

# Cabinet

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**Wednesday 9 December 2015 at 2.00 pm**

**To be held at the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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|---------------------------------|---|
| Councillor Julie Dore           | (Leader of the Council)   |
| Councillor Leigh Bramall        | (Deputy Leader/Cabinet Member for Business, Skills & Development) |
| Councillor Isobel Bowler        | (Cabinet Member for Neighbourhoods)                               |
| Councillor Ben Curran           | (Cabinet Member for Finance and Resources)                        |
| Councillor Jackie Drayton       | (Cabinet Member for Children, Young People & Families)            |
| Councillor Jayne Dunn           | (Cabinet Member for Housing)                                      |
| Councillor Terry Fox            | (Cabinet Member for Environment and Transport)                    |
| Councillor Mazher Iqbal         | (Cabinet Member for Public Health and Equality)                   |
| Councillor Mary Lea             | (Cabinet Member for Health, Care & Independent Living)            |
| Councillor Sioned-Mair Richards | (Acting Cabinet Member for Neighbourhoods)                        |

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## **PUBLIC ACCESS TO THE MEETING**

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The Cabinet discusses and takes decisions on the most significant issues facing the City Council. These include issues about the direction of the Council, its policies and strategies, as well as city-wide decisions and those which affect more than one Council service. Meetings are chaired by the Leader of the Council, Councillor Julie Dore.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Cabinet meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Cabinet meetings are normally open to the public but sometimes the Cabinet may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

Cabinet decisions are effective six working days after the meeting has taken place, unless called-in for scrutiny by the relevant Scrutiny Committee or referred to the City Council meeting, in which case the matter is normally resolved within the monthly cycle of meetings.

If you require any further information please contact Simon Hughes on 0114 273 4014 or email [simon.hughes@sheffield.gov.uk](mailto:simon.hughes@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**CABINET AGENDA  
9 DECEMBER 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 18)  
To approve the minutes of the meeting of the Cabinet held on 11 November 2015.
- 6. Public Questions and Petitions**  
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**  
The Director of Legal and Governance will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. Retirement of Staff**  
There are no staff retirements to report.
- 9. Community Infrastructure Levy and Planning Obligations Supplementary Planning Document** (Pages 19 - 134)  
Report of the Executive Director, Place
- 10. Revenue Budget and Capital Programme Monitoring 2015/16 Month 7 (as at 31/10/15)** (Pages 135 - 180)  
Report of the Acting Executive Director, Resources

**NOTE: The next meeting of Cabinet will be held on  
Wednesday 13 January 2016 at 2.00 pm**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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Cabinet

Meeting held 11 November 2015

**PRESENT:** Councillors Leigh Bramall (Deputy Chair), Ben Curran, Jackie Drayton, Jayne Dunn, Terry Fox, Mazher Iqbal, Mary Lea and Sioned-Mair Richards

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Leader, Councillor Julie Dore.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 The Chair reported that the appendices to agenda item 8 'Streets Ahead - Refinance', were not available to the public and press because they contained exempt information described in Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) and if Members wished to discuss the appendices the public and press would need to be excluded from the meeting.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Cabinet, held on 14 October 2015, were approved as a correct record.

**5. PUBLIC QUESTIONS AND PETITIONS**

5.1 Petition in respect of Proposed Holt House/Carterknowle School Development Plans

5.1.1 Teresa Dodds submitted a petition, containing 900 signatures, opposing the redevelopment proposals in respect of Holt House and Carterknowle schools.

5.1.2 She commented that the City Council had recently proposed knocking down Holt House Infant School and replacing it with both a through primary and a secondary school. Holt House is currently a wonderful school set in beautiful grounds in which the School's 210 children have exclusive access to ample green and open space and in which they felt safe and happy. Carterknowle Junior School, which will also be relocated, was a much-loved community school also with ample private outdoor space.

5.1.3 The Council proposed new buildings that will house up to 1,921 children on the same space as was currently solely occupied by Holt House Infant School. This would impact negatively on the already severe congestion/parking problems and

high pollution levels in the Abbeydale/Carterknowle corridor. It would also reduce the area of ground space from approximately 42 square metres per pupil to just 7 square metres. It would lead to the destruction of the School's beautiful green setting, and would place a secondary school immediately next door to a school with children as young as four. The petitioners believed their young children would feel intimidated in such an environment and would lack the space to express themselves.

5.1.4 The Council proposed that the schools should use the Bannerdale fields as their outdoor green space and that these should be shared with the community. These fields were 10 minutes' walk from the proposed schools and were often littered with dog faeces. The petitioners believed this was not a workable solution for short sports lessons and will consequently not be used by the schools. The petitioners therefore rejected Sheffield City Council's recent proposals to build both a through-primary and a secondary school on the site of Holt House Infant School. They demanded that genuine, realistic alternatives were developed that placed greater emphasis on the need for pupils to have exclusive access to green and open space, that would not position a secondary school immediately adjacent to a primary school and that would not have a negative impact on the local community and environment.

5.1.5 In response Councillor Jackie Drayton, Cabinet Member for Children, Young People and Families, commented that three options had been put forward to address the problems of school places in the area. Following initial consultation a fourth option of a school for children aged 3-18 on the Bannerdale site had been proposed.

5.1.6 She added that the City Council had a duty as an authority to ensure there were enough school places available in the City and the consultation aimed to ensure that every child was able to attend their local school. This current academic year had seen children in the South West and North East areas of the City not being able to get a place at a local school. As well as a new school, there was a need to ensure affordable housing in the area, to protect existing green spaces as well as to address problems associated with traffic congestion and air quality.

5.1.7 The City Council aimed to achieve best value for its residents within time constraints and existing funding. All new options would be made available on the Council's website and there would be a questionnaire for people to fill in to say whether they agreed with the options. Councillor Drayton assured Ms Dodds and other concerned residents that they were being listened to. It was a true consultation and it was not a 'done deal' as some residents had suggested. The deadline for the consultation had been extended to 27 November and all views would be listened to.

## 5.2 Public Questions in respect of School Places Proposals

5.2.1 Teresa Dodds then submitted a number of questions, in addition to the above petition, regarding the proposals for school places in the South West area, from parents and residents who had been unable to attend the meeting as follows:-

- What sites away from Holt House, Bannerdale and Carterknowle had been considered?
- Can the catchment areas for primary and secondary places reflect the whole locality as this was crucial?
- Why were catchment areas not discussed as part of this consultation?
- King Egbert School had recently rejected applications from 39 children of Year 7 age within its catchment area. Was there not therefore a need for a school in that area?
- Can the merger of Holt House and Carterknowle Schools be discussed as a separate issue after the consultation?
- The proposals would not create more school places, so what was the reason for the merger?
- If the proposed school became an academy how would the Council be able to have any control over it?

5.2.2 In response to the questions, Councillor Jackie Drayton commented that Government legislation required that all new schools had to become academies. Within the City, the Council tried to ensure that all academy sponsors agreed with its ethos and wished to be part of the family of schools in the City and adopt its common admissions process. The Council always worked hard to ensure a school had the right sponsor.

5.2.3 Before the consultation had begun and any options put forward, discussions were held with all headteachers and governors affected. Councillor Drayton understood those at Holt House and Carterknowle were not unhappy about the two schools merging but she would check again to clarify.

5.2.4 The fact that 39 catchment children had not been allocated a place at King Egberts highlighted the need for additional school places in the area. The catchment for schools in that area was different to what many people thought and pupils in the Nether Edge area had the options of two catchment schools.

5.2.5 The catchment areas of the new school were not being discussed as part of this consultation and concerns over catchment areas would be added to the consultation comments. Any proposal for a new school would include discussions with all interested parties regarding the catchment area for the school.

5.2.6 Meetings had been held with all Secondary headteachers to obtain their views on getting a new school in the area. The City Council knew a new school was needed in that area and it was important to obtain best value within the financial constraints that it had to work in.

5.3 Public Question in respect of Highway Trees

5.3.1 Dave Dilner asked if discussions had been held with AMEY about the possibility of relaxing regulations in respect of highway trees and kerbs.

5.3.2 Councillor Terry Fox, Cabinet Member for Environment and Transport, reported that he had met with Alan Robshaw from Save our Rustling Trees (SORT) and David Caulfield, Director of Regeneration and Development Services and the new lead of the tree element of the Streets Ahead project and David Caulfield had given a commitment to examining the proposals put forward by Mr Robshaw. Councillor Fox would liaise with David Caulfield and ensure a response is provided to Mr Robshaw.

#### 5.4 Public Questions in respect of Highway Trees

5.4.1 Louise Wilcockson asked whether the Council would be drafting alternative highways specifications to retain Sheffield's healthy, mature and safe roadside trees, rather than keep forging ahead with the same ones that did not take into account roadside trees?

5.4.2 Councillor Terry Fox commented that he had attended recent meetings of the Tree Forum which had explored alternative proposals and he would investigate these further. He was totally independent on the matter and once the Director of Regeneration and Development Services had looked into the alternative options Councillor Fox would arrange a meeting with representatives of SORT.

5.4.3 Ms. Wilcockson further asked if some of the savings from the Streets Ahead Refinance (item 8 on the agenda for the meeting) would be used to save roadside trees in the City where possible.

5.4.4 Councillor Ben Curran, Cabinet Member for Finance and Resources, commented that the money would be used to offset future government cuts. The Council has reduced spending by £300 million since 2010 and faced another £50 million of cuts this year. Savings had been made in back office functions and millions had been saved in IT costs and staff and senior officer pay. This approach had been endorsed by the public at the budget consultation events which had been held over the last few years.

#### 5.5 Public Question in respect of Devolution

5.5.1 Nigel Slack reported that the 'Democracy Matters' pilot citizen's assembly in Sheffield had recently finished its deliberations. Mr Slack believed that the Council would not be surprised that the "Citizens in South Yorkshire had called for a much stronger devolution deal than the one currently on the table for the Sheffield region."

5.5.2 The press release also revealed that "If a vote on the current devolution deal had been held this past weekend, a two-thirds majority of Assembly members would have rejected it. Another vote showed strong opposition to an Elected Mayor." (Professor Matt Flinders, Sheffield University Crick Centre).

5.5.3 Mr Slack further stated that, conscious that this was an informed opinion from a



balanced group of citizens from across the South Yorkshire Metro Council areas and following previous comments from Councillor Bramall that the City Council would reject the deal in the face of overwhelming public opposition, is this the sort of levels that might be envisaged as overwhelming? Will the Council push to include simple questions about acceptance of the deal and, separately, the acceptability of an Elected Mayor in the forthcoming consultation?

5.5.4 Councillor Leigh Bramall, Deputy Leader and Cabinet Member for Business, Skills and Development, commented that the Democracy Matters pilot was welcomed but he would not class that as a full and proper consultation. If the Council had used the pilot as the only consultation, he believed Mr Slack would have had similar views about the extent of the consultation. The precise nature of the consultation was being discussed. It was a very complex issue but it needed to be a genuine consultation and understandable for those involved.

#### 5.6 Public Question in respect of Smithy Wood

5.6.1 Nigel Slack referred to a question and subsequent answer he received at a previous meeting of Full Council in respect of Smithy Wood. He commented that the response was no doubt accurate but also singularly lacking in any useful information. He was therefore rephrasing the question in the hope of a more expansive comment. The question was that the developers proposing the destruction of the 12<sup>th</sup> century ancient woodland to the North of the City, 'Extra MSA Group', had shown in their presentation a preparedness to use planning guidelines in a way they were not intended. They had also put forward a dubious claim that this would be a development that will save lives on the motorway.

5.6.2 Mr Slack further commented that since the Council went to extraordinary lengths to remedy its negligence over the Devonshire Street demolition decision (failing in their duty to consult relevant heritage organisations) and knowing a developer's ability to suggest benefits that are immeasurable (Sheffield University's claims on employment and income for the City in respect of the demolition of the grade 2 listed Jessop Hospital), Mr Slack was trying to elicit whether the Council planning department would go to the same lengths to check and investigate, rather than just assess, the claims of the developer in this case?

5.6.3 Councillor Jayne Dunn, Cabinet Member for Housing, responded that the Council planning department's assessment of this application will include checking and investigating the submissions made by the applicant. As part of this process the relevant documents will be reviewed by planning officers, with support from experts from within the Council, including, for example, the Council's Ecology Service and Highways team and also South Yorkshire Archaeology Service. Highways England had also been consulted and were advising on the impact on the highway network.

5.6.4 Standing advice was also provided by bodies such as Natural England and the Forestry Commission. This advice will also be considered alongside the representations from members of the public and amenity groups, such as Sheffield Wildlife Trust and The Woodland Trust, which had been received as part of the application process.

5.7 Public Question in respect of Streets Ahead – Refinance

- 5.7.1 Nigel Slack referred to item 9 on the agenda, Streets Ahead – Refinance. He commented that it was interesting in the scope of the savings to be made, even if incrementally quite small year on year. However, bearing in mind the potential financial risks commented on in the report at paragraph 8.5, what was the level of confidence that this time the refinancing deal will be accepted by Government?
- 5.7.2 Mr Slack further commented that classing the global company as an individual meant that the public would not be getting the full picture of the changes to this contract. Will the Council therefore give details of the operational changes to be made to the contract whilst not revealing the finances of these changes?
- 5.7.3 Councillor Ben Curran commented that the previous refinancing deal had been rejected by the Government as it was seen as taking money off the private sector to balance public finance sheets. The current refinancing did not do that. The appendices were confidential but these contained procedural changes rather than substantial things about the contract.

5.8 Public Question in respect of Sheffield Plan Consultation

- 5.8.1 Nigel Slack stated that the City Council website had a page for the new Sheffield Plan. This page indicated a consultation on the first stage began today, in respect of the 'Citywide Options for Growth to 2034'. Following links on the site to try and find more details on the consultation were fruitless, eventually leading back to the same page, nor was the consultation available on the 'consultation hub'. What was the latest on this consultation.
- 5.8.2 Councillor Bramall thanked Mr Slack for informing him about the issues. He would look into that and would try and resolve it as soon as possible. He commented that people should always be cautious with what Government policy stated as Government statements often contradicted policy. The important thing was to look at what the Council could control and do the best it could in respect of that.

**6. ITEMS CALLED-IN FOR SCRUTINY**

- 6.1 There were no items called-in for Scrutiny since the previous meeting of the Cabinet.

**7. RETIREMENT OF STAFF**

- 7.1 The Interim Executive Director, Resources submitted a report on Council staff retirements.

**RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Portfolios below:-

| <u>Name</u> | <u>Post</u> | <u>Years' Service</u> |
|-------------|-------------|-----------------------|
|-------------|-------------|-----------------------|

**Children, Young People and Families**

|                  |   |    |
|------------------|---|----|
| Carole Staniland | Headteacher, Carterknowle Junior School         | 20 |
| Fiona Smith      | Assistant Headteacher, Mossbrook Primary School | 21 |

(b) extends to them its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to them.

**8. STREETS AHEAD - REFINANCE**

8.1 The Executive Director, Place and Interim Executive Director, Resources, submitted a joint report seeking approval to the Council pursuing a contract refinance in relation to the Streets Ahead contract and to progress some minor operational contract changes.

8.2 **RESOLVED:** That:-

- (a) option 1 be rejected – Do Nothing as it has been determined by the Council and Amey that there is an opportunity during the Core Investment Period (CIP) to make savings from refinancing the Contract;
- (b) exploring options 2 and 3 to refinancing with existing and potential new funders be continued, in order to determine the optimal route in terms of maximising savings and mitigating risks and subsequently take forward the preferred option;
- (c) the ongoing dialogue with the Department for Transport (DfT) throughout the refinance process be continued and a business case be submitted seeking DfT/HM Treasury (HMT) approval to complete the refinance which includes agreeing the optimal process for funding the DfT's share of the refinance savings.
- (d) the additional budget from the Private Finance Initiative (PFI) Reserves be provided to fund the conclusion of the refinance and the processing of the contract changes;
- (e) any abortive project costs of the Refinance from the Streets Ahead contingency be funded;
- (f) staged payments be made to Amey in relation to the Refinance and Contract change due diligence costs subject to such costs being auditable; and in accordance with agreed estimates;

- (g) officers explore the option of the Council providing up front capital in place of more expensive private finance and, if this results in increased levels of saving, that approval is delegated to the Interim Executive Director, Resources, to borrow the requisite sums;
- (h) authority be delegated to the Interim Executive Director, Resources to:-
  - (i) monitor the progress made by Council officers in determining the optimal refinancing option and approve (if appropriate) the recommended option; and
  - (ii) complete the refinance of the Contract subject to the approval of commercially acceptable terms by the Director of Legal and Governance; and
- (i) authority be delegated to the Director of Legal and Governance to process the High Value Changes under a Deed of Variation.

### **8.3 Reasons for Decision**

- 8.3.1 As outlined in the report, there is a clear strategic and economic case to justify the Council concluding the refinance in order to realise saving of circa £0.3m to £0.6m p.a. This saving can be achieved with low risk to the Council and without impacting on the delivery of the highway maintenance service and the ongoing improvements in the infrastructure asset.
- 8.3.2 Failure to progress the refinancing of the Contract will result in more pressure on achieving the Council's current and future budget pressures.

### **8.4 Alternatives Considered and Rejected**

- 8.4.1 **Option 1 - Do Nothing – Wait Until Completion of CIP in 2017**  
Under this option no further action would be taken now and any consideration of the other options set out below would be deferred until the CIP is complete.
- 8.4.2 Owing to the disadvantages for Option 1 detailed in Appendix A, it is not recommended that this option is progressed. However, if a refinance is secured now it would still be possible to carry out a further refinance after the completion of the CIP if the prevailing conditions are favourable and the savings outweigh the further transaction costs.
- 8.4.3 **Option 2 – Existing Funders Margin Reduction**  
Under this option the Council and Amey would negotiate with the existing funders to reach agreement on a reduction in their funding margins.
- 8.4.4 All of the current funders are still actively lending in the infrastructure market and in recent discussions, they all have expressed a desire to retain their investment in the Contract. The level of saving they are prepared to offer differs between each funder with some having more flexibility to reduce margins than others.

- 8.4.5 On the basis of the estimate of bank margins and fees for Option 2 as set out in Appendix A being achieved then the net saving to the Council after transaction costs and arrangement fees is £0.3m p.a.
- 8.4.6 Option 3 – Full Open Market Funding Competition  
Under this option the Council would go to the banking market to seek a new set of funders on revised terms. All of the existing funding agreements would be cancelled and new agreements put in place. This could result in more or less funders than the current four banks.
- 8.4.7 There have been some initial informal discussions with a small number of potential new lenders and all have expressed an interest and indicated that they would be able to offer more competitive terms than initially proposed by the existing funders.
- 8.4.8 On the basis of the assumed bank margins being achieved then the net saving to the Council after transaction costs and arrangement fees is £0.4m p.a. The detailed terms and basis of the saving for Option 3 are again set out in Appendix A of the report.
- 8.4.9 As detailed in the options set out above, there is not a significant difference between the levels of saving achievable at the two modelled margins. However, it is possible that lower margins than the ones assumed in the scenarios could be achieved from new funders and from further negotiation with some of the existing funders. Therefore a more likely refinance scenario is securing a margin reduction from a combination of existing funders and new funders with the savings potentially being in the region of £0.4m to £0.6m p.a. Some examples of alternative potential refinance scenarios are also set out in Appendix A of the report.
- 8.4.10 There is a low-medium risk that if the Council approach the market for replacement funders and preferential terms cannot be achieved, then the existing funders may withdraw their offer of reduced margins resulting in the Council having to fund the abortive transaction costs.

## **9. SITE GALLERY EXPANSION**

9.1 The Executive Director, Place submitted a report in relation to the proposed expansion of the Site Gallery.

9.2 **RESOLVED:** That Cabinet:-

- (a) approves the proposals to enter into the agreement to grant a lease of property at Brown Street to Site Gallery on the terms set out in this report;
- (b) delegates authority to the Executive Director, Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this transaction; and

- (c) delegates authority to the Director of Legal and Governance to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interests.

### 9.3 **Reasons for Decision**

- 9.3.1 The proposed expansion of Site Gallery will be a major boost for the cultural attraction of the city centre and the Cultural Industries Quarter (CIQ) in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area.
- 9.3.2 The proposal to grant a lease for 22 years at a peppercorn rent will unlock a grant from the Arts Council England (ACE) of just under £1m towards a £1.7m project. The refurbishment of the property will benefit a Council owned asset which is currently in a poor state of repair.

### 9.4 **Alternatives Considered and Rejected**

- 9.4.1 The unit which it is proposed to lease to Site Gallery forms part of the AVEC building, part of which is above the Sheffield Archives and in other places is closely linked to the recording studios behind. It is therefore extremely difficult to sell or grant a very long term interest in the property.
- 9.4.2 The property was almost completely vacant for several years after Sheffield Independent Film (SIF) went into administration as it proved difficult to find tenants prepared to take the property on in its poor condition. If the property was not to be leased to Site Gallery then it could be marketed but it is felt that any potential tenants would require a significant rent free period; would not attract the level of investment available from ACE and would be very unlikely to achieve the same cultural and economic benefits as the proposed lease to Site Gallery.

## 10. **PROPOSED LEASE OF LAND AT CHARLES STREET**

- 10.1 The Executive Director, Place submitted a report in relation to the proposed lease of land at Charles Street.
- 10.2 **RESOLVED:** That Cabinet:-
  - (a) notes the investment and approves the proposals to enter into the lease of land at Charles Street to Sheffield Hallam University (SHU) on the terms set out in this report;
  - (b) delegates authority to the Executive Director, Place in consultation with the Director of Capital and Major Projects and the Director of Legal and Governance to agree the terms of the documentation required to effect this

transaction; and

- (c) delegates authority to the Director of Legal and Governance to complete such legal documentation as she considers necessary or appropriate in connection with this transaction on such terms as she may agree to give effect to the proposals set out in this report and generally to protect the Council's interests.

### 10.3 **Reasons for Decision**

- 10.3.1 The proposed improvements to this open space and its use for far more events, alongside other investments in the area, will be a major boost for the attraction of the city centre and the CIQ in particular. This has wider economic benefits in terms of making the city an exciting place to locate and attract talented staff for businesses in the creative and digital industries which is a key growth area. It also adds to the high quality of open spaces in the city centre making it a more pleasant place to live.
- 10.3.2 The proposal to grant a lease for 25 years will unlock an investment from SHU of approximately £400,000 and will remove a maintenance liability from the Council of approximately £1,000pa. The refurbishment of the land will benefit a Council owned asset which is currently in a poor state of repair.

### 10.4 **Alternatives Considered and Rejected**

- 10.4.1 The Council could simply do nothing and leave the open space as it is which would have little benefit and it would continue to be poorly used.
- 10.4.2 Alternative sources of funding could be sought to carry out the improvements but such funding is limited and if it was possible to secure any then that would be at the expense of other schemes. Whereas by utilising the investment from the University it is hoped to use this as match to drawdown further funding for improvements in this part of the city centre.

## 11. **GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)**

- 11.1 The Executive Director, Place submitted a report setting out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that had been undertaken. The report also sought approval to the final version of the Statement of Principles (Policy) and for it to be referred to Full Council.
- 11.2 It was reported for clarification that Neighbourhood Plans could only add to existing plans such as the Gambling Policy.
- 11.3 **RESOLVED:** That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2nd December 2015.

### 11.4 **Reasons for Decision**

To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

**11.5 Alternatives Considered and Rejected**

There were no alternatives presented in the report.

**12. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

12.1 The Executive Director, Place submitted a report setting out the details of the revised Statement of Licensing Policy to be published under the Licensing Act 2003 and details of the consultation process that had been undertaken. The report also sought approval to the final draft of the Statement of Licensing Policy and for it to be referred to Full Council.

12.2 **RESOLVED:** That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2nd December 2015.

**12.3 Reasons for Decision**

To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Council's Corporate Plan and support the Council's vision.

**12.4 Alternatives Considered and Rejected**

There were no alternative options presented in the report.

**13. REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING MONTH 6 (AS AT 30/9/15)**

13.1 The Interim Executive Director, Resources submitted a report providing the month 6 monitoring statement on the City Council's Revenue and Capital Budget for 2015/16.

13.2 Members commented that welfare reforms would put pressure on all residents in the City not just Council tenants and the Government's proposals regarding 'Pay to Stay' could have a catastrophic effect and clarity was awaited on the detail of these proposals.

13.3 **RESOLVED:** That Cabinet:-

(a) notes the updated information and management actions provided by the report on the 2015/16 Revenue Budget position;

(b) approves the spend request as shown in paragraph 29 of Appendix 1 of the report; and



- (c) in relation to the Capital Programme:-
  - (i) approves the proposed additions to the Capital Programme, listed in Appendix 5.1 and 5.2 of the report, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
  - (ii) approves the proposed variations, deletions and slippages in Appendix 5.1 and 5.2 of the report; and notes:-
    - (A) the latest position on the Capital Programme including the current level of delivery; and
    - (B) the variations approved under delegated authority provisions.

#### 13.4 **Reasons for Decision**

To formally record changes to the Revenue Budget and the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the Capital Programme in line with latest information.

#### 13.5 **Alternatives Considered and Rejected**

A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

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## SHEFFIELD CITY COUNCIL

### Cabinet Report

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**Report of:** Simon Green, Executive Director, Place

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**Report to:** Cabinet

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**Date:** 9 December 2015

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**Subject:** Community Infrastructure Levy and Planning Obligations  
Supplementary Planning Document

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**Author of Report:** Shanza Shahzad (205 3074)

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**Key Decision:** Yes

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**Reason Key Decision:** The impact of the Community Infrastructure Levy (CIL) and planning obligations will have a significant effect on communities living/ working across the City, therefore impacting on more than two wards

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#### Summary:

The CIL is a new way of seeking contributions from developers towards essential infrastructure that is required to support new development. The Council's Cabinet (15 April 2015) and Full Council (3 June 2015) have approved the adoption of the CIL Charging Schedule, and to charge CIL on qualifying developments receiving planning permission from 15 July 2015. These approvals also included an agreement to produce a Supplementary Planning Document (SPD) for CIL and the use of planning obligations. The purpose of the SPD is to clarify the interpretation of existing local plan policies and explain to developers the difference between CIL and site specific planning obligations, and outline the guidelines for when each would apply and how.

This Cabinet report seeks approval of the draft SPD that has been the subject of a public consultation from July to August 2015 and a representation period from 05

October to 2 November 2015, so that it can be adopted as a material consideration in the planning process to advise applicants and assess planning applications.

---

**Reasons for Recommendations:**

The Council has started to charge the CIL and this SPD is needed to provide clear and consistent guidance on the application of CIL and Planning Obligations.

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**Recommendations:**

That Cabinet:

- Notes the previous approval of the City Council’s Cabinet (5 April 2015) and Full Council (3 June 2015) to adopt the CIL Charging Schedule and begin charging CIL from 15 July 2015.
  - Notes the agreement within the above mentioned approvals for the production of a Supplementary Planning Document (SPD) on CIL and Planning Obligations to be referred to Cabinet for subsequent approval following public consultation;
  - Notes all representations made in respect of the SPD at both stages of the consultation process and agrees the response taken by officers
  - Approve the CIL and Planning Obligations SPD to supplement the Local Plan as a material consideration in the planning process to advise applicants and assess planning applications.
- 

|                           |  |
|---------------------------|--|
| <b>Background Papers:</b> | 5 April Cabinet Report on the Community Infrastructure Levy                      |
|                           | CIL and Planning Obligations Supplementary Planning Document                     |
|                           | CIL and Planning Obligations Supplementary Planning Document Consultation Report |

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|                            |      |
|----------------------------|------|
| <b>Category of Report:</b> | OPEN |
|----------------------------|------|

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## Statutory and Council Policy Checklist

|   |
|---|
| <b>Financial Implications</b>   |
| YES Cleared by Paul Schofield   |
| <b>Legal Implications</b>   |
| YES Cleared by Paul Bellingham  |
| <b>Equality of Opportunity Implications</b>                                     |
| NO  |
| <b>Tackling Health Inequalities Implications</b>                                |
| NO  |
| <b>Human rights Implications</b>  |
| NO  |
| <b>Environmental and Sustainability implications</b>                            |
| YES Cleared by Paul Billington  |
| <b>Economic impact</b>  |
| YES Cleared by Ed Highfield   |
| <b>Community safety implications</b>  |
| YES Cleared by Janet Sharpe   |
| <b>Human resources implications</b>   |
| NO  |
| <b>Property implications</b>  |
| NO  |
| <b>Area(s) affected</b>   |
| All   |
| <b>Relevant Cabinet Portfolio Lead</b>  |
| Leigh Bramall   |
| <b>Relevant Scrutiny Committee</b>  |
| Economic and Environmental Well-being   |
| <b>Is the item a matter which is reserved for approval by the City Council?</b> |
| NO  |
| <b>Press release</b>  |
| NO  |

## **REPORT TO CABINET**

### **SUPPLEMENTING THE IMPLEMENTATION OF THE COMMUNITY INFRASTRUCTURE LEVY**

#### **1. SUMMARY**

- 1.1 The Council has adopted a new approach to Planning Obligations and developer contributions, in response to changes in national and local planning policy.
- 1.2 From 15 July 2015 the Council began charging a Community Infrastructure Levy (CIL) on qualifying new development. CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs. Legal agreements will, however, continue made under Section 106 (S.106) of the Town and Country Planning Act to help deliver affordable housing (where applicable and subject to viability) and to meet other site specific mitigation/ needs. In addition to these, Section 278 Highways Agreements may also be a requirement to make a development acceptable in planning and highways terms. The CIL and Planning Obligations SPD explains the changes to contributions resulting from the CIL what may still be required from developers in addition to CIL.

#### **2 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The benefits of a CIL were outlined in the CIL Cabinet Report (April 2015). This SPD provides guidance on the application of CIL and S106 Planning Obligations, enabling applicants to understand what the potential requirements could be when they apply for planning permission. The previous Cabinet Report explained that local communities will directly benefit from the retention of 15% of CIL receipts (known as the 'neighbourhood portion') to deliver infrastructure benefits within the local area.

#### **3 OUTCOME AND SUSTAINABILITY**

- 3.1 The National Planning Policy Framework (NPPF) recognises that a lack of infrastructure can be a significant barrier to investment, and that priorities for infrastructure provision should be identified. Sheffield is now charging the CIL and this SPD provides the guidelines on where CIL and S.106 Planning Obligations will apply.

#### **4 BACKGROUND**

##### **The commitment to produce the SPD on CIL and Planning Obligations**

- 4.1 As outlined in the CIL Cabinet Report (April 2015) an SPD is required as soon as possible after we start charging the CIL. As CIL will be the main source of

funding for the provision of most infrastructure required to serve new development, the Council needs to withdraw existing Supplementary Guidance and Interim Planning Guidance and replace them with new guidance that reflects the current position with the use of CIL and S.106 Planning Obligations.

