Planning Obligations Protocol

20th October 2026

Version 2.7

Lincolnshire COUNTY COUNCIL
Working for a better future

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Foreword

Lincolnshire County Council has prepared this Planning Obligations Protocol to make clear to all stakeholders our requirements towards infrastructure and services that will be expected alongside new development. It provides clarity, particularly for landowners and developers, but also others, including the District Councils and Town and Parish Councils across our county.

When developments take place, they frequently bring with them impacts on the local physical and social infrastructure which must be addressed to make the development acceptable in planning terms.

Where the County Council is responsible for delivering specific infrastructure and services, we need to make sure that new developments do not adversely impact upon the capacity of those services, or our ability to deliver them.

Co-operation with this protocol will support our intentions to deliver strong and thriving, sustainable communities, delivering future proofed infrastructure that enables and supports good growth across Lincolnshire.

The infrastructure and services addressed in this Protocol are the responsibility of the County Council only. The protocol should be read and considered alongside any infrastructure guidance provided at District level.



Councillor Danny Brookes
Executive Councillor for Environment

Introduction

To achieve the Council's key priorities, Lincolnshire County Council needs to ensure that good quality sustainable development is supported by necessary services, and infrastructure is delivered to meet the needs of current and future communities.

This document has been produced to inform developers and other interested parties about the likely infrastructure requirements in association with new development. The Protocol is not a statutory planning document.

It details the scope and range of contributions towards infrastructure which we will seek when we are consulted on planning applications. These contributions will mitigate the impact caused by development and enable them to be acceptable in planning terms. Where possible, we will also include how these contributions will be calculated.

The Protocol also outlines planning obligations that will be required to be delivered by the developer. These works will often be on site or adjacent to the site to enable the development to take place (enabling works) or to mitigate the impact of the development by, for instance, carrying out works like improving road junctions and access by other means of transport. In some instances, land will be required for the future provision of (for example) a new school as part of the development.

This Protocol encompasses contributions and obligations for County Council responsibilities only. Other infrastructure requirements, for example, the provision of affordable housing and open spaces, will be sought by the District Councils. Contributions towards healthcare will be sought by NHS Lincolnshire Integrated Care Board.

Mitigation measures for the following areas, which are the responsibility of the County Council, will be covered in this Protocol and detailed in the Appendices:

- Highways, including:
    - Active Travel
    - Travel Planning
    - Public Transport
    - Public Rights of Way
- Education, including:
    - Primary, Secondary, Sixth Form, and Special Educational Needs and Disability (SEND)
    - Early Years
    - Home to School Travel
- Adult Care and Public Health
- Flood and Water Management
- Fire and Rescue

It should be noted however that each development is different and therefore not all the contributions and obligations identified within this document will apply to every development.

Conversely some specialist development types may require additional mitigation measures not covered in this document. Applicants and developers are strongly encouraged to make use of pre-application discussions, where mitigation measures can be evaluated and discussed prior to an application submission.

National Guidance and Legal Context

Planning law and policy recognises that it is reasonable to expect that developers should contribute towards the costs of services, infrastructure or resources that would not have been necessary but for their development.

Planning obligations require a named party, usually the landowner or developer, to mitigate the impact of development that would otherwise be unacceptable in planning terms. Planning obligations are also commonly referred to as 'Section 106' or 'S106' as well as 'Developer Contributions'. The term S106 Unilateral Undertaking may also be used, which is a form of S106 that is only signed by one party, as opposed to a bi-lateral S106 agreement.

The **1990 Town and Country Planning Act** (as amended by the Planning and Compensation Act 1991) established the statutory framework for developer contributions in the form of Planning Obligations.

Section 106 of the Act allows any person with a legal interest in the land to enter into an obligation (by agreement or otherwise). S106(2) of the Act provides that a planning obligation may:

- Be unconditional or subject to conditions;
- Impose any restriction or requirement for an indefinite or specified period; and
- Provide for payments of money to be made, either of a specific amount or by reference to a formula and require periodical payments to be paid indefinitely or for a specified period.

The **National Planning Policy Framework** (NPPF)and **Planning Practice Guidance** (PPG) are the Government's overarching national planning guidance and define planning obligations as being: 'A legally enforceable obligation entered into under Section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.'

S106 legal agreements and any planning contributions run with the land in the same way that a planning permission does. This means that once the permission is implemented, they are enforceable against the relevant party who originally entered into the agreement and any subsequent party acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires the planning obligation can be removed from the planning register.

The **Community Infrastructure Levy (CIL)** is a different funding mechanism intended to help fund major infrastructure to support the development of a wider area, rather than to make individual planning applications acceptable in planning terms. In Lincolnshire, City of Lincoln Council, West Lindsey District Council and North Kesteven District Council have introduced a CIL. In these areas, developers and landowners may be liable to pay the CIL and also enter into

a Section 106 Agreement. Boston Borough, East Lindsey District, South Holland District and South Kesteven District Councils have chosen not to implement a CIL at this time.

The **Community Infrastructure Levy Regulations 2010** (as amended) and paragraphs 56-59 of the NPPF set out information on the use of planning conditions and obligations and repeat the statutory tests which must be applied. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations may only constitute a reason for granting planning permission if they meet these three statutory tests (CIL regulation 122). Obligations can only be sought where they are:

- **Necessary to make the development acceptable in planning terms;**
- **Directly related to the development; and**
- **Fairly and reasonably related in scale and kind to the development.**

Planning Conditions

Planning conditions are attached to the planning permission and set out details of required standards, timeframes, and works which must be carried out at prescribed stages in the development process. Where necessary they also require further details which must be submitted in order to make the development acceptable. Planning conditions cannot require money to be paid. Failure to comply with planning conditions could render a development unlawful and un-implementable in its original form. Because of that, it is not possible to add a planning condition requiring works to be done which are outside the developers' sphere of control.

Section 278 Agreements (Highways Act 1980)

If the layout of a public road or footpath is proposed to be changed, the new layout shall be approved and built to the Highway Authority's specification and the developer must enter a legal agreement with the Highway Authority known as a **section 278 agreement** (s278).

The agreement permits the execution of works **within the highway** as required by planning condition to enable the development to take place (enabling works) or to mitigate the impact of the development

S278 agreements are secured against the land in perpetuity and may be enforced against the landowners, mortgagees and their successors in title to the land (anyone with a legal interest in the land).

Lincolnshire County Council's approach to Planning Obligations

Pre-Application Advice

Pre-application discussions help to speed-up decision making and provide clarity. Paragraphs 40 to 47 of the NPPF encourage developers to engage in discussions and meetings with Local Planning Authorities prior to submitting planning applications.

Pre-application advice is provided in-principle only and may not reflect any or all mitigation requirements (conditions, off-site improvement works or S106 requests) because a detailed assessment has yet to be undertaken of the impact of the development. Where mitigation requirements are known and calculable based on the information provided at pre-application stage, this will be indicated in our response.

Pre-application advice is provided free of charge for prospective Local Planning Authority planning applications. Please note a fee will be charged for Lincolnshire County Council Minerals and Waste Pre-Application advice.

The County Council strongly encourages developers to also engage with Local Planning Authorities as part of their pre-application enquiries. Please note that they may charge a fee for the advice.

We seek to respond to pre-application enquiries and consultations on planning applications from Local Planning Authorities within 21 days of receipt. Advice can be provided by any relevant County Council Service. This can include, but is not restricted to:

Development Management Team (Highways and Lead Local Flood Authority)	• Highways • Surface Water Drainage • Flood risk matters • Travel Planning • Active Travel requirements • Availability and provision of Public Transport • Access to Public Rights of Way
Education	• Access to local schools, and requirements for home-to school transport • financial contributions towards educational provision • provision of land on site for new educational facilities
Lincolnshire Fire and Rescue	• Provision of fire hydrants • Water supplies • Access for Fire vehicles

Developers are encouraged to refer to the following web pages and documents for further highways guidance:

- Guidance for developers – Highway design - Lincolnshire County Council
- Development Road and Sustainable Drainage – Lincolnshire County Council
- Bus Service Improvement Plan (BSIP)

Planning Applications

Local Planning Authorities are bound by legislation in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Order) to consult the Highway Authority and Lead Local Flood Authority, as a statutory consultee.

