to make the development acceptable in planning terms. Any draft Heads of Terms submitted will also be reviewed.
- 3.17 Consultation responses will be relayed to the applicant with a view to negotiating and agreeing the nature, scale and any triggers for matters to be included as obligations.
- 3.18 Where an application is to be refused on other grounds, a decision will be made as to whether it is prudent to pursue completion of a planning obligation prior to determination or whether to add no completion of a planning obligation as an additional reason for refusal.
- 3.19 The applicant is expected to pay the district council's reasonable legal costs or the legal fees of any external solicitor instructed by the council's Legal Services team to undertake the preparation and completion of the requisite planning obligation whether or not the planning obligation proceeds to completion.

Determination and post determination

- 3.20 Where an application is to be determined by officers under delegated authority, the case officer will instruct the district council's Legal Services team to prepare a draft section 106 agreement. This will be submitted to the applicant's solicitor for comment and approval. Once agreement has been reached as to the content of the agreement and any outstanding issues are resolved; the section 106 agreement will be signed by all parties and completed. Once this has taken place the planning application decision notice can be issued.
- 3.21 For applications to be decided by the council's Planning Applications Committee, all matters to be included in any obligations must be known and agreed with the applicant by the time the proposal is taken to committee and will be set out in the committee report.
- 3.22 The committee will decide whether the proposed obligations are appropriate. Any resolution to grant planning permission will be made subject to the completion of a satisfactory planning obligation within a period of 12 months and will authorise the Head of Service to accept such an undertaking. The preparation of the legal agreement should be progressed immediately following the committee resolution to grant. Planning permission and any other consent will be issued at a point following the completion of the required planning obligation.
- 3.23 The district council usually requires all parties with an interest in the land forming the application site to enter into the planning obligation. For example, if the land to which the proposal relates is mortgaged or charged to other third parties or if a developer has an option arrangement, it will be necessary for such interests to be party to any planning obligation. Applicants should liaise as early as possible with interested parties / lenders / charges about their proposals to ascertain whether approval is likely and to avoid lengthy delays in the signing / execution process.

Thresholds for seeking planning obligations

- 3.24 For residential schemes, obligations may be sought on sites of 10 or more dwellings (gross) or if the site has an area of 0.5 hectares or more. For non-residential development; obligations may be sought on schemes where there is new or additional floorspace of 1,000 square metres or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.²¹

²¹ <https://www.legislation.gov.uk/uksi/2015/595/article/2/made>

- 3.25 The above will apply unless otherwise stated within this document or the county council's Planning Obligations Strategy²² (or any document that may supersede it).

Land for infrastructure

- 3.26 There will be circumstances where land will be requested to help deliver infrastructure that is required to mitigate the impact of development e.g. the county council may request land for a new school. The district council will work with both the applicant and stakeholder who is requesting the land to ascertain how much land is needed, by when and the condition that the land must be in prior to transfer and post transfer.
- 3.27 Further information about the county council's land requirements can be viewed in its Planning Obligations Strategy.

Viability

- 3.28 The principles covering the approach to viability and decision-making are set out in the Planning Practice Guidance: viability (PPG)²³ and paragraph 58 of the NPPF.
- 3.29 The starting point for all applications will be that full, policy compliant contributions will be provided in accordance with the adopted local plan unless there is **suitable**, **sufficient** and **justifiable** evidence to depart from this.
- 3.30 It will be for the applicant or their agent to demonstrate whether there are particular circumstances that justify the need for a viability assessment. Examples of these include²⁴:
- Where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan;
 - Where further information on infrastructure or site costs is required;
 - Where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or
 - Where a recession or similar *significant* economic changes have occurred since the plan was brought into force.

²² <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>

²³ <https://www.gov.uk/guidance/viability#standardised-inputs-to-viability-assessment>

²⁴ This list is not exhaustive and others may apply.

- 3.31 Where the applicant is able to demonstrate the need for a viability assessment, the district council expects this to be prepared in line with the requirements of the NPPF and the Planning Practice Guidance²⁵. It should take the form of a written report that includes **appropriate** and **relevant** evidence in relation to build costs including land acquisition and future sales values. This should link back to the typology assumptions contained within the Mansfield Local Plan Whole Plan Viability Appraisal Update²⁶. The evidence submitted should be sufficient to provide a conclusive opinion on whether the obligations being sought would make the development unviable or not. Other than in exceptional circumstances, any viability assessment that is submitted will be made available in the public domain.
- 3.32 Where a viability assessment is produced by the applicant, this will be subject to independent review. In such cases, the applicant will be required to bear the council's cost for undertaking this work.
- 3.33 The council's decision as to whether the conclusions of the viability assessment are accepted will be based upon the outcome of the independent appraisal of the viability assessment. As set out in the planning practice guidance,²⁷ *"the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment."* The council will also have regard to whether it would be in the interest of the local community to refuse the application until adequate mitigation can be secured for the site in the future.
- 3.34 If the viability assessment is accepted as being an accurate assessment of the cost and liabilities and shows that the development cannot proceed without reduced or revised financial obligations, the district council *may* agree to the provision of lower rates of contribution for a particular site. This will be on the provision that the loss of planning obligations is not so significant that the development is no longer acceptable in planning terms.
- 3.35 Where the above circumstances arise, the prioritisation of the infrastructure on which planning obligations will be spent will be considered by the district council on a case-by-case basis. Consideration will also be given to any

²⁵ <https://www.gov.uk/guidance/viability#viability-and-decision-taking>

²⁶ The Local Plan Viability Assessment can be viewed at <https://www.mansfield.gov.uk/downloads/file/393/whole-plan-viability-appraisal-update-december-2018>

²⁷ <https://www.gov.uk/guidance/viability>

comments submitted by infrastructure providers to the development management officer who is dealing with the particular planning application.

Review / clawback mechanisms

- 3.36 The PPG says that review mechanisms can be used by authorities to recover reduced / removed planning policies where viability improves during the lifetime of a project.
- 3.37 Viability appraisals will remain valid until such time as it is considered by the council that significant changes have occurred which require an update of the appraisal to be undertaken. These changes could relate to factors such as realised construction costs being less than initially anticipated, an economic upturn which serves to increase sales values above initial expectations, abnormal costs originally allowed for no longer deemed necessary due to alternative construction solutions etc.
- 3.38 Any planning application scheme, which fails to deliver a policy compliant scheme because of viability should be subject to a review (with the timing of the review dependent on the scale of the scheme), based on the actual costs and values generated by the scheme (i.e. an 'open book' basis for all costs and values). In accordance with the advice in the PPG, the review will only apply to uplifts in compliance with planning policies over the lifetime of a project. Unless otherwise agreed with the council, the section 106 agreement will contain inter-viability review mechanisms, at the applicant's expense, and at trigger point(s) / times agreed with the council (e.g. completion or occupation of the development) when construction contracts have been agreed to ascertain the extent of any changes in these values and costs.
- 3.39 Where a viability appraisal review is triggered, a base appraisal will be used (in line with the agreed viability position as determined at the planning application stage). The only elements subject to change will be sales values and build costs. This is considered to be a clear process that provides greater certainty of delivery for developers and their funders and is easier for all parties involved to understand.

