

Bolton **Council**

Infrastructure and Planning Contributions
Adopted Supplementary Planning Document
July 2016

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1 Introduction

What is this document?

- 1.1 A Supplementary Planning Document (SPD) provides further detail on specific policies in Bolton's adopted development plan, which is the primary consideration in making planning decisions. Supplementary Planning Documents can also be useful in determining planning applications, as they are capable of being a material consideration, but they are not part of the development plan.
- 1.2 This is the final version of the Supplementary Planning Document and was subjected to consultation before the council adopted it.
- 1.3 This SPD replaces some of the council's Planning Control Policy Notes:
 - PCPN1: Health, well-being and quality of life
 - PCPN8: The provision for children's play within new residential developments
 - PCPN22: Provision of public art
 - PCPN30: Education
- 1.4 The council intends that this SPD should support:
 - The delivery of infrastructure;
 - The implementation of Core Strategy policy IPC1;
 - The operation of planning obligations within Bolton.
- 1.5 To this end, this document provides clarity on what is expected of new developments, but does not look to add unnecessarily to the financial burdens of development. As stated in the Core Strategy, this SPD contains information on when planning obligations may be needed and covers matters including:
 - *"When contributions may be needed.*
 - *The type and scale of contributions.*
 - *The circumstances when financial rather than direct provision will be required.*
 - *How financial contributions will be calculated.*
 - *The form and timing of legal agreements."*¹
- 1.6 The council has prepared an Accessibility, Transport and Safety SPD which provides information and support for pre-application discussions regarding highways and accessibility.
- 1.7 The adopted Affordable Housing Supplementary Planning Document provides information and support for pre-application discussions regarding the provision of affordable housing, and was developed in conjunction with studies conducted on appraising development viability.
- 1.8 At the current time the council is not pursuing implementation of the Community Infrastructure Levy. Without this in place the council will continue to rely on S106 obligations to contribute towards infrastructure where required. The SPD has been prepared in the light of pooling restrictions which came into effect in April 2015.

¹ Bolton's Core Strategy, paragraph 6.13

What is infrastructure?

- 1.9 Providing housing and employment opportunities is not sufficient to create sustainable communities. There is a need to provide the necessary infrastructure of utility services, transport, schools, open space, community, health and leisure services to support local communities and those who visit or work in the Borough.
- 1.10 In highlighting the role of planning in ensuring infrastructure supports investment, the National Planning Policy Framework (NPPF) requires that: *“Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.”*
- 1.11 Section 216 of the Planning Act 2008 describes the types of infrastructure that can be supported through the Community Infrastructure Levy and this can be used as a basis for the definition of infrastructure generally, although this is not an exhaustive list:
- *“roads and other transport facilities;*
 - *flood defences;*
 - *schools and other educational facilities;*
 - *medical facilities;*
 - *sporting and recreational facilities;*
 - *open spaces.”*
- 1.12 Provided that the Core Strategy details infrastructure types as being requisite to support the implementation and delivery of the strategy, those types should also be eligible to be funded through planning obligations. The Core Strategy requires that reasonable provision of appropriate physical, social and green infrastructure is made to: mitigate the impact of the development, make it acceptable in planning terms and meet the objectives of sustainable development. See Appendix 1 for an extract of the Core Strategy which details Policy IPC1, relating to infrastructure and planning contributions.

What is a planning contribution?

- 1.13 Planning contributions can be used to prescribe the nature of development; to secure a contribution to compensate for loss or damage created; or to mitigate a development's impact, the overall purpose being to bring proposed development into line with national and local planning policies.

Contact information

- 1.14 For further information on this document please contact:

Planning Strategy

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Bolton Council, Bolton Town Hall, Victoria Square, Bolton, BL1 1RU

2 Policy context

National Policy and Guidance

- 2.1 With the publication of the National Planning Policy Framework (NPPF) in March 2012, national planning policy has become streamlined, with emphasis on reflecting this at a local planning policy level. It advised that Supplementary Planning Documents should be used to: *“help applicants make successful applications or aid infrastructure delivery”*.
- 2.2 Infrastructure is recognised within the twelve core planning principles described in the NPPF as being of importance for helping to support sustainable economic development for the country. The NPPF states that planning should:
- “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”*.
- 2.3 The NPPF requires that local planning authorities should set out strategic priorities and policies to deliver infrastructure for: *“transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)”*. The importance of planning for infrastructure is furthermore supported through the government’s National Infrastructure Plan 2014², published by the HM Treasury. This plan sets out a strategy for meeting the infrastructure needs of the UK economy, providing analysis of existing infrastructure networks, information regarding additional investment in infrastructure, and a commitment to ensuring that infrastructure identified within the plan is delivered.
- 2.4 National Planning Policy Guidance provides further detail on planning obligations. It highlights the three statutory tests that planning obligations must meet:
- They are necessary to make the development acceptable in planning terms
 - Directly related to the development
 - Fairly and reasonably related in scale and kind