Paragraph 18, within Part 4 – Consultation of the Order states:

18.-(1) Before granting planning permission for development which, in their opinion, falls within a category set out in the Table in Schedule 4, a local planning authority must consult the authority or person mentioned in relation to that category.

(k)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(l)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(m)	Development involving- (i) the formation, laying out of alteration of any means of access to a highway (other than a trunk road; or	The local highway authority concerned
	(ii) The construction of a highway or private means of access to premises affording access to a road in relation to which a toll order is in force	The local highway authority concerned, and in the case of a road subject to a concession, the concessionaire
(n)	Development which consists of or includes the laying out or construction of a new street	The local highway authority
(ze)	Major development with surface water drainage	The Lead local flood authority

The Highway and Lead Local Flood Authority is obligated to provide a substantive response to all planning consultations within 21 days.

Depending on the type of application, we consult with other services within the County Council. This ensures that all impacts that may be caused by a development are fully considered. This generally includes the following areas, all of whom are included in the Appendices to this Protocol:

- Highways, including:
    - Active Travel
    - Travel Planning
    - Public Transport
    - Public Rights of Way
- Education, including:
    - Primary, Secondary, Sixth Form and SEND
    - Early Years
    - Home to School Travel
- Adult Care and Public Health
- Flood and Water Management
- Fire and Rescue

Planning obligations will require financial contributions towards improving or expanding existing infrastructure or providing new infrastructure, the direct provision of services, land and buildings, or payments towards ongoing maintenance and service delivery costs. The County Council will only seek planning obligations where they accord with the CIL Regulations and relevant planning policies.

Where planning obligations are sought, the County Council will provide the necessary evidence to demonstrate that the need identified is due to the impact of the development concerned and that the contributions sought, and the projects identified meet the requirements of the CIL Regulations and relevant planning policies.

Where infrastructure and services are provided in conjunction with a neighbouring authority, the County Council will liaise with the appropriate authority and Section 106 contributions may be secured to mitigate any negative impacts a development may place on the neighbouring authority.

It remains the responsibility of the Local Planning Authority to consider the County Council's advice and determine the application, including any decision to seek developer contributions via Section 106 planning obligations. The Local Planning Authority has the ultimate responsibility in determining whether the infrastructure contributions sought are reasonable and accord with the requirements of the CIL Regulations, in addition to balancing the viability of the development against the infrastructure requirements.

Viability

The NPPF and PPG on Viability has significantly changed the approach to both the use of, and inputs to viability assessments.

The role for viability assessments is now primarily at the plan making stage to ensure that policies are realistic. Policy requirements should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and

development to be deliverable, without the need for further viability assessment at the planning application stage. The price paid for land is no longer an input into viability assessments nor a relevant justification for failing to accord with relevant policies in the plan.

The County Council will continue to work with Local Planning Authorities at the plan making stage to ensure the required infrastructure and services are factored into the viability assessments to ensure that the allocated sites are deliverable.

NPPF Paragraph 59 states: 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'.

At the planning application stage, the Local Planning Authority must inform and consult with the County Council as soon as possible if they have accepted a viability assessment as part of the planning application process. The Local Planning Authority should provide the viability assessment to the County Council along with any independent review commissioned to allow an understanding of the issues. Should it be required, the County Council reserves the right to appoint a suitably qualified person to undertake an independent viability review of the documentation.

The County Council also expects that the required contributions as set in their consultation response, or ones subsequently agreed through negotiation, and the reasons why they are necessary are included in the Planning Officer's report in order for them to be considered by the authority's relevant committee or under delegated powers as appropriate.

The County Council may be flexible to assist developers where schemes are showing marginal viability. For example, there may be scope to collect contributions in instalments or to phase payments later in the development process.

In cases where a Local Planning Authority does not accept or pursue the County Council's request for contributions, the County Council expects to be notified with the reason/s and provided with an opportunity to address the issue in a timely manner.

As a result of the NPPF and PPG on Viability, the County Council expects that development coming forward in local authority areas with up-to-date planning policies shall be able to comply with requests for contributions.

If a development cannot provide contributions that are required to mitigate its impact, an objection to the application may be lodged, on the grounds that the development is unsustainable.

Legal Agreements and Payments

Drafting

It is important that the negotiation of planning obligations does not unnecessarily delay the planning process. It is therefore essential that all parties proceed as quickly as possible towards the resolution of obligations in parallel to planning applications.

Reasonable legal fees will be charged to the applicant for the work required in drawing up, negotiating and completing the Section 106 agreement, which will either be carried out by Legal Services Lincolnshire, or by the District Council's in-house legal team.

Section 106 legal Agreements can be prepared in draft form once an assessment of the impacts of the proposed development has been completed, and in advance of any report being submitted to the relevant Local Authority planning committee. However, this would be at the developer's risk, as they could incur legal costs for the matter to then be refused.

It is more likely for the agreement to be drawn up and completed after the application has been considered fully. Permission is then granted pending completion of the agreement, together with an agreed timescale for the completion of the agreement. A decision notice will not be issued until the Section 106 legal agreement is completed.

Once completed, the Section 106 legal agreement will be recorded by the local planning authority on the local land charges register. In some instances (where the agreement contains affordable housing requirements) they will also be registered against title at the Land Registry. Both the County Council and the local planning authority will then monitor compliance with the agreement.

Signatories

The County Council should be a signatory to Section 106 legal agreements which relate to services which are the responsibility of the County Council. Being a party to the agreement enables the County Council to know if and when contributions are due or should have been paid. As part of the process for preparing the legal agreement, District and Borough Councils should consult the County Council on the content of the draft document, however the Local Planning Authority has the ultimate responsibility for negotiating the contents of the agreement.

Triggers

Trigger points are detailed in the agreement and set out when the contribution must be paid by the liable party. The trigger points will vary according to the type of contribution being paid. Examples are 'prior to commencement' and 'prior to first occupation'. Developers may wish to delay paying financial contributions until income from the sale of a proportion of the dwellings has been received, to help with the cashflow for the development. However, this can mean that the impact on infrastructure and services of households occupying new

dwellings is felt before funding is received to mitigate that impact. LCC will provide the required trigger point for payment when the contribution request is made, however may negotiate to a certain extent, balancing service and infrastructure provision against the delivery of the development. In larger developments, this can result in the use of triggers which allow phased payments based on a percentage of dwellings completed or first occupied.

Indexation and Late Payment Interest

To ensure the real value of a Section 106 financial contribution is maintained up to the date of payment, the 'principal' sum stated in the Section 106 agreement will need to be index linked. The principal sum will be index linked from the date of the legal agreement until the date that the payment is made.

Indexes generally used are either:

- the Retail Prices Index from the Office for National Statistics, or
- the Tender Price Index from the Royal Institute of Chartered Surveyors Building Cost Information Service. This is used when the contribution will be used to improve or enhance buildings, as it more accurately reflects changes in the cost of construction.

If a payment is not made promptly when the trigger is reached, the agreement will require late payment interest to be charged on a daily basis until the debt is paid. This is calculated on the outstanding amount including indexation, at 4% above the Bank of England Base Rate at the time.

