Securing Developer Contributions for Museum, Library and Archive Facilities in the South East

June 2005

Guidance Note

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While the author and SEMLAC have made all reasonable attempts to cross check the information contained in this document, they can take no responsibility for its subsequent use.
‘...We would urge local authorities to consider more frequently the possibility of including provision for library development in section 106 agreements with developers’


Purpose of the guidance note

Our aim in this guidance note is:

• To alert local authorities, responsible for public libraries, museums and archives, to the opportunity represented by planning obligations to help secure resources for capital improvements in the context of accelerating growth in the region; and

• To give details on how an effective framework for the delivery of planning obligations at a local level can be created.

What are planning obligations?

Planning obligations are agreements between developers and local authorities to mitigate the impacts of new development on existing facilities in an area. They can help provide new or upgraded museum, library and archive (mla) facilities in association with growth or redevelopment. In the case of very large developments, new provisions can be on the site; but in most cases, financial contributions are sought to improve existing facilities within the local catchment.

Such agreements are made at the same time as permissions are granted for new developments, and following an assessment of impacts. Relevant types of development may include new housing or various forms of employment-related uses, such as offices or warehousing.

The powers allowing the use of obligations are contained in Section 106 of the Town and Country Planning Act 1990, and the government’s detailed advice is in Circular 1/97, Planning Obligations, published by the Office of the Deputy Prime Minister.
Why are they important?

Planning obligations are important to the mla sector in the South East because:

- High levels of population growth over the next 20 years will generate major needs for new and upgraded mla facilities;
- The government’s Sustainable Communities plan, and the draft South East Plan, see improved community facilities as important elements of the quality of life for future residents in the region;
- The need for new mla provision will be particularly acute in the region’s growth areas, including Milton Keynes/South Midlands, Ashford and the Thames Gateway;
- Existing local authority budgets, and other funding sources such as PFI schemes, are inadequate on their own to secure the necessary level of improvements to existing facilities;
- Fewer than half of the 19 public library authorities in the South East have devised schemes capable of regularly securing planning contributions in association with new development in their areas;
- The recommendation of the Culture, Media and Sport Committee of the House of Commons to make more use of the planning obligation should trigger a positive response in the region.

In this context, local mla and planning officials are strongly encouraged to collaborate in preparing local frameworks to help secure developer contributions.

What are the key attributes of a local framework for planning obligations?

Government advice and local experience suggests that planning obligations should be:

- Robust and defensible; their scope should be clearly defined and explained so that developers and community interests are clear on what is intended. Obligations for example should not be designed to make up for past deficiencies in provision, but should be of a scale to mitigate the impacts of new growth only;
Based on clear assessments of needs; these should include public involvement in assessing needs and requirements as well as the application of relevant standards; and

Developed and concluded through a transparent process, involving the ring fencing of contributions in appropriate accounts, and the presentation and justification of expenditure to appropriate scrutiny committees.

A. Public libraries

Checklist for provision

In order to prepare a defensible system of developer contributions, local authorities will need to prepare a Supplementary Planning Document to complement policies in their local development framework (LDF). The five main elements of a local system for public library contributions are:

<table>
<thead>
<tr>
<th>Element</th>
<th>Further detail</th>
<th>Completed?</th>
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<tbody>
<tr>
<td>‘Enabling’ policies in development plans</td>
<td>See Table 1</td>
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<tr>
<td>Local assessment of needs, standards and an action plan</td>
<td>See Table 2</td>
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<tr>
<td>Assessment of costs and arrangements for index linking</td>
<td>See Table 3</td>
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<tr>
<td>Definition of eligible developments and threshold sizes</td>
<td>See Table 4</td>
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<tr>
<td>Effective arrangements for administering the system</td>
<td>See Table 5</td>
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‘Enabling’ polices in development plans

Such policies would establish the principle that community facilities, including library provisions consequent on development, should be provided on site or by contributions to off site improvements. The draft South East Plan (the Regional Spatial Strategy) has a policy requiring new and improved infrastructure, including community infrastructure, to be provided in step with development (see Policy C4: Infrastructure and Implementation).
At county level, the *East Sussex and Brighton and Hove Structure Plan*, contains a policy stating ‘... In all cases development will not be permitted before the relevant planning authorities are satisfied that the infrastructure and facilities required to service the development are available, or will be provided’ (policy S3; ESBHSP, 2003). This is backed by supplementary guidance on a wide range of community facilities, including public libraries.

