

# **Draft Planning Obligations Supplementary Planning Document**

**July 2025**

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## **1. Introduction**

- 1.1 This draft Supplementary Planning Document (SPD) sets out the Council's approach to determining and securing planning obligations for new development across the district.

### **What are planning obligations?**

- 1.2 The occupiers of new development can increase the demand and use of services and infrastructure. Planning obligations are legal obligations entered into by a landowner, developer and the Local Planning Authority to mitigate the impact of a development proposal, to make a proposal acceptable in planning terms.
- 1.3 Planning obligations are usually sought via a section 106 legal agreement (under s106 of the Town and Country Planning Act 1990). They are also known as developer contributions or s106 contributions.
- 1.4 Planning obligations run with the land, are legally binding and enforceable.

### **Content and Purpose of the SPD**

- 1.5 This draft SPD provides detailed guidance on the application of a number of policies within the Bassetlaw Local Plan which have implications for planning obligations, in particular Policy ST58: Provision and Delivery of Infrastructure.
- 1.6 SPDs add further guidance and detail to policies in the Local Plan but do not set policy or introduce new costs to development. SPDs are not part of the district's development plan but on adoption will be a material consideration when the Local Planning Authority is determining planning applications.
- 1.7 This draft SPD applies to all relevant major development proposals as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in two parts:
- a) Sets out the overall approach to securing planning obligations. It explains how the SPD complies with national and local policy, clarifies the relationship between planning obligations, S278 agreements and the Bassetlaw Community Infrastructure Levy, explains what is expected of applicants at planning application stage and deals with procedural matters relating to the drafting and enforcement of Section 106 Agreements.
  - b) Explains how the most commonly sought planning obligations will be secured, including the policy basis and procedures, types of development to which the obligation may apply, thresholds over which the obligation may be sought, type of obligation, methodology of calculation, timing and process of collection.
- 1.8 To address site specific issues, other planning obligations may be necessary, depending on the details of the scheme. Decisions on the required planning obligations will be determined on a case-by-case basis.

- 1.9 With the exception of cumulative highways impact, this draft SPD does not provide guidance for infrastructure that is within Nottinghamshire County Council's remit such as education. It is important that this draft SPD is read alongside [nccdevelopercontributionsstrategy.pdf](https://www.nottinghamshire.gov.uk/media/10000/nccdevelopercontributionsstrategy.pdf).

## **2. Policy Context**

- 2.1 The key purpose of the planning system is to promote sustainable development. The National Planning Policy Framework (NPPF) highlights that Local Plans should set out the level and type of contributions expected from development, including affordable housing and other infrastructure such as education, health and transport. Further guidance is provided by the Planning Obligations Planning Practice Guidance (PPG).
- 2.2 The LPA and developers have a responsibility through the planning process to ensure that any adverse impact caused by development is mitigated. This is established in Local Plan Policy ST56, which provides the strategic policy framework for this SPD.
- 2.3 The Council secures infrastructure from development, both financial and non-financial to mitigate the impacts of development, address infrastructure needs, contribute towards place-making and meet Local Plan policy requirements.
- 2.4 There are three main mechanisms used to secure infrastructure from development:
- Planning obligations under section 106 of the Town and Country Planning Act 1990 (as amended)
  - Agreements made with Nottinghamshire County Council and/or National Highways under section 278 of the Highways Act 1980
  - Bassetlaw Community Infrastructure Levy (CIL)
- 2.5 In some circumstances, planning conditions attached to planning permissions may also be used to secure non-financial measures, to define timing or apply standards.

## **3. Planning obligations, S278 agreements and CIL**

- 3.1 S106 legal agreements are used to secure the infrastructure required to mitigate the impact of a development and/or to meet specific Local Plan policy requirements. Planning obligations can be:
- Financial contributions
  - Affordable housing provision
  - Provision of land
  - Direct delivery of facilities; or
  - Restriction on the use of land
- 3.2 Specific obligations may be placed on the permitted change of use of development where the change of use would give rise to material considerations that make the planning purposes of the development unacceptable.

- 3.3 When a proposal generates an impact upon infrastructure and mitigation is required to make the development acceptable in planning terms, and the use of planning conditions is not appropriate – planning permission should not be granted without a planning obligation.
- 3.4 Under the CIL Regulations 2010 (as amended), planning obligations must only be used for infrastructure where it is:
- necessary to make the development acceptable in planning terms;
  - directly related to the proposed development; and
  - fairly and reasonably related in scale and kind to the development.
- 3.5 As the Local Planning Authority, the Council is responsible for setting planning obligations and how they will be secured for non-County Council functions, together with the enforcement of any measures. Where infrastructure is sought and secured for infrastructure that will be administered by Nottinghamshire County Council, they will be party to the negotiation of obligations and have responsibility for their enforcement.
- 3.6 Legal agreements and the obligations contained therein run with the land in the same way that a planning permission does. This means that, once the permission is implemented, they are enforceable against the developer who originally entered into the agreement or any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires, the planning obligation can be removed.
- 3.7 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. After the agreed time limit, any unused contributions will be returned to the developer.

#### **Deed of Variation**

- 3.8 Planning obligations may be modified or discharged at any time by a deed of variation between the LPA and all parties to the agreement. If a deed of variation is requested, a planning officer will need to authorise the variation, determining whether or not the change is justified. In some cases, the variation may need to be approved by Planning Committee. Once the deed of variation is agreed it will be signed by all relevant parties. Applicants will be expected to cover all legal costs.

#### **Unilateral undertaking**

- 3.9 A unilateral undertaking is a legal agreement offered by the landowner and any other party with a legal interest in the development site to deliver specified obligations. It may be offered at any point during the application process but are commonly used where agreement has not been reached on a proposal. A unilateral undertaking does not require agreement by the LPA. But it is good practice to consult and liaise with the LPA. The Council does not have to accept a unilateral undertaking.

- 3.10 An applicant may offer a unilateral undertaking at a planning appeal against refusal, to overcome the local authority's reason(s) for refusal. It will then be for the Inspector to decide its suitability or otherwise.