- 4.2 The CIL and Planning Obligations SPD replaces:
- Education Provision Interim Planning Guidance (2014)
  - Affordable Housing Interim Planning Guidance (2014)
  - Open Space Provision in New Housing Development Supplementary Planning Guidance (2014 Update)
  - Appendix 2 of the City Centre Living Supplementary Planning Guidance (2014 Update)
  - Sheffield City Centre Breathing Spaces Strategy (2011)

### **Scope of the SPD**

- 4.3 The CIL and Planning Obligations SPD supplements the Council's Local Plan, namely the policies of the Core Strategy<sup>1</sup> adopted in 2009 and the saved policies of the Unitary Development Plan. It will be used as a material consideration in the planning process to advise applicants and assess planning applications. Guideline GAH3 in the SPD is subject to future change as a result of a review of affordable housing policies that the Council is currently undertaking. Once the SPD is adopted, this will be reflected by making a statement on the Council's website accompanying the SPD document to this effect.
- 4.4 The SPD initially sets out the background to the CIL in terms of the legislative framework and policy guidance that applies, and explains the relationship between CIL, planning conditions and S.106 Planning Obligations. It then goes on to provide information on Local Plan requirements, with information on the Policy context, how such infrastructure will be provided i.e. through the use of CIL funds or S.106 Planning Obligations; followed by the relevant guidelines that will be applied.
- 4.5 The SPD specifically addresses the following infrastructure types:
- Highways/Strategic transport network improvements and Public transport
  - Affordable Housing
  - Education
  - Community Facilities
  - Health Facilities
  - Open Space
  - Public Art
  - Renewable Energy and Carbon Reduction
  - Flood Risk Management
  - Air Quality

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<sup>1</sup>Sheffield City Council Core Strategy <https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan/core-strategy.html>

- Waste Management

### **Timescales and Consultation**

- 4.6 A draft of the CIL and Planning Obligations SPD was consulted upon for a statutory period of 4 weeks from Monday 6<sup>th</sup> July to Monday 3 Aug 2015. Consultation was online using the Council's consultation management system 'Citizen Space' as a featured consultation. The Sheffield Local Plan contacts for the CIL were alerted on the 1 July 2015, alongside individuals who have signed up for planning alerts on the GovDelivery system. In addition to this, a link to the consultation was also provided on the planning pages for 'What's new' and the CIL, and a general link to consultations using Citizen Space also features on the Council's homepage.
- 4.7 A total of 14 organisations responded to the draft SPD. A range of general comments have been received alongside infrastructure specific comments, with a mix of support to the approach being taken, and some seeking further clarification and/ or amendments. A summary of the comments received with the officer responses to these are presented within the Consultation Report (a background paper to this Cabinet Report).
- 4.8 The changes made to the SPD in the light of the comments received are as follows:

| <b>Comment</b>   | <b>Amendment made to the SPD</b>  |
|--|---|
| <b>Education</b> – details are sought on how S.106 Education contributions will be calculated (with a worked example), and clarification on what accommodation this applies to. Clarification is also sought on the definition of major residential development.                                 | The relevant information from the 2014 Education Interim Planning Guidance has been included as it is still applicable. The definition has also been clarified. |
| <b>Open Space</b> – clarification is sought on the type of open space requirements for different types of development. Where reference is made to developers maintaining new open space it has been requested that this also includes maintenance enhancements to existing/ancillary facilities. | Details have been included to clarify open space requirements and a reference has also been made to ancillary facilities.                                       |
| <b>Flood risk management</b> – clarity is being sought on types of development and that the requirements are only for mitigation.  | This has been clarified.  |
| <b>Waste management</b> – clarification is being sought that waste management is a strategic issue   | This has been clarified.  |



4.9 For the majority of comments made on the draft, it is recommended that no changes are made to the SPD. These included those that supported the approach taken to various infrastructure requirements, and where issues and suggestions for priorities for CIL spending were raised, which is not an issue for the SPD. There were also several comments that were not agreed and a response has been provided within the Consultation Report outlining the reasons why. These include:

- Statements that the SPD is premature and that it should follow the adoption of the Local Plan. The response to this is that the SPD has been produced in order to reflect the change in approach to implementation that the CIL has brought to existing local plan policies (saved Unitary Development Plan (1998) and Core Strategy Policies (2009)).
- A reduction to 750 dwellings has been sought for the threshold for major residential development but no evidence has been provided to support this.
- It has been suggested that CIL should be negotiable if S.106 applies, but the Regulations do not allow the Local Authority to negotiate the level of CIL contribution.
- There are also a range of comments seeking specific costs and calculations for infrastructure types such as open space and public art, but it is not possible to provide these within the SPD as applications need to be assessed on their own merits.

4.10 An amendment has also been made to the SPD to remove references to the Vacant Building Credit from guideline GAH1. The information on Thresholds has also been removed in Section 4 of the SPD. This is in the light of a recent High Court verdict on the 31 July 2015 that ruled the Government's new Affordable Housing Policy (brought in on the 28 November 2014 by a Written Ministerial Statement and changes to the National Planning Policy Guidance) to be unlawful.

4.11 Following the consultation on the Draft SPD, we have also undertaken a statutory four week representation period where the public was provided with the opportunity to view and make representations on both the revised SPD and the Consultation Report. This was held from Monday 5 October to Monday 2 November 2015. Similar to the consultation on the draft SPD, the Sheffield Local Plan contacts for the CIL were alerted on the 2 October; alongside individuals who have signed up for planning alerts on the GovDelivery system. The representation documents were available online on the 'Adopting the CIL' webpage and paper copies were available at First Point Howden House.

4.12 A limited number of representations were made, these have been summarised in the table below with the officer response to each.

| Comment  | Officer response  |
|--|---|
| <p><b>Sport England</b><br/> Through this consultation, Sport England have provided additional support for the approach taken to delivering open space through the SPD, particularly Guidelines GOS1 and GOS2. They note that it will be important to monitor the effectiveness of the approach and to build in a means of reviewing the SPD in response to any unforeseen issues and / or changes in circumstances</p> <p>Sport England have provided support for setting a major development threshold of 1,000 dwellings in Guideline GCF2 to provide consistency, but want to raise awareness of the localised impact of any developments which fall under the 1,000 dwelling threshold.</p>   | <p>No changes are needed.</p> <p>It is considered that 1,000 dwellings is a reasonable threshold to make major residential development sustainable. No changes are needed.</p>  |
| <p><b>Turley on behalf of Tata Steel UK Ltd</b><br/> Under Guideline GAH2, Tata Steel object to the setting of a single Transfer Price for Affordable Housing, and request that this is monitored and updated as necessary.</p> <p>Tata Steel also object to the inclusion of a mechanism allowing viability re-appraisals, and suggest that should the SPD continue to include reference to re-appraisal mechanisms, this should take account of advice contained within the RICS Financial Viability in Planning (1st edition, Guidance Note 2012). They suggest GAH2 needs additional text to set out when re-appraisals would be appropriate.</p> <p>Tata Steel also note that the evidence base underpinning GOS1 should be up-to-date, in line with the NPPF para. 73.</p> <p>Tata Steel suggest Guideline GFRM1 requires additional text, setting out the exact circumstances in which off-site flood mitigation measures are required e.g. where on-site flood risk management measures are not possible or appropriate,</p> | <p>The Transfer Price will be monitored. Therefore no change is needed.</p> <p>This would reduce flexibility in applying the mechanism, which must be agreed by both parties by way of a S.106 Agreement, and any re-appraisals would be undertaken in line with RICS guidance. Therefore no changes are proposed.</p> <p>No changes are needed</p> <p>Section 106 obligations will be used to deliver off-site flood mitigation. The Guideline already reflects the circumstances set out in Core Strategy Policy CS67 for off-site flood management measures, which is only in areas of a high probability flood zone. Therefore no</p> |

|  |  |
|--|--|
|  | change is needed.  |
| <p><b>DLP Planning Ltd on behalf of the University of Sheffield</b></p> <p>It is noted that the Council does not consider that the provision of student accommodation constitutes a charitable use. Clarification is being sought on the Council's position, and it is recognised that this is not an issue specifically for this SPD.</p> | As noted by DLP this is not an issue for this SPD, but is a legal issue that will need to be considered on a case by case basis depending on the circumstances. Therefore no change is needed. |
| <p><b>Natural England</b></p> <p>The earlier consultation response to the draft SPD has been referenced but no further comments were raised.</p>   | These consultation comments have been addressed previously, please see the Consultation Report for details.  |

- 4.13 All representations made during this round of consultation have been carefully considered and, as outlined in the summary table above, it has not been considered necessary to make any changes to the SPD as a result.

#### **Governance**

- 4.14 This report does not require Cabinet to take any decisions on CIL spending at this stage. This will be determined at a later date as part of the Cabinet process for setting spending priorities and agreements on spending will be brought through the Capital Approvals process. CIL money is not expected to be collected in significant amounts until 2017.

#### **Financial Implications**

- 4.15 There are no specific financial implications associated with this SPD. Full details on the financial implications that CIL will have were outlined in the CIL Cabinet Report (April 2015). Specific capital investment proposals funded in whole or part by CIL will be brought through the Capital Approvals process for approval by Cabinet.

#### **Legal Implications**

- 4.16 This SPD has followed the statutory process as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012 to enable its formal adoption to supplement the Council's Local Plan. Full details on the legal implications that CIL will have were outlined in the CIL Cabinet Report (April 2015).

#### **Equality of Opportunity Implications**

- 4.17 There are no specific equality of opportunity implications associated with this SPD. Full details on the implications that CIL will have were outlined in the CIL Cabinet Report (April 2015).

#### **Tackling Health Inequalities Implications**

- 4.18 The SPD sets out how the provision of health facilities through developer contributions will be addressed. However, it does not assess specifically

where and on what projects funds should be spent, as this is not the role of the SPD.

### **Human Rights Implications**

- 4.19 The process for implementing a CIL including public consultation on the draft SPD conforms to national legislation that takes due account of human rights.

### **Environmental and Sustainability Implications**

- 4.20 The National Planning Policy Framework<sup>2</sup> promotes sustainable development through three key dimensions, where the planning system has an economic, social and environmental role. Infrastructure cuts across all three of these roles and the CIL and site specific Planning Obligations will assist in the delivery of infrastructure to aid sustainable development.

### **Economic Impact**

- 4.21 The CIL will have a positive economic impact in generating increased funding for infrastructure that can be used in a flexible and more efficient way. Planning Obligations will also be sought for affordable housing and other site specific requirements.
- 4.22 Full details on the economic impact that CIL will have were outlined in the CIL Cabinet Report (April 2015).

### **Community Safety Implications**

- 4.23 Transport improvements are expected to be a significant item of infrastructure that will be delivered through CIL and road and pedestrian safety is a key element of transport improvements.

### **Human Resources Implications**

- 4.24 There are no human resource implications associated with the adoption of the SPD. There are however, wider positive implications of putting CIL in place as outlined in the CIL Cabinet Report (April 2015).

### **Property Implications**

- 4.25 There are no specific property implications associated with this SPD. Full details on the property implications that CIL will have were outlined in the CIL Cabinet Report (April 2015).

## **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 There are no alternative options appropriate, as an SPD is required to provide clarity and guidance on how CIL and Planning Obligations will be applied. Cabinet committed to the production of the SPD in April 2015.

## **6 REASONS FOR RECOMMENDATIONS**

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<sup>2</sup> *National Planning Policy Framework*. Communities and Local Government, March 2012 - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

6.1 The Council has started to charge the CIL and this SPD is needed to provide clear and consistent guidance on the application of CIL and Planning Obligations.

## **7 RECOMMENDATIONS**

7.1 That Cabinet:

- Notes the previous approval of Cabinet (5 April 2015) and Full Council (3 June 2015) to adopt the CIL Charging Schedule and begin charging CIL from 15 July 2015.
- Notes the agreement within the above mentioned approvals for the production of a Supplementary Planning Document (SPD) on CIL and Planning Obligations to be referred to Cabinet for subsequent approval following public consultation;
- Notes all representations made in respect of the SPD at both stages of the consultation process and agrees the response taken by officers
- Approve the CIL and Planning Obligations SPD to supplement the Local Plan as a material consideration in the planning process to advise applicants and assess planning applications.

Simon Green  
Executive Director, Place  
December 2015

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# Community Infrastructure Levy and Planning Obligations Supplementary Planning Document

December 2015

**Sheffield** *where everyone matters*



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# 1 Executive Summary

- 1.1 Sheffield City Council ('the Council') has adopted a new approach to planning obligations and developer contributions, in response to changes in national and local planning policy.
- 1.2 From 15 July 2015 the Council began charging a Community Infrastructure Levy (CIL)<sup>1</sup> on qualifying new development. CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs; for example education and open space provision. Legal agreements will, however, continue made under Section 106 (S.106) of the Town and Country Planning Act to help deliver affordable housing (where applicable and subject to viability) and to meet other site specific mitigation/ needs. In addition to these, Section 278 Highways Agreements may also be a requirement to make a development acceptable in planning and highways terms. This SPD explains what contributions may still be required from developers in addition to CIL.
- 1.3 Table 1 below outlines what the CIL, S.106 Planning Obligations and S.278 Highways Agreements will typically include, and full details are provided in Sections 3-5 of this document. Each development proposal will need to be assessed upon its own merits, and a proposal could be subject to any of these.

**Table 1: Summary of Infrastructure types delivered through CIL and Section 106**

| CIL Contributions   | S.106 Planning Obligations  | S.278 Highways Agreements |
|---|---|---------------------------|
|   | Affordable housing  |                           |
| Education provision   | School or any other community/health infrastructure provision required to make major residential development sustainable. |                           |
| Community facilities  |   |                           |
| Health facilities   |   |                           |
| Waste and recycling facilities                                      |   |                           |
| Open space/ public realm projects of city-wide/ area-wide catchment | On-site Open Space for residential development of over 4 hectares to be provided  |                           |
| Area-wide flood risk management                                     | Off-site flood risk management measures   |                           |

<sup>1</sup> See [www.sheffield.gov.uk/cil](http://www.sheffield.gov.uk/cil) for more details

| CIL Contributions  | S.106 Planning Obligations   | S.278 Highways Agreements   |
|--|--|---|
| Area-wide air quality management                                     | Measures that mitigate directly against any Significant Detrimental Impacts the development will have on air quality                 |   |
| Strategic highways, pedestrian & cycle routes and transport projects |  | Required works to existing highways to service or facilitate proposed development for example junction improvements |
|  | Relocation off site of any habitat or item of infrastructure (including a community facility).                                       |   |
|  | Mitigation off site for any harm or loss of habitat, open space, or other environmental or community asset or item of infrastructure |   |
|  | Meeting any planning requirement that is subject to a third party agreement  |   |

1.4 This Supplementary Planning Document (SPD) supplements the Council's Local Plan, and provides guidance supplementing the policies of the Core Strategy (2009) and the 'saved'<sup>2</sup> policies of the Unitary Development Plan (1998). It will be used as a material consideration in the planning process to advise applicants and assess planning applications.

1.5 This SPD replaces previous planning policy guidance that is no longer appropriate following the adoption of the CIL. Specifically:

- Education Provision Interim Planning Guidance (2014)
- Affordable Housing Interim Planning Guidance (2014)
- Open Space Provision in New Housing Development Supplementary Planning Guidance (2014 Update)
- Appendix 2 of the City Centre Living Supplementary Planning Guidance (2014 Update)
- Sheffield City Centre Breathing Spaces Strategy (2011)

<sup>2</sup> A saved policy from the UDP is a policy that has been retained for use until a new Sheffield Local Plan is adopted. These saved policies are applied alongside newer policies from the Core Strategy (2009) to guide decisions about planning applications. In the event of any conflict between a UDP and adopted Core Strategy policy, the Core Strategy will take precedence. Full details of can be seen at <https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/udp/superseded-udp-policies.html>

## 2 Introduction and Purpose of Guidance

### Background

- 2.1 New development draws on the capacity of existing infrastructure and also creates a need for additional provision. For this reason it is appropriate for new development to contribute towards the future provision or improvement of infrastructure to meet the additional demand generated. The Council is planning for growth in housing and jobs, so effective mechanisms are needed to determine the level of these contributions and how they should be spent. Greater levels of infrastructure will therefore be required to support the growth expected in the City.
- 2.2 'Infrastructure' includes physical, social and environmental facilities and networks needed to serve development, consistent with the definition set out in national legislation<sup>3</sup>. It includes transport, telecommunications, energy, water supply, sewerage and drainage, schools, hospitals, health centres, and open space (see Section 3 below for details).
- 2.3 Two principal mechanisms for the provision of infrastructure are provided for in national legislation. These are:
- The **Community Infrastructure Levy** (CIL) see box below, which the Council, as local planning authority, is now empowered to set as a charge on new development where the viability of the development permits it. CIL is intended to be used for general infrastructure contributions.
  - **Planning Obligations**, which are for site specific mitigation and delivered mainly through legal agreements under Section 106 (S.106) of the Town and Country Planning Act 1990. The Government's intention is that the CIL and S.106 are used to complement each other as methods of securing infrastructure and community benefits.

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<sup>3</sup> The Planning Act 2008<sup>3</sup> (section 216(2), as amended by CIL Regulation 63, to exclude affordable housing)

### **What is the Community Infrastructure Levy (CIL)?**

The CIL is a tariff system and is a charge set as an amount payable per square metre on the gross internal floorspace of the net additional liable development. In this way, money is raised from developments to help the Council pay for essential infrastructure. The majority of the money received can be spent on any new infrastructure needed as a result of new development in any location

The introduction of the CIL is a Government response to continuing concerns about the use of S.106 obligations, in terms of lack of transparency, ineffectiveness to provide major infrastructure, and the disproportionate effect on major developments.

The Council has adopted a *Charging Schedule* which sets the rates which are payable for different types of development.

More details on the CIL and Charging Schedule can be found at <https://www.sheffield.gov.uk/cil>

### **Purpose of this document**

- 2.4 This Supplementary Planning Document (SPD) replaces, and makes some revisions, to current supplementary planning guidance on:
- Education Provision Interim Planning Guidance (2014)
  - Affordable Housing Interim Planning Guidance (2014)
  - Open Space Provision in New Housing Development Supplementary Planning Guidance (2014 Update)
  - Appendix 2 of the City Centre Living Supplementary Planning Guidance (2014 Update)
  - Sheffield City Centre Breathing Spaces Strategy (2011)
- 2.5 The Council adopted a CIL Charging Schedule on 15 July 2015. CIL is now the primary method by which the Council seeks developer contributions to help meet the city's infrastructure needs. However, site specific S.106 planning obligations may also be required. The relationship between planning conditions, planning obligations and CIL are explained within this document.
- 2.6 This SPD supplements the Council's Local Plan, it is guidance supplementing the policies of the Core Strategy<sup>4</sup> adopted in 2009 and the saved policies of the Unitary Development Plan. It will be used as

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<sup>4</sup>Sheffield City Council Core Strategy <https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan/core-strategy.html>

a material consideration in the planning process to advise applicants and assess planning applications.

2.7 The objective of this SPD is to:

- Assist the Council in meeting the objectives of sustainable development, by contributing towards delivering the aims/objectives of the adopted Sheffield Local Plan.
- Provide clarity to landowners, developers, planners, stakeholders and local residents regarding the basis on which planning obligations and developer contributions will be sought.

2.8 This SPD considers the range of matters identified in draft Policy A1 (Pre-submission City Policies, Sites and Proposals Map 2013<sup>5</sup>) that potentially might be covered by CIL. See Technical Appendix 1(a) for details of draft Policy A1. Typically these include:

- Transport & highway infrastructure
- Education provision
- Community & health facilities
- Recreation provision, including public open space, play and sports provision
- Flood and water management
- Air quality
- Public art
- Waste management

2.9 It also explains how developer contributions which are not provided for through the CIL (so not identified as a CIL priority in the 'Regulation 123 List' – see section 4 of this document) might be:

- Sought to address the cumulative impacts of development
- Pooled into a capital pot(s)
- Used to address the impacts on local infrastructure.

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<sup>5</sup>Sheffield City Council Pre-submission City Policies, Sites and Proposals Map 2013  
<https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan/city-policies-and-sites.html>

### **3 Legislative Framework and Policy Guidance**

#### **Planning Acts and CIL Regulations**

- 3.1 The Planning Act 2008<sup>6</sup> provides the framework for the Council to charge a CIL on qualifying new development, to contribute towards infrastructure that is needed to enable the development strategy for the wider area to take place where viable. The ability to charge a Levy came into effect via the Community Infrastructure Levy Regulations (2010<sup>7</sup>). The CIL Regulations amend the Section 106 regime of developer contributions set out in the Town and Country Planning Act (1990).
- 3.2 The CIL Regulations specifically list affordable housing for exclusion from the meaning of “infrastructure” so developer contributions for affordable housing will be negotiated separately from the CIL, where appropriate. The cost of affordable housing contributions was taken into account when setting the CIL rates to ensure that affordable housing requirements are met and do not undermine scheme viability.
- 3.3 The CIL Regulations prevent double counting of planning obligations with CIL contributions for infrastructure, details are provided under Section 4 of this document

#### **National Policy Context**

- 3.4 The National Planning Policy Framework<sup>8</sup> (NPPF) was published in March 2012, and replaced most previous national planning guidance and policy.
- 3.5 The following provisions of the NPPF are particularly relevant to this SPD:
  - The purpose of the planning system is to deliver sustainable development and a general presumption in its favour will apply. This includes (amongst other things) coordinating development and infrastructure requirements, as well as promoting strong, vibrant and healthy communities, enhancing our natural environment and using our natural resources prudently (paras. 6 to 10).
  - Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition (para. 203); and must comply with the three statutory tests.
  - Where planning obligations are being considered, Local Planning Authorities should take account of changes in market conditions

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<sup>6</sup> The Planning Act 2008. HMSO 2008. <http://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>7</sup> The Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>.

<sup>8</sup> NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

over time, and these should be flexible to avoid developments being stalled (para. 205).

- Affordable housing should ideally be delivered on site, unless off-site provision or a financial contribution of equivalent value can be robustly justified; as contributing to the objective of creating mixed and balanced communities (para. 50).

3.6 The NPPF (paragraph 204) and the CIL Regulations (Regulation 122) set out the statutory tests which obligations should meet. The three tests are:

- i. The obligation is necessary to make the development acceptable in planning terms.
- ii. The obligation is directly related to the development.
- iii. The obligation is fairly and reasonably related in scale and kind to the development.

3.7 If an obligation does not meet all of the three tests it cannot in law be taken into account in granting planning permission.

3.8 To support the delivery of the NPPF, the Government has published National Planning Practice Guidance<sup>9</sup> (NPPG). This includes guidance on both the Community Infrastructure Levy and Planning Obligations.

3.9 The NPPG has been taken into account in the drafting of this document.

### **Local Policy Context**

3.10 The main element of the Sheffield Local Plan that relates to infrastructure is the Core Strategy (2009).

3.11 The Core Strategy has a number of strategic objectives and spatial policies that require the provision of infrastructure to deliver them; these relate to:

- economic transformation,
- serving the city region,
- transforming housing markets,
- promoting successful neighbourhoods,
- health and well-being,
- better connectivity,
- better use of the transport network,
- supporting sustainable transport

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<sup>9</sup> NPPG <http://planningguidance.planningportal.gov.uk/>

- reducing the city's impact on climate change
  - enhancing the natural environment
- 3.12 Details of the strategic objectives are provided in Technical Appendix 1(b), and the spatial policies are covered in Section 5 and reproduced in Technical Appendix 1(c).
- 3.13 In some circumstances, 'saved' policies from the Sheffield Unitary Development Plan (1998) may also be applicable such as UDP Policy H16 Open Space in New Housing Developments (see Technical Appendix 1(c)).
- 3.14 Affordable housing is an important issue to be addressed through the Local Plan, and one of the biggest factors affecting the economic viability of a development site. S.106 Obligations will continue to be used to deliver affordable housing through the Local Plan. Core Strategy Policy CS40 sets out the policy approach to the provision of affordable housing and refers to the need for delivery through an SPD; which is now this document (see Technical Appendix 1(c)).
- 3.15 Section 5 provides full details of city-wide and strategic policies from the Core Strategy, and their infrastructure requirements. This includes information on education and open space, amongst a range of other types of infrastructure as set out in section 2.
- 3.16 Under emerging local policy, draft Policy A1 of the City Policies and Sites document (Pre-submission version 2013) provides a mechanism to address the infrastructure requirements of the Sheffield Local Plan; and prioritise projects for funding through the CIL and other developer contributions by setting out the policy framework for planning obligations. This emerging policy currently holds little weight as a local plan policy because it has not been adopted. However, the methodology used to set CIL priorities in Policy A1 has been endorsed by Cabinet, as part of the CIL implementation process as it formed part of the evidence at the public examination on the draft CIL Charging Schedule; so is more relevant than most draft local plan policies. The policy will be incorporated into a new Local Plan.

### **Monitoring and Review**

- 3.17 The Council is in the process of drafting a new Sheffield Local Plan which, once adopted, will eventually replace the Core Strategy and saved policies in the UDP<sup>10</sup>. This SPD will be updated in the light of new requirements for infrastructure provision set out in the new plan.

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<sup>10</sup> Details of the Local Plan and the timetable can be seen at:  
<https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan/local-development-scheme.html>



## 4 Details on CIL & Planning Obligations

### Mitigation of impacts from development

- 4.1 Mitigation for development can generally be achieved in three ways:
- Through conditions imposed on planning applications. These usually ensure that a development proposal will be implemented in a manner consistent with the approved planning application;
  - Through planning obligations, where conditions are not effective or appropriate to deliver site specific mitigation. These require the landowner to enter into a legal commitment to undertake specific works, the provision of land/ facilities, providing a financial contribution, or requiring the agreement of third parties. These are intended to secure the necessary site specific requirements to make an individual application acceptable, and they ensure that these are adhered to and remain in force beyond the completion of the development. Planning obligations must comply with the three tests outlined in paragraph 3.6, and cannot duplicate what is within the Regulation 123 List (see paragraphs 4.8 to 4.12 below for details).
  - Through the payment of a development levy in accordance with an adopted CIL Charging Schedule. A Regulation 123 List will set out the strategic infrastructure priorities of the City, which the Council will be committed to funding (at least in part) by CIL receipts. The fundamental difference between CIL and S.106 is that the funds generated by CIL are not directly linked to a specific development or the provision of specific infrastructure.
- 4.2 In addition to addressing the impacts of development, planning obligations can also be used to secure compliance with planning policy, such as the provision of affordable housing (excluded from CIL by Regulations).
- 4.3 At this stage, it is also worth noting that the most practical way of complying with planning conditions requiring site specific highway works to facilitate development, such as junction improvement works necessary to accommodate traffic generated, will be for the developer to enter into a Section 278 Agreement with the Council as Local highway Authority, under the Highways Act 1980. This would be where there is no identifiable project in the Regulation 123 List and where it is necessary to accommodate the impact of the proposed development.
- 4.4 Each development proposal will need to be assessed on its own merits; it is possible that a proposal could be subject to any of the three types of mitigation mentioned above; alongside any required S.278 Agreements which are a consequence of the conditions imposed on consent.

### **Pre-Application Advice**

- 4.5 Developers are encouraged to enter into an early dialogue with the Council for pre-application advice to identify any required obligations before a planning application is made. Details of the pre-application enquiry process including the fees can be found at <https://www.sheffield.gov.uk/planning-and-city-development/applications/premakinganapp.html>

### **CIL Charging Rates**

- 4.6 The CIL relates to strategic priorities in the Sheffield Local Plan and the rate is based on what is affordable or viable. It has not been set at such a level that it risks the delivery of the Local Plan's aims/objectives, or which significantly threatens the levels of development in the City.
- 4.7 The CIL Charging Schedule (adopted 2015) was the subject of an independent examination by a Planning Inspector in January 2015. It was approved by Cabinet in April 2015 and Full Council in June 2015. The CIL Schedule and Cabinet report can be found at <https://www.sheffield.gov.uk/planning-and-city-development/applications/community-infrastructure-levy/adopt-cil.html>

### **What will CIL fund?**

- 4.8 The Council is required to publish the infrastructure projects (or types) upon which it intends to spend CIL revenues in a 'Regulation 123 List'; once it adopts a CIL Charging Schedule. S.106 planning obligation contributions cannot be sought towards any infrastructure project (or type) contained in the List.
- 4.9 Furthermore, for any S106 obligations secured since 6 April 2010, Regulation 123 does not allow more than five contributions to be 'pooled' for the same infrastructure project (though this restriction does not apply to affordable housing and other infrastructure provision that is not capable of being funded by CIL).
- 4.10 The latest version of the Regulation 123 List can be found at <https://www.sheffield.gov.uk/planning-and-city-development/applications/community-infrastructure-levy/adopt-cil.html>.
- 4.11 The Regulation 123 List includes current infrastructure projects. However, as new requirements arise the List will need to be amended to include these. It is likely that the Regulation 123 List will be amended regularly, following a formal process that would include public consultation and subsequent Cabinet approval. S.106 Planning Obligations will only be sought for new requirements where they meet the three statutory tests (see paragraph 3.6 above) and do not appear in the Regulation 123 List.

- 4.12 The Regulation 123 List is informed by the Infrastructure Delivery Plan (IDP), which sets out the infrastructure needs of the City to support economic and housing growth. It covers infrastructure being funded by other infrastructure providers, such as the utility companies and central Government departments. Phase 1 of the draft IDP formed part of the independent examination process for the CIL Charging Schedule and can be found at <https://www.sheffield.gov.uk/planning-and-city-development/applications/community-infrastructure-levy/adopt-cil.html>. This includes an Infrastructure Needs Assessment (INA) with a methodology for informing the identification and determination of CIL investment priorities, and specific delivery plans of priority infrastructure; including schedules setting out the likely expenditure of expected future CIL receipts. Phase 2 of the IDP will set out investment priorities beyond CIL and mechanisms for delivery.
- 4.13 A portion of CIL funds will be spent in in the area where the development is taking place following agreement with the local community on local infrastructure priorities. This 'neighbourhood portion' will typically be 15% of CIL receipts received as a result of development in that area, and 25% in areas covered by an adopted Neighbourhood Plan or Neighbourhood Development Order. Where there is a parish council in an area, the neighbourhood portion must be handed over to the parish to spend on their local priorities. Where there is no parish, the Council will hold the CIL money on behalf of the local community, and the Council will work with the local communities to determine how this is spent.

### **CIL and Planning Obligations**

- 4.14 Affordable Housing will be dealt with via S.106 and requires the provision of units on-site or contributions towards off-site provision.
- 4.15 Table 2 below outlines potential infrastructure requirements and how they will be funded through the use of CIL and S.106 Agreements.
- 4.16 Note that, although CIL is expected to replace certain S.106 contributions, there are still affordable housing and site specific contributions that may be appropriate. The CIL charges include an assumption, as set out in the CIL Viability Study that S.106 contributions will continue to be made.