Preparation and signing of legal agreements

- 3.40 Applicants will be required to pay the council's reasonable legal and administrative costs in drafting and completing agreements. If the district council has instructed an external solicitor to undertake the preparation and completion of the section 106 agreement the applicant will be required to pay the legal and administrative costs of the external solicitor. Where possible, the development management case officer will seek to get a quotation of the likely

costs of preparing the legal agreement and send this information to the applicant / agent. Generally, the legal costs are payable on the completion of the legal agreement however, on occasion payment may be requested in advance or in stages. Where negotiations are protracted or aborted, an interim payment may also be required.

- 3.41 The district council's Legal Services team will be instructed to prepare a draft section 106 agreement if the local planning authority is minded to approve the application. At this stage, the council's Legal Services team will require an undertaking for legal fees and proof of ownership title before the initial draft of the section 106 agreement can be produced.
- 3.42 On production of the initial draft section 106 agreement; this will be circulated to the developer, normally via their acting solicitor for comment and review. Once the developer and the council have agreed the content of the draft section 106 agreement, the section 106 agreement will be executed by those persons who are a party to the agreement i.e. the parties with an interest in the development land; the district council and the county council (if there are highway or other county obligations). Once the agreement has been signed and sealed and legal costs have been paid, completion of the agreement will take place. If there are no outstanding matters, the planning permission will be issued and the obligations in the section 106 agreement will be registered as a local land charge in the district council's local land charges register.
- 3.43 Where a proposed development triggers a county council requirement in terms of infrastructure, the county council will be a signatory to the agreement. As part of the process for preparing the legal agreement, the district council will consult the county council on the content of the draft document. This is to allow the county council to provide input regarding the value of the various contributions (or in the case of land, area and transfer requirements), the projects on which monies will be spent and the triggers for payment or provision of land. It will also help ensure that obligations on the developer are directly enforceable by the county council and that obligations on the county council are directly enforceable by the signatories of the agreement.
- 3.44 Where a legal agreement includes a requirement for monies or a physical contribution to be made to the county council, the developer will be required to notify the county council's Planning Department in writing of when development commences and when triggers for payment or provision of infrastructure are reached.

Payment of contributions

- 3.45 The legal agreement requiring planning obligations must, for legal reasons bind the site immediately. However, the actual meeting of an obligation can be deferred to a suitable stage in the site's development when an agreed trigger is reached.
- 3.46 The triggers for the payment of financial contributions will be considered on a case-by-case basis. For off-site works, this will often be expected on commencement of development but in some cases payment on the anniversary of commencement, occupation or staged payment may be acceptable so long as this secures infrastructure when it is needed and it does not impact on the viability of the scheme. In line with government guidance²⁸; during the period of the Covid-19 pandemic or any similar event; the district council will consider whether it is appropriate to allow the developer to defer delivery.
- 3.47 Where appropriate, trigger points for the payment of financial contributions will be included in the section 106 agreement, as will any time periods by which the contribution is to be spent.
- 3.48 Time limits for the expenditure of section 106 financial contributions will be included within a planning obligation. The council will usually seek a 10-year time limit to spend financial contributions, although in some cases a longer period may be more appropriate. Any changes to the time limit for spending contributions will subject to agreement, in writing between the owner and the district council / county council. After the agreed time limit, if there are any unused contributions these will be returned to the developer with interest.
- 3.49 Funds secured through section 106 agreements will be index-linked, using the Retail Price Index, (unless otherwise stated) to reflect the inflation of costs associated with providing infrastructure in the time between an agreement being signed and the contribution becoming due for payment. If any payment due to either the district council or county council is paid late, interest will be payable. This will be from the date the contribution is due to the date the contribution is paid. It will be at 8% above the Bank of England base lending rate that is in place at the time.
- 3.50 Financial obligations that are secured for Nottinghamshire county council infrastructure will be included in the legal agreement. These will be payable direct to the county council on the reaching of the trigger set out within the signed legal agreement. As with other obligations, these will be index linked.

²⁸ <https://www.gov.uk/guidance/coronavirus-covid-19-community-infrastructure-levy-guidance>

Monitoring of planning obligations

- 3.51 The district council will track compliance with each provision contained in a legal agreement as a development proceeds to ensure that payment of financial contributions and delivery of infrastructure is in accordance with the terms in the agreements.
- 3.52 It will require a contribution towards the monitoring and administrative costs of doing these tasks. The fee per agreement is a minimum of £270 or 2% of the total financial contribution, whichever is the greater. For large-scale residential developments (150 units or more) monitoring fees will be negotiated on an individual basis.
- 3.53 A restriction or requirement imposed under a planning obligation is enforceable by the district council by injunction. If there is a breach of a requirement in a planning obligation to carry out any operations on the land the district council may enter the land, carry out the operations and recover its expenses from the persons against whom the obligation is enforceable.
- 3.54 The planning obligation, along with relevant consents, will be registered as a local land charge. The district council does not remove the entries upon compliance with the obligations; however, confirmation of compliance may be sought from the council's Planning Department. A copy of the completed planning obligation will be held by the district council for public inspection.

Publication of planning obligations information / infrastructure funding statement (IFS)

- 3.55 The district council is required to monitor the collection of contributions and make this information publicly available on its website. The council is also required to prepare and publish an annual infrastructure funding statement (IFS)²⁹. The document, which will be published by 31 December each year, will set out a range of information about planning obligations including:
- The amount of monies to be provided under any planning obligation during the reported year³⁰;
 - The amount of monies collected during the reported year;
 - The amount of monies spent during the reported year, including on what project; and

²⁹ Further information about the content of the IFS can be found at:
<https://www.gov.uk/guidance/community-infrastructure-levy#para176>

³⁰ The previous financial year from 1st April to 30th March

- The amount of monies received but not allocated to a project over the reported year.
- 3.56 As part of the IFS, the district council is also required to set out the infrastructure projects or types of infrastructure that it intends to fund, either wholly or partly, by planning obligations. This includes setting out the future spending priorities on infrastructure.
- 3.57 The district council has a Growth Delivery Group which they chair. This comprises the main infrastructure providers and one of its purposes is to:
- a. Assist with the preparation of the IFS; specifically:
 - How the council anticipates using funds from planning obligations; and
 - The identification of future spending priorities of planning obligations on infrastructure and affordable housing in line with adopted local plan policies.³¹
 - b. Assist with ongoing monitoring and reviewing of the local plan and Mansfield District IDP specifically:
 - The identification of cases where local plan and IDP projects have either commenced, been completed or are no longer required; and
 - The identification of any changes that are required to the list of infrastructure requirements that are set out within these documents.
 - c. Inform the content of the planning obligations SPD and any other associated policies and strategies

³¹ See paragraph 3.35 for the approach to prioritising site-specific contributions when issues with viability occur.

When responding to the following questions, please give the reason(s) for your answer.

Question 4 – Do you agree with the proposed approach to negotiating and completing planning obligations?

Question 5 - Do agree with the thresholds that will be used when seeking to secure planning obligations to mitigate the impact of development?