### **Section 278 highway agreements**

- 3.11 Where it will be necessary to make modifications to the existing highway to facilitate or service a proposed development – in general these will be off-site works required to mitigate the impact of the proposed development - a S278 agreement will usually be used. These agreements are prepared separately to a S106 Agreement.
- 3.12 A S278 agreement under the Highways Act 1980 (as amended) is a legally binding agreement between the Local Highway Authority and the applicant for either the County Council to carry out the works at the developer's expense, or to allow the developer to provide the works directly, subject to an approval and inspection process. A condition would be attached to the planning permission requiring the works to be agreed and carried out.
- 3.13 Works associated with any planning permission are not permitted within the limits of the publicly maintained highway until the agreement is completed and the bond (if applicable) is secured. National Highways has similar powers in relation to the Strategic Road Network.

- 3.14 Further information can be found at [https://www.nottinghamshire.gov.uk/media/2902383/70-off-site-highway-works-  
junctions-and-s278.pdf](https://www.nottinghamshire.gov.uk/media/2902383/70-off-site-highway-works-junctions-and-s278.pdf)

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

- 3.15 The Community Infrastructure Levy (CIL) is a charge sought by the Council from certain new development in the district. The [Bassetlaw Community Infrastructure Levy Charging Schedule 2024](#) provides further details.
- 3.16 The monies received from CIL are pooled together to help fund infrastructure necessary to support the delivery of the Local Plan. The Infrastructure List allocates funding to strategic infrastructure projects such as road junctions and secondary education facilities. In accordance with the CIL Regulations, a proportion of the CIL monies is passed to town or parish councils to be spent on local infrastructure.
- 3.17 The Council's Infrastructure Funding Statement sets out how the CIL will be spent and administered, and how it will be used with planning obligations.

## **4. Negotiation and Administration of Planning Obligations**

### **Viability**

- 4.1 All obligations required by, or to achieve compliance with, local or national policies will be assessed during the consideration of a planning application.
- 4.2 Applicants should ensure that all Local Plan policy requirements including affordable housing, SuDS, biodiversity net gain, as well as commonly sought

planning obligations, and where appropriate CIL requirements, are factored into land value. The Local Plan should be treated as the starting point, with the underlying Whole Plan Viability Assessment demonstrating overall viability.

- 4.3 This reflects PPG, which states that where up-to-date policies have set out the obligations expected from development, planning applications that comply with them should be assumed to be viable. It is therefore up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage and where needed, provide evidence of what has changed. Overpayment for land will not be accepted as a reason for reducing obligations.
- 4.4 A viability assessment is expected to cover but is not limited to:
- Existing use value
  - Proposed use values (sales and rental)
  - Demolition and construction costs
  - Finance and marketing costs
  - Assumed yield
  - Construction site abnormalities
  - Development phasing/timetable.
- 4.5 To define land value for a viability assessment, a benchmark land value should be established. This should be based on the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with Local Plan requirements. This approach is often called 'existing use value plus' (EUV+).
- 4.6 A viability assessment should consider whether viability enhancements could improve the situation e.g. deferring triggers for contribution payments. It should be an 'open book' assessment informed by comparable, market-based evidence - where transacted bids are significantly above the market norm they should not be used.
- 4.7 Viability assessments will be independently assessed by consultants acting on behalf of the Council and the cost of this will be covered by the applicant. The results will be a material consideration in the assessment of the application. A viability assessment summary will be included within committee reports where relevant and made available on the Council's online planning register.
- 4.8 A revised viability assessment will be required where material changes are made following the submission of the planning application, or where there are delays where issues have not been resolved within the timescales originally envisaged.
- 4.9 To take into account the potential increase in costs of infrastructure throughout the lifetime of a planning permission, the level of obligations (excluding affordable housing) will be adjusted and modified in line with an index of inflation (see below).

- 4.10 There may be instances where due to viability considerations, all obligations sought cannot be afforded if an otherwise policy compliant development is to go ahead. In exceptional circumstances, where a viability assessment that has been independently verified shows that a development is not able to deliver all planning obligations required but on balance, the benefits of development are considered by the Council to outweigh the failure to provide all policy compliant obligations, obligations may be prioritised by the Council. In these circumstances, achieving a well-balanced package of obligations to best address issues identified will be a priority.
- 4.11 As planning obligations can only be considered necessary to make a development acceptable in planning terms, if the total obligations sought render the proposal unviable and the lack of obligations would be wholly unsatisfactory, and the applicant is unwilling to agree to these, viability will not be relevant and an application will be refused. In these cases, such infrastructure is described as necessary and critical.

#### **Review / clawback mechanisms**

- 4.12 All planning permissions that fail to deliver policy compliance because of viability will be subject to a review (with the timing of the review dependent on the scale of the scheme) using a base appraisal (in line with the agreed viability position at planning application stage) based on the actual costs and values generated by the scheme (i.e. on an 'open book' basis).
- 4.13 In accordance with PPG, the review will only apply to uplifts in compliance with up-to-date Local Plan policies. The s106 agreement will contain inter-viability review mechanisms, these will be undertaken at the applicant's expense and at trigger point(s) agreed with the Council. These will align with when construction contracts have been agreed to enable the extent of any changes in the sales values and build costs to be determined.

#### **Pre-Application Discussions**

- 4.14 Applicants are encouraged to enter into pre-application discussions to ensure that the likely planning obligations are determined at an early stage in the planning process. Planning obligations identified at pre-application stage may be subject to change and will be finalised once a planning application is submitted. However, early discussions will minimise the chance of delay and help ensure the viability of the project.
- 4.15 Applicants are encouraged to discuss their proposals with the local community, ward members and the relevant town/parish council and to engage with infrastructure partners as part of this process.

#### **Sub-division of Sites**

- 4.16 Developing sites incrementally or sub-dividing a site to avoid obligations is not acceptable. The needs generated by a site as a whole will be used as the basis for obligations. This will ensure that the necessary obligations are divided fairly between different developers (if applicable) and will also ensure that the services and facilities that are required to mitigate the development can be delivered in a comprehensive manner.



