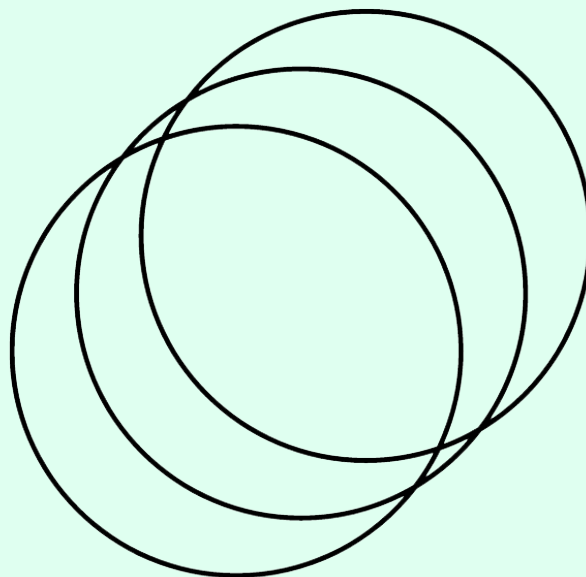




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Guidance on seeking and securing developer contributions for library and archive provision in England

September 2023

Arts Council England
in partnership with
The National Archives

Authors: Mirchandani, Norgrove, Walker



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Executive Summary

Context

- This briefing paper is aimed at local authority leadership teams with responsibility for the strategic planning, development and delivery of library and archive services across England. It explains how the national planning system works and how libraries and archives can engage with the system to secure funding from developer contributions.
- This briefing paper focuses on the role and means by which service providers can seek and secure additional local funding through Section 106 legal agreements (S106) and/or the Community Infrastructure Levy (CIL). Both of these are planning tools that can be used to secure financial and non-financial contributions, or other works, to provide infrastructure to support development and to mitigate the impact of development. Collectively these are referred to as developer contributions.
- Most new planned housing development is unlikely to be at a scale that triggers entirely new facilities and amenities. But it does trigger the need to improve the scope of local services that can involve additional or reconfigured space, staff, digital capacity and accessibility, book-stock provision and, in some areas, mobile library provision.
- It is vital for service providers to recognise and understand the central role of their council's adopted Local Plan and its specific planning policy stance with regard to library and archive provision triggered by new housing growth, as well as the specific planning tools adopted by it to deliver such planning goals.

Key Tools: Developer Contributions

- Seeking funding via S106 legal agreements is site and development dependent and determined. Accessing CIL fee revenue is dependent on local priorities set by the local charging authority and mandatory devolved funding arrangements regarding Parish and Town Councils and when Neighbourhood Plans have been adopted.
- Seeking additional provision requires the Local Planning Authority (LPA) to have an up-to-date assessment of current capacity locally and a specific standard of acceptable provision to meet the required needs arising from new housing growth.
- Service providers need to understand that there are strict, legal limitations in securing funding from S106 legal agreements: these are designed to mitigate the specific impacts arising from individual new developments.
- CIL is a tool to deal with the cumulative impacts arising from new development on local infrastructure. It can be used more flexibly than funding by S106 legal agreements and this offers those councils that have a CIL regime greater discretion on how it is applied and allocated; it can be pooled. This presents an opportunity for all local service providers to make their case for securing CIL funding support from their respective charging authorities.

Review of a sample of Infrastructure Funding Statements (IFSs) in England 2023

- This report is informed by a review of a sample of Infrastructure Funding Statements (IFSs) in England which looked at the incidence of funding allocated to libraries, archives, museums and arts organisations. This reveals that libraries have benefited most, being around 64% of all projects cited that have secured funding from developer contributions, while the remainder were museum 18%, arts 13%¹ and archive 5% related projects.
- Significant regional differences were found:
 - Greater London and outer South East regions stand out, where projects are more likely to be supported by both instruments.
 - Some county councils are more active and successful in securing developer contributions (e.g., Warwickshire; Leicestershire; Oxfordshire) through their individual district councils.
 - Northern-based regions also stand out as being largely reliant on S106 legal agreements, as few have adopted a CIL fee regime.
 - Secured funding is being used in different ways, from small to large amounts; this is especially the case with CIL - for example, seed-corn funding to support a funding bid to the National Lottery Heritage Fund.
 - A large number of IFSs do not reveal how CIL receipts are spent, with many showing that little has been spent, yet recording relatively large unspent balances.



¹ Note: Arts includes arts facilities and programmes but excludes Public Art which was outside the scope of the research.

Making your case for funding through developer contributions

- There is a lot of good advice and guidance (national and local) available; it is essential reading if you are to be successful in securing funding.
- Local service providers need to be active and engaged, and develop a clear and regular working relationship, with their respective local plan-making officials.
- LPAs are required to set out their methodology and the evidence base supporting their approaches in seeking and securing developer contributions. Those specifically responsible for library and archives provision have a central role to play here. Do not wait to be asked.
- The more progressive LPAs (e.g. East Hampshire DC) have prepared specific guidance for prospective applicants seeking CIL funding, as these processes are evaluated against declared criteria and local priorities. It is vital that service providers pursue opportunities according to these local rules.

The standard metric of local Library and Archive provision and Cost Multipliers

- For additional Library capacity the applied average standard is 30m² per 1,000 population. For additional archive capacity² the applied average standard is 6m² per 1,000 population. This approach emulates other planning policy areas (e.g., additional school places; additional capacity in local primary health centres and doctors' surgeries).
- Cost multipliers to deliver additional capacity differ according to project types as shown below. Of course, such additional needs and funding must be tailored to each individual new housing scheme, and secured using a S106 legal agreement.

Table C: Cost Multipliers for Public Libraries and Archives (£/Person and £/Dwelling)

UK at April 2023 prices	Public Libraries		Archives	
Standard Space Metric	30m ² per 1000 population		6m ² per 1000 population	
BCIS Local Cost Adjustment Factor (UK=100)	Cost / Person (£)	Cost / New Dwelling (£)	Cost / Person (£)	Cost / New Dwelling (£)
New Build	£221.38	£531.31	£35.63	£85.51
Horizontal Extension	£248.76	£597.02	£19.68	£47.23
Vertical Extension	£57.85	£138.84	£10.18	£24.44
Rehabilitation / Conversion	£104.07	£249.77	£17.87	£42.90
Fit-Out Costs only	£25.35	£60.84	£4.46	£10.71

² See 'Public Libraries, Archives and New Developments: A standard charge approach' (MLA 2010)

List of Key Acronyms used in this document:

BCIS: Building Cost Information Services

CIL: Community Infrastructure Levy

DCMS: Department for Culture, Media and Sport

IFS: Infrastructure Funding Statement

IDP: Infrastructure Delivery Plan

LPA: Local Planning Authority

MLA: Museums, Libraries and Archives Council

MLAA: refers to Museums, Libraries, Archives and Arts

MHCLG: Ministry of Housing, Communities and Local Government. (This has been renamed as Department for Levelling Up, Housing and Communities (DLUHC))

NPPF: National Planning Policy Framework

PAS: Planning Advisory Service

RICS: Royal Institution of Chartered Surveyors

S106: Section 106 legal agreement

TCPA: Town and Country Planning Association

Purpose of this briefing paper

01

Who is this briefing paper for?

This briefing paper is aimed at local authority leadership teams with responsibility for the strategic planning, development and delivery of library and archive services across England.

What will this briefing help me do?

It is intended as a briefing paper on how to engage with the planning process and local planners in order to secure developer contributions for libraries and archives, either through S106 legal agreements or the Community Infrastructure Levy (CIL), or both. Developer contributions are normally a key tool of any planning authority's approach to developing and delivering an infrastructure strategy for their area.

Why is this briefing relevant for future library and archive provision?

Effective infrastructure planning, prioritisation and governance of spending are critical to supporting the delivery of sustainable development and growth. Library and archive services therefore need to be able to articulate their needs within the context of local growth and development.

What previous research does this briefing build on?

It expands on, and updates previous publications including 'Championing archives and libraries within local planning – guidance' (Arts Council England and The National Archives June 2019) and 'Public Libraries, Archives and New Developments: A standard charge approach' (Museums, Libraries and Archives Council (MLA) 2010). It draws on the 2013 Town and Country Planning Association (TCPA) 'Improving Culture, Arts and Sporting Opportunities through Planning. A good practice guide' as well as Planning Advisory Service (PAS) guidance for local authorities.

The role of Developer Contributions in delivering Library and Archive Provision

This guidance will cover:

- The Local Plan-making process and how to engage;
- Local Planning and the role of Developer Contributions: Community Infrastructure Levy (CIL) and S106 Legal Agreements;
- Examples of how libraries and archives are engaging with the planning system and securing developer contributions;
- An update on Public Library and Archive service provision standards and new development: Principles of the methodology in delivering additional library and archive infrastructure; and
- Dealing with challenge and a summary checklist for library and archive service providers seeking to engage with planning.

Background Context

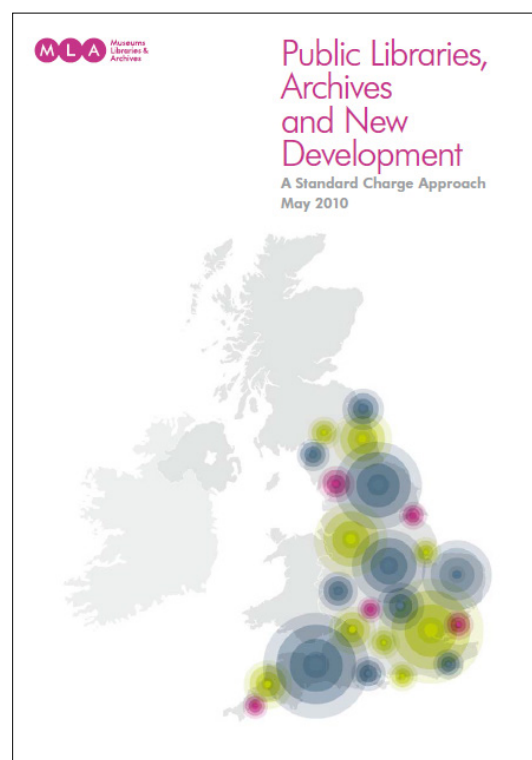
02

Since 2010, when the Museums, Libraries and Archives Council published its report *Public Libraries, Archives and New Development: 'A Standard Charge Approach'*, local government, along with many other public sector services, have undergone a transformation. This has been largely driven by the need to reduce council capital and revenue spending and to transform provision with new organisations and funding arrangements³.

The focus of this updated guidance is the provision of local infrastructure triggered by new (housing) development and growth in local resident populations. It focuses on how local areas match these emerging needs through planning and providing additional and improved capacity of community facilities, particularly in local library provision and archives.

The organisation and structure of local government in England has undergone significant change and funding pressures since the last 2010 MLA report. This is an important factor shaping the landscape of local provision since public service providers have to navigate the planning system if they are to utilise developer contributions in seeking and securing the requisite funding from their planning authorities triggered by new housing growth locally.