Payment of Contributions

Some District Councils prefer to require the developer to pay all the S106 contributions to them, and for the County Council to claim it from them in due course. Some Councils prefer that the County is responsible for collecting its own S106 contributions from the developer directly. This will be detailed in the S106 Agreement, but their general preference is set out in the table below:

Boston Borough Council	Contributions are paid to the Borough Council and claimed by LCC
City of Lincoln Council	Contributions are paid direct to LCC
East Lindsey District Council	Contributions are paid to the District Council and claimed by LCC
North Kesteven District Council	Contributions are paid to the District Council and claimed by LCC
South Holland District Council	Contributions are paid to the District Council and claimed by LCC
South Kesteven District Council	Contributions are paid to the District Council and claimed by LCC
West Lindsey District Council	Contributions are paid direct to LCC

Spend Time Limits

The Council will always seek to spend contributions as soon as possible once received, so that the impact of the development on local communities is mitigated as quickly as possible, and expanded or enhanced services are made available to the new residents. However, sometimes there are delays for a number of reasons, for instance, waiting for another site to build out nearby so that contributions can be pooled to deliver a project. The legal agreement will usually contain a spend time limit, after which any uncommitted portion of a contribution (together with any investment interest earned) would be returned to the developer. The spend time limit will always be at least 5 years, with 10 or 15 years required for larger contributions, or where pooling is required to deliver the project. This approach is recommended by the DfE's August 2023 Guidance 'Securing Developer Contributions for Education' and is followed for all contributions sought.

How this Document will be Reviewed

The Planning Obligations Protocol will be regularly updated to provide current cost information and changes to supporting policies. For example, education cost multipliers will be issued annually, and this influences the cost of providing additional school places.

Factual updating which does not materially change the document will be made as and when required.

Table of updates:

Date	Updates Made	Pages Updated
October 2026	Replacement of Early Years section of Education Appendix to improve clarity	Pages 32 to 36, and Annex A on Page 38 to 39

Planning Obligations Protocol Appendices

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Introduction

The following appendices have been drawn up to inform developers and other interested parties about the likely infrastructure requirements in association with new development.

It should be noted however that each development is different and therefore not all the contributions and obligations identified within this document would apply to every development.

Conversely some specialist development types will require additional mitigation measures not covered in this document. Applicants and developers are strongly encouraged to make use of pre-application discussions, where mitigation measures can be evaluated and discussed prior to an application submission.

Each appendix will include the scope and range of contributions towards infrastructure which we may seek when we are consulted on planning applications. These contributions will mitigate the impact caused by development and enable them to be acceptable in planning terms. Where possible, we will also include how these contributions will be calculated.

The appendices also outline planning obligations that will be required to be delivered by the developer. These works will often be on site or adjacent to the site to enable the development to take place (enabling works) or to mitigate the impact of the development by, for instance carrying out works like improving road junctions and access by other means of transport. In some instances, land will be required for the future provision of (for example) a new school as part of the development.

Highways and Transportation

The Highway Authority is a statutory consultee in the planning process, as almost all development will impact on the highway network. The Highway Authority role is to consider the impact development will have in terms of highway safety and highway capacity and advise on measures to mitigate this impact. This includes Public Rights of Way, public transport and active travel.

There are many ways to mitigate the impact of a development in terms of highway safety and capacity. The list below is not exhaustive, but examples include:

- Measures to provide for and encourage sustainable travel, such as walking, wheeling and cycling and public transport (for example, footway connections, upgraded cycle infrastructure, funded bus passes, improved bus stops or increased bus services)
- Measures to improve safety on the existing highway network in proximity of a development (for example, road layout reconfiguration, improved signage, speed limit reductions)
- Measures to improve capacity on the existing highway network in proximity of a development (for example, passing places, road widening, traffic signals, junction redesign)

It is, however, important to note that any mitigation must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects, in accordance with Paragraph 57 of the National Planning Policy Framework. Requests cannot be made to resolve existing deficiencies in the highway and transport network, which are not exacerbated by the development and meet the above tests.

Mechanisms to secure improvements and enhancements

Improvements to highways and transport infrastructure required as part of the development can be secured in the following ways:

Section 106 Agreement

Where appropriate developer contributions may be secured using a Section 106 agreement. This allows the County Council to use the contributions to carry out the necessary improvements to the highway or transport network. Contributions are also sought using this mechanism towards Travel Plan monitoring, sustainable travel and pedestrian and cycle infrastructure. Careful consideration will be given to the timing and triggers for contributions to be paid, to ensure that the changes/improvements/upgrades are implemented at an appropriate time to mitigate the impact of the development.

Section 278 Agreement (Highways Works)

Most improvements to highway and transport infrastructure are secured by planning conditions. These require the developer to complete specified highway works in accordance with the requirements and timeframe as specified within the planning condition.

These works may include minor highway realignments, provision of footways and cycleways, roundabouts, traffic signals, right-turn lanes and passing bays.

Prior to the commencement of construction, developers are requested to submit full construction drawings for approval. Before an application is made to enter the public road and footpaths, the developer must enter into a legal agreement with the Highway Authority along with a bond guarantor, if no bond money is deposited.

When the application is approved and before the build begins, the developer shall make payment to the Highway Authority to inspect and test materials during the build.

Commuted Sums (New Infrastructure)

A commuted sum is a payment to cover the cost of future maintenance and replacement of certain infrastructure. It is at our discretion when to charge a commuted sum but in principle it will be decided on the additional costs to us when we are responsible for maintenance. Whilst not exhaustive, commuted sums are payable for structures such as bridges and walls, streetlighting, traffic signals and non-standard surfacing and alternative materials. A commuted sum will be added to the bond money and is payable before the completion of the construction.

For further information please see our website: Highways planning – Lincolnshire County Council

Transport Assessments and Travel Plans

Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development to promote sustainable development. They are required for all developments which generate significant amounts of traffic movements.

Transport Assessments and Statements are ways of assessing the potential transport impacts of developments and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans.

Transport Assessments are thorough assessments of the transport implications of development, and Transport Statements are a 'lighter touch' evaluation to be used where this

would be more proportionate to the potential impact of the development (for instance in the case of developments with anticipated limited transport impacts).

Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking, cycling, and use of public transport).

A financial contribution will be required from the developer towards staff costs incurred by the County Council to monitor the outcomes of the travel plan. This will involve reviewing the implementation and management of the plan, providing advice on monitoring and review, working with the development's travel plan officer, and reviewing survey results. This will be secured via a S106 agreement.

Active Travel

Active travel refers to making everyday journeys using modes of transport that involve physical activity, primarily walking, wheeling, and cycling. These choices offer multiple benefits: they support personal health and wellbeing, help reduce congestion and pollution and can foster stronger community cohesion through increased opportunities for personal interaction, particularly through walking. Promoting active travel is increasingly recognised as a key element in sustainable transport strategies and healthier, more connected communities.

Pedestrian and cycle infrastructure should be coherent, direct, safe, comfortable and attractive. They should appeal to all users of the highway and enable access to local facilities and amenities within walking/cycling distance. This includes essential journeys such as commuting to work, attending school, and shopping, as well as recreational purposes like accessing green spaces, engaging in physical activity, or travelling to social and leisure destinations.

Infrastructure can include improvements such as the implementation of segregated cycle and pedestrian routes, shared use facilities, removal of barriers to increase accessibility or the addition of appropriate cycle parking, among others.

At the planning stage, Local Cycling and Walking Infrastructure Plans (LCWIPs) will be considered where available. LCWIPs provide a strategic framework for identifying and prioritising long-term investment in active travel networks. They aim to:

- Maximise opportunities to increase levels of walking, wheeling, and cycling;
- Integrate active travel into local transport and spatial planning; and
- Support the creation of attractive, accessible environments for active travel.

Once routes and priorities have been identified through LCWIPs, all new or improved pedestrian and cycle infrastructure are expected to be designed in line with the Department for Transport's Local Transport Note: Cycle infrastructure design (LTN 1/20) - GOV.UK . This

sets out the design standards required to ensure safe, inclusive, and high-quality active travel infrastructure.

Further supporting guidance can be found in:

- Planning Healthy-weight environments - Town and Country Planning Association
- NHS England » Healthy New Towns
- Designing and modifying non-trunk roads and busy streets - GOV.UK
- Active Design | Sport England
- Fields in Trust Standards: Creating great spaces for all

Contributions may be necessary to meet the increased demand resulting from the development, supporting improvements such as new and enhanced cycling and pedestrian infrastructure. Funding may also support initiatives that encourage walking, wheeling, and cycling to, from, and within the development. These contributions could be secured through a Section 106 or Section 278 Agreement.