### **Phased development**

- 4.17 Where a site is developed in phases or through multiple applications, and where the provision is required on-site, it should be masterplanned, co-ordinated and delivered on a site-wide basis, by the promoters, landowners and/or developers working together. If the required on-site provision is not delivered in the first/early phases of a site, then relevant planning permissions will only be granted if the land required has been legally secured to ensure delivery of the required future provision.

### **Land for infrastructure**

- 4.18 There will be circumstances where land will be required to help deliver infrastructure to mitigate the impact of development e.g. the NHS may request land for a new GP surgery. The Council will work with the applicant and the relevant infrastructure partner to determine how much land is needed, by when and the condition that the land must be in prior to transfer and post transfer.

### **Trigger Points**

- 4.19 Planning obligations are usually paid in instalments at key stages during the construction of a development. These are known as 'Trigger Points'. For example, planning obligations could be payable by instalments with 50% paid upon commencement of development and the remaining 50% paid a year later. As developers have three years to commence a development once planning permission is granted, it can take a number of years before planning obligations are received by the Council from the time permission was originally granted. Where a development does not commence at all, the s106 agreement will expire.
- 4.20 Trigger points will vary for each individual obligation within the s106 agreement. The developer is bound in each s106 agreement to notify the Council of certain trigger points, including commencement of the development. The s106 agreement will include a clause stating that £500 will be charged for each site inspection that the Council is required to undertake in order to check the number of dwelling occupancies, in instances where the developer has failed to update the Council of the trigger being reached.
- 4.21 Obligations are legally binding. A clause included in a S106 agreement encourages prompt payment by requiring payment of interest at a default rate where payments are overdue. As a final recourse, if obligations are not met, the Council will take legal action against those in breach of a s106 agreement.

### **Indexation**

- 4.22 To allow for the fluctuation in prices between the date the s106 agreement is signed and the date payment is made, the level of contributions (excluding affordable housing contributions) will be adjusted and modified in line with an index of inflation. Contributions will normally be linked to the Royal Institute of Chartered Surveyors (RICS) Building Cost Information Service (BCIS) indices.

### **Spending, Monitoring and Review**

- 4.23 The Council monitors the delivery of financial and non-financial planning obligations to ensure they are secured in accordance with the relevant s106 agreement. An Infrastructure Funding Statement (IFS) is prepared annually

which reports on the planning obligations and CIL the Council has received and spent in the previous monitoring period (1 April – 31 March each year).

- 4.24 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 allow Local Authorities to charge a monitoring fee to cover the cost of monitoring and reporting on planning obligations. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.
- 4.25 Monitoring fees must be proportionate and reasonable and reflect the Council's reasonable costs of monitoring each obligation. The fee will be added to the s106 requirements. This is currently capped at £5000 per obligation. The fee is separate to legal fees, the Employment and Skills Plan monitoring fee and the BNG monitoring fee. Monitoring fees will be reviewed annually to reflect up-to-date costs.
- 4.26 Applicants will be expected to cover the Council's legal fees for the processing, preparation and conclusion of legal agreements. Costs will vary depending upon the form and complexity of the obligation and the amount of work required. Applicants should provide details of their legal representative and an agreement / undertaking to pay the council's legal costs in connection with the planning obligations. Payment will be required upfront and is payable irrespective of whether permission is subsequently granted and the legal agreement proceeds to completion.
- 4.27 Where planning permission is granted subject to the completion of a satisfactory planning obligation the legal agreement should be progressed immediately following the committee resolution to grant. Planning permission and any other consent will be issued following the completion of the S106 agreement.
- 4.28 The Council requires all parties with an interest in the land forming the application site to enter into the s106 agreement. For example, if the land 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 all relevant parties to determine whether approval is likely and to avoid delays in the signing / execution process.

## **5. Commonly Sought Planning Obligations**

- 5.1 Each development proposal will have different impacts and will need specific mitigation to manage its impacts on infrastructure. For each planning application the LPA will consult with relevant infrastructure partners to establish the impact of the development on their existing infrastructure. Based on those consultation responses the LPA will determine if it is necessary to secure planning obligations to mitigate the impact of the development.
- 5.2 Whilst a range of planning obligations may be requested by infrastructure partners, it is those below that have been considered and costed for the Local Plan and are expected to be most commonly sought in this Plan period.

- Health Care
- Open Space
- Cumulative Highways Impact
- Employment and Skills Plan
- Tree Planting

5.3 Affordable housing and biodiversity net gain are additional and covered by separate SPDs. County Council functions are covered separately in the [nccdevelopercontributionsstrategy.pdf](#). Although cumulative highways impacts are a County Council function these are needed to address Local Plan growth so will be covered in this SPD.

## 6. Health Care

- 6.1 Planning obligations from housing developments are an important source of capital funding to help the NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) provide and improve primary healthcare facilities (GP surgeries) in the district. This will ensure that where major housing development places extra demands upon existing GP surgeries, these impacts are mitigated appropriately.
- 6.2 The need for a planning obligation will be dependent on the type and scale of the housing, but also on the available capacity in GP surgeries serving the development. Consultation with the ICB is therefore advised at pre-application stage.

### Health contributions: Approach

- 6.3 The ICB generates a financial contribution request using the following formula:

No of dwellings x 2.3 (average household size in Bassetlaw) = additional patients to be accommodated\* x standard area (m<sup>2</sup>/person)\*\* x cost of extension (£/m<sup>2</sup>)\*\*\*

\*Based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

\*\*Based on current typical size of surgery project factoring in a range of list sizes

\*\*\*Identified by NHS quantity surveyor experienced in health care projects

- 6.4 Using standard NHS cost and floor space requirements for the various facilities, the approach quantifies the impact in terms of physical space and cost, enabling a cost for a health project to be identified based on the increase in patient population.
- 6.5 In general, neither NHS England nor the ICB would support a single-handed GP surgery to sustainably mitigate the needs of a housing development. In the majority of cases, a financial contribution will be sought to improve GP surgeries. In exceptional cases the ICB may accept land in lieu of part or all of the provision.
- 6.6 In those limited cases where an on-site GP surgery is required at a strategic site, the developer must agree the provision, timing and approach for delivery with the ICB at an early stage. This will ensure the provision can be appropriately reflected in the S106 agreement for the proposal.
- 6.7 Financial contributions will generally be used at existing GP surgeries whose Practice Boundary includes the proposed development. All GP practices have well established Practice Boundaries as part of their contract and these cannot be adjusted without prior ICB approval. It is common for more than one GP surgery to be identified as an expected recipient of funds.
- 6.8 Contributions received by the ICB may be used:
- Towards the construction costs for additional facilities / extensions, adaptations or alterations
  - Towards new health facilities (these may be co-located with other health or social care providers)