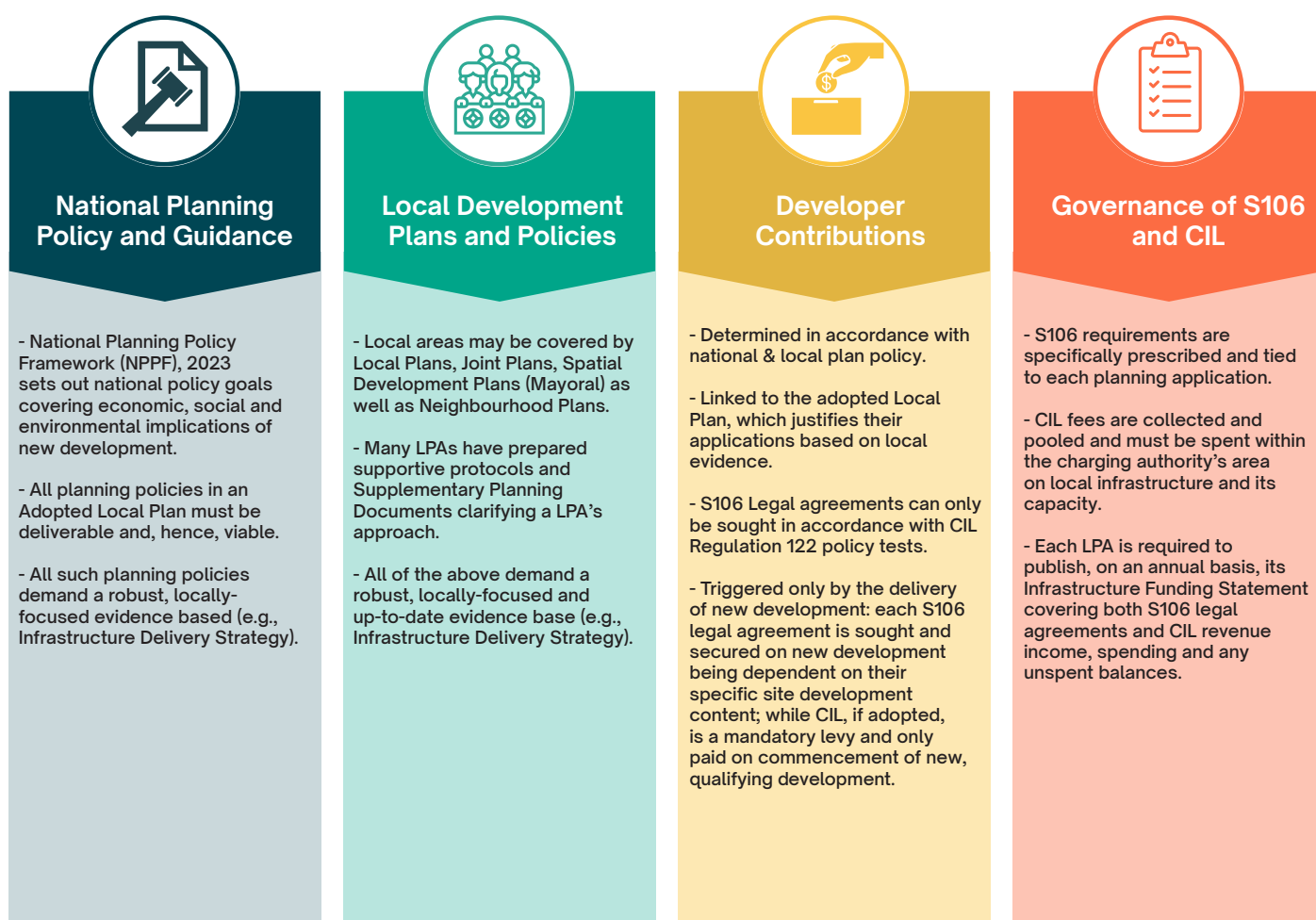
We also know that most new planned housing development is unlikely to be at a scale that triggers entirely new facilities and amenities, but will, nevertheless, place additional needs and demands on the capacity of a council's existing provision, triggering the need to improve the scope of their local services involving, for example, additional or reconfigured space, digital capacity and accessibility, book-stock provision and, in some areas, mobile library provision. As a result, where relevant, some authorities have embraced this array of opportunities in using developer contributions in delivering additional provision locally.



³ See for example: DCMS (2016) *Ambitions for Public Libraries, 2016 -2021*: expressed in the form of a challenge to local government and their library services to actively explore how to generate and use alternative forms of funding and financing in addition to using national funding schemes that are available.

National Planning Policy Framework (NPPF) and delivery tools

The NPPF sets the policy tone for planning and development. As such, all LPAs must follow this guidance unless there are local circumstances that merit departure. A LPA's adopted Local Plan, as a statutory/legal document, dictates how planning applications are judged and determined locally against its strategic goals and planning policy requirements. The table below summarises the principles that all applicants, including those responsible for library and archive provision, must navigate if they are to be successful in achieving their specific goals within the context of local circumstances.



Based on 'Championing Archives and Libraries in the Planning System', Arts Council England in partnership with the National Archives, (2019) pp.8-9.

All LPA's are required to have an up to date adopted Local Plan but only c. 40% of authorities in England currently have one. LPA's are mandated to review and up-date plans every 5 years. This work is carried out by the plan- makers (not officers dealing with planning applications). Typically, LPA's put out a call for evidence and therefore those responsible for libraries and archives need to understand the location and scale of new housing growth in their council area(s) so they can assess how such plans affect their service provision. A regular and early engagement in the plan-making process is desirable since it cannot be assumed that all plan-makers attach the same priority to all infrastructure needs. See Section 4.0 below for further detail.

What is the key message?

It is vital to recognise the central role of the adopted Local Plan and specific planning policy stance of your LPA with regard to library and archive provision triggered by new housing growth, and the specific planning tools adopted by it to deliver such planning goals.

Who is responsible for planning?

03

Unitary, County and District Councils

In England there are over 300 local planning authorities (see Chart 1 below), each having their own adopted Local Plan that is specifically tailored to and focused on meeting the planning goals for their local areas. New housing growth in particular is likely to need to be supported by additional and improved provision of a wide range of local infrastructure (i.e. community facilities), including library and archive provision.

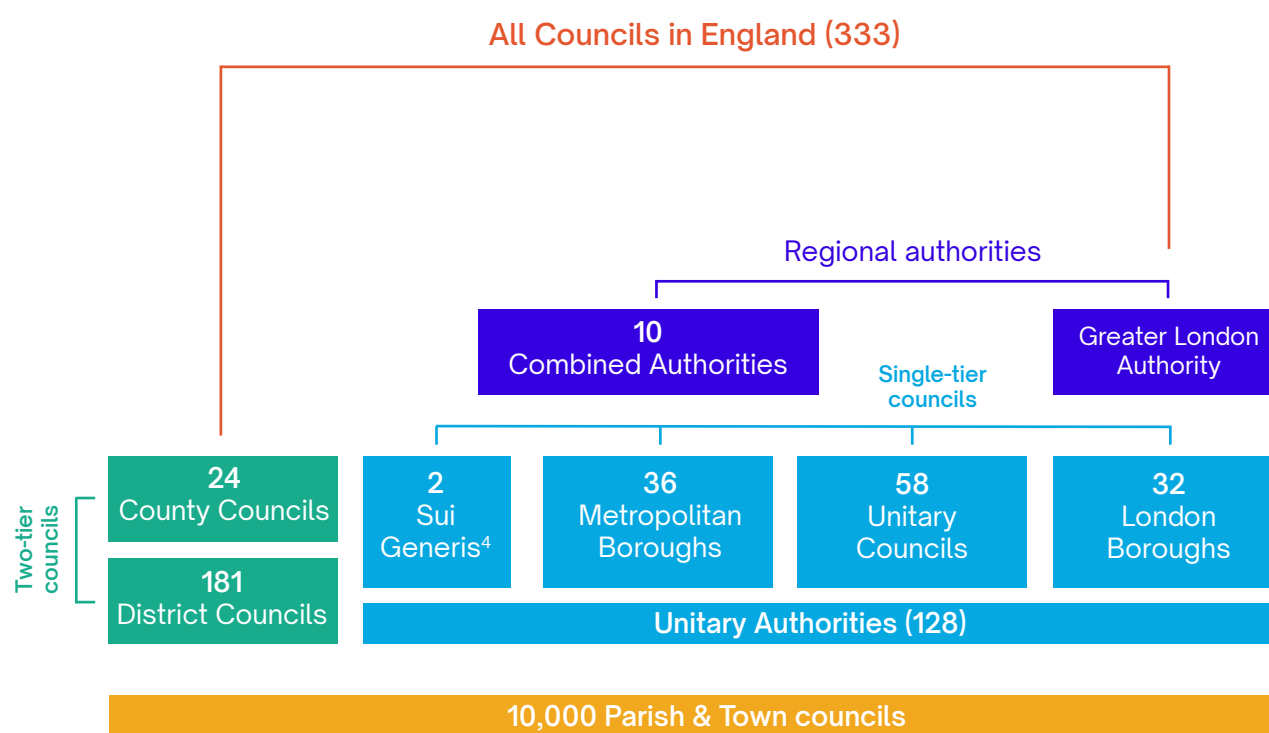


Chart 1: Organisation and Structure of Local Government in England

⁴ Specifically, the Isles of Scilly and the Corporation of the City of London.

In a **single-tier council area: Unitary Authorities** provide all the services that are provided separately by County Councils and District Councils. Local planning is a separate legal entity within these councils, and other local council service providers within the same council must work with and through their own council's planning department to seek and secure additional provision of services arising from new local housing growth as set out in its adopted Local Plan.

In a **two-tier council area: County Councils** cover the entire county area and provide around 80 per cent of services⁵. Within a county, district councils cover a smaller area and provide more local services⁶. In this context local planning is delivered by District Councils. Each individual adopted Local Plan has been shaped to deliver policy requirements that are tailored to its strategic goals; as such, it is not at all unusual to find differences between these locally focused plans within the same County Council area.

In some local areas, **combined authorities** exist to promote cross-border cohesion and growth (e.g. Mayoral authorities; Local Enterprise Partnerships); to date these have largely been promoted in our largest cities, though some have been formed in rural areas too (e.g. Greater Norwich Growth Board). Additionally, there are ten National Park Authorities that have their own plan-making powers and are utilising the same planning tools as other planning authorities⁷.

Finally, below these authorities, there is a further devolved layer of 'local government' in the form of **Parish/Town Councils**. There are around 10,000 of these smaller council bodies operating across England⁸. If new housing growth occurs within their local areas, and if the planning authority has adopted a CIL fee regime, these smaller devolved councils receive a specific slice of the CIL receipts.

What is the key message?

Seeking funding via S106 legal agreements are site and development dependent and determined. Access to CIL fee revenue is dependent on local priorities set by the local charging authority⁹ and mandatory devolved funding arrangements regarding Neighbourhood Plans and Parish and Town Councils.

⁵ Principally covering libraries and archives, primary and secondary education, children's services, highways and adult social care.

⁶ Such as housing, local planning, waste and leisure.

⁷ See <https://www.nationalparksengland.org.uk>

⁸ These are responsible for another layer and range of local services such as management of town and village centres, litter, verges, cemeteries, parks, ponds, allotments, war memorials and community halls.

⁹ A good example is to be found in East Hampshire DC (2023) Guidance for applications to the Council's Strategic CIL Fund, January 2023.

The Challenge facing Library and Archive Services

As with other local public sector service provision (e.g. Primary and Secondary Schools; local health centres such as Doctors' Surgeries¹⁰), the scale of local provision is largely driven by current demand arising from changes in the growth and age-profile of a council's local resident population. A standard of provision is prescribed by national guidance¹¹ but these must always be tailored to local circumstances with council and other public sector agencies¹² overseeing provision, especially where new housing is being planned or developed. Section 7.0 of this report, explains the preferred methodology to use in prescribing additional library and archive infrastructure to meet demand arising locally from new housing growth.

The capacity of provision is a critical metric that councils and other public bodies¹³ must manage, especially where changes to revenue and capital spending decisions have to be made as part of regular annual reviews and assessments of their local infrastructure requirements. These are typically set out in a council's Infrastructure Delivery Plan that must be prepared to inform a local council's adopted Local Plan and its updating.

A council's library and archive provision may need to be updated and improved to cope with additional demand brought about by increasing numbers of users resulting from new housing growth. This additional capacity is typically accommodated to allow more public access by expanding (or replacing) floorspace, or converting existing space from an office, workroom or used as storage. However, where there is no possibility to extend or increase space, libraries and archives may reconfigure their service offer to:

- allow different types of customers to use them at different times of the day;
- enable them to be used by community groups and/or paying organisations to deliver events;
- replace traditional large enquiry desks with smaller counters with the use of more flexible ICT to increase space for public use;
- increase provision of dedicated workspaces and study areas with new furniture to reflect the increased use of personal devices such as laptops and tablets;
- installation of new technology that enables opening hours to be extended and greater virtual access; and
- installation of new or moveable shelving to offer greater flexibility in terms of how library space is used.

All of the above options qualify as local infrastructure as they are focused on tailoring service capacity to current and emerging needs of the local resident population. Where and when justified, such spending demands can be supported by developer contributions in the form of S106 legal agreements and Community Infrastructure Levy (CIL) fee income.

What is the key message?

Seeking additional provision requires the authority to have an up-to-date assessment of current capacity locally and a specific standard of acceptable provision to meet the required needs arising from the new housing growth.

¹⁰ See the Primary and community care. Health Building Note 11-01: Facilities for primary and community care services, prepared by Department of Health, HMSO, September 2009, that sets out a standard methodology for the provision of space requirements. Also, see Primary Care/Community Health Premises Schedule of Standards and Minimum Design Requirements, NHS Property Services, January 2021

¹¹ See Department for Education guidance on the use of planning obligations in seeking and securing additional school places arising from new housing growth in DfE (2019) Securing Developer Contributions for Education, Department for Education, November.

¹² For example, Health Authorities.

¹³ For example: Local Clinical Commissioning Groups.

All service providers need to engage in their Local Plan-making process

04

The Local Plan

Making a Local Plan for the development and use of land, and keeping it up-to-date, is a statutory requirement for a Local Planning Authority. All decisions on planning applications should be made in accordance with policies and strategic priorities which are outlined within the adopted Local Plan.