Public Rights of Way

Public rights of way networks are a vital component of the active travel network and incorporate access to nature.

Most public rights of way (PROW) are historic paths that form a network of access for various activities including local walking, wheeling and cycling routes. They provide access to nature while promoting healthy forms of travel.

People use PROW for recreation and for access to nature as well as for utilitarian purposes such as commuting or travelling to schools, shops and other facilities.

All PROW are open to pedestrians, while some are also accessible to cyclists, horse riders, or motorists. The types of PROW are:

- Public footpaths for walking, running, mobility scooters or powered wheelchairs
- Public bridleways for walking, horse riding, bicycles, mobility scooters or powered wheelchairs
- Restricted byways for any transport without a motor and mobility scooters or powered wheelchairs
- Byways open to all traffic for any kind of transport, including cars, but mainly used by walkers, cyclists and horse riders

All PROW are highways and will be shown on the definitive map and statement held by local highway authorities. This is required to be constantly reviewed and updated. Local highway authorities also have statutory duties to assert and protect PROW.

New development will provide links to existing PROW and seek to create a network of routes that connect places and enable activity. Existing PROW will be protected and enhanced through careful consideration of the impacts a new development will have on a PROW, including increases in demand, and will be mitigated with suitable planning agreements or conditions set to ensure that usage remains sustainable and equitable for the appropriate classes of user.

Public rights of way are capable of being diverted or extinguished under the provisions of Section 257 the Town and Country Planning Act 1990, where this is necessary to enable the implementation of approved planning permission. Where appropriate, thoughtfully planned diversions can support better placemaking by integrating routes more effectively within new developments, enhancing connectivity and improving the overall quality of the public realm. However, care must be taken to ensure that any proposed changes maintain or improve accessibility and the experience of users.

It is important to avoid proposals that would fence in paths which were previously open, confining them within narrow corridors. Such measures can be detrimental to the enjoyment, safety, and character of the right of way, diminishing its value as a public asset and potentially discouraging use. Instead, any diversion or alteration should seek to maintain the openness and amenity of the route, ensuring that rights of way continue to serve the needs of all users and contribute positively to the wider active travel network.

The creation of permissive paths (i.e. routes only available to the public through the permission of the owner of the land over which they cross) should not be used as a substitute for the creation of an appropriate PROW to improve networks of access.

Contributions will be required to address the demands arising from development towards measures including new and upgraded cycle and pedestrian infrastructure, including the Public Rights of Way network, as well as initiatives to promote cycling and walking associated with travel to/from and at the development. This will be secured via a Section 106 or S278 Agreement.

Public Transport

Local bus operators provide bus services that they consider commercially viable without external financial support.

In addition to these, the Transport Act 1985 explains that local transport authorities have the responsibility to consider ‘the provision of such public passenger transport services as the Council consider is appropriate to meet any public transport requirements within the county which would not in their view be met apart from any action taken by them for that purpose’.

The Council therefore provides revenue subsidies so additional services above and beyond those provided commercially operate to ensure communities have access to essential services subject to the level of funding available.

If road networks are not to become completely congested it is essential that bus services start appealing to more people. To do this, bus services need to provide a good quality product which not only exceeds existing passengers' expectations but actively appeals to new potential users.

Contributions from developers to the cost of bus services and related infrastructure are an important source of funding to mitigate the impact of new development in an area. This can take two forms:

- Contributions towards (via a Section 106 agreement) the provision of local bus services, including extending services into the new development, or increasing the frequency of bus services
- Contributions towards (via a Section 106 agreement) or delivery of (via a S278 agreement) bus stop facilities including shelters, Real-Time Passenger Information Displays, passenger information boards, and bus priority measures.

Where developments are of the size that could benefit from a service being re-routed, developers are encouraged to refer to the Jan 2025 edition of Bus Services & New Residential Developments — Bus Centre of Excellence for information about road layout and design, to ensure the development layout can physically accommodate public transport.

It is in the interests of the developer, in terms of saleability of dwellings, and for potential residents to ensure that the local bus service offers access to key services and has the capacity to accommodate the additional demand generated by their development. The developer will need to provide funding for the new or enhanced service for a minimum of three years. In order to encourage the initial uptake and ongoing use of the service it will ideally start early in the development of a site. However, factors such as the development phasing and likely future viability will be taken into account on a case-by-case basis.

Where appropriate bus services are already in existence, the council may require the developer to provide a bus pass voucher to the first occupiers of each new dwelling. This will form part of the travel plan, and the marketing and take-up of the scheme will be monitored as part of the travel plan monitoring. The developer is required to manage this process directly with the local bus operator, and the requirement will be included as a condition on the planning decision notice.

New retail development impacts upon traffic movements within the existing highways network. In order to generate modal shift away from car use, opportunities will be sought to provide bus services, either by providing new routes, diverting existing services, or adding nearby bus stops and shelters. This will increase footfall to the retail development by customers without access to a car.

Measures to improve safety on the existing highway network

The Transport Statement/Assessment will provide a detailed assessment of the impact a development will have on highway safety. The Highway Authority will use this as the basis to undertake further investigation where necessary and advise on any necessary mitigation.

Mitigation could include schemes such as reconfiguration of road layouts, improved signage, provision of pedestrian and cycle infrastructure and Traffic Regulation Orders.

Where a Traffic Regulation Order is required, to amend waiting restrictions or speed limit/s on the adjacent highway network, this will be secured via a S106 Agreement.

Where there are planned strategic-level highway network interventions in the area, such as new roundabouts, highway safety improvement schemes or new roads, proportionate contributions may be sought towards these projects via a S106 Agreement.

Measures to improve capacity on the existing highway network in proximity of a development

The Transport Statement/Assessment will provide a detailed assessment of the impact a development will have on highway capacity. The Highway Authority will use this as the basis to undertake further investigation where necessary and advise on any necessary mitigation. Mitigation could include schemes such as passing places, road widening, traffic signals and junction redesign.

Where there are planned strategic-level highway network interventions in the area, such as new roundabouts, highway safety improvement schemes or new roads, proportionate contributions may be sought towards these projects via a Section 106 agreement. These funds may be pooled with other developer contributions.

Education

Introduction

The Education Act 1996 states that Local Authorities have a duty to secure school places for all children of statutory school age who are resident in the Authority area and whose parents want them to be educated in a state funded school. Whilst subsequent Education Acts have amended various aspects of school organisation, this obligation on the County Council has not changed.

Funding for the provision of additional school places is derived from two sources. The County Council receives a capital grant from the Department for Education (DfE) to meet the demand for places arising from the existing population as a direct result of either rising birth rates or net inward migration. The Council also seeks developer contributions which are required to mitigate the impact on education infrastructure from the pupil demand from new housing developments.

This section explains the County Council's approach to seeking and spending developer contributions relating to the delivery of additional primary and secondary school (including sixth form) places associated with new housing. This is in accordance with the DfE's guidance of August 2023, Securing Developer Contributions for Education.

The County Council has a statutory duty to ensure sufficient childcare places for pre-school children. The requirement for developer contributions is set out later in this Appendix. Where a new school is being commissioned as a consequence of new development, it is County Council policy that a suitably sized pre-school is included within the provision; further information on this is referred to under provision of new schools.

The County Council also has a statutory duty to provide home to school transport free of charge, to all eligible children to facilitate their attendance at qualifying schools. Proposals for housing development located outside the walking distance to the nearest school may be required to provide developer contributions. Further details can be found later in this Appendix.

Planning obligations sought as a result of development must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. This is set out in Regulation 122(2) of the Community Infrastructure Regulations 2010 and NPPF Paragraph 58. The methodology employed by the County Council ensures that our requests are in accordance with these tests

Primary, Secondary and Sixth-form School Provision

The County Council's consideration of whether a developer contribution towards education provision is required will be informed by the projected demand for places compared with the known capacity figures of schools. Where a development is proposed in an area with insufficient projected capacity, or would result in insufficient projected capacity, a contribution will be required. A contribution is required for every pupil place needed in excess of the projected capacity.