- To provide a strategic infrastructure solution.
- 6.9 Where financial contributions for GP surgeries are secured, initial payment will be made to the Council. Funds will only be transferred to the ICB following a formal request which demonstrates how the funds will be used to mitigate impacts from the relevant development.
- 6.10 The Council expects that requests for planning obligations will support the delivery of specific projects in the ICB's Estate Plan.

## 7. Open Space

- 7.1 Planning obligations are an important way of ensuring that major new housing development make sufficient open space provision to meet their residents' needs. There are a range of different types of open space in the district: parks, amenity greenspace, children's play, semi natural greenspace and allotments.
- 7.2 The need for a planning obligation will be dependent on the type and scale of the new housing development, but also on the quantity, quality and accessibility of existing open space in the locality of the development. Consultation with the Council is therefore advised at pre-application stage.

### Open space provision: approach

- 7.3 The following Local Plan open space standards (in Policy ST44) will be used to inform development proposals.

	ha per 1000 people	sqm per 1000 people	sqm per person
Parks and gardens	0.61	6,100	6.1
Semi/natural greenspace	2.40	24,000	24
Amenity greenspace	1.03	10,300	10.3
Allotments	0.28	2,800	2.8
Children's play area	0.14 (ha per 1000 children)	1,400 (sqm per 1000 children)	1.4 (sqm per child)

- 7.4 The type of open space sought will be required to meet the needs of the residents of the development; 1 bed properties/older people's housing would not need to provide for children's play for example.
- 7.5 All open space must be available for use by the public without restrictions, should be multifunctional, and be of a size, location and form appropriate for the intended use.
- 7.6 The Council's Open Space Needs Assessment 2024 provides a robust assessment of needs and deficiencies – for quantity, quality and accessibility - of open space in the district. It seeks to prioritise quality and accessibility improvements, to address the Local Plan quality and accessibility standards to maximise multifunctionality. The Open Space Needs Assessment will be updated by the Council every 3 years.
- 7.7 The Local Plan standards have been translated into a requirement per person (by dividing the overall standard by 1000) per dwelling. The contribution per dwelling will depend on the house type/mix and the estimated occupancy rate for that house type below, and the Council's standard of open space provision.

Number of bedrooms	Population	Children (under 15)
1	1.2	0.19

2	1.7	0.27
3	2.4	0.38
4 or more	2.9	0.46
District average dwelling	2.3	0.37

Average Occupancy Levels

7.8 For outline applications where the development is expected to be developed in phases, for proposals where incremental development is expected or where the housing mix has not been identified, the overall requirement will be based on the number of dwellings expected to be accommodated on the site as a whole. An assumed occupancy of 2.3 persons will be used (average occupancy in the district, Census 2021).

7.9 Developers will be expected to re-visit the open space position at full/reserved matters stage to ensure the open space provision meets the needs of residents.

7.10 The cost of provision of each open space type is based on recent market costs of providing such facilities within the district.

	Cost (£) per sq/m		sqm per person	1 bed (1.2ppl)	2 bed (1.7ppl)	3 bed (2.4ppl)	4 bed (2.9 ppl)	dwelling (2.3ppl)
<b>Parks</b>	8	<b>sqm</b>	6.1	7.3	10.4	14.6	17.7	14.0
		<b>Cost £</b>	49	58	83	117	142	112
<b>Semi/natural greenspace</b>	8	<b>sqm</b>	24	28.8	40.8	57.6	69.6	55.2
		<b>Cost £</b>	192	230	326	461	557	442
<b>Amenity greenspace</b>	8	<b>sqm</b>	10.3	12.4	17.5	24.7	29.9	23.7
		<b>Cost £</b>	82	99	140	198	239	190
<b>Allotments</b>	40	<b>sqm</b>	2.8	3.4	4.8	6.7	8.1	6.4
		<b>Cost £</b>	112	136	192	268	324	256
<b>Children's play area (per children*)</b>	200	<b>sqm</b>	0.2	--	0.4	0.5	0.6	0.5
		<b>Cost £</b>	40	--	80	100	120	100
<b>Total Cost</b>	264		475	524	822	1143	1382	1099

### Open Space: On Site

7.11 Only strategic housing sites of 100 dwellings or more will be required to provide new open space on site. In these cases, the quantity of each type of open space will be based on the standards and approach above, having regard to the location and characteristics of the site.

7.12 In an exceptional circumstance where the total requirement cannot be provided on site, a financial contribution should be made in lieu of the provision. This will be used to improve open space in the locality to meet new residents' needs.

7.13 Reflecting the size of the strategic housing sites, on site open space should be multifunctional, include a range of open space functions to meet the needs of future residents and be designed to integrate with the wider development. Road verges will not be included. Sustainable drainage areas and areas set aside for biodiversity net gain will only be included within the open space provision if public access will be available.

7.14 New parks and larger natural and semi natural greenspace will only be sought where a new critical mass of residents is proposed. The Local Plan expects this only to apply to proposals of 1000 dwellings or more.

7.15 Each open space needs to be of a minimum size to be classified as a functional open space. The Fields in Trust identifies the minimum size below, these should be used to inform development proposals.