**Table 2: Infrastructure types delivered through CIL and Section 106**

| Type of Infrastructure                         | Core Strategy Policy and/ or UDP Policy                     | Potential CIL funded infrastructure   | S.106 infrastructure/on-site mitigation   |
|--|---|---|---|
| Highway/ Strategic Transport Link improvements | CS54<br>CS55<br>CS59<br>CS60<br>CS61<br>UDP BE9<br>UDP BE10 | Improvements to and/ or new pedestrian and cycling routes, new roads  |   |
| Public transport                               | CS53<br>CS56<br>CS57<br>CS60                                | Improvements to priority bus routes, provision of park and ride, interchanges, car clubs, controlled parking zones                                      |   |
| Education                                      | CS43  | School and educational places/facilities where they are insufficient  | School infrastructure provision required to make major residential development (500 dwellings for primary and 1,000 dwellings for secondary and 6 <sup>th</sup> form provision) sustainable.                    |
| Community facilities                           | UDP CF1<br>UDP CF3<br>UDP CF4                               | Improvement or provision of community facilities (with particular potential through the Neighbourhood Portion)  | On-site replacement or commuted sum to compensate for loss of community facility as a result of development.<br><br>New provision required to make major residential development (1,000 dwellings) sustainable. |
| Health   | CS44  | New health facilities   | New provision required to make major residential development (1,000 dwellings) sustainable.   |
| Air quality                                    | CS66  | Strategic projects to improve air quality identified for instance, through the Air Quality Action Plan or the Low Emission Zone Strategy implementation | Monitoring and mitigation against direct impacts on air quality from the development to the local area  |
| Flood risk management                          | CS67<br>UDP GE20  | Strategic flood mitigation infrastructure   | Off-site flood management measures.   |

| Type of Infrastructure                 | Core Strategy Policy and/ or UDP Policy                        | Potential CIL funded infrastructure  | S.106 infrastructure/on-site mitigation   |
|--|--|--|---|
| Open Space/ Public Realm               | CS45<br>CS46<br>CS47<br>CS48<br>UDP BE4<br>UDP IB13<br>UDP H16 | Provision of new or improved open space/ public realm  | On-site open space for residential development of over 4 hectare to be provided or replacement of open space lost through development |
| Waste and Recycling facilities         | CS70<br>UDP MW5  | Provision of community composting schemes, recycling points and improvement of Household Waste Recycling Centres |   |
| Misc. off-site relocation              |  |  | Relocation off site of any habitat or item of infrastructure (including a community facility).  |
| Misc. off-site mitigation requirements |  |  | Mitigation off site for any harm or loss of habitat, open space, or other environmental or community asset or item of infrastructure  |
| Misc. Third Party Agreements           |  |  | Meeting any planning requirement that is subject to a third party agreement   |

### **Development Viability Issues**

- 4.17 Where a development is liable for CIL the charge has to be paid unless certain exemptions or relief apply. Part 6 of the CIL Regulations 2010<sup>11</sup> (as amended) provides details of these exemptions that may apply, including those for minor development, charities, social housing, self-build and exceptional circumstances.
- 4.18 If the impact of CIL and any particular obligations are considered to render a proposed development unviable, the onus will be on the developer to clearly demonstrate this.
- 4.19 For S.106 and S.278 obligations, if it is agreed by the Council that a proposal cannot reasonably afford to meet all of the normal CIL and planning obligation requirements, the latter may be negotiated with the developer, subject to the proposal being acceptable in all other respects. Commercially sensitive information and detailed figures will be treated in due confidence wherever possible. However, applicants

<sup>11</sup> *The Community Infrastructure Levy Regulations 2010.* - <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>.

should be aware that the Council may be compelled to disclose information submitted in viability appraisals in the interests of transparency. In any event the key issues and broad conclusions coming out of the appraisal will be a matter of public record.

- 4.20 For **affordable housing**, there is a specific process to be followed if a developer considers that it would make the development economically unviable. Applicants will be asked to provide a financial appraisal which includes a full breakdown of development costs. This will be independently appraised by the District Valuation Office, at the developers' expense. The outcomes of the assessment could result in a reduced Affordable Housing contribution or, in some circumstances, a zero contribution, subject to a reappraisal if the development is delayed. Full details of this process can be found at <https://www.sheffield.gov.uk/planning-and-city-development/applications/apply/lpar/affordable-housing.html>
- 4.21 If, after negotiation and agreement on S.106 contributions a developer considers a scheme is still not sufficiently viable to pay the CIL charge, the only process available to seek relief on viability grounds will be to apply for **Exceptional Circumstances Relief** (ECR) – see CIL Regulation 55. The Government and the Council expect ECR to be appropriate only on rare occasions. This is because the CIL rates have been set in accordance with standard assumptions, and with a cautious approach to these assumptions, that include an element of non-CIL obligations and a large buffer, to ensure viability. These assumptions and this approach were agreed as appropriate and reasonable by an independent Government Planning Inspector.
- 4.22 Any application for ECR by an applicant must address the assumptions used in the CIL Viability Study (produced by independent consultants and agreed by the independent Inspector) and identify why their development differs specifically from the standard assumptions used in the Viability Study (see <https://www.sheffield.gov.uk/planning-and-city-development/applications/community-infrastructure-levy/adopt-cil.html>). Tables 4.37.1 and 4.40.1 in Section 4 of the Viability Study in particular set out the assumptions used.
- 4.23 CIL Regulations state that ECR can only be granted if a S.106 agreement is in place. The Council will make the final decision on whether to grant ECR.

### **Timing of CIL and Obligations**

- 4.24 The Council is offering an Instalments Policy for larger CIL payments (in line with CIL Regulations), to allow for payments to be made on a phased basis for larger schemes rather than 100% of the charge being paid within 60 days of commencement of the development. This is made available to assist with cash flow and viability.

- 4.25 The timing of planning obligations will be a matter to be agreed between the Council and the developer. Payment is usually required on commencement of development, to allow sufficient time for the planning need to be met and for the obligation to be easily enforceable. Highway improvements directly associated with the development are normally required to have been carried out before occupation, although in some instances, these may be required before any development can take place. Financial contributions for other off-site works and longer term projects will normally be required on commencement of development but in some cases on-site occupation may also be acceptable. For larger, phased developments, phased payments may also be possible.

## 5 Infrastructure Requirements from City-wide and Strategic Policies

5.1 Sections 2-3 above outline the Local Plan’s strategic objectives and spatial policies that relate to infrastructure requirements. This section sets out how the objectives and policies relate to the broad themes covered in the NPPF. In order to allow easy cross-reference the themes are ordered in the same way as the Framework (see Table 3 below). Requirements covered by this Section of the SPD are highlighted in the Table.

5.2 The Council has produced a Statement of Conformity<sup>12</sup> covering the Local Plan and the NPPF, and the policies in the Local Plan are consistent with the NPPF. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans, with the greater the weight given to policies that align closely with the Framework.

**Table 3: NPPF Themes and requirements of the Local Plan**

| <b>NPPF Theme</b>  | <b>Local Plan Requirement</b>  |
|--|--|
| a) A Strong and Competitive Economy                                | All infrastructure projects will make a contribution towards a strong and competitive economy, for example, new employment opportunities complemented with new housing and local amenities will make the city increasingly attractive for investment/job creation and as a place to live and work.<br><br>However, at this stage there are no direct infrastructure requirements in adopted policy that relate specifically to employment and training provision |
| b) Ensuring the vitality of the City Centre (and District Centres) | As above, all infrastructure projects will make a contribution towards this.   |
| c) Promoting Sustainable Transport                                 | <b>1. Highways/Strategic transport network improvements and Public transport</b>   |
| d) Supporting High Quality Communications Infrastructure           | There are currently no infrastructure requirements   |
| e) Delivering Homes, and Creating & Promoting Healthy Communities  | <b>2. Affordable housing</b><br><b>3. Education provision</b><br><b>4. Community facilities</b><br><b>5. Health facilities</b><br><b>6. Open space</b>   |
| f) Requiring Good Design   | <b>7. Public art</b>   |
| g) Protecting the Green Belt and Supporting a Prosperous Rural     | There are currently no infrastructure requirements   |

<sup>12</sup> <https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan.html>



|   |  |
|---|--|
| Economy   |  |
| h) Meeting the Challenge of Climate Change and Flooding | <b>8. Renewable energy and carbon reduction</b><br><b>9. Flood risk management</b> |
| i) Conserving and Enhancing the Natural Environment     | <b>10 Air quality</b>  |
| j) Conserving and Enhancing the Historic Environment    | There are currently no infrastructure requirements                                 |
| k) Facilitating the Sustainable Use of Minerals         | There are currently no infrastructure requirements                                 |
| l) Waste Management                                     | <b>11 Waste management</b> (inc. Recycling facilities)                             |

5.3 Local Plan requirements 1-11 (as outlined in Table 3) are addressed in detail in the following paragraphs, with information on the Policy context, how such infrastructure will be provided i.e. through the use of CIL funds or S.106 Planning Obligations; followed by the relevant guidelines that will be applied.

5.4 Several Core Strategy (2009) and saved UDP (1998) policies are referenced in this section of the document, these can be seen in Technical Appendix 1(c).

5.5 In certain circumstances, Local Plan policies can allow relocation or mitigation of harm to a habitat, open space, or other environmental or community asset or piece of infrastructure. If this requires work outside of the application site or on land in different ownership, a S106 agreement will be required to secure this. This would apply whenever the agreement of a third party is required, for example noise mitigation work on other land.

## **1. Highways/Strategic transport network improvements and Public transport**

- 5.6 Any type of new development (new housing, employment, retail, etc.) will have an impact on transport infrastructure for all modes, for example through additional trip generation or alterations to the highway. These impacts can occur both at a local and a city-wide scale. It is therefore reasonable to seek provision of/or contributions towards transport improvements where new development would generate significant number of additional trips or create significant congestion.
- 5.7 Investment in transport infrastructure represents one of the greatest challenges to Sheffield. Overall traffic levels in Sheffield have increased over the last decade, leading to increased congestion and a range of associated problems such as increased air pollution, noise impacts and visual intrusion. It is critical to the successful and sustainable growth of the city that major transport improvements are delivered.
- 5.8 Funding for transport infrastructure will normally be provided through CIL and other mainstream funding programmes. This will typically include improvements to priority bus routes, the provision of park and ride, interchange facilities, car clubs, controlled parking zones, improvements or new pedestrian and cycling routes as part of a strategic network, and the creation of new roads (where appropriate under Core Strategy policy CS59). The requirements for these are set out in Core Strategy policies CS53-61.
- 5.9 There will, however, be instances where development may cause a significant site-specific impact which should be directly addressed by that specific development, such as by improvements or alterations to the highway. When developers apply for planning permission, the Council may ask them to produce a Transport Assessment (TA) or Transport Statement (TS), to provide a technical assessment of all the accessibility issues and transport implications that may arise due to the development. The Council may seek a financial contribution or works from the developer to provide any necessary mitigation measures. These will generally be secured through the use of 'Grampian-style' conditions on planning permissions, with subsequent S.278 Legal Agreements providing the 'arrangements' by which the developer can fund the Council as highway authority to carry out the necessary works to the public highway. S.106 Planning Obligations will not be used.
- 5.10 A S.278 Legal Agreement is where the developer is required to carry out or fund works to the existing highway, which are necessary to accommodate a proposed development, so that it is acceptable from a planning and highways point of view. The works must be directly related to the new development. Examples could include:

- Junction amendments and improvements,
- new vehicle/pedestrian/cycle accesses and facilities
- traffic calming
- pedestrian crossings
- road safety works

## **2. Affordable Housing**

- 5.11 As mentioned previously, developer contributions for affordable housing will be negotiated separately from the CIL, where appropriate and either provided on-site or delivered off-site through S.106. This part of the SPD provides the background for the need for Affordable Housing and sets out the guidelines in detail.
- 5.12 The Local Plan Core Strategy contains a policy (CS40) on Affordable Housing requiring developers of new housing to contribute towards the provision of affordable housing where practicable and financially viable. This SPD provides detailed guidance for implementation of the Core Strategy policy.
- 5.13 Affordable Housing Interim Planning Guidance (IPG) was published in 2009 to support the Core Strategy. It set a city-wide requirement for 30-40% of new homes in market housing developments to be affordable homes. A further update to the IPG, with variable expected developer contributions set out by Affordable Housing Market Area, was then issued in 2014, to reflect the planned adoption of the CIL Charging Schedule being in 2015. This SPD draws on the principles of the 2014 IPG and updates the guidance as required.
- 5.14 The aim of this part of the SPD is to provide a consistent, clear approach to the delivery of affordable housing across the whole city. It provides more guidance on:
- What is meant by the term ‘affordable housing’
  - The need for affordable housing in Sheffield
  - How many affordable dwellings will be required on sites of different sizes
  - Ways of providing affordable housing
  - Design of affordable housing
  - Who should occupy the dwellings
  - How to ensure continued affordability

### **Definition of ‘Affordable Housing’**

- 5.15 The Government’s national planning policy<sup>13</sup> defines Affordable Housing as:

*‘Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.’*

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<sup>13</sup> National Planning Policy Framework (2012) Annex 2: Glossary

- 5.16 Homes that do not meet the above definition of affordable housing, such as 'low cost market housing', may not be considered as affordable housing for planning purposes. In deciding whether housing is affordable, the City Council will use the above definition or any definition that may replace this as provided by national planning policy.

### The Need for Affordable Housing in Sheffield

- 5.17 Where there is an identified need for affordable housing, Government planning guidance allows local planning authorities to negotiate affordable housing as a proportion of new housing developments. The Strategic Housing Market Assessment (2013) identified a need for 725 additional affordable housing units in Sheffield per year. This figure is in addition to units projected to be delivered by Registered Providers through the Government's Affordable Homes Programme (funded by the Homes and Communities Agency).
- 5.18 The Strategic Housing Market Assessment contains evidence regarding the need for affordable housing, and is available on the Council's website at <https://www.sheffield.gov.uk/in-your-area/housing-services/housing-strategies/housing-market-assessment.html>.
- 5.19 The following guidelines apply for Affordable Housing provision.

### **GAH1 Types of Site Where Affordable Housing will be Sought**

**A contribution to Affordable Housing will be required on new Housing Developments which exceed the following size threshold:**

***Sites with capacity for 15 or more dwellings (or 60 or more student bed spaces<sup>14</sup> in purpose built student housing schemes).***

**This guideline applies to all developments that satisfy the size threshold and require planning permission, except those only requiring approval of reserved matters.**

**This guideline also applies to developments below the minimum size thresholds, which would exceed the threshold when combined with an Adjoining Development Site(s).**

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<sup>14</sup> 60 student bed spaces would typically equate to 15 cluster flats with an average of 4 bed spaces per flat.

## **Definitions**

**‘Affordable Housing’** – as defined in the National Planning Policy Framework or any definition that may replace such as provided by national planning policy.

**‘Housing Developments’** – includes all types of housing, including independent<sup>15</sup> homes for older people, and purpose built student accommodation. It does not include institutional housing which would be wholly or partly affordable, such as care homes. It covers both new build and conversions.

**‘Adjoining Development Site(s)’** – where one or more adjacent development sites in the same ownership, and being developed concurrently, would provide 15 or more dwellings.

### **This guidance will be put into practice by:**

- Requesting the developer or owner of the land (including the City Council) to produce a scheme for meeting identified needs.
- Negotiating with housing developers for all schemes that meet the site size threshold set out in the guideline, including where this is by a combination of dwellings and student bed spaces.

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<sup>15</sup> ‘Independent’- means a self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use. It may include homes where an element of care is provided.

## GAH2 Required Level of Affordable Housing Provision

The developer will be required to provide a specified percentage of the gross internal floor area of the development for transfer to a Registered Provider at the Transfer Price (or equivalent provision as agreed with the City Council). The required levels for each Affordable Housing Market Area are as follows<sup>16</sup>:

| Affordable Housing Market Area   | Required contribution (%) |
|----------------------------------|---------------------------|
| City Centre                      | 0                         |
| Manor / Arbourthorne / Gleadless |                           |
| East                             |                           |
| North East                       |                           |
| City Centre West                 | 10                        |
| North West                       |                           |
| South East                       |                           |
| Stocksbridge & Deepcar           |                           |
| Chapelton / Ecclesfield          |                           |
| Rural Upper Don Valley           | 30                        |
| South                            |                           |
| South West                       |                           |

The required level of provision will only be relaxed where an independent appraisal can show that the development would not otherwise be economically viable.

The developer contribution will be used to provide units of affordable housing in accordance with Guideline 4.

In Affordable Housing Market Areas with an expected contribution of 10% or 30%, in the current housing market, planning permission may be granted for some developments with a lower or zero affordable housing contribution due to viability. However, if the scheme is deferred until the market improves, its viability will be re-appraised to determine whether a higher affordable housing contribution, up to the required amount for that Affordable Housing Market Area, would be viable.

<sup>16</sup> The required developer contributions for each Affordable Housing Market Area have been determined following analysis of the Strategic Housing Market Assessment (2013), the Strategic Housing Land Availability Assessment (2012/13), the Affordable Housing Viability Study (2009), and the Community Infrastructure Levy (CIL) Viability Study (2013).

**[See Appendix 2 (b) for an example of how the formula will be used to calculate the required developer contribution, Appendix 2 (e) for details on viability reappraisal, Appendix 2 (f) for a map of the Affordable Housing Market Areas, and Appendix 2 (g) for a table relating affordable housing contributions to CIL charges]**

### **Definitions**

**'Transfer Price'** – the price per square metre at which properties will be sold by the developer to a Registered Provider. The Transfer Price is based on the provision of homes for Affordable Rent, and is currently set at £850/sqm.

### **This guidance will be put into practice by:**

- Requiring the developer to provide an Affordable Housing Statement including details of estimated market value of units and size of residential units.
- Negotiating an appropriate level of Affordable Housing on a development in accordance with the methodology set out in Appendix 2 (c) where the expected level cannot be met.
- Including the expected level for on-site provision of Affordable Housing in planning briefs.
- Advising purchasers of Council land where there is a requirement for affordable housing.
- Requesting the developer or owner of the land (including the City Council) to produce a scheme for meeting identified needs.
- Negotiating with developers to secure house types which would meet local needs for Affordable Housing.
- Negotiating with developers regarding the arrangements (where appropriate) for disposing of dwellings or land to a Registered Provider and the sale price of dwellings.
- Drawing up a S.106 agreement whereby the developer provides the required contribution towards Affordable Housing.
- In the case of outline consent, attaching appropriate conditions to the planning consent. This might be a requirement to submit an Affordable Housing scheme when reserved matters applications are submitted. A model planning condition is included in Appendix 2 (a).
- Attaching appropriate conditions to the planning consent, regarding the phasing of Affordable Housing development in relation to development of on-site market housing.
- Requiring developers to provide a full breakdown of development costs where



they are seeking to provide Affordable Housing below the expected level. This will be appraised by an independent body approved by the Council.

- Drawing up a S.106 agreement to secure a viability reappraisal for any scheme which cannot viably deliver the required Affordable Housing provision when a planning application is determined.

### **GAH3 On-Site Provision and Use of Commuted Payments**

**Wherever possible and appropriate, Affordable Housing should be provided on-site. A Commuted Payment in lieu of on-site provision will only be acceptable where the City Council consider that:**

- a) the Affordable Housing need would be more effectively met by bringing existing vacant housing back into active use; or**
- b) management of the Affordable Housing on-site cannot be secured effectively or economically; or**
- c) providing the Affordable Housing elsewhere in the local area is more likely to widen housing choice and encourage better household mix; or**
- d) it is not physically possible to provide Affordable Housing of the size or type that is needed in that area; or**
- e) the homes being built are of a type and specification that is not needed for Affordable Housing in that area; or**
- f) significantly more Affordable Housing of a high quality could be provided in the local area through off-site provision; or**
- g) there are other exceptional circumstances that would make off-site provision a more appropriate option.**

**Where a Commuted Payment is made, it will be used to finance new Affordable Housing by new building or the purchase, refurbishment or conversion of existing private housing. This should be within the local area unless this is not possible, in which case a wider area will be agreed.**

**The amount of the Commuted Payment will be calculated based on the expected developer contributions in Guideline 2<sup>17</sup>.**

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<sup>17</sup>For student housing schemes, calculation of the commuted sum will be based on the current market price for a 2-bedroom flat in that part of the city and the transfer value. See Appendix 2 (d) for an example of how this could be calculated.

### **Definitions**

**'Commuted Payment'** – a payment by the developer which is made as an alternative to building affordable dwellings on the site. The money can only be used to provide affordable housing off-site within a defined area.

#### **This guidance will be put into practice by:**

- Calculating the Commuted Payment using the process outlined in Appendix 2 (b).
- Drawing up a S.106 agreement whereby the developer makes a financial contribution towards Affordable Housing provision in the city. This is an agreement entered into between a landowner and the City Council, which allows the Council greater control over the type of development that takes place.
- Using the money to assist Registered Providers to provide Affordable Housing in the city by means of new build, purchase, refurbishment or conversion, according to strategic priorities.

### **GAH4 Type and Tenure of Affordable Housing to be Provided**

**Where it is are to be provided on-site, the Affordable Housing will be for Affordable Rent unless the Council has identified a strategic need for an alternative tenure in that location. The exact size, type and tenure will be a matter for negotiation taking into account strategic priorities and the need for particular types of Affordable Housing in the local area.**

### **Definition**

**'Affordable Rent'** – no more than 80% of local market rent (including service charges where applicable).

#### **This guidance will be put into practice by:**

- Negotiating an appropriate housing mix with the developer to ensure development of house types which would meet local needs for Affordable Housing. This could include specialist provision such as accommodation for older people.

## **GAH5 Design of Affordable Housing**

**Affordable Housing should not be able to be differentiated by design, quality, specification, location within the site, timing of the development or by significant difference in access to services and amenities.**

### **This guidance will be put into practice by:**

- Promoting consultation between the developer and Registered Provider regarding the required specification of the dwellings.
- Ensuring that Affordable Housing units are integrated into the scheme.
- Ensuring that the specification of Affordable Housing units is equivalent to that of the market units unless otherwise agreed by the Council and the purchasing Registered Provider.

## **GAH6 Occupation of Affordable Housing**

**Occupation of affordable rented or social rented units should be according to the City Council's Allocations Policy.**

**Occupation of intermediate housing should be by households whose total income prevents them from affording housing on the open market.**

### **Definition**

**'City Council's Allocations Policy'** – the Council's statutory allocations scheme made in accordance with the provisions of section 166A of the Housing Act 1996 (or any successor policy).

### **This guidance will be put into practice by:**

- Nominating households from the Council's Housing Register (as referred to in the City Council's Allocations Policy) to any rented units.
- Where appropriate, negotiating the development of intermediate housing where houses can be purchased or rented by households whose total income prevents them from affording housing on the open market.

## **GAH7 Ensuring Continued Affordability**

### **Affordable Housing should:**

- a) remain affordable in perpetuity or, if units are sold, the proceeds should be re-invested to provide alternative affordable housing in the city; and**
- b) not be subject to management or parking costs which would render the unit unaffordable.**

### **This guidance will be put into practice by:**

- Drawing up a S.106 agreement to ensure that the proceeds from the sale of Affordable Housing are recycled to provide alternative new affordable homes.
- Ensuring that any service charges are affordable in the long term.

### **3. Education**

- 5.20 The creation of new homes will in most cases, result in an increase in the number of school age pupils in the area, and therefore create a need for additional school places. The Council regularly monitor new housing development and future school capacity and this has shown that across the City there are primary and secondary schools that are either at full capacity or already overcrowded. Where this is the case, it is desirable to develop new housing along with the provision of extra places within schools where possible. Core Strategy policy CS43 Schools requires contributions towards education provision where there is insufficient local capacity for demand arising from new housing developments.
- 5.21 Previously, the Council sought a S.106. Planning Obligation in parts of the city where there were capacity issues arising from new housing development. Since the implementation of the CIL, contributions towards providing additional school accommodation, either through an extension or the commissioning of a new school will now normally be funded through CIL. The Regulation 123 List will specify which education projects across the city will be CIL funded in whole or part.
- 5.22 However, there may be circumstances where a S.106 Planning Obligation is required, for example where a major residential development is proposed, and subsequently the capacity of a local school will have to be increased, either through an extension or the commissioning of a new school, within the local area; but where there is no project specified for that area within the Regulation 123 List.
- 5.23 Where a S.106 Planning Obligation is required, the NPPF in paragraph 204 requires contributions to be related in scale to the development. Guideline GE2 indicates specific factors which will be considered in determining the scale of contributions towards educational provision. These factors will allow costs to be worked out in relation to the direct impact on education facilities of each application.
- 5.24 The guidelines below applies to new school provision in these circumstances;

#### **GE1 Provision of New School Infrastructure**

**School Infrastructure Provision, within the Local Area will be required where it is necessary to make Major Residential Developments sustainable.**

## **Definitions**

**‘School Infrastructure Provision’** – covers primary, secondary and sixth form school classrooms and associated facilities.

**‘Major Residential Developments’** -

**Type of Development:**

All types and sectors of housing, with the exception of houses and flats with only one bedroom, purpose built student accommodation and dwellings formally designated as retirement properties, which are unlikely to yield school age children.

**Primary Provision:**

Development of 500+ dwellings is sufficient to require a whole class room; therefore a physical extension to an existing school within the Local Area is required.

Development of 1000+ dwellings is sufficient to trigger a new individual primary school within the Local Area or physical extension; to meet the needs of the development.

**Secondary and Sixth Form Provision:**

Development of 1000+ dwellings is sufficient to require a whole class room; therefore a physical extension to an existing school within the Local Area is required.

Development of 5000+ dwellings is sufficient to trigger a new individual secondary, possibly including sixth form, within the Local Area; or multiple physical extensions; to meet the needs of the development.

**‘Local Area’** – within the **School Organisation Planning Area** of the development site. These are locally-defined groupings of between two and five families of schools. A family of schools is generally a secondary school and the primary schools that have linked feeder status in the admissions process. See Appendix 3 for map.

**This guidance will be put into practice by:**

- Assessing the impact of new development previously not accounted for against current education provision in an area.
- Seeking on-site provision or a financial contribution for an off-site provision in the Local Area via the use of a S.106 Planning Obligation to address the shortfall in education capacity.

## **GE2 Level of Contribution**

**The level of contribution from a developer towards School Infrastructure Provision will be calculated from:**

- (a) the number of school-age children expected to come from the development;**
- (b) the cost of providing the additional capacity required to accommodate these children.**

### **Definitions**

**'School Infrastructure Provision'** – covers primary, secondary and sixth form school classrooms and associated facilities.

### **This guidance will be put into practice by:**

- Assessing the impact of new development previously not accounted for against current education provision in an area.
- Seeking on-site provision or a financial contribution for an off-site provision in the Local Area via the use of a S.106 Planning Obligation to address the shortfall in education capacity.

## **How the Costs are Calculated**

- 5.25 The main factors to be considered in determining the number of school-age children expected to come from a development will be the number and size of family houses.
- 5.26 The cost of providing the additional capacity required will be based on an estimate of the cost of works needed. This is based on a national cost-per-place formula, developed by the Department for Education and adjusted to take account of local variations in construction costs.
- 5.27 Figure 1 below gives a worked example of how contributions would be estimated. It assumes that there is insufficient spare capacity at existing schools.
- 5.28 Developers will only be required to make contributions towards education facilities for the age groups and standards of accommodation that the Council has a statutory duty to provide.
- 5.29 Delivery will be through entering into legal agreements with developers to meet these costs.

- 5.30 The likely future requirement for school places uses the latest assessments of future housing development as set out in the Strategic Housing Land Availability Assessment (SHLAA) and includes consideration of proposed local plan site allocations. This data is cross referenced with the Council's forecasts of demand for school places, which are derived from population data and take into account of actual pupil numbers in each area, patterns of movement and parental preference for each school.
- 5.31 These figures are based on the latest [Government's estimates](#)<sup>18</sup> of the average cost of building additional capacity including a local weighting for Sheffield of 0.99 (based on national variations in construction costs). These figures are then combined with pupil yield figures per dwelling, as set out in the worked example below.
- 5.32 Other Local Authorities across Yorkshire and Humber have shared their approach and most use the same figures (some have applied an uplift for inflation). Each Local Authority uses a yield derived from their own analysis of the number of additional pupils resulting from development. In Sheffield we review the yield of pupils from housing regularly.

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<sup>18</sup> <sup>18</sup> *School design guidance: Cost issues*, on the National Archive, 2010.  
<http://webarchive.nationalarchives.gov.uk/20100204113740/http://www.teachernet.gov.uk/management/resources/financeandbuilding/schoolbuildings/schooldesign/costinformation/>



**Figure 1**

*This example assumes that a new School Infrastructure Provision is required and that there is no spare capacity at existing schools.*

*The number of pupils expected to yield from a housing development is normally calculated as a ratio of pupils per year per 100 houses. Sheffield uses the ratio of 3 pupils per age group per 100 houses. This is based on the total number of pupils per age group at Sheffield schools and the estimated number of dwellings in the City with two or more bedrooms.*

*From this can be derived a pupil yield per house using the multiplier of:*

- 7 year groups at primary level*
- 5 year groups at secondary level and*
- 2 year groups at sixth form.*

*The yield per house using Sheffield's average of 0.03 pupils per age group is:*

- 0.21 pupils at Primary level*
- 0.15 pupils at Secondary level*
- 0.04 pupils at Sixth Form level (based on 70% staying on rate and applicable to sixth form schools only)*

*The yield per house will be applied to all types and sectors of housing with the exception of houses and flats with only one bedroom which are unlikely to yield school-age pupils.*

*The costs to be levied per pupil are the building costs per school place used by Central Government (see the weblink in paragraph 5.31 above). The latest figures are:*

|                   |                |
|-------------------|----------------|
| <i>Primary</i>    | <i>£12,257</i> |
| <i>Secondary</i>  | <i>£18,469</i> |
| <i>Sixth Form</i> | <i>£20,030</i> |

*The local weighting for Sheffield is 0.99.*

*The implications of the above are that, at current prices indicated by the Government, the level of contribution which may be sought per new family dwelling for a new school would be:*

- £12,257 x 0.99 x 0.21 = **£2,548** per dwelling to provide a primary school*
- £18,469 x 0.99 x 0.15 = **£2,743** per dwelling to provide a secondary school*
- £20,030 x 0.99 x 0.04 = **£793** per dwelling to provide a sixth form (where applicable).*

*These figures are rounded to the nearest £. They may be updated as costs change. If land has to be purchased to accommodate a new school, this cost would have to be divided equally between housing developments to give an additional charge per dwelling.*

#### **4. Community Facilities**

- 5.33 New residential development may result in the need for improved and/or new community facilities. UDP policy CF1 outlines the need for community facilities, and policies CF3 and CF4 in particular set out the requirements for childcare and nursery provision in developments with public access and employment/ training. UDP policy IB12 also encourages the creation of community facilities in industry and business areas.
- 5.34 The provision of community facilities will normally be funded by the CIL. The Regulation 123 List will identify strategic projects and there may be the potential for localised needs to be met through the Neighbourhood Portion.
- 5.35 However, there may be circumstances where a S.106 Planning Obligation is required, for example where a major residential development is proposed, and community facilities are required to make the development sustainable; but where there is no project specified within the Regulation 123 List.
- 5.36 Development resulting in the loss of community facilities will only be permitted where it conforms with UDP policy CF2. Replacement facilities will be required unless there is no longer a need for the facility in the area, see guideline GCF1 below for details.
- 5.37 The following guidelines apply to Community Facilities provision:

#### **GCF1 Loss Of Community Facilities as a Result Of New Development**

**Any development that would result in a loss of Community Facilities will need to provide replacement facilities in line with UDP policy CF2, unless they are no longer required.**

**If on-site replacement is not possible, a commuted sum will be required to enable the facility to be provided elsewhere in the local area.**

#### **Definitions**

**'Community Facilities'** – includes local shops, meeting places, sports venues, cultural buildings, public houses, places of worship and other local services which enhance the sustainability of communities and residential environments such as; community centres, youth clubs, libraries, information and advice centres, lecture theatres, drop in centres, crèches and nurseries, training centres and toilets.

**This guidance will be put into practice by:**

- Assessing whether the Community Facility is surplus to requirements;
- Seeking replacement on-site provision or a financial contribution for an off-site replacement via the use of a S.106 Planning Obligation.

**GCF2 Provision of New Community Facilities**

**Provision of Community Facilities will be required to make Major Residential Developments sustainable.**

**Definitions**

**'Community Facilities'** – includes local shops, meeting places, sports venues, cultural buildings, public houses, places of worship and other local services to enhance the sustainability of communities and residential environments such as; community centres, youth clubs, libraries, information and advice centres, lecture theatres, drop in centres, crèches and nurseries, training centres and toilets.