Requests for contributions will only be made for residential developments of 10 dwellings and above and are calculated on the basis of a mix of housing types. However, the County Council will not seek contributions where the development proposed is solely for developments which are unsuitable for families, such as one-bedroom dwellings, or specialist units, such as those that will be restricted to occupation by people aged 55 and over.

Special Educational Needs and Disability (SEND) Provision

The DfE advises Local Authorities to seek developer contributions for expansions required to provide for SEND pupils, commensurate with the need arising from the development.

The need for a SEND contribution will be based on projected demand for places at special schools and will be determined independently of the mainstream school analysis. The special school projection data will be based on forecasted demand across Lincolnshire as a whole, rather than the capacity within a given school place planning area. This is because the pattern of provision across the County often involves pupils travelling a distance in order to access the most appropriate setting to suit their needs. This could mean that a contribution towards SEND provision is requested even when the local primary school has space, if there is insufficient capacity at special schools across Lincolnshire.

How are contributions calculated?

The projected demand for places generated by a proposed development is calculated using the formula that for every 100 dwellings built, there will be 30 pupils of primary school age (5-11), 16 pupils of (statutory) secondary school age (11-16) and 6 pupils for post 16 places generated. This calculation known as the pupil yield is based on information provided by the DfE and is the adopted formula used by the Council for calculating contributions.

In 2025, the proportion of the Lincolnshire pupil population with an Education Health and Care Plan (EHCP) was 5.8%. This is applied to the pupil yield to give an all-age SEND yield of 3.02 pupils per 100 dwellings. That is to say, of the 52 pupils expected to be generated for every 100 dwellings (across all education phases), 3.02 pupils would require a place in a non-mainstream setting. When calculating pupil generation, the Council rounds down to the nearest whole place; therefore, the minimum development size necessary to trigger a contribution towards a SEND place is 50 dwellings.

The pupil yield formula is translated into a funding requirement using the national average cost of delivering mainstream school places which are published annually in the DfE School

Place Scorecards (adjusted to reflect regional costs using Building Cost Information Service (BCIS) location factors). In accordance with DfE guidance, the cost of delivering places within sixth forms is the same as a secondary school place and contributions will be combined with secondary contributions towards integrated projects.

The DfE advises that the cost of a SEND place should be set at four times the cost of a mainstream place due to the additional space associated with the provision of specialist facilities and equipment. The level of contribution per place is therefore calculated by averaging the cost per place of expanding mainstream provision across primary and secondary (see Table 1 below) and multiplying this by four. If a SEND contribution is required in addition to a mainstream contribution, the overall requirement will be adjusted to avoid double counting pupils. For example, if a 100 dwelling development is required to contribute towards 3 SEND places, then the primary element will be calculated on the balance of 27 places, rather than 30 places.

Table 1 below sets out the current capital cost of delivering school places and will be updated regularly.

Table 1: Cost of Delivering School Places

Type	Capital cost per place*	Local multiplier (%) **	Lincolnshire cost per place
Primary extension	£19,425	1.02	£19,813.50
Primary New Build	£23,192	1.02	£23,655.84
Secondary extension	£26,717	1.02	£27,251.34
Secondary New build	£28,096	1.02	£28,657.92
Sixth-form extension	£26,717	1.02	£27,251.34
Sixth form New Build	£28,096	1.02	£28,657.92
SEND extension ***	£92,284	1.02	£94,129.68

*Current cost multiplier per pupil place based on DfE Local Authority School Places Scorecards
** to reflect Lincolnshire's average build cost compared to national average
*** Average of Primary Extension and Secondary Extension Contributions per place multiplied by 4

In the majority of cases, contribution requirements will be calculated using the cost per place for permanent expansions. However, where a new school is required, either as a single solution to multiple developments, or where one development is of sufficient size to sustain its own school, contributions will instead be sought based on the cost per place of a new school build, including the cost of land, where appropriate. Further information on the County Council's approach to the delivery of new schools is described later in this appendix.

The Council may also request contributions using the cost of a temporary expansion where it is necessary to provide interim provision to accommodate early arrivals from an initial phase of a housing scheme, prior to the delivery of a long-term solution (usually a new school). In these cases, contributions towards a temporary expansion could be additional to the expansion/new school requirement but would only apply to the pupil yield arising from the initial phase(s) of development that would come forward before the new provision is available.

How is the need for school places forecasted?

The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its School Capacity (SCAP) Survey process. Information about the methodology is set out below.

Forecasts for Lincolnshire **primary** schools reflect data relating to:

- the local population. This data is taken from the DfE's statutory school's census data, and the NHS GP data.
- the children and young people attending our primary schools. This data is taken from the DfE's statutory school's census
- pupils moving between schools during academic years (in-year 'cohort flux')
- new housing that has been identified by the relevant planning authority
- school reception year places allocated, via the current admissions process, for the start of the next academic year

Forecasts for Lincolnshire **secondary** schools reflect data relating to:

- the local pupil population already attending linked schools.
- the children and young people attending our secondary schools. This data is taken from the DfE's statutory school's census
- pupils moving between schools during academic years (in-year 'cohort flux')
- new housing that has been identified by the relevant planning authority
- year 7 school places allocated, via the current admissions process, for the start of the next academic year

To forecast school capacity, the projected demand for places (as described above) is compared with the known capacity figures of schools in the given area. When determining a school's capacity, the County Council adheres to the DfE's SCAP guidance. In brief, the capacity of the schools is based on an annual assessment that reflects current school buildings and room usage.

It should be noted that the DfE anticipates that Local Authorities will maintain a margin for in-year movement between schools, Lincolnshire County Council operate a margin of 5%. This does not include new families moving into an area as a result of them occupying newly built houses. Therefore, seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity.

How are contributions used to increase capacity?

Where a financial contribution is required towards the provision of school places, the County Council's response will specify that the contribution is to be used towards Education provision. This is to provide the Council with the flexibility to respond to changing circumstances and new information, such as school performance indicators or detailed feasibility work, which is not necessarily available at the time of responding to a planning proposal.

This approach also allows the Council to pool contributions towards more holistic projects that meet the needs of more than one development and to ensure value for money. Primary and secondary school projects (including sixth form) will look to increase capacity at an appropriate school within the school place planning area in which the shortfall was identified. The nature of the project may include:

- new schools
- additional teaching / learning spaces
- temporary provision required to accommodate early arrivals from a scheme
- new/extended communal spaces, for example assembly hall, sports hall, dining / catering areas
- internal remodelling to provide additional class places
- new/enhanced specialist teaching / learning spaces
- Other building provision at existing schools including outdoor learning environments and ancillary resources, where this releases additional capacity

In parts of rural Lincolnshire, the local population may only have access to a single school, which is usually relatively geographically isolated. In these instances, the Council will request that there is sufficient flexibility within the legal agreement to enable the Council to spend the contribution on another school within a straight-line distance of the development, either 5 miles for a primary school or 10 miles for a secondary school. If there are less than 3 alternative schools within that distance, we will request that the 3 closest Lincolnshire Schools are named. This means that, should subsequent feasibility studies demonstrate it to be impossible to increase the capacity at that single school, there are other options open to the County Council to deliver the mitigation required.

Where a financial contribution is required towards the provision of SEND places, the County Council's response will specify that the contribution is to be used towards expanding SEND facilities within Lincolnshire, rather than any named school. The contribution may be used towards a new special school or the expansion of an existing special school; it may also be used to fund the provision of a new/expanded SEND unit/hub attached to a mainstream school.

Provision of New Schools

There may be a requirement, in some cases, for the provision of a new school. This is likely to be the case if the proposed development is located in an area where all schools have already been expanded to reach their site capacity, or where the development is large enough to sustain its own school. New schools may also be required where a single solution to increased school capacity is necessary to accommodate the demand resulting from several proposed housing sites. The need for a single solution is usually identified at Local Plan stage, in such cases, the County Council will work together with the relevant District / Borough Council to agree an approach to securing land and ensuring that all developments fund provision on an equitable basis, factoring in where one developer provides the land.