<b>Classification</b>	<b>Minimum size on site (ha/sqm)</b>
Parks and gardens	2 ha, 20,000 sqm
Semi/natural greenspace	1 ha, 10,000 sqm
Amenity greenspace	0.2 ha, 2,000 sqm
Allotments	0.025 ha/plot, 250 sqm/plot
Play Area – Local Area for Play (LAP)	0.01 ha, 100 sqm
Play Area - Local Equipped Area for Play (LEAP)	0.04 ha, 400 sqm
Play Area - Neighbourhood Equipped Area for Play (NEAP)	0.1 ha, 1,000 sqm
Play Area - Multi-Use Games Area (MUGA)	0.1 ha, 1,000 sqm

### **Children's play areas**

7.16 For children's play, it is important that spaces allow children to develop their skills by providing facilities for climbing, jumping, swinging, running and interaction, appropriate to the target age group. The following sets out the Council's expectations for the minimum level of provision for each type of play area.

7.17 Where there is an identified need for more than one type of play area, these should be located in close proximity to encourage children's development and interaction and where appropriate enable supervision.

#### **Local Area for Play (LAP)**

- For children four and under
- 1-minute walking distance of a well-used pedestrian route
- Minimum activity zone of 100m<sup>2</sup> and a 5-metre buffer between this area and the surrounding properties
- Designed to encourage spontaneous play and interaction
- Minimum height of fencing 60cm
- Seating for parents and carers

#### **Local Equipped Area for Play (LEAP)**

- 5-minute walking distance of a well-used pedestrian route
- Children aged 4-12 who are beginning to play independently
- Minimum of six play experiences and at least three play items
- Minimum 400m<sup>2</sup> activity zone with space for active play in the boundary



- 10m buffer between the area and nearest property, and 20m between the area and dwellings
- Fencing provided if the area is near a road
- Seating for parents and carers, and litter bins
- Each LEAP typically serves between 30 and 100 homes

### **Neighbourhood Equipped Area for Play (NEAP)**

- 15-minute walking distance of a well-used pedestrian route
- Targeted at children aged 10 and over but should contain an area for younger children
- Minimum of eight play experiences and at least five play items
- Minimum 1000m<sup>2</sup> area divided into two sections - one for play equipment and an area of 465m<sup>2</sup> of hard surface (minimum area for 5-a-side football and space for young people)
- Space for active play within the boundary
- 30m buffer between the activity area and the boundary of the nearest dwelling
- Fencing provided if the area is near a road
- Seating for parents and carers, plus litter bins and secure bicycle parking

### **Young People**

- 7.18 It is important that young people can take part in affordable recreation in a safe, accessible space e.g. using a MUGA, basketball hoops, mini goalposts. When providing these facilities, developers should ensure local young people are appropriately engaged in the design process so that their needs are met.

### **Allotments**

- 7.19 Allotments should be sited in appropriate locations, away from busy roads, not within areas liable to flood and with good pedestrian, cycle and vehicular access. A limited amount of parking will be required as well as water supply and secure boundary treatments.

### **Open Space: Financial Contribution**

- 7.20 For all other major housing development (10-99 dwellings), Policy ST44 says that where there is insufficient quantity or quality of open space in the locality to meet the needs of the additional residents a financial contribution will be sought to improve the quality and/or multifunctionality of open space in the locality. The Open Space Needs Assessment (OSNA) will form the basis for identifying quantity, quality and accessibility deficiencies.
- 7.21 For that reason, the SPD avoids being overly prescriptive, enabling open space requirements to be determined by the Council on a case by-case basis to respond to each individual proposal.
- 7.22 In the first instance, impacts upon all relevant types of open space will be considered. Where there is insufficient quantity of a type of open space in that locality, the priority would be to consider whether there is scope to improve the multifunctionality of existing space(s) to provide those types of open space functions.

- 7.23 Where there is sufficient quantity of all open space types in the locality the priority will be to improve the quality and accessibility of existing open space provision in the locality to meet new residents' needs. The OSNA will be used to identify priorities for each part of the district.
- 7.24 Where financial contributions for open space are secured, payment will be made to the Council who will ensure that works are undertaken by the Council's Parks and Open Space team or through relevant Town/Parish Councils.

### **Open Space: Management and Maintenance**

- 7.25 The laying out, maintenance and management of open space is the responsibility of the developer, who will be required to demonstrate that satisfactory provision for future maintenance has been made.
- 7.26 Where new open space is provided, the developer would be expected to identify a responsible body to undertake the maintenance for a 30 year period. This could be via a management company or transferred to a Parish/Town Council. The Council no longer adopts open space.
- 7.27 If maintenance passes to a Parish/Town Council the S106 agreement will allow for the Town/Parish Council to be offered the option of taking the land and to have a set period in which to accept the transfer, usually 3 months. To accept the transfer, there must be opportunity for the Town/Parish Council to inspect the ongoing works. Once complete, the Council and the Town/Parish Council will be required to review the completed works, before accepting the transfer. If external expertise is required, the developer should fund the cost. The land will be transferred upon completion, together with an upfront commuted sum required to enable ongoing maintenance to occur.
- 7.28 Maintenance costs are set out below and have been provided based on recent costs from the Council's Parks and Open Spaces team.

<b>Open Space Type</b>	<b>Cost per sqm</b>
Amenity Greenspace	£26
Semi/Natural Greenspace	£26
Parks & Gardens	£26
Allotments	£10
LAP (min 100 sqm)	£100
LEAP (min 400 sqm)	£150
NEAP/MUGA (min 1000 sqm)	£120

- 7.29 Alternatively, the applicant will need to demonstrate how the open space will be managed and maintained, usually through the creation of a management company including the allocation of funds to the management company to cover a 30 year maintenance and management period.
- 7.30 The management company shall be limited by shares or by guarantee and membership shall be restricted, for instance to the Owner, the Developer, the transferees or lessees of General Market Housing Units and Affordable Home Ownership Units, the Registered Provider and Town/Parish Council.

- 7.31 The Council and Town/Parish Council shall be advised of the contact details of the management company and these details should also be displayed at the site. Any change in ownership / contact details shall be notified to the Council and Town/Parish Council and the sign updated.
- 7.32 Alternatively, management and maintenance could be undertaken by another organisation e.g. a body with long-term stewardship goals, such as a development specific organisation or community/land trust.
- 7.33 The developer may need to consider service charges for new residents. Affordable housing will be exempt from such charges (or charges shall be capped) and this will be specified in the S106 agreement.
- 7.34 Where off-site provision and/or improvement is agreed, the Council may seek a commuted sum for the management of the off-site infrastructure provided. This will be negotiated on a case by case basis to reflect the scale of improvements made.