Local Policy

- 2.5 Chapter 6 of the Core Strategy addresses infrastructure and planning contributions. The development proposed in the Core Strategy must be supported by infrastructure that is provided in a timely and coordinated way. No significant infrastructure need has been identified in the area which cannot be met by the provisions of the Core Strategy.
- 2.6 Core Strategy policy IPC1 seeks to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. It describes the types of infrastructure that should be provided.
- 2.7 Appendix 1 contains the full text of policy IPC1.

² <https://www.gov.uk/government/publications/national-infrastructure-plan-2014>

3 Overall approach to contributions

Overview

- 3.1 Core Strategy policy IPC1 states that: *“The council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the propose development and/or to mitigate the impact of that development. In doing so, the council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development.”*
- 3.2 The Community Infrastructure Levy regulations also limit the use of planning contributions after 6th April 2015, for the funding or provision of infrastructure projects or types of infrastructure to five or fewer planning obligations that have been entered into on or after 6th April 2010.
- 3.3 Bolton council’s approach to the use of planning obligations will be fully in accordance with the legislative requirements of the CIL regulations. It will ensure that all obligations meet the three statutory tests set out in Regulation 122. In relation to Regulation 123, the council will indicate specific infrastructure projects or uses within S106 agreements. These will be closely monitored to ensure that the limit of five is not exceeded. Where there is a risk of the pooling limit being breeched the council will seek alternative projects which would fulfil the legal tests.
- 3.4 Where relevant, the council will quantify the level of planning contributions necessary in pre-application discussions. Planning agreements should include clauses stating when the council should be notified of the completion of units within the development and when the funds should be paid.

Thresholds

- 3.5 Core Strategy policy IPC1 states that the council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments. This threshold will be used for planning contributions for affordable housing, open space provision and maintenance, health and well-being, education and community facilities. This policy reflects evidence on the viability of smaller developments and is in accordance with the more recent national planning policy guidance, which states that planning obligations for affordable housing and tariff style obligations should not be sought for developments of ten dwellings or fewer, and which have a maximum combined gross floorspace of no more than 1000sqm. Following the Starter Homes Written Ministerial Statement of 2 March 2015, starter homes exception sites will not be required to make affordable housing or tariff-style section 106 contributions. Planning contributions cannot be sought for permitted development. For example they cannot be sought for applications for prior approval for changes of use from offices to residential, unless the contributions relate to those matters that require prior approval.
- 3.6 Planning contributions will also be sought for additional types of infrastructure necessary to remedy site-specific deficiencies that arise from development, for example where compensatory measures are required. For uses other than residential a minimum threshold of 0.4 hectares will be applied. In some cases, this could be for residential developments of fewer than 15 dwellings, if the absence of compensatory measures would result in a refusal of planning permission. These could include the provision of site specific infrastructure or contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements.

Phasing

- 3.7 The council will take into account the phasing of residential developments in the payment of planning contributions. The timing for the payment of the contribution will usually be at the commencement of the development so as to allow sufficient time for the infrastructure to be available when the need for it arises. In the case of larger schemes, the phasing of payments may be acceptable and this will usually be at the time of first occupation of 40% of the dwellings. Payments received after the appointed time will be subject to interest payments. The council will also consider phasing of commercial developments when determining the phasing of payments. In doing so it will take into account the nature and necessity for delivery of infrastructure and the viability of the development.

Monitoring

- 3.8 The council will prepare regular reports to list items of infrastructure that have been the subject of planning obligations, and how money received has been spent. Details of planning obligations entered into since April 2010 and in subsequent years including the specific project and types of infrastructure required will be published in the annual Authority Monitoring Report. This will ensure that the regulations on pooling contributions are not breached.
- 3.9 In order to provide certainty to developers, the following sections provide information on how the council will deliver the local policy approach to securing the provision and maintenance of infrastructure, whilst adhering to the stipulations of the Community Infrastructure Levy regulations and the National Planning Policy Framework.