Where a new school is required to mitigate the impact of development(s), the County Council will require fully serviced land, remediated to a residential standard in accordance with the specification provided, plus financial contributions (based on the per pupil costs in Table 1 above), towards the delivery of a new school.

Where the development is large enough to sustain its own school, the County Council may provide the developer with the option of building the new school, subject to it meeting any relevant building standards from the DfE, including Building Bulletin 103: Area Guidelines for Mainstream Schools.

Table 2: Serviced Land Requirements

School Size			
Form of Entry	Number of Places	Min site size (hectares)	Max site size (hectares)
1.0	210	1	1.3
1.5	315	1.4	1.7
2.0	420	1.8	2.2
2.5	525	2.2	2.7
3.0	630	2.6	3.2

The following sets out the serviced site requirements where land is being provided for a new school as would be specified in the Section 106 Agreement:

> (a) a level site remediated to a residential standard and the full site investigation report, together with the remediation strategy agreed by the District or Borough Council in consultation with the County Council and any signed off validation report that is required to confirm the remediation strategy has been successfully implemented to the County Council's satisfaction;
>
> (b) with the benefit of any collateral warranties for groundworks assigned to the County Council;

(c) without the presence of ordnance or protected species with all necessary access and rights of access (including free and uninterrupted construction access and to enable the secure passage of people on opening);

(d) with any necessary stopping up and diversion orders in respect of public rights of way;

(e) where the School Site forms part of a larger existing or proposed school site then the boundaries must be contiguous without any ransom strip or other title defect or issue.

(f) provision of gas, electricity, water, foul sewerage, telecommunications and broadband internet and any other Services (all Services to be of sufficient size and capacity for the use of the School Land for the purposes of the School and to be delivered to a point of connection to be agreed with the County Council being at least to the boundary of the School Land) or infrastructure appropriate (to adoptable standard where applicable) to the extent and capacity necessary so that the land and Services are adequate for use as a School;

(g) finished site levels as agreed with the County Council as suitable to enable the use of the School Site for its intended purpose; and

(h) with surface water drainage to accommodate the 1 in 30-year design flow with attenuation up to 1 in 100 years plus climate change provided within the overall development site and where the utility is to be adopted with an executed agreement (if required) with the relevant body transferred with confirmation that the infrastructure will be adopted without further payment to the relevant body.

The delivery of a new school will be achieved through the DfE's free school presumption process. This approach requires the approval of the Regional Director acting on behalf of the Secretary of State. When building a new school, the Council will consider the wider community use of both the school buildings and playing fields.

Payment of Education Contributions

Any contributions to be paid to the County Council will be index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the BCIS All-In Tender Price Index.

Whilst obligations need to relate to the impact of development proposed across time, it is important that funding is available at an early point within the development programme. This aims to ensure that the necessary investment can be made at the right time, to deliver school places when actually needed. Triggers for payment of contributions will be agreed as part of the planning application process.

The Council will request that any planning obligation can be held for a minimum of 10 years from the date of final payment to allow enough time for the contribution to be spent and, where appropriate, pooled with other contributions towards larger school projects that are

designed to meet the needs of several developments within an area. This approach is recommended by the DfE's August 2023 Guidance 'Securing Developer Contributions for education'.

Early Years and Childcare

Local authorities are required by legislation (Early education and childcare (effective from 1 April 2025) - GOV.UK) to ensure there is sufficient childcare to meet the needs of parents and carers with children aged up to 14 years old (or up to 18 years old for disabled children and children with additional needs). This is to enable them to take up or remain in work, or undertake training that could assist them to obtain work.

LCC also have a statutory duty to supply sufficient places to deliver the early education entitlements, which is for children from 9 months to school age (the term after a child's 5th birthday). Early Years and Childcare settings in Lincolnshire provide this service to over 15,000 children each year.

The County Council has statutory duties that must be met regarding Early Years Entitlement (EYE) and childcare.

Early Learning for 2-year-olds:

Parents who meet national criteria as set by central government (the 40% most disadvantaged 2-year-olds) are entitled to 15 hours a week of EYE Funding for 38 weeks of the year (or up to a maximum of 570 hours per financial year). The aim of this funding is to narrow the gap for the most disadvantaged families.

Universal EYE funding for 3- and 4-year-olds:

All children from the term after they are three until they start reception are entitled to 15 hours of EYE for 38 weeks of the year (or up to a maximum of 570 hours over a financial year).

Working entitlement for eligible families:

Eligible working parents of children from the term after 9 months old until school age are entitled to up to 30 hours of EYE funding per week for 38 weeks a year (or up to a maximum of 1140 hours a year). The aim of this funding is to support parents to work.

All working families with children up to the age of 14 (18 for children with special education needs and disability) can expect the local authority to ensure there are sufficient childcare places available for their children to ensure they are able to continue to work.

Early Years and Childcare provision includes full day care, pre-schools, childminders, school run early years provision, and 'wrap around care' (Breakfast, After school and Holiday clubs). This diverse range of provision, delivered in partnership with the Private, Voluntary and Independent (PVI) sectors and schools, ensures that parents have access to a wide variety of childcare options.

Securing developer contributions

The 2023 DFE Guidance 'Securing Developer Contributions for education' states that developer contributions have a role to play in helping to fund additional early years places for children aged 0-4 where these are required due to housing growth, whether these are attached to schools or delivered as separate settings. Types of Ofsted registered provision include:

Preschools – offering early learning and childcare places for children between the ages of 2 and statutory school age. These settings usually offer EYE to eligible children during term time only. They are often run by PVI providers in local communities and in schools. In addition, preschools usually offer additional hours above the EYE funding entitlement which parents can choose to pay for.

Day nurseries offer early learning and childcare places for children from 0 to 5 years old. These settings are used by working parents for childcare purposes, but they also offer EYE for eligible children and parents are able to pay for additional services such as extra hours.

Childminders offer early learning and childcare to children from 0-14years. Childminders offer a home from home environment where working parents can access their EYE entitlement as well as paid for hours. This can be from Domestic premises or non-domestic premises such as a spare classroom in schools.

School Aged Childcare offer breakfast clubs, afterschool clubs and holiday clubs for school aged children. They can be run by PVI sector or under school governance, either on school site or within the community. They offer childcare and activities that support working parents' needs.

All registered childcare providers who care for children from birth to five years old must comply with the Early Years Foundation Stage and must be registered with Ofsted.

Identifying a need for additional childcare

The County Council publishes a Childcare Sufficiency Assessment each year, showing where childcare places are needed. This is determined by comparing the current supply of childcare with the local population, expected population changes from new housing, workforce demographics and a formula that estimates future demand.

All residential developments of 50 or more dwellings will be assessed to determine whether a developer contribution towards additional Early Years and Childcare provision is required. Smaller developments will normally be exempt, unless their location alongside other sites mean their combined impact must be considered.

Developer contributions will be required when there are an existing or projected shortfall of Early Years and Childcare places in the proposed development, or when the new housing creates additional demand that cannot be met by current local provision.

For the latest childcare sufficiency report, please visit Lincolnshire County Council's website and search 'childcare sufficiency'. For further details please contact the early years and childcare support team at: ChildcareSufficiency@lincolnshire.gov.uk

Calculating the demand from new housing

When estimating the number of children that a new housing development will generate and that will require additional provision (child yield), Lincolnshire County Council takes account of the number of houses and flats that are suitable to accommodate children. For Early Years and Childcare contribution purposes, houses are all dwellings with two or more floors (including chalet style bungalows with an attic room), and with sole access to private outdoor space. Maisonettes, single storey bungalows and trailers/caravans are treated as flats whilst one-bedroom units and dwellings such as student and elderly accommodation, are excluded from the calculation. It should be noted that 100% affordable housing sites will be expected to contribute using the same criteria.

