



TOWN & COUNTRY PLANNING ACT 1990 (As Amended)

TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (AS AMENDED)

SUFFOLK COUNTY COUNCIL CIL COMPLIANCE STATEMENT

APPELLANT: BARRATT, DAVID WILSON & HOPKINS HOMES

APPEAL SITE: LAND NE OF HUMBER DOUCY LANE, IPSWICH

DEVELOPMENT: Hybrid Application - Full Planning Permission for the means of vehicle, cycle and pedestrian access to and from the site. Outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works.

LPA REFERENCES: IP/24/00172/OUTFL and DC/24/0771/OUT

PINS REFERENCES: APP/X3540/W/24/3350673 & APP/R3515/W/24/3350674

January 2025

CONTENT

- 1.0 Introduction
- 2.0 Part 1 & Part 2 – Education & Earley Years
- 3.0 Part 3 – Libraries & Waste
- 4.0 Part 4 – Travel Plan & Travel Plan Monitoring
- 5.0 Part [TBC] - Highways Contributions
- 6.0 Monitoring Fees
- 7.0 Conclusion

1.0 Introduction

1.1 This statement provides justification for the content of the s106 legal agreement associated with the appeal. This statement only considers the obligations requested by Suffolk County Council (SCC) as set out in schedule three of the agreement. SCC defers to the Local Planning Authorities to provide justification for planning obligations that they have requested.

1.2 Paragraph 56 of the NPPF explains that Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 58 continues by stating that planning obligations should only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

1.3 These tests are also set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Schedule 3 of the legal agreement and this compliance statement makes provision for the following:

- Part 1 - Education
 - Financial contribution for secondary education
 - Financial contribution for post 16 education
 - Financial contribution for SEND education
- Part 2 – Early Years Facility
- Part 3 – Libraries & Waste
- Part 4 - Travel Plan & Travel Plan Monitoring
- Part [TBC] - Highways Contributions

- Bus contribution
- Travel Regulation Order Contribution
- ISPA Contribution

Necessary to Make the Development Acceptable in Planning Terms

- 1.4 The following paragraphs consider whether there is support in planning policy and/or guidance for the obligations sought which indicate that the obligations are necessary to make the development acceptable in planning terms.
- 1.5 Ipswich Local Plan policy CS17 explains that the Council will require all developments to meet the on and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment. Ipswich Local Plan policy ISPA4, which deals specifically with the appeal site's allocation, sets a requirement for the development to provide infrastructure including the provision of primary school places and an early years setting to meet the need created by the development. Similarly East Suffolk's Suffolk Coastal Local Plan Policy CLP3.5 Infrastructure Provision and SCLP12.24 requires provision of 0.1ha of land for an early years setting.
- 1.6 The Suffolk Coastal Local Plan also includes Policy SCLP2.2: Strategic Infrastructure Priorities, Policy SCLP3.1: Strategy for Growth, and Policy SCLP3.5: Infrastructure Provision. Whilst East Suffolk is a CIL charging authority, some infrastructure, including the early years setting and transport improvements, would be collected through a S106 Agreement to secure contributions.
- 1.7 Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: Promoting healthy and safe communities. Paragraph 100 of the NPPF explains that it is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. It states that great

weight should be given to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plan and decisions on applications.