All Local Plans must be supported by a proportionate evidence base and must conform with requirements set out in the National Planning Policy Framework (2019). Service-level providers must therefore ensure that their Local Plan has appropriate policies on which additional provision can be triggered and delivered in association with planned housing growth across all scales of new development. Such policies are underpinned by a recognised and authoritative methodology, often informed by national guidance, so there is transparency of process as well as in-built equity or fairness of impact in prescribing the best means of delivering the requisite level and types of local infrastructure. See Section 7 below for specific guidance regarding additional library and archive provision.

Engaging in local plan-making is therefore an essential activity if local public service providers¹⁴ are to take advantage of how local plan-making can help to deliver and provide essential service-level capacity to its local populations. See the table (below) covering “How to make your case?”

Making the case

Service providers need to engage-in and develop a clear working relationship with their respective local plan-making officials, especially to inform the plan of their service area needs specifically arising from all extant and emerging local plan policies. It cannot be assumed that local plan-makers shall automatically recognise the array of emerging demands from across all local service providers. Service providers need to be proactive and assertive.

The more progressive LPAs¹⁵ have prepared specific guidance for prospective applicants seeking CIL funding, as these processes are evaluated against declared criteria and local priorities. It is vital that service providers pursue opportunities according to these local rules.

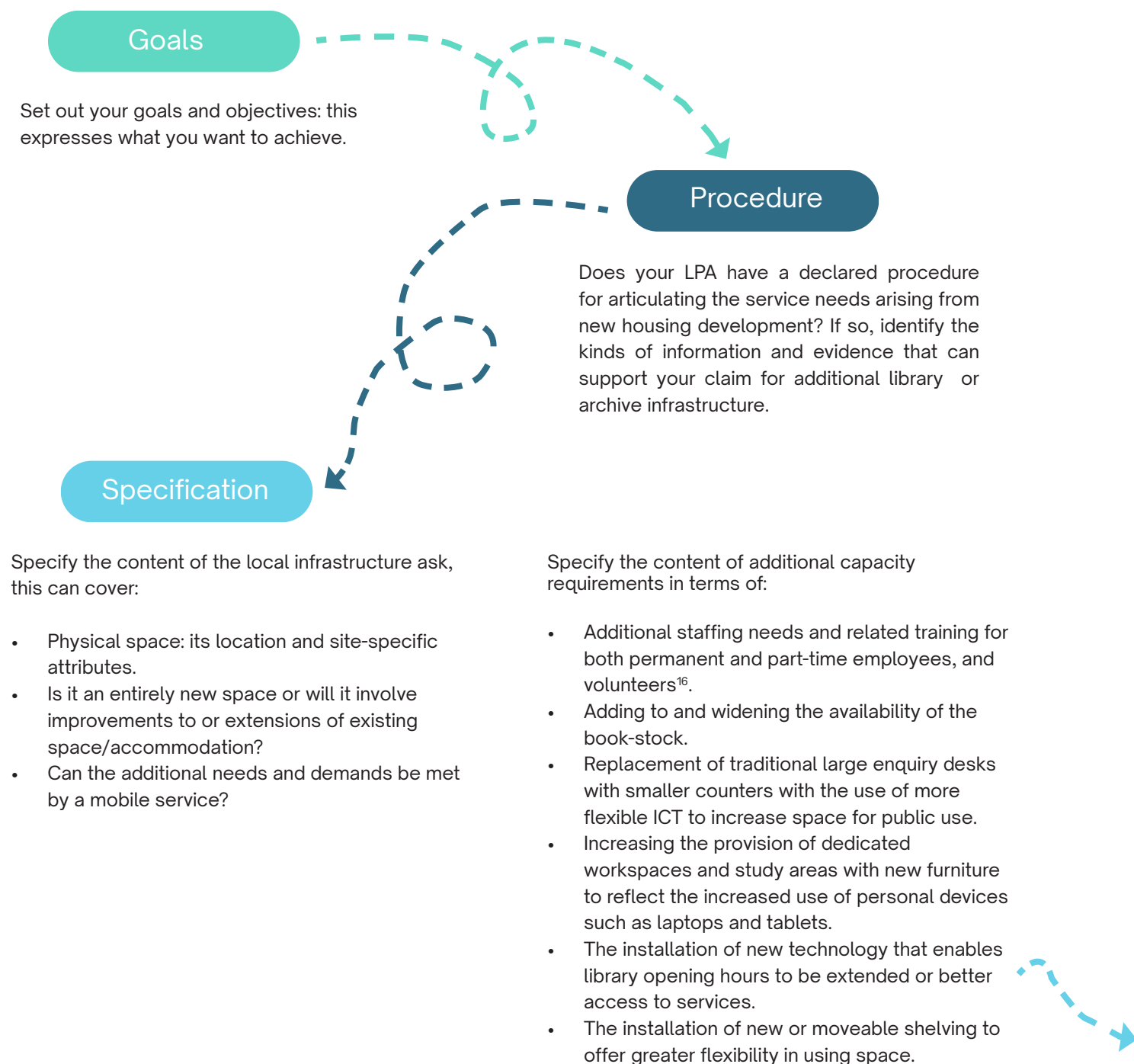
¹⁴ Including arms-length, local charitable and voluntary bodies.

¹⁵ East Hampshire DC (2023) Guidance for applications to the Council's Strategic CIL Fund, January.

Context: How to make your case?

Providing community facilities (such as libraries and archives) arising from new development involves a process of negotiation in England and can only be pursued through your Local Planning Authority (LPA). Most applicants, including developers, will have pre-application contacts and negotiations with planning officers in their local planning authority (LPA).

This process is best served by pursuing the following route towards delivery:



¹⁶ However, on-going maintenance costs cannot be funded.



Examples of libraries and archives which have secured developer contributions

Examples

Cambridgeshire County Council (CCC) provides 33 library services, of which 12 are community-run libraries. The library service has an established relationship with the planning department, and was therefore consulted on the revised Planning Obligations Strategy (which defines S106 developer contributions) when it was updated in 2019. As part of this process the service has delineated five different types of library provision for which S106 contributions can be sought. This allows for a range of service enhancements which increases the scope for contributions depending on local circumstances. The library provision for which contributions can be sought include:

- New static library provision (resources and fit out) requiring extension to existing building
- Enhanced static library provision (resources and fit out) requiring internal modifications
- Enhanced static library provision (resources and fit out) requiring no internal modifications
- Enhanced mobile library provision (resources and capital and running cost of vehicle)
- Additional books, resources and equipment

The basis of the calculation is the MLA Standard Charge Formula 2010¹⁷ (based on 30m2/1,000 population) with BCIS TPI 2Q2019 inflation uplift to produce a cost per person for new static/enhanced static (full build and fit out); enhanced static (internal modifications and fit out); enhanced static (fit out) and bespoke justification for mobile and resource only provision (latter based on public library standards¹⁸). A benchmarking exercise to compare the approach and level of contributions being sought was also conducted across five comparable authorities. The resulting costs and justification were adopted for the purposes of securing developer contributions for different levels of library provision and incorporated into the revised Planning Obligations Strategy.

The process for collecting S106 has run smoothly for a long period of time. Partly due to a good planning department and partly due to a staff member in CCC libraries having assigned responsibility for monitoring and responding to S106. All 5 districts collect S106 contributions for libraries on behalf of CCC. Recent benefiting libraries have included Cherry Hinton Library (run by a Community Benefit Society), which received £127k of Cambridge City Council S106 and £28k of County Council S106 funding in 2018-19; Milton Road Library, which received £100K S106 funding in 2019-20, and Clay Farm Community Centre (part of the Cambourne development) which received £40K as a revenue contribution towards running costs. Clay Farm Community Centre in Trumpington opened in 2018 and includes a large community hall, conference and meeting rooms, a public library, café, dance and exercise studio. It is operated by Cambridge City Council in partnership with Cambridgeshire County Council.



Clay Farm Community Centre, Cambridge

Image courtesy of <https://adp-architecture.com/projects/clay-farm-community-centre-the-heart-of-a-new-sustainable-community/>

¹⁷ Public Libraries, Archives and New Development: A Standard Charge Approach May 2010.

¹⁸ National Library Standard 1,532 items/1,000 population @ £10*/item = £15 per person. * Askews Library Services (Sept 2017)

Examples

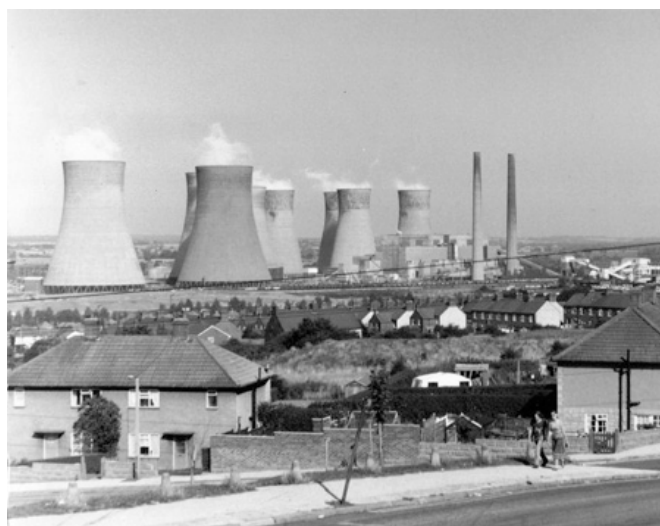
Dorset Council became a Unitary Authority in 2019. Dorset Council combines the functions vested in the former districts and county council and has inherited a number of different planning approaches, charging schedules and policies from the previous planning authorities. They have continued to administer these policies, but are currently in Stage 1 of developing a Local Plan for the whole area. This includes initial evidence gathering, review of former district/borough local plans and consultation. The resulting draft Dorset Council Local Plan outlines the strategy for meeting the needs of the area, such as housing, employment, and community services including schools, retail, leisure and community facilities. Dorset Council Infrastructure and Delivery Planning Manager stresses the need for service providers to engage with the planning system and process: ‘We are developing a new Local Plan for the Council. There are huge pressures on what developer contributions can fund. Service providers (such as libraries) need to be proactive in engaging with their local planners. Their needs need to be aligned with local growth so investment is directly related to growth needs and impacts. It’s important to marry up the library strategy with the development strategy and keep it up to date’.

Cannock Chase Council, as part of a wide-ranging Section 106 agreement for the decommissioning of Rugeley Power Station, secured a contribution of £36,343 in 2020-21 towards the preservation of the plant’s historical records and towards making those records publicly accessible long-term.

As the archive service is provided to the district by Staffordshire County Council the funding was passed to Staffordshire Archives and Heritage Service. The process for securing the contribution was initially instigated by the County Archaeologist assessing wider heritage implication for the site.

There was a period of negotiation between the County Archivist, the local museum and the economic development officer who liaised with the developer over the costed proposals developed by the County to fulfil the obligation. This negotiation took over 18 months but proposals were agreed to fund the cost of: a project archive/museum project officer; packaging and cataloguing the material, which was split between the Record Office and

the local museum: a pop-up exhibition; the cost of digital ingestion of the company’s born digital records and making some available as a microsite on the Staffordshire Past Track website.



Rugeley Power Stations in the 1970s

HM Treasury Green Book Valuation: a potential new dimension in ‘making your case’

The Green Book contains guidance issued by HM Treasury on how to appraise policies, programmes and individual projects. The role of appraisal and evaluation is to provide objective analysis to support decision-makers and makers. HM Treasury’s Green book is developing a more bespoke appraisal methodology for measuring and assessing specific culture and heritage capital. As part of this, the Department for Culture, Media & Sport (DCMS) has recently published (in 2021) a document called ‘Valuing cultural and heritage capital: a framework towards informing decision-making’. This document sets out how DCMS will develop an approach to aid decisions on public funding that is consistent with Social Cost Benefit Analysis principles published in HM Treasury’s Green Book. As a result, the Culture and Heritage Capital Programme will not only be applicable to the public sector but can also act as a useful tool to assess public benefits of private assets in the community. As such, this approach can be used by anyone who wants to understand their impact on society locally.

An important area and aspect of the Green Book relates to the social costs and benefits of specific assets and services, many of which are non-monetised, being available to all at zero prices at the point of consumption. The presence of these ‘assets and services’, however, contribute to the overall appreciation of life, well-being and in the choice of where to live. In the Green Book, it is worthwhile focusing on Chapter 6, which sets out the theoretical and practical aspects of the means to capture the net benefits of the stock of assets and the flow of benefits that are generated. The Green Book is developing appropriate methods for valuing the flow of these services that culture and heritage assets provide to local people and businesses that engage with them. More often than not, these types of services are implicitly taken for granted and valued at zero, potentially leading to sub-optimal decisions around investment options, improvements and maintenance. Annex 1 provides additional information, advice and examples.