Question 6 - Do you agree with the district council's proposed approach to viability?

Question 7 - Do you agree with district council's proposed approach to payment of contributions?

Question 8 - Do you agree with the district council's proposed approach to indexation?

Question 9 - Do you think there are any other matters that need to be included in this section?

Part 2 – Planning obligations which may be sought

This part of the SPD turns its attention to the obligations that may be sought within the Mansfield district. Details about these can be found in the following sections:

- Section 5: Affordable housing;
- Section 6: Biodiversity net gain;
- Section 7: Green infrastructure, community open space, playing pitch provision and allotments;
- Section 8: Health;
- Section 9: Nottinghamshire county council infrastructure; and
- Section 10: Public realm / public art

4 Summary of planning obligations

- 4.1 Table 1 below provides information to help developers and agents determine at a glance the obligations that may be sought to mitigate the impact of their development. Any request for a planning obligation(s) will be accompanied by evidence to justify it and, where the obligation is financial, details of how this has been calculated will be provided. In addition, those seeking an obligation

must be prepared to stand up at a Public Inquiry to defend their request if required.

Table 1 – Summary of planning obligations

Infrastructure	Calculation / type of provision
Affordable housing	<ul style="list-style-type: none"> • Trigger - Sites of 10 or more dwellings or more than 0.5ha in size; • On-site provision (proportion dependent on whether in zone 1 or 2 and if greenfield or brownfield) or off-site commuted sum; • Further detail, including the calculation for commuted sums is contained in the Affordable Housing SPD which will be available to view on the council's website
Biodiversity net gain	<ul style="list-style-type: none"> • Trigger – All development, commensurate with their scale, location and size (except householder applications); • On-site (priority) or off-site; • Where a financial contribution is sought, the cost of providing the biodiversity net gain up to a maximum £1,100 per dwelling (based on the Mansfield Local Plan Whole Plan Viability Appraisal Update (2018) which was done for the Mansfield Local Plan). It should be noted that this figure includes the cost of any contribution which may be sought for any element of green infrastructure (as set out in section 7). • For non-residential development, if this cannot be provided on site, a contribution will be sought based on the cost of meeting the national requirement of 10% biodiversity net gain. • To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed. For non-residential development, the amount requested will be divided by the number of units proposed. • Further information about the delivery of biodiversity net gain will be set out in a separate Biodiversity and Green Infrastructure SPD.
Green infrastructure, community open spaces, playing pitch provision and allotments	<ul style="list-style-type: none"> • Trigger – Development located within and adjacent to the Strategic GI network (GI), new residential development of 10 or more dwellings (community open space), 100 dwellings or more (playing pitches), 30 dwellings or more (allotments); • New or improved on or off-site provision; • Contributions for future maintenance of on-site open space • Where a financial contribution is sought, the cost of making provision up to a maximum £1,100 per dwelling (based on the Whole Plan Viability Appraisal done for the Mansfield District Local Plan). It should be noted that this figure includes the cost of any contribution which may be sought for biodiversity net gain (as set out in section 6). • To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed.

Infrastructure	Calculation / type of provision							
Health	<ul style="list-style-type: none">• Trigger - Residential – 25 dwellings or more and / or development which places extra demand on the local health care provision through its operation;• New or improved facilities;• Contribution based on following formula: <table><tr><td>(B) Additional patients to be accommodated (number of dwellings proposed (A) multiplied by 2.5 (average household size in the Mansfield District))</td><td>x</td><td>(D) Standard area m²/person Based on total list size of approx.³² 0.085m²</td><td>x</td><td>(E) Cost of extension including fees £/m² £2,700</td><td>=</td><td>Total cost (B) x (D) x (E)</td></tr></table> <p>Worked Example – Scheme of 25 dwellings:</p> <p>25 x 2.5 = 62.5 (B) 62.5 x 0.085m² (D) = 5.3 5.3 x £2,700 (E) = contribution of £14,310</p> <ul style="list-style-type: none">• The maximum amount that will be sought (combined with contributions for public art and public realm) will be £1,057 per dwelling. This is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Mansfield District Local Plan.• To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed;	(B) Additional patients to be accommodated (number of dwellings proposed (A) multiplied by 2.5 (average household size in the Mansfield District))	x	(D) Standard area m ² /person Based on total list size of approx. ³² 0.085m ²	x	(E) Cost of extension including fees £/m ² £2,700	=	Total cost (B) x (D) x (E)
(B) Additional patients to be accommodated (number of dwellings proposed (A) multiplied by 2.5 (average household size in the Mansfield District))	x	(D) Standard area m ² /person Based on total list size of approx. ³² 0.085m ²	x	(E) Cost of extension including fees £/m ² £2,700	=	Total cost (B) x (D) x (E)		
Nottinghamshire county council	<ul style="list-style-type: none">• Obligations to be based on Nottinghamshire county council's Developer Contributions Strategy: https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy							
Public realm / public art	<ul style="list-style-type: none">• Trigger – Residential schemes of 10 or more dwellings or 0.5 hectares of more. For non-residential development; additional floorspace of 1,000 square metres or 1 hectare or more;• Calculated on a case-by-case basis however, the maximum amount sought (combined with contributions for health) will be £1,057 per dwelling / other units. This is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Mansfield District Local Plan. To ensure that the amount sought is not greater							

³² The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq. m has been identified by a quantity surveyor experienced in health care projects.

Infrastructure	Calculation / type of provision
	<p>than the above figure; the amount requested will be divided by the number of dwellings / other units proposed;</p> <ul style="list-style-type: none"> Financial contribution towards the provision of or improvement to public realm / public art.

5 Affordable housing

5.1 Policy H4 of the adopted local plan sets out the district council's approach to affordable housing. As with the wider subject of planning obligations, a separate SPD is being prepared which sets out in detail how the district council will seek to secure and deliver this infrastructure. Both SPDs should be read alongside each other and the adopted local plan.

5.2 The Affordable Housing SPD will be available to view on the district council's website.

6 Biodiversity net gain (BNG)

6.1 Biodiversity is the term which has been used more and more commonly, to include improving the quality and amount of species and habitats of principle importance (local, national and International).

6.2 Net gain for biodiversity is defined as delivering more or better habitats for biodiversity and demonstrating this through use of the Defra biodiversity metric.³³

6.3 It encourages development that delivers biodiversity improvements through habitat creation or enhancement after avoiding or mitigating harm. Net gain for biodiversity involves an approach whereby developers work with stakeholders to support their biodiversity goals.

6.4 Considering how new development can strengthen existing ecological networks is key to providing net gains in biodiversity whilst improving the natural environment's resilience to change. New development should explore and implement solutions for preventing and reversing habitat fragmentation across local and landscape scales. This may include retaining and enhancing existing habitats and important landscape features on site, such as ponds and hedgerows.

6.5 Biodiversity net gain is a requirement of policy NE2 (Biodiversity and geodiversity) in the local plan and NPPF 2021 (paragraphs 174d and 180d).