Lincolnshire County Council has taken its data from the **Pupil yield Data Dashboard.** This shows that the child yield from qualifying houses is eight children per one hundred homes (0.08 per dwelling), 2 per one hundred from qualifying flats (0.021 per dwelling) and an aggregate of seven (0.0732 per dwelling) for all types. This can be broken down further to the number of bedrooms each property has (see table below)

Table 1: Early Years Child yield by property type from number of bedrooms

			Child yield factor per house		
Academic Year	**Local authority**	**School phase**	**Flat**	**3 Bed House**	**All house types combined**
2021/22	Lincolnshire	Early Years	0.021	0.080	0.073

Table 2: Example of children requiring an early years place

Dwelling type	Proposed units (a)	Child yield factor (b)	Child yield (a x b)
House 2 bed	250	0.071	17.75
House 3 bed	150	0.080	12.00
House 4 bed	65	0.062	04.03
Flats	40	0.021	00.84
TOTAL	**505**		**34.62**

The above 505 unit development consisting of 40 Flats, 250 x 2 bed houses, 150 x 3 bed houses and 65 x 4 bed houses would be likely to generate 35 children requiring an early years place.

Types and Use of Contributions

The financial contributions sought will be used to extend existing facilities wherever possible or provide a new facility where extension is not possible. Larger development proposals (upwards of 250 dwellings) are most likely to trigger the need for a new facility and in such

circumstances a land contribution will also be required. Where demand is of such a scale, a new facility will be sought, either co-located with a new primary school or as a stand-alone facility. For a standard 56 place day nursery, around 925m2 of land is needed (please refer to Appendix A for further details).

The Department for Education (DfE) Guidance 'Securing Developer Contributions for education' (Aug 2023) states that all new primary schools should be co-located with new nursery provision where there is capacity to do so. In addition, the Education and Skills Funding Agency currently look to establish two form entry primary schools (420 places), to ensure financial viability. LCC supports this approach and, thereby, when considering new primary school sites an area of 2.234 hectares will usually be sought as a minimum. This is in line with DfE guidance set out in Building Bulletin 103 and this land size provides space for commensurate Early Years and Childcare provision.

Any new early years and childcare facility could be built by LCC, a developer or one or more early years and childcare providers. However, it is important that any provider is agreed by LCC to ensure the required type and standard of provision is delivered in the locality. LCC has a robust process in place to allow early years and childcare providers to apply for capital funding and/or lease opportunities to create new early years and childcare places to meet the increased demand generated by developments. Capital funding and lease opportunities are widely advertised, and all applications undergo a full screening and moderation process which is signed off at Assistant Director level.

Where the development in question also triggers the need for other community facilities, it is often appropriate to co-locate Early Years and Childcare facilities. Provision is commonly included in plans for new primary schools (as referred to above), but it may also be appropriate to consider the benefits of an Early Years and Childcare provider acting as anchor tenant in a joint use community facility.

Standalone 56 place early years facility	56 place setting and 2 FE Primary school
925.50m2	**22,430m2**

Early Years land requirement example

In some circumstances, subject to procurement and competition rules, it may be appropriate for the developer to provide buildings in lieu of a financial contribution. Where this approach is accepted the facility must comply with a specification provided by LCC (example provided as 'Appendix A: Early Years & Childcare Facility Specification') and any tenant, and their business model, must also be approved. When the County Council commissions additional Early Years and Childcare places and uses S106 funding to provide those places, it will require the provider to enter into a legal agreement detailing the building works and the number of additional places to be provided.

Contribution costs

The cost of each project and, thereby, any appropriate developer contribution must be considered on a case-by-case basis. In Lincolnshire, previous standalone developments have been considered alongside expansion of places to give a typical cost model which ranges from £8,000 - £18,000 per place depending on the area of Lincolnshire and type of build.

Any contributions payable to the County Council will be index-linked to the BCIS All-In Tender Price Index from the date of the legal agreement associated with the granting of planning permission.

Although obligations must relate to the development's impact over time, it is essential that funding is secured early within the build programme to enable timely investment in new Early Years and Childcare places. Payment triggers will be agreed as part of the planning application process.

The Council will require that contributions can be held for a minimum of 10 years from the date of final payment. This allows sufficient time for funds to be spent or, where appropriate, pooled with other contributions to deliver larger projects serving multiple developments. This approach aligns with the DfE's August 2023 guidance Securing developer contributions for education.

Home to School Travel

Lincolnshire County Council has a statutory duty to provide home to school transport. The Education Act 1996, as amended by Part 6 of the Education and Inspections Act 2006 requires local authorities to provide suitable travel arrangements, free of charge, to all eligible children to facilitate their attendance at qualifying schools.

A child is eligible if they are attending their nearest suitable or designated transport area school to their home address and that they meet the distance and age criteria.

For further details please refer to the LCC policy School and college transport policy 2025-26.

Distances to schools are measured using the shortest route available for a child to walk, accompanied (if necessary) by a responsible adult. The walking distances are up to 2 miles for primary aged and up to 3 miles for secondary aged students.

If a child lives within the walking distance, then they are not automatically eligible for free home to school transport unless under exceptional circumstances that are set out within the School and College Transport Policy. However, students over this distance are eligible for transport through Lincolnshire County Council.

Where a new housing development is proposed and such walking routes are not available, Lincolnshire County Council may seek developer contributions to mitigate the impact of additional school-aged children on the provision of school and college transport.

Contributions may be required to reduce travel distances and/or improve safety and/or provide transport where:

- There is not a safe walking route within the walking distance.

- A development is located over the walking distance.
- Where the catchment school does not have places in the interim, and children will have to be transported to surrounding schools.
- Children need to attend an alternative school due to their needs (for example a SEND school)

The contribution sought will extend for the life of the child place in the phase of education to which it relates. For the primary phase, it will be charged annually for 7 years; for secondary phase, charged annually for 5 years; and, for SEND it will be for 10 years. The current cost for transportation per pupil is set out below, and will be updated regularly:

Phase of Education	Average cost per Pupil per Day	Average Cost per Year (190 school days)	Total Average Cost (one pupil)
Primary	£16.96	£3,222.40	£25,556.80 (7 years)
Secondary	£6.28	£1,193.20	£5,966.00 (5 years)
SEND	£36.90	£7,011.00	£70,110.00 (10 years)

Payment of Home to School Travel Contributions

Applications for residential developments of over 10 dwellings will be assessed for requirements for Home to School Travel.

Any contributions to be paid to the County Council will be index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the Retail Prices Index.

Whilst obligations need to relate to the impact of development proposed across time, it is important that funding is available at an appropriate point within the development programme. This aims to ensure that the service can be provided at the right time, to deliver school transport when it is needed. Triggers for payment of contributions will be agreed as part of the planning application process. Contributions will be payable upon first occupancy of the development, but can be spread over an appropriate number of years, to reflect the annual cost.

The Council will request that any planning obligation can be held for a minimum of 10 years from the date of final payment to allow enough time for the contribution to be spent on delivering the service.

ANNEX A – Early Years and Childcare Facility Specification

The space required to fulfil these specifications is stipulated within the Statutory Early Years Foundation Stage. These calculations should be based on the net or useable areas of the rooms used by the children, not including storage areas, thoroughfares, dedicated staff areas, cloakrooms, utility rooms, kitchens and toilets.