4 Implementation

Mechanisms

- 4.1 The appropriate mechanism for ensuring that a development is acceptable in planning terms and making contributions to local infrastructure will vary between developments, but either or both of the following will normally apply.
- 4.2 **Planning conditions** are the main mechanism for provision of on-site critical infrastructure and ensuring a site is well-designed and appropriate for its intended use, for example through the use of appropriate construction methods, safe access, remediation and provision of landscaping. The long-term maintenance of on-site critical infrastructure is usually secured through adoption agreements between the developer and a suitable organisation; for example roads and street lighting with the highway authority; sewers with the utility provider; communal areas with a residents' management company.
- 4.3 **Planning obligations** (section 106 agreements and undertakings) are tailored to a specific development and must be directly related to its impact. Direct mitigation of site specific issues will be expected to be delivered in order to make the development acceptable in planning terms. This will include contributions to education, health and open space, and further details on these types of infrastructure are set out in this SPD. Scheme viability will be taken into account in the drawing up of Section 106 agreements. All agreements will be prepared by the council's Legal and Democratic Services Department and a developer will be expected to pay the legal and administration costs of the council drawing up the agreement.
- 4.4 A Section 278 agreement (under Section 278 of the Highways Act 1980) is made between the council, as local highway authority, and a developer, to enable works to be carried out on the public highway to facilitate development. The need to enter a S278 agreement usually arises as a result of a planning application and will be a condition of a planning consent.

Type and scale of contributions sought

- 4.5 The types of infrastructure and delivery mechanisms described in the Core Strategy that are required to help create sustainable communities by delivering the spatial vision and meeting the 16 Strategic Objectives are described below.

Affordable housing

- 4.6 Core Strategy policy IPC1 states that for new residential development, specific contributions will be sought for the provision of affordable housing. A separate Supplementary Planning Document has been prepared on this topic which provides more detailed information on how this will be secured; please see the council's website for a copy: www.bolton.gov.uk/planning.

Open space and children's play space

- 4.7 Core Strategy policy IPC1 states that for new residential development specific contributions will be sought for open space provision and maintenance. Open space consists of a number of different elements; children's play space, playing fields, parks and informal open space.
- 4.8 The council requires developments to: display innovative, sustainable designs that contribute to good urban design; to be compatible with the surrounding area in terms of landscape treatment; and to maintain and respect the landscape character of any surrounding countryside and its distinctiveness; to achieve these requirements the provision of open space may be required. If

a developer proposes to lay out any open space within a site, then it is their responsibility to make arrangements for the future ownership of the open space and to ensure that it is well maintained.

- 4.9 For children's play, the council will seek contributions on developments of 15 houses or more. These contributions will be based on the application of the Fields in Trust standard for children's play, which is 0.8 hectares per 1000 population, or 8 square metres per person. Based on an average occupancy rate in the Borough of about 2.4 people per dwelling, the FiT standard can be translated to a requirement of 19 square metres per dwelling. The council will only apply this standard to family dwellings i.e. those with two bedrooms or more.
- 4.10 The FiT standard suggests that of the 0.8 hectares for children's play, 0.55 ha should be in the form of informal playing space (amenity open space or similar) with the remaining 0.25 ha being designated (including equipped) playing space. The designated category includes for example Local areas for play (LAPs), Local equipped areas for play (LEAPs), Neighbourhood equipped areas for play (NEAPs) and multi-use games areas (MUGAs). In the case of larger housing developments of 100 properties or more the council will expect about 1000m² to 1200m² of informal open space to be provided (including a minimum of 40m x 20m grass area for informal play with an appropriate landscape buffer to adjacent properties). This applies unless there is existing open space within 400m safe walking distance of the development. The council will not normally adopt on-site open space and the developer will make appropriate arrangements for its long term maintenance. The equipped play area space would still generally be off site dependent on the existing accessible provision in the locality.
- 4.11 The council does not necessarily expect children's equipped play space requirements to be provided on the development site. The standard will normally be used to work out a sum that should be contributed to the support of children's equipped play off-site. Further details of the contributions calculations are contained in Appendix 2.
- 4.12 For each proposed development, the council will identify a specific children's play area or areas to be improved, replaced or provided. This will be based on the principles of the council's Equipped Play Area Strategy, which was most recently refreshed in 2013. The council will identify a specific play area or areas during pre-application discussions, or if that is not possible as soon as possible after the submission of a planning application.
- 4.13 It is acceptable in principle for a developer to provide children's play space on-site. If the on-site play space met the council's standards, then there would be no need to provide a planning contribution for children's play space off-site. Any deficiency in meeting the standards should be met through planning contributions. The council will not normally adopt any on-site play space, and developers would need to make their own management arrangements for ownership and maintenance.
- 4.14 The council's open space assessment and playing pitch strategy identify areas of the Borough where there are deficiencies in informal open space or provision of playing fields. Where housing development is taking place in a location where there is a deficiency in informal public open space or in the provision of playing fields, or both, then consideration will need to be given to whether the development would make that deficiency worse. If it would, then planning contributions will be sought to mitigate effects arising from the development on the deficiency. In these cases the council will identify a specific project or projects for planning contributions to fund.
- 4.15 Unless they are in Bolton town centre, where large amounts of on-site open space would not be appropriate, very large residential developments likely to accommodate 600 or more occupants should provide open space provision within the site. On developments of this size, there will be a substantially increased demand for facilities, and in such instances open space provision to the full 'six acre' Fields in Trust standard will be required. This means that there should be an