In making a case for support for a project, the Green Book methodology offers a further dimension to the overall well-being and social benefits that a project can generate directly and indirectly as well as inducing participation and enjoyment from a project for first-time users. Though the language and terms used, are at times, technically challenging it is worth trying to embrace and adopt these to explain and document the direct, indirect and induced benefits of a project.

Suggested reading and consultation:

- DCMS [2021] Valuing cultural and heritage capital: a framework towards informing decision-making. Published 21st January 2023.
- DEFRA [2020] The Green Book guidance: embedding natural capital into public policy appraisal. Last published November 2022.
- The Green Book and accompanying guidance and documents - GOV.UK (www.gov.uk) This gives access to a long list of documents covering Green Book Valuations, His Majesty’s Treasury approach to valuing the intervention of government on markets.

Local Planning and the role of Developer Contributions:

S106 Legal Agreements and the Community Infrastructure Levy

05

Developer contributions comprise **S106 legal agreements** (or planning obligations) and **Community Infrastructure Levy (CIL)**. There are, however, a number of strict legal rules governing how such instruments can be used and these are explained below in some detail so that all relevant parties can understand how they operate locally in practice.

Their Legal Basis

The legal basis for concluding planning obligations is contained in Section 106 of the Town and Country Planning Act 1990 (and subsequent amendments). This permits a planning obligation to restrict the development or use of land; requires specified operations or activities to be carried out on land; and requires specified sums to be paid to the local planning authority. Planning obligations “run with the land¹⁹” and are enforceable against the original covenantor and successors in title. Obligations can be positive, asking the developer to provide a benefit, or can prevent the developer harming or removing a valued asset. Unlike planning conditions, Section 106 (2) allows inter alia for payments of money to be made, either of a specific amount or by reference to a formula, and for periodic payments to be made indefinitely or for a specified period.

Need to meet specific Policy Tests

Crucially, the purpose of securing S106 legal agreements is to make “an otherwise unacceptable development proposal acceptable in planning terms”. This means that it is a planning mechanism to mitigate the adverse impacts arising from new development and ensures that a Local Planning Authority’s planning policy requirements are fully met. Importantly, such planning policy requirements are subjected to a whole plan viability assessment to ensure that they do not render development unviable²⁰. If such an assessment confirms viability, then national guidance states that an adopted Local Plan’s policies are, therefore, currently deliverable.

The legal policy tests for when S106 agreements can be used are set out in CIL Regulation 122. Recent changes in national guidance, and its incorporation into planning law,²¹ means that securing S106 legal agreements demands three specific tests **must be met** in the decision to grant planning permission. Such legal agreements and any needs arising from new development (i.e., the so-called ‘ask’) must be:

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

¹⁹When a S106 legal agreement is voluntarily agreed between the applicant/landowner and the LPA, the S106 is entered into the Land Registry, showing that the owners of the land and future owners shall acquire these as an integral part of their interests in the land: hence ‘run with the land’.

²⁰ See NPPF, 2023, as amended

²¹ See CIL Regulation 122, MHCLG, 2018.

LPA's are required to set out their methodology and the evidence base supporting their approach in seeking and securing developer contributions, whether for libraries or other policy areas such as doctor's surgeries, and sport and recreation, along with affordable housing. The methodology that is presented later sets out the preferred approach, advocated by Arts Council England and The National Archive, for seeking and securing additional or improvements in library capacity and its infrastructure needs (see Section 7.0).

What is the key message?

LPA's are required to set out their methodology and the evidence base supporting their approaches in seeking and securing developer contributions. Those specifically responsible for Library and Archives provision have a central role to play here. Do not wait to be asked.

Seek advice and consult appropriate planning guidance

In addition to understanding a local area's adopted Local Plan, it is recommended that relevant parties (i.e., service providers and other interested parties) are fully aware of written guidance and practical examples of the rationale and use of developer contributions. An illustrative list is displayed below, but also consult the reference list at the end of this report.

DLUHC (2022) National Planning Policy Framework, Department for Levelling Up, Housing & Communities, December (as amended).

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

ACE & TNA (2019) Championing Archives and Libraries within local planning, Arts Council with The National Archive

<https://www.artscouncil.org.uk/research-and-data/championing-archives-and-libraries-within-local-planning>

MHCLG (2019) National Planning Practice Guidance for Viability, Ministry of Housing, Communities & Local Government (as amended). <https://www.gov.uk/guidance/viability>

TCPA (2013) Good Practice Guide for Improving Culture, Arts and Sporting Opportunities through Planning, Town & Country Planning Association

<https://www.tcpa.org.uk/resources/good-practice-guide-for-improving-culture-arts-and-sporting-opportunities-through-planning/>

PAS (2020) Best Practice Guidance on Developer Contributions, The Planning Advisory Service.

https://www.local.gov.uk/sites/default/files/documents/Start%20with%20the%20Spend%20in%20Mind_Best%20Practice%20Guide%20on%20Developer%20Contributions%20%28February%202020%29.pdf

PI (2022) Planning Obligations: New Practice Guidance, The Planning Inspectorate, April.

<https://www.gov.uk/government/publications/planning-obligations-good-practice-advice>

SE (2018) Advice Note on CIL and Planning Obligations, Sport England, November.

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport/community-infrastructure-levy-and-planning-obligations-advice-note>

What is the difference between S106 and CIL Developer Contributions?

All local planning authorities can seek to use S106 legal agreements. But not all authorities have chosen to embrace and adopt a CIL fee regime. Only around 50% of all councils have a CIL regime in operation. In localities where the CIL is not operational, service providers are limited to drawing on funding opportunities through S106 legal agreements, if applicable.

The most recent national study²² of the incidence and value of developer contributions shows that councils in the English regions have collected over £1.03bn in CIL fee income and almost £1.14bn being the value of appropriate mitigation measures secured using S106 legal agreements in the financial year 2018-19. There are large regional variations on the reliance of CIL fee income. See Appendix One for further information and illustration of such funding by English regions. Service providers need to establish if their local planning authority seek S106 and CIL contributions.

In theory, S106 legal agreements and a council's CIL fee regime can sit alongside each other. There are a number of rules that govern how these two instruments operate and it is important for all parties, including the applicants/developers who are having to pay them, to understand these funding requirements and opportunities that arise for local infrastructure. Table A (below) sets out their relationship and any differences in their operation.

Table A: What are the attributes of Developer Contributions (S106 + CIL)?

S106 Legal Agreements	Community Infrastructure Levy
Voluntary agreement is negotiated between the applicant and the LPA	CIL is a mandatory and non-negotiable payment on qualifying land uses.
Cannot make a "bad application" good.	It is a user charge** but only for specified land uses (so it is similar to a price).
Cannot be sought to resolve existing deficiencies in local infrastructure.	It is payable on new developments which add 100m ² or more (on the net increase in floorspace) or create a new dwelling.
Bespoke: site-specific to mitigate impact arising from new development.	It is non-site specific so it can be pooled and spent anywhere in a council area on local infrastructure to support new development.
Bespoke: tailored to the local circumstance in each LPA.	Payments are due from the developer upon commencement of the development.
Must be fairly and reasonably related in scale and kind to the specific needs arising from the development.	

²² See MHCLG (2020) The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19, August.

S106 Legal Agreements

Financial payments or in-kind made by the developer in accordance with agreed triggers: e.g., phasing, volume, completion.

Legal agreement must be signed prior to decision-making & is only conditional on the granting of planning consent.

Can be subject to an appeal.

LPAs are constrained by what they can seek as set in national guidance and their adopted Local Plans.

They are a cost-based measure and thus should not “crowd-out” an applicant’s capital profit.

In terms of a fiscal instrument, it is hypothecated in that it can only be spent on the purposes set out in the legal agreement. If not spent, it must be returned with interest.

Councils are required to prepare and publish their Infrastructure Funding Statements, which documents the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income on an annual basis.

Community Infrastructure Levy

It is a pro-rata charge, based on £/m²; i.e., it is proportional, treating each applicant equitably.

The CIL fee has no relation to land value or value of development being a cost-based measure.

CIL fee income is pooled and is spent on both capital and revenue items.

CIL fee income cannot be used to incur borrowing.

It is known in advance of development and should not “crowd-out” an applicant’s capital profit.

CIL is seen as a part replacement for some off-site mitigation measures.

In terms of a fiscal instrument, it is hybrid. It is hypothecated* in that the CIL income must be spent on local infrastructure; but it is un-hypothecated in that it is pooled with other CIL receipts and other revenue sources.

In qualifying areas, set proportions of CIL fee income are devolved: 25% in areas with Neighbourhood Plans and 15% in parish or town councils in localities where new development occurs.

*This means that it is a linked charge triggered simply by the new development: this nexus is a crucial attribute. Only those who generate the payment are liable to pay it. If no new development occurs, then there is no trigger for payment.

**This means that it is similar to a price that is paid to, say, taking a bus ride; only those who ride the bus, pay for a ticket.

In summary, therefore, when securing mitigation funding using S106 legal agreements there are strict limitations on their use, while with CIL fee income, its use is more permissive and presents councils that have a CIL fee regime greater flexibility in its application and allocation. The latter is particularly the case since September 2019, when the requirement to publish a CIL Infrastructure Priority List, or Table of Infrastructure needs, that cited specific provision as part of a Infrastructure Delivery Strategy or Plan was rescinded.

What is the key message?

All service providers need to find out first if their council authority has adopted CIL or not and if not whether it is likely to review this position.

The following examples provide an illustration of the kinds of projects and the scale of spending using either CIL or S106 funding sources:

Examples

In Windsor and Maidenhead, its IFS (2021-22) reveals that it spent CIL and S106 funding on a range of library and heritage related projects as follows:

CIL spending:

- Upgrading of its self-service kiosks: £44,000;
- External works to Maidenhead Library: £99,000;
- Pop-up Library equipment: £47,000.

S106 spending:

- Heritage Education Space Old Windsor: £20,000.

In South Oxfordshire, its IFS (2021-22) revealed that of its CIL spending:

- CIL receipts of £250,000 spent towards roof replacement at the Cornerstone Arts Centre, Didcot;
- 50% of its CIL receipts is allocated to Oxfordshire County Council for spending on libraries and education.

In **Bristol**, its IFS (2021-22) reveals close to £7m of CIL receipts to be committed to a new Library and Health Centre at Glencoyne Square, Southmead.



Glencoyne Square - Southmead, Bristol

In **Reigate and Banstead**, the IFS (2020-21) infrastructure list reveals that the borough council has allocated future CIL funding of £308,000 for Surrey County Council to refurbish Redhill Library.

In the Metropolitan Borough of **Bradford**, the IFS (2020-21) revealed that the Executive Committee resolved in July 2021 to allocate 10% of the balance CIL receipts, after Strategic CIL deposit, to libraries. Generating £80,192 in 2020/21. On the basis that 'new developments create additional strain on existing facilities. The council has an Executive approved vision for the District to help mitigate demand.' However, libraries did not receive any developer contributions from S106 in that period.

The **Suffolk County Council** IFS (2020-21) reveals that it spends S106 funds on libraries, as well as routinely collecting funds for libraries from local planning authorities. For example, £133,579 received to date towards the library in the Mildenhall Hub. Although SCC is not a CIL charging authority, CIL funding is received for some infrastructure projects following successful bids to the LPA's who are CIL charging authorities. For example, improvements to Bungay Library which SCC library service proposes to part fund through CIL funding from East Suffolk District Council and Bungay Town Council. A public consultation, launched March 2023, is seeking people's views on the plans to help provide evidence for the CIL funding bid²³.

The refurbishment of **Tewkesbury library** has taken place over two phases of work using developer contributions from six separate developments. The budget for the upgrade was £94,680. In 2021-22 the first phase of works created a new Innovation lab space. The second phase of work was undertaken in 2022-23 and included a comprehensive refurbishment of the facility.

In **Fareham, Hampshire**, its IFS (2020-21 and 2021-22) reveals a commitment of £5.8m for New Fareham Arts Venture, with £248,000 of CIL allocated towards the capital spending in 2020-21 and £35,000 allocated in 2021-22.

Islington Borough Council developed a planning brief for New River Head which included the condition to include a heritage aspect within the site's housing development. £100,000 through S106 was secured from the site developers which is supporting the development of the Quentin Blake Centre for Illustration in the historic buildings on site to provide new archive and cultural facilities (and providing match funding for a major NLHF funded project).

What is the key message?