**Information to be submitted with an application**

- 7.35 The following will need to be submitted to the Council for approval:

- Open Space Specification Plan:
  - drawn at an identifiable scale (ideally 1:500), showing the north direction, the position of the open space in relation to the site boundaries to enable the open space location to be clearly identifiable from the ground.
  - specification detail: showing the location, size, layout and proposed landscaping of the open space within the development. It should also include specification of any equipment that is to be installed for approval.
- A detailed maintenance schedule and management plan for 30 years maintenance will be submitted with detailed / reserved matter applications to be approved by condition. The maintenance and management must address safety inspections including weekly visual inspections and 3 monthly RoSPA standard inspections. The management shall include arrangements for litter picking, dog waste clearance, dog waste and general waste collection.
- Management company details (where relevant):
  - corporate structure, directors and officers
  - mechanism of funding, including the details of any proposed service charge payable by the owners of the dwellings and justification for any amount proposed
  - the arrangements that are in place for ongoing maintenance, should the management company cease to operate or exist.

## 8. Cumulative Highways Impact

8.1 In general, where a development generates localised highways impacts, highways improvements will be secured by planning condition ([nccdevelopercontributionsstrategy.pdf](#)). Localised improvements will be subject to separate mitigation informed by the development's transport assessment.

8.2 However, where the need for capacity improvements is generated by more than one development, the Local Highways Authority (Nottinghamshire County Council) will use planning obligations to secure improvements. This will ensure that where the cumulative impact from major new development place extra demands upon the highways network, these impacts are mitigated appropriately.

8.3 The Local Plan recognises that by the end of the Plan period (2038) several junctions along the A57 around Worksop and several junctions within Retford are anticipated to be above capacity as a result of the cumulative impact from more than one Local Plan site allocation.

8.4 As a result, the Council requires the following site allocations to make a proportionate financial contribution via S106 agreement, that may be pooled, towards improving these junctions. The contribution per site/per junction is a proportional split based on the number of development trips from each site allocation passing through each junction at peak hours as a proportion of the total Local Plan allocation trips from all sites.

8.5 The split and supporting evidence is set out in the Bassetlaw Transport Study, January 2022 and the Retford Transport Assessment, May 2022 at [www.bassetlaw.gov.uk](#). Both documents form part of the Local Plan evidence base. This evidence will provide the basis for cumulative highways contributions unless a site's Transport Assessment indicates otherwise. Any localised highways mitigation will be subject to separate mitigation.

A57 Junction	A60 Mansfield Road/A619	A57/Sandy Lane	A57/Claylands Ave/Shireoaks Common	A57/B6034/Netherton Road	A57/B6040	A614Blyth Road/A57/A1
Site	£m					
Apleyhead Junction	1.00	1.76	0.42	2.83	2.96	1.53
Peaks Hill Farm	0.91	-	0.38		0.04	0.07
Ordsall South	0.11	0.08	0.01	0.10	0.09	0.30
Trinity Farm	-	-	-	-	-	0.02

Retford Junction	A620 Babworth Road/B6420 Mansfield Road/A620 Straight Mile/Sutton Lane	A620 Babworth Road/Ordsall Road	A620 Amcott Way/A620 Moorgate/A638Arlington Way	London Road/Whitehouses	London Road/Whinney Moor Lane/Bracken Lane
Site	£m				
Ordsall South	1.43	0.76	0.33	0.88	0.77

Trinity Farm	0.10	0.09	0.40	0.09	0.21
St Michael's	0.01	0.01	-	0.01	0.02
Fairygrove	0.03	0.01	-	0.07	0.04
Elizabethan School	0.02	0.02	0.06	0.02	0.04
Milnercroft	-	-	-	-	0.01
Apleyhead	0.56	0.19	0.29	-	-

8.6 Contributions received by the Local Highways Authority may be used towards the construction costs to upgrade and/or adapt each junction.

8.7 Where financial contributions for cumulative highways improvements are secured, payment will be made to the Local Highways Authority.

## **9. Employment and Skills Plan**

- 9.1 An Employment and Skills Plan will be sought from major employment development at the employment allocations and the employment sites identified in the Local Plan. This will mitigate the impacts of development by ensuring that local people can access job opportunities and workforce skills development arising from major employment proposals in the district.
- 9.2 Each Employment and Skills Plan will be negotiated on a site by site basis and secured via S106 agreement with the developer. This will ensure the measures are tailored to the development and that the right skills and employment opportunities are provided to benefit the developer and the local community during construction of the development and on occupation.
- 9.3 The Employment and Skills Plan can include employment and training opportunities during all phases of development: demolition, construction, and occupation. Provision is expected to be on the development site or linked to the on-site development e.g. administrative, logistics, and back-office roles that support the delivery or operation of the development will be considered.
- 9.4 In exceptional circumstances where it can be demonstrated that the provision of jobs, education and training linked to the proposal is not feasible, an off-site contribution or provision will be negotiated.
- 9.5 Consultation with the Council's Employment and Skills Team [employmentandskills@bassetlaw.gov.uk](mailto:employmentandskills@bassetlaw.gov.uk) is advised at pre-application stage. They can provide advice on creating an Employment and Skills Plan and can assist with developing partnerships with local organisations and making connections to recruit employees from the local area via partners drawn from the North Notts Skills and Employment Board, North Notts Skills and Employment Partnership, North Notts Employability Collaboration Group, or the Bassetlaw Business Alliance.
- 9.6 The Council will also encourage developers/occupiers of other major development including housing and commercial development to consider use of an Employment and Skills Plan. The Employment and Skills Team are available to discuss such proposals with developers/occupiers on a site by site basis.