overall provision of 2.8 hectares of open space provision per thousand population, 1.2 hectares should be for playing fields and 1.6 hectares for informal open space, including children's play. It is the developer's responsibility to make arrangements for the future ownership of the open space and to ensure that it is well maintained, i.e. through the establishment of a residential management company for the benefit of residents.

- 4.16 Bolton's Core Strategy and Allocations Plan envisage that there will be only one housing site of such a size, at the former Horwich Loco Works. This is subject to a separate adopted Supplementary Planning Document, including a masterplan that indicates the location and quantity of open space.
- 4.17 Developers of affordable housing are not required to pay planning contributions for the provision of open space for residents of the development. However where that development takes place on informal open space, the Core Strategy requires that development should allow for the improvement of remaining green spaces. Developers should submit details in planning applications about how remaining green spaces should be improved. Where development is proposed on one part of an informal open space, the improvement should take place on the remaining open space. Where it is proposed to develop the whole of an area of informal open space, then the improvement should take place on an area of open space as close as possible to the development site, and this will be a requisite condition of permitting the proposed development. These areas of informal open space are identified within the Allocations Plan; please see Appendix 3 for a list of these sites, if they are more than 0.4 hectares in size.
- 4.18 If a developer of private housing proposes housing on informal open space, the improvement of green spaces will follow the same principles as for affordable housing in that the developer will be expected to allow for the improvement of remaining green spaces in the vicinity. This would be needed in order to make the development acceptable in planning terms, and will be a required condition of permitting the proposed development.

Health and well-being

- 4.19 The construction of new housing will often place extra demands upon existing health facilities, which may or may not have the capacity to accommodate additional patients. Core Strategy policy IPC1 states that for new residential development specific contributions will be sought for health and well-being. Individual housing schemes will not normally generate sufficient health and well-being requirements to need any provision on-site, and the council will therefore seek planning contributions from developers to provide additional health infrastructure off-site.
- 4.20 Contributions towards the capital costs of providing additional primary care facilities will be negotiated with developers of proposals that provide additional dwellings in areas where;
- (i) The primary care facility serving the catchment area within which new housing developments would fall is full; or
 - (ii) New developments including taking account of any unimplemented planning permissions for new dwellings would result in the total number of patients exceeding the capacity of the primary care facility; and
 - (iii) Spare capacity in adjacent primary care facilities cannot be used to meet the deficiency of patient places; and
 - (iv) There are no existing proposals for financing the additional places that are required
- 4.21 The council will work together with NHS England and Bolton Clinical Commissioning Group to identify where these criteria would apply to development proposals. If a planning contribution is necessary, then the council will work with these commissioning bodies to identify a specific health related project for which the contribution will be used. This will ensure the avoidance of the pooling of more than five contributions to a single project.
- 4.22 The method of calculating the size of planning contribution is in Appendix 4.