³³ <http://publications.naturalengland.org.uk/publication/6049804846366720>

- 6.6 This part of the planning obligations SPD should be read alongside the section on open space and green infrastructure, local plan policy NE2 (Biodiversity and geodiversity), relevant user guidance for using Defra's Biodiversity Net Gain Metric and the Biodiversity and Green Infrastructure SPD (which will provide further guidance regarding the delivery of biodiversity net gain). .

Contributions

- 6.7 Where a financial contribution is sought, this will be based on the cost of providing the biodiversity net gain up to a maximum of £1,100 per dwelling or per unit for non-residential development (which is also shared with contributions towards community open space, playing pitch provision, green infrastructure and allotments as set out in Section 7). The amount per dwelling is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Adopted Mansfield District Local Plan.³⁴ To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed. For non-residential; if this cannot be provided on site, a contribution will be sought based on the cost of meeting the national requirement of 10% biodiversity net gain.
- 6.8 An impact assessment was undertaken by the government as part of its proposals to make the delivery of biodiversity net gains a mandatory requirement. Overall, the analysis indicated that biodiversity net gain delivery costs were likely to be low as a proportion of key variables such as build costs and land prices (less than 5%). In addition, it stated that it was unlikely to lead to a significant increase on existing average developers contributions.³⁵
- 6.9 The table below provides information about the way the district council will seek to secure biodiversity net gains. As stated above, further information about the delivery of biodiversity net gain will be provided in a separate Biodiversity and Green Infrastructure SPD.

³⁴ <https://www.mansfield.gov.uk/downloads/file/393/whole-plan-viability-appraisal-update-december-2018>

³⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf

Current guidance	<ul style="list-style-type: none"> • Environment Act (when published); • NPPF 2021 (paragraphs 174d and 180d); • National Design Guide (currently under review) • Planning Practice Guidance (PPG); • Mansfield local plan policy NE2 requirements with cross reference to policies P1, P2, P3, P4, P5, NE1, CC3 and CC4; • Local plan supporting text paragraphs 10.13,10.14, 10.15, 10.22 & 10.23; • Mansfield green space standard (see appendix 11 of Mansfield local plan); • Mansfield place making principles (see paragraph 4.14 of Mansfield local plan); • Defra Biodiversity Net Gain Metric (most recent version); • MDC Green Infrastructure Study (2018): 1) overall protection and enhancement needs recognised as per strategic GI network in which the development is located within or near to; • Emerging green infrastructure and biodiversity SPD; • Biodiversity net gain good practice principles for development (CIEEM, Ciria and IEMA publication) ; and • Biodiversity Net Gain: Good Practice Principles for Development a Practical guide (CIEEM, Ciria and IEMA publication)³⁶.
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Priority will be given to physical restoration and/or creation of habitats on-site to be managed through a private management company or by the council; • Physical restoration and/or creation of habitats off-site to be managed through a private management company, the council or third party agreement; • Land for the restoration and/or creation of off-site habitats managed through a private management company, the council or a third party agreement. • Capital monies to provide for the creation, restoration and/or management of habitats; • Contributions will be sought to maintain on and off-site green infrastructure (GI), where this is not managed directly through a private management company or third party;

³⁶ <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>

	<ul style="list-style-type: none"> • A green infrastructure and ecological management plan is required for on and off-site habitats, regardless of who is responsible. This should include sufficient detail for those managing these areas so that it can be practically applied. It should address what, where, how, who and when they will be managed. Management should be secured for a minimum 30 years; • Advice from local wildlife groups, Nottinghamshire Wildlife Trust, Natural England, Environment Agency and other stakeholders should be sought where possible, such that efforts can be best coordinated and provide a coherent plan going forward. Mansfield district council will work with applicants to help coordinate the best solutions for providing biodiversity net gains.
Type and size of development which may trigger need	<ul style="list-style-type: none"> • All development, commensurate with their scale, location and type. The only exception to this will be householder applications. The approach to calculating a financial contribution for both residential and non-residential development is set out in paragraph 6.7. • Other applications for new single dwellings and those where it has been agreed by the council that biodiversity metric calculations will not be applied (due to very low ecological baseline value) will still be expected to demonstrate general biodiversity enhancements.³⁷
How will the level of need be assessed	<ul style="list-style-type: none"> • The submission of an ecological impact assessment as part of the planning application will be the starting point for identifying the need for BNG and the opportunities for how this can be delivered. • Once the Environment Act comes into law, there will be a legal requirement for developers to deliver a 10% net biodiversity gain on new developments. It will be a mandatory national requirement and the "gain" (or biodiversity outcome) will have to be maintained for a minimum of 30 years, with longer-term maintenance encouraged.

³⁷ This could include but is not restricted to; incorporating bird and bat boxes into the fabric of buildings; using native trees and shrubs in landscape planting; prioritising the integration of 'green' sustainable drainage systems (SuDS) to benefit wildlife; restoring connections for wildlife e.g. hedgerows and removing barriers to movement e.g. river culverts and providing hedgehog highways

	<ul style="list-style-type: none"> As such, the district council will not have to demonstrate a need for biodiversity net gains; it will be for the developer to show how they will meet the statutory requirement to make the 10% provision.
Form in which contributions should be made	<ul style="list-style-type: none"> On or off-site provision; Land; or Capital monies
Information required as part of the planning application	<ul style="list-style-type: none"> Ecological impact assessment; DEFRA Biodiversity Metric (using the most current version available at the time of submitting the planning application) excel file which details potential BNG results. This should be submitted as part of the ecological assessment; Clear scaled maps; design and access statement (D&A) - it is advantageous for the D&A to set out BNG options and solutions; Green infrastructure and biodiversity management plan or biodiversity management plan – this may be required as part of the application process to demonstrate how exactly BNG will be delivered in practise. Further details about the above will be provided in the Biodiversity and Green Infrastructure SPD
Contact details	For further information, please contact Mansfield District Council.
Date last updated	November 2021

Question 10 – Do you agree with the district council’s approach to obligations for biodiversity net gain? Please give the reason(s) for your answer.

7 Green Infrastructure, community open space, playing pitch provision and allotments

7.1 This section addresses planning contributions for community open spaces, allotments, sports pitches and wider green infrastructure (GI) requirements. Although all four overlap to some degree, they also have unique differences in their roles and uses. On-site provision and / or off-site contributions may be required for one, or a combination, of these types of green space provisions. This will depend on, for example: location, type, and size of development, and what need there is nearby.

The importance of green infrastructure, community open space, allotments and playing pitches

- 7.2 An important part of any new residential development is the environment that it offers its residents. The provision of green infrastructure, including community open spaces and playing pitches, has a crucial role in shaping this environment, and ensuring residents have good access to a variety of facilities and spaces. Integrating these into new development is essential for many reasons, including their role in helping design places that are attractive, safe and support active lifestyles.
- 7.3 Access to good quality green and open spaces and playing pitches are also essential for supporting healthy populations and a healthy planet. These spaces provide the 'green lungs' for an area by reducing harmful impacts from air pollution and providing places to relax and exercise. They help to absorb CO₂ and surface water run-off and floodwaters - helping areas become more resilient in the face of climate change. Urban parks also have the unique ability to help buffer the impacts from extreme heat events, acting as localised air conditioners in built-up areas.
- 7.4 Equally important, these spaces provide areas for learning, exercise, relaxation, creativity and socialising – all necessary things we need to boost our mental health and well-being. These spaces provide the tonic that enables us to become more resilient: improving our ability to cope with stress, depression and dementia. They also provide habitats for wildlife to survive and thrive; importantly, this gives residents access to nature which, in turn, supports our wellbeing.