CIL and S106 are therefore similar in that they are tools to address the impacts of new development. But S106 is designed to mitigate the specific impacts of that individual development while CIL is a tool to deal with the cumulative impacts of new development on infrastructure. CIL is specifically designed to enable the pooling of contributions from new development²⁴

²³ <https://www.suffolklibraries.co.uk/about/news/suffolk-libraries-needs-your-views-on-plans-for-bungay-library-s-en-trance> (26.04.23)

²⁴ See PAS (2020) Best practice guidance on developer contributions, especially - Start with the spend in mind; https://www.local.gov.uk/sites/default/files/documents/Start%20with%20the%20Spend%20in%20Mind_Best%20Prac-tice%20Guide%20on%20Developer%20Contributions%20%28February%202020%29.pdf

Review of a sample of Infrastructure Funding Statements to identify support for libraries, archives, museums and arts' organisations

06

A key source of information that is publicly available are councils' **Infrastructure Funding Statements**. National guidance prescribes that all councils are required to publish an annual record of the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income. However, the latter is much less detailed and many simply report total income, total spending and unspent balances.

As part of preparing this report, a narrow review of the Infrastructure Funding Statements²⁵ of over four-fifths of English Councils has been conducted to identify the presence and the use of either S106 and/or CIL in the English regions in support of libraries, archives, museums and arts organisations. See Appendix Two for further details.

Reviewing these statements, shows that libraries have benefited most, being around 64% of all projects that have secured funding from developer contributions, while the remainder are museums (19%), arts (13%)²⁶ and archives (4%) related projects.

This review reveals significant regional differences on the types of projects being secured using both funding instruments. Greater London stands out, where projects are being supported by both instruments. Some county councils are more active and successful, especially Warwickshire, Leicestershire and Oxfordshire, in securing funding for libraries through their individual district councils. The northern-based regions also stand out as being largely reliant on S106 legal agreements as few have adopted a CIL fee regime. It is clear that this pattern of reliance on these two instruments needs to be fully understood by all local public sector and other service providers.

As a result of scanning more than 80% of all published IFS (covering editions for either 2020-21 and/or 2021-22), the following **summary points** are pertinent, particularly for those responsible for securing funding for additional provision in libraries, archives, museums and arts:

- LPAs secure a mix of S106 and CIL in support of libraries, sometimes both, but S106 predominates;
- Some County councils are more active and demonstrate successful pursuit of CIL and S106 funding (e.g., Warwickshire; Suffolk; Gloucestershire);
- Libraries are cited as beneficiaries in more IFSs than museums, archives and arts' organisations;
- Not all Districts seek to secure funding or allocate CIL fee income for libraries even if they have locally based library services;
- Only one example (Bradford MBC) was found where a specific proportion of CIL receipts is allocated for libraries;

²⁵ Councils are required to prepare and publish their Infrastructure Funding Statements, which documents the contents of individual S106 legal agreements and their record of collecting and spending CIL fee income on an annual basis.

²⁶ Note: Arts includes arts facilities but excludes Public Art which was outside the scope of the research.

- There is a wide range of uses of funding (especially CIL) from small to large amounts. In one case, this has involved CIL funding for a strategic review to support prioritisation for a new Local Plan being developed; another case has involved seed-corn funding to support a funding bid being prepared for the National Lottery Heritage Fund;
- Some libraries received CIL funding under the ‘community facility’ heading even though not explicitly mentioned in the priority lists of infrastructure; this tends to lead to small amounts of CIL funding being allocated to local projects on a case-by-case, one-off, basis;
- A large number of IFSs do not reveal how CIL receipts are spent, with many showing that little has been spent with large unspent balances (e.g., Rotherham MBC).

Examples

In **Bournemouth**, the IFS (2020-21) reveals that Neighbourhood CIL funding has been allocated to library projects, including Canford Cliffs Library extension £85,000 and Oakdale Library Garden Association £4,872. With CIL infrastructure spending allocated to the Poole Museum Heritage Lottery Fund bid (feasibility) £49,000, and £200,000 (match funding) towards delivery.

For a further example of how Oxfordshire County Council secures the delivery of additional library provision via 2 lower-tier planning authorities using S106, see Appendix 3.

The basic principles of the methodology in calculating standards and charges for the delivery of additional Library and Archive infrastructure

07

Preamble

Many councils have adopted standards that relate library service²⁷ provision to population numbers (see ACE (2010) Public Libraries, Archives and New Development: A Standard Charge Approach, MLA report). This approach emulates other planning policy areas, especially in the provision of new school places²⁸ or additional capacity to accommodate new housing growth in local primary health centres and doctors' surgeries²⁹.

The local provision of library services is typically delivered through existing library buildings in an authority's main settlements, so that the vast majority of its resident populations can conveniently – digitally as well as in-person – access them. In addition to the above provision, some councils have a mobile library service. Councils are always seeking to improve and tailor their provision to meet new challenges, especially for the need to focus on delivering improvements to public IT and self-service facilities, book stock, café and toilet facilities, and improved décor, furniture and signage. A key change in such library provision has also been the trend for co-location of facilities and amenities alongside library provision.

Need Arising from New Housing Growth: Principles of Scale, Necessity and Fairness

Only occasionally does the scale of new housing growth trigger the need for an entirely new library to be provided as an integral part of a new development. For example, such new provision is being planned at Cranbrook in East Devon and at Sherford on the border of South Hams District Council and the City of Plymouth. Both of these developments comprise large urban extensions that are being built-out over a period of about a decade, which includes a variety of local social infrastructure embracing new schools, doctors' surgeries, sports and recreation, community centres and public open space, as well as new library provision.

Thus, and in accordance with a council's adopted Local Plan, the delivery of additional library services' capacity arising from new housing growth, requires that developers make a fair and proportionate contribution towards the costs of providing, fitting-out, staffing, and stocking a new permanent or extended and improved building, including any necessary land acquisition.

The best means for the delivery of library services to smaller-scale and remote new developments might be a **mobile library**. In these circumstances, residential developers could be expected to provide a suitable parking area with good links to the local transportation network and access to a power supply. Consideration will also need to be given to the proximity of appropriate rest facilities and/or a proportionate financial contribution towards the cost of providing and stocking an extra vehicle and existing services.

²⁷ Less so for archives, despite a similar standard metric being used.

²⁸ DfE (2019) Securing Developer Contributions for Education, Department for Education, November.

²⁹ NHS (2018) Securing Section 106 and Community Infrastructure Levy – A Guide, NHS Improvement.

Standard of Provision: The metric calculation and charge for additional capacity

For **additional library capacity** the applied average standard³⁰ is **30m² per 1,000 population**. For **additional archive capacity** the applied average standard is **6m² per 1,000 population**. This approach emulates other planning policy areas, especially in the provision of new school places³¹ or additional capacity in local primary health centres and doctors' surgeries to support new housing growth³².

Where a library or an archive is unable to meet these standards due to new residential development, a reasonable contribution will be requested towards the service based on the adopted floorspace standards, the archive and library building cost per square metre (£/m²) and the additional population arising from the proposed residential development.

The needs of the library, or the archive, service will have to be assessed individually and in context. Occasionally, particularly for libraries, more than one feasible way of meeting those needs within the standards might be identified. For example, improvements to the mobile library service combined with the enhancement of facilities at the major library in the nearest settlement, could be an acceptable alternative to the development of a neighbourhood library, built on-site or nearby for about the same overall cost. Where the library needs of a particular development proposal can be satisfied equally well by one or more alternatives, residential developers will be required to contribute towards the most appropriate solution identified by the officers in a council's Library Services department in conjunction with the relevant Development Management planning officers.

³⁰ Based on the original research for 'Public Libraries, Archives and New Development: A Standard Charge Approach' (ACE 2010). Many Councils have adopted this standard that relates library service provision to population numbers.

³¹ DfE (2019) Securing Developer Contributions for Education, Department for Education, November.

³² NHS (2018) Securing Section 106 and Community Infrastructure Levy – A Guide, NHS Improvement.

Calculating the Developer Contribution

Two methodologies are used for calculating library and archive infrastructure contributions. These have to be locally tailored on the basis of required contributions and the nature of the library and archive service in the authority.

Library and archive infrastructure contributions are determined by the population adjustment resulting in a square-metre demand for both services. The square-metre (SQM) demand is multiplied by a cost multiplier which determines the total contribution:

- **Total Developer Contribution = Extra Space Required X Cost Multiplier.**

The **extra library and archive space** is the space in square metres per 1,000 population.

The square-metre demand for library floorspace is likely to vary across a council's area and parishes based on available library infrastructure capacity and the settlement population in each particular catchment/locality. The local floorspace demand (LFD) figure for libraries is set at **30 square metres per 1,000 people** and the same metric for archives is set at **6 square metres per 1,000 people**. It is generated with each individual calculation relating to a proposed new residential development:

- **Additional Square Metre Demand = (Adjusted Population x LFD)/1,000**

The basis of the cost multiplier comprises four separate elements as displayed in Table B below.

Table B: Explanation of the components comprising the Standard Metric Charge for Public Libraries & Archives

A	B	C	D	SUM
Median cost of building as at April 2023 with local cost adjustment factor , inclusive of preliminaries and contractor's overheads and profit	15% added for external works, including car and cycle parking, hardstanding, landscaping, security, and signage.	15% of A and B added for design costs	88% of A+B for fitting-out costs, including initial book stock etc., IT	Total Sum (£/m ²)

Exclusions: Any land costs or exceptional site-factors are additional to this calculation of £/m².

Table C below, illustrates the costs per m² for public libraries at April 2023 prices, and the cost per person in new housing assuming 30m²/per 1000 persons.

Table C: Public Library Cost Multipliers per Person: All types of schemes (BCIS Adjustment Factor UK=100)

BCIS	A	B	C	D	TOTAL SUM	BCIS, 2nd Quarter 2023
UK Public Libraries (At 2023 prices)	Median ³³ Build Prices (£/m ²)	Plus 15% of A for External Works (£/ m ²)	Design Costs at 15% of A+B (£/m ²)	Fit-out Costs* at 88% of A+B (£/m ²)	Total BC and Fit-out Costs (£/ m ²)	Costs / Person (£) in New Housing assuming 30m ² / per 1000 persons
New Build	£3,161.00	£474.15	£545.27	£3,198.93	£7,379.35	£221.38
Horizontal Extension	£3,552.00	£532.80	£612.72	£3,594.62	£8,292.14	£248.76
Vertical Extension	£826.00	£123.90	£142.49	£835.91	£1,928.30	£57.85
Rehabilitation / Conversion	£1,486.00	£222.90	£256.34	£1,503.83	£3,469.07	£104.07
Fit-out Costs only	£0.00	£0.00	£0.00	£845.00	£845.00	£25.35

Exclusions: Any land costs or exceptional site-factors are additional to this calculation of (£/m²)

*This includes IT facilities and additional Book Stocks

The figures in Table D below summaries the different cost multipliers for Public Libraries and Archives to deliver the additional capacity, triggered by new housing growth, either for an entirely new facility or, if met through carrying out modifications and upgrading of existing premises, covering horizontal and vertical extensions, rehabilitation/conversion schemes, and fitting-out costs only projects. The cost per dwelling assumes 2.4 people per new dwelling (OPCS, 2023). See Appendix 4 for further details.

Table D: Cost Multipliers for Public Libraries and Archives (£/Person and £/Dwelling)

UK at April 2023 prices	Public Libraries		Archives	
Standard Space Metric	30m ² per 1000 population		6m ² per 1000 population	
BCIS Local Cost Adjustment Factor (UK=100)	Cost / Person (£)	Cost / New Dwelling* (£)	Cost / Person (£)	Cost / New Dwelling* (£)
New Build	£221.38	£531.31	£35.63	£85.51
Horizontal Extension	£248.76	£597.02	£19.68	£47.23
Vertical Extension	£57.85	£138.84	£10.18	£24.44
Rehabilitation / Conversion	£104.07	£249.77	£17.87	£42.90
Fit-Out Costs only	£25.35	£60.84	£4.46	£10.71

*By applying the current average occupancy rate of UK of 2.4 persons; each LPA's rate is likely to be different (OPCS, 2023)

³³ This is the cost of building with preliminaries apportioned, excluding external works, contingencies and design fees. The "price" includes the contractors' overheads and profits included in the contract. Sourced from Royal Institute of Chartered Surveyors' Building Cost Information Service.

To arrive at cost multipliers for specific council areas, the figures in **Table C** will need to be adjusted by applying the council's area local cost adjustment factor; these are sourced from the Royal Institute of Chartered Surveyors' Building Cost Information Service (BCIS). For example, if you are seeking the cost multiplier for Oxford City Council, the BCIS local cost adjustment is presently 113, meaning that underlying costs in this council area is 13% points higher than the UK base-line of 100. Similarly, for example for Rotherham, its BCIS local cost adjustment factor is presently 88, meaning that in this council area the underlying costs are 12% point below the UK³⁴ base line of 100.

The above figures will need to be annually updated by reference to median building prices sourced from Royal Institute of Chartered Surveyors' BCIS and having applied the local cost adjustment factor for the specific local council area.