Education

- 4.23 Core Strategy policy IPC1 states that for new residential development, specific contributions will be sought for education. In general, individual housing schemes will not generate sufficient education requirements to require any provision on-site. The only exception to this is for very large housing schemes incorporating substantial quantities of family housing. Bolton's Core Strategy and Allocations Plan envisage that the Horwich Loco Works site will be the only such site, and a separate SPD for that site addresses educational requirements.
- 4.24 Planning contributions will only be sought in connection with proposed housing developments where the new housing will generate a need that cannot be met by existing local facilities in accordance with the following key factors.
- (i) The number of pupils expected to be generated by the proposed development, based upon the numbers and types of dwellings proposed together with the census reproduced at Appendix 5
 - (ii) The projected position in relation to the supply and demand situation for school places within a reasonable distance of the proposed development in the case of primary school provision, or in relation to schools where the educational needs of any secondary pupils are likely to be met.
- 4.25 Consideration of these two factors will indicate the degree of any shortfall and the scale of any planning contribution.
- 4.26 Families should be able to access a school place for their children locally without having to travel significant distances. This is particularly important for primary school children, and there will be a general presumption that the need for any education provision arising out of new development will be provided within the immediate local area. Indeed, it will normally be considered beneficial when marketing new properties to ensure that there is satisfactory and attractive local education provision nearby. Within Bolton specific school areas have been identified for the purposes of pupil place planning, and these areas that will be used when assessing available capacity and the need to provide for any increased provision arising from proposed new residential development.
- 4.27 In assessing the pressure on school places the council will consider the likely supply and demand situation to coincide with the next school year intake following the grant of planning permission taking account of any unimplemented planning permissions for new family dwellings. At the current time lack of spare capacity in primary schools and from 2017 in secondary schools too mean that developers should anticipate that contributions will be expected. The payment of any contribution will be timed to allow for the provision of any necessary infrastructure when it will be required, and will take account of the construction period for the development, any future variation in school rolls and the implementation of any extant planning permissions.
- 4.28 Contributions may be related to the provision of primary places, secondary places or both, and will relate only to the capital cost of education provision. This will be set by reference to the Department for Education figure for provision under the Basic Need formula which is set annually. As a guide however, the national Basic Need figures for 2017/18 (published in February 2015) were £12,833 per primary school place and £16,041 per secondary school place. These statistics are subject to annual revision and updated figures can be obtained from the council's Children's and Adult Services Department.
- 4.29 The council will identify a specific education project or projects for which the contribution will be used. For housing developments that have a long period of construction, it is possible that education priorities may change during the period. In these cases, the council may seek to vary a Section 106 contribution to re-direct the agreed sum to a different education project, while at the same time ensuring that the regulations on pooling are not contravened.

- 4.30 Where existing school sites cannot physically accommodate more building to cater for the educational needs arising from new housing development it may be necessary, particularly in the case of larger residential developments, to secure the provision of land as well as capital contributions. In these circumstances the delivery of land secured for education provision should only take consideration of those additional school places that cannot be accommodated in existing schools via financial contributions.

Community and cultural facilities

- 4.31 Core strategy policy IPC1 states that for new residential development specific contributions will be sought for community facilities. Community facilities are those available to local people for community or cultural purposes. These include for example community centres, places of worship and premises for cultural and social activities. Individual housing developments will not normally require the provision of specific community facilities, but there may be specific circumstances in which they are. For example a development may involve the loss of a community facility and an alternative needs to be provided, either on site or in another location. On significant new housing sites community provision may also need to be made to enhance the sustainability of new communities. In these circumstances, a Section 106 agreement will be required to link the new development to the provision of the new community facility.

Public art and public realm improvements

- 4.32 The Core Strategy includes a suite of Strategic Objectives to support the delivery of the spatial vision for Bolton. Strategic Objective 11 is: "To conserve and enhance the best of Bolton's built heritage and landscapes, and improve the quality of open spaces and the design of new buildings".
- 4.33 Core Strategy Policy IPC1 states that planning contributions may be sought to the public realm improvements within Bolton town centre. The council has approved a Public Realm Implementation Framework, which provides guidance on the delivering of high quality, vibrant and safe public spaces in the town centre to promote investment and enjoyment. Section 106 contributions will be sought from developments in Bolton town centre where the public realm improvements are necessary to obtain planning permission and where they are taking place adjacent or near to the development site.
- 4.34 Core Strategy policy IPC1 states that the council expects public art from all development above one hectare in area or from the construction of buildings containing the threshold of 2500m² of floor space. To ensure the delivery of public art within new developments, section 106 agreements will not be used to secure commuted sums for offsite provision, as the priority is to deliver high quality, well-designed developments in line with Core Strategy policy CG3.
- 4.35 Artwork should be incorporated as an integral part of the design of a development, whereby its implementation will be a condition of the planning approval. The developer will be expected to manage the provision and maintenance of any works themselves, in negotiation with the planning authority. These will typically be comprised of specially designed details or features incorporated into the structure of buildings, decorative lighting schemes or aesthetic street furniture. For any such installations, an indicative figure of 1% of the total development cost should be used as a guideline for the maximum capital value of the works required.
- 4.36 Further guidance on the nature of public art is contained in Appendix 6.