Contributions

- 7.5 Where a financial contribution is sought for any element of the infrastructure below (including a combination of any element); this will be based on the cost of making provision up to a maximum of £1,100 per dwelling:
- Community open space;
 - Playing pitches;³⁸
 - Green infrastructure;
 - Allotments; and
 - Biodiversity net gain (see section 6).

³⁸ Note - The level of the contribution will likely be reduced below this maximum if there is part on-site provision

- 7.6 The amount per dwelling is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Mansfield District Local Plan. To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed.
- 7.7 It is recommended that developers / agents contact the district council's Parks and Open Space team as early as possible in the planning application process to identify the current position and any obligations that may be required. This will enable the establishment of good working relationships between the council and developer and help to identify and resolve any landscaping issues before and during the construction period.
- 7.8 The following tables set out information relating to the specific areas of infrastructure.

Green infrastructure	
Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework 2021(NPPF); • Planning Practice Guidance (PPG) - Open space, sports and recreation facilities, public rights of way and local green space; • National Design Guide (currently under review); • Adopted Mansfield District Local Plan (September 2020) policies IN1, P1, P2, P3, P4, P5, IN2, IN4, IN8, NE1, NE2, CC3 and CC4; • Mansfield green space standard (see appendix 11 of Mansfield District Local Plan); • Mansfield place making principles (see paragraph 4.14 of Mansfield local plan); • Mansfield Infrastructure Delivery Plan (2018); • MDC Green Infrastructure Study (2018); and • Emerging green infrastructure and biodiversity SPD.
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Provision of new facilities including; paths to existing trails / green corridors, new on-site green corridors (recreation) and wildlife corridors; interpretation and signage; sustainable drainage systems (SuDS)³⁹; open space; cycle lanes; new road crossings; new habitats (e.g. biodiversity net gain and buffering designated sites or rivers) and hedgerows and other landscape features. • Enhancement / upgrades to existing provision including walking and cycling routes and green corridors; restoring existing habitats to support

³⁹ SuDS will not be considered part of usable open space but rather as a feature complementing open space and contributing towards biodiversity net gain. Where SuDS are in public areas, safety measures should be considered (see also Local Plan paragraph 12.20).

	<p>improved ecological connections; restoring and protecting landscape features or heritage settings; improved flood resilience.</p> <ul style="list-style-type: none"> Contributions may be sought to maintain on and off-site GI, where this is not managed directly through a private management company. A green infrastructure and ecological management plan is required for on and off-site GI provision, regardless of who is responsible. This should include sufficient detail for those managing these areas to allow it to be practically applied. It should address what, where, how, who, when and why GI assets will be managed.
Type and size of development which may trigger need	<ul style="list-style-type: none"> Development located within and adjacent to the Strategic GI network; Allocated development sites that are covered by local plan policies: H1, E3, RT6, SUE1 and SUE2 which have specific GI policy requirements; and For new development located outside the strategic GI network (and not adjoining), - all major development (as defined in paragraph 3.24).
How will the level of need be assessed	<ul style="list-style-type: none"> Having consideration to local plan policy IN2 and associated Table 9.2 along with any site specific local plan policy requirements and relevant guidance referred to above; and The relationship with existing GI assets (e.g. woodland, trails, open space, flood zone, etc.), within and nearby to the development will influence the amount, type, size and design of new and enhanced GI features required.
Form in which contributions should be made	<ul style="list-style-type: none"> Capital monies to provide new or enhanced facilities; and/or land or buildings may also form all or part of the contribution
Contact details	For further information, please contact: Mansfield District Council.
Date last updated	November 2021

Community open space	
Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework 2021 (NPPF); Planning Practice Guidance (PPG) - Open space, sports and recreation facilities, public rights of way and local green space; Adopted Mansfield District Local Plan (September 2020);

	<ul style="list-style-type: none"> • Mansfield green space standard (see appendix 11 of Mansfield district local plan); • Mansfield place making principles (see paragraph 4.14 of Mansfield district local plan); • Mansfield Infrastructure Delivery Plan (2018); • Community Open Space Assessment (2018); • Parks & Open Spaces Strategy (2017-2027); and • Field In Trust Guidance for Outdoor Sport and Play Beyond the Six Acre Standard for England (Nov 2020)
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Obligations may be sought for new or improvements to existing open space including those specifically identified in sites allocated for housing in adopted local plan policy H1; • Amount - A minimum of open space provided on-site is 10% of the developable area (local plan appendix 11, please see part D). The amount of off-site open space should be relative to the development to best fit the needs of future residents (see Fields in Trust guidance and consult with MDC); • Size of open spaces – the size of a new open space (either on or off-site) should be large enough to meet the needs of the development and to perform its required function(s) and design needs e.g. play space, natural green space, outdoor gym, SuDS, etc. The minimum size requirement for new open space is 0.16 hectare, which is based on Fields in Trust LEAP requirements. The size of open space should be of a functional and maintainable size. It should be noted that the minimum size requirement will apply, even where 0.16 hectares is greater than 10% of the developable area (see above); • A maintenance plan should be submitted as part of the planning obligations, regardless of who is responsible for its management. This should include sufficient detail for those managing these areas to allow it to be practically applied. It should address what, where, how, who, when and why GI assets will be managed; • Contributions for future maintenance of on-site open space; • The design of new open space and enhancements sought to existing open space should be informed by the Mansfield green space standard (Local Plan Appendix 11, Part C) and as expanded on in appendix 1
Type and size of development which may trigger need	<ul style="list-style-type: none"> • New residential development of 10 or more dwellings (net) may be required to contribute towards on-site provision and/or off-site contributions, as per local plan policy IN4.