Examples

Cambridgeshire County Council

CCC adopted the standard metric for additional library capacity of 30m² per 1,000 population as set out in the MLA Standard Charge and has updated this using BCIS cost data locally adjusted (for East Anglia in this case see F below). It applies a cost multiplier approach to derive costs per head of population increase (G, H and I below) as follows:

	MLA Formula March 2010 vs March 2019	March 2010	March 2019*
A	Base Build	£1,596/sqm	£2,443/sqm
B	+ external works (15% of A)	£1,835	£2,809
C	+ Fees (15% of B)	£2,110	£3,230
D	Fit-out (88% of A)	£1,404	£2,150
E	Total (C+D)	£3,514	£5,380
F	East Anglia (E*0.92)	£3,233	£4,950
G	Cost per head of population increase for New/enhanced static (full build and fit-out) (F*30/1000)	£97	£149
H	Cost per head of population increase for Enhanced static (internal modifications and fit-out) ((C*0.35 +D) *0.93*30/1000)	£59	£91
I	Cost per head of population increase for Enhanced static (fit-out) (D*0.92*30/1000)	£39	£59

What is the key message?

Planned new housing growth is likely to generate the need for additional capacity in both library and archive services locally. A standard metric can be applied to generate requisite S106 funding, so long as the local planning authority has appropriate planning policies in its adopted Local Plan. The costs that are triggered shall always be tailored to local circumstances.

³⁴ BCIS does not generate a similar sum for England alone.

Standards and Quality Control in new or expanded buildings and services

In the delivery of new and expanded library buildings and services, on behalf of library services, planning authorities will require developers to commit to a high-quality design and performance which will be achieved through a councils' planning and building control procedures. This should ensure compliance with national standards which includes the Chief Cultural & Leisure Officers Association (CLOA) guidance, output specification and other relevant national design standards and local guidance.³⁵

Additionally, it has now become the norm for councils to include a mechanism to intervene in situations where delivery of the new or expanded library falls through. This involves longstop clauses to ensure that the land for the new or expanded library building is transferred early enough for the council to intervene and provide the additional facilities at the right time. In these situations, the legal agreement should require financial contributions to be made in lieu of the "in kind" provision of the new or expanded building by the applicants, making use of a review mechanism³⁶ where necessary to respond to changing circumstances.

Regular Reviews, Updates and Reporting

As a matter of good practice, Councils' guidance and approaches towards securing developer contributions for libraries (as well as other service provision) are always carefully and regularly reviewed. They take into account updates to National Planning Policy Framework, National Planning Practice Guidance Notes, and specific guidance provided by the Department for Culture, Media & Sport (DCMS). Additionally, it is good practice for local planning authorities to rebase the data they apply in their local planning guidance (i.e., Supplementary Planning Document or Protocol) with reference to BCIS Tender Price index on an annual basis.

Ordinarily, parties to a S106 legal agreement can be released from their obligations after five years. However, local planning authorities and their local partners may from time-to-time require that this period be extended. Therefore, some LPAs require applicants to agree to a minimum of 10 years, which also includes a regular monitoring, reporting and review mechanism agreed with all signatories (including third parties such as a Community Interest Company) to a legal agreement.

In all of the above circumstances, all financial contributions must be paid to the Local Planning Authority under the terms of the S106 legal agreement. They will arrange to release the funds in liaison with the relevant council's Library and Archive Services, in order that the financial contributions can be co-ordinated, and in some cases pooled with other developers' financial contributions. Ensuring that the needs arising from new housing growth locally can be met at the appropriate scale and with maximum effect.

What is the key message?

Securing funding using S106 agreement is usually time-limited. All parties to such agreements, especially the LPA and local service providers may need to adopt a more flexible approach so that secured funding is committed and delivered in a timely fashion, and not lost.

³⁵ See CLOA Improving Culture, Arts and Sporting Opportunities Through Planning: a good practice guide, published by the TCPA, 2013.

³⁶ These shall be explicitly set out as an obligation in the legal agreement

Such legal agreements will typically contribute towards expansion, increased opening hours, stock acquisition and improved facilities to mitigate the impacts of increasing numbers of users of the library services and facilities directly arising from new housing development.

Routinely, **Local Planning Authorities** require that the relevant **Library and Archive Services** provide an **audit trail** and **written reports of the funds received from developer contributions** as part of a planning authority's regular (i.e., annual) monitoring and review procedures covering developer contributions. Such reporting is ordinarily included and published in a council's Infrastructure Funding Statement, which is a publicly available document.

Community Infrastructure Levy (CIL) Fee Regimes: as a potential funding source

As previously stated, only around half of local councils have a CIL fee regime in place (see Appendix 1 for the regional coverage in England). Nonetheless, it is important to understand the scale of this potential funding source for additional local infrastructure, particularly for library and archive provision.

Research shows the scale of CIL fee income in England to have reached over £1bn in 2018-19. 80% of this total (£825m) was collected in the two regions of Greater London and the South East. This high concentration of CIL fee income in these two regions is explained by their higher propensity to adopt CIL, their higher CIL fee rates applied to qualifying land uses, and the higher amount of new development in these more buoyant regions of England. Nevertheless, in other regions CIL fee receipts remain an important, yet lower-level of funding, so in these councils reliance on S106 funding is much more critical. (See Appendix 1 for further details.)

Local service providers need to recognise the scale of potential funding that a CIL fee regime can generate from new housing growth locally. The figures in Table E (below) illustrate the funding generated from an adopted CIL on new market housing, for three hypothetical scales of new housing development. Importantly, specific slices of this CIL fee income is required to be passed to other local government organisations in the location of where the new housing has been built. In this regard, 25% of the CIL fee income is devolved where a Neighbourhood Plan has been adopted and 15% of the CIL fee income is devolved to Parish/Town Councils to be spent on locally determined priorities.

Table E: Revenue raising potential of a Community Infrastructure Levy (CIL) Fee Regime from New Housing Growth: an illustration

Number of New Dwellings	Average Floorspace area (80m ²)	Floorspace of Market Homes (60% of total) (m ²)	CIL Fee Regime (£120/m ²)	Neighbourhood Plan (NP) Slice of CIL Fee Income (25%)	Parish / Town (P/T) Council Slice of CIL Fee Income (15%)	CIL Fee retained by the Charging Authority if NP in place	CIL Fee retained by the Charging Authority if P/T Council in place
15	1200	720	£86,400	£21,600	£12,960	£64,800	£73,440
30	2400	1440	£172,800	£43,200	£25,920	£129,600	£146,880
100	8000	4800	£576,000	£144,000	£86,400	£432,000	£489,600

So, a relatively small-scale development of 15 dwellings generates over £86,000 CIL fee income, based on 60% being market homes³⁷ and a CIL fee rate of £120/m². If this development is situated in a Neighbourhood plan area, the relevant Parish/Town council would accrue £21,600; in absence of a Neighbourhood Plan the Parish/Town council would accrue nearly £13,000. Of course, larger scale development generates pro-rata larger CIL fee sums as figures in Table E demonstrate. These constitute one-off revenue receipts for these council bodies, with the largest sums accruing to the charging authority.

The CIL fee income is pooled by the charging authorities and it is they that have to decide how their CIL funding is to be allocated and spent. However, since changes in the way CIL operates (from September 2019) the charging authorities are not mandated³⁸ to identify or prioritise, in advance, specific local infrastructure projects. This situation presents an opportunity for all local service providers to make their case for securing some CIL funding support with their charging authorities.

What is the key message?

Our survey of IFS has revealed large regional differences in the adoption of a CIL regime. A key feature identified from the survey is that CIL is being used in a more permissive way, the sums being committed vary greatly, while also showing large unspent balances by some councils. The potential for securing CIL funding, however, remains high and so this presents a good opportunity for local service providers.

Similarly, the devolved bodies also have these powers to decide on spending options, and almost always they tend to focus on projects and actions that are situated in the immediate local area for the benefit of local residents. With much smaller amounts of CIL fee income, such funding might enable additional library provision locally, an archive project, or be sufficient to support a funding bid to grant-making bodies, whether locally, regionally or nationally. For example, the Portsmouth IFS 2021/22 includes funding for a new community shed within Beddow Library grounds (£3,795) and an exhibition of archive material and related events at Art Space Portsmouth (£1,615).

West Sussex County Council regularly collects CIL money from their districts – mainly small amounts up to £50,000. Examples of spend include book stock, installation of a meeting space pod, reconfiguration of spaces, furniture and equipment, flexible use of space, digitisation of information to maximise library spaces in Worthing. In 2021/20 libraries also received £527,522 through S106 agreements.

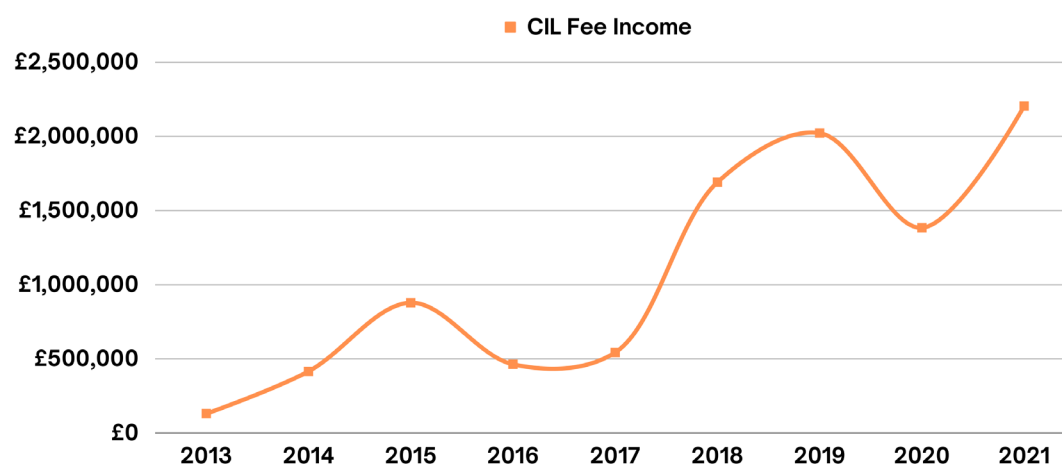
³⁷ Affordable housing is CIL exempt.

³⁸ This was previously known as the CIL 123 list.

An illustration of the scale of CIL fee income accrued by a District Council arising from new development is presented in Table F. Newark and Sherwood District Council was the first council to adopt a CIL fee regime in England, in December 2011.

Table F: Newark & Sherwood District Council

Financial Year	CIL Fee Income	% of Total CIL Income Collected	% year on year change
2013/14	£130,676.01	1.34%	0%
2014/15	£415,938.77	4.27%	218%
2015/16	£878,690.61	9.03%	111%
2016/17	£463,745.06	4.76%	-47%
2017/18	£543,708.74	5.59%	17%
2018/19	£1,690,563.45	17.73%	211%
2019/20	£2,021,621.45	20.77%	20%
2020/21	£1,383,861.71	14.22%	-32%
2021/22	£2,204,195.00	22.65%	59%
TOTAL	£9,733,000.80		



Over the years to 2021/22, over £9.733m has been accrued in CIL fee income by Newark & Sherwood DC. Though the scale of CIL fee income has risen substantially over this nine-year period, this has not been at a consistent rate. Because of different levels and pace of new development over this period, the annual totals follow an erratic path. Since 2018/19, the CIL fee income breached the £1million-threshold for the first time, and for two separate years broke through to over £2m in 2019/20 and the last reported financial year of 2021/22³⁹.

³⁹ Remember, the level of CIL receipts mirrors the state and position in the property cycle.

Dealing with Challenge

08

Some developers argue that libraries should not be eligible for developer contributions as they are funded through local taxes. This is an incorrect challenge. S106 developer contributions are to mitigate the impact of new housing developments on an area where the development will generate additional needs. Previous central government guidance in Circular 5/05, instances contributions towards ‘additional or expanded community infrastructure; made necessary by new development’. Local taxes will support future service delivery, they are not intended to make up for deficiencies caused by housing and population growth arising from new development. This principle is embodied in the current National Planning Policy Framework and its guidance on securing developer contributions.

Examples

Gloucestershire County Council had in place a working system for collecting S106 contributions for its network of 31 directly run and 8 community run libraries. This was based on a degree of qualitative assessment, together with existing physical capacity of the local library affected by development, based on the national benchmark of 30 sqm per 1,000 population (as set out in the Public Libraries, Archives and New Development, A Standard Charge Approach, 2010). Contributions were sought in the majority of cases towards:

- Increasing existing lending capacity through additional stock, furniture and fittings
- Facilitating an increase in opening hours
- Increase accessibility and support for digital and IT facilities
- Reconfiguration and refurbishment of library space

Where the new development generates requirement for an extension of an existing building or of a new building the contribution is considered on a case by case basis.