**'Major Residential Developments'** – developments providing 1,000 or more dwellings.

**This guidance will be put into practice by:**

- Assessing the impact of new development previously not accounted for against current community facility provision in an area.
- Seeking on-site provision and if not possible a financial contribution for an off-site provision in the local area via the use of a S.106 Planning Obligation

## **5. Health Facilities**

- 5.38 The Council recognises that new residential development resulting in increasing local population will place an increasingly cumulative pressure on local health facilities in an area. Core Strategy policy CS44 requires the creation of primary health centres in local communities with the 'highest level of needs or with changing or growing needs'. This particularly relates to the City Centre and areas of large new housing developments.
- 5.39 Contributions towards providing additional health facilities will normally be funded through the CIL. The Regulation 123 List will specify which health projects across the city will be CIL funded. The Neighbourhood Portion may also be an option to fund such facilities if the local community consider it a priority.
- 5.40 However, there may be circumstances where a S.106 Planning Obligation is required, for example where a major residential development is proposed, and health facilities are required to make the development sustainable; but where there is no project specified within the Regulation 123 List.
- 5.41 The following guideline applies to Health Facilities provision:

### **GHF1 Provision of New Health Facilities**

**Provision of Health Facilities infrastructure will be required to make Major Residential Developments sustainable.**

#### **Definitions**

**'Health Facilities'** – medical and health centres

**'Major Residential Developments'** – developments providing 1,000 or more dwellings.

#### **This guidance will be put into practice by:**

- Assessing the impact of new development previously not accounted for against current health facility provision in an area.
- Seeking on-site provision and if not possible a financial contribution for an off-site provision in the local area via the use of a S.106 Planning Obligation to address the shortfall in health facilities.

## **6. Open Space**

- 5.42 Sustaining and enhancing open space and public realm, and linking them to a strategic network of pedestrian and cycle routes, is an important element of creating and maintaining healthy, successful and sustainable neighbourhoods. Good quality open spaces also play an important role in the economic future of the City by attracting investment, with associated job creation.
- 5.43 An increase in population within an area can put extra pressure on existing open space, which may result in a need for new open space or upgrading of existing spaces. In addition, development proposals which would result in the loss of open space are not likely to be acceptable where they reduce provision below the minimum standard, or where they involve land that is of particular value, for example for heritage or ecological reasons.
- 5.44 Open Space provision for residential development is covered by UDP policy H16 *Open Space in New Housing Developments*. This policy requires developers to ensure that there would be sufficient provision of informal open space, children's play and outdoor sports facilities to meet the needs of residents.
- 5.45 Open space provision as a result of incremental growth is now likely to be delivered through CIL. The Regulation 123 List will specify which projects across the city will be CIL funded, should the Council determine they are a priority.
- 5.46 However, for larger sites in areas where open space provision is below the minimum guideline, and development would cause a localised requirement for additional open space, it is necessary to mitigate the pressure on local open space by creating new open space. This will need to be delivered on the site, unless it would be more appropriate to provide or enhance recreation space off-site but in the local area of the site. This requirement will not apply if the open space to be created is already identified on the Regulation 123 List.
- 5.47 Development on existing open space will only be permitted where it conforms with Core Strategy policy CS47 *Safeguarding Open Space*, unless there are exceptional circumstances. Where necessary, in line with the policy, applicants will be required to provide replacement open space of equivalent or improved quantity and quality, or where necessary a commuted sum for open space provision. As above, this will not apply if the open space to be created is already identified on the Regulation 123 List.
- 5.48 The following guidelines apply for open space provision.
- 5.49 Guideline GOS1 below brings the relevant parts of UDP Policy H16 into this SPD.

5.50 Since the adoption of the Unitary Development Plan, changes in legislation and national planning policy have taken place through the Planning Act 2008, the CIL Regulations 2010 and the National Planning Policy Framework, which have changed the way that pooled Section 106 developer contributions are collected. The UDP policy H16 required on-site provision on sites of over 1 hectare, or a contribution if this was considered not to be appropriate. Because CIL is now the expected method for pooling contributions, it is only appropriate to seek S.106 from developments if they are large enough to generate their own on-site need, in order to meet the requirements of the three tests. Normally this would only be on sites of 4 hectares and above. For this reason, the CIL and Planning Obligations Supplementary Planning Document needs to set out why on-site open space will only be required on sites of 4 hectares and above, rather than 1 hectare.

5.51 This is not the creation of a new policy, but is the explanation of how the UDP policy approach has been altered by new national planning policy and legislation.

### **GOS1 New Open Space in Housing Developments**

**For residential developments over four hectares, a Relevant Proportion of the site should be laid out as open space, except where:**

- (a) provision of recreation space in the Local Area would continue to exceed the Minimum Guideline after the development had taken place; or**
- (b) it would be more appropriate to provide or enhance recreation space off-site within the local area; where there is no identifiable project in the Regulation 123 List for the relevant part of the City.**

**Any new open space that is provided as part of a housing development should be:**

- Suitable to the type of development;**
- large enough to cater effectively for the intended recreational use;**
- appropriately sited; and**
- practical to maintain.**

**Where part (b) applies, a commuted sum will be required, which should be of an equivalent value to the cost of physically creating a new space that should otherwise have been provided on-site.**

## **Definitions**

**‘A Relevant Proportion’** – at least 10% of the site.

**‘Minimum Guideline’** – 4ha per 1000 people, consisting of<sup>19</sup>:

- 2.7ha per 1000 people of informal open space within 400m of the site
- 1.3ha per 1000 people outdoor sports provision and children’s play space within 1200m of the site

**‘Local Area’** – typically within 400m for informal open space and children’s play facilities. 1200m for youth/adult outdoor sports facilities, unless there is a robust justification as to why these distances should be extended.

**‘Suitable’** – having regard to the type of accommodation being provided. For instance this could include children’s play facilities for family housing, but not for homes for older people.

### **This guidance will be put into practice by:**

- Determining the amount of open space provision, in hectares per 1000 people, within the catchment of the site (as defined above).
- Ensuring that a relevant proportion of the site is laid out as open space by way of a condition on the planning permission.
- Seeking a financial contribution via the use of a S.106 Planning Obligation if on-site provision is required but cannot be delivered.

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<sup>19</sup> See Core Strategy policy CS47 for detailed definitions of types of open space.

## **GOS2 Management and Maintenance of New Open Spaces**

**The Council will not normally be able to adopt new open spaces or Ancillary Facilities. Therefore, the developer will be responsible for ensuring the management and maintenance of any new open spaces and Ancillary Facilities created as a result of Guideline GOS1. The Council may decide to manage and maintain new open spaces, if funded by the developer.**

**Proposals for new open space and Ancillary Facilities required by Guideline GOS1 should be accompanied by a Management and Maintenance Plan (agreed with the City Council) setting out:**

- (a) how the space and Ancillary Facilities will be managed and maintained in perpetuity; and**
- (b) the Quality to which new open spaces and Ancillary Facilities will be managed and maintained.**

### **Definitions**

**‘Ancillary Facilities’** – for instance changing rooms or floodlighting.

**‘Management and Maintenance Plan’** – a plan which sets out how the open space will be looked after to an agreed standard, including details of what management and maintenance will need to be done, when it will be done, and who will do it.

**‘Quality’** – as a minimum, sites will need to be clean, safe, welcoming and accessible. This should be in line with the ‘Sheffield Standard’ as defined in the Green and Open Space Strategy (2010-2030). See:  
<https://www.sheffield.gov.uk/out--about/parks-woodlands--countryside/green-and-open-space-strategy/the-sheffield-standard.html>.

### **This guidance will be put into practice by:**

- Working with developers to secure a sustainable Management and Maintenance Plan for new open spaces.
- Using a S.106 agreement to ensure the Management and Maintenance Plan is adhered to.



## **7. Public Art**

- 5.52 Public art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.
- 5.53 The provision of Public Art is covered by UDP policy BE12. This policy encourages the provision of public art as an integral part of the design of major developments or, in appropriate circumstances related to the wider public realm, a building or place of community significance.
- 5.54 Funding for Public Art will not normally be delivered through CIL and the policy is delivered by a Condition requiring on-site work by the developer.
- 5.55 Where public art is conditioned there may be certain circumstances where that Condition may be fulfilled, in negotiation with the developer, through a S.106 Planning Obligation.

### **GPA1 Public Art**

**Where Public Art is conditioned as part of a development this condition may be fulfilled by a financial contribution where there is no appropriate opportunity for public art within the development or the developer wishes/agrees to contribute to an off-site public art project that will enhance the development.**

#### **Definitions**

**‘Public Art’** – Permanent or temporary works in a location that is visible and/or used by the public, which are high quality and durable, undertaken by artists, craftspeople or creative professionals.

#### **This guidance will be put into practice by:**

- Seeking a financial contribution via the use of a S.106 Planning Obligation in lieu of an on-site work of Public Art.

## **8. Renewable Energy and Carbon Reduction**

5.56 Core Strategy Policy CS65 (b) requires significant<sup>20</sup> developments to generate renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20% (including any energy already generated to meet part (a) of the policy). The policy also sets out that if it is not possible to achieve this requirement, a contribution to an off-site carbon reduction scheme may be acceptable instead. However, part (b) of the policy is not currently being implemented because, since adoption of the Core Strategy, Building Regulations requirements for carbon reduction have increased to such a point that achieving a further 20% reduction would render most schemes unviable. Therefore the part of the policy referring to a contribution to an off-site scheme in lieu of achieving this requirement is not currently relevant. Should this approach change in the future, this SPD will be updated to reflect the mechanism for taking a contribution to an off-site carbon reduction scheme.

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<sup>20</sup> New-build and conversions of 5 or more dwellings (including apartments), or more than 500sqm gross internal floorspace.

## **9. Flood Risk Management**

- 5.57 Flood risk management is one of the most important ways of adapting to the predicted more intensive rainfall and increased number of storm events giving rise to flooding as a result of climate change<sup>21</sup>. Core Strategy policy CS67 sets out ways of ensuring that the potential impacts of flooding are taken account of and planned for in new development.
- 5.58 Contributions towards providing strategic flood management measures will normally be funded in whole or part by the CIL; for example flood alleviation, protection and defence projects, which would improve the standard of flood protection to houses and commercial properties along river and watercourse corridors. The Regulation 123 List will specify which flood projects across the city will be CIL funded, should the Council wish to prioritise these.
- 5.59 Core Strategy policy CS67 and Written Ministerial Statement<sup>22</sup> set out, where a development will require **on-site** flood risk management infrastructure. Such infrastructure will be required through Planning Conditions and might include, Sustainable Drainage Systems, to reduce the extent and impact of flooding.
- 5.60 S.106 Planning Obligation will be used where a development requires **off-site** flood risk management infrastructure. Core Strategy policy CS67 states that this will be in areas with a high probability of flooding and where it would be necessary to mitigate direct impacts of a development.
- 5.61 The following guideline applies to off-site flood risk management measures:

### **GFRM1 Off -Site Flood Management Measures:**

**Developments in a High Probability Flood Zone will need to provide adequate off-site flood protection measures, to mitigate against the direct impact of a development, to reduce the extent and impact of flooding.**

<sup>21</sup> Impact of Climate in the UK, 2013 <https://www.gov.uk/government/collections/impacts-of-climate-change-in-the-uk> and various UK Climate Projection Reports: <http://ukclimateprojections.metoffice.gov.uk/22530>

<sup>22</sup> Written Ministerial Statement Sustainable drainage systems - HCWS161, 18<sup>th</sup> December 2014, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

**Definition:**

**'High Probability Flood Zone'** – Land having a 1 in 100 or greater annual probability of river flooding;

**This guidance will be put into practice by:**

- Assessing the impact of new development on flood risk through a site specific flood risk assessment.
- The Council will seek a S.106 Planning Obligation to mitigate the development's impact on flood risk by securing off-site flood protection works.

## **10. Air quality**

- 5.62 New developments have the potential to impact on the air quality of an area. The impacts may be harmful especially where these developments are located in areas where air pollution exceeds national objectives / European Union (EU) limit values or where there are high traffic levels. This includes for example, the corridors of arterial routes into the city and roads where the traffic flow is greater than 17,000 Annual Average Daily Traffic (AADT).
- 5.63 Core Strategy policy CS66 requires action to protect air quality in all areas of the city. The policy also establishes that further action is needed to improve air quality across the urban area, in particular where levels of pollution exceed national targets. These targets are summarised in the government's Air Quality Strategy as national air quality objectives and are made up of both national air quality objectives and EU limit values. The policy is designed to support the City's Air Quality Management Area and its associated Air Quality Action Plan. Amongst other things, the action plan sets out the vision to achieve national air quality objectives and associated EU limit values.
- 5.64 Large scale strategic projects to improve air quality may be funded by CIL. Projects would be identified through for instance, the Air Quality Action Plan or implementation of the Low Emission Zone Strategy. These projects would be identified through the Regulation 123 List.
- 5.65 Where a development will have a detrimental impact upon the air quality of the local area, mitigation will usually be provided directly on site and is secured via a planning condition. However, there may be exceptional circumstances where on-site mitigation cannot be achieved and there are also no identifiable air quality mitigation projects in the Regulation 123 list for that part of the City. In these instances a S.106 Planning Obligation will be required in order to provide mitigation in the immediate vicinity of the site for the direct impacts the development will have on air quality. In this manner, a S.106 Planning Obligation will therefore only be required in circumstances where it meets the three statutory tests discussed in earlier (paragraph 3.6).
- 5.66 The following guideline will apply to air quality.

## **GAQ1          Protecting Air Quality Across The City**

**A S.106 Planning Obligation will be required to provide measures that mitigate against the direct impacts the development will have on air quality where:**

- (a) the development would have a Significant Detrimental Impact on air quality and there is insufficient capacity for mitigation measures to be delivered on the site (via a planning condition); and**
- (b) there is no identifiable project in the Regulation 123 List for the relevant part of the City.**

### **Definitions**

**‘Significant Detrimental Impact’** – development that is predicted to exceed EU limit values and national objectives on air quality without sufficient mitigation measures.

**This guidance will be put into practice by:**

- Assessing the impact of new development via an Air Quality Impact Assessment.
- Seeking a S.106 Planning Obligation to mitigate the developments impact on local air quality where there is insufficient capacity for on-site mitigation and no identifiable project in the Regulation 123 List for the relevant part of the City

## **11. Waste Management**

- 5.67 New development may result in the strategic need for improved and/ or new waste management facilities. Core strategy policy CS68 sets out the waste development objectives for the city, including a reference to the Council's own Waste Strategy, and policy CS70 outlines measures to increase recycling and composting, such as the provision of community composting schemes, recycling points and improvement of Household Waste Recycling Centres.
- 5.68 As it is a strategic issue, waste management infrastructure provision will normally be funded in whole or part by the CIL. The Regulation 123 List will specify which projects across the city will be CIL funded, should the Council decide to prioritise these.

# Technical Appendices



# Appendix 1 – Planning Policies

## APPENDIX 1 (a)

### Draft Policy A1 (Pre-submission City Policies, Sites and Proposals Map 2013<sup>23</sup>)

#### **Policy A1**

##### **Infrastructure Requirements, Community Infrastructure Levy and other Developer Contributions**

The priority for funding of infrastructure through the Community Infrastructure Levy (CIL) and other developer contributions will be to increase the effective capacity of infrastructure to enable or support development in the city.

Receipts from the CIL will be used only to invest in infrastructure that:

- a. is essential for delivery of outcomes proposed in the Sheffield Local Plan; or
- b. has been identified to meet locally determined requirements in the neighbourhood where the development takes place;

and that:

- c. could not be financed from mainstream programmes, site-specific developer contributions or other sources; and
- d. could be delivered within a reasonable timescale.

Infrastructure will be given priority for funding through the CIL that:

- e. releases potential for regeneration;
- f. supports meeting of the city's housing and employment land targets;
- g. maximises the benefits from scarce resources;
- h. enhances quality of life and equal opportunities;
- i. reduces carbon emissions;
- j. increases the resilience of the area to long-term change.

Specific priorities are:

- k. measures and facilities to increase the capacity and quality of the transport network and public transport, particularly on Key Routes; and
- l. provision for schools where there is evidence of insufficient local space for demand arising from new development; and
- m. new or improved green infrastructure and public spaces in areas where there is a shortage; and
- n. additional specific measures that would be critical to delivering the city's economic and spatial strategy.

<sup>23</sup> Sheffield City Council Pre-submission City Policies, Sites and Proposals Map 2013  
<https://www.sheffield.gov.uk/planning-and-city-development/planning-documents/local-plan/city-policies-and-sites.html>

Definitions

**'Infrastructure'** – includes physical, social and environmental facilities and networks needed to serve development such as transport, telecommunications, energy, water supply, sewerage and drainage, schools, hospitals, health centres and open space, consistent with the definition set out in the Planning Act 2008.

**'Other sources'** – these are likely to vary over time but current examples are the Regional Growth Fund, Tax Increment Financing, and the New Homes Bonus.

**'Transport Network'** – includes roads, rail, tram, cycling and pedestrian routes and facilities. For Key Routes, see Core Strategy policy CS52 and the Proposals Map.

**'Green Infrastructure'** – A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality-of-life benefits for local communities. It may include playing fields, play areas and informal open space such as parks, natural or semi-natural open spaces, landscaped areas, etc. (see also definition of informal open space in Core Strategy policy CS47).

## **APPENDIX 1 (b)**

### **Core Strategy (2009): strategic objectives**

The list below contains the Strategic Objectives (represented by an 'S' number) in the Core Strategy that relate to infrastructure requirements where CIL in particular will be a key mechanism in delivery:

Economic Transformation:

- S1.1 – adequate infrastructure is one of the conditions required to achieve a sustainable high-growth economy in the City Region. CIL will be instrumental in helping to deliver adequate infrastructure through the generation of funding.
- S1.3 – green infrastructure is an identified priority in line with the Core Strategy objective. The provision of green infrastructure will help to create, improve and conserve environments to attract business investment.

City Region will be better served:

- S2.2 – improvements in transport infrastructure through CIL, particularly in achieving the capacity of the network, will significantly improve connections.

Housing markets will be transformed:

- S3.1 – CIL will help to deliver new housing through infrastructure provision.

Successful Neighbourhoods will be promoted:

- S4.3 – the provision of infrastructure at district and neighbourhood levels will be promoted, particularly through the Neighbourhood Portion

Opportunities for all will be provided:

- S5.1 – social infrastructure provision through CIL can enhance equal opportunities.

Health and well-being will be promoted:

- S6.1 – the CIL can be focused on enhancing quality of life and reducing carbon emissions that can also help to improve air quality.
- S6.3 – new green infrastructure improvements through CIL to meet the needs of new development will help to safeguard areas where peaceful enjoyment of urban neighbourhoods is already present.

CIL could be used to fund health facilities such as hospitals, GP surgeries and walk-in centres.

Better connections will be achieved:

- S7.1 – transport network capacity improvements as a key infrastructure priority will help to improve accessibility to work and services.
- S7.2 – network capacity improvements will help to improve access in general by sustainable transport means.

More efficient use of the transport network and infrastructure will be delivered:

- S8.1 – the more efficient use of existing infrastructure can be targeted through CIL funding.
- S8.2 – similarly, increasing the capacity of the existing transport network will help to ensure it is used as efficiently as possible.

Supporting sustainable transport:

- S10.1 – many of the priorities for transport investments will improve public transport and promote energy-efficient transport modes. CIL can fund network improvements, which will include public transport facilities. Efficient use of resources will encourage energy efficiency in transport and focussing on reducing carbon emissions will prioritise low-polluting modes of transport.
- S10.2 – the provision of better walking and cycling facilities through CIL funds could reduce carbon emissions and increasing the network capacity by reducing the number of motor vehicles otherwise using the network.

Reducing impact on climate change and using resources sustainably:

- S11.2 – CIL can fund renewable energy projects.
  - S11.3 – CIL could assist fund strategic flood management projects
- S12.4 – CIL could assist waste reduction, recycling and re-use to make the best use of resources.

The natural environment will be improved:

- S13.1 – improved green infrastructure to meet the needs of new development will mitigate the impact on existing green infrastructure and help to safeguard and enhance natural features.

- S13.4 – CIL is clearly crucial to the delivery of new and improved open space where it will be needed as a result of new development.

## APPENDIX 1 (c)

### Core Strategy (2009) and UDP (1998) Policies

#### Core Strategy (2009)

##### Policy CS 40

###### Affordable Housing

In all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

##### Policy CS 43

###### Schools

Provision of sufficient modernised education facilities will include:

- a. the redevelopment and refurbishment of all secondary schools and significant investment to upgrade some primary schools;
- b. new education provision for ages 14-19 in the north-west and Mosborough/Woodhouse;
- c. two new Special Education Needs schools in the North-East Urban Area;
- d. expansion of schools, to be funded by developers where there is insufficient local space for demand arising from new housing developments.

##### Policy CS 44

###### Health Centres

Primary Health Centres will be developed in local communities with the highest level of needs or with changing or growing needs.

Additional health facilities will be provided, subject to funding and need materialising:

- a. in the City Centre, to meet city-wide needs, particularly of vulnerable people, as well as of workers, residents and other users of the centre;
- b. in areas of large new housing development, including Stocksbridge/Deepcar, Darnall and the City Centre, to be funded by developers where there is insufficient local space for demand arising from new developments.

### **Policy CS 45**

#### **Quality and Accessibility of Open Space**

Safeguarding and improvement of open space will take priority over creation of new areas. Priority for improvement of open space and related sports and recreational facilities will be given to:

- a. district parks and open spaces, including the City Centre Sheaf Valley and Parkwood Springs; and
- b. areas that are more than 1200 metres from a district park or open space that both delivers a range of formal and informal recreational opportunities and is managed to nationally recognised quality standards such as Green Flag.

### **Policy CS 46**

#### **Quantity of Open Space**

As opportunities arise, new open space will be created:

- a. where a quantitative shortage of open space per head of population is identified in the local area;
- b. where it is required for extending the City's Green Network.

### **Policy CS 47**

#### **Safeguarding of Open Space**

Development of open space will not be permitted where:

- a. it would result in a quantitative shortage of either informal or formal open space in the local area; or
- b. it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- c. people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- d. it would cause or increase a break in the city's Green Network.

Development that would still result in the loss of open space will only be permitted where:

- e. as soon as practicable, equivalent or better replacement open space would be provided in the local area; or
- f. the site is identified as surplus for its current open space function and:
  - i. a proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or
  - ii. it could not fulfil other unsatisfied open space needs; or

- g. the development would be ancillary to the open space and have a minimal impact on the use or character of the open space.

Open space or sports and recreational facilities of importance beyond the city will be safeguarded and development or redevelopment will be permitted only where it would improve the quality of facilities provided in the city.

### **Policy CS 53**

#### **Management of Demand for Travel**

Increasing demand for travel in all parts of the city will be managed to meet the different needs of particular areas through:

- a. promoting good quality public transport and routes for walking and cycling to broaden the choice of modes of travel;
- b. making best use of existing road capacity through the use of variable-message signing and Intelligent Transport Systems;
- c. implementing Travel Plans for new developments to maximise the use of sustainable forms of travel and mitigate the negative impacts of transport, particularly congestion and vehicle emissions;
- d. active promotion of more efficient and sustainable use of vehicles through car clubs, car sharing to increase vehicle occupancy and incentives for using alternatively fuelled vehicles. These will be associated with new residential and commercial developments and particularly in the City Centre;
- e. managing public car parking to reduce long-stay commuter parking in favour of short-stay and providing long-stay park-and-ride facilities near the edge of the main urban area;
- f. creating Controlled Parking Zones to manage traffic levels in constrained locations and encourage the use of more sustainable modes of travel, with priority to:
  - i. the City Centre;
  - ii. the Peripheral Residential Parking Zone around the City Centre, incorporating Broomhill, Sharrow, Broomhall and Crookesmoor;
  - iii. the eastern end of the Lower Don Valley, including Atlas and Carbrook;
- g. applying maximum parking standards for all new developments to manage the provision of private parking spaces.

### **Policy CS 54**

#### **Pedestrian Routes**

The pedestrian environment will be improved, with priority being given to routes providing access to:

- a. the City Centre, via the main radial routes
- b. other major employment areas:



- i. University of Sheffield/Museums/Hallamshire and Children's Hospitals/Collegiate Campus
  - ii. the Northern General Hospital
  - iii. the new Sheffield College site on Penistone Road
  - iv. Sheffield College site on Granville Road
  - v. the Lower Don Valley between Attercliffe and Meadowhall
- c. railway stations and other key transport nodes
  - d. District Centres and areas within them

Walking routes will also be developed along the corridors of the Strategic Green Network.

### **Policy CS 55**

#### **Cycling Routes**

Improvement and development of the cycle network will be given priority on strategic links, mainly to key employment locations, particularly on routes:

- a. providing access to the City Centre from the University, Bramall Lane, Charlotte Road and Granville Street
- b. making up the City Centre ring route northern section (Upper Hanover Way – Exchange Street – Pond Street)
- c. providing access within the City Centre
- d. through the Upper and Lower Don Valley, with a network of links to neighbouring residential areas;
- e. between the Northern General Hospital and City Centre (via Riverside);
- f. through the Blackburn Valley, extending through Smithy Wood and Hesley Wood to Chapelton and the TransPennine Trail.

### **Policy CS 56**

#### **Priority Routes for Bus and Bus Rapid Transit**

Bus priority measures on Key Routes will be developed to reduce the impact of congestion on buses and improve speed, reliability, frequency and accessibility in the main urban area and on links to economic regeneration areas. Measures will include traffic management schemes (including bus lanes), park-and-ride sites, new transport interchanges, traffic signal technology, improved information and waiting areas for users, and bus/light rail rapid transit, where appropriate.

The following Key Routes will be improved through bus priority measures over the period to 2011:

- a. A6109 City Centre – M1 J34 North
- b. A6178 City Centre – M1 J34 South
- c. A6178/B6200 City Centre – Woodhouse

- d. A6135 City Centre – Mosborough/Halfway
- e. B6388 Heeley – Gleadless
- f. A625 Ecclesall Road
- g. A61 Penistone Road

Site-specific public transport priority measures will be developed on a number of other Key Routes, to include:

- h. A61 Sheffield Inner Relief Road
- i. C105 Woodseats Road
- j. B6079 Infirmary Road/Langsett Road

Routes will be identified for Bus/Tram Rapid Transit between Sheffield and Rotherham.

### **Policy CS 57**

#### **Park-and-Ride and Car Parking in the City Centre**

Short-stay parking provision within the City Centre will be increased to 9,500 spaces and long-stay parking will be reduced to enable this to be achieved. In support, pricing policies will be implemented to favour short-stay over long-stay parking.

Additional long-stay parking to serve the City Centre will be provided through park-and-ride facilities outside the centre and the strategic priority corridors or locations include:

- a. Penistone Road
- b. Ecclesall Road
- c. Abbeydale Road
- d. Meadowhead/Chesterfield Road
- e. Sheffield Parkway
- f. Lower Don Valley

In addition, new locations will be developed where demand exists and as and when opportunities arise, particularly where they would serve links with improved facilities and infrastructure for best possible public transport.

### **Policy CS 59**

#### **New Roads**

There will be no significant increase in the physical capacity of the city's highway network. New through-roads will only be built, and existing roads improved, in a limited number of circumstances, to:

- a. improve the movement of public transport, cyclists or pedestrians; or
- b. enable regeneration; or

- c. reduce serious traffic impacts on the local environment where there is no sustainable alternative option.

The following road schemes are proposed:

- i. Improvements to M1 Junctions 34 North and South
- ii. M1 Junction 34 relief road (Halfpenny Link)
- iii. Improvements to Sheffield Parkway (A630) and Catcliffe Junction
- iv. Claywheels Lane improvements associated with proposed new road and crossing of River Don
- v. A61 Penistone Rd/Herries Rd improvements
- vi. A6102 Herries Rd/Barnsley Rd (Fir Vale)
- vii. A621 Bramall Lane widening.

## **Policy CS 60**

### **Transport in the City Centre**

The transport network into and within the City Centre will be managed to enable the development of its core city functions. Increased demand for trips will be managed by measures including:

- a. public transport improvements including:
  - i. a series of midi-interchanges to meet the needs of bus users at priority locations including:
    - Moorfoot
    - The New Retail Quarter (Charter Square)
    - Howard Street/Sheffield Station
  - ii. bus-based park-and-ride links on the main radial routes at the edge of the main urban area to serve the City Centre
  - iii. City Centre shuttle bus service providing connections between major destinations in the City Centre
  - iv. improved penetration of the City Centre by public transport;
- b. including the area inside the new Northern Inner Relief Road within the City Centre Controlled Parking Zone;
- c. development of car club hubs at the following locations:
  - i. Arundel Street
  - ii. Charles Street
  - iii. Fitzwilliam Street
  - iv. St James Street
  - v. Victoria Street
  - vi. Brown Street

- vii. Millsands
- viii. Moorfoot;
- d. providing for 9,500 public short-stay parking spaces but restricting long-stay public and private car parking and providing long-stay park-and-ride facilities on the edge of the urban area;
- e. helping all users of the City Centre to understand and find their way round the City Centre, including extending the Connect Sheffield project in conjunction with development in the New Retail Quarter and The Moor.

## **Policy CS 61**

### **Pedestrian Environment in the City Centre**

A Pedestrian Priority Zone, in which a high-quality environment will allow priority for the safe, convenient and comfortable movement of pedestrians within and through the area, will be established in the following areas of the City Centre:

- a. Heart of the City
- b. Fargate
- c. The Moor/NRQ
- d. the Cultural Industries Quarter
- e. Castlegate/Victoria Quays
- f. Devonshire Street
- g. the University of Sheffield (Portobello/Portobello Street)
- h. routes to St Vincent's
- i. West Bar
- j. Sheaf Square/Howard Street
- k. Kelham/Neepsend.

## **Policy CS 65**

### **Renewable Energy and Carbon Reduction**

Renewable energy capacity in the city will exceed 12MW by 2010 and 60MW by 2021.

The Smithywood and Hesley Wood areas are potential locations for larger-scale wind generation though not to the exclusion of other sustainable locations.

Where appropriate, developments will be encouraged to connect to the City Centre District Heating Scheme. Shared energy schemes within large developments or between neighbouring developments, new or existing, will also be encouraged.

All significant developments will be required, unless this can be shown not to be feasible and viable, to:

- a. provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy; and

- b. Generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. This would include the decentralised and renewable or low carbon energy required to satisfy (a).

The renewable or low carbon energy technologies must be operational before any new or converted buildings are occupied.

If it can be demonstrated that the required reduction in carbon emissions cannot be met through decentralised renewable or low carbon energy and/or design and specification measures, a contribution towards an off-site carbon reduction scheme may be acceptable.

## **Policy CS 66**

### **Air Quality**

Action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

## **Policy CS 67**

### **Flood Risk Management**

The extent and impact of flooding will be reduced by:

- a. requiring that all developments significantly limit surface water run-off;
- b. requiring the use of Sustainable Drainage Systems or sustainable drainage techniques on all sites where feasible and practicable;
- c. promoting sustainable drainage management, particularly in rural areas;
- d. not culverting and not building over watercourses wherever practicable;
- e. encouraging the removal of existing culverting;
- f. not increasing and, where possible, reducing the building footprint in areas of developed functional floodplain;
- g. not locating or subdividing properties that would be used for more vulnerable uses in areas of developed functional floodplain;
- h. developing only water-compatible uses in the functional floodplain;
- i. designating areas of the city with high probability of flooding for open space uses where there is no overriding case for development;
- j. developing areas with high probability of flooding only for water-compatible uses unless an overriding case can be made and adequate mitigation measures are proposed;
- k. ensuring any highly vulnerable uses are not located in areas at risk of flooding;
- l. ensuring safe access to and from an area with a low probability of flooding.

Where an overriding case remains for developing in a zone with high probability of flooding, development will be permitted only if:

- m. more vulnerable uses, including housing, would be above ground floor level; and
- n. the lower floor levels of any other development with vulnerable equipment would remain dry in the event of flooding; and
- o. the building would be resilient to flood damage; and
- p. adequate on and off-site flood protection measures would be provided.

Housing in areas with a high probability of flooding will not be permitted before 2016/17.