Other contributions

- 4.37 Core Strategy policy IPC1 states that contributions will be sought for additional types of infrastructure necessary to remedy site-specific deficiencies that arise from development or any other mitigation or compensatory measures required. These may include where relevant:
- Off-site access and transport of all types including public transport, cycling and walking (this subject is covered by the separate Supplementary Planning Document on Accessibility and Transport)
 - Biodiversity where a development would have an adverse effect on a feature of biodiversity interest
 - Green infrastructure where a development would have an adverse effect on existing green infrastructure; this would be in addition to the requirement on residential development for open space
 - Flood protection and mitigation measures including those to address the adverse effects of surface water run-off, where a flood risk assessment shows it to be necessary
 - Mitigation or compensation against air quality impacts in Air Quality Management Areas
 - The pursuit of any other material policy considerations or site specific matters, for example contributions towards the wider plans to restore the Manchester, Bolton and Bury Canal.

The site specific nature of these mitigation and compensatory measures means that they may be subject to Section 106 agreements. In considering whether these are necessary to make development acceptable in planning terms the council will take into account the overall impact of the proposed development in respect of the specific matters.

Sustainable Drainage Systems

- 4.38 In respect of addressing surface water run-off from developments there is now a clear expectation, following the Government's written statement on 18 December 2014 that sustainable drainage systems will be provided in new developments to manage run-off wherever appropriate. This applies specifically to major developments as defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and includes housing developments of 10 dwellings or more; or equivalent non-residential or mixed development.
- 4.39 Where sustainable drainage is proposed the council will need to be satisfied that the minimum standards of operation are appropriate, that SuDs are completed to standard and that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The council will use planning conditions to achieve these. Further guidance on national technical requirements is available from Department for Environment, Food & Rural Affairs at: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>. More local guidance has been developed by Bolton Council as Local Flood Authority. This can be found at: <http://www.bolton.gov.uk/sites/DocumentCentre/Documents/Bolton%20Council%20SuDS%20Local%20Guidance.pdf>. Further details are available from:

The Drainage Team
Highways & Engineering Division
4th Floor The Wellsprings
Civic Centre, Bolton
BL1 1US
floodrisk@bolton.gov.uk
[01204 336437](tel:01204336437)

5 Viability

Viability

- 5.1 The council recognises the important role that private developers have to play in regeneration and that there may be circumstances when particular costs associated with the development of a site may need to be taken into account in order to agree planning contributions. Core Strategy policy IPC1 refers to the need to take viability into account when considering planning contributions. Specifically, Policy IPC1 requires that the council applies flexibility in its application through consideration of the requirements for planning obligations with an assessment of scheme viability. In considering issues of viability the council will apply its approach in line with national planning policy particularly the tests in paragraphs 173 of NPPF, more detailed advice on viability in NPPG and other best practice guidance. It may be appropriate for the council and developers to negotiate a lower contribution if marginal financial viability would mean that development would not go ahead if the full planning contribution were charged. In these circumstances, developers will be expected to show evidence that they have taken known development costs into account in agreeing realistic land values, and only costs that were unforeseeable at the time of acquisition will be considered abnormal for negotiation purposes. In the event that a lack of development viability is accepted to be proven, Bolton Council will agree to make reasonable amendments to the package of planning obligations, as demonstrated by the agreed viability evidence, to assist in reducing costs to a viable level. This will include the reduction in planning obligations, including affordable housing sought, or the provision of off-site payments in lieu of on-site provision.
- 5.2 Where an applicant considers that the proposed development cannot viably meet the planning obligations requirements in accordance with policy, the applicant will be required to submit a financial viability assessment to Bolton Council on an open book basis.
- 5.3 Financial statements will be treated in confidence by the council. In the first instance the council will seek to resolve any differences directly with the applicant through requests for clarification or further information but it may refer appraisals to specialist property and financial consultants where there is disagreement that cannot be resolved or the council requires particular expertise which it lacks in-house. In these circumstances the applicant would be expected to meet the council's costs in obtaining third party advice. The reason for seeking this and the cost of doing so will be agreed with the applicant in advance of the work being carried out.
- 5.4 Where possible financial Statements should be submitted at the 'pre-application' stage so as not to unduly hold up the planning approval process, but will be accepted for consideration by Bolton Council where submitted following submission and validation of a planning application.

Appendix 1: Policy IPC1

Policy IPC1

The council will seek to ensure that developers make reasonable provision or contribution towards the cost of appropriate physical, social and green infrastructure required by the proposed development and/or to mitigate the impact of that development. In doing so, the council will ensure that a scheme is made acceptable in planning terms and achieves the objectives of sustainable development.

In determining planning applications the council will apply a threshold of 15 dwellings in assessing whether planning contributions will be required from proposed housing developments. For all other forms of development a size threshold of 0.4 hectares will be applied to sites.

For new residential development specific contributions will be sought for:

- Affordable housing.
- Open space provision and maintenance.
- Health and well-being.
- Education.
- Community facilities.