In 2019, a developer challenged the basis for contributions. The County Council determined corporately to defend the challenge. The County Librarian took the following steps to defend the challenge in respect of library contributions:

- Quoted the Public Libraries and Museums Act 1964 which places an obligation on Library Authorities to provide comprehensive and efficient library services for all persons desiring to make use of it. This established the principle that the Library Authority did not have to prove that additional residents as a result of new development would be users.
- Contracted a Town and Planning expert to benchmark Gloucestershire’s approach against other similar authorities to demonstrate it was reasonably applicable and in line with usual planning obligation practice
- Used a more concrete methodology to provide a calculated charge per dwelling of £196 which kicks in at the threshold of 25 dwellings and above.

As a result, the County Librarian produced a factual sheet which formed the basis of the County Council's justification of the planning obligation. In the subsequent case, the planning inspector found in favour of the County Council that the planning obligation complied with the legal tests set out at Regulation 122(2) of the CIL Regulations 2010. The factual sheet now forms an example template (see Appendix 6 for worked example) that the library service has used to successfully defend five challenges since 2019.

To further strengthen the evidence base for planning obligations for libraries, there are now community profiles in place for all of the 39 libraries and the Gloucestershire Libraries Strategy 2023-2028 references

'working with developers to ensure that new library provision is included in strategic allocation sites and continue to review library provision in light of new housing developments ensuring growing communities have access to public library services.'

Conclusion and Checklist

09

In summary, it is essential that all local service providers understand the funding position of their local council and the rules under which they can attempt to seek and secure funding through S106 agreements. Securing S106 agreements can be onerous, but once secured there is certainty of outcome and delivery.

With respect to gaining access to CIL fee income, this depends on whether your local council has a CIL fee regime in place and, if so, the scale of CIL fee income collected by them arising from new (housing) development. The route to success also requires you to engage with the local planning system and plans but the legal barriers to accessing CIL fee income is less onerous than S106, given that CIL funds are pooled from across all qualifying land uses in the charging authority. It must be noted, too, that our survey of IFSs and interviews with those in receipt of CIL funds, revealed that the route to success seems to have been relatively straightforward, with light touch monitoring and reporting post funding award.

Checklist: Getting Started

- **What is the current status of the adopted Local Plan in your council area?** Remember, only around 40% of all local plans are up-to-date. This gives you an opportunity to engage in and influence its strategic goals locally. Establish when your local plan is due for an update, and the process and timeline for updating it and what information, on local need and demand impact on your service, is required.
- **Has your local planning authority prepared a Supplementary Planning Document or Protocol setting out its preferred approaches towards using developer contributions?** If so, find out what is in it.
- **Do you understand that there are differences between the roles, purposes and operation of S106 legal agreements and securing funding from CIL?** Choosing the appropriate instrument is important.
- **What is included under the term ‘local infrastructure’?** It is vital to understand this, as it will dictate how your LPA treats your request for funding support.
- **Have you read your local council’s IFS?** This public document provides vital information on your council’s record of securing S106 legal agreements and a record of CIL receipts, spending and unspent balances, covering the last financial year (i.e., 2021-22). It provides good examples of the types of projects that have been funded.
- **How do you make your case for funding support, especially if this is an entirely new challenge?** Some councils have established guidelines that must be followed in making a funding bid. LPAs follow different processes for prioritising and allocating CIL funding, though this often includes a requirement to demonstrate community benefit and/ or support. If your LPA is a CIL charging authority, find out what are the priorities for funding and how to apply. Even if libraries and archives are not explicitly listed, they are often funded as ‘community facilities’.

- **You must find out if your LPA has embraced the standard metric set out in this briefing paper?** If it has, then there is a strong basis on which funding might be secured. If not, then you shall need to ask why not, and on what basis can you seek funding support?
- **Do the districts collect CIL to pass to the county council to support their local library service?** Have you assessed and evidenced, and costed, the local need in response to local housing growth? Speak to your planners or district plan-makers to ascertain if they are willing to allocate CIL funding for local library or archive improvements/projects.

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Appendix 01

Incidence and Value of Developer Contributions in English regions, 2018-19

Table 1: English Regions	Community Infrastructure Levy (£m)		S106 Legal Agreements* (£m)					
	CIL Fee Income	% of Total by Region	Open Space & The Environment	Travel & Transport	Community Works & Leisure	Education	Other	TOTAL
East of England	£81	7.9%	£6	£20	£12	£110	£16	£165
East Midlands	£11	1.1%	£13	£40	£10	£128	£62	£252
Greater London	£629	61.0%	£12	£86	£2	£5	£39	£144
North East	£4	0.4%	£7	£10	£3	£34	£9	£64
North West	£22	2.1%	£35	£51	£6	£10	£1	£103
South East	£196	19.0%	£53	£34	£17	£42	£35	£180
South West	£43	4.2%	£8	£27	£1	£34	£15	£84
West Midlands	£13	1.3%	£7	£20	£10	£67	£9	£113
Yorkshire & Humber	£32	3.1%	£15	£6	£0	£9	£2	£33
England Total	£1,031	100.0%	£157	£294	£62	£439	£187	£1,138
Source: see Table 3.8, p.49 for the CIL fee income and Table 3.15 for the value of S106 legal agreements in MHCLG (2020) <i>The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19</i> , August.								
*These figures exclude the estimated value of affordable housing secured using S106 legal agreements (i.e., c.£6.5bn).								

The most recent national study⁴⁰ of the incidence and value of developer contributions shows that councils in the English regions have collected over £1.03bn in CIL fee income and almost £1.14bn was the value of appropriate mitigation measures secured using S106 legal agreements in the financial year 2018-19. The figures above confirm large regional variations on the reliance of CIL fee income, with two English regions (Greater London and South East) collecting 80% of the English total.

For S106 legal agreements, councils in the East Midlands and South East and East of England regions secured the highest value of mitigation measures. Despite a very low reliance on CIL fee income, the northern regions in the North East and North West secured only 15% of the total value of S106 legal agreements. Mirroring their low reliance on CIL fee income, the South West and the Yorkshire and Humber and North East regions secured the lowest value of mitigation measures through S106 legal agreements.

⁴⁰ See MHCLG (2020) *The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2018-19*, August.

Appendix 02

A summary of findings from a survey of Infrastructure Funding Statements (IFSs)

Our survey, which involved a narrow search and reading of a sample of IFSs, the majority were either published for financial years 2020-21 or 2021-22, which covered over two-thirds of English Councils, the figures below show the presence and the use of both instruments in the English regions in Table 1; and for cultural policy areas of Libraries, Archives, Museums and Arts the number of projects cited that have been funded by one or both types of developer contributions in Table 2.

Table 1: Region	Number of Councils (& other bodies if relevant]	Number of CIL Charging Councils	% of Councils with adopted CIL	Number of Projects Cited*	
				S106 only	CIL+S106
East Midlands	37	10	27.03%	26	8
East of England	58	19	32.76%	30	22
Greater London	33	31	93.94%	1	20
North East	12	3	25.00%	5	3
North West	39	9	23.08%	15	6
South East	69	48	69.57%	19	47
South West	37	25	67.57%	4	19
West Midlands	34	12	35.29%	17	14
Yorkshire & Humber	21	10	47.62%	6	8
England	340	167	49.12%	123	147
*Review conducted over a period of 6 months, ending in March 2023.					

Those councils relying solely on S106 legal agreements (123 out of over 300) to secure additional infrastructure provision via the planning system, are either unitary (urban-based) councils or lower-tier District councils. Where councils (147 out of over 300) rely on both S106 legal agreements and CIL fee income, these are found to be either unitary or district councils.

Table 2: Region	Infrastructure Funding Statements (IFS) Reviewed*	% of All IFS Reviewed by Region	Libraries	Archives	Museums	Arts
East Midlands	36	97.30%	14	0	0	0
East of England	57	98.28%	13	0	0	0
Greater London	21	63.64%	10	2	5	8
North East	10	83.33%	0	1	1	1
North West	25	64.10%	0	0	1	1
South East	66	95.65%	32	2	7	4
South West	23	62.16%	10	1	5	2
West Midlands	31	91.18%	2	1	1	1
Yorkshire & Humber	14	66.67%	0	0	1	1
England	283	83.24%	84	7	24	18
*Review conducted over a period of 6 months, ending in March 2023. Numbers refer to number of IFSs citing library, archive, museum and arts organisations as having received or been allocated funding.						

Table 3: Region	1 Number of IFS Reviewed **	2 No mention of MLAA*in IFS, 2019 to 2022	2 as a % of 1	Summary Comments
East Midlands	36	11	30.56%	Active role being taken by Leicestershire & Nottingham CCs in seeking collaboration with their District Councils for funding their projects. But, only a limited number of projects.
East of England	57	26	45.61%	Active role being taken by Essex CC and Suffolk CC in seeking collaboration with their District Councils for funding their projects. But, only on a limited number of projects.
Greater London	21	1	4.76%	Of all the IFS reviewed, only 1 London Borough fails to mention MLAA. Good number of examples of projects or contributions for museums, libraries and arts. Is this because the funding base (CIL and/or S106) is substantially higher compared to other regions?
North East	10	8	80.00%	IFS rarely mention MLAs. Priorities are clearly focused on other policy service areas.
North West	25	14	56.00%	Sporadic/occasional use of CIL/S106 for Libraries and other 'cultural' assets. Other policy areas given higher priority.
South East	66	6	9.09%	Largest number of Councils in any one region. Our coverage of IFS is very high, with a small number not mentioning MLAA at all. Some good examples of projects include, for example, in Milton Keynes; and by Oxfordshire CC being very active with its District Councils that have adopted a CIL regime.
South West	23	5	16.13%	Our coverage of IFS is lower (i.e., two-thirds) relative to other regions. However, a number of good examples occur. Gloucestershire CC are active, though CIL is kept by its District Councils. Two urban extensions in Devon triggered new facilities, including new libraries but, as expected, via S106 rather than CIL.
Yorkshire & Humber	14	5	35.71%	Sporadic/occasional use of CIL/S106 for Libraries and other 'cultural' assets. Other policy areas given higher priority.
West Midlands	31	15	48.39%	Warwickshire CC active in seeking funds for Libraries from its District Councils. Though, some of the unitary authorities are active depending upon priorities and funding availability.
England	283	91	32.16%	Large regional differences in seeking and securing S106 and/or CIL. London Boroughs stand out from the rest of the regions. Active County Councils do draw on both S106 and, to a lesser extent, CIL for additional funding for their services (predominantly libraries). Very occasionally, however, funding is secured for museums (e.g., Cambridge; Ely; Aylesbury; Milton Keynes (including for Archives too) and arts' venues (e.g., Durham; Gateshead; Fareham).
*MLAA refers to Museums, Libraries, Archives, Arts				
**Review conducted over a period of 5 months, ending in March 2023				

Appendix 03

Two examples of Oxfordshire County Council securing additional Library Provision using S106 via their District Councils in Oxford City and West Oxfordshire.

The role of developer contributions from S106 legal agreements and CIL fee revenue income

Where appropriate the County Council seeks to secure to mitigate impact provided they meet three policy tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). In addition to S106 legal agreements, the County Council also seeks and secure CIL fee revenue income from its District Councils towards the cost of a project (if in place). Importantly, not all of its districts have a CIL regime in place. OCC, itself is not a CIL charging authority. Importantly, S106 legal agreements are sought and secured in the form of financial contributions, works on-site or off-site nearby, and the provision of land.

The County Council is responsible for ensuring the provision of a range of services to all its residents. It therefore seeks and secures S106 developer contributions and/or facilities from new (housing) developments that have an additional impact on service provision and that impact cannot be met by the current provision, including but not limited to: Libraries and Archives; Adult Social Care; Education; Fire & Rescue; Transport; Waste; and Countryside.

Library Provision: statutory requirements

The County Council has a duty to provide a comprehensive and efficient library service for everyone who lives, works, or studies in the county under the Public Libraries and Museums Act 1964. In this regard, the County Council seeks to maintain and modernise its libraries to continue to meet the changing needs of service users and to cope with additional demand brought about by new housing development. Libraries are no longer a place solely to borrow books. Increasingly, they function as a community hub offering services, events, and facilities to cater for a range of local community needs.

The County Council works with its District Council partners through their Local Plans and engagement on specific development applications to ensure that their local libraries are fit-for-purpose and expanded and/or improved to meet new demand from growth locations. It seeks to continually update, modernise and improve its library facilities and services to reflect the changing needs of library users in Oxfordshire, particularly triggered by growth arising from new housing development.

Examples of Developer Contribution secured by S106 Legal Agreements in Oxfordshire

In its most recent Infrastructure Funding Statement (OCC, 2021/22, December 2022), it cites the refurbishment and improvements to a library in Bampton, West Oxfordshire DC area, where S106 contributions plus some local fundraising has delivered an upgrade to the local library. The S106 was secured by West Oxfordshire DC and the benefits were passed to OCC as part of the funding for the library project in Bampton (see Table 1). Similarly, a new community library has been delivered in Barton, in the City of Oxford, delivered entirely by securing a S106 legal agreement from the developer building out a large development on land released from the green belt.