	<ul style="list-style-type: none"> Distance of new development in relation to existing areas of open space as per the Mansfield green space standard (local plan appendix 11). Allocated development sites that are covered by policies: H1, E3, RT6, SUE1 and SUE2; which have specific open space requirements.
How will the level of need be assessed	<ul style="list-style-type: none"> By having consideration to the Community Open Space Assessment (2018)⁴⁰. This identifies where there are general deficiencies in the open space in the district, at ward level, where this relates to type/function, location and quality of open space and play provision. Through application of the Mansfield green space standard (local plan appendix 11) needs to, firstly, guide the type of open space and play provision required. Following from this assessment, the type of facilities within the open space (e.g. Locally Equipped Area for Play (LEAP), Neighbourhood Equipped Area of Play (NEAP), skate park, outdoor gym, sensory garden, etc.) will be dependent on, for example: consultation with the following stakeholders: <ul style="list-style-type: none"> Demographics of future residents; Parks department; Elected Members (specific to the ward or wards affected by the development); Portfolio Holder for Environment and Leisure; Relevant local community groups (including friends groups, tenants and residents groups specific to the ward or wards affected by the development); and Other stakeholders where necessary.
Form in which contributions should be made	<ul style="list-style-type: none"> Capital monies to provide new or enhanced facilities; and / or Land or buildings may form all or part of the contribution.
Contact details	For further information please contact the district council's Parks and Open Space team
Date last updated	November 2021

Playing Pitches	
Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework 2021 (NPPF); Planning Practice Guidance (PPG) - Open space, sports and recreation facilities, public rights of way and local green space;

⁴⁰ <https://www.mansfield.gov.uk/local-plan/evidence-support-local-plan-1/3>

	<ul style="list-style-type: none"> • Adopted Mansfield District Local Plan (September 2020) policies IN1, IN4; • Mansfield Infrastructure Delivery Plan (2018); • Final Playing Pitch Strategy Assessment (2016); • Final Playing Pitch Strategy Action Plans (2016); • Addendum to Final Playing Pitch Strategy Assessment – Applying Sport England’s National Development Calculator (2018)
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Due to current level of provision within the district, it is not anticipated that the district council will seek either the physical provision of, or contributions towards new playing pitches. It may however seek contributions towards improvements to existing facilities. These should be accessible and meet the needs of the community as set out in paragraphs 9.28 and 9.29 of the adopted local plan. • All new and enhanced sports facilities must be designed in accordance with the relevant Sport England and (where applicable) National Governing Body (NGB) design guidance in order to ensure that the facilities are fit for purpose and of a suitable quality. • Sport England’s web site www.sportengland.org contains a range of current guidance documents which provide detailed specifications and information regarding the design of sporting and ancillary facilities. • In addition, there may be specific requirements relating to improvements to specific sports. These should be discussed with Sport England, the appropriate governing body and the district council’s Parks and Open Space team.
Type and size of development which may trigger need	<ul style="list-style-type: none"> • 100 dwellings or more. • It should be noted that smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of provision in the area.
How will the level of need be assessed	<ul style="list-style-type: none"> • The requirement for improvements to existing playing pitches will be based on the information set out in the district council’s “Addendum to Final Playing Pitch Strategy Assessment – Applying Sport England’s National Development Calculator” 2018 (see above).

	<ul style="list-style-type: none"> In addition, reference may be made to Sport England's Playing Pitch Calculator.⁴¹ This can be used to inform discussion at the pre-application and planning application stages on how the demand from proposed residential developments can be met. The calculator provides an estimate of the demand for match play during the relevant match play peak period for the pitch sports. In line with Sport England's Playing Pitch Strategy Guidance, the demand is estimated in match equivalent sessions.
Form in which contributions should be made	<ul style="list-style-type: none"> Capital monies to provide new or enhanced facilities; and/or land or buildings may also form all or part of the contribution
Contact details	For further information, please contact the district council's Parks and Open Space team
Date last updated	November 2021

Allotments	
Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework 2021 (NPPF); Planning Practice Guidance (PPG) - Open space, sports and recreation facilities, public rights of way and local green space Adopted Mansfield District Local Plan (September 2020) policies IN1, IN5; Mansfield Infrastructure Delivery Plan (2018); MDC Green Infrastructure Study (2018).
Type of facilities for which provision may be required	<ul style="list-style-type: none"> Obligations may be sought for new or improvements to existing allotments including those specifically identified in sites allocated for housing in adopted local plan policy H1; There is no national standard for allotments however, where new provision is sought the district council use the standard plot size of 250m² (See local plan paragraph 9.34) as a guide. Depending on the level of need, half plots of 125m² may be sought and these are often large enough to accommodate the needs of the average family.
Type and size of development which may trigger need	<ul style="list-style-type: none"> New residential development of 30 or more dwellings (net). It should be noted that smaller developments may be required to make a contribution where the development

⁴¹ <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/playing-pitch-calculator>

	creates or exacerbates a deficiency of provision in the area.
How will the level of need be assessed	<ul style="list-style-type: none"> The level of need for obligations will be examined on a case-by-case basis. When an application comes in, the district council will assess what plots it has close by and if there is a need to increase allotment plot numbers due to them being oversubscribed.
Form in which contributions should be made	<ul style="list-style-type: none"> Capital monies to provide new or enhanced facilities; and/or Land or may also form all or part of the contribution
Contact details	For further information please contact the district council's Parks and Open Space Team
Date last updated	November 2021

Question 11 – Do you agree with the district council's approach to obligations for green infrastructure, community open space, playing pitches and allotments? Please give the reason(s) for your answer.

8 Health

- 8.1 Nottingham and Nottinghamshire Clinical Commissioning Group (N&N CCG) was created on 1 April 2013 following the Health and Social Care Act in 2012 where CCGs replaced primary care trusts. The CCG in partnership with local councils and others has established an Integrated Care System (ICS) which takes collective responsibility for managing resources, delivering NHS standards and improving the health of the population they serve. GP practices have also begun working together and with community, mental health, social care, pharmacy, hospital and voluntary services in their local areas in primary care networks (PCNs).
- 8.2 The N&N CCG is a clinically led statutory NHS body responsible for the planning and commissioning of health care services for Nottingham and Nottinghamshire and is a consultee for local authority development plans. The CCG will be able to assist the district council regarding its strategic policy to deliver health facilities as well as provide information on their current and future strategies to refurbish, expand, reduce or build new facilities to meet the health needs of the existing population as well as those arising because of new and future developments.

- 8.3 The possible requirement for the provision of new or improved health facilities is dependant, not only on the scale of the development, but also on the available capacity in health facilities serving the area, so consultations with the CCG are advised early in the development process.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework 2021 (NPPF); • Planning Practice Guidance (PPG) – Healthy and Safe Communities; • Adopted Mansfield District Local Plan (September 2020) - Policy IN1, infrastructure delivery; • Mansfield Infrastructure Delivery Plan (2018); and • Health Building Note 11-01: Facilities for primary and community care services⁴²
Type of facilities for which provision may be required	<p>Subject to an identified need in the locality, contributions may be sought for the following health infrastructure:</p> <ul style="list-style-type: none"> • Construction costs for additional facilities / extensions, adaptations or alterations; • New health facilities (these may be co-located with other health or social care providers)
Type and size of development which may trigger need	<ul style="list-style-type: none"> • Residential – 25 dwellings or more and / or • Development which places extra demand on the local health care provision through its operation; • Applications for the development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation will need to be assessed for their impact on the local healthcare functions on a case-by-case basis⁴³. • Where there are a number of applications in an area, the cumulative impact of these schemes on health provision may be considered to calculate the contribution required.
Form in which contributions should be made	<ul style="list-style-type: none"> • Capital monies to provide new or enhanced facilities; • Land or buildings may also form all or part of the contribution
How the costs calculated and what are they?	<ul style="list-style-type: none"> • The cost of providing an extension to a surgery will be dependent on the specific requirements of the GP. Based on recent schemes it is approximately £2,700m² • The calculation showing the likely impact of the new population in terms of the number of additional consultations is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