At unitary authority level, the Milton Keynes *2nd Draft Deposit Local Plan* has a policy stating ‘... the Council will seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that relate to the proposed development. In making an assessment of such needs, it may be necessary to take into account the cumulative effect of a number of developments on the infrastructure of the surrounding area. Developers will be expected to meet the full costs of facilities required as a consequence of development and contribute to resolving existing deficiencies where these would be made worse by development’ (Policy Po1 of Deposit Plan, 2002).

### Table 1: enabling policies in development plans

<table>
<thead>
<tr>
<th>Approved policy in Development Plan</th>
<th>This would be a policy in the <em>South East Plan</em> or within the Local Development Framework for your area. Within the LDF, the relevant policy may be in the ‘Core Policies’ or ‘Development Control Policies’ sections of the Development Plan Document (DPD).</th>
</tr>
</thead>
</table>
| Supplementary Planning Document    | This would complement the policy or policies in the Development Plan Document giving details on how the process of securing facilities/contributions is to be operated. **The process for SPD approval involves:**  
  - preparing a draft SPD, which has also been subject to environmental appraisal;  
  - approving the draft through the appropriate council committee;  
  - consulting the public and other stakeholders for a period of at least six weeks;  
  - preparing responses to any comments received; and |
• approving the SPD, following consideration of any proposals for changes.

The document will then be a ‘material consideration’, that is it will need to be taken into account in planning decisions.

Local assessment of needs, standards and an action plan

Public library authorities should look ahead over the medium term, in conjunction with local planners, to the likely future distribution of population in their areas. Authorities should look closely, for example, at how far current libraries are suited to current locations, or whether new locations should be sought in the context of new development.

Proposals should also fit with the sustainability objectives of planning policy. Minimising the distances travelled to libraries by users, will reduce energy use, but may require a broader geographical pattern of provision to be maintained. Action plans should be costed, looking at how to combine financial resources, such as urban regeneration or EU monies with receipts from planning obligations, to secure early service improvements.

Table 2: needs, standards and action plan

<table>
<thead>
<tr>
<th>Needs and catchments</th>
<th>Carry out a site and premises audit to assess current problems, and project forward needs based on the estimated new population in the area as at 2011 or 2016. This stage could usefully include public consultation, either in general terms or with focus groups, on existing use and views on future patterns/mixes of provision.</th>
</tr>
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<td></td>
<td>It is useful to think of the current pattern in terms of geographical catchments. These could be groupings of wards in an urban area, or parishes in a rural one. In this way, contributions from all new housing within the catchment of a library could be pooled towards new or improved facilities.</td>
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<tr>
<td></td>
<td>The East Sussex County Council study <em>A New Approach to Developer Contributions (2003)</em> discusses the locational needs of public libraries</td>
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in the context of population change. For example in the Wealden area, Polegate and Stonecross libraries may need to be re-located, given predicted population changes (p 41).

### Standards

Standard requirements for public library provision should be established, based on local circumstances, and study of standards adopted by library authorities with similar social and economic profiles elsewhere.

To be useful to planners, standards are normally expressed as sq m per 1,000 population. The standards currently in use in the South East are found in the Elson and Downing SEMLAC report *MLA Provision and New Development in the South East (2005)*.

### Action plan

This would comprise:

- a costed schedule of schemes listing project components (eg replacement facility, extension to facility; additional PCs; new car park etc);
- standards in terms of sq m per 1,000 population for off site contributions;
- consideration of need for book stock or fittings for library buildings; and
- consideration of any additional needs for lifelong learning provision.

A good example here is the costed list of schemes produced by the Royal Borough of Windsor and Maidenhead (see *Infrastructure and Amenity Requirements and Approved Programme of Schemes*, Royal Borough of Windsor and Maidenhead, May 2004).