## **Policy CS 68**

### **Waste Development Objectives**

The City's waste will be managed more sustainably by:

- a. encouraging less consumption of raw materials through the reduction and re-use of waste products; and
- b. making the best use of existing landfill capacity and only using the city's Landfill Allowance Trading Scheme allocations when disposing of organic municipal waste; and
- c. restricting consent for additional landfill to those cases where local provision can be justified; and
- d. meeting the national staged targets for recovering value from municipal waste by utilising the existing energy-from-waste plant and developing services and facilities to meet agreed performance targets for recycling or composting household waste; and
- e. permitting a range of additional treatment facilities, mainly in industrial areas, sufficient to meet the regional apportionment for commercial and industrial waste together with requirements for other waste streams where the city is best placed to meet local and wider needs; and
- f. avoiding the unnecessary use of greenfield land when identifying suitable sites/areas and permitting other waste development.

**Policy CS 70**  
**Provision for Recycling and Composting**

Increased recycling and composting will be enabled by:

- a. supporting the development of a network of small-scale community composting schemes and new technologies for treating mixed organic waste and using green waste composting facilities at Tinsley and on local farms; and
- b. retaining and improving the current network of five major Household Waste Recycling Centres and, in the longer term, building a new facility to serve the south-west area of the city; and
- c. expanding the number of local recycling points, particularly in existing shopping centres, transport interchanges and at education and health facilities.

## UDP (1998)

### Definitions

**'Informal open space'** - includes informal recreation space (see Table 1, page 229) and other incidental landscaped areas.

**'Appropriate children's play facilities'** - cater for each of the following age groups: under 5 year olds, 5-8 year olds, 9-12 year olds, 15 sq. m. of play space is required for each family home. For developments of 25 or more family homes, it means including some play equipment, laid out to British Standards with access for people with disabilities.

**'A proportion of the site'** - at least 10% of the site.

**'Recreation space'** and **'minimum guideline'** - see Policy LR7, page 228 and Table 1, page 229.

**'Catchment area'** - 400 metres for children's play space and informal recreation space, 1200 metres for youth/adult outdoor sports areas.

**'Appropriate contribution'** - either by direct provision or by a financial contribution, the scale of which shall be agreed through negotiations with the developer and the City Council. It should ➤

### H16 OPEN SPACE IN NEW HOUSING DEVELOPMENTS

For new housing developments, developers will be required to ensure that there would be sufficient open space to meet the local needs of people living there.

The developer will be required to ensure that provision is made for:

- (a) well designed informal open space; and
- (b) appropriate children's play facilities which are visible from nearby houses but not so close that they would cause disturbance; and
- (c) outdoor sport.

For sites over one hectare, a proportion of the site should be laid out as open space, except where:

- (d) provision of recreation space in the catchment area of the site would continue to exceed the minimum guideline after the development had taken place; and
- (e) the developer makes an appropriate contribution, if needed, to the improvement of existing recreation space in the catchment area of the site;

or

- (f) it would be more appropriate to provide or enhance recreation space off-site but in the catchment area of the site.

For sites less than one hectare which involve the construction of five or more houses, the developer will be expected to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site if:

- (g) provision of recreation space within the catchment area is below the minimum guideline; or
- (h) recreation space within the catchment area is in need of significant enhancement.

#### Reasons for the Policy

Open space in Housing Areas helps to meet the immediate recreational needs of people living there. It is particularly valuable for those least able to travel on their own, such as children and people who are disabled and infirm.

Well designed informal open space improves the setting and appearance



## **CF1 PROVISION OF COMMUNITY FACILITIES**

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The provision of community facilities which are readily available to all Sheffield people will be promoted, particularly where they would:

- (a) be for disadvantaged people; or
  - (b) be located where there is a shortage;
- and would:
- (c) be easily accessible by public transport; and
  - (d) be located within the community they are intended to serve; and
  - (e) comply with Policy BE7.

## **CF2 KEEPING COMMUNITY FACILITIES**

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Development which would result in the loss of community facilities will be permitted if:

- (a) the loss is unavoidable and equivalent facilities would be provided in the same area; or
- (b) the facilities are no longer required; or
- (c) where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

## **CF3 CHILDCARE FACILITIES IN BUILDINGS USED BY THE PUBLIC**

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In all developments which the public are encouraged to visit, the provision of appropriate childcare facilities for children of all ages will be encouraged.

## **CF4 CHILDREN'S NURSERIES**

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The provision of, or support for, accessible nursery facilities, on or off site, will be encouraged in major developments where people work or receive education or training.

**IB12 TRAINING CENTRES AND COMMUNITY FACILITIES IN  
INDUSTRY AND BUSINESS AREAS**

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Training centres and appropriate community facilities (D1) will be encouraged in Industry and Business Areas, especially where they would:

- (a) meet the needs of young people, women, unemployed people, people with disabilities, elderly or early retired people, or ethnic minorities; and
- (b) be easily accessible by public transport and be safe to walk to and from; and
- (c) comply with Policy IB9

## **Appendix 2 – Affordable Housing**

### **APPENDIX 2 (a)**

#### **Model Planning Condition for Outline Applications**

No development shall commence until a scheme for the delivery of affordable housing equivalent to no less than [XX]% of the gross internal area to be provided as part of the development, or an alternative percentage figure agreed with the Local Planning Authority following an independent viability assessment has been submitted to and approved by the Local Planning Authority. The affordable housing shall be provided for sale to a Registered Provider at a transfer price stipulated by the Council as part of the approved scheme.

The scheme shall include details of:

- a) The number, type, tenure and location of the affordable housing;
- b) The timing for the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) The arrangements to ensure that such provision is affordable for both first and future occupiers of the affordable housing or if not possible for the subsidy to be recycled for alternative affordable housing provision;

The affordable housing shall be provided in accordance with the approved scheme.

## APPENDIX 2 (b)

### Formula for Calculating Provision of Affordable Housing

$$\text{Developer contribution} = (A - B) \times (C \times D)$$

Where:

A = Market value of the development per square metre<sup>24</sup>  
(Estimated Gross Development Value/Gross Internal Area)

B = Transfer Price (£850 per square metre)

C = Percentage expected level of affordable housing (see Guideline G2)

D = Gross Internal Area of units

#### Worked Example

Development site of 100 three-bedroom houses. Each house has a Gross Internal Area of 80 sqm, and a market value of £180,000.

The market value per square metre is therefore  $(£180,000 \times 100) / (100 \times 80)$  or £2,250.

Market value = £2,250 per sqm

Transfer price = £850 per sqm

Percentage expected level of affordable housing = 30%

Total size of units in square metres = 100 units x 80 sqm = 8000 sqm

**Developer contribution =  $(2250 - 850) \times (0.30 \times 8000) = £3,360,000$**

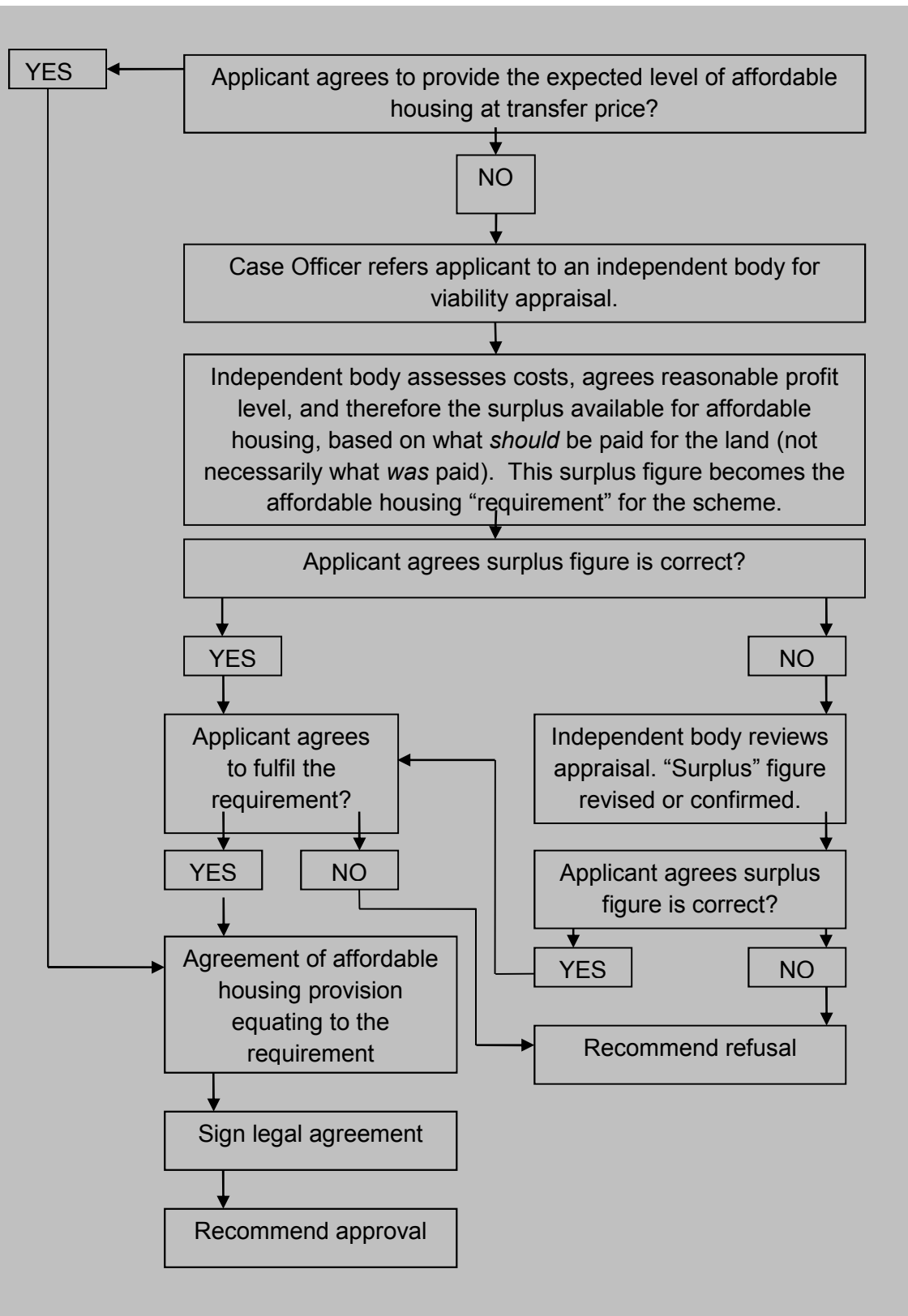
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<sup>24</sup> To be established by an independent valuation where agreement cannot be reached between the local planning authority and the developer.

## **APPENDIX 2 (c)**

### **Assessing an Appropriate Level of Affordable Housing on a Development**

- It is assumed that the impact of providing the expected level of affordable housing should primarily be on land value. The expectation is that developers will pay an appropriate price for land taking into account the requirement to contribute towards affordable housing.
- Where the applicant cannot meet the expected level of affordable housing, agreement will need to be reached on an appropriate level. Developers will be required to provide a full breakdown of development costs and anticipated values, to be appraised by an independent body approved by the Council (currently the Valuation Office) at the developer's expense.
- The process for appraisal of an appropriate level of affordable housing will be as follows:



## Appendix 2 (d)

### Example of How Commuted Sum may be calculated on Student Housing Schemes

Student housing scheme providing 100 student cluster flats (400 student bed spaces, based on 4 bed spaces equating to the floor area of a 2 bedroom flat)

Affordable housing requirement is equivalent to the expected percentage (Guideline G2) of the units being provided at the transfer price. However, because the student flats do not usually have a 'market price' (as they are usually rented out) the developer contribution is calculated using the average market price of a 2 bedroom flat in that part of the city.

Therefore:

Average market value of a 60 sqm 2 bedroom flat in that part of the city = £130,000

Transfer Price = £850/sqm

Therefore, difference between market price and affordable price is £2,167 p/sqm - £850/sqm = £1,317/sqm

The **developer contribution** would therefore be (expected percentage e.g. 30% x 6,000sqm) x £1,317 = **£2,370,600**

**OR**

If affordable homes were to be provided **on-site** this would equate to 120 student bed spaces (in 30 cluster flats) or 30 affordable homes.

## Appendix 2 (e)

### Viability Reappraisal

The mechanism for viability re-appraisal is as follows:

#### Index Linking

At the initial planning application stage, where the applicant cannot meet the full expected developer contribution for the relevant Affordable Housing Market Area (see Guideline GAH2), a viability assessment should be undertaken through the District Valuation Office as set out in Appendix 2 (c). This will identify what level of contribution is viable at the outset, if any.

The Council would then agree with the developer a point at which a re-appraisal is triggered. This would be secured through a S.106 agreement. For phased schemes the re-appraisal would be linked to each phase. For other schemes triggers could be set as follows:

- The S.106 agreement states that 50% of the development must be completed within 3 years otherwise a re-calculation is done which is valid for a further 2 years; or
- For apartment schemes the shell must be completed or eaves height reached within the 3 years otherwise a re-calculation is done which is valid for a further 2 years.

The scheme would then be re-appraised using the following relevant indices:

- Building Cost Information Service database
- Land Registry House Price Index

The S.106 agreement would include a clause which states that if upon re-assessment it is found that the Affordable Housing contribution has increased, but it is too late to provide a unit on site or the new figure does not equate to a full unit, in which case the equivalent monetary figure is provided.

If the applicant would prefer not to use the Index Linking approach, then an alternative option would be a Full Re-appraisal, using the same trigger points as above.



## Appendix 2 (f) Map of Sheffield Affordable Housing Market Areas (2014)

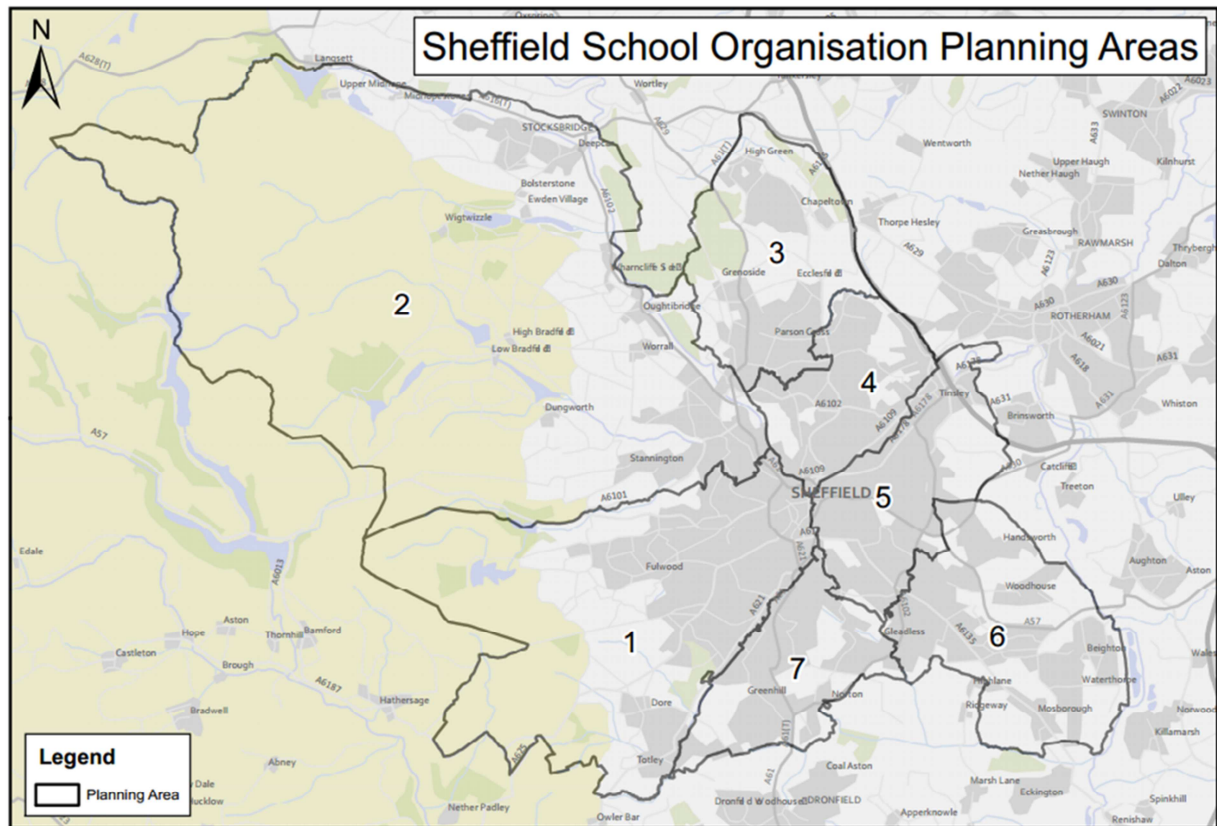


**Appendix 2 (g)**  
**Affordable Housing Required Contribution and Community Infrastructure Levy Charge Comparison**

| <b>Affordable Housing Market Area</b> | <b>Affordable Housing Required Contribution (%)</b> | <b>CIL Charge (£/sqm)</b> |
|---------------------------------------|---|---------------------------|
| City Centre                           | 0   | 50                        |
| Manor / Arbourthorne / Gleadless      |   | 30                        |
| East                                  |   | 0                         |
| North East                            |   |                           |
| City Centre West                      | 10  | 30                        |
| North West                            |   |                           |
| South East                            |   |                           |
| Stocksbridge & Deepcar                |   |                           |
| Chapelton / Ecclesfield               |   |                           |
| Rural Upper Don Valley                |   |                           |
| South                                 | 30  | 50                        |
| South West                            |   | 80                        |

# Appendix 3 – School Organisation Planning Area

Map of Sheffield School Organisation Planning Areas:



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## **Community Infrastructure Levy and Planning Obligations Supplementary Planning Document**

### **Consultation Report August 2015**

The Council has adopted a new approach to planning obligations and developer contributions, in response to changes in national and local planning policy.

From 15 July 2015 the Council began charging a Community Infrastructure Levy (CIL) on qualifying new development. CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs; for example education and open space provision. Legal agreements will, however, continue made under Section 106 (S.106) of the Town and Country Planning Act to help deliver affordable housing (where applicable and subject to viability) and to meet other site specific mitigation/ needs. In addition to these, Section 278 Highways Agreements may also be a requirement to make a development acceptable in planning and highways terms. In the light of this a draft CIL and Planning Obligations Supplementary Planning Document (SPD) has been produced to explain the contributions that may still be required from developers in addition to CIL.

The draft CIL and Planning Obligations SPD was consulted on for a statutory period of 4 weeks which commenced from Monday 6<sup>th</sup> July to Monday 3<sup>rd</sup> Aug 2015, using the Council's online consultation management system 'Citizen Space' as a featured consultation.

The Sheffield Local Plan contacts for the CIL were alerted about the consultation on the 1<sup>st</sup> July 2015, alongside individuals who have signed up for planning alerts on the GovDelivery system. In addition to this, a link to the consultation was also provided on the planning webpages for 'What's new' and the 'CIL'; and a general link to Citizen Space also features on the Council's homepage.

A total of 14 organisations have commented on the draft CIL and Planning Obligations SPD.

This report summarises the comments received and presents the officer responses to these.

**General Comments**

| Organisation                        | Representing   | Comment  | Council Response  | SPD Amendment (yes/no) |
|-------------------------------------|--|--|---|------------------------|
| Stainton Planning                   | Ackroyd and Abbott Ltd, residential and commercial developers. | It is noted that the consultation is restricted to section 5, however, a general comment is made that the SPD should not be based on out of date policies (including the Unitary Development Plan, Core Strategy and Interim Planning Guidance). The SPD should follow the adoption of the new Local Plan. There is a consistent concern that the contributions for developments should be covered by the adopted CIL through these sites being allocated in the emerging Local Plan. This guidance will result in confusion about whether CIL, or S106, or both, are payable for each of the topic areas. Developers need to be clear at an early stage what the requirements are for each site they consider developing. CIL was supposed to bring that clarity but unfortunately the need for S106 in addition to CIL is simply adding complexity to the process. If CIL is a fixed charge, how are the topics set out in Section 5 of the SPD to be prioritised? The payment of CIL is likely to result in local mitigation making sites unviable unless affordable housing is dropped from the 'shopping list'. This is an undesirable consequence of the layers of charges being imposed. This SPD is therefore premature until the sites have been allocated and the required mitigation is known for each. | <p>The SPD has been produced in response to the adoption of the CIL in order to reflect the change in approach to implementation that the CIL has brought to existing local plan policies. These are the saved Unitary Development Plan policies and adopted Core Strategy policies. The implementation of these policies refer to delivery through planning obligations, so the SPD is required to explain how and where CIL will now deliver the policies and where planning obligations will still be sought. Both CIL and the SPD will improve clarity as to when and how contributions will be made.</p> <p>CIL priorities for spending are set out in the 'Regulation 123 List' and CIL charges have been set at viable levels allowing for affordable housing contributions.</p> <p>New SPD will be produced alongside the new local plan.</p> | no                     |
| Natural England                     |  | There are no specific comments on the SPD but some suggestions have been made on potential infrastructure requirements to be considered for CIL.   | Suggestions for spending priorities for CIL can be considered as part of the consultation on the CIL Regulation 123 List.   | no                     |
| SCC Public Health                   |  | The Regulation 123 List has no schemes for pedestrian or cycle routes, health facilities, and low carbon energy or carbon reduction schemes. We welcome the creation of new public parks at Sheffield Castle, Parkwood Springs and Abbeydale Grange. The city centre park at Castlegate is particularly welcome in bringing much needed green and open space into the city centre.   | Suggestions for spending priorities for CIL can be considered as part of the consultation on the update of the CIL Regulation 123 List.   | no                     |
| South Yorkshire Archaeology Service |  | It is noted that there are no projects relating to the Historic Environment as having infrastructure requirements for CIL funding. There have been previous discussions about CIL funding being used for projects such as improving the storage facilities at Museums Sheffield, to take account of the growing number of archives derived from planning-led fieldwork projects. This is still an  | <p>Suggestions for spending priorities for CIL can be considered as part of the consultation on the update of the CIL Regulation 123 List.</p> <p>The process for updating the SPD is likely to be similar to this current SPD, but this does not affect</p>  | no                     |

| Organisation                             | Representing               | Comment  | Council Response  | SPD Amendment (yes/no) |
|--|----------------------------|--|---|------------------------|
|  |                            | <p>issue that needs to be addressed. It would be good to have more details on the method for updating the prioritised list. Paragraph 3.17 mentions future updating in the light of the new Local Plan, but a section after Table 2 that discusses the methodology for this, and for considering new infrastructure requirements during the life of the Local Plan, would be useful.</p>   | <p>the content.</p>   |                        |
| <p>How Planning</p>                      | <p>Urbo (West Bar) Ltd</p> | <p>The approach taken to Exceptional Circumstances Relief (ECR) is welcomed. The following process should be followed when considering contributions from development:</p> <ol style="list-style-type: none"> <li>1. The local authority (LA) should consider the findings of technical assessments provided with major planning applications;</li> <li>2. Based on 1, the LA should then detail the potential site-specific infrastructure contributions to be sought by way of Section 106 planning obligations;</li> <li>3. The LA should then assess each Section 106 planning obligation against the relevant CIL compliance criteria and produce a CIL Compliance Statement in agreement with the developer;</li> <li>4. If the developer considers that any necessary Section 106 planning obligation(s) threaten the viability of the proposed development, each proposed obligation should be negotiated and agreed with the LA; and</li> <li>5. If following negotiations, the developer still considers the cumulative requirements of CIL and the proposed Section 106 planning obligations to render the proposed development unviable, ECR should be applied for by the developer in accordance with Regulation 57 of the CIL 2010 Regulations and assessed and agreed by the LA.</li> </ol> | <ol style="list-style-type: none"> <li>1. Sheffield City Council will always consider material submitted with planning applications as part of the development management process.</li> <li>2. As part of the development management process, the Council will always inform applicants of any need for a Section 106 agreement and will negotiate the detail of this with the applicant (see paragraph 4.21).</li> <li>3. A CIL charge will be considered when determining whether a Section 106 contribution will be sought (see paragraph 4.20).</li> <li>4. The SPD makes it clear that this process of negotiation will take place, although it will not necessarily always lead to an agreement.</li> <li>5. The process complies with Regulations and this is made clear in the SPD (paragraph 4.23), any application would be considered on its merits. ECR will not necessarily be agreed by the Council which will consider each application and make a decision based on the material submitted with the request.</li> </ol> | <p>no</p>              |
| <p>JVH Town Planning Consultants Ltd</p> | <p>Sheffield College</p>   | <p>The role of the SPD is noted and the use of the table at 1.3 as a general guide of when CIL and S.106 are applicable. A comment has also been made in the context of Highways about double dipping. An explanation on the process to prevent this and mechanisms to address any issues arising is being sought.</p>   | <p>The table at paragraph 1.3 and at paragraph 4.18 (now amended as Table 1 and 2 respectively) both indicate what the CIL and S106 typically cover. Paragraphs 3.3 and 4.1 set out that CIL Regulations prevent double counting of planning obligations with</p>   | <p>no</p>              |

| Organisation          | Representing            | Comment   | Council Response  | SPD Amendment (yes/no) |
|-----------------------|-------------------------|---|---|------------------------|
|                       |                         |   | CIL contributions.  |                        |
| DLP (Planning) Ltd    | University of Sheffield | <p>The University of Sheffield is a charity and buildings/ structures that would normally attract a CIL liability where used wholly or mainly for charitable purposes (as defined s2 (1) of the Charities Act 2011) must be exempt under CIL regulations. Education is covered by this (under s3 (1) (b) of the Act). Student accommodation is a main area of investment and an important economic driver, and it is sought that it falls under the 'charitable purpose'. The major residential development threshold (of 1000 dwellings) is set too high and residential development falling under this will be subject to CIL charges. Unlike S106 it is noted that there is no opportunity to negotiate the level of contribution required by CIL, viability is therefore an issue. A reduction of the threshold is being sought to 750 dwellings.</p> | <p>Decisions on charitable relief from CIL are a matter for CIL charging and implementation, not this SPD. However, relief is related to the end use and the Council does not consider that the provision of student accommodation constitutes a charitable use.</p> <p>There is no need for the SPD to repeat what is set out in the CIL Regulations regarding charitable relief. The CIL charging schedule states that education uses are zero-rated for CIL.</p> <p>It is considered that 1,000 dwellings is a reasonable threshold to make major residential development sustainable. There has been no evidence submitted to suggest his threshold should change. We are uncertain about the comment being made about residential schemes over 1000 dwellings won't attract CIL, details of where and when CIL will apply can be seen in the CIL Charging Schedule. Note that CIL will apply to developments of both over and under 1,000 dwellings.</p> <p>No justification has been provided for the use of 750 dwellings as an alternative threshold.</p> | no                     |
| Turley Associates Ltd | TATA Steel UK Ltd       | <p>Regulation 123 of CIL 2010 Regulations (as amended) sets out limitations of the pooling of planning obligations from 1 April 2015. From this date no more than 5 separate planning obligations may be entered into to provide funding for a specific infrastructure project or type of infrastructure. This restriction is applied retrospectively to all obligations signed by a local authority after 6 April 2010. Paragraph 4.11 of the SPD acknowledges this restriction to all obligations. However, Tata Steel UK seeks further reassurance from the Council and in particular, Tata Steel UK</p>   | <p>There is no need for the SPD to repeat what is set out in the CIL Regulations regarding the pooling of S.106 contributions. The Council has assessed existing signed agreements and considers that there are no current issues regarding the pooling restriction, but will continue to monitor pooled contributions to ensure that the Council complies with the CIL Regulations.</p>  | no                     |



| Organisation | Representing | Comment   | Council Response   | SPD Amendment (yes/no) |
|--------------|--------------|---|--|------------------------|
|              |              | <p>request that the Council confirms how it will treat the pooling of planning obligations, where a Section 106 agreement has already been signed, and the infrastructure projects to which contributions are intended to be directed has not been defined within the S106 agreement. Furthermore, Tata Steel UK request clarification on how the Council will make future decisions on applications where an adverse effect of development requires resolution (funding) via a planning obligation, but the Council has already reached the upper limit for defining individual planning obligations via prior signed Section 106 agreements.</p> <p>It is also noted that the definition of 'Major Residential Development' as set out within Policy GCF2 'Provision of New Community Facilities' and Policy GE1 'Provision of New School Infrastructure is inconsistent. Tata Steel UK advises that the Council seek to establish consistency in its guidance.</p> | <p>There is no inconsistency between the two definitions of 'major residential development' in GCF2 and GE1 as they refer individually to the impact of a scale of development on two different types of infrastructure.</p> |                        |

**Highways/Strategic Transport Network Improvements and Public Transport Comments**

| Organisation      | Representing   | Comment   | Council Response   | SPD Amendment (yes/no) |
|-------------------|--|---|--|------------------------|
| Stainton Planning | Ackroyd and Abbott Ltd, residential and commercial developers. | Contributions to off-site transport should be covered by CIL for all allocated sites. Transport mitigation for allocated sites should be investigated as part of the sites allocation process and delivered as part of the strategic transport network. This will avoid transport being an unknown cost to developers.  | Highways interventions and mitigations which are on the Regulation 123 List will be covered by CIL, and no further obligations can be required in relation to those schemes where that is the case, as explained in SPD paragraphs 4.1 and 4.3. Only mitigation which is directly related to the new development and "is necessary to accommodate the impact of the proposed development" will be required through S278 agreements, as explained in the SPD in paragraph 5.10. | no                     |
| Highways England  |  | It is understood that CIL funds will be directed to Local Plan priorities, and it is noted that there are no references currently to the Strategic Road Network for CIL funds. Where mitigation is needed these will continue to be secured through S.106. It is acknowledged that the SPD will need updating if any new requirements result from the Local Plan at which point Highways England are seeking an opportunity to be consulted again.  | As set out in SPD paragraph 4.11 "It is likely that the Regulation 123 List will be amended regularly, following a formal process that would include public consultation and subsequent Cabinet approval."<br><br>Highways England will be consulted on any proposed new Supplementary Planning Document.  | no                     |
| SCC Public Health |  | We welcome the focus on sustainable transport. The most environmentally sustainable forms include electric vehicles for public transport such as trams and hydro-electric/ hydrogen fuelled buses, and health promoting forms are walking and cycling. Statements in 5.7 are welcomes and the infrastructure needs assessment is referred to.   | Comment acknowledged - no response needed.   | no                     |
| How Planning      | Urbo (West Bar) Ltd  | If contributions towards highway improvements on individual application proposals are sought by the local authority, these must be CIL compliant with the onus of demonstrating compliance on the local planning authority. Any significant applications for development will be supported by a Transport Assessment which will form the evidence basis for justifying any contributions or not. Furthermore, the local authority must not seek any planning obligations towards highway infrastructure on the Regulation 123 list and must not pool more than 5 obligations towards any individual project not on the Regulation 123 list. The viability of schemes must also be taken into account when requesting site specific highway contributions alongside CIL payments | The SPD Paragraphs 4.1 and 4.3 acknowledge that S106 and S278 cannot be sought for infrastructure identified on the Regulation 123 list. Paragraph 4.9 confirms that no more than 5 contributions can be pooled for the same project.<br><br>A Transport Assessment will usually inform the highway requirements of a new development.   | no                     |

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| Organisation                      | Representing            | Comment  | Council Response  | SPD Amendment (yes/no) |
|-----------------------------------|-------------------------|--|---|------------------------|
| JVH Town Planning Consultants Ltd | Sheffield College       | The potential of both a CIL and S.106 contribution is noted and clarification is being sought that no double counting will occur for highways.   | Paragraph 5.9 has been amended to specifically highlight that S.106 will not be used for highways and strategic transport/ public transport, and Paragraph 5.10 sets out when a S.278 may be sought ("...necessary to accommodate a proposed development, so that it is acceptable from a planning and highways point of view. The works must be directly related to the new development"). Paragraph 4.3 confirms that this would only be where "there is no identifiable project in the Regulation 123 List and where it is necessary to accommodate the impact of the proposed development."   | no                     |
| DLP (Planning) Ltd                | University of Sheffield | The University of Sheffield are seeking a threshold that sets out what is considered to represent a 'significant number of trips' in the context of what will require a Transport Statement or Transport Assessment. It is suggested that Table 1 of the SCC guidelines for the preparation of a Transport Assessment and Travel Plans is included in the SPD. | The purpose of the thresholds referred to here is to establish when a Transport Assessment is required. Whilst the results of a Transport Assessment will usually inform the highway requirements of a new development, these thresholds do not directly indicate when contributions could be expected as each case will be different. They are not therefore suitable to be included in the SPD. The CIL SPD references the potential requirement for a Transport Assessment but does not change the Council's existing 'Guidance on the Preparation of Transport Assessments and Travel Plans', and therefore it is not necessary to repeat the thresholds in this SPD. | no                     |