⁴² <https://www.gov.uk/government/publications/guidance-for-facilities-for-providing-primary-and-community-care-services>

⁴³ <https://www.turley.co.uk/comment/high-court-judgment-later-living> Whilst this relates to affordable housing the same principle should still stand

	<ul style="list-style-type: none">The number of patients generated by a development (B) is calculated by multiplying the number of dwellings proposed (A) by 2.5 (average household size in the Mansfield district).Financial obligations will be calculated based on the following formula: <table><tr><td>(B) Additional patients to be accommodated</td><td>x</td><td>(D) Standard area m²/person Based on total list size of approx.⁴⁴ 0.085m2</td><td>X</td><td>(E) Cost of extension including fees £/m2 £2,700</td><td>=</td><td>Total cost (B) x (D) x (E)</td></tr></table> <p>Worked Example – Scheme of 25 dwellings:</p> <p>25 x 2.5 = 62.5 (B) 62.5 x 0.085m2 (D) = 5.3 5.3 x £2,700 (E) = contribution of £14,310</p> <ul style="list-style-type: none">Obligations which are secured for health infrastructure will be index linked to the Retail Price Index. This is to reflect the inflation of costs associated with providing infrastructure in the time between an agreement being signed and the contribution becoming due for payment.The maximum amount that will be sought (combined with contributions for public art and public realm) will be £1,057 per dwelling. This is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Mansfield district local plan. To calculate the amount per dwelling sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings proposed.	(B) Additional patients to be accommodated	x	(D) Standard area m ² /person Based on total list size of approx. ⁴⁴ 0.085m2	X	(E) Cost of extension including fees £/m2 £2,700	=	Total cost (B) x (D) x (E)
(B) Additional patients to be accommodated	x	(D) Standard area m ² /person Based on total list size of approx. ⁴⁴ 0.085m2	X	(E) Cost of extension including fees £/m2 £2,700	=	Total cost (B) x (D) x (E)		
Contact details	For further information please contact: Estates - NHS Nottingham West Clinical Commissioning Group (CCG) noweccg.estates@nhs.net							
Date last updated	July 2021							

⁴⁴ The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq. m has been identified by a quantity surveyor experienced in health care projects.

Question 12 – Do you agree with the district council’s approach to obligations for health? Please give the reason(s) for your answer.

9 Nottinghamshire county council infrastructure

- 9.1 In addition to the infrastructure that may be sought by Mansfield district council and the CCG, Nottinghamshire county council may seek obligations for the following:
- Education
 - Green Spaces;
 - Libraries;
 - Transport;
 - Waste Management; and
 - Minerals and Waste Development
- 9.2 As stated elsewhere within this document, where obligations are secured for such infrastructure, the county council will be a party to the legal agreement and monies will be paid directly to them once any triggers contained within the legal agreement are met.
- 9.3 To ensure that they access the most up to date information, developers and agents are encouraged to view the county council’s Developer Contributions Strategy that can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>
- 9.4 For further information please contact the county council on 0300 500 8080 or email planning.policy@nottscc.gov.uk

Question 13 – Do you agree with the district council’s approach to obligations for county council infrastructure? Please give the reason(s) for your answer.

10 Public realm / public art

- 10.1 National policy states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.⁴⁵ The design and quality of the public realm is central to creating successful places, in terms of providing the space for movement, interaction and activity, as well as defining the setting and relationship between surrounding buildings. A high quality and well-designed public realm can also serve to promote sustainable transport choices, by encouraging walking and cycling, and facilitating access to public transport hubs and services.
- 10.2 Policies RT2 and RT4 of the Adopted Mansfield District Local Plan (2020) provides the basis for the district council to seek contributions for public realm and public art in Mansfield town centre. There will be instances where new development will require improvement to the surrounding public realm in terms of providing a setting for the development that ensures its positive integration within the urban form, as well as facilitating access to and movement around the development. In other instances, a development may generate a requirement for an improvement to the public realm within the vicinity of the development, where that development will generate intensified use of the public realm. The requirement for improvement to the public realm can therefore extend beyond those areas that directly adjoin a development.
- 10.3 Not all developments will require an improvement to the public realm to make them acceptable in planning terms, and therefore a contribution will not be sought in all instances. Similarly, it is not appropriate to define a standard formula for calculating the scale of any public realm / art contribution that is required, as this will clearly vary on a site-specific basis depending on the scale and location of the development.
- 10.4 The district council will therefore negotiate with developers on a case-by-case basis to agree an appropriate scale of financial contribution towards the provision of or improvement to public realm and public art. The maximum amount that will be sought (combined with contributions for health) will be £1,057 per dwelling / non-residential unit. This is based on the figure contained in the Whole Plan Viability Appraisal Update (2018) which was done for the Adopted Mansfield District Local Plan (2020). To calculate the amount per dwelling / other units sought and to ensure it is not greater than the above figure; the amount requested will be divided by the number of dwellings / other units proposed. Whilst it is not possible to define all instances where a contribution is likely to be sought, development within the

⁴⁵ "National Planning Policy Framework" – Department for Communities and Local Government (2021), paragraph 126

vicinity of Mansfield town centre is likely to generate a requirement for investment in the public realm, given the additional pressure on the public realm that development will generate.

Type and size of development that may trigger need

- 10.5 The district council may seek a financial contribution towards the provision or improvement of public realm / public art on a case-by-case basis from residential developments comprising 10 or more dwellings or 0.5 hectares or more. For non-residential development, the threshold will be additional floorspace of 1,000 square metres or 1 hectare or more.
- 10.6 The appropriate scale of any contribution will be negotiated having regard to site-specific circumstances. Where a contribution towards the provision or improvement of public realm / public art is required, a contribution towards its maintenance over a twenty-year period will also be secured.

Reasoned justification

- 10.7 Local plan policy RT2 states that the district council will work in partnership with developers and town centre stakeholders to meet the town centre vision (which is also set out in this policy) through a number of objectives including negotiating developer contributions towards public realm improvements and public art. Paragraph 7.26, which supports local plan policy RT4 confirms that the quality of the public realm is important; as it can encourage more customers to visit a centre and to have an increased dwell time, which in turn adds to the vibrancy of the area and helps to support town centre business as more money is spent.
- 10.8 Developers are therefore encouraged to engage with the district council at the pre-application stage. This is in order to determine whether a public realm / art contribution will be required and if so, the appropriate scale of any contribution.
- 10.9 Where a contribution towards the provision or improvement of public realm / art is secured, it will be important that this includes a sum towards its future maintenance. This is in order to ensure that the infrastructure can be managed to a high standard that ensures its longevity.

How contributions will be spent

- 10.10 Contributions will be directed towards a specific public realm project that will be named within the planning obligation agreement. Contributions will be directed to locations where the provision or improvement of public realm / art

would be directly related to the development, although this may not always be immediately adjacent to the development site. Financial contributions / physical provision will be in line with the council's aspirations set out within the Mansfield Town Centre Masterplan and Making Mansfield: The Mansfield District Investment Plan October 2020⁴⁶. Other sources of funding from the district council or other organisations may also be directed towards a project where appropriate, and therefore developers may only provide a proportion of the total investment required to deliver the project.