Table 1: Two examples of the use of S106 Legal Agreements	
Local authority:	West Oxfordshire District Council
Location:	Bampton Library, The Old Grammar School, Church View, Bampton, OX18 2NE
Project description:	Complete refurbishment of the library space, including flooring, walls, heating, lighting and full replacement of all furniture including moveable shelving to increase capacity of the site. Increased book stock. Project undertaken as part of a wider major refurbishment of the building (funded by the landlord) which required reconfiguration of the interior walls and doors.
Date Opened:	May 2022
Funding:	Funded by a combination of a S106 legal agreement & local fundraising.
Local authority:	Oxford City Council
Location:	Barton Neighbourhood Centre, Underhill Circus, Oxford, OX3 9LS
Project description:	New Community Library. This brand-new facility is blended with the community centre, with some stock in the café and activity room, and the rest in the main central hall along with the public computers and self-service kiosk.
Date Opened:	November 2019
Funding:	Fully-funded by S106 legal agreement.
<u>Source:</u> Infrastructure Funding Statement, 2019/20, OCC, December 2022, pp.11-12.	

Additionally, OCC received nearly £0.25m financial contributions to support infrastructure work at seven other libraries within the county; and it has secured over £0.3m from nine S106 legal agreements waiting to be spent by OCC in seven settlements in Oxfordshire.

Appendix 04

Cost Multipliers for Libraries and Archives triggered by new housing growth (£per person and £per dwelling]

Table 1: Public Library Cost Multipliers per Person: All types of schemes (BCIS Adjustment Factor UK=100]						
BCIS	A	B	C	D	TOTAL SUM	BCIS, 2 nd Quarter 2023
UK Public Libraries (at April 2023 prices]	Median ⁴¹ Build Prices (£/m ²)	Plus 15% of A for External Works (£/m ²)	Design Costs at 15% of A+B (£/m ²)	Fit-out Costs* at 88% of A+B (£/m ²)	Total BC and Fit-out Costs (£/m ²)	Costs /Person (£) in New Housing assuming 30m ² /per 1000 persons
New Build	£3,161.00	£474.15	£545.27	£3,198.93	£7,379.35	£221.38
Horizontal Extension	£3,552.00	£532.80	£612.72	£3,594.62	£8,292.14	£248.76
Vertical Extension	£826.00	£123.90	£142.49	£835.91	£1,928.30	£57.85
Rehabilitation/Conversion	£1,486.00	£222.90	£256.34	£1,503.83	£3,469.07	£104.07
Fit-Out Costs only	£0.00	£0.00	£0.00	£845.00	£845.00	£25.35
Exclusions: Any land costs or exceptional site-factors are additional to this calculation of £/m ² .						
* This includes IT facilities and additional Book Stocks						

Table 2: Public Library Cost Multipliers per Dwelling: All types of schemes (BCIS Adjustment Factor UK=100)

UK Public Libraries (at April 2013)	Costs /Person (£) in New Housing assuming 30m ² /per 1000 persons	Cost per New Dwelling (Assuming 2.4 persons* per Dwelling)
New Build	£221.38	£531.31
Horizontal Extension	£248.76	£597.02
Vertical Extension	£57.85	£138.84
Rehabilitation/Conversion	£104.07	£249.77
Fit-Out Costs only	£25.35	£60.84
*This is the current average occupancy rate for UK; each LPA's rate is likely to be different (OPCS, 2023]		

⁴¹This is the cost of building with preliminaries apportioned, excluding external works, contingencies and design fees. The "price" includes the contractors' overheads and profits included in the contract made with a client.

Table 3: Archives Cost Multipliers per Person: All types of schemes (BCIS Adjustment Factor UK=100)

BCIS	A	B	C	D	TOTAL SUM	BCIS, 2 nd Quarter 2023
UK Archives (at April 2023 prices)	Median ⁴² Build Prices (£/m ²)	Plus 15% of A for External Works (£/m ²)	Design Costs at 15% of A+B (£/m ²)	Fit-out Costs at 88% of A+B (£/m ²)	Total BC and Fit-out Costs (£/m ²)	Costs /Person (£) in New Housing assuming 6m ² /per 1000 persons
New Build	£2,544.00	£381.60	£438.84	£2,574.53	£5,938.97	£35.63
Horizontal Extension	£1,405.00	£210.75	£242.36	£1,421.86	£3,279.97	£19.68
Vertical Extension	£726.88	£109.03	£125.39	£735.60	£1,696.90	£10.18
Rehabilitation/Conversion	£1,276.00	£191.40	£220.11	£1,291.31	£2,978.82	£17.87
Fit-Out Costs only	£0.00	£0.00	£0.00	£743.60	£743.60	£4.46
Exclusions: Any land costs or exceptional site-factors are additional to this calculation of £/m ² .						

Table 4: Archives Cost Multipliers per Dwelling: All types of schemes (BCIS Adjustment Factor UK=100)

UK Public Libraries (at April 2013)	Costs /Person (£) in New Housing assuming 6m ² /per 1000 persons	Cost per New Dwelling (Assuming 2.4 persons* per Dwelling)
New Build	£35.63	£85.52
Horizontal Extension	£19.68	£47.23
Vertical Extension	£10.18	£24.44
Rehabilitation/Conversion	£17.87	£42.90
Fit-Out Costs only	£4.46	£10.71
*This is the current average occupancy rate for UK; each LPAs rate is likely to be different (OPCS, 2023)		

⁴² This is the cost of building with preliminaries apportioned, excluding external works, contingencies and design fees. The "price" includes the contractors' overheads and profits included in the contract made with a client.

Appendix 05

Gloucestershire County Council Worked Example of Response to Challenge

3.3 The County Council's Library Strategy

3.3.1 The County Council's Library Strategy 2023-2028 incorporates a series of overarching outcomes, which outlines the future provision of library services within local communities and includes "provision of open and accessible library buildings which sit at the heart of our diverse communities".

3.3.2 The strategy also contains the commitment to "work with developers to ensure library provision is considered in light of new housing developments ensuring growing communities have access to public library services".

Libraries Requirement

4.1 Approach to Planning Obligations

4.1.1 New housing development is assessed by the Council to determine its likely impact on existing local library services and the scope of resultant mitigation works required.

4.1.2 Where the Council identifies that improvement works are required to local library provision to mitigate the impact of increased demand from a new housing development, it will usually seek to secure these via a planning obligation, and typically in the form of a financial contribution proportionate to the size of the development.

4.1.3 The planning obligation must comply with the legal tests set out at Regulation 122(2) of the CIL Regulations 2010 (as amended).

4.1.4 Details of the requested planning obligation, including the name of the local library to which it will be directed, are provided as part of the Council's responses to planning application and pre-application advice consultations.

4.1.5 The majority of financial contributions are requested towards increased customer access to existing services and can include (but are not restricted to): increasing existing lending capacity through additional stock, furniture, and fittings; facilitating an increase in opening hours; increasing accessibility and support for digital and IT facilities; and/or reconfiguration and refurbishment of library floorspace.

4.1.6 In such cases, the Council's established, proportionate charge of £XXX per dwelling for developments of 25 dwellings or more is applied.

4.1.7 Where a new development generates a requirement for a planning obligation towards new library floorspace and fit out (e.g. extension to an existing building or construction of a new building) the Council will consider the details, including the financial contribution, on a case-by-case basis. Any such requirement will also be explored in terms of its potential to facilitate shared local facilities.

4.1.8 The Council's approach to planning obligations towards local library services has been tested at appeal on several occasions in recent years, and in each case the Inspector concluded that the requested planning obligation complied with each of the CIL Regulation 122 tests. These appeals include:

12.01.21	'86. There are several planning obligations. An agreement with Gloucester County Council obliges the payment of education contributions, a libraries contribution and a travel plan monitoring fee. It also obliges the developer to provide for bus stop upgrade works. The CIL Compliance Statement adequately sets out sufficient justification for the education and libraries contribution and monitoring fees, along with the requirement for bus stop upgrades. All these obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and kind.'
05.04.22	'33. In addition to a primary school transport contribution the second planning agreement provides for a library contribution to address the impact on local library services of new users arising from the development. Furthermore, there is an obligation to submit a Travel Plan in respect of the development and provisions for its future monitoring. Travel Plans are essential tools in reducing the need to travel, and, where travel is necessary, to encourage such movement to be undertaken by sustainable modes. I therefore find these obligations meet the relevant tests.'

4.2 The Existing Situation at XXX Library

4.2.1 In this case the planning obligation would relate to XXX Library as it is a library near to the appeal site (circa X.X miles) and the most likely to be used by the new residents.

4.2.2 XXX Library delivers a library service for the people in the local area. It is open 44 hours a week, including 2 late evenings and Saturdays. In addition to its book borrowing service, it offers a wide variety of activities, clubs and programmes which are tailored to local needs, including for children and young parents, youth, adults, and older people. The majority of the activities are provided free of charge for the local community. Further details on the range of services offered at this library can be provided on request, if required.

4.2.3 Baseline utilisation and footfall data collated and retained by the Library Authority demonstrates that XXX Library has consistently ranked as the XX busiest library in Gloucestershire in terms of footfall and attracts nearly XX% of the County's footfall.

4.2.4 Population growth is placing increased demand on the existing services offered at XXX Library. Office for National Statistics data identifies that the catchment population in 2021 was [insert catchment population] an increase of 4.6% since 2018

4.2.5 The existing physical capacity of the library has been assessed, comparing the existing size of the library space, the library catchment population, and the national benchmark of 30 sqm per 1000 population (Public Libraries, Archives and New Development: A Standard Charge Approach (May 2010)). Using the 2021 catchment population of [insert catchment population] there is a requirement for [population/1,000 x 30] sqm of public library floorspace and therefore the existing library at [insert library sqm] is already undersized.

4.3 Meeting demand from the appeal proposals

4.3.1 To accommodate additional users generated by new development, including the appeal proposals, options for physical improvements to the current building to increase capacity are limited due to design constraints imposed by its listed building status.

4.3.2 In light of these considerations, to mitigate the impact of the development it is anticipated that the requested proportionate financial contribution would be put towards refurbishment and improvements to stock, IT and digital technology, and increased services.

5. Conclusion

5.1 In securing the library obligation as set out in this statement, the Council has regard to the relevant national legislation and local plan policies and associated documents.

5.2 The planning obligation's compliance with the CIL Regulation 122 tests is set out in the justification table below/at the end of this document.

CIL Compliance Statement Summary – Justification (Compliance with Regulation 122)

OBLIGATION	POLICY CONTEXT	BASIS OF NEED	CIL COMPLIANCE*
A contribution of £XXXX will be allocated and spent towards improving customer access at XXX Library through refurbishment and improvements to stock, IT and digital technology, and increased services.	<p>NPPF Paragraph 34 states that a Plan should set out the contributions expected from development, including infrastructure.</p> <p>Paragraph 55 allows LPAs to use planning obligations to make an unacceptable development acceptable, and paragraph 57 sets out the test of acceptability.</p> <p>JCS Policy INF4 requires that where new residential development will create, or add to, a need for community facilities; it will be fully met as onsite provision and/or as a contribution to facilities or services off-site. ‘Community facilities’ in this context includes libraries.</p> <p>JCS Policy INF6 states that where need for additional infrastructure and services and/or impacts on existing infrastructure and services is expected to arise, the local planning authority will seek to secure appropriate infrastructure, which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal.</p> <p>The Council’s Library Strategy 2023-2028 outlines a series of overarching outcomes, which outlines the future provision of library services within local communities and includes “provision of open and accessible library buildings which sit at the heart of our diverse communities”.</p> <p>The strategy also contains the commitment to “work with developers to ensure library provision is considered in light of new housing developments ensuring growing communities have access to public library services”.</p>	<p>a) The contribution is necessary to make the development acceptable in planning terms as it will be used on improvements to existing library provision to mitigate the impact of increasing numbers of library users arising from the proposed development.</p> <p>b) The contribution is directly related to the development as it is: to be used at a library near to the appeal site, and the library most likely to be used by residents of the proposed development; and is based on the total number of new dwellings generated by the development.</p> <p>c) The contribution is fairly and reasonably related in scale and kind to the development as it is calculated using the Council’s established per dwelling tariff for improvement works to existing libraries. The calculation for library contributions is £196 multiplied by the total number of proposed dwellings.</p>	<p>*[a. Necessary to make the development acceptable in planning terms; b. Directly related to the development; an c. Fairly and reasonably related in scale and kind to the development]</p> <p>XXX Library is a local library and will be affected by increased local demand as a result of the proposed development.</p>

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