### **Content of an Employment and Skills Plan**

- 9.7 An Employment and Skills Plan is a structured document that sets out how an employment development will support:
- Apprenticeships: creating opportunities for local people to enter the workforce.
  - Job Creation: prioritising local employment where possible.
  - Work Placements: providing real-world industry experience for students and job seekers.
  - Training and Upskilling: enhancing the skills of both new entrants and existing workers including:
    - leadership and management training for all ages and abilities

- training and work experience for younger people, including those not currently in education, employment or training.
- 9.8 The Council recognises that many organisations have well established training programmes. These will be taken into account when identifying priorities for Employment and Skills Plans.
- 9.9 There are two types of Employment and Skills Plans:
- Construction: must relate to the whole construction phase of the project up to completion.
  - Occupation: only applies to development which will generate employment once the site is developed and will be sought for the initial occupier only.
- 9.10 Separate Employment and Skills Plans are required for each stage.

### **Employment and Skills Plan: Construction**

- 9.11 Applicants must submit an Employment and Skills Plan for major employment development at the employment site allocations (defined by Policy ST5) and at the employment sites (Policy ST7), with the content to be agreed prior to commencement of development.
- 9.12 Proposals must be based on the Construction Skills Industrial Training Board (CITB) National Skills Academy for Construction (NSAfC) Project Based Approach [National Skills Academy for Construction \(NSAfC\) - CITB](#) which outlines best practice for embedding employment and training into project delivery.
- 9.13 The Council will use the benchmarks set out in NSAfC Project-Based Approach as a starting point for negotiations with developers at construction stage. The NSAfC benchmarks have been formulated for a range of construction types and value bands and provide target outputs for a range of employment and skills areas such as apprenticeships and entry into employment.
- 9.14 Each Employment and Skills Plan must be proportionate to the size, value, and type of employment development. As a minimum it must set out:
- a schedule of new job opportunities (FTEs) to be created (number and type) through the development, who the sub-contractors are and the indicative numbers of job opportunities that could be created via them using a schedule of trades;
  - pathways for apprenticeships, internships and placements including for unemployed people and local students (from schools, colleges and universities)
  - an engagement strategy with:
    - local training providers e.g. local colleges, DWP
    - schools for outreach and curriculum activities
  - recruitment mechanisms, including the process by which jobs will be advertised to local people. There is an expectation that jobs will be advertised for 2 weeks exclusively to local residents in the first instance
  - a clear monitoring and reporting framework to incorporate standard KPIs (adapted from CITB and national models) – see below

- 9.15 The schedule of job opportunities will allow the Council to understand the build programme, likely timeframes and when the demand for different trades is likely to be. This will ensure a potential pipeline of suitably skilled local people are able to apply for these employment opportunities.
- 9.16 It is the developer's responsibility to liaise with sub-contractors to ensure that the targets and milestones can be achieved.

### **Monitoring and Reporting Framework**

- 9.17 The Council requires quarterly progress reports for the duration of the construction (from commencement to completion). Reports must:
- provide qualitative and quantitative updates against agreed Employment and Skills KPIs, including details of outcomes such as jobs created, apprenticeships started/completed, and training hours delivered.
  - include evidence of recruitment activities, lists of roles filled (and whether by local residents), feedback from training providers or participants, and updated works schedules indicating forthcoming opportunities.
  - identify risks and delays to target delivery and any mitigations to address issues reported. Persistent underperformance may lead to enforcement action being taken.
- 9.18 As part of the delivery of the Employment and Skills Plan construction partners are expected to:
- provide site access to Council officers or nominated monitoring partners to undertake regular reviews, audits, or progress meetings.
  - participate in review meetings with the Council's Employment and Skills Team, scheduled at key milestones, to assess performance, identify risks, and explore areas for additional support or intervention.
  - maintain up-to-date records of all Employment and Skills activities, including engagement with Jobcentre Plus, colleges, or community partners, and submit these as part of the evidence base.

### **Employment and Skills Plan: Occupation**

- 9.19 At the occupation phase, the Employment and Skills Plan will be with the initial occupier and will not apply in perpetuity.
- 9.20 The developer/occupier must meet with the Council at least 6 months prior to first occupation to:
- to support delivery of agreed KPIs based on the total project value and aligned to Bands A-E in the Table below. These KPIs mirror the CITB principles and best practice to sustain employment benefits across the development proposal.
  - submit a detailed Employment and Skills Plan outlining their approach to local recruitment, upskilling, and community engagement for the first three operational years of the development
- 9.21 As a minimum the occupation plan must set out:
- a schedule of FTE job opportunities (professional/ technical jobs) that are to be created during the first 12 months of occupation. This should identify the



transfer of any existing jobs as well as new job opportunities. The schedule should provide equal opportunities in relation to the training and employment of staff.

- the occupiers' recruitment process so that jobs can be advertised for 2 weeks exclusively to local residents in the first instance to support the direct recruitment of local labour, host open days and provide inclusive recruitment pathways
- education opportunities including achievement of externally recognised qualifications (e.g. NVQs, functional skills, apprenticeships).
- a programme of community outreach that promotes career opportunities that are linked to the sector that the occupier operates within
- a clear monitoring and reporting framework – the Council requires bi-annual progress reports for 3 years from first occupation. Reports should summarise performance against KPIs below and flag any risks, delays and mitigations.

<b>Category</b>	<b>Band A (£1m– £5m)</b>	<b>Band B (£5m– £10m)</b>	<b>Band C (£10m– £20m)</b>	<b>Band D (£20m– £50m)</b>	<b>Band E (£50m+)</b>
<b>1. Local Employment (% of workforce)</b>	5%	7.5%	10%	12.5%	15%
<b>2. Job Creation (FTE)</b>	1–5	6–10	11–20	21–50	51–100
<b>3. Work Experience Placements (per year)</b>	2	4	6	10	15
<b>4. Apprenticeship Starts</b>	1	2	4	6	10
<b>5. Apprenticeship Completions</b>	1	2	3	4	6
<b>6. Training Hours Delivered (annual)</b>	50	100	200	500	1000
<b>7. School/College Engagement Sessions (annual)</b>	1	2	4	6	10
<b>8. Careers Fairs/Outreach Events (annual)</b>	1	2	4	6	10

### **Monitoring and Reporting Framework**

9.22 The Council requires bi-annual progress reports for the occupation (from initial occupation for a period of 3 years). Reports must:

- provide qualitative and quantitative updates against agreed Employment and Skills KPIs, including details of outcomes such as jobs created, apprenticeships started/completed, and training hours delivered.
- include evidence of recruitment activities, lists of roles filled (and whether by local residents), feedback from training providers or participants, and updated works schedules indicating forthcoming opportunities.