Milton Keynes Council have produced a list of schemes detailing 4,000 sq m of additional space for public library and lifelong learning purposes in their draft SPD (see *Social Infrastructure Planning Obligations*, Milton Keynes. Milton Keynes Council, 2005).
Assessment of costs and arrangements for index linking

Elements of cost to be considered should be listed. These may include land, in appropriate circumstances, and such elements as design cost or contingencies. Costs should reflect local conditions and prices, for example in terms of the price of land. Contributions should rise through time in line with inflation.

Table 3: costs and index linking

<table>
<thead>
<tr>
<th>Costs</th>
<th>The elements of cost sought should be established. These may include;</th>
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<tbody>
<tr>
<td></td>
<td>• buildings;</td>
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<tr>
<td></td>
<td>• land;</td>
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<tr>
<td></td>
<td>• landscaping of sites;</td>
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<tr>
<td></td>
<td>• car parking;</td>
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<tr>
<td></td>
<td>• fittings;</td>
</tr>
<tr>
<td></td>
<td>• IT terminals;</td>
</tr>
<tr>
<td></td>
<td>• book stock.</td>
</tr>
<tr>
<td></td>
<td>The SPD should detail the basis for the costs of the various elements.</td>
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<tr>
<td></td>
<td>For example landscaping cost could be taken from the costs of recent schemes completed in the area, converted into a cost per sq m.</td>
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<tr>
<td></td>
<td>New sites should normally comprise serviced land handed over to the authority at no cost.</td>
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<tr>
<td></td>
<td>Building costs, updated quarterly, may be obtained from the Building Cost Information Service of the Royal Institution of Chartered Surveyors.</td>
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<tr>
<td></td>
<td>The cost of library facilities in East Sussex was estimated at £2,415 per sq m in 2003. This was made up of £1,265 per sq m construction costs, and £1,150 for initial book stock, IT equipment etc (see page 17).</td>
</tr>
<tr>
<td>Index linking</td>
<td>Costs would normally be updated annually in line with a national building cost index or the RPI.</td>
</tr>
</tbody>
</table>
Definition of eligible developments and thresholds

A number of types of new development will place demands on public library services. These may include developments for employment purposes (including retail developments) as well as housing. It is important that the SPD defines ‘eligible developments’ clearly.

Table 4: land uses and thresholds

<table>
<thead>
<tr>
<th>Housing</th>
<th>In principle, the occupants of all new dwellings will place additional demands on public library services. Some authorities seek contributions for all new dwellings, but others have a cut off point for site size, only seeking contributions from schemes of say 10 or 15 units or more.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>An average dwelling occupancy figure for the local authority area, taken from the census or other population estimates, is used. This will normally be in the range of 2.3-2.7 persons per dwelling.</td>
</tr>
<tr>
<td></td>
<td>Sheltered housing and affordable housing should, in principle, also contribute as their residents also make use of public library services.</td>
</tr>
<tr>
<td></td>
<td>Developments related to higher education, for example halls of residence, may also fall into the same category.</td>
</tr>
<tr>
<td>Employment</td>
<td>Contributions are normally collected from employment developments where they would generate significant demand for the use of libraries by workers who commute in from outside the local authority area. In the case of East Sussex county, for example, the cut off point used is 5,000 sq m of floor space (see page 16).</td>
</tr>
<tr>
<td></td>
<td>The gross floor space involved in the new development is then multiplied by worker occupancy (workers per sq m) to give a figure for extra persons requiring library services.</td>
</tr>
<tr>
<td></td>
<td>Occupancy levels for employment floor space are normally collected by local survey. For example the</td>
</tr>
</tbody>
</table>
density of occupation of floor space for office use can be three times that for retail warehouse use.

**Thresholds**

Where new provision is being discussed, the minimum size of any separate new library building sought by the authority, is normally stated. In most cases in the region this is 200 sq m. This would be associated with development of approximately 2,500 dwellings.

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**Effective arrangements for administering the system**

A range of other issues should be covered here. They can relate to the form of any contribution, how contributions are to be allocated to specific projects, and such issues as the costs of preparing the legal agreements. These are listed below.