For all types of development, including housing, contributions will be sought for additional types of infrastructure necessary to remedy site-specific deficiencies that arise from development or any other mitigation or compensatory measures required.

These may include where relevant:

- Off-site access and transport of all types including public transport, cycling and walking.
- Biodiversity where a development would have an adverse effect on a feature of biodiversity interest.
- Green infrastructure where a development would have an adverse effect on existing green infrastructure; this would be in addition to the requirement on residential development for open space.
- Flood protection and mitigation measures including those to address the adverse effects of surface water run-off, where a flood risk assessment shows it to be necessary.
- Mitigation or compensation against air quality impacts in Air Quality Management Areas.
- Contributions to the public realm improvements within Bolton town centre.
- The pursuit of any other material policy considerations or site specific matters, for example contributions towards the wider plans to restore the Manchester, Bolton and Bury Canal.

The council also expects public art from all development above one hectare in area or from the construction of buildings containing the threshold of 2500m² of floor space.

Within Bolton town centre it is anticipated that the council will primarily seek contributions to secure high quality improvements to the public realm.

The above policy is applicable unless it can be demonstrated by the applicant that the scheme would not be viable if contributions were sought or offered.

Appendix 2: Open space contributions

Number of Family Dwellings (2 bedroom & above)	2015 £/dwelling
Up to 20 Family dwellings	£1,580.00
Up to 60 Family dwellings	£1,408.00
Up to 100 Family dwellings	£1,338.00
Up to 140 Family dwellings	£1,306.00
Up to 180 Family dwellings	£1,280.00
Up to 220 Family dwellings	£1,268.00
Up to 260 Family dwellings	£1,252.00

This formula is based on the provision of children's play space, and includes contributions to the capital cost of laying out and equipping a play area, and providing a contribution to maintenance.

Appendix 3: Policy CG4.1

Policy CG1.4 of the Core Strategy states that the council will:

“Allow some development on informal green spaces in the urban area, provided that it allows for the improvement of remaining green spaces and helps to meet the strategic objectives for housing.”

Any sites of informal green space which are partially, or comprehensively, developed to provide new housing will be expected to deliver improvements to existing open space in order to be policy compliant and this will be secured through the use of site-specific planning obligations. These types of development will typically be for affordable housing or a mix of affordable housing and open market units.

The Allocations Plan identifies some sites that are currently sites of informal green space over 0.4 hectares which are expected to be developed in line with this policy, these are listed below:

9SC Rushlake Drive
10SC Eskrick Street
17SC Gilnow Gardens
23SC Back Minorca Street
40SC Hollycroft Avenue
43SC Deepdale Road
46SC Wasdale Avenue
50SC Radcliffe Road 6
52SC Park Road
53SC Victory Road
57SC Holcombe Close
59SC Suffolk Close
65SC Highfield Road
66SC Dean Close
67SC Blindsill Road
85SC Swallowfield Hotel and Brazley Centre
88SC Berne Avenue
89SC Crown Lane
90SC Manchester Road
93SC Devonshire Road
96SC Singleton Avenue

However policy CG1.4 applies equally to informal green spaces all sizes, whether they are identified within the Allocations Plan or not.

Appendix 4: Health and well-being contributions

The provision of health facilities will require staff and premises. NHS Property Services has provided information based on recent developments adjusted for inflation which suggests that the capital costs of a small scale GP facility lie within a range of £2,940 - £ 3,200 per m².

Translating this into a cost per new property however is not straightforward given the expanding range of formats and types of health facility in the future ranging from traditional small GP practices to larger health centres which offer a wider range of integrated health and other community based facilities.

Each of these facilities will inevitably serve different sizes of catchment. So for example a GP practice with 2 GPs would serve about 3,600 patients whereas a larger health centre might serve approximately 20,000 patients, not all will be GP patients but patients of other integrated services.

In addition there are also effects of economies of scale in relation to build costs. So for example the cost of developing GP premises would be towards the upper end of the range cited above while for larger health centres the rate per m² would be at the lower end.

The following example sets out how the calculation of costs would be translated in the case of small scale GP provision. This will form the starting point for more detailed discussion with NHS providers when development is proposed.