**Affordable Housing**

| Organisation   | Representing  | Comment   | Council Response  | SPD Amendment (yes/no) |
|--|---|---|---|------------------------|
| <p>Stainton Planning</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 116</p> | <p>Ackroyd and Abbott Ltd, residential and commercial developers.</p> | <p>An SPD should not be based on Interim Planning Guidance in terms of the expected level of affordable housing.</p> <p>GAH1 – The financial credit referred to, is too vague –the paragraph does not explain how or when this should be calculated.</p> <p>GAH2 – Indicates deferred schemes will be subject to reappraisal however reappraisal should not be carried out within the lifespan of a planning permission (i.e. 3-5 years) as this will add significant uncertainty and cost to developments. Just because a development takes 5 years to commence does not mean that it has stalled it simply means that there have been number technical issues to address as part of the reserved matters process. A new appraisal can be carried out in the event that planning permission expires and a new application is submitted. This ‘policy’ is therefore not required.</p> <p>GAH3 – This should include a criteria ‘where location or site characteristics mean that affordable housing on site is not suitable for example where there is a need for elderly persons accommodation on a steep site a significant distance from services or a bus stop’.</p> <p>GAH7 – This doesn’t appear to accord with the Government’s Right to Buy/home-ownership aspirations.</p> | <p>The expected levels of contribution are based on an assessment of several pieces of evidence: Strategic Housing Land Availability Assessment (2012/13), the Affordable Housing Viability Study (2009), and the Community Infrastructure Levy (CIL) Viability Study (2013). They are based on the need to give guidance on the interpretation of local plan policies following the adoption of a CIL.</p> <p>GAH1 - reference to the Vacant Building Credit has been removed following the outcome of the legal challenge.</p> <p>GAH2 - this has been in place for the last year and has been applied to schemes with extant permissions. It is not considered to add cost and uncertainty - but is intended to encourage development. However, if affordable housing is still not viable at the point of reappraisal it will not be required.</p> <p>GAH3 - this would fall under part (g), other exceptional circumstances.</p> <p>GAH7 - the proceeds from right-to-buys are reinvested. Securing affordable housing in perpetuity through Planning is a standard approach.</p> | <p>no</p>              |
| <p>SCC Public Health</p>   |   | <p>We welcome the focus on affordable housing especially GAH2. Under GAH3 the potential to create mixed communities is welcomed, however, the range of exceptions is noted as quite wide and the balance to be in favour of developers not wishing to provide on-site provision, they are seeking that this be re-balanced.</p> <p>GAH5 is also welcomed and a suggestion made to include positive design differentiation i.e. low energy use well-insulated homes to</p>   | <p>Support welcomed. With regard to GAH3, the guideline does set out that affordable housing should be on-site wherever possible and appropriate, but is considered to be sufficiently flexible to allow for circumstances where providing off-site affordable housing is a better option.</p> <p>With regard to GAH5, the Building Regulations will</p>  | <p>no</p>              |

| Organisation      | Representing        | Comment  | Council Response  | SPD Amendment (yes/no) |
|-------------------|---------------------|--|---|------------------------|
|                   |                     | reduce fuel poverty  | ensure that all new housing is energy efficient, so it is not proposed to add an additional requirement here.   |                        |
| How Planning      | Urbo (West Bar) Ltd | There is no objection in-principle to seeking contributions to off-site affordable housing provision via Section 106. However, this should only be used in accordance with the findings of the Affordable Housing Interim Planning Guidance (2014 Update) which sets the levels of affordable housing contributions for different housing market areas. In particular, development in the City Centre Housing Market Area is required to provide 0% affordable housing. This is supported by Urbo (West Bar) Ltd where the viability of important and complex city centre developments, such as West Bar, is already marginal.   | Agree with comment  | no                     |
| Turley Associates | TATA Steel UK Ltd   | Policy GAH3 sets out that wherever possible and appropriate, Affordable Housing should be provided on site and Policy GAH2 sets out the percentage of provision to be sought from differing Affordable Housing Market Areas. However, Policy GAH2 is complex and overly prescriptive in setting out how developers will be expected to meet affordable housing requirements. Policy GAH2 sets out that developers will be required to provide a specified percentage (based on the affordable housing market area) of the gross internal floor area of the development for transfer to a Registered Provider at the Transfer Price (or equivalent provision as agreed with the City Council. Appendix 2 (b) of the SPD goes on illustrate an example of how the formula will be used to calculate the required development contributions, among other things takes into account land values and transfer prices. Tata Steel UK is concerned that in applying a formula which requires calculation of detailed gross internal floor areas, affordable housing requirements on each site will be protracted and unclear, particularly for outline applications where the precise housing mix is unknown. Whilst it is welcomed that within the supportive text entitled 'This guidance will be put into practice by' of Policy GAH2, it states that in the case of outline consent this would be dealt with at Reserved Matters stage, however Tata Steel UK consider that this needs to be explicitly set out from the outset of Policy GAH2. Tata Steel UK is also | <p>GAH2 – the guideline is based on floor area to ensure that the amount of affordable housing is fair and consistent between schemes.</p> <p>Transfer price - In Sheffield, social housing is not negotiated with RPs on a scheme specific basis because we have fixed transfer prices that are written into Section 106 agreements.</p> <p>The point of the fixed prices is to:</p> <ul style="list-style-type: none"> <li>a) Avoid RPs bidding against each other and allow the Council to recommend the most suitable RPs for particular sites</li> <li>b) Ensure that the affordable housing contribution is as agreed in any viability assessment (i.e. not effectively reduced by units being sold to RPs at higher prices than assumed in viability assessment)</li> </ul> <p>The reason that the transfer price is the same across the areas affected by the policy is that the Local Housing Allowance effectively caps the level of Affordable Rent so that rent levels in higher value areas are no higher than in mid-value areas. The</p> | no                     |

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| Organisation  | Representing | Comment   | Council Response  | SPD Amendment (yes/no) |
|---|--------------|---|---|------------------------|
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 118</p> |              | <p>concerned with the Council’s provision that affordable housing is to be transferred to a Registered Provider at the Transfer Price (as approved by the Council) and that this should form part of the calculation. This is considered to be too prescriptive, as often social housing is negotiated by developers with Registered Providers on a scheme specific basis. A more flexible approach which requires transfer arrangements to be agreed with Registered Providers would be more appropriate. However, should the Council maintain the provision of applying reference to Transfer Price; this should be based on regularly updated Transfer Prices which reflect different affordable housing markets. Tata Steel UK welcomes that the Council are willing to relax levels of provision, to either low or zero provision, where justified due to economic viability as set out in Policy GAH2. This is approach is prudent and reflective of the intentions of the NPPF and PPG. However, the SPD makes reference to the introduction of a reappraisal mechanism, should a reduction in planning obligations be secured and viability conditions then subsequently improve. This requires agreement to the submission of updated viability evidence at agreed trigger points throughout the life of the development. Tata Steel UK objects to the use of the reappraisal mechanism by the Council, as it reduces certainty between landowners and potential investors or site purchasers (developers) when agreeing acquisitions, and thereafter makes scheme delivery highly complex. Notwithstanding this position, Tata Steel UK notes that Policy GAH2 only makes reference to the securing of increased planning obligations subject to the improvement of viability conditions. However, the opposite scenario could also occur where viability conditions deteriorate and planning obligations require further reduction to enable viable delivery of the development. This scenario is not presently referenced within the SPD. Therefore, should the Council maintain the reappraisal mechanism, inclusion of trigger for deteriorating viability scenarios should also apply?</p> | <p>viable transfer prices are therefore the same.</p> <p>GAH2 reappraisal - this has been in place for the last year and has been applied to schemes with extant permissions. It is not considered to add cost and uncertainty - but is intended to encourage development. However, if affordable housing is still not viable at the point of reappraisal it will not be required. Section 106BA is a statutory mechanism which allows the reassessment of viability to remove AH obligations; therefore it doesn’t need to be in our policy.</p> |                        |

**Education**

| Organisation      | Representing   | Comment  | Council Response  | SPD Amendment (yes/no) |
|-------------------|--|--|---|------------------------|
| Stainton Planning | Ackroyd and Abbott Ltd, residential and commercial developers. | <p>GE1 – This should be covered by CIL for all sites allocated in the new Local Plan. Another example of the guidance coming before the policies are adopted which allocate the sites.</p> <p>If however this is included as a potential S106 contribution it is essential that the relevant areas of the city are identified and a formula is included so that developers can calculate the likely sum.</p> <p>It should be made clear that this does not apply to elderly persons, one bedroom or student accommodation.</p>   | <p>GE1 – S.106 contribution could apply to both local plan allocations and non-local plan allocations. This is because, when sites are allocated in the Local Plan, at that time we will not necessarily know whether the site will be sustainable in terms of education provision, as funding is complex and short term.</p> <p>S106 Formula – We agree with comment. This will be included in the CIL SPD, and will be taken from the 2014 Education IPG.</p> <p>Application of S.106 - We agree with comment. This will be included in the CIL SPD, and will be taken from the 2014 Education IPG.</p> | yes                    |
| Bloor Homes       |  | <p>Whilst Bloor Homes understand why the Council would require, for instance, a S106 Agreement in some circumstances to include the provision for an extension to an existing school or the creation of new school to make major residential developments sustainable, it is not clear how the Council will off-set or credit the levy arising from the development against the fact that a new school was being delivered as part of the development proposals. There is a danger of double counting which the CIL regulations are supposed to prevent.</p> <p>More information is required.</p>    | <p>The regulations don't allow for the Local Authority to negotiate on the level of CIL contribution (unless land is offered as a payment in kind). It is not considered there is danger of double counting, as the S. 106 contribution is to meet the direct needs arising from the development, and CIL is to contribute to city wide needs for all types of infrastructure.</p>  | no                     |
| How Planning      | Urbo (West Bar) Ltd  | <p>If educational infrastructure projects are not on the Council's Regulation 123 list, then the draft SPD states that contributions will only be sought on schemes for 500+ dwellings. Whilst this is acceptable in principle, the specific circumstances of each application must be taken into account to ensure compliance with the CIL regulations. For example, city centre schemes, such as West Bar, will not generate the same level of school aged children as standard housing developments comprising a greater mix of property types. This is evidenced through the generally older</p> | <p>Agree - specific circumstances of each scheme must be taken into account.</p> <p>More detail will be included on the type of new development that would be considered to have an impact on school capacity. This has been taken from the 2014 Education IPG, which states that purpose-built student accommodation, dwellings formally designated as retirement properties, and houses and</p>   | yes                    |

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| Organisation                 | Representing                   | Comment  | Council Response   | SPD Amendment (yes/no) |
|------------------------------|--------------------------------|--|--|------------------------|
|                              |                                | <p>demographic profile currently inhabiting the city centre. Furthermore, the current and future capacities of schools within the city centre must also be considered in the Draft CIL and Obligations SPD in order to demonstrate a specific need for financial contributions. Finally, the viability of schemes must also be taken into account when requesting site specific education contributions alongside CIL payments.</p>  | <p>flats with only one bedroom are exempt as these types of property do not yield additional pupils.</p> <p>Current &amp; future school capacities - GE1 will be put into practice by assessing the impact of new development against current education provision in the area. With regard to future school capacities, schemes which have received funding and are certain to be delivered would be considered in capacity assessments.</p> <p>Viability - See section 4.17 to 4.23 of the SPD for development viability issues'.</p> |                        |
| <p>DLP (Planning) Ltd</p>    | <p>University of Sheffield</p> | <p>Prior to the implementation of the CIL s106 contributions were sought for education in parts of the city where there were capacity issues arising from new development. It is noted that contributions will now normally be funded through CIL. Guideline G1 of the IPG Oct 2014 is referenced with details of how education contributions are calculated. Information is now being sought to quantify the level of education contribution required and to set out how it has been calculated. It is considered that this SPD should make reference to a worked example from the IPG Oct 2014 in the interest of transparency.</p>      | <p>Agree with comment - this will now be included in the CIL SPD, lifting the example from the 2014 Education IPG.</p>   | <p>yes</p>             |
| <p>Turley Associates Ltd</p> | <p>TATA Steel UK Ltd</p>       | <p>Tata Steel UK does not agree with the 'Major Residential Developments' criteria and the assumptions for appropriate levels of school infrastructure provision associated with these as set out within the 'Definitions' section of Policy GE1. Any additional levels of school infrastructure provision required should be based on an assessment of the number of school children likely to be generated by the proposed development and the existing capacity within existing local schools to accommodate this provision. Where there is surplus requirements due to lack of capacity, education contributions may be justified.</p> | <p>Agree with comment. The definition of 'Major Residential Development' needs to be clarified using the definition from the 2014 Education IPG, so it is clear which types of developments would be considered to have an impact on school capacity. Exempt will be Purpose-built student accommodation, dwellings formally designated as retirement properties and houses and flats with only one bedroom, as these types of property do not yield additional pupils.</p>  | <p>yes</p>             |

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**Community Facilities**

| Organisation          | Representing   | Comment  | Council Response   | SPD Amendment (yes/no) |
|-----------------------|--|--|--|------------------------|
| Stainton Planning     | Ackroyd and Abbott Ltd, residential and commercial developers. | <p>GCF1 – The requirement to replace lost community facilities doesn't allow for an assessment of other facilities in the locality (i.e. alternative provision which means that the facility in question is no longer necessary). This should be made clearer.</p> <p>GCF2 – This should be covered by CIL for allocated sites – there appears to be a suggestion that 1000 dwellings may be built on a non-allocated site once the Local Plan has been adopted?</p> | <p>GCF1 - Comments noted. Paragraph 5.36 states that 'replacement facilities will be required unless there is no longer a need for the facility in the area'. The assessment of whether the facility is surplus will be made in line with UDP policy CF2, taking account of alternative provision in the area.</p> <p>GCF2 - Comment noted. The guideline allows for circumstances where large site(s) of 1000+ dwellings come forward, that have not been accounted for through the Local Plan and no project is identified in the Regulation 123 List.</p> | no                     |
| How Planning          | Urbo (West Bar) Ltd  | Urbo (West Bar) Ltd support the provision that site specific financial contributions towards community facilities will only be sought through planning obligations on major residential developments comprising 1000+ dwellings. This is particularly pertinent for mixed-use developments where new community facilities (such as shops, restaurants, meeting places etc.) are being provided in any event.   | Support welcomed and comment noted.  | no                     |
| Tatley Associates Ltd | TATA Steel UK Ltd  | It is important that a clear distinction is made between contributions which may be sought (where justified) towards the provision of new community facilities and those which would be sought as new health facilities. As currently, medical and health services fall under the definition of both within Policy GCF1 and Policy GHF1.   | Agree with comment – there was an error in the GCF1 definition. An amendment will be made to remove 'medical and health facilities' from the community facilities definition. This will then be consistent with the definition in GCF2.  | yes                    |

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**Health Facilities**

| Organisation      | Representing   | Comment   | Council Response   | SPD Amendment (yes/no) |
|-------------------|--|---|--|------------------------|
| NHS Sheffield CCG |  | The content is reasonable, if brief. It would perhaps be useful to say explicitly that the council would assess the impact and if necessary seek on-site provision with local NHS organisations.                                  | Comments noted. The text on how the guideline GHF1 will be put into practice states that an assessment will be undertaken and on-site provision will be sought. In line with other guidelines in the document, specific organisations are not named. However, we will ensure all key stakeholders are involved in this process suggested.  | no                     |
| Stainton Planning | Ackroyd and Abbott Ltd, residential and commercial developers. | GHF1 - This should be covered by CIL for allocated sites – there appears to be a suggestion that 1000 dwellings may be built on a non-allocated site once the Local Plan has been adopted?  | GHF2 - Comment noted. The guideline allows for circumstances where large sites of 1000+ dwellings come forward, that have not been accounted for through the Local Plan and no project is identified on the Regulation 123 List.   | no                     |
| RSC Public Health |  | We are seeking clarity on how health facilities will be funded as both CIL and S106 are mentioned. Health facilities have 'unknowns' around costs. It is advised that NHS England Local Area Team are involved in needs analysis. | <p>Comments noted and welcomed. We want to ensure all key stakeholders, as suggested, are involved in any needs analysis.</p> <p>Contributions towards the provision of new health facilities across the city will normally be funded through CIL if the health project(s) are identified on the Regulation 123 List. The List will set out the strategic infrastructure priorities of the City, which the Council will be committed to funding (at least in part) by CIL receipts. Paragraphs 4.8 to 4.12 explain more about the Regulation 123 List, and cost and funding information required for specific projects.</p> <p>S.106 contributions are only sought where a major residential development is proposed (1000+ dwellings), and health facilities are required to make the development sustainable. S.106 funds must be directly linked to the specific residential development.</p> | no                     |

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| Organisation          | Representing        | Comment  | Council Response  | SPD Amendment (yes/no) |
|-----------------------|---------------------|--|---|------------------------|
| How Planning          | Urbo (West Bar) Ltd | Urbo (West Bar) Ltd support the provision that site specific financial contributions towards health facilities will only be sought through planning obligations on major residential developments comprising 1000+ dwellings.  | Support welcomed.   | no                     |
| Turley Associates Ltd | TATA Steel UK Ltd   | It is important that a clear distinction is made between contributions which may be sought (where justified) towards the provision of new community facilities and those which would be sought as new health facilities. As currently, medical and health services fall under the definition of both within Policy GCF1 and Policy GHF1. | Agree with comment - there was an error in the GCF1 definition. An amendment will be made to remove 'medical and health facilities' from the community facilities definition. This is now consistent with the definition in GCF2. | yes                    |

**Open Space**

| Organisation   | Representing  | Comment   | Council Response   | SPD Amendment (yes/no) |
|--|---|---|--|------------------------|
| <p>Stainton Planning</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 124</p> | <p>Ackroyd and Abbott Ltd, residential and commercial developers.</p> | <p>There is a reliance on an out of date UDP policy for this guidance.</p> <p>GOS1 – Information needs to be available to developers re the available open space in each area so that developers can be clear whether there is an adequate supply &amp; whether there are specific recreation needs for each locality.</p> <p>GOS2 – The Council could ensure consistent management and quality of open space into the future if they were more willing to adopt new recreation areas.</p> <p>It should be made clear that there will be different open space requirements for different types of developments i.e. no requirement to deliver children’s play areas as part of a development of accommodation for the elderly.</p>  | <p>It is recognised that parts of UDP policy H16 are out of date, hence the change in threshold for on-site open space from 1ha to 4ha.</p> <p>GOS1 – it is not possible to provide accurate information for every site, as circumstances are site-specific, so each site needs a separate assessment. However, assessments are available on request as part of the pre-application enquiry process.</p> <p>GOS2 – it is not normally possible for the Council to adopt new open spaces, hence the need for the guideline.</p> <p>GOS2 will be amended to make clear that the type of open space provided should be suitable to the development.</p> | <p>yes</p>             |
| <p>Sport England</p>   |   | <p>Sport England welcomes the general principle of providing sport facilities through residential developments. As stated in the consultation document an increase in population can place an increased pressure on existing open space and may result in the need for new open space or the upgrade of existing open spaces.</p> <p>Policy GOS1<br/>We welcome the fact that contributions can be made to provide or enhance recreation open space off site. Enhancing or adding to an existing sport facility can add more benefit to sport as such facilities may already be served by sporting infrastructure, such as changing rooms, or enhancements, such as improved drainage to a playing field can increase the capacity of the site to accommodate sport.</p> <p>Policy GOS2<br/>We welcome the fact that new open space will be maintained by the developer. However Sport England would suggests that this also covers the maintenance of enhancements to existing sport facilities,</p> | <p>Support welcomed.</p> <p>GOS2 – a reference to ancillary facilities will be added.</p>  | <p>yes</p>             |

| Organisation   | Representing | Comment  | Council Response  | SPD Amendment (yes/no) |
|----------------|--------------|--|---|------------------------|
|                |              | for example, the provision of changing rooms.  |   |                        |
| National Trust |              | <p>We believe that the maintenance of existing green space in the city has not been given sufficient significance within this document and should be enhanced. In particular, there is scope to use the CIL and Planning Obligations to support the maintenance of the green space that already exists within the city. In much of the city, existing green infrastructure will be part of the attraction for developers and will help to ensure that developments are both profitable and sought after. In addition, the financial pressures facing green spaces in the city are huge, with further cuts likely. The consequences of these restrictions on funding are likely to mean decline in the quality, provision, access and safety of these spaces and may even result in some spaces being sold for alternative uses. This is not unique to Sheffield, but instead is a national problem. Cities across the country are in the same situation. therefore, both the benefits of green spaces in cities and the risks they face should be recognised in the CIL priorities.</p> <p>Greater emphasis and provision should be made for CIL payment to be made towards existing green space as well as or instead of creating new spaces. Where this is the case the total value of the commuted sum needs to take into account not just the cost of creating a new space (as a proxy) but the ongoing maintenance of the existing spaces. A long term investment plan for the commuted sums needs to be developed to accompany the guidance so that it is clear to investors and local people how and where the money is being invested.</p> <p>SCC is currently working with the National Trust to research the possibly of creating an endowment for all the public parks in Sheffield. Should this be feasible, it could be that the commuted sums are added to the endowment to fund the ongoing care and maintenance of the public parks in the city or part of the city in perpetuity.</p> | Paragraph 71 of the CIL National Planning Practice Guidance sets out that the focus of the levy is on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies are made more severe by new development. Therefore, CIL money would not normally be spent on the maintenance of existing open space. | no                     |

| Organisation          | Representing        | Comment  | Council Response  | SPD Amendment (yes/no) |
|-----------------------|---------------------|--|---|------------------------|
| SCC Public Health     |                     | We welcome the approach taken, particularly on the strategic network of pedestrian and cycle routes. GOS1 and GOS2 are welcomed  | Support welcomed.   | no                     |
| How Planning          | Urbo (West Bar) Ltd | We support the provision that site specific financial contributions towards off-site open space will only be sought through planning obligations on sites of 4 hectares or above. This is particularly pertinent for major development proposals, such as West Bar, which will include within them significant levels of on-site open space / public realm which will, for example, enhance and extend the Council's 'Grey to Green' network   | Support welcomed.   | no                     |
| Turley Associates Ltd | TATA Steel UK Ltd   | It is noted that the Council has not carried out a full audit of open space and recreation provision within the City for eight years, with the last full appraisal being set out in the Open Space, Sports and Recreational Facilities audit in 2007. In the absence of an up-to-date evidence base which considers how the City as a whole performs against open space standards set out in the adopted UDP, it is not appropriate to progress blanket policies seeking to secure financial contributions towards new and improved open space provision from all residential schemes over four hectares. This is supported by paragraph 73 of the NPPF. Therefore, whilst it is welcomed that the SPD seeks to update the somewhat outdated UDP policy, at this stage, and until such a time that the Council publishes evidence which supports the policy's assumptions about the need of open space across the City, Policy GOS1 would be at odds with paragraph 73 of the NPPF | The Council's Open Space, Sport and Recreation Audit was adopted in 2009, however it is supplemented by more up-to-date information held by the Council, such as on the quality and provision of children's play facilities. The quantity of open space is largely unchanged since the Audit was undertaken, therefore it is still reasonable to use it for assessing the quantity of open space provision. Guideline GOS1 only requires new open space on large sites in areas of deficiency, not on all sites over 4ha. | no                     |

**Public Art**

| Organisation       | Representing   | Comment  | Council Response   | SPD Amendment (yes/no) |
|--------------------|--|--|--|------------------------|
| Stainton Planning  | Planning consultant acting on behalf of Ackroyd and Abbott Ltd, residential and commercial developers. | How is the value of on-site art work to be determined? How are off-site contributions calculated? This is very vague guidance which adds nothing to the existing policies.   | Public art is considered to be an integral part of design quality and, as with other planning conditions, it will be determined on a development by development basis. We are looking for on-site work and financial contributions will only be sought where this is not possible. We are, therefore, not able to give general indications of value but our requirements will be outlined at pre-application stage.  | no                     |
| How Planning       | Urbo (West Bar) Ltd  | Urbo (West Bar) Ltd accept that some contributions towards on-site public art may be sought unless this is provided for on-site. However, where development viability is already marginal, such as on complex city centre schemes like West Bar, the benefits of public art (and indeed any other contribution) must be weighed against the necessity to, and benefits of, delivering key strategic sites.   | Sheffield's public realm and buildings have used public art to help create distinctive and cherished places that contribute to the vibrancy of the city. It is hoped that this will continue to be the case and that developments, especially large scale developments with considerable public space such as West Bar, will benefit from the investment in high quality. It is recognised, as with all negotiated elements of the planning process, that viability is an important consideration.   | no                     |
| NPP (Planning) Ltd | University of Sheffield  | It is noted that public art will not normally be covered by CIL and that public art will be conditioned. The NPPF is referenced in terms of development not being subject to such a scale of obligations and policy burdens that it would be unviable. There is a concern of public art having the potential to bear a significant influence of scheme viability. Clarity is being sought on GPA1 to ensure unnecessary contributions are not being sought. In order to properly include public art within the cost of development a definition is being sought of the anticipated financial contribution. This is a legitimate cost to be included in viability assessment and it is strongly recommended that the SPD includes a definition. | We do not have and do not intend to have a 'percent for art type' scheme that requires contributions on a pro-rata basis. Public art is considered to be an integral part of design quality and, as with other planning conditions, it will be determined on a development by development basis. We are looking for on-site work and financial contributions will only be sought where this is not possible. We are, therefore, not able to give general indications of value. The Council's requirements will be outlined at pre-application stage and viability will, of course, be a consideration at this stage. | no                     |

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**Renewable Energy and Carbon Reduction**

| Organisation      | Representing   | Comment  | Council Response   | SPD Amendment (yes/no) |
|-------------------|--|--|--|------------------------|
| Stainton Planning | Ackroyd and Abbott Ltd, residential and commercial developers. | Core Strategy CS65(b) doesn't reflect the latest Government guidance which makes it clear that Council's must not place renewable energy and carbon reduction requirements on developers which go beyond the Building Regulations. This section should be reduced to a simple sentence to say there will be no requirements placed on developers – if this section is required at all.   | The Housing Standards Review did not affect low carbon infrastructure, therefore we are still able to implement CS65(b). | no                     |
| SCC Public Health |  | The decision not to implement the policy on CO2 is noted in the light of Building Regulations. Public Health considers that this could be a missed opportunity to make Sheffield a more sustainable city by reducing domestic energy consumption, reducing fuel poverty, reducing carbon and increasing generation of renewables. A number of well-thought out Low Carbon proposals (156-160) are listed on the Infrastructure Need Schedule (Appendix 2 –Draft Infrastructure Delivery Plan) which if they were prioritised as investment priorities for CIL would make Sheffield more “energy secure” as a city and could reduce fuel poverty. | Comment noted.   | no                     |
| How Planning      | Urbo (West Bar) Ltd  | As a basic requirement, all schemes will be required to be constructed to current or future Building Regulations. It is Urbo (West Bar) Ltd.'s position that a scheme is acceptable if constructed to such standards. Going beyond this can have severe impacts upon the viability of schemes contrary to national policy. However, where a scheme does seek to go beyond this, it should be looked upon favourably by the local authority; particularly in negotiations around other potential contributions.   | Comment noted.   | no                     |

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**Flood Risk Management**

| Organisation       | Representing   | Comment  | Council Response   | SPD Amendment (yes/no) |
|--------------------|--|--|--|------------------------|
| Stainton Planning  | Ackroyd and Abbott Ltd, residential and commercial developers. | Does GRFM1 relate to all types of development? It needs to be made clear that this relates only to the mitigation of the impact of the proposed development and not to addressing existing flooding issues (wording similar to the air quality section would be appropriate).  | Comment noted.<br><br>GFRM1 has been amended to include the text in paragraph 5.51, to be clear that the off-site flood management measures, relates only to the mitigation of the impact of the proposed development.                     | yes                    |
| Environment Agency |  | The Environment Agency are seeking an update of the Regulation 123 List to incorporate flood management infrastructure, as these contribute to the strategic objectives of the Local Authority such as a strong and competitive economy and ensuring the vitality of the city centre.  | Comment noted.<br><br>The Council are committed to reviewing the Regulation 123 List, which we will consult on, as required by the CIL Regulations.  | no                     |
| SCC Public Health  |  | Public Health welcome the approach especially the use of blue and green infrastructure on-site as part of open space requirements GOS1   | Support welcomed.  | no                     |
| Low Planning       | Urbo (West Bar) Ltd  | For individual development proposals, on-site flood risk management will be incorporated into the detailed designs of schemes with each relevant application being supported by a Flood Risk Assessment to consider potential impacts. Any contributions towards off-site flood defence works should therefore only be sought by way of planning obligations if demonstrably required based upon the evidence submitted. Urbo West Bar Ltd supports the provision that such contributions would only be sought on sites which fall within the 'High Probability Flood Zone' (i.e. land having a 1 in 100 or greater annual probability of river flooding). The site at West Bar is in a mixture of both low and medium probability flood zones (i.e. Flood Zones 1 and 2). | Support welcomed and the comment is noted.   | no                     |
| DLP (Planning) Ltd | University of Sheffield  | The University of Sheffield are seeking clarification of GFRM1 to prevent the requirement of unnecessary requirements, in particular it should take into account the vulnerability classification of particular uses; which will clearly impact upon the level of off-site flood risk mitigation required.   | Comment noted.<br><br>GFRM1 allows for 'adequate' off-site flood protection measures, allowing for the measure to be appropriate to the vulnerability of the development proposed, which will be assessed through a Flood Risk Assessment. | no                     |

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| Organisation          | Representing      | Comment   | Council Response   | SPD Amendment (yes/no) |
|-----------------------|-------------------|---|--|------------------------|
| Turley Associates Ltd | TATA Steel UK Ltd | Policy GFM1 should make clear that where on-site flood management measures are not possible or appropriate, Section 106 obligations will be used to apply off-site flood risk management protection measures. | <p>Comment noted.</p> <p>Guideline GFRM1, in line with current Core Strategy Policy CS67, requires off-site flood mitigation measures in high probability flood zone areas. Where on-site flood risk management measures are not possible or appropriate, Section 106 obligations will be used to apply off-site measures, only if the site is located in a high probability flood zone.</p> <p>Each development proposal will be assessed on its own merits, and it is possible that a proposal could be subject to both on-site management measures, through a planning condition, and off-site measures, through a planning s106 obligation (paragraphs 4.1 to 4.4 of the SPD).</p> | no                     |

**Air Quality**

| Organisation      | Representing        | Comment   | Council Response   | SPD Amendment (yes/no) |
|-------------------|---------------------|---|--|------------------------|
| SCC Public Health |                     | <p>We welcome the approach to air quality and note that a significant detrimental impact could occur from the development itself, via construction or increase in road traffic. We would caution the EU Health Limit Values and state that there is no safe level of NO2 below the limit value. For this reason, it should not be assumed that air quality in areas with NO2 below EU Health Limit Values does not have possible negative health impacts. 5.53 refers to developments in areas where pollution exceeds EU Health Limit Values; it is our view that there should be a positive decision not to locate housing; particularly housing for families with young children and the elderly (sheltered/extra care) in these areas as these groups are most vulnerable to the health effects of poor air quality. Public Health supports the use of CIL for air quality improvement (5.55). Schemes that would improve air quality could have wider public health benefits, for example cycling and walking infrastructure and green and open space. Public Health would be concerned about mitigation off-site for mitigation of localised air quality problems (5.56) as proximity to the source of emissions can be key to negative health effects. Emerging studies on the use of green barriers for example show differential readings of pollutants at either side of the green barrier, with higher readings at the side nearest the source of emissions. More clarity is needed on the statement regarding “mitigation in the immediate vicinity of the site” (5.56) so that the likely impact on mitigation of local air quality problems can be modelled. Public Health would recommend that Local Authority Air Quality Officers and Public Health England are consulted regarding likely efficacy of measures for on or off site mitigation and the proximity to the source of emissions for maximum efficacy.</p> | <p>General support welcomed.</p> <p>The comment regarding not locating sensitive housing uses in areas where EU Health Limit Values are exceeded is noted, however it is not possible to introduce new policy through this SPD. This will be a matter for the Local Plan. The comment regarding mitigation measures in the immediate vicinity is also noted. This would only apply in exceptional circumstances, and would be determined on a site-by-site basis in conjunction with the Council's Air Quality Officers, and Public Health England as necessary.</p> | no                     |
| How Planning      | Urbo (West Bar) Ltd | <p>The draft SPD states that the Council will seek Section 106 planning obligation to mitigate specific development impacts on local air quality where there is insufficient capacity for on-site mitigation and no identifiable project in the Regulation 123 list for the relevant part of the City. The Council will therefore be required to demonstrate CIL compliance based upon the evidence at the time. Furthermore, the viability of schemes must also be taken into</p>  | Comment noted.   | no                     |

| Organisation       | Representing            | Comment   | Council Response  | SPD Amendment (yes/no) |
|--------------------|-------------------------|---|---|------------------------|
|                    |                         | account when requesting site specific air quality contributions alongside CIL payments.   |   |                        |
| DLP (Planning) Ltd | University of Sheffield | The wording of GAQ1 is noted and Planning Practice Guidance is referred to in relation to whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Considerations in the decision making process include whether development would significantly affect traffic in the immediate vicinity or further afield, introduce new point sources of pollution, expose people to existing sources of air pollutants, give rise to potentially unacceptable impact during construction for nearby sensitive location or affect biodiversity. Reference is also made to the information that may be required from applicants where there are concerns on air quality. The University of Sheffield acknowledge the wording of 5.5 and suggest some additional wording to reflect the citywide nature of air quality as 'contributions towards providing strategic air quality management measures will normally be funded in whole or part by the CIL'. Paragraph 5.56 is referenced in terms of the potential requirement of off-site mitigation alongside 3.6 that sets the need for compliance with the statutory tests. A strategic approach to air quality is considered to be a sensible approach. A further explanation is sought regarding the types of development that may have a significant detrimental impact, together with the factors that should be taken into account in determining whether development have an impact. | Comments noted and general support welcomed. The wording of paragraph 5.64 already refers to the CIL funding large scale air quality improvement projects, so the suggested text is not needed. In terms of a significant detrimental impact, the definition under GAQ1 is taken from the Air Quality Action Plan, and the potential impact of developments will be determined by site-specific Air Quality Impact Assessments, which will be assessed by the Council's Air Quality Officers. | no                     |

**Waste Management**

| Organisation      | Representing   | Comment   | Council Response  | SPD Amendment (yes/no) |
|-------------------|--|---|---|------------------------|
| Stainton Planning | Ackroyd and Abbott Ltd, residential and commercial developers. | Waste management should be wholly funded by CIL. It is a strategic level issue and individual developments do not result in the need for site specific mitigation.  | Comment noted. Paragraphs 5.67 and 5.68 have been amended to make it clearer that waste is a strategic issue. | yes                    |
| How Planning      | Urbo (West Bar) Ltd  | It is Urbo (West Bar) Ltd.'s position that all waste management infrastructure will be funded through CIL based upon the Regulation 123 list. Any site specific waste management requirements relating to the storage and collection of waste will be built into schemes at the detailed design stages. | Comment noted. Paragraphs 5.67 and 5.68 have been amended to make it clearer that waste is a strategic issue. | yes                    |

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## SHEFFIELD CITY COUNCIL

### Cabinet Report

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**Report of:** Eugene Walker

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**Report to:** Cabinet

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**Date:** 09 December 2015

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**Subject:** Revenue and Capital Budget Monitoring 2015/16 – As at 31<sup>st</sup> October 2015

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**Author of Report:** Dave Phillips

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**Key Decision:** YES

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**Reason Key Decision:** Expenditure/savings over £500,000

**Summary:**

This report provides the month 7 monitoring statement on the City Council's Revenue and Capital Budget for 2015/16.