**Table 5: Administrative arrangements**

| Outline planning applications | Developers can apply for ‘in principle’ permission on land without specifying the precise number of dwellings. If approved, this is termed an ‘outline permission’. In this instance, the local authority should ‘reserve’ consideration of the detailed contribution levels to the detailed planning permission stage. |
| Unilateral undertakings | The legislation allows developers to offer a unilateral undertaking to provide facilities where no agreement can be reached with the local authority. This provision is frequently used at appeals. The local authority should state its intention to discourage these, preferring to reach agreement before the appeal is held. |
| Forms of contribution/bonds | The authority should specify the preferred way in which on site and off site provisions should be made. On site public library provision will normally be carried out by the developer based on detailed |
specifications agreed with the local authority. The authority may request the developer to deposit a bond with the authority at the time permission is granted, as a guarantee that the works will go ahead.

Where provision may take more than one form, for example where additions to a mobile service may be an alternative to the extension of a library building, then the local authority’s view of the desired provision should prevail.

<table>
<thead>
<tr>
<th>Administrative costs</th>
<th>The legal costs of preparing non-standard agreements will normally be defrayed by the developer. Where a contribution is based on a formula delivered through a standard agreement, the authority may charge an administrative or handling fee.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard agreement</td>
<td>Some authorities have standard agreements, or standard clauses for agreements, for off site contributions. It would assist if these were made accessible by being placed on the authority’s website.</td>
</tr>
<tr>
<td>Ring fencing of budgets and pooling of contributions</td>
<td>The SPD should inform applicants that contributions will be placed in ring fenced accounts. There would normally be one account for each library catchment, so that contributions can be pooled across catchments.</td>
</tr>
<tr>
<td>Repayment of contributions</td>
<td>Normally contributions would be refundable 5-7 years after they have been collected, should the scheme for which they have been made not have commenced.</td>
</tr>
<tr>
<td>Contact names and addresses</td>
<td>The contact names and addresses of staff in the library and planning departments of the authority, knowledgeable about the planning contributions system, and with responsibility for calculating and discussing alternative development scenarios, should be appended to the document.</td>
</tr>
</tbody>
</table>
B. Museums and archives

Recommended approach

In the case of museums and archives, a broadly similar process to that for public libraries could be followed.

Authorities should develop an ‘Action Plan’ for museum and archive improvements or new provision, utilizing surveys of the adequacy of existing sites and premises, and taking into account the results of any local cultural and community strategies. The need then is to establish the costs of new or improved provision, based on the time period covered by the local development framework, say 2011 or 2016.

Costs could be apportioned as follows. If the population of the area, or individual museum or archive catchment, was planned to grow by 20% in 11 years, and costs were £1 million during that period in identified schemes, then the proportion to be paid for by new development would be £200,000. If 1,250 dwellings were to be constructed over the period, then the contribution from each dwelling would be £160.

Alternatively, authorities may wish to list museum or archive improvements as part of proposals in Area Action Plans, which may be in redevelopment areas, under the new system. Contributions would be negotiated on an individual basis in this case.

Examples

The draft SPD for Milton Keynes, Social Infrastructure Planning Obligations (2005) makes proposals for museum and archive provision in association with new growth to 2011. Projects under consideration include a museum up-grade that would involve 600 sq m of storage/display space. Relevant cost assumptions would be taken from the recently completed Banbury Museum in Oxfordshire.

For archives, the proposal is for a facility forming part of a redeveloped central library in the city. The scheme would be an archival strong room of 1,000 cubic metres, with costs based on the Churchill Archives New Wing in Cambridge. Section 106 contributions would, of course, only pay for a proportion of the costs of such facilities, which would also require alternative and matched funding.

The Royal Borough of Windsor and Maidenhead’s Approved Programme of Schemes, includes contributions to arts, heritage and exhibition centres, proposals for which were contained in the local cultural strategy.
Tariff systems in the growth areas

Within the Milton Keynes/South Midlands (MKSM), Ashford and M11 Corridor (Cambridge area) sub region tariff systems are being suggested as a way forward in helping fund new community infrastructure. In MKSM a tariff of £20,000 per new house is being proposed, with some of the proceeds used for strategic infrastructure and some for local infrastructure. The 2005 Delivery Plan of the Milton Keynes Partnership Committee refers to public library and lifelong learning provision as necessary infrastructure in the growth area.