Example space requirement for a 56-place nursery

Internal Space Requirements	Facility Requirements m2
12 place 0-2's room	
Play Space (3.5m2 per child)	42m2
Milk preparation area	6m2
1 x Child's assisted toilet + baby change area	9m2
Designated sleep area, *A separate area is ideal, but it doesn't need to be a separate room, just a multi-use space or play area that still supports good sleep.*	12m2
20 place 2–3-year-old room	
Play Space (2.5m2 per child)	50m2
2 x Child's assisted toilets + baby change area	9m2
24 place 3–4-year-old room	
Play Space (2.3m2 per child)	55m2
3 x Child's assisted toilets	9m2
Other Facilities	
Laundry room - incl. washing machine and tumble dryer. White goods to be provided by the provider but space and power points need to be included within the design	6m2
Kitchen - Provider to provide the white goods but power and drainage to be included in the design.	15m2
Staff room / 1 to 1 meeting room	12m2
Accessible WC	4m2
Staff toilet (unisex) *Additional toilets are not always required but are dependent upon the number of staff employed*	3m2
Reception Area	15m2
Office with additional hot desk space	15m2
Storeroom	10m2
Cleaning Cupboard	3m2
SUB TOTAL	**275m2**
Plant room @ 3% of Sub Total	8.25m2
Internal walls @ 4% of Sub Total	11m2
Circulation @ 15% of Sub Total 51	41.25m2
GROSS INTERNAL SPACE	**335.50m2**

External Space Requirements	M2 requirement
Outside covered buggy park area	10m2
Outdoor play (5m2 per child) – as natural as possible and with covered outside area preferably not north facing	280m2
Service area and parking - 10-15 spaces would be best practice plus safe drop-off points for parents	300m2
TOTAL EXTERNAL SPACE	**590m2**
TOTAL SITE AREA REQUIRED FOR 56 PLACE NURSERY	**925.50m2**

Adult Care and Public Health

This appendix outlines Lincolnshire County Council's approach to how planning obligations can positively influence the health and wellbeing of the local population and minimise escalation in adult social care services. It complements national planning guidance and ensures that new development mitigates its impact on essential health and care services, supporting sustainable communities across Lincolnshire.

Lincolnshire County Council, in its public health role, promotes healthy new communities achieved through the Planning process, with a focus on prevention. While direct capital finance contributions are unlikely, the Council will seek to influence development design in order to encourage healthier living through, for example, active travel (walking and cycling), the use of public transport, and access to green and blue spaces.

Planning Obligations can also play a vital role in strengthening adult social care services by enabling the creation of environments and infrastructure that support independent living and social participation, reducing loneliness. This preventative approach not only improves quality of life but also promotes physical and mental wellbeing, supporting residents to stay healthier for longer, reducing hospital admissions, social exclusion and decreasing pressure on care provision by making communities more resilient and sustainable.

Examples of contributions to community provision may include, providing additional capacity in day opportunities (for example community centres for people with learning disabilities) and making space in new community buildings that can be used for social activities. School facilities being made available for community uses such as sport, recreation and gatherings could be facilitated through increased Education contributions to enable access to the facilities whilst maintaining the safety of students (for example gated access through security fencing allowing access to some areas and not others and at limited times).

The National Planning Policy Framework (NPPF) recognises the importance of positively planning to provide the social, recreational and cultural facilities and services the community needs to enhance the sustainability of communities and residential environments. Where proposed residential developments are likely to result in the need for an enlarged or new community buildings, the Council will request that they are designed in such a way to embed flexibility of use in the building, so that it is capable of being used to deliver services and activities for local communities

Finally, to ensure new housing meets the needs of all residents, the Council strongly encourages developers to meet the optional M4(2) Building Regulations standard for accessible and adaptable dwellings. These standards ensure that new homes are designed to be more easily adaptable to the changing needs of occupants over time, including older people and those with temporary or permanent disabilities, leading to homes designed to support independent living, accommodate changing mobility needs, and reduce future

adaptation costs. District and Borough councils are strongly urged to embed M4(2) requirements into local planning policies and secure them through planning obligations where appropriate. This supports inclusive, future-proof, resilient communities and aligns with national objectives for promoting healthy, adaptable housing.

Flood and Water Management

The Flood and Water Management Act 2010 aims to create a simpler and more effective means of managing the risk of flood and coastal erosion. It also aims to help improve the sustainability of our water resources and protect against potential droughts. The Act created the role of Lead Local Flood Authority, which is the local government authority responsible for managing flood risk in the local government area.

Lincolnshire County Council act as statutory consultee on all major planning applications as the Lead Local Flood Authority; required to assess the impact of development with regard to surface water flood risk, risk of flooding from ordinary watercourses, and groundwater flood risk, and surface water drainage proposals for the site itself.

Flood risk is a combination of the probability and the potential consequences of flooding. Areas at risk of flooding are those at risk of flooding from any source, now or in the future. Sources include rivers and the sea, direct rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, reservoirs, canals and lakes and other artificial sources. Flood risk also accounts for the interactions between these different sources.

Other Risk Management Authorities, namely the Environment Agency, Water and Sewerage Companies, Internal Drainage Boards and District Councils, also have respective responsibilities in relation to assessing, mitigating and managing flood risk.

A Flood Risk Assessment and Drainage Strategy are used to assess the impact of development with regard to flood risk and propose measures to manage surface and foul drainage in perpetuity, respectively.

Development must not increase flood risk to the site, downstream of the site or to third party land surrounding the site.

Where flood risk and drainage mitigation is required to enable a site to be developed, for example, the delivery of a strategic flood alleviation scheme or improvements to the existing highway surface water sewer network to accept the development flows, then contributions may be sought towards such schemes. This could be via a Section 106 or Section 278 Agreement.

Fire and Rescue

Lincolnshire Fire and Rescue has a statutory duty under the Fire and Rescue Services Act 2004 (2004 Act) to respond to emergencies and to ensure that all development is provided with adequate water supplies for firefighting. There are also further additional responsibilities under the 2004 Act.

New developments have the potential to increase the risk of fire and place additional demands on Lincolnshire Fire and Rescue, and therefore it is appropriate to ensure that the necessary infrastructure and regulations are delivered alongside new developments.

All access requirements must meet those stated in Building Regulations Approved Document B (B5) (Fire safety: Approved Document B - GOV.UK) however the road carrying capacity needs to withstand 18 tonne not 12 tonne as mentioned in Approved Document B.

Developer contributions towards new fire service infrastructure facilities may be required where a specific need arising from a development proposal is identified. These could include:

- New fire stations (including the provision of land)
- New fire appliances
- Fire hydrants
- Sprinkler systems

The assessment of need for new infrastructure will take into account the location of facilities in relation to planned developments and response times to deal with emergencies. The fitting of new buildings with sprinkler systems in houses and other such facilities will also be considered in any assessment for S106 agreement contributions.

Contributions and mitigation measures sought as a result of development will be necessary to make the development acceptable in planning terms, and will be directly related to the development, and will be of an appropriate scale and kind to the development, in accordance with Regulation 122(2) of the Community Infrastructure Regulations 2010 and NPPF Paragraph 58.

Hydrants

Developers will be required to provide a fire hydrant to the relevant potable water supply infrastructure. As stipulated in Approved Document B (see link above), a fire hydrant is required within 90 metres of a property entrance and hydrants must be no further than 180 metres apart. As the Fire service has a duty to secure adequate water supplies, depending on the site layout, water supply and existing provision in the locality this can impact the number of fire hydrants required. The cost of provision of a fire hydrant fitted on no less than 90

millimetres mains would be the current cost levied by the water company or other third-party supplier dependent on who the developer engages.

Fire hydrants may also be sought in respect of commercial development and the cost would be the current cost levied by the water company or other third-party supplier dependent on who the developer engages. The number of hydrants required will need to be assessed on a site-by-site basis, in line with Approved Document B Volume 2, Sections 15 and 16 (see link above) British Standards 9990 and National Guidance Document on the Provision of Water for Firefighting (4th edition; June 2025).pdf

As the provision of a Fire hydrant in most cases will be on site, Lincolnshire Fire and Rescue would expect they are delivered through a planning condition. The fire hydrants must be installed at the same time as the rest of the water infrastructure, ahead of any dwellings being occupied, this will help avoid any excessive costs to the developer. The location of the fire hydrant must be agreed with Lincolnshire Fire and Rescue prior to the installation. The developer will be expected to initiate the installation of the hydrant through contact with the Water Company and will incur all costs associated with the hydrant and its installation.

Conditions to secure the provision of Fire hydrants will be sought for any application in line with advice set out in Paragraph 56 of the National Planning Policy Framework. The Fire service will normally require conditions to be secured at outline application stage, rather than relying on separate conditions imposed at the reserved matters stage, in order to:

- Ensure that the hydrants are properly planned across the development as a whole
- Avoid any potential “gaps” in provision
- Reduce any cost burden on the development industry through avoiding unnecessary duplication.