**Reasons for Recommendations:**

To formally record changes to the Revenue Budget and gain Member approval for changes in line with Financial Regulations.

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**Recommendations:** Please refer to paragraph 21 of the main report for the recommendations.

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**Background Papers:**

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

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|---|
| <b>Financial Implications</b>   |
| YES Cleared by: Dave Phillips   |
| <b>Legal Implications</b>   |
| NO  |
| <b>Equality of Opportunity Implications</b>                                     |
| NO  |
| <b>Tackling Health Inequalities Implications</b>                                |
| NO  |
| <b>Human Rights Implications</b>  |
| NO  |
| <b>Environmental and Sustainability implications</b>                            |
| YES/NO  |
| <b>Economic Impact</b>  |
| NO  |
| <b>Community Safety Implications</b>  |
| NO  |
| <b>Human Resources Implications</b>   |
| NO  |
| <b>Property Implications</b>  |
| NO  |
| <b>Area(s) Affected</b>   |
|   |
| <b>Relevant Cabinet Portfolio Lead</b>  |
| Councillor Ben Curran   |
| <b>Relevant Scrutiny Committee</b>  |
| Overview and Scrutiny Management Committee                                      |
| <b>Is the item a matter which is reserved for approval by the City Council?</b> |
| NO  |
| <b>Press Release</b>  |
| NO  |



## REVENUE BUDGET & CAPITAL PROGRAMME MONITORING AS AT 31<sup>st</sup> OCTOBER 2015

### Purpose of the Report

1. This report provides the Month 7 monitoring statement on the City Council's Revenue Budget and Capital Programme for October 2015. The first section covers Revenue Budget Monitoring and the Capital Programmes are reported from paragraph 15.

### REVENUE BUDGET MONITORING

#### Summary

2. At month 6 the overall Council position was a forecast overspend of £8.6m. The position at month 7 shows an improvement of £2.7m, with a forecast potential overspend of £5.8m to the year end. It should be stressed that this is the forecast position before the delivery of various agreed savings for the year and other mitigating actions are taken. The position is summarised in the table below.

| Portfolio                           | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|-------------------------------------|------------------------------|-----------------------|-------------------------|------------------------|
| CYPF                                | 70,008                       | 68,990                | 1,018                   | ↓                      |
| COMMUNITIES                         | 157,559                      | 155,726               | 1,833                   | ↓                      |
| PLACE                               | 160,344                      | 155,516               | 4,828                   | ↓                      |
| POLICY, PERFORMANCE & COMMUNICATION | 2,914                        | 2,532                 | 382                     | ↔                      |
| RESOURCES                           | 55,157                       | 55,840                | (683)                   | ↔                      |
| CORPORATE                           | (440,139)                    | (438,604)             | (1,535)                 | ↓                      |
| <b>GRAND TOTAL</b>                  | <b>5,842</b>                 | <b>(0)</b>            | <b>5,842</b>            | ↓                      |

3. In terms of the month 7 overall forecast position of £5.8m overspend, the key reasons are:
  - **Children, Young People and Families** are showing a forecast overspend of £1.0m. This is due to slippage in the delivery of planned staffing reductions of £183k, £986k due to the recruitment of additional social workers, £735k due to delays in delivery of savings, £227k reflecting an increase in unaccompanied children, £192k due to an unexpected reduction in government grant funding and £850k in increased demand pressures within Direct Payments and Short Breaks services. These adverse forecasts are partly offset by a reduction in expenditure of £537k on Contact Contracts, £283k on legal fees, an increase in Education Services Grant income £500k and £668k due a reduction in Placement demand.
  - **Communities** are showing a forecast overspend of £1.8m. This is largely due to an overspend of £1.6m in Learning Disabilities, Provider Services, and Contributions to Care. There are also overspends of £1.1m within Commissioned

Mental Health Services and £427k in Social Care Commissioning. These overspends are partly offset by a £662k reduction in expenditure in Housing Related Support Contracts and £553k in Housing General Fund.

- **Place** are showing a forecast overspend of £4.8m. This is largely due to delays in delivering planned cost reductions on the waste contract of £2.6m and the Streets Ahead Contract of £2.5m. There are also emerging cost pressures from increased household waste volumes and reduced income from the sale of materials of £1.2m and additional Staffing and Income pressures within Transport and Parking Services of £300k. These overspends are partly offset by reductions in spending across a number of areas within the Culture and Environment Service of £666k and sustained improvement in the Highways and Highway Network management of £900k.
- **Resources** are showing a forecast reduction in expenditure of £683k. This is primarily due to the recovery of high value over payments in Housing Benefit of £584k, £178k increase in income for the Moorfoot Learning Centre and £291k within the Finance Service as a result of savings on employee costs from unfilled vacancies and over recovery of income from the 60 day bad debt. This reduction in expenditure is partly offset by an overspend in Commercial Services (Savings) of £202k from a shortfall in cashable procurement savings and £255k increase in Other Central Costs relating to the insourcing of the Revs and Bens Service.
- **Policy, Performance & Communication** are showing a forecast overspend of £382k. This is primarily due to a delay in the advertising contract resulting in an underachievement of income.
- **Corporate** are currently showing a forecast reduction in expenditure of £1.5m. The latest position reflects the recent outcome of the Place VER/VS scheme, as a result of which there is a forecast reduction in expenditure of £1.2m on the corporate redundancy budget.

4. The main variations since Month 6 are:

- **CYPF** are forecasting an improvement of £719k since Month 6. This is mainly due to additional Education Services Grant (ESG) income of £500k that was not budgeted for as a result of fewer schools than expected converting to academies.
- **Communities** are forecasting an improvement of £229k since month 6. This is mainly due to Care and Support forecasting an improvement of £452k because of increased income in Access, Prevention and Reablement, Learning Disabilities having reduced activity levels realising a reduction in forecast expenditure of £106k and Reablement services recognising a double counting of winter pressures

expenditure improving the forecast by £120k. Business Strategy have an improved position of £106k primarily due to the removal of forecast expenditure against Business Intelligence. Housing General Fund has seen an improvement of £185k due to reductions in expenditure in Safer Community Partnerships and the transfer in of budgets currently forecasting reductions in expenditure. This is offset by an adverse movement in Commissioning of £511k primarily due to £200k of unachievable savings and £163k increased expenditure due to demand pressures on the equipment contract.

- **Place** are forecasting an improvement of £361k, which is due predominantly to a Portfolio wide review of staffing and discretionary spend that has resulted in a £400k reduction in expenditure.
- **Resources** are forecasting an improvement of £31k. Although this is not a significant improvement, there have been some notable variances including an increase in forecast expenditure of £265k due to project costs incurred relating to the insourcing of the Revs and Bens Service; this has been offset by a further reduction in expenditure of £106k relating to the recovery of high value overpayments of Housing Benefit along with other smaller forecast expenditure reductions.
- **Corporate** are forecasting an improvement of £1.5m. The latest position reflects the recent outcome of the Place VER/VS scheme, as a result of which there is a forecast reduction in expenditure of £1.2m on the corporate redundancy budget.

## Approval Requests

5. **CYPF** are requesting two carry forwards totalling £1.95m. The two requests are for the Strengthening Families programme (£1.5m) and the Innovation Programme (£450k).
  - The Strengthening Families programme requires the carry forward to allow the programme to continue beyond the current financial year, and this will enable savings to be delivered in 2016/17 in line with the business planning process.
  - The carry forward for the Innovation Programme is to allow the 450k forecast reduction in expenditure to be used to continue the project in 2016/17. It should be noted that Sheffield is the accountable body for this Programme, hence this funding covers all South Yorkshire Authorities, not just Sheffield.
  - CYPF have currently forecast these two carry forwards into their full year position, so if they were not approved the position for CYPF would improve by £1.95m. However by not approving the request, it would cause a corresponding pressure in 2016/17 of £1.95m.

## Collection Fund

6. Collection Fund monitoring will be reported in month 9 and will include the third quarter results. **Appendix 4** has been retained for the Collection Fund as blank for continuity for future months.

## Public Health

7. The Public Health ring-fenced grant is currently forecasting a potential £915k reduction in expenditure, the main reason for which is a direct response to government consultations on in-year cuts to the Public Health grant and therefore the likely need to cope with grant reductions in 2015/16. Further details of the forecast outturn position on Public Health are reported in **Appendix 2**.

### Public Health 2015/16 in-year cut

8. Notification of a potential Government-led in-year cut was announced in June and the consultation documentation issued in July with a closing date of August. Confirmation of the level of cut was received from Government in the first week of November and was confirmed as a 6.2% cut on the 2015/16 grant figure including the half year transferred function for 0-5 year old provision.
9. For Sheffield the cut amounts to £2.1m. In anticipation of this cut, the Council had been holding back on planned investment, freezing vacancies and not allocating all the potential investment from the planned 2014/15 underspend.
10. As at month 7 the amount held against the target cut is £1.9m, which is spread across all the portfolios. The table below lists the activities held due to the in-year cut. As noted above, this was planned investment and not allocating underspend, rather than a cut to existing services. These schemes at the time of the initial announcement (June) had not been committed or spent and therefore held pending the final notification.

|  |       |
|--|-------|
| <b>One-off from 2014/15 underspend</b>                         | £'000 |
| Mental health champions, employment advice                     | 200   |
| Tackling physical inactivity                                   | 120   |
| Tobacco – investment in community development action           | 125   |
| Food poverty – small grants                                    | 50    |
| Inc investment in C&Y People Smoke free Service                | 50    |
| Children's emotional wellbeing – specialist equip & evaluation | 37    |
|  |       |
| <b>Held Contracts in year</b>                                  |       |
| Best Start   | 150   |
| Health Checks  | 100   |
| Alcohol Assessment & Intervention                              | 100   |

11. In addition there will be a cap placed on the smoking cessation contract that will result in a reduced Service in the latter part of this financial year. Staffing vacancies have been running at around 10 posts and include two senior Public Health posts – Consultants posts in CYPF and Place. Work is continuing to find the variance of £200k.

### Housing Revenue Account

12. The 2015/16 budget assumes an in-year surplus of £10.9m will be generated which will be used to fund the HRA Capital Investment Programme. In accordance with the HRA's financial strategy any further in-year revenue surplus / savings generated by the account will be used to provide further funding for the future HRA Capital Investment Programme.

13. As at month 7 the full year outturn position is a forecast reduction in expenditure of £4.1m. Further details of the HRA forecast outturn can be found in **Appendix 3** of this report.

### New Homes Bonus Fund

|             |                                       | <b>£m</b>          |
|-------------|---------------------------------------|--------------------|
| Income      | Reserves as at 1/04/15                | -6.0               |
|             |                                       | 0.0                |
|             | Declared 15/16 NHB Grant              | -7.3               |
|             | <b>Total Income</b>                   | <u>-13.3</u>       |
| Expenditure | 2015/16 Spend to date at Month 7      | 2.4                |
|             | Forecast to Year End                  | 2.5                |
|             | Future Years' Commitments             | 2.1                |
|             | <b>Total Expenditure</b>              | <u>7.0</u>         |
|             | <b>Funds Available for Investment</b> | <u><u>-6.3</u></u> |

14. Expenditure of £0.1m in the period and the overall forecast for the year remains unchanged. Officers continue to develop and evaluate new proposals to deliver the housing developments the city needs. A full review of the New Homes Bonus programme is underway.

### Capital Summary

15. At the end of October 2015, the end of year position forecasts a variance of £15.1m (5%) below the approved Capital Programme. Project managers are forecasting to deliver a capital programme of £264.3m. This is £3.3m lower than forecast last month

following Cabinet approval of revised pending profiles whereby £6.9m of planned spend for 2015/16 has slipped into future years.

16. Further details of the Capital Programme monitoring and projects for approval are reported in **Appendices 5 to 5.1**.

## **Implications of this Report**

### **Financial implications**

17. The primary purpose of this report is to provide Members with information on the City Council's Budget Monitoring position for 2015/16, and as such it does not make any recommendations which have additional financial implications for the City Council.

### **Equal opportunities implications**

18. There are no specific equal opportunity implications arising from the recommendations in this report.

### **Legal implications**

19. There are no specific legal implications arising from the recommendations in this report.

### **Property implications**

20. Although this report deals, in part, with the Capital Programme, it does not, in itself, contain any property implications, nor are there any arising from the recommendations in this report.

## **Recommendations**

21. Members are asked to:

- (a) Note the updated information and management actions provided by this report on the 2015/16 Revenue Budget position.
- (b) Approve the carry forward requests in paragraph 5.
- (c) Approve and note ongoing work to close the in-year Public Health gap as described in paragraph 8.
- (d) In relation to the Capital Programme:

- (i) Approve the proposed additions to the Capital Programme listed in **Appendix 5.1**, including the procurement strategies and delegations of authority to the Director of Commercial Services or nominated Officer, as appropriate, to award the necessary contracts following stage approval by Capital Programme Group;
- (ii) Approve the proposed variations, deletions and slippage **in Appendix 5.1**;  
And note
- (iii) The variations on **Appendix 5.1** within the delegated authority of EMT
- (iv) One variation of £5k authorised by a director under the delegated authority provisions; and
- (v) The latest position on the Capital Programme.

### **Reasons for Recommendations**

22. To record formally changes to the Revenue Budget and the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the capital programme in line with latest information.

### **Alternative options considered**

23. A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

**Dave Phillips**  
**Interim Director of Finance**





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## Portfolio Revenue Budget Monitoring Reports 2015/16 – As at 31 October 2015

### Children Young People and Families (CYPF) Portfolio

#### Summary

- 1 As at month 7 the Portfolio is forecasting a full year outturn of an overspend of £1m, which is an improvement of £700k from the month 6 position. The key reasons for the forecast outturn position are:
  - **Business Strategy** - £618k forecast reduction in spend. This includes additional Education Services Grant (ESG) income to that budgeted for of £500k, £95k forecast reduction in spend in Programme and Information Development Service due to staff vacancies and a £75k forecast reduction in spend in Capacity Planning and Development because a bad debt provision taken at year-end is not fully needed. These are partially offset by a £41k forecast overspend in Advice and Conciliation due to a shortfall in the traded income forecast.
  - **Children and Families** – £1.6m forecast overspend.

Over spending areas are:

    - Fieldwork Services - Management and Business Support £183k due to delay in the service's MER, Fieldwork Service Areas and Permanence and Throughcare £986k net overspend mainly due to the planned 2 year programme to recruit additional social workers in response to the pressure on and retention of social workers and review of Child Sexual Exploitation (CSE), this has been partially mitigated by a planned reduction through a tapering down model of social workers, as the continued investment in early intervention and prevention through the Building Successful Families programme reduces the total caseload across the City, Multi-systemic Therapy £234k due to delays in anticipated savings, there is also an overspend in specialist support teams of £227k reflecting an increase in unaccompanied children. These have been partially offset by a £537k ongoing saving on Contact Contracts as a result of specific action being taken to reduce costs and a £283k reduction in spend on legal fees, which is as a result of the ongoing work between the service and Legal services to reduce costs through more efficient working practices.

- Direct Payments and short breaks - £850k due to increased demand pressures, this also includes the £250k as a result of the delay in anticipated savings due in year.
- Provider Services – due to delays in anticipated savings on the integrated approach to service delivery between Health and Social Care of £251k and Youth Justice of £250k, this is being partially mitigated by £103k savings in the service.
- Early Intervention & Prevention - £89k because of a reduced expected contribution of £250k from the CCG towards Early Intervention and Prevention.

Areas of forecast reduction in spending are:

- Placements - £668k due to the assumption that funds set aside to fund a potential increase in Special Guardianship Orders (£400k) may not be required in 2015/16 and that the longer term trend in Placement numbers and unit costs will drive spend down by year end.
- **Inclusion and Learning Services and Children’s Commissioning** – £50k forecast underspend, this includes a £30k forecast overspend in Pupil Admissions reflecting a reduction in anticipated traded income against budget. These are being offset by a £37k reduction in spend in Education Psychology because of staff vacancies in the service, £20k reduction in spend in Governor’s Support as a result of a staff vacancy and a £21k forecast reduction in spend in Children’s Commissioning Unit, as a result of staff savings in the planned MER.
- **Lifelong Learning, Skills and Communities** – £32k forecast overspend, £192k relating to the Training Units, due to an unexpected reduction in government grant funding, which is being partially offset by savings from the MER which is in progress and a forecast overspend of £50k on the BIG Challenge because the expected income is not available, but the planned expenditure for this project has been incurred. This is being offset by an over achievement against savings targets in Youth Services of £127k, as part of the 4 year budget programme. The net underspend is mainly due to a £136k reduction in spend in the Internal Community Youth Teams, as a result of staff vacancies as part of the 4 year budget programme. Strategic Support is also forecasting a reduction in spend of £83k, due to staff vacancies and activities that have now ceased.

## Financial Results

| Service                        | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|--------------------------------|------------------------------|-----------------------|-------------------------|------------------------|
| BUSINESS STRATEGY              | 1,735                        | 2,353                 | (618)                   | ↓                      |
| CHILDREN & FAMILIES            | 59,615                       | 57,962                | 1,653                   | ↔                      |
| INCLUSION & LEARNING SERVICES  | (161)                        | (111)                 | (50)                    | ↔                      |
| LIFELONG LEARN, SKILL & COMMUN | 8,819                        | 8,786                 | 33                      | ↔                      |
| <b>GRAND TOTAL</b>             | <b>70,008</b>                | <b>68,990</b>         | <b>1,018</b>            | ↓                      |

## DSG

- 2 The following is a summary of the variance position on DSG budgets at month 7:

|   | Month 5<br>£000 | Month 6<br>£000 | Month 7<br>£000 |
|---|-----------------|-----------------|-----------------|
| Business Strategy                         | (65)            | (60)            | (82)            |
| Children and Families                     | (46)            | (44)            | (51)            |
| Inclusion and Learning Services           | (62)            | (21)            | (30)            |
| Lifelong Learning, skills and Communities | 0               | 0               | 2               |
|   | <b>(173)</b>    | <b>(125)</b>    | <b>(161)</b>    |

## Commentary

- 3 The following commentary concentrates on the changes from the month 6 position.

### Business Strategy

- 4 As at month 7, Business Strategy is currently forecasting reduction in spend of £618k (shown in the table above) relating to cash limit and a reduction in spending of £82k on DSG.
- 5 The movement on the cash limit position from month 6 is £588k, this is mainly due to £500k additional Education Services Grant (ESG) income to that budgeted for, due to the pace of change and reduced levels of academy conversions to that budgeted. It had been assumed in the budget that, due to Government policy, there would be a high number of academy conversions in this year, however, as the year has progressed the number of actual conversions has been a lot lower than anticipated.
- 6 The DSG position remains consistent with the month 6 position.

### Children and Families

- 7 As at month 7, Children and Families is currently forecasting a £1.7m overspend (shown in the table above) relating to cash limit and a £51k underspend on DSG. Both cash limit and DSG are consistent with the month 6 position.

### Inclusion and Learning Service and Children's Commissioning Unit

- 8 As at month 7, Inclusion and Learning Service is currently forecasting £50k underspend (shown in the table above) relating to cash limit and a £30k reduction in spend on DSG.
- 9 The movement in the cash limit position is an improvement of £80k from month 6; this reflects small improvements in a number of budgets across the service.
- 10 The DSG is forecasting an increase in spend of £10k from month 6, this is consistent with the month 6 position.

### **Lifelong Learning Skills and Communities**

- 11 As at month 7, Lifelong Learning Skills and Communities is currently forecasting a £33k overspend (shown in the table above) relating to cash limit and a balanced DSG position.
- 12 The £45k movement from month 6 in the cash limit position is mainly due to £35k movement in the internal community youth teams, as a result of a planned staff vacancy as part of the 4 year budget programme on Youth Services.
- 13 The DSG position is consistent with the month 6 position.

### **Carry-forward Requests**

- 14 Children and Families are requesting the following 2 carry forward requests:
  - Strengthening Families – in line with the previously agreed carry forward request and the profile of the Strengthening Families programme the service require approximately £1.5m to be carried forward into 2016/17. This will allow the programme to continue and the savings assumed in the business planning process to be delivered.
  - Innovation Programme – Sheffield is the accounting body for the South Yorkshire sub-region Department for Education’s Innovation Project, delivering a new CSE fostering service across South Yorkshire. The project is currently underspending by approximately £450k in this financial year, this is being requested as a carry forward in order for the programme to continue in the next financial year, it is important to note that this funding covers all South Yorkshire Authorities not just Sheffield.

### **Communities Portfolio**

#### **Summary**

- 15 As at month 7, the Portfolio is forecasting a full year outturn of an over spend of £1.833m. The key reasons for the forecast outturn position are:

### **Business Strategy (forecasting a reduction in spend of £185k):**

- The position for Business Strategy is showing favourable due to the 1% pay award pressure being held in this area for the whole of Communities. If this pot is distributed across the service the underlying position would be an over spend due mainly to the saving in Performance & Planning which will not be achieved.

### **Care & Support (forecasting an over spend of £1.279m):**

- This overspend is primarily related to over-spends in Learning Disabilities, Provider Services and a reduction in the level of Client Contributions receivable in the year.
- Learning Disabilities is forecasting an over spend of £0.889m. Health income is forecast to be lower by £0.5m which is the main reason for this variance. There is also £1.5m of 2015/16 savings forecast not to be delivered within the 2015/16 financial year, particularly around the work being done with the providers of Supported Living and Respite Care bringing prices in line with the LD Provider Framework. However work is continuing in this area and will result in savings for future financial years. This is being partly offset by funded pressures which are not expected to play out in full within the year. The work on reducing LD expenditure is being overseen by the LD Commissioning Board.
- Long Term Support is showing an under spend of £185k. This constitutes the net position of an over spend in adults purchasing of £391k (which includes a demand pressure on the adults purchasing budget of £750k), with an under spend across the remainder of the service of £585k; this underspend is predominantly the saving of £400k achieved in the 14/15 MER which was brought forward into 15/16, along with vacancies in the current establishment £130k and £75k against Forge Centre due to reduction in contracts.
- Provider Services is showing an over spend against budget of £311k. There is a £319k reduction in spend on Carers in the Adult Placement Shared Lives Service. City Wide Care Alarms reports an over spend of £375k as a result of reduction in income. Care4You Business and Performance, Community Support Service and Head of Service Budgets report a combined £446k reduction in spend on staffing. Reablement Services report an over spend of £701k which has arisen as a result of the service incurring additional staff costs relating to planned efficiencies not yet fully realised. £250k of the Reablement Services over spend

represents an amount to reflect the risk of further spend which will be reviewed monthly to the end of the year.

- Contributions to Care is showing an over spend of £394k against budget, which includes a shortfall of £660k on fairer contributions due to the numbers of service users being less than the original budget assumptions because of business demand management and the application of eligibility criteria, offset by an over estimation of liabilities at year end. Also there is a shortfall of £310k on ILF contributions. This is offset by increases in Property Income £979k and Continuing Health Care Income £193k. Following staff recruitment the cost of the Social Care Accounts Service is now over spend £39k.

### **Commissioning (forecasting an over spend of £1,184k):**

- A reduction in spend forecast by Commissioned Housing of £662k against Housing Related Support Contracts.
- A forecast over spend against Commissioned Mental Health Services £1.1m due to increased demand and savings not considered deliverable against Older People's mental health and Purchasing mental health.
- Social Care Commissioning Service are forecasting an over spend of £427k which relates to a budget gap on the equipment budget following a change of provider and increased demand against that contract.

### **Community Services (forecasting an over spend of £108k):**

- There is a forecast overspend of £186k in Locality Management, primarily relating to the anticipated non-achievement of 2015/16 savings targets related to reductions in the level of Grants paid to Voluntary Bodies and in regard to Ward Pots.

### **Housing General Fund (forecasting a reduction in spend of £553k):**

- The Housing General fund is forecasting an under-spend of £553k, comprising mainly a reduction in demand for the Local Assistance Scheme and a reduction in spend Homelessness Prevention Fund and Repossession Prevention Fund. The budgets transferred to here from Commissioning in the Communities restructure have also increased the forecast under spend.

## Financial Results

| Service              | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|----------------------|------------------------------|-----------------------|-------------------------|------------------------|
| BUSINESS STRATEGY    | 6,013                        | 6,198                 | (185)                   | ↓                      |
| CARE AND SUPPORT     | 112,270                      | 110,991               | 1,279                   | ↓                      |
| COMMISSIONING        | 30,232                       | 29,049                | 1,183                   | ↑                      |
| COMMUNITY SERVICES   | 5,921                        | 5,813                 | 109                     | ↔                      |
| HOUSING GENERAL FUND | 3,122                        | 3,675                 | (553)                   | ↓                      |
| <b>GRAND TOTAL</b>   | <b>157,559</b>               | <b>155,726</b>        | <b>1,833</b>            | <b>↓</b>               |

## Commentary

16 The following commentary concentrates on the changes from the previous report at month 6.

- Business Strategy has an improved position of £106k which is predominantly due to removal of forecast expenditure against Business Intelligence £88k.
- Care and Support has an favourable change of £452k mainly due to
  - Increases in forecast income in Access, Prevention and Reablement £276k offset by increased expenditure on Qtr 1 of the equipment contract due to the CCG £36k and removal of reserves forecast to balance the Stayput contract £70k.
  - LD has reduced over spend due to activity levels decreasing in Purchasing £108k
  - Reablement Services reduction in spend due to double count of winter pressures expenditure £120k.
- Commissioning have a worsened position of £511k due to budgets carrying under spends moving from Housing Commissioning to Housing General Fund £99k, Mental Health Purchasing showing additional over spend £200k against unachievable savings and increased expenditure due to demand pressures on the equipment contract £163k.
- Housing General Fund have an improved position due to budgets carrying under spends moving here from Housing Commissioning £99k and further recorded under spends against Safer Community Partnerships £97k



### Year to Date

- The year to date position for Communities shows £1m under spend which is currently being scrutinised by Finance and underlying issues will be picked up with service.

## Place Portfolio

### Summary

17 As at month 7 the Portfolio is forecasting a full year outturn of an £4.8m overspend, an improvement of £0.4m from the month 6 position.

18 The key reasons for the forecast outturn position are:

- **Business Strategy & Regulation:** £3.6m over budget largely due to delays in delivering the planned cost reductions to the waste contract as a result of protracted negotiations with the provider (£2.6m) and emerging cost pressures from increased household waste volumes and reductions in income from the sale of materials due to falling market prices caused by movements in the global economy (£1.2m).
- **Regen & Development Services:** £1.9m over budget largely due to delays in delivering the planned cost reductions in the Streets Ahead programme (net £2.5m), plus additional staffing and income pressures within the Transport and Parking Services activity (£0.3m), less a continuation of sustained improvement in Highways and Highway Network Management (£0.9m).
- **Culture & Environment :** £666k under budget which reflects a continuation of prior year improvement trends that are forecast to continue within the Bereavement Services, Parks and City Centre Management activities and Sports Trusts due to recent rating revaluation on a number of premises (£0.4m). There are further cost reductions of around £266k arising from reductions in staffing and discretionary spend across the service.

19 The key variances this period included :-

- **Portfolio-wide - Review of Staffing and Discretionary Spend –** reductions in actual/forecast costs across most service areas associated with reviews of staffing and supplies and service spend (£0.4m).