- 1.8 Paragraph 101 of the NPPF continues by stating that that to ensure faster delivery of other public services such as (inter alia) libraries, local planning authorities should also work proactively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering development proposals.
- 1.9 The adopted SCC Developers guide to infrastructure contributions in Suffolk Developers' Guide (**DG3**), identifies a requirement for contributions towards early years, education, libraries, highways and transport and waste provision. Topic Paper 3 (**DG3** and **DG3.1**) outlines the methods used to calculate an appropriate contribution towards early years provision, on a site by site basis. Topic Paper 4 (**DG3.2**) outlines the approach for calculating an appropriate level of developer contributions, on a site-specific basis for primary, secondary and sixth form provision. Topic Paper 8 (**DG3.3**), sets out a standard formula for calculating proportional contributions towards library provision, on a site by site basis. Topic Paper 7 (DG7) sets out how SCC will assess the transport requirements for a site. Topic Paper 11 (**DG12**) sets out a standard developer contribution, dependent on local need, towards waste disposal facilities. These are in line with policies CS14 and DM41 of the Development Plan and the requirements of the Developers Guide (**DG3**). For education contributions SCC also relies upon DfE guidance, Securing Developer Contributions for Education (2023) (**OT18**).
- 1.10 There is clear policy support and material considerations that make provision for a range of developer contributions to be sought to mitigate the impact of development on services and infrastructure. As there is this support for each of the obligations it is therefore considered that the obligations are necessary to make the development acceptable in planning terms.

- 1.11 It should be noted that East Suffolk is a CIL Charging Authority. All infrastructure requirements within Ipswich Borough Council's area fall to Section 106. As set out in the relevant Statement of Common Ground (SOCG6) CIL be levied on dwellings in East Suffolk, apart from s106 for early years and highways. Where a dwelling (including a garage) straddles the two authority areas, CIL will be charged on the floorspace within East Suffolk.
- 1.11 The following sections of this statement considers each of the obligations in turn in order to establish whether the requested obligations meet the tests of being directly related to the development and fairly and reasonably related in scale and kind to the development.

2.0 PART 1 & PART 2 EDUCATION & EARLY YEARS

- 2.1 This section considers whether the requested obligations meet the request for education and early years obligations meet the tests of being directly related to the development and fairly and reasonably related in scale and kind to the development.

Secondary Education

- 2.2 The development generates 99 secondary age pupils, based on 660 houses with more than two bedrooms. The education strategy for secondary students arising from this development is for the contribution to be made towards the costs of expanding Northgate Secondary School, or other secondary schools serving the proposed development. It is anticipated that additional capacity will be required at Northgate Secondary School at the time of the development. Other nearby secondary schools, within a three mile walking distance, are either fully subscribed or nearly fully subscribed at the time of the development, based on SCC's forecasting. If 99 pupil places are required the contribution would be calculated as $99 \times £29,939 = £2,963,961$ based on DfE build cost multipliers.
- 2.3 The secondary school contribution is considered to be directly related to the development because it addresses secondary school capacity issues that the development will contribute to and it is directly related to the pupil yield of the development. The costs are also derived from a standard methodology for calculating build costs. This further demonstrates that the obligation is reasonably related in scale and kind to the development. The contribution directly addresses a specific infrastructure need that arises from the appeal development.

Post 16 Education

- 2.4 SCC's proof of evidence shows that there is no surplus capacity in Suffolk One or Northgate, the nearest post-16 education providers, therefore post-16 education contributions will be required in order to mitigate the impacts of the development.

- 2.5 Based on DfE headline yields with adjustments to reflect local circumstances, 34 pupil places arise from the development. The cost per head would be £29,939 based on the National School Delivery Cost Benchmarking (2023).
- 2.6 The post-16 education contribution is considered to be directly related to the development because it addresses capacity issues that the development will contribute to and it is directly related to the pupil yield of the development. The costs are also derived from a standard methodology for calculating build costs. This further demonstrates that the obligation is reasonably related in scale and kind to the development. The contribution directly addresses a specific infrastructure need that arises from the appeal development.

SEND

- 2.7 SCC calculates the pupil yield for SEND places as 0.016 pupils per dwelling. SCC does not rely on the DfE figures for SEND pupils because the sample for Suffolk is too small to give meaningful figures for SEND. Rather SCC relies upon its own data which considers SEND pupils in the following circumstances:
- special schools
 - specialist units from the January 2024 school census,
 - independent
 - out of county special schools,
 - bespoke provision
 - alternative provision
 - those waiting for provision
- 2.8 This totalled 3,043 children either in or requiring specialist provision. In the January 2024 census there were 100,081 children in mainstream primary, secondary or post-16 schools. Therefore, the number of children and young people requiring specialist provision equates to 3.04% of the number in mainstream provision ($3,043 / 100,081 = 3.04\%$) This is rounded down to 3% to account for small discrepancies.