10.11 Contributions may be directed towards a wide range of projects, including for example:

- Environmental enhancements;
- Footpath, footway or cycleway improvements, including public realm repaving schemes ;
- Tree planting, landscaping and other green infrastructure;
- Provision / improvement of public space, such as public squares;
- New / improved signage and interpretation boards;
- Street lighting;
- Pedestrian prioritisation;
- Street furniture; and
- Public artwork

10.12 In relation to maintenance, it will generally only be appropriate for contributions to be directed towards the ongoing maintenance of those facilities which have been subject to provision or improvement via planning obligations, or where public realm / art investment has been forward funded utilising public funding in advance of development coming forward.

Question 14 – Do you agree with the district council's approach to obligations for public art and public realm? Please give the reason(s) for your answer

Question 15 – Do you have any other comments on the SPD? Please give the reason(s) for your answer

⁴⁶ <https://www.mansfield.gov.uk/downloads/file/1732/the-town-investment-plan>

Appendix 1

Open space quality criteria

A1.1 The following sets out the criteria that should be used when designing and implementing open space and supports the community open space section which is found in part 7 of this SPD.

Category	Criteria	Criteria met
Welcoming and accessible place		
Primary and secondary entrances	<p>This is positioned such that it is easy to locate from roads and/or main paths leading to the open space. It is designed such that it is safe and welcoming (e.g. good visibility and surveillance, accessible to all users and signage is easy to read and accessibly positioned). These should be designed such that they are easy to maintain.</p> <p>It is encouraged that primary entrance(s) help define the site (e.g. through interpretation, hard and/or soft landscaping, community art).</p>	
Accessing the site from the surrounding area	<p>There are safe and accessible pedestrian routes leading up to the site - it feels safe to cross the street (e.g. traffic calmed, safe pedestrian routes and crossing lead up to the site opposite or nearly opposite all entrances). Entrances include drop curbs and/or accessible slope gradients.</p> <p>There are adequate bus and/or cycle routes nearby; this may not be applicable for smaller residential areas.</p>	
Routes through and around the site	<p>There are appropriate* routes through and around the site which are safe and consistently provide appropriate smooth surfacing and minimising difficult slopes. Routes take account of access to facilities and seating areas.</p> <p>*Surfacing is in keeping with the type of open space provided, such that maintenance costs are reduced. This relates to main paths around the site and pathways to within the open space leading to specific areas such as play spaces. Path surfacing may be informal, such as grassed surfaces created</p>	

Category	Criteria	Criteria met
	through managed mowing. Design of paths and its surfacing should be appropriate for the intended use(s) e.g. informal amenity or natural areas or more formal areas such as play areas. Also see inclusive access below.	
Inclusive access	<p>The site aims to provide inclusive access for the following, as a minimum:</p> <ol style="list-style-type: none"> 1) Primary and secondary entrances; 2) Grade and terrain of routes to main areas within the site (e.g. play areas, sheltered areas, etc.); 3) Surfacing of paths; 4) Key areas such as play areas, sport pitches, picnic areas and viewpoints/observation areas; 5) Furniture; and 6) Position and spacing of seating or rest areas. Main signage is also located in appropriate areas and/or formats. Areas that appear difficult to access may include signs or suggest alternative routes. <p>A more detailed assessment may be needed to inform inclusive design. Access for all is inclusive of a variety of mobility, sensory and learning needs. It also takes into account mental health needs and people with pushchairs.</p>	
Parking (if applicable)	Parking is integral to the site and there are an appropriate number of spaces for the site's intended use. Appropriate surfacing and well signed. Disabled parking spaces provided as per Disability Discrimination Act (DDA) parking standards.	
Safe and secure		
Boundaries (including fencing, boundary planting, etc.)	Overall, boundaries provide a safe and secure environment, are easy to maintain, and are appropriate to the location and type of open space. Controls are in place, where applicable, to prevent illegal vehicle use. They help provide a safe space for children to play buffering hazards from road traffic. They do not inhibit the natural surveillance from nearby housing and adjacent roads or footpaths.	

Category	Criteria	Criteria met
	Ideally, site boundaries help provide a positive image and are of an appropriate design for the site. Where feasible, appropriate boundaries may include alternatives to fencing (e.g. buffer areas with landscaping/ land forming).	
Personal safety	Site designed and positions to maximise natural surveillance from nearby housing and other public areas. Adequate lighting provided along paths (if applicable). Landscaping does not present security issues.	
Maintenance		
On-going maintenance of furniture, equipment, facilities, landscaping, paths, grassed areas, etc.	It is demonstrated in the open space's delivery plan that consideration has been made with respect to the design of the site and the type of furniture, equipment, facilities, landscaping, paths, grassed areas, etc. should aim to minimise costs and resources with regards to on-going maintenance and replacement needs.	
	Signage, furniture, and equipment is constructed to a high standard and made of durable and appropriate (e.g. anti-graffiti/fire proof) materials.	
	The type and positioning of landscaping takes into account future maintenance needs with respect to climate change and maintenance regimes.	
	For example, trees and/or shrubs may be more appropriate than amenity grassland to reduce needs for mowing and improved surface run-off.	
Overall use, image and setting		
Range of facilities / activities for diverse user groups	There is reasonable range of facilities and/or individual spaces (formal and informal) available to satisfy different users (age and ability) which are in proportion and appropriate to the size, type and location of the open space.	
Place shaping	The site contributes positively to the image of the surrounding area. It creates a pleasant visual experience based upon first impressions.	

Category	Criteria	Criteria met
	Ideally but not essential, it contains distinct features or smaller areas enhancing the overall character and setting of the surrounding area.	
Space contributes positively to biodiversity	<p>The site incorporates and enhances existing landscape features and other natural features on-site, as to maximise biodiversity gains and to enhance the area's ability to support heritage assets and/or natural processes (e.g. adaptation to climate change and minimise flooding). OR</p> <p>Where landscape features are absent, the design and integration of natural features aims to maximise biodiversity gains and enhance the area's ability to support heritage assets and/or natural processes (e.g. adaptation to climate change and minimise flooding).</p> <p>Natural features are defined as wildflower meadows, woodland or grouped trees, streams, orchards, sensory gardens, mixed shrub/flower planted areas, hedgerows, ponds, etc.</p>	
Ability to support social interaction	<p>The open space provides a good balance of opportunities to support social interaction, appropriate to its size and type. These are well integrated into the overall design of the site. Overall, the site feels welcoming and pleasant to socialise (informal recreation). This area is appropriately located and feels safe and inviting.</p> <p>The positioning and location seating areas is key to facilitating social interaction and may depend on the type of development it is intended to serve. This will also be reflective of the facilities and spaces provided. Examples include: seating areas integrated with play areas or other landscaped areas; picnic areas; shelters; amphitheatre style seating; BBQ areas, etc.</p>	
Health and well-being	<p>The open space should be designed so that it is accessible to all. Walking routes should take account of the needs of those with specific needs e.g. those with prams, disabilities and mobility limitations. Where possible new and improved play and other formal provision should cater for a range of ages, disabilities and abilities.</p>	