- identify any risks and delays to target delivery and mitigations to address issues reported. Persistent underperformance may lead to enforcement action being taken.

9.23 As part of the delivery of the Employment and Skills Plan occupiers are expected to:

- provide site access to Council officers or nominated monitoring partners to undertake regular reviews, audits, or progress meetings.
- participate in review meetings with the Council's Employment and Skills Team, scheduled at key milestones, to assess performance, identify risks, and explore areas for additional support or intervention.
- maintain up-to-date records of all Employment and Skills activities, including engagement with Jobcentre Plus, colleges, or regional economic growth agencies, and submit these as part of the evidence base.

### **Financial Contribution**

9.24 In exceptional circumstances, where the developer/occupier can demonstrate that it is not feasible to address all the Employment and Skills Plan requirements on site, a financial contribution will be sought in lieu of the provision to ensure relevant employment and skills outcomes can be secured for local residents.

9.25 The financial contribution will be proportionate and reasonable and reflect the costs of Employment and Skills Teams utilising the funding:

- 40% of contribution to cover Employment and Skills Manager time
- 40% of contribution to cover Project Support Officer time
- 20% of contribution towards supporting careers, employability or skills events / activity.

### **Monitoring of an Employment and Skills Plan**

9.26 An Employment and Skills Plan is a planning obligation, so it is reasonable for the Council to secure a one-off, upfront monitoring fee to enable the Council to support and monitor the provisions of each Employment and Skills Plan. The fee below vary to reflect the complexity and duration of each Employment and Skills Plan, and the level of monitoring and reporting required by the Council including:

- Collection, review, and evaluation of data
- Ongoing technical advice and support
- Site visits and engagement meetings
- Brokering links with local education and training providers
- Coordination with the NNSEB and subgroups (Skills & Employment Partnership and Employability Collaboration Group)
- Delivery of careers events and wider social value activity

	<b>No of FTEs Created</b>	<b>Fee</b>
<b>Employment Development</b>	Up to 25	£1500
	26-50	£3000
	51-100	£4500
	101+	By agreement

## 10. Tree Planting

10.1 The Local Plan recognises that tree planting, together with improved management of ancient and veteran woodland would help mitigate the impacts of climate change (Policy ST48). Once matured, on average, a single tree absorbs around 24kg of CO<sub>2</sub> annually. It therefore takes around 31 trees to absorb a tonne of CO<sub>2</sub> per year. Planning obligations will be used to ensure that climate change impacts are from major development are mitigated appropriately.

10.2 Bassetlaw has notable woodland cover, with over 10,000ha of woodland, including 600ha of ancient woodland, almost double the average woodland coverage for England present in the district. In general, woodlands in Bassetlaw, including the Sherwood Forest, are mixed native species, varying by location and soil type.

10.3 The Council expects major development to provide 5 native trees per dwelling/1000sqm non residential floorspace, appropriate to the site's location and soil type. When grown to full height, this will ensure that a mix of different size native trees will be present (small, medium and large) in the landscape.

### **Tree Planting: Approach**

10.4 In the first instance, the Council expects trees to be planted on site as part of a landscaping scheme. Trees should be planted in public space or as street trees in the public highway to maximise their retention. Trees required through biodiversity net gain can be used as part of the tree planting provision as long as they are not in private space. Trees planted in private space/gardens will not be included in the obligation.

10.5 The Council's Tree Officer will advise on the species mix appropriate in different parts of the district. It is recommended that these discussions take place at pre-application stage so that planting can be incorporated into the design. Further information is within the Trees and Development SPD.

10.6 If it is not practicable to provide the full requirement on site, provision can be made on developer owned land in the locality. Alternatively, an equivalent financial contribution will be required.

10.7 The Local Plan Infrastructure Delivery Plan 2023 calculates 5 native tree saplings at £100 per dwelling/1000sqm non residential floorspace. This is based on The Woodland Trust's average cost of a native tree (up to 100cm as a sapling) and an appropriate maintenance contribution.

10.8 Financial contributions will be used to protect or improve existing ancient or veteran trees/woodland in the district. These trees deliver significant benefits for carbon sequestration, by enhancing their management, greater climate change mitigation can be achieved.

10.9 Financial contributions, whether for new trees or to improve existing, will only be used to support tree planting projects on publicly accessible sites in the locality of the development from which occupiers of new development could reasonably

be expected to benefit. This could include a number of trees/woodlands throughout the district:

- Kilton Forest Golf Course, Worksop
- Langold Country Park including Dyscarr Woods Nature Reserve
- Sandhill Lake LWS, Worksop
- Bracebridge Road Playing Field, Worksop
- Farr Park Recreation Ground, Worksop
- Worksop Show Ground, Worksop
- Gateford Park open space, Worksop
- Welham Road, Retford
- Kings Park, Retford
- Goosemore Playing Field, Retford
- Ordsall Sandhills, Retford
- Leverton Road, Retford
- Tommy Simpson Field, Harworth

10.10 The Council will continue to work with partners, such as, the Nottinghamshire Wildlife Trust, The Woodland Trust, National Trust and Sherwood Forest Trust to secure tree planting on publicly accessible land and/or improvements to existing woodland in their ownership. This will also include looking to address priorities for woodland in the district within the Nottinghamshire Local Nature Recovery Strategy.

10.11 Developers would be expected to plant trees or improve existing trees/woodland on a development site. Where financial contributions for tree planting is secured, initial payment will be made to the Council.

10.12 Funds will only be transferred to partners specified in relevant S106 legal agreements following a formal request which demonstrates how the funds will be used to mitigate impacts from the relevant development.

10.13 The Council's Parks and Open Spaces team would oversee planting/improvement works and maintenance of trees on Council owned land. For more information about tree management and maintenance please see the Trees and Development SPD.