- 2.9 In order to calculate the SEND pupil yield, the primary, secondary and post-16 pupil yields are added then multiply by 3%. For example, for 2+ bed houses the calculation would be $(0.319 + 0.153 + 0.055) \times 3\% = 0.527 \times 3\% = 0.016$. The table below illustrates the pupil yields based on property size:

	Primary	Secondary	16+	SEN/AP
1b flat	0.027	0.017	0.015	0.002
2+b flat	0.180	0.048	0.017	0.007
1b house	0.133	0.060	0.024	0.007
2+b house	0.319	0.153	0.055	0.016

- 2.10 For the appeal development, SCC calculates the pupil yield as 0.016 pupils per dwelling which, based on the National Schools Delivery Cost Benchmarking (2023) (**OT29**), equates to £1,548.90 per dwelling.
- 2.11 The contribution requested is fair and reasonably related in scale and kind to the development because the contribution relates directly to the SEND pupil yields of the development and the costs have been calculated by a well-established national methodology.

Early Years

- 2.12 SCC maintains a 'live' system that assesses sufficiency of early years provision and has confirmed that the ward sufficiency data shows there is a deficit of early years places in the local area. Moreover, in anticipation of the additional demand expected as a consequence of the development, the Local Plan policies for the site allocation identify the need for on-site provision. The appeal development accordingly includes an "Early Years facility" within the description of development and paragraph 3.22 of the Planning Statement states that a new on-site building would be provided within the mixed-use area and an area of 0.22 hectares assigned for an Early Years Facility.

- 2.13 Pupil yields from the development have been established through collaborative working with the Appellant Team. The pupil yield for Early Years arising from the development equates to 11.34 Full Time Equivalent (FTE) places per hundred homes which equates to a need of 74.8 FTE places). An early year setting for 74.83 pre-school places, based on operational requirements for early years settings, would need be delivered as a 90 place setting on a site of a minimum of 0.32 hectares. The requirement for a 30 place setting is based on the statutory child/staff ratios and the need to provide a cost effective childcare model (multiples of 30). Proportionate build costs are required which would be calculated as follows based on the DfE Scorecard cost for New Build Primary School (£25,989) Which the DfE Guidance 'Securing Developer Contributions for Education' (2023) (**OT18**) recommends the per place cost is the same for Early Years provision:

$$£25,989 \times 74.83 = £1,944,756.87$$

$$£1,944,757.87 / 660 = £2,946.89 / \text{dwelling}$$

- 2.14 The legal agreement will be progressed that will make provision for either a financial contribution towards the build costs of a new early years setting together with the freehold transfer for £1 of fully serviced land to enable the County Council to deliver the setting or direct provision of a new early years setting that would be operated independently of SCC.
- 2.15 As the need for the early years facility has been established and that pupil yields have been calculated from the development, together with a well-established methodology for calculating costs per place; the requested obligations are considered to be directly related to the development and fairly and reasonably related in scale and kind to the development.

3.0 PART 3 – LIBRARIES & WASTE

- 3.1 This section considers whether the obligations relating to libraries and waste meet the tests of being directly related to the development and fairly and reasonably related in scale and kind to the development.