Further Reading

Elson MJ and L Downing (2005) MLA Provision and New Development in the South East, Winchester, SEMLAC

This assesses the use of planning obligations for the provision of public library and museum services in the South East. Analyses are carried out of the planning obligations frameworks for East and West Sussex, Kent, Oxfordshire, Windsor and Maidenhead, West Berkshire and Wokingham. A range of examples of developer contributions in use is given.


This report outlines the requirements for sustainable settlements describing the need for a strong, vibrant culture at local level. Other ministerial statements, including those made by ODPM at the urban summit in January 2005, support these sentiments.


This advice to local authorities interprets the current scope of planning obligations. The document is currently under review (see below).

SEERA (2005) Draft South East Plan, Guildford, SEERA

This is the consultation draft of the Regional Spatial Strategy (RSS). Section D9 of the draft deals with social, cultural and health dimensions in the region. As the RSS will form part of the statutory development plan for each area, in the absence of structure plans, it is important that the RSS contains
a strong enabling policy for library, museum and archive provision among that for other community facilities.


This report describes ways in which cultural infrastructure may be provided in the growth area, and aims to be of assistance to Local Delivery Vehicles, charged with developing sustainable communities in the area.


This draft SPG gives listings of library, museum and archive proposals for the period to 2011 and beyond in the Milton Keynes area. Its provisions have been included in the 2005 Business Plan of the Milton Keynes Partnership Committee.


This describes the approach of the Royal Borough to library provision, including container stops and mobile library vehicles and overnight parking space. Library standards and the form of legal agreements are discussed.


This gives a costed programme of library service improvements, and schemes for other cultural provision, for the Royal Borough to 2009.


A broad ranging SPD covering museum as well as sport and recreation aspects.

This consultation describes proposed changes to the interpretation of powers to conclude planning obligations. A revised circular is likely to be published, together with good practice advice, later in 2005.


This paper discusses the scope for standard charges for community facilities such as libraries. The report acknowledges that library needs are ‘a direct consequence of development’ (para 2.10). It concludes that standard charges would be feasible. Were they to be introduced, it is likely that library authorities would need to devise locally justified standard charges.

Example of a local framework

Developers’ contributions for libraries in East Sussex

(Extract from East Sussex County Council; A New Approach to Development Contributions, part 4.3; Calculations of Development Contributions - Libraries, pp 52-55)

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Public Libraries

Background

The County Council has a legal duty under the 1964 Public Libraries and Museums Act to provide a ‘comprehensive and efficient’ library service and is the main provider of free public libraries in the county. It aims to ‘offer people in East Sussex the widest opportunity for cultural enrichment, knowledge and information through access to modern library resources’. Libraries are in the forefront of the Council’s strategy for implementing electronic government, providing access to information and a whole range of services. The Council delivers these services through 24 libraries and 2 mobile vans.

Qualifying Development Types

The requirements apply to:

• all forms of permanent residential development, including sheltered accommodation and residential homes;
employment uses where these are likely to generate significant numbers of strategic library users who are not resident in the county (such as at Lewes, Crowborough and Hastings).

Measures and Physical Requirements

Required works to upgrade existing libraries or to develop new library provision will be to the Council’s specifications in line with appropriate guidance. New or relocated libraries should be sites with, or close to, other community facilities and be accessible to people with disabilities or mobility difficulties. The minimum size of any new permanent library is 200 sq ms floor space, plus any required external space.

Identification of Stresses and Assessment of Need

The current and future accommodation needs of the Library Service are set out in the County Council’s Annual Library Plan and daughter documents, Council Plan and Corporate Asset Management Plan.

The specific impact of a new development scheme on identified library provision needs will depend on:

- the scale and composition of the development;
- the location and siting of any existing library and the area that it serves;
- the catchment population in the area of any existing library;
- the adequacy of any existing library floor space to serve the size of the community which forms its catchment;
- the suitability of the existing library;
- its proximity to other libraries and the range of services available in them.

Minimum Development Threshold

The recommended minimum development thresholds are as follows:

- all forms of library provision in identified stress areas [that is areas where current floor space provision is lower than the standards]; 15 dwellings
- development elsewhere; thresholds will be determined on a case by case basis
- large employment developments (eg 5,000 sq ms floor space); where they would generate significant demand for use of strategic libraries by workers who commute in from outside the county.
Calculation of Costs

Development should bear the full cost of library facilities needed to support it. The provision of a new permanent library costs £2,415 per sq m (2003 figures) [made up of £1,265 construction costs and the initial stock of books and IT equipment etc of £1,150 per sq m]. Land provision costs will be calculated on a case by case basis. The approach to calculating costs and, where available, details of costs are given below for each type of library facility.