- 20 At the Place Leadership Team meeting on 18 June 2015 Directors approved a Recovery Plan to significantly improve upon and mitigate the £8.5m forecast overspend reported at Month 2. This included implementing an estimated £2.8m of immediate actions, together with a review of key areas of employee and discretionary spend with a view to realising further savings in 15-16 which will carry through to future years. These have now largely been achieved.
- 21 At the Place Leadership Team on 6 October, it was agreed to amend budgets in line with an outline plan which if implemented could reduce the forecast overspend to £2.5m by year-end.

### Financial Results

| Service                        | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|--------------------------------|------------------------------|-----------------------|-------------------------|------------------------|
| BUSINESS STRATEGY & REGULATION | 32,968                       | 29,331                | 3,637                   | ↓                      |
| CAPITAL & MAJOR PROJECTS       | 804                          | 674                   | 130                     | ↔                      |
| CREATIVE SHEFFIELD             | 3,361                        | 3,479                 | (118)                   | ↓                      |
| CULTURE & ENVIRONMENT          | 41,867                       | 42,533                | (666)                   | ↓                      |
| MARKETING SHEFFIELD            | 583                          | 612                   | (29)                    | ↔                      |
| PLACE PUBLIC HEALTH            | -                            | 0                     | 0                       | ↔                      |
| REGENERATION & DEVELOPMENT SER | 80,761                       | 78,887                | 1,874                   | ↔                      |
| <b>GRAND TOTAL</b>             | <b>160,344</b>               | <b>155,516</b>        | <b>4,828</b>            | ↓                      |

### Commentary

- 22 The following commentary concentrates on the key risks and changes from the previous month.

### Capital & Major Projects

- 23 The forecast for this activity is £129k over budget, an improvement of £14k this period due to reductions in staffing and discretionary spend across the service. The forecast position largely reflects income pressures within the markets service, mainly at the Moor market (£0.6m) but offset by reductions in spend across the whole service.

24 The position within Moor market arises from being only 70% let earlier in the year as Traders surrendered tenancies due to difficult trading conditions. The low viability of the market businesses has led to a high level of bad debt. There may be further risk here if stall lettings cannot be held at current levels, or rent collection levels don't improve. The business model for the market is currently under review balancing lower rents against the need for more flexibility in location to ensure let space is maximised. External agents have been engaged to promote the letting of vacant stalls and recover monies due to the Council.

### **Regeneration & Development Services**

25 The forecast for this activity is £1.9m over budget, a small adverse movement of £33k this period.

26 As identified in para 4 above, the forecast position is largely due to delays in delivering the planned cost reductions in the Streets Ahead programme (£4.7m), less estimated (largely one-off) cost reductions (£2.2m), giving a net pressure of £2.5m. Whilst work has continued to develop options, a number of these have not progressed as originally planned due to Treasury concerns about the proposals being incompatible with the principles of the PFI contract or an unacceptable level of risk transfer to the Council.

27 This key pressure above is being offset to some extent by a continuation of sustained improvements in the Highways and Highway Network Management activities (£0.9m), less additional staffing (parking management and transformation) and income pressures (TCIP) within the Transport and Parking Services activity (£0.3m).

## Policy, Performance and Communications

### Summary

- 28 As at month 7 the Portfolio is forecasting a full year outturn of an over spend of £382k, as per the month 6 position. The key reasons for the forecast outturn position are:
- 29 £382k over spend in Communications due to under recovery of income as a result of a delay in the implementation of the new advertising contract.
- 30 £101k over spend in Electoral Registration due to an increase in supplies and services costs and employee costs offset by an under spend of £50k in Local Elections.

### Financial Results

| Service                             | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|-------------------------------------|------------------------------|-----------------------|-------------------------|------------------------|
| ACCOUNTABLE BODY ORGANISATIONS      | 0                            | 0                     | 0                       | ↔                      |
| POLICY, PERFORMANCE & COMMUNICATION | 3,049                        | 2,667                 | 382                     | ↔                      |
| PUBLIC HEALTH                       | (135)                        | (135)                 | 0                       | ↔                      |
| <b>GRAND TOTAL</b>                  | <b>2,914</b>                 | <b>2,532</b>          | <b>382</b>              | ↔                      |

### Commentary

- 31 There have been no changes from the previous month.

## Resources Portfolio

### Summary

- 32 As at month 7 the Portfolio is forecasting a full year outturn of a reduction in spending of £683k, as per the month 6 position. The key reasons for the forecast outturn position are:
- £202k over spend in Commercial Services (Savings) due to a shortfall in income from cashable procurement savings;
  - £255k over spend in Other Central Costs – Capita due to project costs incurred in relation to the insourcing of the Revs and Bens Service;

Offset by:

- £291k under spend in Finance due mainly to over recovery of income and savings on Employees from unfilled vacancies and salary sacrifice;
- £178k under spend in Human Resources due mainly to over recovery of income on The Moorfoot Learning Centre;
- £584k under spend in Housing Benefit due to the recovery of high value over payments as a result of a DWP data-matching fraud and error initiative.

## Financial Results

| Service                                 | Forecast<br>Outturn<br>£000s | FY<br>Budget<br>£000s | FY<br>Variance<br>£000s | Movement<br>from Month |
|---|------------------------------|-----------------------|-------------------------|------------------------|
| BUSINESS CHANGE & INFORMATION SOLUTIONS | 971                          | 1,010                 | (39)                    | ↔                      |
| COMMERCIAL SERVICES                     | 599                          | 585                   | 14                      | ↔                      |
| COMMERCIAL SERVICES (SAVINGS)           | (1,426)                      | (1,628)               | 202                     | ↔                      |
| CUSTOMER SERVICES                       | 1,828                        | 1,824                 | 4                       | ↔                      |
| FINANCE                                 | 4,684                        | 4,976                 | (292)                   | ↔                      |
| HUMAN RESOURCES                         | 3,337                        | 3,515                 | (178)                   | ↔                      |
| LEGAL SERVICES                          | 3,378                        | 3,413                 | (35)                    | ↔                      |
| RESOURCES MANAGEMENT & PLANNING         | 196                          | 208                   | (12)                    | ↔                      |
| TRANSPORT AND FACILITIES MGT            | 15,780                       | 15,808                | (28)                    | ↔                      |
| <b>TOTAL</b>                            | <b>29,347</b>                | <b>29,711</b>         | <b>(364)</b>            | <b>↓</b>               |
| CENTRAL COSTS                           | 25,988                       | 25,723                | 265                     | ↑                      |
| HOUSING BENEFIT                         | (178)                        | 406                   | (584)                   | ↓                      |
| <b>GRAND TOTAL</b>                      | <b>55,157</b>                | <b>55,840</b>         | <b>(683)</b>            | <b>↔</b>               |

## Commentary

33 The following commentary concentrates on the changes from the previous month.

## Central Costs

- 34 A forecast £265k overspend, due to project costs incurred in relation to the insourcing of the Revs and Bens Service. This is an adverse movement of £231k from the previous month.
- 35 The adverse movement this month is due to the project costs of the insourcing of the Revs and Bens Service.

## Housing Benefit

- 36 A forecast £584k reduction in spending, due to DWP data matching fraud and error initiatives which have generated high value overpayments to be recovered. This is an improvement of £106k from the previous month.
- 37 The improvement this month is due to the transfer out of Discretionary Housing Payments expenditure incorrectly coded to Rent Rebate Benefits.

## Corporate

### Summary

- 38 The table below shows the items which are classified as Corporate and which include:

- **Corporate Budget Items & Corporate Savings:**
  - (i) corporate wide budgets that are not allocated to individual services / portfolios, including capital financing costs and the provision for redundancy / severance costs, and;
  - (ii) (ii) the budgeted saving on the review of enhancements and the budgeted saving from improved sundry debt collection.
- **Corporate income:** Revenue Support Grant, locally retained business rates and Council tax income, some specific grant income and contributions to/from reserves.

|   | <u>FY Outturn</u><br>£'000 | <u>FY Budget</u><br>£'000 | <u>FY</u><br><u>Variance</u><br>£'000 |
|---|----------------------------|---------------------------|---------------------------------------|
| Corporate Budget Items & Savings Proposals                    | 62,159                     | 63,694                    | (1,535)                               |
| Income from Council Tax, RSG, NNDR, other grants and reserves | (502,297)                  | (502,297)                 | (0)                                   |
| <b>Total Corporate Budgets</b>                                | <b>(440,138)</b>           | <b>(438,603)</b>          | <b>(1,535)</b>                        |

### Commentary

- **Corporate** are currently showing a forecast reduction in expenditure of £1.5m. This includes the recognition of a forecast £1.2m under-utilisation of the corporate redundancy budget due to a lower than anticipated number of in year redundancies.





## PUBLIC HEALTH BUDGET MONITORING AS AT

### 31<sup>st</sup> OCTOBER 2015

### Purpose of the Report

1. To report on the 2015/16 Public Health grant spend across the Council for the month ending 31<sup>st</sup> October 2015
2. The report provides details of the forecast full year spend of Public Health grant compared to budget. Key variances are explained and any financial risks are discussed in the risk section.
3. The net reported position for each portfolio/service area would normally be zero as public health spend is matched by a draw down of public health grant. For the purposes of this report, and in order to identify where corrective action may be necessary, we have shown actual expenditure compared to budget where there is an underspend position. Overspends which will affect Portfolios' revenue positions are described in the narrative sections only.

### Summary

4. At month 7 the overall position was a forecast underspend of £915k which is summarised in the table below.

All figures £000s

| Portfolio  | Forecast full year expenditure | Full year expenditure budget | Full year variance | FY Variance Forecast at M6 | Movement from Prior Month |
|--|--------------------------------|------------------------------|--------------------|----------------------------|---------------------------|
| CYPF   | 12,345                         | 12,378                       | (33)               | (85)                       | 52                        |
| COMMUNITIES  | 13,629                         | 13,997                       | (368)              | (298)                      | (70)                      |
| PLACE  | 2,913                          | 3,403                        | (490)              | (432)                      | (58)                      |
| DIRECTOR OF PUBLIC HEALTH<br>(inc PH Intelligence) | 2,456                          | 2,480                        | (24)               | (77)                       | 53                        |
| <b>TOTAL EXPENDITURE</b>                           | <b>31,343</b>                  | <b>32,258</b>                | <b>(915)</b>       | <b>(892)</b>               | <b>(23)</b>               |

Key reasons for the forecast under spend are:

- (£368k) underspend in Communities of which £193k is uncommitted funds that will be clawed back as part of in-year savings.  
(£490k) underspend in Place mainly as a result of projects which have been put on hold (£345k).
- (£24k) underspend in Director of Public Health as a result of reduced expenditure forecast on Support Services.



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## **Communities Portfolio EXECUTIVE SUMMARY**

### **HRA Revenue Budget Monitoring 2015/2016– as at October**

#### **Purpose of this Report**

1. To provide a summary report on the HRA 2015/2016 revenue budget for the month ending 31<sup>st</sup> October 2015, and agree any actions necessary.
2. The content of this report will be used as the basis of the content of the budget monitoring report to the Executive Management Team and to Members.

#### **Summary**

3. The HRA Business Plan is based on the principle of ensuring that investment and services required for council housing is met by income raised in the HRA.
4. The 2015-16 budget is based on an assumed in year position of £10.9m which is to be used to fund the ongoing HRA Capital Investment Programme. In accordance with the HRA's financial strategy any further in- year revenue surplus / savings generated by the account will be used to provide further funding for the future HRA Capital Investment programme.
5. As at month 7 the full year outturn position is a projected £4.1m saving compared to budget.

Main areas contributing to the outturn include reduced net rental income of £378k mainly due to a higher turnover of vacant properties; this is partly offset by a forecast reduction in the provision for bad debts; a reduction in other service charge income of £116k and £171k on repairs and maintenance. These are offset by forecast savings of £4.8m on overall running costs, of this £1.4m relates to staffing as a result of turnover and vacancy savings, £ 1.7m of general running costs and £1.7m resulting from the re-profiling of projects.

## 6. Financial Results

| Housing Revenue Account (excluding Community Heating) | FY Outturn<br>£000's | FY Budget<br>£000's | FY<br>Variance<br>£000's | Movement<br>from Month<br>6 |
|---|----------------------|---------------------|--------------------------|-----------------------------|
| 1.NET INCOME DWELLINGS                                | (149,050)            | (149,427)           | 377                      | ↑                           |
| 2.OTHER INCOME  | (6,707)              | (6,824)             | 117                      | ↓                           |
| 3.HOMES-REPAIRS & MAINTENANCE                         | 32,042               | 31,871              | 171                      | ↑                           |
| 4.DEPRECIATION-CAP FUND PROG                          | 38,973               | 38,973              | 0                        | ↔                           |
| 5.TENANT SERVICES                                     | 55,081               | 59,922              | (4,841)                  | ↓                           |
| 6.INTEREST ON BORROWING                               | 14,644               | 14,579              | 65                       | ↔                           |
| <b>Total</b>  | <b>(15,017)</b>      | <b>10,906</b>       | <b>4,111</b>             |                             |
| 7.CONTRIBUTION TO CAP PROG                            | 15,017               | 10,906              | 4,111                    | ↑                           |

**Community Heating**

The budgeted position for Community Heating is a draw down from Community Heating reserves of £338k. As at month 7 the position is a draw down from reserves of £224k resulting in a saving of £113k. This is due to re-profiling the implementation of the heat metering scheme.

| Community Heating | FY Outturn<br>£000's | FY Budget<br>£000's | FY<br>Variance<br>£000's | Movement<br>from Month 6 |
|-------------------|----------------------|---------------------|--------------------------|--------------------------|
| Income            | (3,063)              | (2,760)             | (303)                    | ↔                        |
| Expenditure       | 3,288                | 3,098               | 190                      | ↑                        |
|                   | 224                  | 338                 | (113)                    |                          |

**Housing Revenue Account Risks.**

There are a number of future risks and uncertainties that could impact on the 30 year HRA business plan. As well as the introduction of Universal Credit, outlined elsewhere in the report the Government has recently announced a number of further changes in the July 2015 Summer Budget Statement and Welfare Reform and Work bill. These include a revision to social housing rent policy, which will reduce rents for the next four years. This will have a considerable impact on the resources available to the HRA Business Plan. In addition, the Governments "Pay to Stay" policy announcement and other changes to Housing benefits will impact on both tenants and the HRA business plan. Work is currently underway to assess the financial impact of these. Other identified risks to the HRA are:

- **Interest rates:** fluctuations in the future levels of interest rates have always been recognised as a risk to the HRA.
- **Repairs and Maintenance:** existing and emerging risks within the revenue repairs budget include unexpected increased demand (for example due to adverse weather conditions) and future changes to contractual arrangements.



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## CAPITAL PROGRAMME MONITORING AS AT 31<sup>st</sup> OCTOBER 2015

### Summary

1. At the end of October 2015, the end of year position forecasts a variance of £15.1m (5%) below the approved Capital Programme. Project managers are forecasting to deliver a capital programme of £264.3m. This is £3.3m lower than forecast last month following Cabinet approval of revised pending profiles whereby £6.9m of planned spend for 2015/16 was slipped into future years.
2. The bulk of the forecast variance is in the Place (£11.4m – 11% - below budget) and Housing programmes (£3.4m – 4%). These variances are discussed in greater detail below at paragraph 6.
3. The Year to date position shows spending to be £2m (1%) above planned spend as a result of increased rate of output on the Council housing replacement roofing programme and timing of expenditure on the Sheffield Retail Quarter.

### Financials 2015/16

| <b>Portfolio</b>   | <b>Spend to date</b> | <b>Budget to Date</b> | <b>Variance to date</b> | <b>Full Year forecast</b> | <b>Full Year Budget</b> | <b>Full Year Variance</b> | <b>Change on last Mth Bud</b> | <b>Change on last Forecast</b> |
|--------------------|----------------------|-----------------------|-------------------------|---------------------------|-------------------------|---------------------------|-------------------------------|--------------------------------|
|                    | <b>£000</b>          | <b>£000</b>           | <b>£000</b>             | <b>£000</b>               | <b>£000</b>             | <b>£000</b>               | <b>£000</b>                   | <b>£000</b>                    |
| CYPF               | 21,762               | 23,477                | (1,715)                 | 34,877                    | 35,556                  | (679)                     | 1,012                         | (3,650)                        |
| Place              | 46,079               | 49,571                | (3,492)                 | 91,104                    | 102,497                 | (11,393)                  | (699)                         | (109)                          |
| Housing            | 39,738               | 31,117                | 8,622                   | 81,147                    | 84,573                  | (3,426)                   | 3,602                         | (36)                           |
| Highways           | 8,603                | 9,190                 | (587)                   | 17,788                    | 17,334                  | 454                       | 409                           | (2)                            |
| Communities        | 300                  | 295                   | 5                       | 370                       | 352                     | 18                        | 19                            | 19                             |
| Resources          | 1,453                | 2,291                 | (838)                   | 8,484                     | 8,604                   | (120)                     | 122                           | 524                            |
| Corporate          | 17,835               | 17,835                | -                       | 30,574                    | 30,574                  | -                         | -                             | -                              |
|                    |                      |                       |                         |                           |                         |                           |                               |                                |
| <b>Grand Total</b> | <b>135,770</b>       | <b>133,775</b>        | <b>1,995</b>            | <b>264,344</b>            | <b>279,491</b>          | <b>(15,147)</b>           | <b>4,465</b>                  | <b>(3,254)</b>                 |

#### 4. Capital Programme

##### Capital Programme

|                         | 2015-16<br>£m | 2016-17<br>£m | Future<br>£m | Total<br>£m  |
|-------------------------|---------------|---------------|--------------|--------------|
| Month 6 Approved Budget | 287.2         | 186.9         | 314.5        | 788.5        |
| Additions               | 0.8           | 0.6           | 0.0          | 1.5          |
| Variations              | -1.4          | 1.9           | 0.0          | 0.5          |
| Slippage & Acceleration | -6.9          | 6.1           | 0.8          | 0.0          |
| Month 7 Approved Budget | <u>279.7</u>  | <u>195.5</u>  | <u>315.4</u> | <u>790.6</u> |

5. The revised programme shows a small net increase of £2m and reflects the approval of increased costs on the schemes to expand school places capacity at Gleadless and Hallam.

#### Commentary

6. Top 20 projects in the Capital Programme accounts for 70% of the current 2015/16 budget. The key variances for the forecast £15.1m shortfall against budget by the year end by project include:
- Further re-profile of spending on the Sheffield Retail Quarter project to reflect revised programme information resulting in slippage of £7.8m into 2016/17;
  - £2.7m of potential underspend on the remediation of the Don Valley Stadium as a result of savings being realised on the original project estimate;
  - Within the Housing Programme, £1.1m of slippage on replacing garages, £1m on the project to fit solar cells to roofs, £0.7m each on the Roll out of Recycling facilities at flats and refurbishment of communal areas. There is further slippage of £0.5m each on the refurbishment of the Arbourthorne estate and the construction of New Council Houses.

Of the £2m accelerated spend in the year to date.

- The Roofing programme is £10.8m ahead of plan following a good start on site by the selected contractors and an expanded programme of work.
- £6.0m ahead of profiled spend on the SRQ;
- £3m behind profile on the two new leisure centres at Graves and North Active but the slippage will be caught up and the centres will open on their projected dates;
- £1.4m behind on the Acquisitions programme to increase the stock of Council Housing;
- £2.7m delayed start on the Brookhill area improvements. The project has been delayed by a number of months awaiting commitments from partner organisations which have delayed the transfer of the scheme to the Council. Legal agreements are close to completion to enable this transfer to take place;
- The Grey-to-Green project is £1m behind plan as a result of uncharted service diversions, contractor performance and the need to resolve some design issues during the works period; and
- A net £6.1m shortfall against budget on the 308 projects outside the Top 20. Of these, one third cumulatively are £3.7m ahead of plan but the remaining two-thirds are £9.8m behind plan with the largest variance of £600k being on the delayed installation of Road Safety cameras.

## Approvals

7. A number of schemes have been submitted for approval in line with the Council's agreed capital approval process.
8. Below is a summary of the number and total value of schemes in each approval category:
  - 10 additions to the capital programme with a value of £4.9m.
  - 6 variations to the capital programme amounting to a net decrease of £4.3m; and
  - 1 requests for slippage amounting to £483k.

9. Further details of the schemes listed above can be found in Appendix 5.1.

**Finance**

**November 2015**

| Scheme Description   | Approval Type                                 | Value £000 | Procurement Route  |
|--|---|------------|--------------------|
| <b>THRIVING NEIGHBOURHOODS AND COMMUNITIES</b>   |   |            |                    |
| <b>GREAT PLACE TO LIVE :-</b>  |   |            |                    |
| <p><b>FA Pitch (Westfield) – Feasibility</b><br/>           This submission is for £52k for a feasibility study in partnership with the FA and Sport England to deliver a project to improve the existing football and rugby facilities at the former Westfield School. The works include providing improvements to the natural turf pitches and the development of two new floodlit Artificial Grass Pitch's supported by changing, club house and gym facilities. The initial 52k for the feasibility is to be funded by a Sport England Grant; the proposal for funding will be assessed by the Sport England board on 13<sup>th</sup> November.</p> <p>The estimated cost of building out the new the facilities is estimated at £6m. This work will be funded by a combination of external grants matched by the Council's contribution form the Corporate Resource Pool (CRP).</p> | Addition<br>(Feasibility:<br>CPG<br>Approval) | 52         |                    |
| <b>SUCCESSFUL YOUNG PEOPLE :-</b>  |   |            |                    |
| <p><b>Pipworth Community Primary – Plant Room</b><br/>           This project will ensure the school's heating and hot water system is adequate and meets current standards. The work was identified and prioritised following a rolling programme of condition surveys, looking at what would have the most impact on maintaining buildings that are fit for purpose and prevent closure of CYPF buildings, especially schools.</p>   | Addition<br>(following<br>feasibility)        | 1,165.9    | Competitive Tender |

|   |   |                |                           |  |
|---|---|----------------|---------------------------|--|
| <p>The works comprise heating plant renewal, renewal of the calorifiers, pipe work renewal and any other mechanical works required that require urgent attention to maintain business continuity.<br/>This variation seeks to request approval for £1.2m of construction work following the feasibility study, with the whole scheme being funded from the CYPF Capital Maintenance Block Allocation DfE Grant.</p>   |   |                |                           |  |
| <p><b>Rainbow Forge - HME</b><br/>This project will ensure the school's heating and hot water system is adequate and meets current standards. The work was identified and prioritised following a rolling programme of condition surveys, looking at what would have the most impact on maintaining buildings that are fit for purpose and prevent closure of CYPF buildings, especially schools.<br/>The works comprise heating plant renewal, calorifiers renewal, pipe work renewal and any other mechanical works required that require urgent attention to maintain business continuity.<br/>This variation seeks to request approval for £1.1m of construction work following the feasibility study, with the whole scheme being funded from the CYPF Capital Maintenance Block Allocation DfE Grant.</p> | <p>Addition<br/>(following feasibility)</p> | <p>1,100.9</p> | <p>Competitive Tender</p> |  |
| <p><b>Meersbrook Roofing and Windows</b><br/>This project will deliver window and roof replacement works at Meersbrook Bank Primary School, as part of a general programme of planned works to ensure compliance with statutory requirements, through necessary capital replacement and maintenance works being carried out in a timely manner.<br/>This variation seeks to request approval for £445.8k of construction work following the feasibility study.<br/>The works are funded from the CYPF Capital Maintenance Block Allocation DfE Grant.</p>   | <p>Addition<br/>(following feasibility)</p> | <p>445.8</p>   | <p>Competitive Tender</p> |  |
| <p><b>Shortbrook Windows</b><br/>This project will provide window replacement works at Shortbrook Primary School, as part of a general programme of planned works to ensure compliance with statutory</p>   | <p>Addition<br/>(following feasibility)</p> | <p>248.3</p>   | <p>Competitive Tender</p> |  |

|   |   |                         |                           |
|---|---|-------------------------|---------------------------|
| <p>requirements.<br/>This variation seeks to request approval for £248.3k of construction work following the feasibility study.<br/>The works are funded from the CYPF Capital Maintenance Block Allocation DfE Grant</p>   | <p>Addition<br/>(following feasibility)</p> | <p>220.0</p>            | <p>Competitive Tender</p> |
| <p><b>Bradway Roofing</b><br/>This project will provide a roof replacement at Bradway Primary School, as part of a general programme of planned works to ensure compliance with statutory requirements.<br/>This variation seeks to request approval for £220.0k of construction work following the feasibility study.<br/>The works are funded from the CYPF Capital Maintenance Block Allocation DfE Grant</p>  | <p>Variation</p>                            | <p>-3,180.9</p>         | <p>N/A</p>                |
| <p><b>Capital Maintenance Block Allocation</b><br/>This block allocation is funded from a DfE (Department for Education) grant allocated, along with a Basic Need allocation, to Local Authorities on an annual basis, usually towards the end of the year, to support them in maintaining their educational asset provision. The allocation of funding to individual projects across the Sheffield schools estate is decided by the CYPF Capital &amp; Growth Outcome Board.<br/>This variation is to request allocation of funds to the following projects, each of which is described above in more detail:</p> <ul style="list-style-type: none"> <li>• Meersbrook Roofing and Windows £445.8k</li> <li>• Bradway Roofing £220.0k</li> <li>• Shortbrook Windows £248.3k</li> <li>• Pipworth Community Primary Plant Room £1,165.9k</li> <li>• Rainbow Forge HM&amp;E £1,100.9k</li> </ul> | <p>Variation &amp; Slippage</p>             | <p>189.4<br/>-283.1</p> | <p>N/A</p>                |
| <p><b>FEL (Free Early Learning) Capital Works</b><br/>This project comprises a small grants scheme for distribution of DfE (Department for Education) Early Years Capital funding. The current variation request seeks to include £189.4k for additional works to be done at Manor Lodge school and this is to be funded</p>  |   |                         |                           |

|  |  |                                      |    |                           |
|--|--|--------------------------------------|----|---------------------------|
| <p>in 2015/16 from a Section 106 allocation.<br/>This variation also seeks to slip £283.1k of work into 2016/17 as a result of the £240k originally earmarked for Manor Lodge being deferred until the S106 funding could be secured against this site, and the corresponding amount being freed up to be re-allocated against projects in 2016-17 in the Burgreave, Darnall, Shiregreen/Brightside and Manor Farm wards. The remaining £43k is general slippage due to be applied to smaller projects as they arise in 2016-17.<br/>The remainder of the scheme, not covered by the £189.4k S106 funding, is funded from a £1.034m government allocation for Free 2 Year Old Early Years Capital.</p> |  |                                      |    |                           |
| <p><b>Aldine House Secure Accommodation</b><br/>– second wave of DFE (Department for Education) funded projects 2015/16:<br/>The facility at Aldine House provides secure accommodation within the city boundary, for children who need to be housed in an environment that is both safe for them and that ensures the safety of the wider community. As a result of a successful application to the DFE for additional funding towards improvements on secure homes, the following improvement works will be undertaken:</p>  |  |                                      |    |                           |
| <p><b>Aldine House Extension – Music Room</b><br/>Enhancement of a Music Room in the Undercroft area in addition to the already approved construction of a classroom.</p>  |  | EMT Variation                        | 40 | N/A                       |
| <p><b>Aldine House Undercroft Area 2 – feasibility</b><br/>This request seeks £31k for feasibility works in a second identified area within the undercroft of the building. If developed, the project would create new rooms in the Home including a new sleeping in room, medical room, staff workroom, large room for use by staff and residents and also an extension to the dining room.</p>   |  | Addition (Feasibility: CPG Approval) | 31 | In-house delivery via CDS |
| <p><b>90807 Aldine House Bedroom Refurbishment</b><br/>Partial refurbishment of 8 bedrooms to include new shelving unit, new carpet</p>  |  |                                      |    |                           |



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| <p>and Perspex covers for TV units.</p> <p><b>90769 Aldine House Sundry Works - Interactive Whiteboards</b><br/>Variation to add Interactive Media Screens to be installed in a protective casing environment.</p> <p>All of the above schemes are to be fully funded from a specific DfE Secure Homes grant that requires the value of work funded to be complete by 31<sup>st</sup> March 2016.</p>   | <p>Addition</p> <p>Director Variation</p> | <p>12.5</p> <p>5.5</p> | <p>Competitive quotes and Corporate contract</p> <p>via Capita Contract</p> |
| <p><b>IN TOUCH ORGANISATION</b></p>   |   |                        |   |
| <p><b>FRA Works 2015-16</b><br/>This is a programme of Fire Risk Assessment Works, at 7 initial sites, to be covered in three stages. Works will include the installation of full audible fire detection systems, emergency lighting, fire doors and improvements to fire compartments to meet statutory requirements at the following locations:</p> <ul style="list-style-type: none"> <li>• Grange Crescent</li> <li>• Verdon Street</li> <li>• Warminster Hostel</li> <li>• Stradbrook Youth Club</li> <li>• Adlington Road CC</li> <li>• Collegiate Crescent</li> <li>• Staniforth Road</li> </ul> <p>The work is essential in order for the buildings to be compliant with legislation and avoid closure.</p> | <p>Addition (following feasibility)</p>   | <p>1,421</p>           | <p>3 Stages:<br/>FRA1 Tender;<br/>FRA2 CSSR contract;<br/>FRA3 Tender.</p>  |

Appendix 5.1

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| <p><b>Health &amp; Safety Compliance Block Allocation</b><br/> This block allocation was established to support health and safety compliance works at various locations across the city. The works are funded from the Resources allocation of Corporate Resource Pool funds and this variation requests £1.421m to be allocated to the FRA Works 2015-16 programme to fund the individual works as noted above.</p> <p><b>Central Library</b><br/> This project will ensure essential capital maintenance works, as identified in a recent condition survey, required to mechanical, electrical and structural requirements are carried out in good time to keep the building operational. Structural works are to include repairs to the large skylight window, replacement of heat emitters and heating plant, and essential Health &amp; Safety works.<br/> There will be a number of projects undertaken under this programme throughout the remainder of the year to meet the survey requirements, however the actual costs of these will be unknown until the work is complete.<br/> The project is to be fully funded from the Central Library block allocation below.</p> | <p>Variation</p> | <p>-1,421</p> | <p>N/A</p>  |
| <p><b>Central Library Block Allocation</b><br/> This variation is to request funding be drawn from the block allocation and be applied to the Central Library project as described above. This will then fully utilise the remaining funds left from a £1 million programme which commenced in 2005, funded from CRP.</p>  | <p>Variation</p> | <p>-124</p>   | <p>N/A</p>  |
| <p><b>Renewal of Plant &amp; Equipment Programme</b><br/> This project is to ensure the Council is compliant with statutory requirements, by addressing mechanical plant and machinery renewals in a timely manner. It will replace failed plant and equipment items in a responsive way to prevent service delivery failure and provide fit for purpose accommodation. It will replace heating plant as necessary to provide assurance of heat and hot water for building users. Such investment will also reduce the risk of building closures. The work will be undertaken at Sharrow Community Centre and annexe, Claywheels Lane depot and Vestry Hall.<br/><br/> The scheme is funded from an agreed allocation from the Corporate Resource Pool.</p>  | <p>Addition</p>  | <p>100</p>    | <p>CSSR contract (90%) Competitive Tender –where specialist equipment required e.g. renewable energy.</p> |

**Appendix 5.1**

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| <p><b>Plant Renewals Programme</b><br/>         This is a request for a project to replace failed air handling plant items that have been condemned as part of their annual service or through critical failure. These works are to be carried out in a responsive way to maintain business continuity.<br/>         The scheme is funded from an agreed allocation from the Corporate Resource Pool.</p> | <p>Addition</p> | <p>20</p> | <p>CSSR contract (90%) Competitive Tender –where specialist equipment required e.g. renewable energy.</p> |
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