A health centre with four GPs would serve around 7200 patients. Assuming a floorspace of 700 m², a build cost of £3,000 per m² and using a household population of 2.4 people per dwelling, the estimated capital cost per dwelling is:

Population served by surgery	7200
Equivalent number of dwellings (calculated at an average of 2.4 people per dwelling)	3000
Total cost of providing a health centre (which equates to 4 GPs and 5 GDPs)	£2,100,000
Cost per dwelling	£700

Appendix 5: Education contributions

Calculations on the numbers of children likely to be generated by a development will be determined by the number of dwellings proposed to be built (including flats) and will be based upon historic census data which suggests that the number of primary and secondary age pupils generated by each 100 dwellings will typically be:

Primary School age children = 23.2 pupils per 100 dwellings (two bed and above)

Primary School age children = 4 pupils per 100 apartments (excluding 1 bed apartments)

Secondary School age children = 18.7 pupils per 100 dwellings (two bed and above)

Secondary School age children = 1 pupil per 100 apartments (excluding 1 bed apartments)

Elderly person's accommodation, where occupancy is restricted by condition will not be subject to any contribution.

Appendix 6: Public Art

The Nature of Public Art

Contemporary public art is often referred to as "site specific", being created specifically for the space it inhabits, taking into account the usage, function, character and history of the space; as opposed to 'siting art in public spaces, involving the procurement of art works which are placed in public spaces, rather like a public gallery.

The provision of public art need not simply mean the creation of sculptures for civic spaces, nor need it be restricted to high profile sites, although the impact of artwork in such locations can be beneficial. Public art can be small-scale, located within public areas, in or on buildings, and it can create interest in shopping centres, parks, tourist trails, road junctions and pedestrian routes.

Typical works of public art could range, for example, from free standing sculptures in public areas to specially designed details or features incorporated into the structure of buildings, or from decorative lighting schemes to aesthetic street furniture. To fit the definition of public art the resulting work needs to be accessible and/or visible to the public.

Public art will generally comprise the work of a fine artist or craftsman that is physically and/or visually accessible to the public, outside the traditional arenas for visual art such as galleries and museums. It may also have a secondary function, such as being decorative, or it may be an end in itself. It can be temporary or permanent, and can incorporate any medium, from traditional bronze, to digital-projection and light works. Works of public art may be freestanding or incorporated into the fabric, fixtures or furniture of a building, or they may be part of the surroundings in rural or urban environments.

Best practice in the provision of public art should always involve a substantial amount of consultation, collaboration and input by the public. This may be Borough wide or just within a local community, dependent on the nature and scale of the commission, as works will often reflect and strengthen local cultural identity or the specific history of a site or area. Arts based consultation is often a highly effective tool in generating the brief for a public art commission.

The Council's Public Art policy therefore does not relate to a specific art form but rather to a process or a series of processes. Public Art is, by its nature, a growing and ever changing concept with the potential for contributing to town wide programmes, plans and activities including community plans, social inclusion policies, community capacity building and neighbourhood renewal schemes. The provision of public art should therefore add value and cultural benefit to development and will use the arts to assist in increasing the quality of the overall environment.

There are a number of successful schemes evident in the town funded by both public sources and private developer contributions. Examples include the Tonge Mosaics, the Derby Street Panels, the 'Ghost Train' Locomotive, St Matthews School Fence, The Living Room, Dunbar Drive and the Spirit of Sport.

The Cost of Public Art

The provision of Public Art need not be expensive. If it is included as part of the development project early enough in the design process its cost can be planned for and absorbed easily into the overall scheme costs. Public Art should be seen as something that can add value to a development, enhancing its image in the eyes of the public and potential users. For example,

research has shown that office developments with a Public Art element are more lettable than those without; it can therefore be highly cost effective. Early artistic involvement can also help to unlock a variety of forms of financial assistance that exist to help individuals and developers meet the cost of providing public art.

It is therefore important to make adequate provision within the development costs for the provision of public art at the outset. This should include an assessment of future maintenance requirements and the identification of maintenance resources. The key to a successful public art project will therefore often be the involvement of the artist or craftsperson at the earliest opportunity in the design process, as in this way the design of public spaces or features for a building may well start to be defined, or redefined, by the provision of public artwork. Early consideration should also be given to any appropriate interpretation of the finished artworks.

Developers should, at an early stage in the process, establish whether the siting of any element of public art will be affected by the location of any underground services so as to avoid abortive works and later delays in the provision of the work.

The Need for Planning Permission

Depending on its size and location, an item of freestanding public artwork may constitute development within the definition in the Town and Country Planning Act 1990, in which case planning permission will be required for it to be displayed. Similarly, works of art that materially alter the appearance of an existing building may also require the submission of a planning application.

If the work of public art is to form an integral part of a proposed development, it may be considered on the same planning application as the development itself. In all cases it is therefore advisable to check with the Planning Control Section to ascertain the most appropriate approach to obtaining planning permission.