Libraries

- 3.2 The Arts Council England (ACE) in Partnership with The National Archives has published guidance on seeking and securing developer contributions for library and archive provision in England [November 2023] (**OT26**). This references the Museums, Libraries and Archives Council (MLA) publications Public Libraries, Archives and New Development: A Standard Charge Approach [May 2010] (**OT12**). This sets out an approach for calculating and securing developer contributions as part of Section 106 agreements and for future application under the Community Infrastructure Levy.
- 3.3 The two main parameters of a standard charge for public libraries are:
- A space standard. The standard recommends a figure of 30 square metres per 1,000 population as a benchmark for local authorities, and
 - A construction and initial fit out cost; the Royal Institution of Chartered Surveyors) Building Cost Information Service data, the national average, and currently recommended benchmark figure, is £3,514 per square metre.
- 3.4 A calculation using the national benchmark figure above suggests a cost of £105,420 (30 x £3,514) per 1,000 people, or £105 (rounded) per person in new housing. These figures do not include any land purchase costs or VAT. Regionally adjusted standard charge figures for public libraries for East Anglia suggests a construction and initial fit out cost of £3,233 per square metre and £97 per person in new housing.
- 3.5 Suffolk County adopts a construction and initial fit out cost of £3,000 per square metre, which suggests a cost of £90,000 (30 x £3,000) per 1,000 people, or £90 per person in new housing. In respect of deriving library contributions SCC relies on ONS data for

establishing the number of residents per household. With 2.4 persons per dwelling the total per dwelling contribution is £216.

3.6 The Libraries Needs Assessment was updated in March 24 (**OT27**). The needs assessment shows that the level of needs within Ipswich Combined catchment is high across many measures. Furthermore, the tables in (**OT28**) show that, over the last three years, usage in Ipswich libraries has increased over that time period in all of the following measures:

- Footfall
- Issues
- Total no. of borrowers
- Event and activity attendees

3.7 The libraries contribution would be allocated to making improvements to the children's library and improving disabled access. The Libraries Need Assessment (**OT27** page 26) shows that Ipswich has a young population. Approximately 20% of people in Suffolk are aged 0-15. The Children's area in Ipswich Library currently occupies a corner on the ground floor. The contribution would be allocated towards replacing this with a new area, covering a wider age range and range of interests navigating the library user from early years to teen and early adult.

3.8 The improved children's area would be located at the front of the library and enjoy increased space in an area with better lighting. Given the high level of young people in Ipswich Combined Catchment, paired with low KS2 attainment, high proportion of people who do not speak English, high ethnic diversity, high levels of deprivation, education, skills and training deprivation – as set out in the Libraries Need Assessment - it is essential that Ipswich libraries offer good provision for children's library areas and the associated activities which they deliver through these. The growing population from this development will apply additional pressure on this service and the contributions would enable improvements.

- 3.9 The justification for a project which improves disabled access to the library is set out in the Libraries Needs Assessment which shows that Ipswich experiences higher levels of Health deprivation and disability compared to the rest of the county. This substantiates a greater responsibility to provide accessible library space for those who use it.
- 3.10 The circumstances described above are considered to meet the tests of being fair and reasonably related in scale and kind to the development because the development will give rise to a new population within the catchment of the library for whom SCC has a statutory duty to provide a comprehensive and efficient library service. The residential use of the development demonstrates a relationship in kind and the relationship with scale is established by the fact that the obligation is derived from the expected population of the development.

Waste

- 3.11 In respect of provision for waste a combined contribution of £138 per dwelling is required, which is based on the existing (Census households 2023) and projected (Local Plan and undetermined planning applications) catchment households sharing the capital cost for the delivered project. For this development of 660 homes, the total contribution sought for waste is £91,080.
- 3.12 The contribution will go towards Foxhall Recycling Centre which requires considerable forward funding including £6.8 million SCC capital funding as well as £958,914 CIL funding from East Suffolk Council. An additional potential project to which the obligation could be directed to is the relocation of the Portman Walk Recycling Centre.
- 3.13 The obligation is fair and reasonable in scale and kind because the contribution would be allocated to waste and recycling facilities that would be relied upon by the future residents of the development. There is a need for improvements, identified by the project, and a contribution has been calculated based on a standard methodology based on the number of households arising from the appeal scheme.