Detailed Approach for Specific Types of Library Facilities

Strategic Libraries

The 12 strategic libraries provide the core network and a wide range and depth of services. They are strategically situated in important centres of population and comprise the main libraries and the major community libraries.

Main Libraries

The three main libraries\(^1\) are at

- Hastings
- Eastbourne
- Bexhill

Major Community Libraries

The major community libraries\(^2\) are at;

- Lewes, Peacehaven and Seaford (in Lewes District)
- Battle and Rye (in Rother)
- Crowborough, Hailsham, Heathfield, Uckfield (in Wealden)

Calculation of Costs

The contributions requirements are as follows:

- Main libraries: £170\(^3\) per dwelling (plus land costs)
- Major community libraries: £120\(^4\) per dwelling (plus land costs)
- Employment use development contributions: calculated on a case by case basis
Satellite Libraries

The satellite libraries are generally smaller, serve smaller catchment populations and provide a narrower range and shallower depth of services. The 12 satellite libraries comprise the community libraries at:

- Ringmer, Newhaven (Lewes)
- Forest Row, Pevensey Bay, Polegate, Wadhurst, Mayfield, Willingdon (Wealden)
- Hampden Park, Landgney, (Eastbourne) (Rother)
- Hollington, Ore (Hastings)

Calculation of Costs

The contributions requirements for satellite community libraries are: £120 per dwelling (plus land costs)

Mobile Libraries

Mobile libraries aim to serve smaller (and mainly rural) communities and also users with particular needs (eg elderly/disabled people). There are 2 mobile libraries currently in operation which are based at:

- Hastings
- Polegate

An extension to the mobile library service may be justified in relevant areas (locations which are physically remote and not well connected to a library by public transport) where new development is likely to generate regular users of the service, especially development providing accommodation for the less mobile such as elderly, disabled or infirm people and those on low incomes.

Calculation of Costs

The contributions requirements are as follows:

- £187 per dwelling
- appropriate contributions to the provision of a suitable parking and/or turning area for the library vehicle, if necessary
**Electronic Access to Library Facilities**

Electronic access to library facilities and wider governmental and community services and information may be provided on relatively remote communities. The need for such provision will be determined on a case by case basis and should be in the form of a supervised computer terminal and community building that is easily accessible to the public.

**Calculation of Costs**

Set up costs are £2,000 plus annual charges for internet access. Contributions will be calculated on the basis of the proportionate increase in the residential population the development creates.

**Library Contributions Example**

Development scheme of 100 dwellings in community library stress area

The building needs relocation and upgrading

100 dwellings x £120 (cost per dwelling of upgrading library) = £12,000 (plus any land costs)

**Footnotes**

1. Main libraries have a population of at least 60,000 people living within a 4.5 km radius

2. Community libraries generally serve a population of 6000 or more living within a 4.5 km radius, where the library is more than 4.5 kms away from any other library

3. The per dwelling cost for contributions towards main libraries is calculated by multiplying the overall cost per sq m (£2,415) by the floor space requirement per new dwelling (0.07m2). The latter is based on a standard of 32 sq ms of floor space per 1000 population

4. The per dwelling cost for contributions towards strategic community libraries is calculated by multiplying the overall cost per sq m (£2,415) by the floor space requirement per dwelling (0.05m2), plus land. The floor space requirement is based on a standard of 23 sq ms of floor space per 1000 population

5. Typically they serve urban areas where the library is within 4.5 kilometres of a major or any other strategic library but not within 1.5 kilometres of another type of library

6. The per dwelling cost for contributions towards community libraries is calculated by multiplying the overall cost per sq m (£2,415) by the floor space requirement per new dwelling (0.05m2). The floor space requirement is based on a standard of 23 sq ms of floor space per 1000 population

7. Generally less than 6000 people (ie less than 2,750 dwellings) that are also more than 3 kilometres away from a permanent library
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