3.14 For the reasons set out above the contributions to libraries and waste are considered to be CIL compliant.

4.0 PART 4 – TRAVEL PLAN & TRAVEL PLAN MONITORING

- 4.1 This section considers whether the obligations to secure travel plan and travel plan monitoring meet the tests of being directly related to the development and fairly and reasonably related in scale and kind to the development.
- 4.2 Sustainable transport provision is one of the core principles set out in the NPPF which requires local planning authorities to actively manage patterns of growth. Paragraph 118 of the NPPF also states *'all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*
- 4.3 The Council's approach to securing improvements to public transport relates specifically to the development and is consistent with the requirements of Regulation 122 of The Community Infrastructure Levy Regulations 2010 as its necessity arises in planning terms from the need to promote sustainable modes of transport. The Travel Plan directly relates to the development and is fairly related in scale as the proposal will create up to 660 new homes together with other land uses and so a Travel Plan is required to promote county wide sustainable transport modes amongst the users of the development. Different Travel Plans will be required across the different land uses to ensure that they are appropriate in kind.

5.0 PART [TBC] - HIGHWAYS CONTRIBUTIONS

5.1 Paragraphs 7.18 to 7.28 of the Proof of Mr Luke Cantwell-Forbes (**POE1**) sets out the specific details and the necessity of the Highways obligation which in summary are:

- Speed Management Contribution (Tuddenham Road 30 mph extension) £15,000
- Bus service contribution £1,113,700.80
- Public Rights of Way contributions totalling £110,149
- Travel Plan Contribution £1,300 per annum
- Ipswich Strategic Planning Area (ISPA) contribution £493,160.90

5.2 SCC considers the justification for the obligations contribution are detailed in the same paragraphs of **POE1** and accord with the statutory tests in Regulation 122, as set out in the NPPF paragraph 58. The need arises because of the additional demands which would be placed on the local vehicular, cycling and walking network, as a result of the proposed development.

5.3 The contributions are fair and reasonably related in scale and kind to the development because they directly relate to the scale of the development and accord with the standard contract costs for carrying out the relevant type of improvement and to meet the additional demands that would be generated by the residents' travel demands arising from the Proposed Development.

5.4 Overall SCC considers the justification for the Highway Mitigation Contribution, as detailed in Luke Cantwell-Forbes's Proof of Evidence separately submitted to PINS, is in accordance with the statutory tests in Regulation 122, as set out in the NPPF paragraph 58.

6.0 MONITORING FEES

6.1 The monitoring fees of £519 per obligation include the following activities:

- data entry and maintenance of planning obligations database
- chasing outstanding payments
- contacting developer for confirmation of compliance
- site visits where necessary
- arranging bank transfer of financial obligations
- contacting service teams
- reviewing projects to comply with legal obligations
- monitoring obligations spent to ensure money is spent within time limits; and
- regular reporting which will contribute to the County Council's Infrastructure Funding Statement

6.2 Government Guidance on Planning Obligations (Paragraph: 036 Reference ID: 23b-036-20190901 Revision date: 01 09 2019) provides that fees could be a fixed percentage of the total value of the section 106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions). Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive.

6.3 The CIL (Community Infrastructure Levy) Regulations also allow for the charging of monitoring fees. For deeds entered into after 02 January 2023, the county council charges a minimum of £519 for each trigger point in a planning obligation, payable upon completion of the Deed. The fees are based on an assumed 200 triggers managed by the county council annually, percentage of officer(s) time spent on the above activities per trigger, subscription to cost indices, and the annual cost of software licences per trigger.

- 6.4 As the obligations are specific to the development and each obligation attracts a monitoring fee, the monitoring fees are considered to be fair and reasonably related in scale and kind to the development

7.0 CONCLUSION

- 7.1 This statement provides justification for the content of the s106 legal agreement associated with the appeal in respect of the obligations sought by SCC. This document provides the justification for the planning obligations sought by SCC to mitigate the impact of the development and demonstrates how, in each case, the legal tests are satisfied.
- 7.2 This statement shows that the obligations meet the legal requirement under Regulation 122 (2) and are (a) necessary to make the development acceptable in planning terms; (b) are directly related to the development; and (c) are fairly and reasonably related in scale and kind to the development. Representatives from SCC will be available during the inquiry to participate in relevant discussion surrounding planning obligations and to provide any further clarification that the Inspector might require.